Fishers take a stand as rights are under threat

FISHERS from all over South Africa are up in arms because the Department of Agriculture, Forestry and Fisheries seems to be putting their rights to earn sustainable livelihoods at risk, by implementing the Small-Scale Fisheries Policy (SSFP) in a manner they see fit and not as it was intended by the ruling of the Equality Court and the drafters of the policy.

Fishers have gone out on mass action, putting their fishing rights firmly on the agenda of the South African public by staging a protest at Parliament on Friday November 25, when the Portfolio Committee on Agriculture, Forestry and Fisheries had public hearings into small-scale fisheries.

Fishers were prepared to dig deep into their pockets to defend their rights to sustainable livelihoods and to restore their dignity as fishing communities.

Since 1998, with the introduction of the Marine Living Resources Act, small-scale fishing communities found themselves without food security and sustainable livelihoods.

The rights of small-scale fishers have been side-lined and as the years passed, it seemed that their rights are further undermined.

In 2005, when small-scale fishers took the government to court over the marginalisation of the sector, the Equality Court ruled that a Small-Scale Fisheries policy be formulated to legalise the sector.

The Equality court in 2007, ordered the government to develop a policy for the small-scale fishing communities.

This policy has taken years to develop, and the interim rights that have been allocated, still excluded a vast section of the small-scale fishing community.

The SSFP is designed to bring back the dignity of small-scale fishers, provide food security and sustainable livelihoods.

The policy is to provide communal rights to fishing communities and provide communities with a basket of marine resources from which they will make a living.

DAFF took is taking a long time to implement the policy, causing a lot of frustrations and uncertainty amongst fishing communities.

When they eventually began implementing the policy, it was skewed and they implemented it in an inconsistent manner in different communities.

Also, in the background, the Fishing Rights Allocation Process of 2016 (FRAP 2016) was implemented, and many species of fish were allocated to commercial fishing interests, depleting what is in the country’s Total Allowable Catch (TAC) of various species, totally depleting the share of the TAC that is supposed to go to the small-scale fisheries sector under the SSFP.

Masifundise/CLSA firmly believes that DAFF should make allocations taking into consideration all fisheries sectors, and not make allocations to the commercial sector.

continued on page 3
Ron Gelant, chairperson Coastal Links Melkhoutfontein

“We cannot find fault with the fishers that have been included in the list of verified fishers for Melkhoutfontein, the only problem is that our women and youth have been excluded from the Small-scale Fisheries Policy. Our women and youth were told that they could not register as fishers. Fishers who were at sea on the day of registration were also not allowed to register through a proxy.

All these are unfair, and as a fishing community we will challenge it. Our fishers who registered and were not included in the provisional list are also going to appeal against their exclusion, because they also deserve to be on the final list.”

Andries Klaase, Coastal Links member, Hondeklipbaai

“It is unfair that old fishermen that have been fishing for more than 20 years and who are dependent from the sea for a living, have been excluded from the list. People have appealed and it is now more than a month, and still we did not hear what has happened about our appeals. This causes uncertainty and anxiety. It is not fair. It seems like we will have to go over to mass action, because it seems like that will be the only way that government will listen to us.”

Lungisile Tshume, Eastern Cape, on appeals process and registration.

We have heard the call by Masifundise and Coastal Links regarding following the process but we have not received our results as yet. We hope all will be well and most of our fishers will make onto the list. We do not know how the process will go so far but we will contact the organisation if any help is needed.

Thozi Mthiyane, KZN, Mgababa on expectation regarding the fishers’ list.

As with all fishing communities, we hope bona fishers make it through. As you know we have been living without subsistence permits and we need rights to sustain our livelihoods. We hope the process of announcing qualifying fishers will not delay as the registration and verification process did.

Q Tell us how you go involved with Masifundise and Coastal Links?
A In 2006 I got involved with CLSA, after we were not recognised by the MLRA, we then joined Masifundise so that we can get our rights. We were recruited by Mcebisi Kraai, the then field worker for the Eastern Cape.

