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## **COASTAL LINKS SOUTH AFRICA/MASIFUNDISE DEVELOPMENT TRUST**

### **MEMORANDUM TO:**

### **PORTFOLIO COMMITTEE ON AGRICULTURE, FORESTRY AND FISHERIES**

#### **Parliament of South Africa**

**25 November 2016**

Chairperson – we respectfully call on you to make sure that the DAFF desists from allocating any further commercial fishing rights this year and even next year. Especially WCRL fishing rights. We say STOP ALLOCATING FISHING RIGHT TO BUSINESS UNTILL YOU KNOW HOW TO DEAL WITH SMALL SCALE COMMUNITIES. We say so because Small-scale fishing communities in South Africa have been perpetually ignored and marginalised at the expense of the commercial fisheries. I personally, and on behalf of Masifundise, have made this statement to this Committee many times. Today is not the first time. We are tired of having to come here to say the same thing over and over again. The time to change is now, and this Portfolio Committee on Agriculture, Forestry and Fisheries have the power to bring positive changes to the lives of millions of people.

Fishers who everyday go into the oceans, starting from very early in the morning to earn a living for their families and produce food for communities.

People, and especially women, who scour the beaches and rocks on the beaches in search of food for their families.

People who live in poverty, but, who lives on the coast, where the bounty of the oceans are plentiful, but so out of reach to feed their families, just because the law and the allocation of legal rights to harvest from the sea has been taken away from us, such 'rights' have perpetually been given to private companies at our the expense of our human rights.

As fishers, we are witnessing the return of our rights (through the SSF policy) is being implemented in a distorted and disinclined manner, as if the Department of Agriculture Forestry and Fisheries are merely just going through the motions to address the very basic provisions of an Equality Court Order without addressing the substance and meaning of it.

We say, in no way can it be just a case of going through the motions! We need our rights to harvest from the seas to be restored and to be restored in a substantive manner. And, you as elected officials who have been tasked to oversee the fisheries and have oversight over

the implementation of the law and policy, we ask for your intervention to allow for a proper implementation of the policy.

You have the power to change our lives for the better, use that power; we are the same people, from the same country, and in many instances from the same communities.

We have the following grievances concerning the implementation of the small-scale fisheries policy:

1. The Department of Agriculture Forestry and Fisheries (DAFF) issued a Government Gazette notice that pertains to the implementation of the policy, and after we have carefully studied and considered Government Gazette No. 40286, published on September 16, 2016, known as 'Duration of Small-Scale Fishing Rights', we appealed against what this notice seeks to make a reality, which in essence wants to bring about a regime in which small-scale fishers are reduced to a community without decent sustainable livelihoods after three years, maybe five years, at the whim of the minister or one of his delegated authorities.
2. This we feel goes against the grain and the spirit of the judgement of the Equality Court of 2007 (George vs the Minister of Environmental Affairs and Tourism), the process and development of the small-scale fisheries policy, the small scale-fisheries policy itself and the Amended Marine Living Resources Act of 2014.
3. In support of our Appeal against the 'Duration of Small-Scale Fishing Rights', we put our case thus:
4. Fishing for the small-scale fishing community is a customary right that we as a community have been practicing in South Africa for centuries, and that the regime of allocating fishing rights came about because of the plunder of the marine resources by large commercial fishing companies.
- 5.
6. We have been sidelined and as the years passed, it seems that our rights are being further undermined and eroded, and this latest notice seems to be continuing that trend, just as we thought that there was light at the end of the tunnel with the start of the implementation of the small-scale fisheries policy.
7. .
8. The Small-Scale Fisheries Policy is designed to bring back the dignity of small-scale fishers, provide food security and sustainable livelihoods.
9. The implementation of this policy is of importance and the allocation of adequate fishing rights under this policy is a critical factor to our livelihoods. With this said, Small-Scale fishing communities rely on the power of the Small-Scale Fisheries Policy.
10. As things stands, the sector has been given a raw deal, and this notice is one such raw deal in point.

