The Marine Living Resources Act has to be urgently changed to allow for the small-scale fisheries (SSF) policy to be implemented.

This is the call from Masifundise Director Naseegh Jaffer, who told Fishers Net that the MLRA in its current form does give the fisheries Minister the power to roll out the SSF policy.

“The small-scale fisheries policy is gazetted and an implementation plan has to be finalised,” says Jaffer. “The implementation plan will be open for public participation in August this year. We understand that the actual implementation would begin next year”, he adds.

Jaffer has urged the authorities to ensure that the amendment is finalised before the end of the year, otherwise there should be more delays in a process that has already been drawn out over years.

The call to bring about the necessary amendments is supported by our partner Coastal Links, researchers at several universities and even big fishing companies.

Jaffer pointed out that the MLRA needs a general renewal but that these can be dealt with in a more comprehensive process. “For now, the part relating to SSF needs urgent attention, the others can be managed over the medium term, ” he asserts.

“The Act is now 15 years old, since then there have been significant developments. Climate change has become a bigger issue and industrial fishing has had a huge impact on Marine Resources during this period,” according to Jaffer.

He says that the Act also does not sufficiently provide for the protection of biodiversity in Oceans.

Apart from giving the Minister the necessary power to bring about the implementation of the policy, the amendments are also necessary for the SSF policy to be recognised as part of customary and livelihood practices, says Jaffer.

“In various parts of the country, it is part of the tradition and customs for people to access marine life for food and cultural purposes”, he says.

*Nosipho Singiswa, from Masifundise, speaks to Malibongwe Gongqose and his friends, on the beach at Hobeni. See full story on pages 4 and 5.*
Masifundise on the move

Masifundise Development Trust has been in operation since the 80s, and has focused on the small-scale fishing industry for more than ten years. The head office is in Mowbray. Masifundise has a Board of Trust, a director and twelve members of staff. Below is a summary of some of Masifundise’s recent work.

PAN AFRICAN PROGRAMME

In September 2010 Coastal Links chairperson Christian Adams, together with Naseegh Jaffer from Masifundise, travelled to a meeting of African fisheries ministers in the West African country of The Gambia to represent the fishers of Coastal Links. One of the outcomes of that meeting was that the African Union was given the task of developing policy recommendations for African governments on how to manage fisheries.

The African Union began this process last year, with significant financial support from the World Bank, notorious for pushing policies that enrich big business and take away the fish from communities. Masifundise/Coastal Links was invited to participate in the process, in which we discovered the majority of stakeholders are in favour of the ITQ system or ‘Wealth-based Fisheries’ as they call it.

Every small-scale fisher in South Africa has felt the devastating impact of this system which was introduced in 2005 under the Long Term Policy. It left many of our people who had been fishing for generations without a means to feed their family.

“As part of our Pan African Programme, Masifundise/Coastal Links will continue to do everything in our power to fight against any policies put forward by the African Union that will undermine the traditional fishing rights of communities on the continent,” says Josh Cox, co-ordinator of MDT’s Pan African Programme.

“It is the small-scale fishing policy that all of us fought so hard for that should be held up as an example for the African Union, and countries around the world, to follow, not policies that support ‘ocean-grabbing’ and the destruction of livelihoods”, he adds.

COMMUNICATION IS THE KEY

Masifundise and Coastal Links are strengthening efforts to communicate internally and externally. The annual report was published earlier this year and was well received by members and stakeholders.

Fishers Net is being refreshed and more attention is being paid to effective distribution. The work of Masifundise and Coastal Links has had increased media coverage in recent months. We continue using our mass SMS system and maintain telephone contact with people across the country.

Nosipho Singiswa, from the Communications unit drives content on social media and is gathering photographs from around the country, for use in our various publications and to build up an archive.

“We visited Dwesa-Cwebe in June and plan to visit many areas across the country,” says Singiswa. We want to learn from communities, gather information and take photographs in the different coastal areas,” she says.

The Communication unit is also upgrading its equipment so that it is able to get footage for video clips.

Masifundise Communication Consultant Mansoor Jaffer believes that effective communication can take the work of MDT and CL to much higher levels. “We are systematically implementing a plan aimed at doing this,” says Jaffer. “We need the participation of members and officials in this process”
MPAs must help, not harm communities

Marine Protected Areas (MPAs) have historically been proclaimed in areas of high productivity, with little or no consideration of the impact that current Marine Protected Areas (MPAs) have on our small-scale fishing communities. The lives and livelihoods of people living in or adjacent to MPAs are severely negatively impacted upon.

