Suspend fisheries allocations

MASIFUNDESE and Coastal Links South Africa have described the fisheries allocations this year as unjust, in breach of the law and hugely detrimental to small-scale fishers.

Almost all of the line fish and net fish allocations have gone to the commercial sector and it appears this pattern will be repeated when West Coast Rock Lobster rights are allocated.

It has come to the attention of the sector that WCRL rights will be allocated to the commercial and recreational sector, and for Interim Relief.

The Interim Relief (IR) system is discredited and has caused great disunity in communities. Fisher organisations have called for it to end and be replaced with the small-scale fisheries policy (SSFP). The extension of the IR system is illegal, according to fisher leaders. In fact, the entire allocation process is in contravention of the Amended Marine Living Resources Act (MLRA) and the SSFP.

At the time of going to print, Coastal Links and Masifundise members were considering what to do about these injustices.

Options included the following:
- Mass action across the country
- Seeking legal recourse
- Advocating for the suspension of commercial rights.

In the 2015/16 Fishing Rights Allocation Process (FRAP), the overwhelming majority of the 455 rights of line-fish that make up the Total Allowable Effort (TAE) has been allocated to the commercial sector, leaving less than 28 rights for the small-scale fishing sector nationally.

The situation with net-fishing allocations is even worse. The entire net-fish except for 52 rights (45 gill nets and 7 trek-nets) was allocated to the commercial sector.

For the first time, the Amended MLRA of 2014 gives legal recognition to the small-scale fisheries sector. It provides the framework for the implementation of SSFP making the near-shore, where net-fishing takes place, a preferential zone for small-scale fishers.
FISHERS make their voices heard on the slow implementation of the Small-Scale Fisheries Policy (SSFP), the allocation of fishing rights and the implementation of the fishery project at the Vanderkloof Dam.

**Isaak Philander from Laaiplek in the Western Cape**

“I am not happy with the allocation of fishing rights which creates uncertainty amongst fishers. DAFF does not know how much fish there is in the sea, they must consult the fishers. We have net-fishers that work on an exemption and line-fishers that are part of Interim Relief (IR). Now we are not certain if the exemption and the IR permits will be re-issued.

**Mpendulo Smamane, KwaNzimakhwe**

“I would expect that the department gives us all the species that are available in our coastlines, but, I am certain that will not happen, the next best expectation is for the department to give us enough rights to sustain our livelihoods. The thing is, this whole process is confusing and our communities have not been fully involved, therefore we do not know what to expect. I hope that rights will be allocated accordingly and will bring justice to the fishers”.

**Christine Kopana, Eastern Cape**

“First of all, I expect that rights allocation should be fair, especially when you think of the many years that we have been denied the right to sell our catches. The department should really look at what is available in our sea and what we have been catching and give us exactly that”.

**Clarence Oliphant, Keurtjieskloof Northern Cape**

“The first phase of the fishery project is going to kick off soon, and I am optimistic about it. I really feel that the community will now develop, unemployment is a huge problem here and with the fishery project, people can now earn money to buy the essential things that they need to live.”

**Q** What kind of a community is KwaNzimakhwe?

A  My community is a big and hilly place, we face the sea but the freeway separates us. Some people who stay here were moved from their original places, which was right next to the sea. People do a mixture of activities for their livelihoods, some people fish while others work in town, at malls etc. KwaNzimakhwe is on the south coast of KZN, near Margate.

**Q** How old are you and what do you do for a living?

A  I am 24. Besides occasionally going to the sea, I do hair and beadwork. I do not sell my beadwork because people do not pay, but during the festive season, I would occasionally sell my work to tourists.

**Q** When did you join Coastal Links?

A  I joined in 2013. Fishers in our community were recruited by the then Masifundise Development Trust KZN fieldworker Sam Masinga.

**Q** What is your favourite food and what kind of music do you listen to?

A  I love samp without beans and I would settle for Macaroni and cheese anytime. As for music I love listening to R&B and my favourite artist is Brandy.

**Q** How big is your family?

A  We are a family of 5, one brother and four sisters. I am the last born.

**Q** What are your hopes for the future?

A  Personally there is a lot I am hoping for, I want to finish my matric then go on to study Engineering.

**Q** What are your hopes for your community?

A  For the suffering to end, we have a lot of kids who are needy and families who depend on one income and others just on fishing. I am hoping that I can be one of the people who can help my community get out of the poverty trap.