Q Where do you fish and what is your favourite catch?
A I fish at the river and ocean here in Hamburg and I use a rod and line. My favourite catch is the spotted grunter and cob. Unfortunately I have to cook all my catch because of the current permit in Eastern Cape.

Q Do you have kids, a wife?
A No, I do not have a wife, I live alone and I have a daughter of 19 years who stays with her mother.

Q What is your favourite food and music?
A My favourite food is anything that is from the ground and green - spinach, cabbage, lettuce. My favourite music is Reggae music because of the conscious content the music normally has, and also because of the culture of the music.

Q Do you perhaps have a person you look up to?
A The late Govan Mbeki – because of his character, I have met him a while ago when I was a councillor. He had encouraged me to fight for people’s rights and not be selfish in the pursuit of justice – he was a good motivator, a leader who was in touch with his people.

Q Before CLSA, what were you doing?
A I was a former councillor under the banner of ANC.

Q What challenges are you currently facing as a Hamburg CLSA branch?
A There are a number of challenges we are currently facing, some unique to our branch and some similar to what places within rural zones face. These include a high unemployment, and because we are in the rural area, education levels are low and we are far from services that are needed to meet the basic human needs.

Q What is your message to the broader CLSA membership?
A We must be realistic in fighting our struggle we must always practise what we preach. If we make a promise to the members of the movement, we must keep them and communicate our intentions effectively.
**Saluting women in fishing communities**

By Nosipho Singiswa

WOMEN are the cornerstone of society. They are the back bone of a family and the nurturer of relationships. They make food for the stomach, give food for thought and at times if not most, are the breadwinners.

The Small-Scale Fisheries Policy makes provision for gender rights and the inclusion of women in the sector. Standing as one of the five key elements of the Policy, women in the sector are recognised as playing a key role in the pre- and post-harvest activities and in some areas are the primary harvesters on intertidal resources. The policy states that women under the policy should be:

1. Empowered to exercise their rights to participate in the management of the marine resources; 2. Trained to participate in the marketing, tourism, aquaculture, and additional coastal economic opportunities; and 3. Equally represented on institutional structures.

Furthermore, the Constitution of South Africa enshrines the protection and promotion of rights of women and to include women in governance structures. Legislation such as the Choice on the Termination of Pregnancy Act, the Domestic Violence Act and the Recognition of Customary Marriages Act further entrenches the protection and promotion of women’s rights and the inclusion of women in South Africa.

The role of women in the small-scale fishing sector should not go unnoticed. With the constant struggles small-scale fishing communities face around the world, women contribute to the solutions that strengthen the sector.

“Women play a critical role in every link of the value chain in small-scale fisheries, although their best-known roles are in processing and marketing of fish and other fishery products. This perception of the highly gender-segregated division of labour (men fishing / women processing) has shaped the generalised approach in supporting development initiatives for small-scale fisheries.

More often than not, this approach targets men as fishers, and women as processors and marketers of fishery products. However, this generalisation has also made fisheries governance blind to women’s other valuable inputs to the sector. In fact, their roles can and should go beyond postharvest/marketing. However, the lack of utilisation of their additional contribution has deterred, for example, women’s participation in fisheries resource management and policy decision making.” Lentisco and Lee, 2015.

The contribution of women in the SSF sector begins at 3am when the wives of the fishermen prepare food for him, then after he has gone begins to be the mother to her children and prepares for them too.

This woman comes from a long history of fisherfolk that fishing is embedded in her soul like a coral reef laying deep on the ocean floor. She is a fish cleaner and makes a lekker fish curry for supper. She is a good picker too, during the day, before the kids come back from school, she picks mussels and sometimes she would come back home with a sea snail so that the kids could snack before they dip their hands in that curry she made from yesterday’s catch.

This woman is a community worker. She goes up and down getting a community together to talk about their fishing rights. She contacts organisations, community leaders, municipalities and government departments to listen to her community’s needs. She provides hope and a way of life for her community, she is the voice of the voiceless and fisherfolk in her community confides in her.

She is the pillar of hope. She sits around tables and engages the government in issues facing the small-scale fisheries sector. She challenges policies and neoliberal endeavours and protects the rights of the fishers. She is the voice in high level meetings which fail to recognise the needs of the fishers, she raises her voice, uses her knowledge and empathy to assert the rights and bring back the dignity of small-scale fishers and communities.