1. We face on-going harassment by authorities through violence, damage & confiscation of property, arrests, criminal fines and forced removals leading to the loss of human life, traditional livelihoods, erosion of our dignity and human rights.
2. On-going conflict between communities, traditional authorities, government and government mandated agencies.
3. The unjust exclusion of our communities from drawing benefits from MPAs, from fisheries enhancement through to local economic development projects like community owned lodges and other tourism related activities.
4. The deliberate exclusion of small-scale fishers from the best fishing grounds we have historically fished.
5. Communities have been totally excluded from the decision to proclaim such MPAs.

The gathering resolved to embark on a proactive programme and take deliberate actions that will lead to a radical reconceptualisation of MPAs so that they could:

- Protect the livelihoods and customary rights of fishing communities living in and adjacent to MPAs;
- Provide for the protection and conservation of natural habitat areas and the natural resources living in it;
- Ensure that MPAs are informed by the best available science and local knowledge;
- Provide for democratic management processes that allows communities to be fully and meaningfully integrated into all decision making processes that impacts on them;
- Provide for management systems that are adaptive and suitable to relevant local conditions and ecosystems;
- Bring local economic benefits for communities living in and adjacent to MPAs;

We resolve to mobilise our communities and to use all available means and resources to engage with all levels of government mandated agencies.
Dwesa-Cwebe is a coastal nature reserve and marine protected area (MPA) in South Africa’s Eastern Cape Province. 175km north-east of East London, the Reserve is divided by the Mbashe River. Cwebe lies to the east of the Mbashe, and Dwesa extends south-west to the Nqabara River. Together, the two reserves stretch along approximately 14 km of coast line on South Africa’s Wild Coast, and extends three to five km inland.

With green hills, gravel roads and coastal villages, the area is lushous with plants, trees and winding rivers. The people are warm and welcoming; they greet Mcebisi, Mansoor and I with smiles and appreciation.

The residents of the Dwesa-Cwebe forest were forcibly removed from their land in the 18th century. Until recently, residents of the nearby communities still had access to the forest and coastal resources.

Mazzepa Bay in Dwesa has a little island connected to the mainland by a suspension bridge. The bridge provided a good vantage point for fishermen of Gcina. Men fished using rods made out of bark, wire and stones.

"Wednesday was for making fishing gears; our forefathers, used to take a bark from the tree called Mthimkhulu to make their rods” says Mr Nondoda Xhalisego, a Coastal Links (CL) member. Women lifted stones to get crayfish and mussels. Fishermen caught shrimps, stamblers, cob, garrick and abalone,” he says.

The fishermen ate and sold their catches, making enough money to support their way of living. They say they never used to catch young species, because they knew that the species had to mature so as to produce more. “We knew that the next generation will need these resources to sustain themselves,” added Senasa Lawu also a CL member.

Access ended when the forest was fenced off in the early 1980s, following the designation of the forest as the Dwesa-Cwebe Nature Reserve by the Transkei government in 1978. In 2001, after constant struggles, the community succeeded in regaining the land under South Africa’s land restitution policy. This included an agreement that the land would be managed for conservation and tourism purposes—which meant that access is restricted and local communities are prohibited from consumptive use of forest and marine resources.

Fisherfolk in the Hobeni community (a communal village adjoining the Cwebe part of the reserve) fished from Qorha River up to Ngqunqe River. Fisherfolk in this village who caught their meals from Wavecrest River to the Great River say they feel that their land has been taken away from them. When their fishing area was declared an MPA, they were never involved in the decision-making process, the villagers claim.

“The sea provided us with healing, we would sleep with our stomachs full, fishing kept people especially the youth occupied,” says Vuyelwa Siyaleko. “It has been 13 years now that we are not allowed to enter (freely)
and fish in these reserves. The area where we are allowed to fish lies 30km away from the village” she continued.

Walking is their only option and even though they may catch, they are not allowed to sell. “Small-scale fishers are treated unfairly, the government is not providing us with basic needs and now they have stopped us from accessing our own God given resources,” laments Madiliza Mbava.

The reserves (before they were declared MPAs) used to attract tourists, who came to fish. This in turn would supply the villagers with customers who would buy their beadwork, clothing and their catches. “A person could make almost R1 000 a day from selling their catches, now we make nothing” comments Nowande Silo of the Cwebe village.

