



P.O. Box 90822 BERTSHAM 2013

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Cape Town, 8018

21 March 2019

Re: SECOND DRAFT NATIONAL FRESHWATER (INLAND) WILD CAPTURE FISHERIES POLICY

Dear Mr Sebake

On the 6th July 2018, SACRAA submitted comments on the first draft of the National Inland Fisheries Policy to your office. A copy was forwarded to the office of Mr Kishan Sankar on 11 July 2018. Mr Sankar acknowledged receipt and replied as follows:

“Thank you for the valuable inputs, I am happy that you have put in the proposed wording with the reasoning, which makes life easier when assessing the commentary. We as DAFF see your sector as a vital component of the development of the sector and we look forward to walking this road together.”

Since then we have received no further communication from DAFF and certainly have never received any kind of response to our submission. I am not sure how we are supposed to “walk this road together” if DAFF does not appear willing to actively engage with us. Having reviewed the 2nd Draft it would appear that none of our previous recommendations for amendments have been considered. We have also received no response to our previous submissions that asked for clarification of numerous sections of the 1st Draft. The only conclusion we can reach is that DAFF is merely paying lip service to the recreational sector in this process and that our input is not considered worthy of consideration.

With this in mind, we hereby resubmit our comments on the 1st Draft in their entirety (Appendix 1) and request that they be viewed in the context of the 2nd Draft since nothing has changed from our perspective.

We further highlight the following:

1. The clearest indication that DAFF does not take the recreational sector seriously and have ignored our previous submissions can be seen in the definition of a recreational angler, which has remained the same in both Drafts (save for the substitution of “angler” for “fisher”). We made it clear both in our previous submissions and at the public meeting in Peddie on 28 June 2018 that based on the definition DAFF did not understand what constitutes a recreational angler. The Chairperson at the meeting requested that we supply DAFF with a more informed definition, which we subsequently included in our previous

submission. And yet this has been ignored with no justification or feedback from DAFF as to why. We still maintain the definition is inadequate and does not define what a recreational angler is. Currently the definition also states in part that “..the catch is not generally sold or otherwise traded”, and yet Section B6.2 of the Policy clearly states that “fish caught on recreational fishing permits will not be sold”. We respectfully submit that you review our comments on this from our previous submission (Appendix 1) and change the definition accordingly.

2. The definition for co-management remains the same as in the 1st Draft and yet we still await clarification on how user groups can share the “authority” for managing a resource when this is clearly only the mandate of either DAFF or Provincial authorities.
3. Under Section B6.3 the Policy still maintains that ecological risk is low where species of biodiversity concern are found in altered environments. The section has been amended to now include the statement that social and economic criteria will primarily determine the gear-type to be used. We again refer you to our previous submissions and justifications for the importance of biodiversity criteria in determining catch and gear wherever species of concern are concerned. Where listed species are concerned, irrespective of the environment, the ecological risk of fishing, particularly with nets, can never be considered low.
4. We reiterate our call for a recreational-specific fund to be included in the Policy. Our justification for this is again detailed in our previous submissions.
5. We reiterate our call for a structured recreational license system that differs from the highly flawed system currently employed by DAFF for the marine recreational fishery. Once again our justification for and rationale behind this is detailed in our previous submissions.
6. We are still awaiting clarification on the Honorary Fishery Control Officer issue raised in our previous submission. The 2nd Draft still talks about co-management and shared responsibility but without compliance monitoring there can be no management of any kind. We submit that inland fisheries cannot be managed without the additional capacity ensured by an HFCO programme.
7. Research and monitoring (Section B6.6) needs to include user groups in both aspects. Fishers not only can assist with data collection but have a wealth of local knowledge that should be utilised.
8. We reiterate our call that development support under Section B6.7 is inclusive of recreational anglers, particularly those from poor rural communities who are not small-scale fishers but who also require support.
9. Section B7.1 has not been amended as per our recommendation in our previous submissions to include the Department of Tourism and the Department of Social Development in cooperative governance arrangements. This oversight is another example of how our previous submissions have been ignored.

10. We reiterate our call for clarification as per our previous submissions as to how aspects of the Policy intend to be implemented as per the Policy Implementation Plan (Section C1) in the absence of supporting legislation.

Once again we thank DAFF for the opportunity to participate in the ongoing development of this Policy and look forward to a long-term engagement with government in the management of our inland fisheries. Having said this, DAFF needs to respond to both this and our previous submission with clear justification for either including or excluding our proposed amendments and must also provide clarification on issues as requested.