With the ongoing implementation of the Small-Scale Fisheries Policy, it is thus important for women to be included and benefit from the policy, as their roles do not simply end at just being the home-caretakers, but their value in the sector goes a long way.

*A short version of this Article was first Published in The Hook, a weekly news update published by Massifundise Development Trust.*

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**Fishers take a stand as rights are under threat**

alone, and leave what is left over for other sectors in the fishing industry.

Fishing communities are adamant that they should be heard and wrote to the minister of Agriculture Forestry and Fisheries and put the following demands:

1. Immediately stop all commercial West Coast Rock Lobster (WCRL) allocations until such time that fishing allocations are made for the small-scale fishing sector under the Small Scale Fisheries Policy.
2. Immediately revoke all line-fish allocations, to ensure communal allocations to be made in the Northern, Western and Eastern Cape provinces.
3. Immediately stop the victimisation, criminalisation and discrimination against small scale fishing communities by compliance officers.
4. Immediately demarcate exclusive preferential zones inclusive of an immediate suspension of all reserves adjacent to fishing communities, not excluding Marine Protected Areas.
5. An immediate withdrawal of GG #40286 of 16 September 2016. Small scale fisheries rights should be recognised as customary practice and therefore no duration could be coupled to the practice of our custom.’

Norton Dowries, a fisher from Langebaan, believes that the rights allocated to the small-scale fisheries are very important to create sustainable livelihoods in fishing communities.

“To me it seems like there will now be a hole in the basket that DAFF will be giving to us under the policy. Already almost all the net-fish and line-fish have been allocated to the commercial sector,” said Dowries.

“It seems like we are now only left with low value species and not anyone in the department can tell us what will be in the basket for the SSF?”

“Line-fish and net-fish are very important in securing sustainable livelihoods for the small-scale sector as it can be utilised all-year round. Although WCRL is a high value species, and appreciated, it is only seasonal and provides an income only during that period.”

It seems like the fight for sustainable fishing rights have been firmly in the reach of small-scale fishing communities, but have been pulled right from under their noses at the last minute.

The struggle for the rights of the fishers are therefore going to be a long and uphill one, and they have to be strong, stand united and fight the struggle in defence of their communities.
Coastal Links in the provinces

SMALL-SCALE fishers are up in arms over many issues affecting the sector nationally, especially the recently published provisional list of bona-fide fishers in the Western Cape, released by the Department of Agriculture Forestry and Fisheries (DAFF) on October 21, which seeks to limit the fishing rights of fishers to three years. Below is a summary of what Coastal Links SA are doing in the four coastal provinces.

Western Cape
At a recent Coastal Links SA (CLSA) Western Cape provincial meeting, fisher leaders made it clear that they are disappointed at DAFF for a number of reasons:

- Many fishers were excluded from the provisional list of verified fishers published by DAFF on October 21;
- Women, youth and the disabled were not considered;
- Many veteran fishers, many with more than 30 years of experience in fishing have been excluded;
- The diminishing basket of marine resources that will be available for the small-scale fisheries policy, in the light of the rights allocations that has already been made to the commercial sector under the 2016 Fishing Rights Allocation Process (FRAP 2016);
- Government Gazette Notice No40286 of 16 September 2016, which seeks to limit the fishing rights of small-scale fishing communities to three years.

To effectively respond to these issues, CLSA Western Cape decided on the following:

- That all fishers must stay within the process, and appeal against their exclusions, and should the appeal outcomes still be unsatisfactory, that fishers could then take further steps after the appeals have been completed, through the courts or otherwise;
- That the minister be engaged and asked to revoke the allocations already made under FRAP 2016 and that the West Coast Rock Lobster allocations that still has to be made, should be suspended.
- All allocations should be made at the same time as the small-scale fishing baskets are allocated, to prevent a situation where the small-scale fisheries sector is only allocated the left-overs after allocations have been made to the commercial sector.
- They demanded an immediate withdrawal of GG #40286 and that small scale fisheries rights should be recognised as customary practice and therefore no duration could be coupled to the practice of their custom.

