

Contributions to the MLRA Bill amendments

16 October 2013

Parliament, Cape Town

Background

Honorable Chairperson and portfolio committee members, fishers of our beloved country, officials of DAFF, I greet you all on this important occasion for the small scale fishers of South Africa.

I am Lulamile Ponono from the clan of Tshawe, Togu, Ngconde, Mdange kaTshiwo whose umbilical cord is buried in Cebe. My nearest town is Centane, under the Mnquma municipality in the Eastern Cape. Here I am going to speak as a fisher, whose parents were fishers, grandparents were fishers and great grandparents were fishers. I believe I represent the views and feelings of many fishers from where I come from. We fish as individuals but in a group and we share common rules not individual rules. It is always safe and less boring to fish as a group. Although I am from Cebe, I fish in the waters between Gqungqe on the north and Nxaxo on the south. I know fishers from Gqungqe and Nxaxo and they also know me. As fishers we have common experiences, aspirations and needs. We face the same conditions and challenges. Most importantly we have families to feed and communities to build.

About the Amendment Bill

Let me state it from the onset that we support the amendment of the MLRA 100% although the Bill in its current form does not address 100% of our concerns as small scale fishers. Here are the reasons why we support it:

- The amended bill will make it possible to implement many aspects of the Small Scale Fisheries Policy
- Implementation of the SSF Policy will in turn restore our dignity as the people whose fishing rights were taken away from us
- For the first time we will be recognised as bona fide fishers who have rights to marine resources
- The policy will enable us to participate in the management of the resource through co-management
- Women and youth will participate and benefit in the small fishing sector
- Fishers will be able to take part in the economic activities linked to this sector as they will be allowed to sell to the market of their choice

Recommendations

Legal Entity to hold Fishing Rights

The legislation must give fishers a choice to determine their preferred legal entity for holding rights on behalf of the fishing community as guided by the conditions and dynamics of their area. The legislation must only provide guidelines on the compliance standards of the legal

entity. Government must provide support to any chosen form of right holding entity (not just co-operatives).

We **SUPPORT** the use of co-operatives as an economic vehicle for economic activities of the fishers in a fishing community and hope that the Bill can find a way to include support by providing resources and training to other fishers economic entities.

Community Rights

We **SUPPORT** the awarding of rights to recognized fishing communities as opposed to individuals.

REASON - We already hold and use the land as a community. The community form of ownership protects both the community and the individual members in that community. WE have shared rules which need to be enhanced for the exploitation and protection of the marine resources which is also an important source of our livelihood.

Subsistence Fishers

We **SUPPORT** the replacement of the term subsistence fishers with small scale fishers.

Reason - because that's who we are and the term subsistence was imposed on us as we never fished for consumption only, we consumed, we battered and now we sell. We fish mainly to feed and provide for our families.

Conclusion

We support this Amendment Bill because it is transformative, it brings back our dignity, it eliminates exploitation, harassment, beatings and detention of small scale fishers. The Bill once it becomes legislation will create space for more inclusive participation in the management of the resources and do away with discriminatory practices in the way fisheries are exploited and managed. It will redress the injustices of the past by giving us back our traditional fishing rights. It will assist in the fight against poverty by contributing to food security and providing jobs. Lastly it is in line with the Bill of Rights contained in the Constitution of the Republic of South Africa and is in line with international guidelines on the management of marine resources.

Sadly and as I alluded to before, this Bill will not deal with all challenges we currently face. like The plight of people who live in or near MPAs such as in Dwesa Cwebe where traditional fishers suddenly found themselves without access to fishing areas in their traditional fishing waters still need to be addressed.

However, we must applaud this important step towards many steps needed to undo the injustices of the past.

Maz'enethole !

