

Seeking Protection

A recent workshop held at Langebaan, South Africa, dealt with how communities can be themselves protected as marine protected areas are increasingly developed

How can we be protected from protected areas? This has been the refrain from small-scale fishing communities up and down the South African coast over the past ten years whenever they have come together to share their experiences of conservation and fisheries management policy. Small-scale fishing communities along the South African coastline, without exception, have a collective history of displacement, dispossession and marginalization due to the declaration of marine protected areas (MPAs). While the distinctive experience of this differs from area to area, MPAs have been viewed with fear and mistrust, rather than as one of several management tools that has the potential to protect the resources that these communities have traditionally depended on for their food security, their livelihoods and for a rich array of customary and spiritual practices that sustain their cultures.

It was towards this potential that Masifundise Development Trust, with support from the International Collective in Support of Fishworkers (ICSF), organized a workshop titled "Protecting Community Rights in Marine Protected Areas" in Langebaan on the West Coast of South Africa during 14-16 April 2010. The two-day national-level workshop was attended by 39 participants, including men and women community representatives living in, or adjacent to, existing or planned MPAs in all four coastal provinces, non-governmental representatives, government officials from the Directorate responsible for MPAs in the Department of Environmental

Affairs, the South African National Parks Authority and KZN Ezemvelo Wildlife, and researchers working on MPA issues within a local university. This was the first-ever workshop of its kind in the country that aimed to include communities themselves in dialogue with a range of stakeholders, to identify the impacts of MPAs on fishing communities and raise awareness of the rights of small-scale communities in the planning, management and implementation of MPAs.

The workshop took place at a most opportune time as the department

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responsible for developing the first-ever policy on MPAs is currently drafting it, and the official responsible for the process attended the workshop. Similarly, the fishers are participating in a process of developing a new small-scale fisheries policy for the country, which will be finalized in the coming months. The workshop thus provided a critical opportunity to ensure that these two policies are integrated and will both promote and protect the rights of small-scale fishing communities in the future.

Marine biodiversity

South Africa has a lengthy history of space-based measures for the protection of marine biodiversity

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A participant at the workshop shares her group's feedback on the key issues facing small-scale fishing communities living in, or adjacent to, MPAs

use, which tends to be, however, extremely limited. Several of the MPAs are complete no-take areas and communities were physically removed from these sites and relocated outside the reserves.

The Langebaan workshop created an opportunity for communities to share their stories about the impacts that MPAs have had on their lives and livelihoods. It was notable that all of the 16 coastal communities represented at the workshop told of histories of dispossession, and loss of access, lack of consultation, lack of equitable benefits, and lack of communication, and expressed bewilderment as to how they, as traditional small-scale communities, could be restricted within these areas, while they look on as MPAs have become havens for poachers, and recreational and commercial fishers who are able to enjoy the benefits of these areas.

William Blake, a traditional net fisherman of the West Coast National Park, recalled that he was born on the edges of the Langebaan Lagoon, and that his family was forced to leave their home due to the declaration of the National Park. He and several of his brothers lost their customary rights to fish, and he was forced to seek work elsewhere. While the MPA in the Lagoon has been zoned for sustainable use, the number of fishing permits allocated to the net fishers who depend on the resource for their livelihoods has been restricted to ten. In contrast, recreational fishing in the Lagoon has increased considerably over the past few decades and these fishers appear to have few restrictions. The perceived inequity of a system in which recreational and commercial fishers have less stringent restrictions was a theme that dominated the fisher participants' presentations at the workshop. This was highlighted in the presentation from Hout Bay, in an MPA in which commercial fishing companies have enjoyed the right to continue harvesting a quota of lobster, under the guise of it being an experimental quota, while the local traditional fishing

and fisheries management. The first marine reserve was declared in 1934, with the aim of protecting the commercial fishing industry's lobster interests. Currently, 21 per cent of the coastline is under protected area status, and the country boasts 24 MPAs declared under the Marine Living Resources Act of 1998, which is also the legislation that governs all fisheries management. The country's history of MPAs, like that of terrestrial protected areas, reflects the political economy of the country.