**Q** Any message for CLSA members?

A  We need to stand together. We must find ways of making a living and getting our rights. Especially for the KZN communities, we still do not have rights and I believe if we work together anything is possible. I will encourage every member of CLSA to stay strong so that we can fight for our rights.
SOLENE Smith, chairperson of Coastal Links South Africa in Langebaan is upbeat and optimistic about their case against the Department of Environmental Affairs (DEA), the Department of Agriculture Forestry and Fisheries (DAFF) and SANParks in the Cape Town High Court.

Her optimism she says stems from the manner in which their lawyers presented their case, and the case presented by the state on June 7, 2016.

The Langebaan fishing community lodged their case in the High Court in August 2013, and was finally heard on June 7, after numerous false starts.

The Langebaan fishers are asking the court to restore their right to a sustainable livelihood, which was taken away when they were prohibited from fishing in Zone B in the Langebaan Lagoon, a Marine Protected Area (MPA).

“Our lawyers from Legal Resources Centre (LRC) did well,” said Smith.

“For instance the government’s lawyers told the court the white commercial fishers are allowed to fish in Zone B to save them petrol money,” said Smith.

She said their lawyers ripped into this argument and some of the research that they put before the court.

The Langebaan fishers decided to take the government and SANParks to court after being denied to fish in Zone B.

Historically, the fishers of Langebaan fished in the Langebaan Lagoon for many years. This came to an end when Langebaan started to become a tourist attraction, causing Langebaan to be divided into three zones, Zone A, B and C.

Zone A is for the holiday-makers, and the fishers used Zone B, and Zone C was made a no-take zone. Afterwards Zone B was also closed for fishing, forcing the fishers to only fish in Zone A.

The holiday-makers got in their way in Zone A, forcing them to fish at night.

In the meantime, three white fishers from Langebaan were allowed to fish in Zone B.

Langebaan fishers were given an exemption to fish in Zone B during certain times, but this was taken away, which prompted the fishers to lodge the case.

Norton Dowries, a Langebaan fisher, said that he is also positive, because SANParks did not do proper homework in preparing for the case.

“Almost the whole court gallery consisted of fishers from Langebaan, there were fishermen, women and youth present in the court,” said Dowries.

At the moment the case stands adjourned and the Langebaan community is waiting on a next court date in which the judge will deliver his judgement.

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Suspend fisheries allocations

Yet, all the resources have been allocated to the commercial sector in the policy.

In a letter to The Cape Times in August, the Director of Masifundise Development Trust (MDT), Naseegh Jaffer, said that in the 2013 FRAP, there was some progress in the way allocations were done.

“However, many previous beneficiaries went to court to appeal and there was an order for a settlement process. The Minister announced the outcome in May this year, and it completely marginalises the small-scale sector,” he said.

“Small-scale fishers, the ones most in need are excluded in the main. We have always been of the view that benefits should accrue to fishers who are most in need and not already empowered individuals.

He said the allocations “currently being made will completely undermine the strides made with the adoption of the policy and the progress underway with the implementation process.”

The 2005 line fish allocation excluded the approximately 30 000 small-scale fishers and was found by a court of law (the Equality Court -2007), to be unjust and discriminatory.

Small-scale fishers must be allocated a basket of fish in preferential fishing zones that enables them to put food on the table and generate sustainable livelihoods.

Christian Adams, national secretary of CLSA said that net and Line-fish are the most important components in the basket of small-scale fishers in all four coastal provinces.

“Without net-and line-fish, the basket of the small-scale fishing community will not be worth much, because that is the main activities that small-scale fishers are involved in,” said Adams.

Should the small-scale sector also be denied proper access to WCRL, then it further erodes their ability to put food on the table.

Further details of the course of action to be followed in the coming weeks will be communicated to the 4 000 Coastal Links members who live and work in more than 100 fishing communities along the coasts of South Africa.
National Workshop take struggles forward

MASIFUNDISE Development Trust (MDT) and Coastal Links South Africa (CLSA) held a National Workshop from Monday 26 to Friday 30 September, to evaluate and assess the implementation of the national Strategic Plan that was adopted at the last AGM of MDT and CLSA in May 2016.

The workshop was attended by about 70 delegates from each province and the National Executive Committee (NEC) of CLSA, as well as board members from MDT, and MDT staff members.

“The chairperson of all the Provincial Executive Committees (PEC) are members of the NEC, and therefore attended the National Workshop,” said Sithembiso Gwaza, from MDT.