Yours Sincerely



Dr Aidan Wood
(SACRAA Environmental Officer)

CC: Mr John Pledger (SACRAA Chairman)
Mr Michael Graskie (SASACC Chairman); Adv Bernard Venter (SASACC Conservation Officer: Freshwater)
Mr Kishan Sankar (Aquaculture Advisor; Chief Directorate: Aquaculture & Economic Development, DAFF)

APPENDIX 1



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06 July 2018

Re: National Inland Fisheries Policy for South Africa

The South African Consolidated Recreational Angling Association (SACRAA) is an NPO representing the interests of the recreational fishing sector. Our aim is to advocate on behalf of the sector in order to ensure recognition, equitable access to aquatic resources and sustainable fisheries through good governance. We welcome the long overdue Policy but realize that this is just the start of a long journey towards achieving good governance of our inland fisheries. Although the Policy will lay the foundation upon which the legislative frameworks are based, the national and provincial institutions mandated to implement these frameworks are key to achieving good governance. We sincerely hope that the national and provincial departments that will be given this responsibility are ready to accept the challenge and receive the necessary resources so that they have both the capacity and competence to fulfil this mandate. We believe that SACRAA and other similar organizations have a significant role to play in assisting in the management of inland fisheries and welcome the opportunity to meaningfully contribute to the governance process.

With this in mind, SACRAA hereby submits the following comments on the Policy.

1. We are pleased to note that the Policy recognizes the recreational sector as key role players, but in order to recognize a user group one first needs to understand it. The definition given to a "Recreational Fisher" in the policy demonstrates that DAFF does not yet understand what recreational fisher truly is. The definition pigeonholes us with assumptions that are flawed or incomplete. The EIFAC Code (FAO 2008¹) has a similar definition, but Wood *et al.* (2017a)² state that "*...this is a very broad definition and is not applicable globally as it does not take into account the differences in socio-economic conditions and legislated rights between Nations or the complex array of motivations that drive recreational fishers. It is precisely because of this that we submit there can be no single global definition. Each Nation will need to define recreational fishing based on the socio-economic climate, the aspirations of the fishers and the existing legislative framework.*" An estimated 1.5 % of recreational fishers take part in the activity as a sport

¹ FAO. 2008. European Inland Fisheries Advisory Commission: EIFAC Code of Practise for Recreational Fisheries. EIFAC Occasional Paper. No. 42. Rome, FAO. 54pp.

² Wood, A.D. et al. 2017a. Global Review of the Governance Structures for Recreational Fisheries. Part 3. Technical Guideline Review and General Best Practise Guideline for Recreational Fisheries Governance. Report for Conservation International: November 2017. 26pp

(20 000 fishers out of an estimated 1.3 million fishers³) with the remainder participating for so many more reasons than just pleasure. The motivations for fishing include camaraderie and friendship, testing and learning skills, as a hobby, accepting and overcoming challenges, family outings, the passing on of knowledge, the satisfaction of achievement, communing with and appreciating the environment, tourism, testing personal limits, the exercising of historical rights and celebration of cultural heritage and as an escape from the stresses of everyday life. All of these essentially contribute to societal well-being. While it is true that recreational fishers do not rely on the activity to meet primary income needs, many participants, not only those from lower income households, do rely on their catch to meet basic nutritional needs. As stated by Macinko and Schumann (2007)⁴, it is acknowledged that the unambiguous demarcation between recreational fisheries and subsistence fisheries is impossible because many recreational fishers, even in wealthy countries, have strong subsistence-like incentives to harvest fish. In Finland, for example, the Act defines recreational fishing as an activity for recreation and domestic needs. Saayman *et al.* 2017 also found that an estimated quarter of all recreational fishers in South Africa come from low-income households and that many use the fish they catch as a safety net to ensure there is food on the table. With the cost of living in South Africa that seems to increase exponentially each year this has never been more relevant. The one aspect that defines a true recreational fisher under the Marine Living Resources Act (MLRA), as well as Acts in other developing countries such as Namibia, Seychelles, Costa Rica and Seychelles, is the fact that their catch may not be sold. Whatever their motivation, it is this single provision that separates a recreational fisher from a commercial or small-scale fisher. We respectfully submit that the definition needs to be redrafted based on the above information and that a moratorium on the sale of fish (as stated in Section B 6.2 of the Policy) be made a part of that definition.

SACRAA proposes the following definition for a recreational fisher:

“An individual who participates in the activity of fishing for sport, nutritional needs or a variety of social and cultural reasons that contribute to their well-being, and who do not sell, barter or trade their catch.”