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A combination of colonial and apartheid land, conservation, mining, forestry and fisheries management policies over the past 100 years resulted in traditional fishing communities being dispossessed of land and their access to natural resources along the 3,000 km of coastline. Most of the country's MPAs include no-take sanctuaries as well as restricted-use zones, within which there is some sustainable

community has been denied all rights to fish in the area.

Lack of consultation and communication between traditional fishing communities, the traditional authorities within their areas, and conservation and government fisheries agencies was highlighted by the community representatives from iSimangaliso, one of South Africa's largest World Heritage Sites that incorporates two contiguous MPAs and lies adjacent to a recently declared transboundary MPA extending along the South Africa-Mozambique coastline. Ironically, this area received much attention during the World Parks Conference, held in Durban in 2003, yet the indigenous and local communities living within this Park are struggling to assert their right to the land adjacent to the coast that they have traditionally owned, and to use and manage the marine and coastal resources that their communities have depended on for generations. In protest, one of the communities in this Park has recently cut down a fence that was erected around their lands without consulting them.

The establishment of a missile testing range within an MPA has confused fishers from the fishing village of Arniston on the south coast. Many of these fishers were forced to move from this area to make way for the nature reserve, and they are now prohibited from fishing in the waters adjacent to the Park. Understanding that this was in order to protect these resources, they find the activities of the missile testing range understandably confusing. They resent the lack of information, and query the impact of the missile testing on the fish stocks in the surrounding waters.

The confusing permit regulations surrounding MPAs was raised by several participants. The fishers noted that in several MPAs, large industrial fishing activities, and, in some instances, mining, are still permitted both within the MPA or adjacent to the MPA. The fishers queried the logic and rationale for MPAs if destructive

practices are permitted to continue while their relatively environmentally friendly fishing methods and gear are prohibited. Willie Smith of Mkambati highlighted the impact of the declaration of the MPA on the livelihoods of 50 families who have lost their access to the sea. Two of the other fishing communities represented face the declaration of MPAs in their

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areas and spoke of their experiences of the consultation processes. These processes are perceived as being 'top-down' and failing to include the fishers' own local knowledge in the planning processes.

In the opening input to the workshop, Jackie Sunde provided an overview of the international and national policy and legislative framework governing MPAs. She highlighted the commitments within the Convention on Biological Diversity (CBD) Programme of Work on Protected Areas (PoWPA) to the rights of indigenous and local communities

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Langebaan fishers met at the workshop to evaluate the social impacts of MPAs on their lives and livelihoods

The Langebaan Statement on Marine Protected Areas

We, representatives from small-scale fishing communities, Masifundise and other organizations working with, and in support of, fishers in South Africa, having participated in the workshop "Protecting Community Rights in Marine Protected Areas" in Langebaan, 14-16 April 2010,

We are committed to contributing towards sustainable marine biodiversity and sustainable, equitable coastal livelihoods in South Africa.

We are very aware that our coasts are very important, ecologically rich and diverse marine environments, of critical importance for the biological diversity of the country as a whole for current and future generations as well as being a source of important economic, social and cultural resources.

We see MPAs as one of several important tools in order to protect our marine environments in the future. We believe that MPAs are very important but they need to be planned and managed in such a way that they balance the needs to protect the marine environment while promoting poverty alleviation, integrated livelihoods and a human-rights approach to development along the coast.

Our vision is of an equitable, sustainable and biologically rich and diverse marine environment that promotes small-scale fisheries, working towards poverty alleviation and sustainable local economic development.

We note that our small-scale fishing communities up and down the coast have lengthy histories of using and managing our marine resources as the basis for our life and livelihoods. We have developed extensive indigenous and locally based knowledge of the marine environment, and many of our customary, social and cultural practices are closely linked to our coastal livelihoods and use of marine resources. Our traditional fisheries thus have important cultural heritage value and are an integral part of the marine biodiversity systems in our coast.

