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Editor's Notes

WELCOME TO THE JUNE 2022 edition of the FishersNet, the newsletter of Masifundise Development Trust and Coastal Links South Africa.

This edition explores the complexities of the Fishing Rights Allocation Process (FRAP) and how it affects small-scale fishing communities and their cooperatives. With diminishing allocations and depleting fish stocks, fishing communities find themselves in an increasingly vulnerable position with less in their basket each year.

Also in this edition we will look at the announcement of the gazetting of the National Freshwater (Inland) Wild Capture Fisheries Policy by the Department of Forestry, Fisheries and Environment (DFFE). The gazetting of this policy takes us closer towards implementation. We remain hopeful that the implementation process will take on a meaningful and collaborative approach the centres the needs and dignity of inland fishers. In the meantime, inland fishing communities in Jozini and Gariep have continued to mobilise for their rights through protest action and various roundtables.

On other matters Masifundise has undertaken a number of fieldtrips all along the coast and in inland fishing communities since the beginning of the year. In KwaZulu-Natal we were able to facilitate a number of community meetings as well as touch base with elected Task Team members. We were also able to take steps towards the second production of an inland fishing documentary that will focus on the women fish traders and the loss of their primary livelihoods.

In exciting news, small-scale fishing communities have retained a win against another oil and gas company, Searcher Seismic. In a momentous victory for small-scale fishing communities, the Western Cape High Court ruled against seismic blasting in the West Coast. May the fighting spirit and resilience of small-scale fishing communities continue to encourage greater victories.

Small-scale fishers side-lined under FRAP



THE FISHING RIGHTS Allocation Process (FRAP) continues to be a contentious one in the fishing sector. This process was designed to manage the allocation of species and to ensure that historically marginalized and previously under-represented individuals, communities, and companies could be included in the fishing industry. However, the implementation of FRAP and the lack of capacity in the government Department of Forestry, Fisheries and Environment (DFFE) has left the process in a state of crisis.

In this process, the commercial sector is prioritised and what is set aside for small-scale fisheries is not enough to accommodate a full basket for small-scale fishers along the coastline. For example, more than 70% of traditional linefish is being allocated to commercial, even before the implementation of the SSF Policy has been finalized.

On 25 March DFFE reopened appeals for FRAP. A committee of women from Hondeklipbaai (Northern Cape) who were not recognized as bona fide small-scale fishers in their application under the Small-scale Fishing Policy had decided to apply for commercial

fishing rights under FRAP. This works through individual applications for each species, with each application incurring a cost. This women's group was willing to spend the R14000 it would cost them to apply for the relevant species. The women travelled to Port Nolloth to apply manually, but were told to come back the next day. While filling out the application the next day, they were told that the Department was heading back to Cape Town and they had missed the deadline. They then tried applying online, but due to lack of internet and poor connectivity in Hondeklipbaai, they were unable to apply. This process unfairly excludes marginal communities.

The dwindling small-scale basket can be felt in the small-scale fishing communities of KwaZulu-Natal, Northern Cape, Western Cape and the Eastern Cape.

"The basket that we have been given by DFFE is simply not enough. We can only catch 50 mussels a day, we cannot even feed our families with that. We deserve species that we can make an income from and live dignified lives", said Sibongiseni Ndumiso, a fisherman from Cwebe.

Continues on page 2



Above: Fisher from Paternoster showcasing their West Coast Rock lobster catch.

Valuable West Coast Rock Lobster in Dire State

WEST COAST ROCK LOBSTER (WCRL) is a valuable species for small-scale fishers in the Western Cape and Northern Cape, and an important source of annual income for these communities. In 2021, following outrage for a drastic cut in the Total Allowable Catch (TAC), a Consultative Advisory Forum (CAF) that was established in order to review the 2021/22 TAC process and allocation.

The WCRL species is on a serious decline in South Africa, due to historical overfishing, climate change and other factors. According to the DFFE, the 2021 updated assessment indicates that the WCRL number has

decreased more than expected in the past two years and rather than being at 90% of its 2006 level as estimated in 2019, the resource is now estimated to be at only 70%. This resulted in a drastic cut to the WCRL TAC for the 2021/22 season- to 600-tonnes, a cut of 28.3% from the previous season.

There was widespread concern about the allocation of WCRL to both the small-scale and commercial sectors, resulting in Minister Barbara Creecy appointing the CAF to review it.

