



PORT ELIZABETH OFFICE

2 Lawrence Street, Central Hill, 6001, Port Elizabeth. PO Box 12444, Centrahil, 6006. Tel 041 585 9606 Fax 086 614 9701
Email peadmin@wessa.co.za www.wessa.org.za

1 February 2016

The Deputy Director-General
National Department of Environmental Affairs
Chief Directorate: Oceans and Coasts
Attention: Mr Xola Mkefe
P.O Box 52126, V & A Waterfront
Cape Town, 8002
Tel: 021 819 2466
Email: MPARegs@environment.gov.za

Dear Dr Monde Mayekiso

WESSA OBJECTION AGAINST PERMITTING FISHING IN THE TSITSIKAMMA MPA

WESSA, the Wildlife and Environment Society of South Africa, is deeply concerned about the proposal to open the Tsitsikamma National Park Marine Protected Area to recreational and subsistence fishing as part of the proposed declaration of the Tsitsikamma National Park Marine Protected Area under section 22A of the National Environmental Management Act: Protected Areas Act 57 of 2003 (Government Notice 39423) and the Draft Regulations for the Management of the Tsitsikamma National Park Marine Protected Area (Government Notice 39424). Reference is also made to the SANParks proposal for experimental and limited fishing in the Tsitsikamma National Park Marine Protected Area (TNP-MPA).

WESSA supported the creation of this Marine Protected Area (MPA) in 1964, whose principal objective was to create a controlled section of coast so as to conserve a fish breeding and dispersal site for seeding the flanking coastline. This conservation action was implemented in the evidence of rapidly dwindling line-fish stocks. WESSA is cognizant and empathetic of the complex issues surrounding disadvantaged rural communities who historically fished this coastline and whose fishing access was initially restricted from 1975 and then completely denied since 2001. The TNP-MPA was declared a no-take in 2001 by Minister Valli Moosa because of the urgent and scientifically-justified need to protect the national line-fish stocks from total collapse.

Understandably these communities, with the leading Tsitsikamma Angling Forum (TAF), have campaigned to regain fishing access in this MPA. These communities identify themselves as being fishers, that fishing forms a part of their culture, their protein intake and local trading activities. This and the lack of access to alternative fishing sites has caused a significant number of the

WILDLIFE AND ENVIRONMENT SOCIETY OF SOUTH AFRICA

Reg No. 1933/004658/08 (Non-Profit Company)
Registration Number in Terms of the Non-Profit Organisations Act 1997: 000-716NPO Tax Exemption Number: 18/11/13/1903

DIRECTORS: Messrs: Dr RG Lewis (Chairman), Dr JT Burger (Chief Executive Officer), Dr P Bartels, J Carstens, J De Bie, K Duncan, L Eiser, Dr H Hendricks (Vice Chairman), Prof M Kidd, A Steyn. Mesdames: Dr J Gon, L Naidoo, M Nyathikazi, S Short.

members of these communities to illegally fish within the MPA (Research and anecdotal evidence, including personal observations).

The National Department of Environmental Affairs (DEA) have previously made attempts, in 2007 and 2010, to open the TNP-MPA to recreational and/or subsistence fishing at the behest of the TFA and others. WESSA led the 2007 opposition to this and was a key signatory to the 2010 opposition to open this MPA. After careful consideration of the human, socio-economic and ecological factors pertinent to this issue, WESSA remains strongly opposed to permitting any form of fishing in the TNP-MPA. WESSA makes the following arguments in support of the need to protect the integrity of this critical marine biodiversity area:

- (a) WESSA is aware of the need for South Africa to contribute to the national and global representative system of marine protected areas of the Agulhas Inshore Bioregion. Papers presented at the 2014 World Parks Congress indicated the increasing significance that MPAs, and in particular no-take MPAs, are contributing towards conserving national fish stocks and sustainable fishing quotas. The presenters also indicated that globally the number of no-take MPAs is increasing, mostly by restricted-take MPAs being upgraded to no-take states; as a means of protecting the remaining viable national broodstock. Were the DEA to permit fishing in the TNP-MPA, it would be inconsistent with global best practice and conservation trend. Research and sustainable fisheries management recommendations by the Global Oceans Commission confirm the need for well-enforced MPAs and appropriate regional-, national- and global-level management of fishing stocks with sustainable biological limits.

WESSA has also been part of the consultations process of Operation Phakisa; which incorporates plans for the expansion, increase in biodiversity management restrictions and improvement of the monitoring and enforcement of the national system of MPAs. Opening up the TNP-MPA to fishing (the downgrading proposal) seems to be in contravention of the national marine conservation imperatives promoted in Operation Phakisa. In addition it would seem that only 9% of South Africa's coastline is currently declared as a no-take MPA. WESSA understands that the national target for no-take MPAs is 10%, hence the proposal to downgrade is acting in reserve of obtaining this national biodiversity conservation goal;

