How will the Policy for Small-scale Fisheries be implemented in Marine Protected Areas (MPAs)?

THIS is the question that small-scale fishing communities are asking the Department of Agriculture, Forestry and Fisheries (DAFF) and the Department of Environmental Affairs (DEA) with a sense of urgency as the roll out of the SSF policy gathers momentum.

OVER 56 recognised small-scale fishing communities live in or adjacent to the 23 Marine Protected Areas (MPAs) that lie along the South Africa coastline. The majority of these communities were dispossessed of their lands and their access to marine resources was greatly restricted when these MPAs were established. Very few of these communities were consulted when the MPAs were established. Since then many fishers have continued to be harassed by compliance officers and arrested for fishing illegally in these MPAs, even though some have customary fishing rights. Will the implementation of the SSF policy change this?

Policy for SSF protects fishers’ rights in MPAs

THE Policy for SSF commits to ensuring equitable access to and benefits from marine living resources as well as promoting preferential access to marine resources for small-scale fishing communities. It also commits to ensuring participation of fishers in co-management structures.

The fishers hope that this will bring about a shift and in future MPAs will benefit from their livelihoods and they will be able to participate in developing equitable, sustainable regulations.
RESEARCH on the social impacts of MPAs has shown that when MPAs are established and managed without the participation of local coastal communities that live in or near these areas, the MPAs do not achieve their objectives. In addition, they often have a range of very negative impacts on the food security of local fisher communities who depend on these waters for their livelihoods. However, if communities are actively involved in MPA planning and management, “bottom up,” MPAs can benefit local communities.

The history of MPAs in South Africa has been closely tied to apartheid planning and conservation. Many SSF fishers were dispossessed of their access to marine resources. The policy on SSF promises redress for those fishers who suffered from racially based discrimination and the imposition of conservation driven regulations. The National Environmental Management Act: Protected Areas Act of 2004 was amended in 2014 to enable the establishment of MPAs. This act obliges the Minister of Environmental Affairs to consult the Minister of Agriculture, Forestry and Fisheries when establishing MPAs. Yet these two Ministries have yet to say how the new SSF Regulations will be implemented inside MPAs. The judgement in the Cape High Court in October 2016 in the case of Coastal Links Langebaan versus the Minister and others provides clear guidance for these two Ministers on their legal obligations in this regard. In this judgement Judge Sher noted the obligation on the Minister to always take into consideration SSF fishers historical and traditional fishing rights, the need for transformation and the need to promote sustainable use of resources when making decisions about MPA zonation and permit conditions. This historic judgement also means that all conservation management authorities like SANParks, East Cape Parks and Tourism, KZN Wildlife and Isimangaliso Wetlands Authority must also take these issues into consideration when planning and managing MPAs. This is a victory for all SSF fishers throughout the country.

**Fishers Voices**

**Johan Mpongose**  
Dukuduku, St Lucia.  
Ismangaliso Wetlands Authority and Ezemvelo KZN Wildlife  
conservation authorities have always tried to restrict us SSF fishers in St Lucia MPA. We are very worried about where we will fish in future. The situation is getting worse because the mouth of the estuary has closed and this is impacting the ecosystem, restricting access to fish further. Now DAFF has verified and registered 50 SSF fishers and we do not know if our SSF rights will be respected by Ezemvelo KZN Wildlife.

**Axson Makhasi,**  
Mazambane, Maputuland MPA  
We were not consulted about the new Isimangaliso Management Plan for Kosi Estuary which will impact our fishing. The DEA did not consult us either about the Phakisa Isimangaliso MPA. Fishing is part of our culture and we depend on it for our food and livelihoods. We request the Minister of DEA and DAFF to recognise our customary rights and engage with us about the MPA plans.

**Thoko Ngubane,**  
Engozini  
We depend on Kosi Bay and the sea for our livelihoods. The MPA does help to protect our fish and ecosystem which is good but I am worried about how government’s programme of Operation Phakisa will impact us and our marine resources.
**DEA fails to consult SSF communities adequately on plans for MPA extension**

The principles and objectives in the SSF policy were welcomed by fishing communities living in or near MPAs. However, since the gazetting of the SSF policy, DAFF and DEA have failed to clarify how MPA regulations will be changed to accommodate the basket of species promised under the policy. When DEA announced the gazetting of draft regulations for the declaration of 22 new MPAs as part of the Operation Phakisa Ocean Economy programme in 2016, small-scale fishers were left uncertain about how their rights to fish for food and their livelihoods will be respected in these areas. Although the DEA and conservation agencies said that these planned MPAs were off-shore, in fact 11 of these MPAs will have direct impacts on small-scale fishing communities.

