

AN OPEN LETTER TO THE MINISTER OF AGRICULTURE FORESTRY AND FISHERIES

cc: Members of the Parliamentary Portfolio Committee on Fisheries
Members of the media

20 May 2013

The Honourable Minister Tina Joemat-Pettersson
Minister of Agriculture, Forestry and Fisheries
Private Bag X250
PRETORIA
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Dear Minister

We wish to register our deep concerns with the inadequacies of the public participation process being organised by your Department in relation to the Marine Living Resources Amendment Bill and General and Sector Specific Rights Allocation policies.

We do so as a group concerned for the future of South Africa's fisheries and fishery resources and with considerable experience in fisheries science and management. Many of us have been involved in South Africa's fisheries management for over two decades and between us we have been engaged in working on fisheries in all five continents.

Public participation lies at the heart of our constitutional democracy. Citizens have the right to participate in legislative processes in a meaningful way.

Hence interested and affected parties must be given an adequate opportunity to review and comment on prospective legislation. Furthermore, the globally recognized FAO Code of Conduct for Responsible Fisheries recognizes transparency and meaningful consultation as essential for effective and responsible management.

The Marine Living Resources Amendment Bill and the General and Sector Specific Rights Allocation policies are critically important legal documents. The finalised versions will have far-reaching and long-lasting impacts on the management of marine resources in South Africa.

However stakeholders were originally given only six weeks to provide comments on the Bill, which includes a number of important changes to the current Marine Living Resources Act. This period has now suddenly been shortened to only three weeks.

The MLRA has not been revised for 15 years and requires rigorous re-evaluation. What has been put forward includes inconsistencies on a most fundamental issue, the nature of the rights to be awarded. The unreasonably brief period to provide comments does not allow stakeholders to adequately engage in internal consultation or the legislative process.

A similar situation exists for the General and Sector Specific Rights Allocation policies, where stakeholders were given only 23 days to submit comments on the former, and between 13 and 22 days to comment on the latter.

Furthermore, these documents were made available in only a very limited number of languages. This makes them inaccessible to many of the fishers in South Africa whose lives they will impact.

It is essential that the Bill provides a solid framework for the wise and sustainable use of our valuable fishery resources and ecosystems and for the equitable allocation of rights of access to those resources. Meaningful iterative consultation is an essential pre-requisite for this.

Accordingly we appeal to you to extend the public participation process by at least 90 days to allow for effective, fair and reasonable public participation, as envisaged by our Constitution.

Yours sincerely

Signed

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