Eastern Cape
The Coastal Links South Africa Eastern Cape Provincial Executive Committee had a meeting and a number of issues were raised especially around the implementation of the SSFP and problems they have with DAFF, which include:

1. Consultation on issues affecting fishing communities
2. What is in the basket or TAC for the small scale fishers in the Eastern Cape?
3. What happened to the experimental abalone project in the Province and if abalone will be included in the basket of species for the SSFP in the Eastern Cape?

The Eastern Cape PEC wrote a letter to the Director for small-scale fisheries Craig Smith to look at discussing these issues with him and his department, Smith however indicated that as a department they cannot meet with the PEC.

The PEC is still considering how to take these issues forward.

Northern Cape
The Northern Cape CLSA recently held a meeting and elected a new Provincial Executive Committee (PEC), consisting of three members from Hondeklipbaai and three from Port Nolloth.

Hondeklipbaai fishers have re-joined CLSA after being absent from the organisation for some time.

The Northern Cape was the first province where a provisional list of verified fishers was announced, and fishers there have completed their appeals process, and are awaiting the outcomes of the process.

It is expected that the results of the appeals will be announced soon, since many appellants received SMS’s to the effect, and CLSA leaders are anticipating a positive outcome.

KwaZulu/Natal
The Coastal Links KZN PEC met in October and a number of issues were raised, especially the intentions to expand the iSimangaliso Wetlands Park, which will make it more difficult for fishing communities who live in the Park to earn decent livelihoods.

More importantly fishers were unhappy with the slow pace of the implementation of the small-scale fisheries policy (SSFP), which is supposed to make it possible for fishers in KZN to move away from the subsistence fishing permits they are presently using.

The Premier in KZN was recently replaced, and fishers felt a need that CLSA need to start a discussion with office of the premier on important issues, since they did have a relationship with the previous premier.

The most important issue for the fishers in KZN is to take up the issues with around the implementation of the SSFP, which to them seemed to have come to a halt.
Co-Management: An important element of the fisheries policy

IN this edition, FishersNet briefly explains the concept of co-management and how it fits into the small-scale fisheries (SSF) policy; in early 2017, Masifundise will publish a detailed co-management manual that fishing communities can use as a guide.

The Small-Scale Fisheries (SSF) Policy is a community based policy that has given rights to the small-scale fisheries community to have a shared responsibility with the government for the management of fishing activities. This shared responsibility is termed co-management, particularly fisheries co-management.

Co-management is a process that involves democratisation and decentralisation mechanisms through collaboration and power-sharing between resource users and government officials (Pomeroy and Rivera-Guieb, 2006).

According to Wikipedia, “Fisheries co-management is flexible and cooperative management of the aquatic resources by the user groups and the government.”

The user group is comprised of those who depend on aquatic resources to sustain their livelihoods. In our case, that is the small-scale fishers.

The responsibility of the resource is shared between the user groups and the government and both the community and the government are involved during the decision making, implementation and enforcement processes.

This is an alternative management style that moves away from having the state manage marine or community resources and moves towards a community based approach. “… In accordance with the co-management approach, the Policy envisages, for example, that the community will become involved in the monitoring of stocks through catch-recording and the monitoring of access to the community fishing area” (Young, 2013).

This means that in order for the co-management to work the community will be involved in management functions such as, planning, organising, coordinating, commanding, and controlling of the resources together with the government.

In essence, there are a number of fisheries stakeholders involved in fisheries co-management.

Fisheries stakeholders can be defined as individuals, groups or organisations that have interests and/or can influence positively or negatively the management of fisheries resources. In a co-management regime, a balance of representation among stakeholders is a key factor for the success of its implementation (Adrianto, 2005; Pomeroy and Rivera-Guieb, 2006).

An aspect that must be emphasised at this point is that co-management should involve a variety of stakeholders representing different needs and interests.

In general, four types of key stakeholders may be identified in fisheries co-management. They include (1) resource users, including fishers and fish farmers; (2) government, including central and local government; (3) other stakeholders, including other community members, fishing boat owners, fisheries traders, fish processors, among others; and (4) change agents or community organisers including non-governmental organisations, universities, research institutions, among others.