The National Workshop mainly evaluated and assessed the work and strategic plan in the last few months, and charted a way forward for the period leading up to the beginning of next year.

“The workshop looked at issues affecting small-scale fishers, like the implementation of the Small-Scale Fisheries Policy (SSFP), and co-operatives, Interim Relief and the allocation of fishing rights like lobster, net and line-fishing,” said Gwaza.

During the same time CLSA also held its NEC Meeting and MDT had a Board Meeting. “The discussions that took place at the National Workshop became influential in what was discussed later at the CLSA NEC Meeting and the MDT Board Meeting, although these two meetings had its own agendas.”

“Soon after the national workshop, provincial workshops will take place in the four coastal provinces,” Gwaza concluded.

Coastal Links ready for small-scale fisheries policy

THE Provincial Executive Committees (PEC) of Coastal Links South Africa (CLSA) report that the main fishing communities are waiting on DAFF to confirm the results of the registration and verification of fishers.

CLSA is a national fishers organisation, representing about 4000 fishers in more than 90 coastal communities in the four coastal provinces of South Africa.

Since April, most CLSA branches have been busy with the registration and verification of small-scale fishers. Following is a provincial round-up of CLSA activities.

Northern Cape (NC)

Christiaan Mackenzie from Port Nolloth reports that the fishers of Port Nolloth appeared on Fokus, raising their issues around mining, which scare their fish away, and the verification process.

They are also looking at getting their boats re-registered, which was given to them by DAFF.

Western Cape

Norton Dowries, vice chairperson of CLSA in the Western Cape, said that they are still uncertain about the small-scale fisheries policy.

“We are not certain if the SSFP will be implemented or whether there will be another Interim Relief 11, and what will be included in it,” said Dowries.

At the moment fishers in the Western Cape are still waiting on DAFF to come back to them on the lists of people that qualified as bona-fide small-scale-fishers.

KwaZulu-Natal (KZN)

KwaZulu-Natal is also waiting on DAFF after completing the verification and registration process in August.

Lindani Ngubane, Masifundise field-worker in KZN said that the community of Enkouvkeni in the iSimangaliso Wetlands Park was recently given boats by the Department of Transport and the South African Marine Safety Authority (SAMSA) allowing them to cross the river. Recently the iSimangaliso Wetlands Park published its Integrated Management Plan and the fishing communities wrote a letter to oppose such plans.

CLSA members at a meeting

Eastern Cape (EC)

Harvey Ntshoko, CLSA chairperson in the Eastern Cape said that the EC completed the registration and verification process in June, and were told to wait until the Department of Agriculture Forestry and Fisheries (DAFF) publishes the list of qualifying fishers.

Ntshoko said that CLSA in the EC also engaged the government around the 1km watermark, which prevents them from fishing in certain places.

WFPF unite fishers in the global struggle for human rights

JUST as in South Africa, small-scale fishing communities across the world and Africa in particular, are facing difficult times, making the World Forum of Fisher Peoples (WFPF) an important organisation to strengthen the international struggle and build solidarity between fishers.

Big business and governments who pursue policies that focus on profit maximisation and privatisation of fisheries and coastal resources, and international trade and investment agreements make it possible for foreign mining companies, corporate fishing companies and others to take over the natural resources that rightfully belong to fisher people.

Over the last six months, many fisher movements have shown an interest to join WFPF, one of which is COPETAN, from Tanganika Lake in the Democratic Republic of Congo.

An important advance for fishers has been the implementation of the International Guidelines on Securing Sustainable Small-scale Fisheries (SSF Guidelines).

These guidelines were endorsed by the UN Committee on Fisheries (COFI) in 2014. COFI meets every second year, and WFPF was well represented in Rome in July.

Naseegh Jaffer, director of Masifundise, said that Coastal Links SA played a key role at the meeting and contributed to ensuring that the state representatives at COFI endorsed a proposal that was developed by WFPF together with the Food and Agriculture Organisation (FAO) and other key partners.

“As part of WFPF, we have worked together with the FAO on the development of what is called the Global Strategic Framework for the implementation of the SSF Guidelines, and this framework was tabled at the official COFI meeting,” Jaffer commented. Jaffer further stated that the Global Strategic Framework sets the overall framework for the development of a detailed implementation plan of the SSF Guidelines.

The WFPF has more than 40 affiliates spread over numerous countries across continents. Masifundise currently holds the secretariat position in the world body.
CO-OPERATIVES

Hope for cooperatives to do better under small scale fisheries policy

AS part of the implementation of the small-scale fisheries policy (SSFP) the Department of Agriculture, Forestry and Fisheries (DAFF) proposes that fishing communities establish co-operatives through which they must access their fishing rights.

