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## Editorial Write

### The MLRF in the Balance

South Africa's Auditor General finally gave Marine and Coastal Management's Marine Living Resources Fund (MLRF) a clean bill of health. He also confirmed that for the first time since the 2004/2005 financial year, the MLRF attained a balanced budget. In fact a surplus was recorded. To have the thumbs up from the Auditor General is undoubtedly commendable and MCM deserves praise for this. At a press briefing, Minister van Schalkwyk, the newly appointed DG, Ms Nosipho Ncaba and MCM's DDG, Dr. Monde Mayekiso,

announced that the MLRF is no longer making losses and therefore they are now able to increase the deployment of patrol vessels. The Minister also said that they had inherited a situation when the books did not balance. Unfortunately the Minister fails to recall the analyses of budgets, spending patterns and governance failures provided by Special Assignment in 2006 and subsequently by various media. What the Minister and his management team did of course inherit in March 2005 was a budget surplus of R53 million, an operating budget of R340 million, a fleet of research and compliance vessels that were spending upwards of 200 sea days patrolling and researching our oceans, a comprehensive set of arrangements to protect our fisheries and particularly abalone (remember the environmental courts, the MARINES, the convictions and jailing of poaching syndicate bosses) and three new fisheries that were opened in 2004 alone.

Balancing the budget is indeed commendable given the huge deficits of the past coupled with the damaging audit report given last year. However, we believe it necessary (unlike the general media who simply report the press statements) to



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analyse the cost to fisheries management to achieve this balanced budget. The facts in audited numbers. The latest financials state the following:

- Total Expenditure: **R257 million**
- Total Income: **R299 million**
- Vessel Operating Costs: **R111 million**
- Income from permit fees, fish levies etc: **R108 million**

The last time comparative figures (and forget about inflation) such as these were seen was in 2003! In 2003, total income was R223 million and total expenditure was R248 million.

During the financial year (2004/2005) immediately before the second reign of Monde Mayekiso as DDG of MCM began, the financials confirmed the following:

- Total Expenditure: **R340 million**
- Total Income: **R340 million**
- Vessel Operating Costs: **R100 million**
- Income from permit fees, fish levies etc: **R290 million**

So yes, the MLRF is in the black again but what is apparent is that this has come at a devastating cost to the operating budgets for compliance, fisheries management and fisheries research, including new fisheries development and research. For example, in 2004 the compliance budget stood at R83 million. It is now believed to be less than R40 million. Research was allocated R52 million in 2004. By 2007/2008, it was reduced to R30 million.

These budgetary collapses have not only had a devastating impact on South

Africa's international standing as a responsible coastal state, but we have directly placed thousands of fishers, their communities and dependants in the social grants queue. The closure of the abalone fishery, together with government's deception and lies about a social plan have forced many into poverty or alternatively into poaching for the groupings of organised crime syndicates. A failure to open a single new fishery since 2004 despite public undertakings to open a number of new fisheries between 2004 and 2007 has also denied many the opportunity to earn a living.

#### Forward to the Past

In an address to the South African Marine Science Symposium (SAMSS) earlier this year, Feike's Horst Kleinschmidt spoke about the broader social issues that face the marine science community. Horst's paper is available on [www.feike.co.za](http://www.feike.co.za). The essence of the address was that the marine science community is part of South African society and cannot again stand idly by when the country's regulatory institutions are being undermined. Good science can only flourish in a society with proper and effective checks and balances. Current developments in South Africa were of enough concern to cause those gathered to express their concern to those in power whom they have dealings with. Experience showed that democracy needed defending when it was being tampered with, not afterwards. Horst reminded the audience dominated by aging white men that they had failed to show an inclination to defend human rights and democracy before when apartheid trampled on institutions and peoples rights.



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Feike has been reliably informed by various sources that Horst's address was reported back to MCM staff by one of MCM's media officers who confidently stated that such statements "will no longer be tolerated when Zuma is in power"!