The Minister accepted a set of recommendations from the CAF report which included much on the dire socio-economic conditions of fishers and their reliance on WCRL for their livelihoods. The

CAF recommend that the TAC for the 2021/22 season be increased to 700 tonnes, that a co-management approach should be adopted, and that a poaching reduction strategy is implemented to maintain stock and ensure that fishing communities are able to benefit along the value chain.

The recommendation for the resource recovery was a phased reduction (700/550/400), to be reassessed each year. What is evident is that the TAC of WCRL will be cut every year, and small-scale fishers and their communities need to collaborate and discuss in order to prepare themselves for this. We call for the entire TAC of WCRL to be allocated to the small-scale sector, to allow for communities to benefit.

Voices of the community

Are you satisfied with your current allocation? How would you like to see your species allocation/ basket to change?



Ntsindiso Nongcavu, Port St Johns, Eastern Cape

WE are not happy with our basket at all because it is very limited. The allocation we have does not reflect our traditional species and we cannot make livelihood from it. This is why it is so important for small-scale fishing communities to be included from decision-making process around the allocation of species. Its not enough that we are included but our views must be taken into consideration so that we can begin to see positive changes in our basket.



Andre Cloete, Doringbaai, Western Cape

We are not satisfied with the current species in the basket because it is not sustainable for us as small-scale fishers. The drastic cuts in Total Allowable Catch since the start of the Interim Relief, has ensured that fishers stay poor. Crayfish stocks were low this season and only started picking up at the end of the season. The Department should therefore take climate change into consideration when allocating species. As fishers we can clearly see that the migration patterns are starting to change, hence DFFE should consider adjusting the date of the crayfish season. Currently we only have line fish, crayfish and bait in our basket. We would like all the species that are in our zone to be added to the basket. We would also like to see more pelagic species in our basket.



Rovina Europa, Arniston, Western Cape

At the moment our people are suffering as the current allocation does not cover our household expenses. Most of our income goes to the marketers, factories and fuel. In the past, we had asked that the basket be made up from species we get in our zone but with climate change, most lucrative species migrate to other areas and end up in Marine Protected Areas that we do not have access to. Many times, the zones get shifted without properly consulting communities meaning that fishers lose out on their most profitable species. We are asking government to allocate a full basket of species, so that we are able to make a sustainable income and have decent living conditions.



Sabelo Mzileni, Nibela, KwaZulu-Natal

Fishers all along the coast are worried about allocations that keep getting smaller and smaller. These allocations disadvantage small-scale fishers and impact their income. Our traditional species never make it on the list and this is big problem.

Continued from page 1

The Minister must be very cautious in apportioning these rights. Allocating all the rights without prioritizing a portion to the small-scale fishing sector will further threaten the livelihoods of fishers. The lack of allocation of an adequate basket to small-scale fishers will make the implementation of the policy not viable. Small-scale fishers should be part of decision-making in determining a viable basket of species.

Face2Face

with Dumazile Mkhonto



Who is Dumazile Mkhonto?

My name is Dumazile Mkhonto I was born and bred in Vutshane in Kosi Bay. I am not married and have no children. All my schooling was done in Vutshane.

What was it like growing up in your community?

Growing up in Vutshane was not easy because I lost my father at a very young age. My father was the primary breadwinner and sustained a livelihood through fishing. With his income he was able to put me through school and put food on the table. My father's passing forced my mother to step into his shoes. She taught us how to collect mussels, collect reeds and we eventually ended up learning how to fish too.

What are your hobbies or interests outside of fishing?

I love to play soccer as well as run. I also have a small garden where a plant different types of vegetables. Harvesting fresh vegetables is one of my highlights in my small-scale farming because I am always guaranteed healthy and inexpensive food.

How long have you been fishing, and which areas do you fish in?

I was 11 years old when I began fishing. While growing up we did not have any toys so fishing became the main way we entertain ourselves while making a livelihood. I started off fishing small estuaries in Kosi Bay

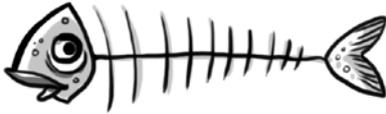
How long have you been part of Coastal Links?

I have been part of Coastal Links for 8 years. I have really enjoyed being part of Coastal Links because it has assisted us in knowing our rights and trying to protect them.

Has your cooperative applied for FRAP and have they been successful?

Fishers do not know enough about FRAP. We need to more capacity building and knowledge about this process. Maybe in the future we could be able to use it to influence our basket and allocation.

SCHOOL OF FISHERS



Illustrated by:
Caine Swanson

Seismic survey victories

Goodbye Searcher and
don't come back!"



Once again, we have shown that if we
stand together in a unified voice we can
achieve anything.