A few years ago, some communities started forming co-operatives, which DAFF later said they would not recognise, and that only DAFF established co-operatives will be accredited under the SSFP.

Some were set up by the Department of Trade and Industry (DTI) through its Co-Operative Incentive Scheme, and others, were helped by the Local Economic Development (LED) of local municipalities.

Buffelsjagbaai fishers set up three co-operatives that are doing well, which stopped functioning after DAFF’s announcement.

Sarah Niemand, chairperson of Coastal Links SA in Buffelsjagbaai said: “We recently re-activated our co-operatives. All three are involved in fishing, landscaping, aquaculture, mariculture and arts and crafts.”

The municipality’s LED department took them through training, arranged for the Department of Land Affairs and Rural Development to provide funding for one of them and teamed one co-operative up with a local jewellery company.

Niemand is excited about the possibilities that exist for their co-operatives.

In Doornbaai and surrounding communities, ten co-operatives were formed through the DTI, which bought ten small boats for 110 fishers who are all on Interim Relief.

Pedros Domberg, secretary of CLSA in Doornbaai and chairperson of Bokstancy Co-operative is not happy that each individual IR permit holder sells his fish as an individual, and only use the resources of the co-operatives to catch their fish, but puts nothing back into the co-operatives. This he feels is a problem with their co-operatives, which he hopes the SSFP will solve.

In 2012 in Elandsbaai, the DTI also bought boats for six co-operatives.

At the time, David Shoshola, an Interim Relief rights holder and five others formed Coastal Fellas Fishing Co-operative. Besides some negative things, he feels that there is hope for the future.

In Coastal Fellas, Shoshola said right from the beginning, they made the rules for the co-operative. “We decided that we are going to work for ourselves, and not to bind ourselves to marketers.”

When we got our boats, we decided that each member will pay the catching costs as if they were working on someone else’s boat, and we put that money directly into the account of Coastal Fellas.”

In one season, Coastal Fellas made good business, bought a vehicle, and started saving for the future.

“Everything is not healthy with the co-operatives, many are bound to marketers, and some of the boats have become white elephants,” concluded Shoshola.

Most of the CLSA members in co-operatives agree that they are not strong, and only a few are successful, but, many feel that it will become better once the fishing rights are placed in the hands of the co-operatives under the SFFP and not with individual fishers.

SSF POLICY

Small-scale fishing policy stuck after registration and verification process

ON FEBRUARY 26, President Jacob Zuma signed the amendment to the MLRA into law, and in so doing, the proclamation to implement the small-scale fisheries policy (SSFP).

After this the Department of Agriculture, Forestry and Fisheries (DAFF) moved swiftly with the registration and verification of small-scale fishers.

At first the registration kicked off in the Western Cape, Eastern Cape and Northern Cape, but hit a snag in KwaZulu-Natal (KZN), when the fishers in some communities objected to the service provider that was appointed by DAFF.

Fishers in Mthwalume objected to the service provider that was appointed by DAFF.

CLSA and Masifundise acted quickly, realising that this could further delay the implementation of the SSFP. Together with DAFF, they organised a meeting between the Mthwalume community and Amagagasontshintsho (the service provider) in June, where the issue was resolved.

The verification and registration process came to an end in August, and DAFF will now publish a list of verified small scale fishers.

When the list is published, those who registered and who do not appear on the list can appeal within 30 days.

After three years new people will be taken through a verification process to see if they meet the criteria to be considered as small-scale fishers.
The EFMP will run for two years, aimed at solving the food insecurity in the communities of Keurtjieskloof, Phillipstown and Petrusville, and developing a small-scale fisheries.

It was soon discovered that the three communities and Luckhoff in the Free State have been running their own fishing industry, using fish kraals, an age-old fishing method used by their forebears, the Khoi and the San.

Masifundise is involved in the EFMP at the invitation of the Rural Fisheries Project of Rhodes University, which is contracted by the Northern Cape Government, Department of Agriculture, Land Reform and Rural Development.

“Masifundise’s role is to help with building the capacity of the leadership of the three communities who live alongside the Vanderkloof Dam,” said Michelle Joshua from Masifundise.

Following are some of the gains fishers have made in the last few months:

In February the fishers who were fined for illegal fishing and trespassing had their cases thrown out of court, after their leaders explained to the court that the fishers are only fishing to earn a living. This brought an end to the harassment that fishers suffered at the hands of the police and the Vanderkloof Dam officials.

