



agriculture, land reform  
& rural development

Department:  
agriculture, land reform & rural development  
NORTHERN CAPE PROVINCE  
REPUBLIC OF SOUTH AFRICA



**VANDERKLOOF  
FISHERIES**  
A PROJECT OF NC-DALRRD  
SOCIO-ECONOMIC DEVELOPMENT

# Record of Decision of the AG meeting for Vanderkloof Dam Fisheries Project 30 March 2017



## **Vanderkloof Fisheries Advisory Group Meeting: Final record of decisions (ROD)**

Venue: Department of Water and Sanitation, Vanderkloof

Date: 30 March 2017

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### *Apologies*

Mr. Leon Barkhuizen- Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs

Mr. Len de Jager- Vanderkloof Rate Payers Association

Mr. Warwick Sauer- Rhodes University

### **1. Welcome and opening of the meeting by Thinus Jonker, Chairperson of the AG**

1.1 Attendance Register in Appendix 1

### **2. Adoption of the minutes of the previous meeting**

2.1 It has been agreed that the minutes of the AG meeting will only consist of the Record of Decision. AG members are welcomed to comments on the draft of the minutes if they feel details must be included or left out.

2.2 The minutes of the previous meeting have been approved.

### **3. Progress on Process with Experimental Fishery**

3.1 Rhodes University and Masifundise carried out the process to identify the best candidate as Fishery Officer. One person has been selected and Rhodes is waiting for the funds to be released to finalize her appointment.

3.2 Rhodes University and NC-DALRRD are engaging with Mr. Bryan Fisher to find a solution for the processing facility that will not require an EIA.

3.3 Regarding the processing facility, Rhodes is looking at the various options and in particular to the possibility of getting an all-inclusive facility that will be ready to be used.

### **4. Report on the Progress on the Kraal Engineering**

4.1 A pipe has been placed in the kraal to allow fish to get out when the kraal is not in use. This mechanism has been applied to one kraal to assess its suitability. Furthermore, Mr. Rouhani has applied a mesh to have a way out for small fishes even when the kraal is in use. The Kraal Fishers stated that they think that this system works well for them. A pipe will soon be positioned in the second kraal in the Security Zone.

4.2 Some members of the AG have raised concern about what will happen to the pipes in the case of a flood.

### **5. Report on the mapping of the kraals**

5.1 Mr. Rouhani and Mr. Hannes Roux, together with fishers' representative have mapped in the kraal in the Security Zone (map Appendix 2). 13 kraals were found in the security zone. While some of the kraals have been built recently, for some other the fishers claim historical rights. Nevertheless, the fishers agreed to use only 2 of the kraals (2 and 4 in the map) for the time of

the data collection and experiment. This does not mean fishers are giving up on their historical claims over the other kraals.

## **6. Report on the progress on the managing of the kraals**

6.1 Masifundise reported that they hired Mr. Clarence Oliphant a fieldworker to support the fishers in the management of the kraals. In a meeting with fishers from Luckhoff, Petrusville and Keurtijeskloof, it has been agreed on a rooster for which every week one town will have the responsibility to clean the kraals. The management seems to be working so far, as there has not been dead fish in the kraal in the security zone since the management system is in place (full report in appendix 3).

6.2 Additional engagement with the fishers is necessary to make sure the kraals outside the security zone are also managed to avoid fish mortalities.

6.3 The Advisory Group has accepted that 2 kraals instead of one will operate in the Security Zone. This will require making changes in the KFMP.

6.3 DWS officials pointed out that if two kraals are operating in the Security Zone, it will be necessary to submit an amendment to the General Authorization.

## **7. Report on the mobilization of kraal fishers and election of leadership**

7.1 Masifundise reported that following the concerns raised by the AG, a process of verification of the kraal fishers is being carried out. Following the verification, the kraal fishers in the list should renew their leadership, to ensure democratic practices are followed.

7.2 DALRRD suggested that once the list is verified and the new leadership elected, the kraal fishers compile their constitution to have clear rules for their organization.