In conclusion, the responsibility of managing marine resources will be shared between the local community and the government (fisheries department). This means fishers of small-scale fishing communities should be empowered to participate with Government in developing and implementing management plans.

Each stakeholder will have specific rights and responsibilities. Co-management committees must be established and will comprise of fishers who are members of the community-based legal entity and representatives of provincial and local government. If the area is near an MPA, representatives from the conservation authority will be included.

Over time, fishers and other members of the community will take greater responsibility for the well-being of the community, the environment and the management of marine resources (Masifundise, 2014).
IN February 2015 the Department of Agriculture Forestry and Fisheries (DAFF) began with the implementation of the Small-Scale Fisheries Policy (SSFP) by launching the Small-Scale Fisheries Forum, gazetting of the draft Regulations for Public Comment and the call for Expressions of Interest.

The implementation of the SSFP was included as a strategic goal for DAFF over the medium term (2014/15 – 2018/19) and funds from the Marine living Resources Fund were made available for the start of the implementation process for 2014/15.

In March 2015 service providers were appointed and the Final Regulations and Amended Marine Living Resources Act were promulgated in May 2015.

It was announced that the rollout plan aimed to implement the Small-Scale Fisheries Policy over a five-year period and the process consists of five phases.

**Phase 1: Preparatory Phase**
This phase lays a firm foundation in order to embark on the process of implementing the Small-Scale Fisheries Policy.

**Phase 2: Development of Support Plans**
This phase requires that a number of support plans be developed and implemented so as to enhance the implementation process of the SSFP.

**Phase 3: Formalisation of small-scale fishing communities into co-operatives**
This phase is the most critical one for the successful allocation of small-scale fishing rights because it is in this phase where all bona fide small-scale fishers have to be identified, verified and registered into small-scale fishing communities.

**Phase 4: Allocation of fishing rights to small-scale fisheries co-operatives**
This phase is the pinnacle of the implementation of the small-scale fisheries policy as this would be the official start of the small-scale fisheries sector when the fishing rights are allocated to small-scale fishing co-operatives in March 2016.

**Phase 5: Management and support of small-scale fisheries co-operatives**
This phase is the last phase of the implementation and requires three years of providing developmental support to the small-scale fishing co-operatives. This phase is required to ensure economic development and long-term success of the co-operatives.

The process indeed began in 2015 with the department calling on Small-Scale Fishing communities to register their communities as interested parties in the process. The Department received well over 300 expression of interest forms from fishing communities.

This year, the department commenced with the registration and verification of fishers in four coastal provinces but it saw KwaZulu-Natal lagging behind in the process due to the squabbles over the service provider.

This was later resolved and fishers in the KwaZulu-Natal province were registered. The first province which saw the completion of the registration and verification process was the Northern Cape and recently, the department released a list of registered and verified fishers in the Western Cape.

Currently there is anger among fishers over this process and many are to appeal the provisional lists.

Cathy Thomas a CLSA member from St Helena Bay said it is important that women are included in the list, “No women appeared in our list and we have a lot of flekkers in my communities. As far as I am concerned, the provisional list does not reflect the number of small-scale fishers in my community and we are in the process of appealing as a community.”

An upset Norton Dowries from Langebaan described the Langebaan list as an insult to bona fide fishers. “I mean this process is joke, even I did not appear on the list and I have been a fisher and an IR benefactor for many years. As fishers, we need to make sure that we do appeal the lists so that there is justice for fishers.”

On the bright side, many Northern Cape fishers followed the appeal process and DAFF announced that due to this, there has been a significant change to the provisional lists in the province.

“We are yet to see the final list for our town, but as DAFF mentioned, we really hope that there is change and small-scale fishers will indeed benefit from this process,” commented Elroy Adams from Port Nolloth.

DAFF will also announce when they will release the provisional list for Eastern Cape and KwaZulu-Natal.