We also note that in the past many MPAs have been imposed on local communities, dispossessing them of their access to resources, their local social and cultural rights and opportunities, and this has created a negative perception of

MPAs amongst many fishing communities. The way in which MPAs are currently being managed has meant that local communities have not benefited equitably. In some instances, MPAs have negatively impacted local communities' livelihoods.

We are concerned that unsustainable fishing practices, especially those of the industrial and recreational sectors, coupled with land- and sea-based pollution, unrestricted tourism development along the coast as well as the influence of climate change, are impacting the sustainability of our marine environments. We believe that this requires an integrated approach to marine and coastal management, using a range of management tools. We note the international and regional biological diversity commitments to which South Africa has committed itself, most notably, the Convention on Biological Diversity (CBD), as well as a range of international fisheries management laws and policies, such as the Code of Conduct for Responsible Fisheries.

We urge our government to ensure that the new MPA policy and the new small-scale fisheries policy will work towards realizing the principles embodied in these international instruments as well as towards the principles contained in our Constitution and National Environmental Legislation. We call for a human-rights-based, environmentally sustainable and integrated approach to MPAs based on the following:

- recognizing the rights of bona fide small-scale fishing communities living in, or adjacent to, MPAs and granting them preferential access to marine resources in these areas;
- recognizing the right to participation and the full involvement of fishing communities in all stages of planning and decisionmaking in all MPAs, recognizing their role and valuing their indigenous knowledge in the research involved in the planning process;
- recognize the importance of gathering information on the potential social, cultural and economic impacts on the local communities living in, and adjacent to, the area;
- affirming the principle of co-management and decentralization of decisionmaking, establish the

to participate fully in the planning and implementation of MPAs and to benefit equitably from such areas. Drawing on the experience of the Endorois community in Kenya, which has won their right to return to their ancestral land and inland waters following their forced removal to make way for a nature reserve, Jackie emphasized the importance of fishing communities' awareness of their rights, and the need for communities to advocate for these rights.

Mbulelo Dopolo, the manager of the South African National Parks

Marine Programme, suggested that MPAs could have significant socioeconomic and ecological benefits for small-scale fishing communities but that, currently, the threat of pollution, overexploitation of fish stocks, tourism developments, and lack of adequate data threaten the benefits of MPAs. The fishers welcomed his openness in engaging with them on these issues, and commented that he was one of the first conservation scientists they had met who had actually admitted that government had very little

necessary and appropriate institutional arrangements such as forums at local, regional and national levels that will work towards progressively achieving a partnership between government, communities and other stakeholders, including for each MPA. The development of MPA policy and planning must include representatives from fishing communities;

- involve local government municipalities and local and provincial forums and ensure integration of these structures with MPA planning and management at this level, where appropriate;
- ensure that governance and decisionmaking in MPAs is transparent and accountable;
- ensure that co-management committees and local forums are given the necessary power that they require in order to manage local resources effectively;
- ensure that the planning of offshore MPAs is done in an integrated way and is linked to the planning and management of inshore MPAs;
- ensure that local communities benefit equitably from MPAs, particularly from the introduction of non-consumptive use-related livelihood opportunities;
- involve communities in local monitoring of fishing and other activities in MPAs, drawing on the local knowledge of these communities;
- the design and planning of MPAs must take into consideration the specific needs of each area and design specific management plans for each area;
- design MPAs using zonation flexibly to maximize protection and benefits for both the marine ecosystem and local small-scale fishing communities, while creating opportunities for a wide range of users to enjoy the benefits of the marine environment;
- working towards restricting the use of all destructive practices such as industrial trawling, mining and weapons testing within MPAs;
- build the capacity of local communities and leadership to establish democratic process and representative structures

at the local level, conduct training and raise their awareness about the objectives of MPAs;