- (b) In the proposed declaration for the TNP-MPA it states that its purpose is to facilitate species management by protecting spawning stock and nursery areas for fish species and allowing stock recovery and enhancing intertidal and subtidal resource abundance in adjacent areas. The TNP-MPA was declared a no-take MPA in 2001 for just these reasons, justified by considerable scientific research into the declining national fish stocks and fisheries management experience input at that time. According to WWF-SA's Living Waters Partnership the TNP-MPA is a refuge for 11 of South Africa's 17 threatened fish species and encompasses essential breeding grounds for the line-fish and squid fisheries. WESSA is a signatory to the IUCN World Conservation Strategy that supports the scientifically-justified sustainable utilisation of natural resources. WESSA has supported the utilisation of natural resources by local communities of South African protected areas, where this has been scientifically justified and has not endangered the national interest. WESSA recognises that local communities of

protected areas (PAs) should be key stakeholders in effective conservation management of those PAs, that these communities should derive lawful, equitable, transparent and ecologically justifiable benefits from these PAs. All indications to WESSA are that while fish stocks within the TNP-MPA have made strong recoveries and/or may be at healthy population levels, outside of this MPA national line-fish stocks have declined or remained at critically low levels. The South African fishing public have consequently experienced further restrictions in fishing quotas. It would seem that this downgrading proposal is in direct opposition to protecting the national interest of seeding the flanking coastline, from which a much broader community of subsistence, commercial and recreational fishers is dependent. There is just not another MPA or another seeding area that can compensate for any reduction in the TNP-MPA broodstock should fishing be allowed here. In response to the 2007 and 2010 attempts to downgrade the MPA, Environmental Affairs Minister van Schalkwyk kept it closed to fishing because the scientific research showed how negatively fishing would impact on fish stocks both within and outside this protected area.

According to the recent Agulhas Bioregion Systematic Conservation Plan, the marine biodiversity protected within the TNP-MPA is 'irreplaceable' and if compromised by local fishing activity, the area opened-up for fishing would have to be replaced elsewhere along the coastline to achieve effective marine biodiversity protection targets. The greater size and age of fish protected within the TNP-MPA ensures that they can produce a considerably greater number of more viable offspring than the scarce populations' resident outside of MPAs. But there is also little value in the short to medium-term in extending the TNP-MPA or creating additional MPAs in areas which have already been heavily denuded of targeted fish species. This is because of the generally slow growth to breeding maturity and re-colonisation rates of these species and the lengthy processes to declare and adequately enforce new MPAs – making recovery times very slow to benefit the national imperative. In the meantime the loss of spawning stock to fishing can push these species further towards or into a state of collapse.

- (c) The draft regulations to manage and restrict the fishing effort in the TNP-MPA are inadequate. It makes insufficient restriction against the total fishing effort allowed for the entire number of permits granted, nor does it appear to take into account the expected annual population increase of fishers within the defined area who will want access. It would appear that the proposal to study the impacts of initially-permitted fishing effort on the fish stocks and then decide on how to manage the fishing effort, is more about appeasing local community aspirations than fulfilling the primary biodiversity conservation mandate of SANParks and the national MPA system; which in WESSA's opinion will compromise the national interest. Sustainable harvesting is about managing offtake within defined environmental limits and is not about trying to satisfy community expectations to the fullest extent. The impact of fishing effort on fish stocks and its consequences are already understood well enough to determine sustainable offtake levels. WESSA is of the opinion that this proposal lacks adherence to the NEMA Precautionary Principle. WESSA also advocates against the current illegal fishing activities in the TNP-MPA being legitimised in this way.

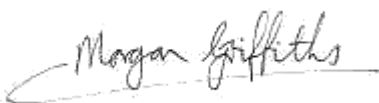
(d) WESSA recognises that the local communities do need to derive more direct and indirect benefits from the TNP (particularly that of jobs, and to also understand how much they already derive from the TNP) and additional free access opportunities to the TNP. The BBEEE requirements for SANParks concessionaires and service providers, as well as the HDI job creation focus of Expanded Public Works Programmes, are all contributing to greater benefit flow to the Tsitsikamma communities. However SANParks cannot be expected to meet all the desires of the ever increasing human population surrounding the TNP. Socio-economic research conducted by Faasen and Watts in 2007 cautioned that benefits flowing from the TNP need to be more fairly shared across the different community groups and between individuals within these groups; as the communities' perception of the same people repeatedly benefitting is fermenting hostilities against the TNP. Faasen and Watts also recommended regular communication between the TNP and neighbouring communities, as well as capacity development initiatives for these communities. They further recommended the transferal of the TNP's management authority to managers appointed from the local communities, which would enhance the sense of the ownership of the protected area and hence encourage support for and compliance with its aims and restrictions.

The Tsitsikamma National Park is Africa's oldest and South Africa's largest no-take MPA, and it makes a substantial contribution to South Africa's marine biodiversity and line-fish spawning stock protection. The marine biodiversity protected within the TNP-MPA is of immense value to the nation as a whole and its protected status should not be compromised by the needs of a few. Opening this MPA to fishing, even if only in small areas proposed in this declaration, is thus contrary to all scientific advice and global conservation practice. We challenge that some places and resources do need to remain off limits for the greater national resource conservation and community good. WESSA encourages your Department to recognise that the Tsitsikamma MPA is one of these such places.

WESSA recognises that this proposal does open up the door to explore how SANParks can involve surrounding communities in marine conservation and MPA management. That is strongly encouraged by the National Environmental Management Act. Finding solutions to this is where WESSA can support SANParks in exploring ways to gain local support for its conservation mandate

In closing, there is a much larger ethical issue that DEA needs to address, as postulated by marine conservationist Peter Chadwick: "Already 90% of South Africa's coastline has been over-fished. If we can't fish sustainably on most of our shoreline, then should we be allowed to fish within invaluable marine protected areas, which are critical to the country's overall conservation objectives?"

Yours faithfully



Morgan Griffiths

Environmental Governance Programme Manager
Cellphone: 072 417-5793
Email: morgan@wessaep.co.za