It costs ten rands to enter the reserve and for a person who does not have a source of income, this seems steep. Some villagers enter the reserve illegally. They would come in at night just to catch food for the next day. If luck is on their side, they would leave the reserve without being caught.

When caught fishing illegally in a MPA, you can be fined up to R5 000 and more for breaking Section 43 of Act 14 of subsection 2 of the Marine Living Resource Act. Mr Malibongwe Gongqose has been arrested twice for illegally fishing in the Cwebe Reserve. He was charged and convicted with two other members from his community in the Elliotdale Magistrate Court.

Elliotdale Magistrate Greg Nel convicted them, but said the ban on the community fishing in the marine reserve amounted to “a complete extinguishment of the customary rights of the communities of Dwesa and Cwebe to practice these customs in that specific geographical area”.

Taking a walk along the coastline of the Cwebe Reserve with some of the members of the Hobeni community, one could see on their faces that they miss fishing here. They showed us rocks where women would get crayfish and pointed out where fishermen would stand. Stories of how traditional doctors (known as Sangoma’s) would fall sick because they can’t gain access to the sea are told. “We haven’t received twins in the village for so long because we can’t access our sea” protested Madiliza Mbawa, “we would drink the water to cleanse ourselves” she added.

CL South Africa has presence in Gcina, Hobeni and Cwebe Villages. “The most important objective for Masifundise and CL in this area is to advocate for the fisherfolk affected by the closure of the Dwesa-Cwebe Reserve to gain access. Once we manage to achieve this goal, we can then focus on assisting the fisherfolk to sell their catches and start up cooperatives that will assist them to bring in stable incomes” remarks Mcebisi Kraai, Masifundise’s Community Development Worker in the Eastern Cape.

**WHAT ARE MARINE PROTECTED AREAS**

Marine Protected Areas are regions in which human activity has been placed under some restrictions in the interest of conserving the natural environment, its surrounding waters and the occupant ecosystems, and any cultural or historical resources that may require preservation or management.

Worldwide, the oceans are under threat from activities such as mining, invasive alien species, pollution, boating, coastal development, catchment runoff and uncontrolled tourism.

As of 2010, the world hosted more than 3,880 MPAs, encompassing 1.17% of the world’s oceans.

The first MPA was declared in SA only in 1964. There are 21 MPAs in SA stated under national legislation - the Marine Living Resources Act No. 18 of 1998 (MLRA).

Eight of the 21 MPAs are completely “no take” areas. This means that all forms of exploitation are refused and human activities are severely limited.

The MLRA lists three objectives of MPAs as (1) the protection of marine life, (2) the facilitation of fisheries management and (3) the reduction of user-conflict.

Masifundise and Coastal Links agree with the notion of MPAs but believe that they way they are conceptualised and implemented have severely affected the livelihoods of local fishing communities. 

**continued from page 1**

"Livelihood and culture intertwines in the way they perform rituals. The practice of fishing becomes a customary thing. The constitution protects customary rights."

"The MLRA needs to be amended to recognise small-scale fishers as a group of fishers who have a right to a livelihood. It needs to recognise that fishing is not just a hobby but is an activity which is a human right,” says Moeniha Isaac of PLAAS.

**continued from page 3**

of government and government sponsored agencies to achieve the above and to bring legislation and policies in alignment with it. Furthermore we undertake to, in acute situations, embark on specific programme of action to address the urgent resolution of conflicts related to MPAs amongst others in Kosi Bay and Dwesa-Cwebe.

The workshop further resolved to do the following:  
- Form an internal commission to act as reference group, with one representative per province  
- Profile each MPA community in a publication  
- Gather as much information and knowledge on MPAs  
- Empower and inform communities re the above  
- Send a memo to government calling for change  
- Hold provincial workshops to develop a national set of change principles  
- Host a national conference to mainstream our proposals

**continued from page 3**

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http://www.wwf.org.za/what_we_do/marine/mpas/
Kosi Bay is a series of four interlinked lakes in the Maputaland area of KwaZulu-Natal, South Africa.

The lakes form part of the iSimangaliso Wetland Park, a UNESCO World Heritage Site. The closest town is Manguzi, some 13 kilometres away from it. Kosi Bay estuary is only two kilometres from the Mozambique border. It is possible to walk from the estuary to Ponta do Ouro in only an hour or so. It is one of the quietest beaches in South Africa.