2. We are encouraged that the Policy has adopted the Ecosystem Approach to Fisheries Management, combined with the precautionary approach and adaptive management. The key to the success of adaptive management is data collection and analysis that informs the decision-making process. While scientific studies provide for some of the data, local knowledge is another significant source and we encourage DAFF to embrace this through meaningful interaction with user groups. Associations such as SACRAA, angling clubs and even individual fishers can also be used to collect data through structured monitoring programmes. The inclusion of user groups in this manner also contributes to the culture of co-management.

³ Saayman, M., Saayman, A., Zeelie, E., Potts, W., Mann, B., Weyl, O., Van der Merwe, P., Wood, A., Raemeakers, S., Cowley, P., Pledger, J., Bova, C. & Scholtz, M. 2017. Economic significance of recreational angling in South Africa 2017. Report to SACRAA. University of Potchefstroom: Tourism Research in Economic Environs & Society.

⁴ Macinko, S. & Schumann, S. 2007. Searching for subsistence: in the field in pursuit of an elusive concept in small-scale fisheries. *Fisheries*, 32: 592–600.

3. The Policy defines co-management as “... a governance approach in which Government and a (sic) fishery user groups share the responsibility and authority for the management of an inland fishery resource.” This requires clarification. The responsibility and authority for management is clearly vested in the national and provincial government departments. User groups have no mandate for this. If user groups are included in the local Co-Management Committees or Provincial Inland Fishery Working Groups how will the responsibility and authority aspects work? We can foresee that a system of Honorary Fishery Control Officers (HFCOs⁵) could give authority to individuals in terms of compliance monitoring, provided they have powers under the legislative framework, but ultimately even under this scenario, the responsibility for management still lies with government.
4. Inland fisheries are defined as fisheries taking place on all inland waters. Are we to assume this means wetlands as well (according to Section B6.3 it does)? Wetlands are critically important and sensitive habitats and need to be treated with care. Has the DAFF consulted with the DEA in this regard to identify certain wetlands as no-go areas in terms of fisheries?
5. The assumption in the Policy that the ecological risk of fishing is low in altered environments such as dams which contain species of concern is flawed. Although these species are also found in river systems, many of these rivers have become polluted and there has been extensive habitat loss due to poor land-use practises and illegal activities such as sand mining. In addition, more frequent and severe drought periods have rendered many river systems incapable of reliably sustaining fish populations. Artificial environments such as dams have become safe refuges for many species that historically relied on rivers. Hence, any activity that involves the harvesting of species of concern from dams must be viewed as high risk. It is understood that socio-economic factors must play a role, but sustainability of the species has to be the first consideration. Not only will this take the conservation of species of concern into account but it will ensure the long-term viability of the fishery. Surely this is the aim of any fishery?
6. The Policy does not specifically speak to listed fish species; those that are listed as threatened or protected in terms of NEM:BA and the associated TOPS Lists and Regulations. Many of these species have a limited distribution, specific habitat and water quality requirements and are susceptible to overfishing. From a recreational fishing standpoint, the gear used is low impact and catch-and-release is always an option. The use of nets in particular in small-scale fisheries is a cause for concern and strict guidelines are needed to ensure destructive fishing methods are not employed in dams and river areas that provide habitat for these species. In these instances, small-scale fisheries can operate with gear that facilitates the release of listed species.
7. The statement in Section B6.3 that “most small-scale fishing is not subject to any form of active management” is cause for concern. All fisheries must be actively managed to ensure compliance with the legislative framework in order to achieve the goal of sustainability. One cannot rely on the assumption that users will be self-regulating. There are many studies that show in the absence of active management, compliance levels are low. One of the most important objectives therefore should be to increase the capacity of government officials (as per Section B6.9) to fulfil the mandate they have been given. Currently neither

⁵ See further detail on HFCOs under paragraph 11 below.

the DAFF nor Provincial authorities have the capacity to implement effective MCS activities either in the marine or freshwater environments. Unless capacity is increased significantly, the implementation of this Policy through a legislative framework will not be possible.

8. The Policy states that in order for the DAFF to carry out its mandate in respect of inland fisheries, a *“fiscal budget and harmonised system of fishing license fees”* is required. Under the MLRA, the Marine Living Resources Fund (MLRF) was established in order to fund the implementation of the Act. From a recreational fishing point of view, the MLRF is a bottomless pit into which money disappears to be used for activities largely associated with the commercial and more recently small-scale fisheries. According to the chairperson of the public consultation meeting held at Peddie (28th June 2018) the MLRF has also been used to fund this consultation process as well as other inland fisheries initiatives. This is unacceptable. The marine recreational fishery sees no tangible benefits accruing from the fees they pay each year, which in its simplest form, would be the employment and training of additional Fisheries Officers. The fees generated from marine recreational fishing licenses each year should be more than sufficient to employ, train and equip additional fisheries officers to monitor the fishery. Yet this is not being done, even after a massive gap was left in KwaZulu-Natal when the mandate for enforcing the MLRA was taken away from KZN Wildlife. When the Policy speaks to a system of license fees, fishers will be hesitant to comply if the same scenario plays itself out for inland fisheries.