**ISimangaliso World Heritage Site: Whose heritage? The hidden truth**

The ISimangaliso World Heritage Site, in northern KwaZulu Natal comprises two large MPAs and a number of terrestrial nature reserves stretching from Maphelane at the mouth of the Mfolozi River in the south all the way to Kosi Bay on the Mozambican border.

Many different clans have lived in this area and depended on the coastal lands, lakes and estuaries and marine resources for their food and livelihoods. Decorated shells have been found in the caves near Kosi Bay that date back to the late Stone Age. Many communities were forcibly removed during the colonial and apartheid years in the name of conservation and now live on the borders of ISimangaliso but continue to fish and depend on the coast and estuaries for marine resources. They refer to these resources as ‘ne lifa lethu’ (our heritage).

Despite the evidence of the long history of humans living in the area, the conservation authorities still complain that fishing communities who are the owners of much of the land in the reserve are “destroying the pristine nature of the area”. ISimangaliso Management have a policy of ‘rewilding’ the area and as a result are reluctant to permit small-scale fishing. The Management Plan developed in 2016 failed to consult the local fishers and fails to recognise the Small-scale Fisheries policy. It prohibits fishing in many areas and only allows subsistence fishing in others whilst recreational fishing is permitted in many areas.
Fishers school

I realise now that MPAs can be managed by local communities or co-managed by local communities, with other stakeholders and government and should always include community participation.

Yes, an MPA is not necessarily a bad thing. It all depends on why it was set up and how it is planned and managed.

It sounds as if evidence from other countries shows that if MPAs are planned ‘bottom up’ with the full and effective participation of local communities they are more likely to be successful.

The NEMPAA makes provision for the Minister to declare an MPA. Section 22 states the conditions under which the Minister may declare an MPA. These include the following objectives:

a) To conserve and protect marine and coastal ecosystems;

b) To conserve and protect marine and coastal biodiversity;

c) To conserve and protect a particular marine or coastal species, or specific population and its habitat;

d) If the area contains scenic areas or to protect cultural heritage;

e) To facilitate marine and coastal species management by protecting migratory routes and breeding, nursery or feeding areas, thus allowing species recovery and to enhance species abundance in adjacent areas.
Fishers in KZN face on-going harassment from conservation authorities

The conservation authorities in KZN have a long history of governing MPAs and the coastline with an iron rod, with little awareness of the impact of their actions on fishers’ lives and food security. The regular violation of fishers’ human rights within and on the borders of the World Heritage Site reveal a hidden side to this national treasure.

There are 640 000 people living in and around iSimangaliso World Heritage Site, over 80% live below the poverty line and only 15% of the economically active population is formally employed. There is a strong dependence on single bread-winners, migrant household members and state welfare (Isimangaliso Wetlands Authority 2016). Yet despite high levels of poverty and unemployment, the conservation authorities continue to harass fishers, confiscating their boats and destroying their gear. As recently as March 2018 a Coastal Links leader from Mabibi with a permit reported that he was harassed and pepper sprayed by rangers.

This type of harassment from compliance officers is reported by fishing communities up and down the KZN coast. In many instances fishers report that these are joint operations conducted by the SAPS and Ezemvelo KZN Wildlife and in some cases civilians also assist. In one raid alone in 2014 a 50 SAPS-strong force including two helicopters and a fleet of 13 vehicles descended on the shores of False Bay where the fishers of Nkundusi fish. It was reported that 42 fishing craft and almost 5kms of gill nets were confiscated and destroyed in this one raid. The message of Ezemvelo’s CEO Dr Bandile Mkhize to the victims of this raid was “You will not rape and pillage our wildlife heritage” (Source: www.iol.dailynews.2014). Fishers report their gear and fish is routinely confiscated without them being given any receipts and their boats and fishing nets are often burnt by the authorities.