The area is only accessible on foot, on horseback or with 4x4 vehicles and therefore it is sheltered from mass tourism and major human intrusion. The northern part of Maputaland, is without conventional electricity and water supply. Here you can experience the rich “real life” African tribal culture that is unaffected by modern world or industry.

“Manguzi is a town name whereas Threlfall is another place at another point. The legal district name is KwaNgwanase where Threlfall is in Kosi Bay at the border. Threlfall is my first fishing community area right at the border fence and estuary” explains Sam Masinga, MDT field worker.

KosiBay, Manguzi, eManguzi, KwaNgwanase are all different names for the same place. Manguzi is the community in which the town is settled and KwaNgwanase is the district name. There is a big variety of things to do in Kosi Bay -hiking, diving, whale watching, fish krails, fishing, canoeing. Masifundise has a presence in Kosi Bay working with fisherfolk from Ntlangweni, the CL members in that area are chaired by Mr Themba Mkhonto.

“We use fish traps instead of nets” said Mr Mkhonto “a small fish can get in the trap and get away but once a big fish is trapped it can’t get out, we are not looking to catch small fish anyway, our aim is to catch the likes of King fish he added.

The Kosi River Mouth is known as “the aquarium” because of the clarity of the water and the abundance of fish species. Bird species include the Palm-nut Vulture, Pels Owl, White-backed Night-heron, and kingfishers. Duiters, hippopotamus, crocodiles and Bull sharks are also present. Loggerhead and leatherback sea turtles lay their eggs on the beach. The Bay is noted for its aggressive Bull shark population. The sharks are locally known as Zambesi.

The Kosi Palm has the largest leaf of any plant. Endemic species include the Kosi cycad and Kosi Fern. It is one of very few places on earth where five different species of Mangrove trees are found in one area. Kosi Bay is particularly famous for the traditional fish traps built to trap fish moving in and out of the estuary with the tide.

Popular Tourism destinations and attractions include sites such as Kosi Lakes, Kosi Mouth, Bhanga Nek, Rocktail Bay, Black Rock, Lake Sibaya, and Mabibi.

Information sources:
kositourism.co.za/  en.wikipedia.org/wiki/Kosi_Bay Mr Themba Mkhonto http://www.maputaland.net/ Mr Sam Masinga

For many years, we campaigned together for a policy that will benefit small-scale fishers. We went to court, we protested, we spoke to government.

Last year in June, the Cabinet finally adopted a policy that can bring positive changes to the lives of artisanal fishers countrywide.

Benefits of the new policy include the following:
• The formal recognition of small-scale fishing communities
• a move to collective fishing rights, away from the individual quota system that excluded the majority
• The demarcation of preferential fishing zones for small-scale fishers, where they will be able to harvest or catch multiple species throughout the year. The potential for ongoing sustainable income will be considerably enhanced. These zones will be out of bounds for big commercial fishing companies.
• Improved and sustainable marine resource co-management.

COLLECTIVE RIGHTS

This will entail a new approach that promotes co-operation instead of fishers competing against each other. “Collective Rights are good because they will benefit the whole community instead of just individuals – it’s a way of uplifting the community by encouraging communities to work together instead of operating in silos” comments Sithembiso Gwaza, MDT Project coordinator.

Up to now, a system of Individual Transferable Quotas (ITQs) has been used. There are many problems with this system.
• Only a small percentage of applicants (around 10%) are successful in getting ITQs. Just 700 out of 7 000 applications were successful in 2004.
• New entrants into the markets sell their quotas to more established players. This works against genuine transformation in the sector.
• Community members and their families

continued on page 8
MARINE PROTECTED AREAS ARE
VERY IMPORTANT TO PRESERVE
OUR MARINE LIFE. WE SUPPORT
THEM IN PRINCIPLE...

THAT'S RIGHT EDGAR, BUT THEY HAVE
TO BE PROPERLY PLANNED, OTHERWISE
THEY CAUSE US HARM. IT DISPLACES
US JUST LIKE APARTHEID DID!

SC TRUE THOZAMA! PRESENTLY, WE
DO NOT GET PROPERLY CONSULTED
ABOUT WHERE AND HOW MPA'S ARE
DECLARED AND MANAGED...

THEY DENY US HISTORICAL FISHING
RIGHTS AND OUR ABILITY TO EARN A
LIVING. VIOLENCE AND HARASSMENT
IS USED AGAINST US WHEN WE INSIST
ON REASONABLE ACCESS TO THE SEA!