Yes, this is a very important
victory for small-scale fishers,
but we must continue to
fight. More and more mining
applications are threatening
the livelihood activities of
fishing communities.



That's right. Last year,
Shell wanted to conduct
a seismic survey on the
Wild Coast and coastal
communities in Eastern
Cape fought against
it. The court had then
interdicted Shell from
any seismic activity and
now we have done the
same on the West Coast.



I know that we
have successfully
stopped Searcher
Seismic, but
how does this
judgement protect
small-scale
fishers? What
does it say?

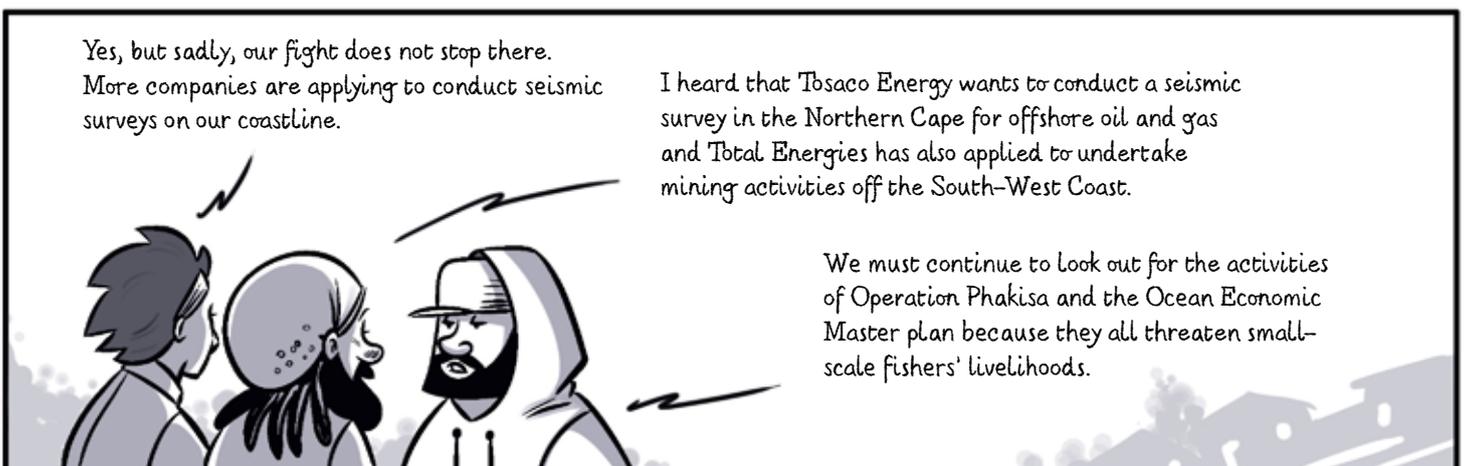
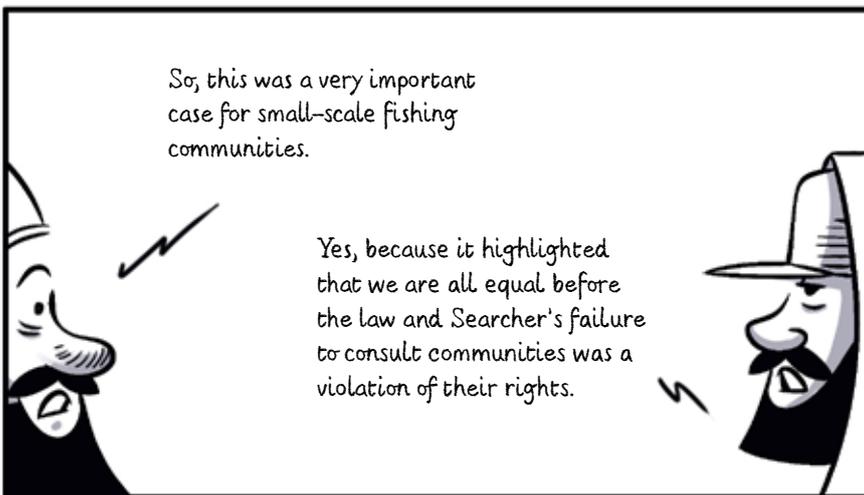
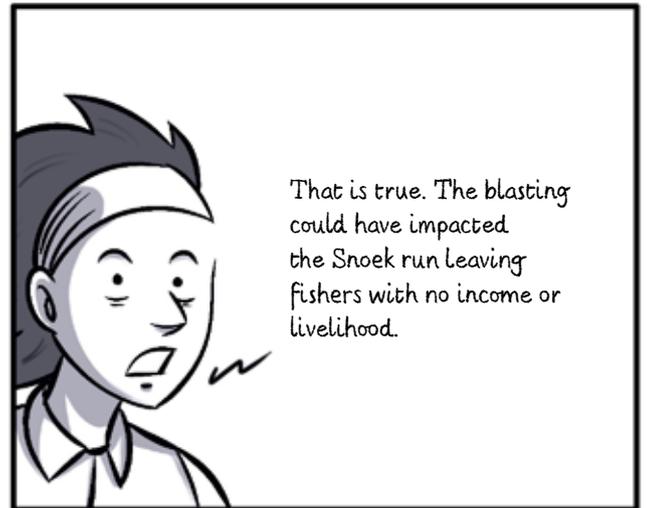