The implementation policy is currently in phase three. The next phase entails the establishment of co-operatives, to which fishing rights will be allocated.
**School of Fishers**

Vol 16 No.4

By Brandon Reynolds

It is a Tuesday morning, DAFF has released a list of qualifying fishers in the fishing communities of the Western Cape. Rasta, Thozama and Edgar, went to the community hall where the list for the town was made available and much to their surprise, only Edgar qualified to receive a Small-Scale Fishing Right...

I have been a fisher all my life, and now this. How am I supposed to make a living?

I heard that fisherfolk who did not make it to the list can appeal, there are forms they need to fill out, the fisherfolk from the Northern Cape did, and by the look of things there will be changes to their list.

Where can we get these forms?

One needs to visit the Small Scale Fisheries website: www.smallscalefisheries.co.za, then go to resources, the forms are at the bottom of the page or contact Masifundise for assistance.

But the department should have hard copies in their local offices, what about us, who do not have internet access, how will we get these forms?

I do not know what to do, I hope this appeal process will really work for us bona fide fishers.

I do not know Thozama, and I can understand your frustration, the policy is supposed to include more small-scale fishers and not further lock them out from receiving their rights.

I will contact Masifundise for help

I will try and go the library to get access to the internet so that I can download the forms

We all hope that it will Rasta, Masifundise is encouraging us to follow the process and not give up hope. Remember if we do not appeal this, then we really risk not getting our rights.

Yes comrades, let us not lose hope or give up without trying.

The Western Cape and Northern Cape appeal deadline had passed by the time FishersNet was distributed. The deadlines for the E Cape and KZN were still going to be announced by DAFF.
Nonoti, Kwazulu-Natal: The place of Kob, Garrick and beautiful coastlines

NONOTI COMMUNITY is situated on a 400 hectare piece of land returned to its people by TongaatHulett and the Bodasingh family.

Read More: http://masifundise.org/community-profile-nonoti/

The community of Nonoti is formed by 300 households. It is represented by the Inqaba Community Trust. The Trust acquired the land through a successful negotiated land restitution settlement pursuant to a land claim that was lodged by the community (tikzn.co.za, 2016).

Coastal Links South Africa has a membership base in Nonoti that is currently not structured as a branch, thus they fall (in the interim) under the Stanger branch. The community depends on different type of food security activities, these include working in schools, lodges, running community projects and fishing. Fishermen and women use the Nonoti river and sea to catch Kingfish, big Kob in winter and Garrick.

According to LindaniNgubane KZN field-worker for Masifundise, Nonoti fishers were previously being organised by CLSA memberSmakelisiwe Mchunu, who passed away last year. The branch must still be formally established.

“The fishers in Nonoti have not been formally incorporated as a stand-alone branch, this process is still being planned”, said Ngubane. “Even though they have not been formalised the community took part in the registration and verification process of the Small-Scale Fisheries Policy, he added. “We encouraged the fishers to go and be registered and to date all fishers in the community took part in the process”.

The Community lies on the northern bank of Nonoti Estuary close to Stanger in Dolphin Coast, KwaZuluNatal. The Nonoti community use the estuary on a daily basis to reach the nearest town, Zinkwazi, which is three kilometres away.

The Nonoti Estuary lies on the seaward side of the N2 where the Nonoti River meets the sea, almost halfway between the inland towns of KwaDukuza and Mandini.

The estuary and its immediate surrounds are an exceptional stretch of pristine coastline virtually unequalled in beauty.

But according to South Africa Venues the urban sprawl of Durban up the N2, and the development of King Shaka International Airport, means that this stretch of coastline, and its unspoilt beaches and dune areas, are under pressure as the demand for properties on the North Coast increases.

To meet development demands, and still protect this section of coastline, an issue. The Economic Development Agency is in the process of developing a community-run beach tourism resort that will include an eco-lodge.

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FACTS AND FIGURES

- Growth in the global supply of fish for humanconsumption has outpaced population growth inthe past five decades, increasing at an averageannual rate of 3.2 percent in the period 1961–2013, double that of population growth,resulting in increasing average per capita availability.

- Global total capture fishery production in 2014 was 93.4 million tonnes, of which 81.5 million tonnes from marine waters and 11.9 million tonnes from inland waters (WWF, State of the World Fishery, 2016)