Igalelo kuhlengahlengiso loMthetho iMLRA (Act 18 of 1998)

16 EyeDwara 2013

Intshayelelo

Mhlali ngaphambili, amalungu abekakileyo ekomiti, abameli babalobi bezwe lakowethu, amagosa eSebe Lezolimo Amahlathi Nezolwandle, wonke umntu olapha kulomnquba, ndivumeleni ndibhotise kuninonke ngokulinganayo ngalemini ibaluleke kangaka kwimbali yabalobi abancinane. NdinguLulamile Ponono, uTshawe uTogu, uNgconde uMdange kaTshiwo onkaba yakhe iseMpuma Kapa idolophu nguCentane, phantsi komMasipalati uMnquma, ilali yona kukuCebe. Apha ndizakuthetha njengomlobi, ozalwangumlobi, utatomkhulu wayengumlobi kanti nokhokho wam wayengumlobi.

Ndicinga ukuba ndithethela abalobi abaliqela kuba baninzi abalobi abafana nam apho ndisuka khona. Ukuloba asiyonto uyenza wedwa ngenxa yesithukuthezi kunye nobungozi bokuhamba wedwa xa ulobayo. Noxa ndingowaseCebe ndiloba kulwandle phakathi kwelali iGqungqe engasentla kunye neNxaxo ngezantsi. Lento ithetha ukuthi ndiyabazi abalobi baseGqungqe nabaseNxaxo kanti nabo bayandazi.

Manditsho kwantlandlolo ukuthi thina siyaluxhasa uhlehlengiso kumthetho iMLRA phantsi kwezizizathu:

- Kuzakubangela ukuba nathi sifumane isidima nentlonipho njengabantu abakhoyo nabanelungelo lokuthathelwa ingqwalasela kuluhlu lwabantu abasebenzisa imveliso yolwandle
- Sizakutsho sikwazi ukulawula ngokubambisene namanye amaqela achaphazelekayo phantsi kolawulo lobambisano (co-management) oluqulathwe yipolisi
- Oomama, ulutsha nabo bazakuthi bafumane ithuba lokuxhamla phantsi kwepolisi
- Abalobi bazakutsho baxhamle ngokuthi bakwazi ukuthengisa kwindawo zabo nangaphandle

Iziphakamiso

Abalobi mabangakakazwa ngendlela enye yokuba ngubani omelwe kukusingatha amalungelo abo okuloba kuloko mabanikwe ilungelo lokuzikhethela phakathi koKopoletyeni, iTrasti, inkampani, iCPA kunye naliphi na iqumrhu abanokuzikhethela lona ukulungiselela imeko yabo.

Siyayixhasa imbono yokuba okopoletyeni babe yinqwelo yokuziphuhlisa kwabalobi

Isizathu- Urhulumente sele ebekelebucala inxaso yeszimali yokopolotyeni, okopoletyeni bavulelekile kuye wonke ubani

Siyakuxhasa ukunikezelwa kwamalungelo aselwandle ngokwengingqi hayi ngokweziqo

Isizathu - thina sihlelli sisebenzisana ngokubambisana yaye ukhuseleko lwamaqela kunye nolweziqo lukhulu phantsi kwalenqkubo

Siyakuxhasa ukubhangiswa kwegama labalobi abalobela ukufaka emqaleni kuphela (subsistence fishers

)

Isizathu - eneneni elogama ligama esiliphiweyo yaye alingqamananga nendlela esiphila ngayo – Thina silobela ukondla iintsapho zethu ngokudla esikulobileyo nangokuthengisa oko singakudlanga

Ngamafutshane sixhasa lomthetho kuba uzisa inguqu, ubuyekeza isidima sethu kuba uphelisa ukuxhatshazwa, ukubethwa, ukubulawa, uvulela intatho nxaxheba ekusebenziseni nasekulawuleni imveliso yolwandle, wongeza amathuba okulawula nokulondoloza ngokubambiseneyo, uphelisa umkhethe kuba ubuyekeza amalungelo ethu ekudala athatyathwayo kuthi, uncedisa ekususeni ikati eziko, womgeza amathuba emisebenzi, uhambisana nomgaqo siseko kunye nemithetho yamazwe ngamazwe.

Siyathemba ukuba kungekudala sizakuthi sibuye sihlaziye amanye amasolotya angasiphathanga kakuhle njengomba weMPA apho abalobi abaninzi njengase Dwesa Cwebe bazibona bengenandawo zokuloba kumhlaba wokhokho babo.

Maz'enethole !