### **Who Eats Horse Mackerel?**

Feike News suggested in its previous edition that South Africa's horse mackerel policy should change to ensure that this food source, possibly the cheapest of all sources of protein, be sold to consumers in South Africa rather than be exported. Growing poverty and the need to respond to food security motivated the call. As is usual, no views or responses from MCM were received but those who catch horse mackerel pointed to a number of facts that Feike News is happy to make known.

Annual consumption in the SADC region is estimated as follows. Angola consumes 45,000 metric tons per annum, of which South Africa's Oceana Group supplies 17,000 tons and the balance is imported from elsewhere. The DRC consumes 110,000 metric tons of which South Africa supplies 2,000 tons and Namibia supplies 85,000 tons (possibly mostly through the Oceana subsidiary in Namibia). Notably, 12,000 tons of SA caught horse mackerel is sold into the local market, mostly in frozen blocks to retailers in Limpopo, Mpumalanga and Northern KZN. A further 18,000 tons of Namibian horse mackerel is also sold on the SA market. Namibian horse mackerel is apparently of lesser value than its SA counterpart. The TAC for horse mackerel in SA is currently 44,000 tons,

31,500 tons of which are caught by the mid-water trawl fishery and the balance is caught as by-catch. I&J and Viking sell their by-catch to the lower-end fish traders directly from their respective factories. Additionally, China is now exporting horse mackerel to SA and can be bought in some supermarkets.

### **Whatever Happened to the BCC?**

Remember the Benguela Current Commission that was announced amidst much fanfare and the promise of massive funding from abroad during 2007 and early 2008? Feike understands that the two top BCC posts were filled. The Executive secretary post was awarded to Namibia's very capable Dr Hashali Hamukuaya formerly the Executive Director of SEAFO. Dr Johann Augustyn of South Africa was appointed as the Ecosystems Co-ordinator – although it is unclear whether he accepted this post especially since his appointment as Chief Director of Research at MCM was re-confirmed earlier this year.

Sadly, since its inception in April 2008, the BCC does not appear to have undertaken any substantive work or informed citizens of the region of any work that it is currently doing such as establishing institutional frameworks or finalising work plans. Since the departure of Dr Mick O'Toole as Programme Co-ordinator of the BCLME, the BCC has appeared to have lost most of its previous momentum and energy. We hope that together with Namibia's Minister of Fisheries, Dr Hamukuaya will urgently invigorate the BCC with the leadership needed.



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## 1. DEAT FAILS TO ENDORSE A SINGLE CITES EXPORT PERMIT

### Sarah Baartman Watching

The Minister of Environmental Affairs and Tourism was correct when he stated that the Sarah Baartman – when not doing work for PetroSA – is undertaking fisheries patrol and protecting our seas. Feike had the pleasure of viewing the beautiful vessel from our offices for a full week while it was anchored in the False Bay (see pic below). We can't say that it was actually doing anything to deter the poachers especially the Toothfish and other High Seas poachers.

Perhaps, the Sarah Baartman was instructed to undertake surveillance on those troublesome consultants at Feike?

Anyway, the surveillance work did require the odd fast dash to Kalk Bay harbour in the speedboat. We spotted the chase vessel rushing to Kalk Bay early on one cold September morning, only to see it returning a short while later. We agree – the breakfasts at Olympia Café are worth the dash.

When the Minister of Environmental Affairs and Tourism proudly confirmed in 2007 that South Africa had listed its abalone, *haliotis midae*, on CITES' Appendix III, Feike raised the question of preparedness and implementation. We noted in Feike News (January 2007) that DEAT, and specifically Marine and Coastal Management, lacked any coherent strategy to curb the illegal trade in abalone. Various media reports in February 2007 also noted that listing was one thing; the challenge that faced Marine and Coastal Management would be to implement the additional mandatory CITES requirements pertaining to permitting, certificates of origin and endorsements. Feike can confirm that since the very first day, DEAT has failed to endorse a single CITES permit for any abalone exported from our shores. And what are the consequences?