## **8. DALRRD Report on Terms of Reference and Code of Conduct for the Advisory Group**

8.1 The latest draft of the ToR and Coc is in Appendix 4. SACRAA and SASACC requested the re-wording of point no 5.

8.2 Government officials representing their departments in the AG requested DALRRD to send a letter to the respective departments to clarify their position in the AG.

8.3 A new draft will be put together after receiving comments from AG members to be approved in the next AG meeting.

## **9. Feedback from DAFF on the pending issues of the KFMP**

9.1 Mr. Kishan Sankar reported on DAFF position on the pending issues for the KFMP discussed by the subcommittee.

9.2 Regarding the issue of minimum size for the species caught in the kraals, Rhodes University and DAFF scientists will put forward the minimum size requirements.

9.3 DENC stated that for the issuing of the exemption permit, it will be necessary to threshold the number for largemouth yellowfish that is caught in the kraals. The fishers will indicate what is the current number of LMYF caught.

9.4 Before discussing the possibility of a closed season, data will be collected for a full year.

9.5 Once finalized, all the previous points will be included in the KFMP, and the KFMP will be approved in the next AG.

## 10. Feedback from Dr. Barkhuisen on letter sent by Masifundise

10.1 Dr. Barkhuisen was not present at the meeting. Nevertheless, he reported to the Chairperson that Masifundise will receive a response from the MEC of FS-DESTEA.

## 11. Additional Matters

11.1 DWS reported that in order to sign the Indemnity Agreement the KFMP will have to be approved and the permits will have to be issued. The additional kraal in the security zone will have to be recognized by the AG to proceed to amend the General Authorization.

11.2 The AG voted in favor of allowing fishers to use the 2 kraals in the security zone. DWS stated that a new risk assessment will be necessary for the second kraal. Fishers will have to communicate their schedule to DWS so that a guard can be put in place, to regulate access to the security zone.

11.3 Masifundise raised the issue of SASACC and SACRAA participation to the AG, after they publicly announced their intention to undertake legal measures. Dr. Aidan Wood, representative of SASACC and SACRAA stated that their issues are only related to the use of gillnets and the protection of the LMYF, but they are still trying to find solution that will not require going to court.

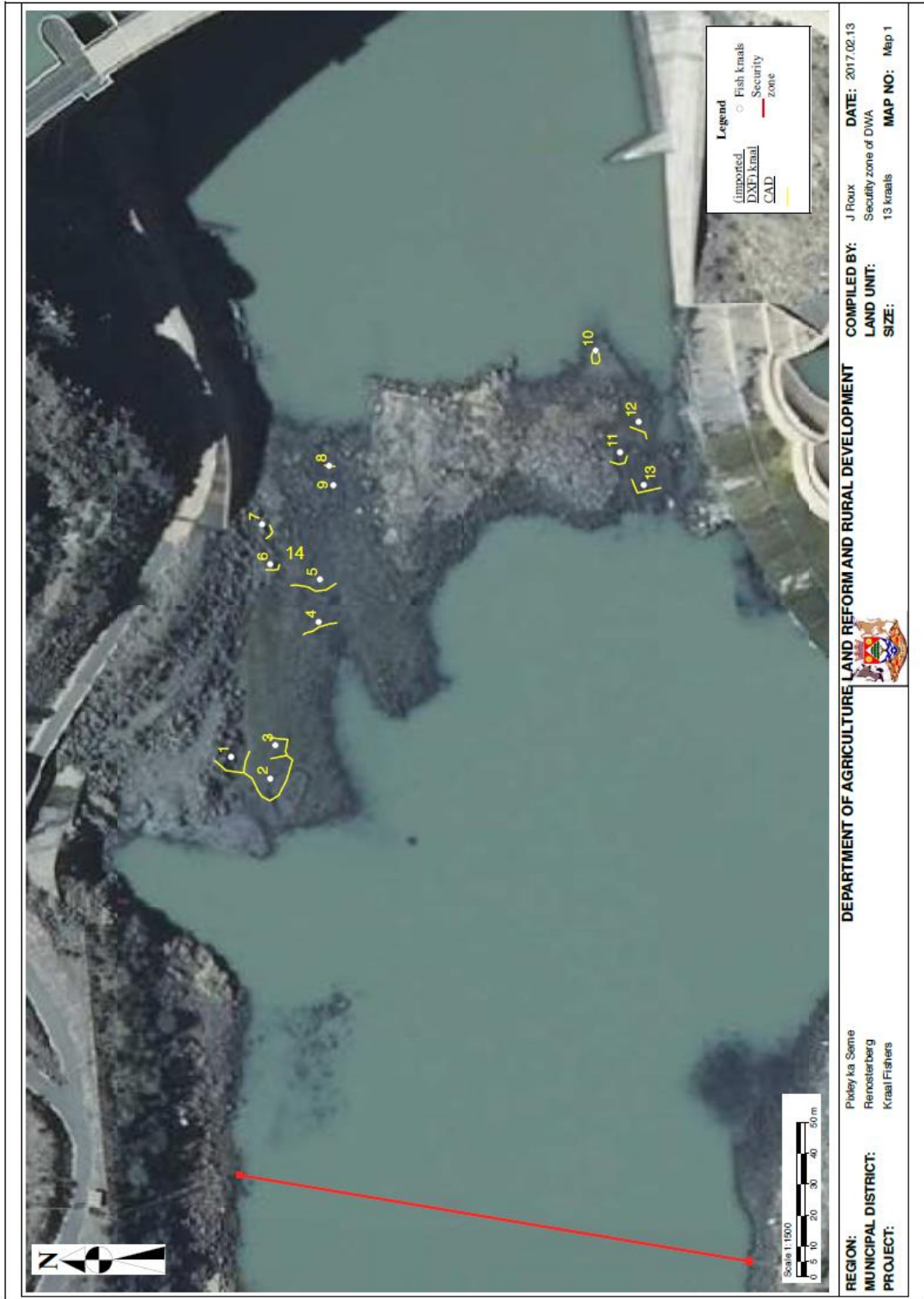
11.4 Mr. Jonker requested that SACRAA consider that the experiment should proceed without a court case, to permit data to be collected and be used to inform decisions on the way forward.