Shortly afterwards, DWS agreed in principle that the fishers can fish, and harvest fish from the kraals at the dam, after attending safety protocol workshops.

DWS agreed that the lights by the kraals will have to be fixed so that fishers can see at night, and that the fishers be given keys to the dam to access the kraals, ending the indignity that fishers had to suffer by crawling through holes in the fence.

“The keys have not been handed over to the fisher leaders yet, because we first have to sign an indemnity form with the DWS, which has not been done yet,” said Rapahal Benadie, chairperson of Keurtjieskloof Vissersgemeenskap.

On August 18, the Kraal Fishery was officially recognised by the DWS and the fishers issued with ID Access Cards. “This was an historic moment for the fishers, and left them in high spirits. The cards allow them access to Kraal 1, within the security zone in the Vanderkloof Dam,” said Michelle Joshua.

The fishers formed community fishing organisations and a co-ordinating committee, and in May decided to join Coastal Links SA (CLSA), and signed up 109 members by August. “On August 18, DENC (Department of the Environment and Nature Conservation-Northern Cape) announced that the permit for the kraal and experiment fishery project will be issued within a month,” said Joshua.

This paved the way for the implementation of the EFMP, and for fishers to freely harvest fish from the kraals.

The EFMP is finally kicking off, and eight people will be employed in the first phase. The advertisements for the posts and notices will be posted in the three communities. For now, it seems after lots of hard work, and difficult times, things are starting to take a turn for the better.
Rasta, Thozama and Edgar, are sitting on a stoep after a long day. Edgar and Rasta just came back from the sea and Thozama is cleaning the fish while Rasta starts a fire...

I was told that it is a hard process to go through, but DAFF will facilitate the training of Co-ops... Do you know what we have to do?

I’m not sure but I heard we first need to come together as a community and decide which legal entity is best for us. Remember the Small-Scale Fisheries Policy does not force us to open cooperatives.

I am glad the registration process is over and most bona fide fishers are registered, we need to start forming our community cooperatives.

That’s true Edgar, even though DAFF is adamant that we form coops, I guess we will know how to from them.

I hope so too, I heard that there are a number of steps we need to go through before we can operate. Like identifying our objectives and what we need, like financial resources, materials, choosing a steering committee and having a constitution.

So that means we will also have to elect the board members, fill in registration forms and send them to the registrar of cooperatives so we can obtain legal status as a fishing cooperative.

Yes, that’s it gents, we need to have a certificate of registration and a registered constitution before we can start operating.

Yes, and finally, we can apply through DAFF for a Small-Scale Fishing right by paying a fee.

OK, I’m glad at least there is someone in the community who is clued up, as we need help with this process!
LYING on the banks of the Sundays River, just 20 minutes' drive from the coast of Port Elizabeth, lies Colchester in a part of the country that remains largely unspoilt, surrounded by sand dunes that date back about 100 000 years.

According to SA tourism's website, Colchester is a little town named after the oldest town in the United Kingdom. Apparently it rose to challenge Port Elizabeth as a port about a century ago.

Surrounded by natural habitat, largely undeveloped, Colchester has dunes that are estimated to be between 6 000 and 10 000 years old and rest upon even older, compacted dunes that could date back as many as 100 000 years.

The dunes are teeming with wildlife - bushbuck, grysbok, bush pig and smaller animals like mice, meercats and mongoose.

The Colchester salt pans are home to the greater and lesser flamingo, African pied avocet, the blue crane and a number of other waders.

Colchester has about 200 Coastal Links South Africa (CLSA) members who make their living from fishing in freshwater and sea water. They catch Tiger fish, mullets, springers, Steenbras and cob, amongst other things.

They currently catch fish using subsistence permits which they get from the local Post Office.

Pullen joined CLSA in 2011 when Masifundise embarked on a National Footprint programme. The story of the Sundays River in the Eastern Cape is a tale of two rivers. The first part is where the Sundays River (possibly named after an early settler couple called the Sontags) rises up in the majestic Sneeueberg range near Graaff-Reinet.

It is fed by occasional – but dramatic – Karoo thunderstorms as it flows across a semi-desert landscape through mohair country towards the south-east.

The second part of the story is where it flows – bolstered by the waters of the Great Fish River - from the Darlington Dam towards the coastal village of Colchester, where it meets the Indian Ocean.