Masifundise has directly organised small scale fishing communities country wide for the last nearly two decades. We have active branches and local committees in 120 coastal communities some urban – but most rural in the all four coastal provinces. We, call on the Portfolio Committee to prevail; on DAFF, to urgently prioritise the sector and not overlook the lives of those who are adversely affected by ill-considered decisions of the department and its advisors.

And – yes – we are more than ready to receive the implementation of the SSF policy. In fact we are beyond ‘being ready’.

That Government Gazette 40286 on September 16, 2016 known as ‘Duration of Small-Scale Fishing Rights’, should immediately be withdrawn, because:

1. Small-scale fisheries rights are a customary practice and therefore no duration could be coupled to the practice of our custom.
2. It goes against the grain and spirit of the ruling of the Equality Court of 2005 (George vs Minister of Environmental Affairs and Tourism), the Small-Scale Fisheries Policy and the Amended Marine Living Resources Act, 2014.
3. it is blatant discrimination that the commercial fishery is being given long term rights of eight years and more but the small-scale sector is being given a fishing right for a mere three years.

Further to that, the success of the small-scale fisheries policy and the co-operatives, which will be the vehicles that will be driving the policy, will entirely depend on what resources will be given to us as fishing communities.

Our marine resources will be allocated as a communal right and in the form of a basket of resources, and giving us too little resources will lead to the failure of our co-operatives and the failure of the policy.

At the moment, we are saying our baskets will be empty, because:

1. Virtually all but four line-fish, rights have already been issued to the commercial fishery sector– that means from Port Nolloth, on the border with Namibia, right up to Kosi Bay, on the border with Mozambique, small-scale fishing communities have to share that 21 line-fishing rights – This gives us the clear impression that what is intended for the small-scale fishery sector is below meaningless Is this sustainable?
2. Of the 45 net-fish rights that is left after almost all the rights were allocated to the commercial sector, all of it will be allocated to the fishers on the Olifants River Estuary Again it means that fishing communities from Port Nolloth, on the border with Namibia, right up to Kosi Bay, on the border with Mozambique, will have to share that 45 line-fishing rights – Is this sustainable? It seems like an insult to the small-scale fishing communities.
3. The West Coast Rock-lobster TAC rights, it seems from the small percentage that has been allocated to the small scale fisheries, has been treated like it is Interim Relief, which only deepens the insult. Why does this happen? Because to us as small-scale

fishing communities, it seems that we are being given the crumbs after the commercial sector have been allocated their rights.

To correct this skewed allocation of the TAC, we recommend that this Portfolio Committee engage with DAFF and request them that when they allocate fishing rights, that they allocate rights to all sectors at the same time, and not make commercial allocations and give what is left over to the small-scale fisheries sector, making it seem as if the small-scale fisheries sector is the Cinderella sector within DAFF.

DAFF should therefore commit to:

1. Revoke and review all line-fish allocations that have already been made.
2. Revoke and review all net-fish rights that has already been made
3. Revoke and review all white mussels rights that has already been made
4. Do not allocate commercial rights in the West Coast Rock Lobster, until it is clear to make allocations for the small-scale fisheries policy as well.

At the moment it seems as if there will only be a few net and line-fish rights to be allocated for our baskets, and other species of lesser value.

We urge this portfolio committee to think hard and deep about the plight of our communities.

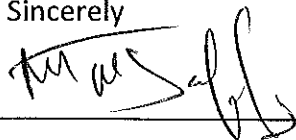
Remember commercial fisheries have benefitted from our oceans for a long time whilst we have been excluded.

Small-scale fishing has been robbed of our rights to sustainable livelihoods, and we have been robbed of our dignity in the process.

We are poor and humble; we have dignity, and poverty have this double-edged sword that can rob us of our dignity. What we are asking of you today, and we are not begging:

Restore our livelihoods! Restore our Dignity.

Yours Sincerely



M.N. Jaffer

Director

Masifundise Development Trust.