The user-pays funding mechanism is applied with varying degrees of success in many countries, with the level of success being determined by the effective administration of funds for the purpose for which they are meant. *Fishers see the fees they pay as an investment in the long-term management of the resource upon which they rely. If they perceive that they are not getting a beneficial return on this investment, their willingness to pay is likely to decline. It is therefore in the best interests of management organizations to be transparent about the use of funds and to demonstrate tangible benefits in terms of a healthy resource* (Wood et al. 2017a, b⁶).

Many countries around the world have recreational fishery-specific funds, which are only used for the management of the recreational fishery. The following provides a few examples:

- In Western Australia the Recreational Fishing Account is credited with fees and charges from licenses, access fees to fish habitat areas, fines, the sale of forfeited property, government grants, donations and bequests. The account is used for administration and management, MCS operations, development (research, education and publicity) and assisting recreational fishing bodies such as RecFish West. Fishers see tangible benefits and willingness to pay and compliance is high. Commercial fisheries have their own separate account.
- Individual States in the USA, such as Maine which has a Marine Recreation Fishing Conservation and Management Fund. All money received into the fund must be used for the research and conservation efforts related to the saltwater recreational fishery. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year, and any interest earned on the money in the fund must be credited to the fund.

⁶Wood, A.D. et al. 2017b. Global Review of the Governance Structures for Recreational Fisheries. Part 4. A Strategy to Improve the Governance Structures for Recreational Fisheries in Grenada and the Dominican Republic. Report for Conservation International: November 2017. 21pp.

- In the Netherlands funds generated through the sale of the fishing license or VISpas, which is sold on behalf of government by Sportvisserij Nederlands, are used exclusively for recreational fisheries management. The benefits are tangible and there is a high degree of willingness to pay and compliance.
- Finland – A recreational fishing license fee is the primary source of funds, which are used for planning (development of FMPs and their implementation), sector development, general management activities and MCS related to the recreational fishery.

We strongly advocate that a similar system be employed in this country.

With regards licenses, the current system employed by the marine sector is flawed. Licenses are only available from a single service provider, the Post Office, at a huge expense to government each year. The licenses are only available in paper form and over the counter during office hours. This is a massive inconvenience to fishers who wish to comply but are unable to because licenses are not freely available. We strongly urge the DAFF to consider several alternatives in this regard:

- a. A single national license that is valid for all inland waters in the country (except obviously in protected areas) and for all forms of recreational fishing. The current provincial license structure should be scrapped.
 - b. The license should be made available via the internet as well as an App for cell phone users. There is no sound argument for paying a service provider exorbitant sums of money each year for a service that can be provided at minimal cost in-house.
 - c. For those fishers without access to the internet or cell phones, licenses in paper form can still be made available via local municipality offices and offices of the provincial departments mandated with fisheries management.
 - d. License fees need to take into account the many recreational fishers that come from low income households and what the Policy refers to as rural community members.
 - e. A category for tourism operators should be considered; this license would be valid for any guests or tourists the operator/fishing lodge has with them at any time. The fees could be on per person basis and for a specified number of days.
9. We would like to highlight the principle in the Policy that states that recreational fisheries be recognised as an economic sub-sector. A recent multi-disciplinary study (Saayman et al. 2017) by researchers from Rhodes, Cape Town and North-West Universities, the South African Institute for Aquatic Biodiversity (SAIAB) and the Oceanographic Research Institute (ORI) on the economic impact of the recreational fishery in South Africa, has revealed that in 2017 total spending by an estimated 1.3 million recreational anglers contributed R26.5 billion to the economy. The industry also supported 94 000 employment opportunities.
 10. Equitable access to resources is an admirable principle that aims to address past inequalities, but we caution against the allocation of resources or access rights for the exclusive use of one user group to the detriment of another. While some degree of zoning may be required in dams where small-scale commercial or aquaculture activities are contemplated, there should be no other consideration given to zoning areas for the exclusive use by a single user group. This will only lead to conflict. User groups should be allowed to co-exist.