- train young people from local communities and create opportunities for them to share their indigenous knowledge with visitors to MPAs;
- take specific steps and establish particular mechanisms to provide opportunities for women and youth to be involved and benefit from MPAs through education and alternative livelihood opportunities;
- take specific steps to create opportunities to educate children and to create bursary or funding opportunities for them to become involved in protected area management;
- provide financial support and subsidies to small-scale communities to develop their fisheries sustainably and appropriately;
- promote the exchange of skills and lessons across MPAs and communities living in, or adjacent to, MPAs;
- ensure the free flow and availability of information to local fishing communities;
- commit to the use of local labour in all projects to ensure equitable benefits for local fishing communities;
- commit to co-operative governance and intra-government co-operation across all three tiers of government and between all departments to work effectively together towards an integrated, sustainable approach to marine conservation and fisheries management. Ensure effective compliance and enforcements in each MPA to ensure that illegal harvesting is eliminated;
- build in systems that ensure there is regular feedback and reviews of the MPA and its impact on the local community and marine ecosystem; and
- ensure that government allocates sufficient human and other resources to manage this effectively.

—*This Statement was made at Langebaan, South Africa, on 16 April 2010*

data to support some of the claims that are made in the name of MPAs.

Serge Raemaekers, a researcher currently involved in facilitating a co-management approach to the planning of a biosphere on the South Cape coast, shared the experiences and lessons from this project, in which the participation of all stakeholders, especially the local fishing community, is seen as key to its success. Serge highlighted the potential for MPAs to be designed in such a way that they can actually strengthen the

access rights of small-scale fishers through tools such as preferential access arrangements, and how they can be used to address land- and sea-based pollution and to restrict the use of destructive gear. An important aspect, in this context, has been the involvement of all levels of government in order that an integrated approach can be implemented.

A key input to the workshop came from the Director responsible for MPA policy within the Department of Environmental Affairs, Alan Boyd,

who thanked the fishers for sharing their experiences and acknowledged the extent of the frustration and mistrust that the fishers were experiencing. He was at pains to respond to their grievances, and began his presentation with a summary of the key issues that he had identified in the fishers' presentations.

These included the very disruptive impact of apartheid and the continued exclusion, which means fishers' longstanding relationship with the sea

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is under threat; lack of communication; restricted access to historical fishing grounds, which has been compromised by the way MPA zoning has been done; restricted access to launching sites; ongoing poaching in MPAs; failure to include fishers in research; the lack of policy alignment between the forthcoming MPA policy and the new small-scale fisheries policy and the need for the Department to adopt a more flexible approach to the use and planning of MPAs in the future. Boyd acknowledged the need to ensure that restrictions on access are more equitably managed in future and that there is broader consultation. He committed to a more flexible zonation policy and to promoting sustainable use, where appropriate.

During the workshop the participants divided into small groups both to explore a range of issues pertaining to the existing policy and approach to MPAs as well as to propose solutions for the problems that the fishers are experiencing. It was noted that because of the South African government's very top-down approach to fisheries management, the customary institutions and management practices of traditional communities have been undermined. The fishers' called for a

co-management approach to fisheries management and marine conservation in future, and noted the importance of ensuring that the new MPA policy is closely aligned with the new draft small-scale fisheries policy, in which they have proposed a community based approach to fisheries management.

The fishers began to envisage the use of MPAs as one of several management tools that could potentially be designed in such a way that they protected and promoted the rights of small-scale fishers vis-à-vis the industrial fishing sector. They developed proposals for a new MPA policy that would have a human-rights-based approach to fisheries management and conservation. The proposals arising out of the group discussions were synthesized by a small task group and a draft statement prepared. This statement was then further refined in plenary and accepted by the workshop (see box).

In his closing statement to the workshop, Masifundise Director, Naseegh Jaffer, noted that the workshop was a historic one. He said that while the workshop had highlighted the gap between government policy and communities' experiences of MPAs, he was confident that it had helped to contribute towards the development of a more appropriate policy on MPAs, one that would ensure that small-scale fishing communities participate in the governance of MPAs and are able to benefit equitably from the social and ecological benefits of these areas. 3

For more

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Marine Protected Areas: Local and Traditional Fishing Community Perspective

www.masifundise.org.za

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