## APPENDIX 1- Attendance Register

Name and Surname	Organization	Email Address	Contact No.
Thinus Jonker	DALRRD	tjonker@ncpg.gov.za	0833739006
Carmen Mannarino	MDT	<a href="mailto:carmen@masifundise.org.za">carmen@masifundise.org.za</a>	0712833179
Qurban Rouhani	Rhodes	<a href="mailto:q.rouhani@ru.ac.za">q.rouhani@ru.ac.za</a>	0824455700
Jabu Mokoena	DWS	Mokoenas2@dwa.gov.za	0829062768
Johannes Roux	DALRRD	<a href="mailto:hroux@ncpg.gov.za">hroux@ncpg.gov.za</a>	0718607550
Andre Swart	DALRRD	<a href="mailto:aswart@ncpg.gov.za">aswart@ncpg.gov.za</a>	0538397821
Dries Visser	DWS	<a href="mailto:visserd@dws.gov.za">visserd@dws.gov.za</a>	0514059000
David Paulse	DENC	<a href="mailto:permits@vodamail.co.za">permits@vodamail.co.za</a>	0823357713
Johannes Coetzee	SSF		084519835
Lorenzo Danster	SSF		0791066452
Clarence Oliphant	MDT		0793904003
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Steven Nhalathi	DWS	<a href="mailto:nhalathis@dws.org.za">nhalathis@dws.org.za</a>	0836091434
Caroline Badenhorst	RPA	carolinebadenhorst@vodamail.co.za	0845053667
Aidan Wood	SACRAA/SASACC	<a href="mailto:tagfish@telkomsa.net">tagfish@telkomsa.net</a>	0828694939

## APPENDIX 2- Map of the kraals





**APPENDIX 3- Masifundise Report on the Progress**

## **RE: Report on Progress in Vanderkloof (28/02/2017)**

### *1. Appointment of Clarence Oliphant as fieldworker for Masifundise Development Trust*

In February, MDT decided to appoint Clarence Oliphant as fieldworker for Vanderkloof. The appointment resulted from the extraordinary circumstances experience at the kraals. His task will include supervising the kraal fishers' activities, engage with the communities on a day to day basis, and managing communications with communities and other local stakeholders.