11. One of the Policy's objectives is to provide training to resource users so that they may assist in management. We assume this refers to training and appointment of HFCOs from both the small-scale and recreational sectors. It is vital that HFCOs be appointed and given powers to act. The recent Code of Conduct for marine HFCOs essentially reduced them to observer status and rendered them ineffective due to the lack of capacity within the DAFF (there are insufficient fisheries officers to respond to calls for assistance when required).

We are aware that some marine HFCOs abused their power in the past and this led to the drafting of the Code of Conduct referred to above. However, just because a few individuals abused their power does not justify the reaction by DAFF. For the better part of the last decade we had a Head of State and senior politicians who abused their power and bled the country dry. The correct course of action was followed eventually and many of these individuals have been removed from office and prosecuted. There was no knee-jerk reaction to alter their mandated powers or scrap them altogether. The same system needs to be implemented with regards HFCOs. They need to apply, undergo training and evaluation and be appointed by the Minister with powers to act within the legislative framework. If they are found to abuse their power in any way they can be removed and if necessary prosecuted. Without the additional support from HFCOs there is no way DAFF or the provincial authorities can hope to provide the services in terms of monitoring and compliance activities the Policy calls for and the legislation will require. HFCOs appointed in terms of the Act with provision for being given powers to act are common-place around the world, both in developed nations (e.g. the Netherlands, Australia, New Zealand, Canada and USA) and developing countries (e.g. Grenada, Namibia, Swaziland and Zambia).

In support of this, in terms of MCS the Technical Guidelines for Responsible Fisheries: Recreational Fisheries (FAO 2012⁷) recommends *that the resource and its users are monitored, preferably by monitors that are stakeholders of the resource* (i.e. honorary fisheries officers/rangers/inspectors). The appointment of honorary officers generally requires an application process followed by a background check, training (knowledge of principal legislation and regulations; fish identification; communication skills) and the drafting of and adherence to a strict code of conduct.

12. With regards Research and Monitoring, it must be recognized that this can and should go beyond so-called scientific studies by tertiary and government institutions. Associations and individuals from user-groups must be approached to assist in this regard. In addition to the wealth of indigenous and local knowledge we can contribute, we have the capacity (numbers) and willingness to be involved. True cooperative governance recognises the contributions user groups can make and welcomes it with open arms.
13. It is of concern that Section B6.7 refers only to small-scale fishers in terms of development support. Many rural community members and individuals from low-income households will not be small-scale fishers but recreational users. They too will require interventions to empower them to understand their rights and obligations. Although associations such as SACRAA can assist with this undertaking it is still a government responsibility and this needs to be reflected in the Policy.
14. Section B6.8 speaks to the issue of access with respect to marginalised communities. Although this is required to address past inequalities, the right of access must be the same

⁷ FAO. 2012. Technical Guidelines for Responsible Fisheries. No. 13. Recreational Fisheries. Rome, FAO. 194pp.

for all user groups. Access rights for the exclusive use of one group to the exclusion of another is not the answer and will lead to conflict (see point 9 above), not to mention the fact that it is in all likelihood unconstitutional.

15. In terms of Institutional Arrangements, Section B7.1 does not include any reference to the inclusion of the Department of Tourism. This is an oversight and needs to be rectified, as tourism-based recreational fishing is an important component of inland fisheries (as recognised in Sections A4.2, A4.3 and B6.4). The Department of Social Development also needs to be involved.
16. We welcome the recognition of fishing associations such as SACRAA in Section B7 as well as their inclusion in local co-management committees and the provincial and national working groups. According to the Policy, however, there is no place for user-group associations in the national working group setup. Although provincial working group chairs will be on the national body there will be instances where individual representation by user-groups will be required. We request that the Policy recognize this and make provision for user-group representatives to attend, either as observers or to make representations, when issues deemed vital to their interests are on the agenda.
17. We look forward to being actively engaged and involved in the Policy Implementation Plan referred to in Section C1, but would like clarification on how aspects of the Policy intend to be implemented in the absence of supporting legislation.
18. Is there any indication of when the legislative frameworks referred to in Section C4 will be developed. Policy can only be implemented through legislation and until then we remain stuck with the outdated and ineffective system we have in place now. We stress that a National Fisheries Act is required and not fragmented provincial ordinances.

We thank the DAFF for the opportunity to participate in the ongoing development of this Policy and look forward to a long-term engagement with government in the management of our inland fisheries. In this regard we look forward to your response to this submission.

Yours Sincerely



Dr Aidan Wood

SACRAA Environmental Officer

CC: Mr John Pledger (SACRAA Chairman)
Mr Michael Graskie (SASACC Chairman); Adv Bernard Venter (SASACC Conservation Officer: Freshwater)