INSTEAD MPA'S SHOULD PROTECT OUR
LIVELIHOODS, CUSTOMARY RIGHTS,
THE NATURAL ENVIRONMENT AND
MARINE RESOURCES...

WE SHOULD BE PART OF DECIDING
WHERE THEY SHOULD BE AND OUR
LOCAL KNOWLEDGE MUST BE USED
TO STRENGTHEN THE SYSTEM...

MPA'S MUST BE USED FOR THE
GREATER GOOD, TO HELP IN EFFORTS
FOR A BETTER LIFE!

MPA'S FOR
PEOPLE &
FISHERFOLK,
NOT AGAINST US!
Some fishing facts

• The two commercial species (fisheries), i.e. Hake and West Coast rock lobster, account for 80% of the economic contribution to the fishing industry in South Africa. (Stats SA, Fisheries Account for South Africa: 1990 – 2010).

• From archaeological evidence and oral history it is clear that small-scale fishers have a very long history of harvesting marine living resources. For example, along certain areas of the KwaZulu-Natal coast, inter-tidal resources have been harvested for the past 100,000 years. (Policy for the small scale fisheries in South Africa 20 June 2012).

• In Kenya about 6% of the women involved in the industry are boat owners. Vessel and gear ownership amongst women is also quite high in several West African countries. Women are also directly involved in harvesting fish resources, as in the DRC where a number of the net fishers are women and some provide loans to fisherman (Masifundise Development Trust UBAR assessment report on small scale fishers in Africa).

• The Southern African region straddles three great oceans: the Atlantic, Indian and Southern oceans. The region has a total of eight coastal states: Angola, Democratic Republic of Congo, Mauritius, Mozambique, Namibia, Seychelles, South Africa and Tanzania (Fisheries: Facts and Trends South Africa, WWF Report 2011).

FUNNY BUSINESS

George went fishing, but at the end of the day he had not caught one fish. On the way back to camp, he stopped at a fish store.

I want to buy three trout, he said to the owner.

But instead of putting them in a bag, throw them to me.

Why should I do that? the owner asked.

So I can tell everyone that I caught three fish!

http://jokes.smashits.com/view-4918-george_went_fishing_but_at_the_end_of_the_day_he_h.html

What kind of money do fishermen make?

Net profits

Why are fish cleverer than humans?

Ever seen a fish spend a fortune trying to hook a human?

Why are dolphins cleverer than humans?

Within 3 hours they can train a man to stand at the side of a pool and feed them fish!

Why are some fish at the bottom of the ocean?

Because they dropped out of school

http://www.photosbykev.com/wordpress/2009/05/17/fish-jokes/

FREE MY SOUL

Free my soul free my soul
And I say free my soul
From dirty evil policies
That came along with 1913 Land act

Yes free my soul
When the white man came
Yes the white man came
They came here to destroy they came here to divide
Yes they came here to exploit
Through you 1913 Land act

From Makana Municipality to Ndlambe
And from Ndlambe to Sundays River
And from Gamtoos to Nelson Mandela Metro
Mawubuye umhlaba wethu

Our dignity, yes land is our dignity
Land is life
1913 Land act is gone
No it is going
Yes it is still to be going
Free my soul

Regional movements are to give birth to the National moment
So as to make the voiceless voices of ilizwi Lamafama to be heard
Yes let us Educate - Masifunde
It is aimed at giving back their dignity
The dignities that will make them shout loudly and say siyazakha because we can feed the whole nation.

You 1913 Land act your are the coward
You are the destroyer and the exploiter
You are the ragamuffin
You came here to bring along farm evictions
You managed to use our land as a commodity for capitalists to gain
You are the killer of our culture
Free my soul and I say free my soul

By Gerald Mkele
03 June 2013

Gerald Mkele composed and presented this poem at a Public Meeting in Grahamstown commemorating the 1913 land act.

Gerald passed away on 6 July 2013, a month after he delivered this poem.

COLLECTIVE RIGHTS

have to compete against each other for opportunities rather than work together.

The collective rights approach, on the other hand, demands co-operation rather than competition. Community members will have to register as a group. “Registering as a group will place fishing communities in a position to get access to capital with which they can acquire better equipment, fishing gear and holding facilities” explains Mandla Gqamlana of MDT. “They (fisher folk) can use their collective strength to access improved prices and markets.”

Once they have established a legal entity (whatever its form), members will be in a position to quality for UIF join medical schemes and benefit from skills training programmes.

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