### *2. Additional Kraals and Fish Mortalities*

On the 23<sup>rd</sup> of February, Masifundise held a workshop with fishers from Luckhoff, Petrusville and Keurtijeskloof. All the fishers present to the meeting took critical decisions regarding the kraals in the Security Zone, agreeing that only kraal 2 and 4, as for the map in Appendix 2, will be operational. Fishers took responsibility and action and together with DENC officials, Mr Themba Mathembula and Mr Henry Pampier, and Masifundise they destroyed the other kraals. Fishers' decision has been summarized in a joint declaration from Masifundise and the kraal fishers (Appendix 1). We regard this as an extremely important progress in fishers' involvement with the project, as fishers showed commitment, responsibility, and ownership over what happen at the kraals.

Masifundise and the fishers, together with the DENC officials, also engaged in in-depth conversation over the causes of fish mortalities at the Dam. While recognizing the importance of good management of the kraals by the fishers, they also suggested that other causes might be influencing the large number of dead fish at the kraals. Therefore, Masifundise fieldworker and the new Fishery Officer will document and study the phenomenon to broaden the collective understanding of the causes behind the fish mortalities.

### *3. Kraal Management and Communication System*

On the 23<sup>rd</sup> of February, fishers agreed on a management and communication system for the kraals, that included a roster for cleaning the kraals and a communication system that includes the communities, the Fishery Officer, DENC and DWS local officials. The communications will be managed by MDT fieldworker, Clarence Oliphant.

### *4. Verification kraal fishers*

In the past months, issues have been raised on the list of the kraal fishers. Masifundise discussed such issues with the fishers and agreed on undertaking a verification process that will produce a final list of fishers. The objective is to get all the traditional kraal fishers to be included in the project to secure that their livelihood is protected, but also secure that the process is socially and ecologically sustainable, fostering the compliance with rules by all the fishers. The process of verification will be carried out in the next weeks.

Following the verification process, fishers will elect committees and leaders. This is part of the community development practices that MDT fosters in every community we work with.



## **Vanderkloof Kraal Fishers**

### **Record of Decision**

23 February 2017

At fieldtrip to Luckhoff, Petrusville and Keurtjieskloof, during the period, 20 – 22 February 2017, Masifundise Development Trust met with fishers to discuss the seriousness of the issues pertaining to dead fish and additional kraals being built. The fishers were informed of a general meeting for the 23<sup>rd</sup> of Feb.

The meeting was held at DENC - Vanderkloof, on the 23 February 2017 and was attended by Kraal fishers from Petrusville, Keurtjieskloof and Luckhoff (register attached)

The meeting acknowledged that the Kraal fishery was under threat and that they have the responsibility and means to develop an effective management plan to ensure the success of the Kraal fishery.

Not- withstanding that other historical kraals exists, the meeting unanimously agreed that only 2 kraals, (2 & 4 as per the attached map) will remain operational until such time that they are able to manage it well.

The fishers indicated that they have taken this decision as a demonstration of their commitment and ability to manage the fishery and take ownership of their historical rights.

Further to this, the meeting, with the support and in the presence of DENC officials agreed to breakdown the other kraals.

This meeting also agrees that DENC must continue to do its work in ensuring that no other kraals be erected.

### **APPENDIX 4- Draft of ToR and CoC**

## **Terms of Reference and Code of Conduct for the Vanderkloof Fishery Advisory Group**

### **Background Information**

The Vanderkloof Fishery Advisory Group (from here on known as the Advisory Group or AG) was convened in 2014 by the Provincial Department of Agriculture,

Land Reform and Rural Development (DALRRD) to develop the management plans for an experimental fishery on the dam and the kraal fishery. In the absence of legislation or policy, at either provincial or national government that explicitly guides the process to develop inland small scale fisheries or even on how to manage existing traditional inland fisheries, DALRRD invited relevant stakeholders to constitute the AG to make the necessary recommendations and develop the management plans.