The judgement emphasises the
need to consult local fishing
communities before embarking
on any development that will
affect their natural resources
and livelihoods.



So, Searcher didn't have
community permission to
begin their blasting on our
ocean floor?







Above: Meeting with women fish traders in Msiyane KwaZulu- Natal.

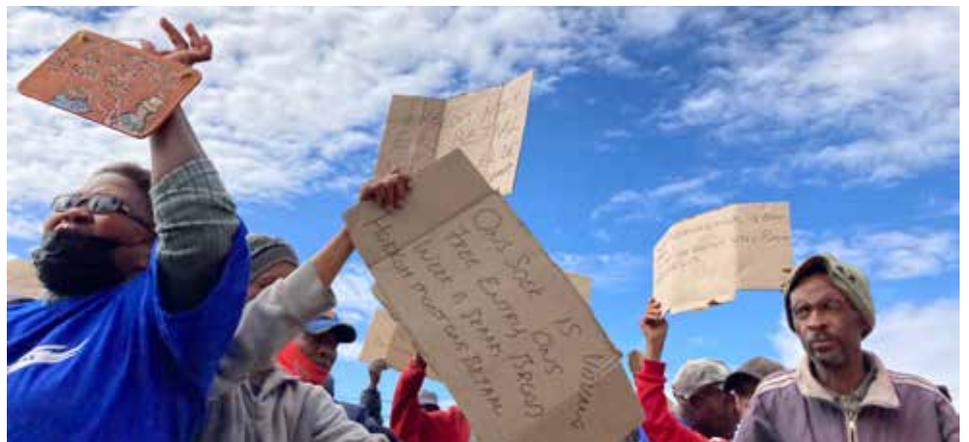
Inland fishers advocate for rights while waiting for inland policy implementation

O N 25 FEBRUARY 2022 the Department of Forestry, Fisheries and Environment (DFFE) gazetted the National Freshwater (Inland) Wild Capture Fisheries Policy that was approved by Cabinet on 4 August 2021.

The hope is that the policy will formally recognise the livelihood activities of inland fishing communities as well as protect their role as essential food producers and their contribution to food security and job creation at the local level. Inland small-scale fishers have historically existed in a legislative vacuum, resulting in their continues harassment and criminalisation for practising livelihood activities.

Since this policy was gazetted, inland fishing communities from the Gariep Dam, Vanderkloof Dam, and Jozini Dam have been making their voices heard and mobilising for their rights at a local level.

On 25 March, inland fishers from the communities of Norvalspont, Gariepdam, Venterstad and Oviston held a peaceful protest outside the Eastern Cape Parks and Tourism Agency (ECPTA) gates in Oviston after repeatedly being denied access to their traditional fishing grounds at the Oviston Nature Reserve. Fishers, many of whom are unemployed and who fish for their livelihoods, can only access one fishing site



Above: Inland fishers from Gariep, Norvalspont, Venterstad and Oviston protesting outside the Eastern Cape Parks and Tourism Agency (ECPTA) offices.

without cost, and are made to pay a fee of R25, despite their lack of income. Fishers are now in communication with the ECPTA in an attempt to come to an agreement together.

On 7 March Masifundise hosted a roundtable in Jozini. This meeting focused on the state of inland fisheries in the region as well as looked at the challenges that inhibit the livelihoods of inland fishers. This roundtable created a moment in which fishers could advocate for their right to food and livelihood recognition at local level through stakeholders such as traditional leadership and local municipal managers.

The goal of this protest and roundtable were to support inland fishers and their communities to strengthen their voices to participate in the decision-making processes with different actors, particularly government at local, provincial and national level. These have been important development for inland fishers to find interim solutions to secure access while we await for the implementation of the inland fisheries policy.