SAPS and Conservation authorities conduct a raid and confiscate fishing communities’ boats and gear. Source: www.iol.dailynews.
THE community of Mazambane, Kosi Bay are worried that their culture, customary fishing rights and traditions are not being respected by the DEA, the DAFF and the Isimangaliso World Heritage Authority. Currently they are greatly restricted from fishing and harvesting marine resources in the Kosi Lakes and the shoreline beyond the lakes. On the 23rd October 2017 they wrote to the Minister Molewa, Minister of Environment, the Minister of DAFF, the Honourable Zokwana and to the new DDG of DEA, Ms Judy Beaumont. They expressed their concern that they had not been adequately consulted about the Operation Phakisa Isimangaliso Draft Regulations released in 2016, the new Kosi Bay Estuary Zonation or the Isimangaliso Management Plan.

On the 17th December the DEA responded and confirmed that they do recognise the cultural value of Kosi Bay fishing traps and that the proposed regulations would recognise the needs of the indigenous people the area. Further they stated that they wished to engage with the community of Mazambane.

A meeting was scheduled for 8 February 2018 however when the DEA arrived with Isimangaliso officials a grouping within the meeting refused to meet with DEA in the presence of Isimangaliso officials. They state that until their land claim is settled and Isimangaliso recognises them as the legitimate owners of the coastal lands comprising the World Heritage Site they cannot meet with them. To date no further engagements have taken place regarding future SSF rights to fish in the MPA but the Mazambane Community Profile Task Team have documented their history, fishing sites and customary practices in anticipation of meeting with officials in the near future.

Community Profile Task Team, Mazambane, Kosi Bay
South African SSF Fishers call for community-based MPAs

FISHERS here in South Africa have heard about the community based, locally managed MPAs that have been successfully established by local small-scale fishing communities in several other African countries, as well as across the seas in the Pacific Ocean. At a recent Masifundise and Coastal Links Roundtable with government officials on Operation Phakisa they issued a call for community-based MPAs to be established in South Africa.

There are many lessons to be learnt from these ‘people-centred’ conservation and sustainable use programmes in other countries. Fishers in Fiji were one of the first groups to establish locally managed marine areas.

Locally managed marine areas in Fiji, Pacific Islands

IN the early 1990s the residents of a village in Fiji, named Ucunivanua realised that their livelihoods depended on the harvesting and sale of clams were under threat. The community of Ucunivanua decided to take the situation into their own hands. In 1997, with the support and leadership of researchers at the University of the South Pacific in Suva, Fiji, they established a locally managed marine area (LMMA). This took the form of a 24-hectare no-take zone on the mudflats and seagrass bed directly in front of Ucunivanua village.

The aim was to restrict the harvesting of kaikoso clams to allow their numbers to regenerate and to encourage their settlement in neighbouring areas. This built on the existing customary tradition of enacting tabu prohibitions on fishing for certain species. Following a series of workshops with the community, a management team of 20 local men and women worked with the chief and elders of the village to hold a traditional ceremony declaring the area closed for three years. The Ucunivanua LMMA yielded dramatic results. Seven years after the implementation of community-based marine resource management in the village, the kaikoso clam was once again abundant and village incomes had risen significantly (United Nations 2012).

THE concept of locally managed marine areas, also known as LMMAs, has spread across the seas to the Indian Ocean where fishing communities in Madagascar, Mozambique, Tanzania and Kenya are all implementing various forms of LMMAs.
Facts and Figures

South Africa has **24 MPAs**. Of these, 23 are along the coastline and one of them, Prince Edward MPA, is an off-shore MPA. The 23 MPAs along the coast comprise a total of **23, 17 per cent** of the coastline. The proposed new 22 Marine Protected Areas (MPAs) as part of the Operation Phakisa Initiative aim to create approximately **70 000 km²** of marine protected areas. This will then mean that **5%** of our South African Exclusive Economic Zone (EEZ) within **200 nautical miles** of the coast will be protected. More than one-third of South Africa’s MPAs involved racially-based forced relocations along the coast when the adjacent area was declared a protected area. Over **56** small-scale fishing communities live in or adjacent to these MPAs.