The AG is essentially a co-management structure and operates similar to the principals of co-management as outlined by the FAO. To date relevant stakeholders have been included (thus it is an inclusive process), it is democratic in its essence, consultative and transparent.

The overriding principals of the AG are not only based on FAO fishery principals, but also of the constitution of the country. Therefore, the development of small scale fisheries in South Africa is not only about addressing the biological or sustainability (environmental) issues, but also about addressing issues outlined in the constitution of the county, such as social justice, transformation, equity and human dignity. It's about recognising that sectors in our society were denied access rights to our natural resources and now creating the space that fosters equitable access to state resources.

### **Objectives of the AG**

To develop fishery management plans that is based on scientific and sustainable principles, but is also socially acceptable (this is in the absence of legislation and policy with regards to small scale fishery development).

### **Terms of Reference (ToR)**

1. To develop an experimental fishery management plan for the dam fishery.
2. To oversee the implementation of the experimental fishery.
3. To make adaptive management decisions during the duration of the experimental fishery based on scientific data as and when it is generated.
4. To develop a management plan for the kraal fishery.
5. To oversee the process in which scientific data is gathered for the kraal fishery project and then make adaptive management decisions.
6. To support the fishers (both kraal and experimental) to investigate and develop diversification of their operations (tourism, recreational fishing, marketing, etc.)

### **Code of Conduct (CoC)**

1. Decisions by the AG will be reached by through a process of consultation and discussions. If at the end of this process a decision cannot be made, the DALRRD has the right to make the final decision. The DALRRD also has the right to defer the issue at hand to a subcommittee of the AG or to another government department.
2. Members that don't agree with decisions taken should ensure that it is recorded in the minutes.



3. Once the AG has signed the final versions of the fishery management plans, the various stakeholders agree to uphold the document and implement it to the best of their ability.
4. The AG is a not a “watch dog” forum, its primary objective is to develop and assist with building the capacity of the local community. Therefore members of this forum need to engage in a way that is conducive in achieving the objective and Terms of Reference of the AG.
5. The inner workings, dialogue, and general communications of the AG is not meant for public consumption nor to be communicated to outside individuals as it is still work in progress and as such confidential. The only communications that can be circulated outside the group are approved minutes and the approved versions of the fishery management plans. No other information can be circulated outside the group unless it is approved by the AG chair.
6. If there are any challenges identified by members of the AG, the course of action is to bring it to the attention of the AG and then to allow the AG to take action if and when necessary. The person who identified the challenge to the attention of the AG must give the AG time to respond and implement a solution. It is not for any member of the AG to air grievances in the public (media) or even to threaten to do so.
7. Frank and robust engagements within the AG are acceptable. However making personal or insulting remarks will not be permitted.
8. The subcommittee can include members of the AG and any organisation or person outside of the group that the chair may feel is relevant.
9. The chair of the AG will be a representative of the DALRRD or a representative of any other government department that DALRRD may decide to nominate.
10. The chair of the AG has the right to request any member of the AG to leave the meeting or even the AG itself, if their actions (or continued actions) is counter to the spirit of the AG, is disruptive, divisive or undermining the process.
11. The chair of the AG has the right to caution any member of the AG with regards to their conduct in the meeting and or write to the organisation / department which that member is from and inform that their representative has been cautioned.
12. Members of the AG cannot take unilateral actions with regards to issues relating to or even impacting the experimental or the kraal fishery. Members of the AG must report any such intended actions to the AG and only when agreement has been reached can such actions be taken.
13. Members must declare conflicts of interest prior to the start of the meeting or at any time a conflict of interest or potential conflict of interest arises. A conflict of interest refers to situations in which legal, personal, institutional, occupational or financial considerations may affect or appear to affect the objectivity or fairness of decisions related to the activities of the AG. A conflict of interest may be real, potential or perceived in nature. Individuals must declare potential conflicts to the chair of the AG and must either absent themselves from the discussion and voting, or put the decision to the AG on whether they should absent themselves.

**These minutes have been approved by Ms Ntombi Yende of DALRRD**

**23 June 2017**

A handwritten signature in black ink, appearing to read 'ML Jonker', written in a cursive style.

ML Jonker: Chairperson

5 July 2017