It is important that the process of the development of both the regulations for the policy and the implementation plan include the voices of small-scale fishers so that it may best benefit them and their communities.

Catch up on Masifundise's fieldwork

AFTER TWO YEARS of the Covid-19 pandemic, with its many restrictions and uncertainties, the Masifundise team could finally get back into the full swing of fieldwork this year.

In February, March and April the team carried out capacity building and Participatory Action Research (PAR) activities in the Western Cape communities of Ebenhaezer, Papendorp and Doringbaai, as well as the Northern Cape communities of Port Nolloth and Hondeklipbaai. During these months the team also paid several visits to the inland fishing communities of Vanderkloof and Gariep.

On the 17th March, Masifundise met with

the fishing communities of Ebenhaezer, Papendorp and Doringbaai to discuss the state of affairs in the region.

During the meeting, the fishers raised significant concerns about the development of the Olifants Estuary Management Plan (OEMP). The plan was developed in 2006 and is yet to be finalized. Community members are concerned about the negative impact that proposed mining activities, recreational events and restricted fishing access may have on their livelihoods.

On a visit to Kwazulu-Natal in the first three weeks of March, the team visited the coastal communities of Mazambane, Kosi Bay, Mtubatuba and the inland fishing community of Jozini. These visits aimed to reignite and

strengthen relationships and to participate in capacity building and PAR activities.

Masifundise also invited the local municipality in each of the communities and examined the difficulties faced by SSF cooperatives. In the meetings, the discussions also focused on the possibilities for support from the local municipalities to enhance local economic development through small-scale fisheries.

During the month of April, further PAR activities were carried out in the communities of Dwesa-Cwebe in the Eastern Cape. On 22nd and 23rd April, the team conducted a workshop in collaboration with the Legal Resource Centre to build the capacity of the seven communities that are part of the land claim, concerning the implication of the Gongqose Judgment recognizing customary fishing rights for the community of Hobeni.

The workshop was also an opportunity to establish a working relationship with the Dwesa-Cwebe CPA and document some of the issues related to harassment in the Dwesa Cwebe Nature Reserve and discuss the Shell Case in which these communities are applicants.

In the next months, Masifundise will continue to engage in fieldwork on the coastline and inland, and in preparation for the Fisher People's Tribunal and National Strategic Forum.



Above: Meeting with fishers from Olifants and Nico Waldeck from ABALOB1 on the state of small-scale fisheries in Ebenhaezer.



Above: Masifundise's Strategy Workshop for the Fisher Peoples Tribunal, Cresta Hotel Cape Town.

Fisher Peoples Tribunal to strengthen the voices of fisherfolk

ON 12 APRIL, Masifundise hosted a successful strategy and planning workshop in preparation for a Fisher Peoples Tribunal to take place in 2023.

The workshop kick-started the process for the tribunal and 10 representatives of Coastal Links and inland fishing communities, as well as representatives of TCOE, Green Connection, Legal Resources Centre, SDCEA, PLAAS, One Ocean Hub, the Permanent Peoples Tribunal Secretariat, NALEDI, TNI, Crocevia, Heinrich Boll Foundation and Rosa Luxembourg Foundation participated in the meeting.

“The tribunal might pay the way forward to advance the struggle. The small-scale fishers have had a long struggle but not many successes in bearing the fruits of the struggle.” Winnie Mbokazi, Coastal Links leader, Nkundusi Kwa Zulu Natal.

A decision was made to develop different strategies and tactics to respond

to the developments impacting on lives and livelihoods of inland and coastal communities. Furthermore, to build alternative visions and campaigns centred around social, economic and environmental justice for fishers and other working people in coastal and riparian communities.

The Fisher People’s tribunal attempts to effectively document and expose ocean grabbing and the violations of fishing communities’ rights and to check if their rights are being met and the efficacy of the associated policy processes.

The attendees shared previous tribunal experiences, commented on the structure and format of the process, identified significant themes in the small-scale fisheries sector and recognized gaps for the way forward.

“Work needs to be done on a grassroots level. Some do not even realise where we come from. Government officials do not recognise us as people. We are seen as the commoners that need to be removed.

People do not know of these government meetings where they have plans that involve us” Zingisa Ludude, Coastal Links Leader, Eastern Cape.

The Fisher People’s tribunal will not be a once-off event, but a process centred on fishing communities’ livelihoods, culture and traditions putting forward an alternative vision for an environmentally and socially just use of the ocean’s resources, rooted in food sovereignty and climate justice.

The tribunal might pay the way forward to advance the struggle. The small-scale fishers have had a long struggle but not many successes in bearing the fruits of the struggle.