The sheer irony is that the failure to endorse a CITES permit in fact now further facilitates the trade in illegal abalone because the unendorsed CITES permit is valid for six months and poachers are understood to be trading these permits so as to import illegally harvested abalone into countries such as China, Hong Kong, Japan and Malaysia. Ordinarily, CITES listed abalone that is accompanied by an unendorsed export permit would result in the abalone being destroyed or returned to South Africa. However, shortly after South Africa announced to the world that its abalone was now listed on CITES Appendix III, the Department of Environmental Affairs Tourism had to request a number of abalone importing countries – predominantly China, Hong Kong and Japan – to accept unendorsed permits because South Africa lacked the capacity to endorse these permits.

So, for 18 months now, CITES permits for the export of South African abalone have been used to facilitate the trade in illegal abalone. This is perhaps another reason why the illegal trade in abalone has flourished. It is almost inconceivable that such utter incompetence on the part of the DEAT has been allowed to continue for so long. Where is the oversight? Why has the South African abalone industry – wild and farmed – not raised this as a significant threat to the viability of their industry? They cannot say that they did not know as it involved **their** abalone and **their** shipments. And of course, where was the political





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oversight? Since 2006, some 30 million units of abalone were poached from South African waters. How many millions were poached and exported on a CITES export permit thanks to DEAT's shocking dereliction of duty?

We trust that the Minister of Environmental Affairs and Tourism will be called to account and explain this international embarrassment and his department's further contribution to the decimation of abalone stocks.

## 2. GROUNDS FOR ALLOWING WILD ABALONE FISHING TO CONTINUE

On 1 February 2008, the ten-year long commercial fishing rights allocated to abalone divers in 2004 was suspended by the Minister of Environmental Affairs and Tourism in terms of section 16 of the Marine Living Resources Act, 1998. Feike has documented the subsequent actions and litigation in previous Feike Newsletters. What follows is an abbreviated version of the opinion we were asked to furnish to abalone divers on whether the Minister of Environmental Affairs and Tourism and his department acted on the promises they made to Cabinet and the broader South African public when the rights were suspended. This opinion was made public by the divers on 29 September 2008.

**Has Government fulfilled its commitments?** Abalone is only the second commercial fishery to be managed in terms of section 16 of the MLRA. In December 2000, Minister Valli Moosa declared an environmental emergency in the linefishery but stopped short of halting fishing activity. Instead, the traditional linefishery was to be managed in terms of a strictly enforced suite of measures in terms of a linefish management plan, which included marine protected areas, zero catch limits on certain species of linefish and a conservative TAE. No comparative management recovery plan exists for abalone.

In terms of South Africa's General Fisheries Policy of 2005 (GN 27683 of 15 June 2005), sustainable resource management is determined by, *inter alia*, South Africa's various international obligations, including those decisions taken at the 2002 World Summit on Sustainable Development and the FAO Code on Responsible Fisheries. Decision 31 of the WSSD commits South Africa to the following:

*31. To achieve sustainable fisheries, the following actions are required at all levels:*

*(a) Maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015;*



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*(b) Ratify or accede to and effectively implement the relevant United Nations and, where appropriate, associated regional fisheries agreements or arrangements, noting in particular the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas;*

*(c) Implement the 1995 Code of Conduct for Responsible Fisheries, taking note of the special requirements of developing countries as noted in its article 5, and the relevant international plans of action and technical guidelines of the Food and Agriculture Organization of the United Nations;*

*(d) Urgently develop and implement national and, where appropriate, regional plans of action, to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations, in particular the International Plan of Action for the Management of Fishing Capacity by 2005 and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing by 2004. Establish effective monitoring, reporting and enforcement, and control of fishing vessels, including by flag States, to further the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;*

*(e) ..."*

With less than 7 fishing seasons left to 2015, South Africa has yet to develop an abalone management recovery plan. The Minister has regularly referred to comparative jurisdictions, such as California. California was forced to close its various abalone fisheries due to illegal fishing. However, the implementation of the Californian recovery plan resulted in the 2007 recommendation by the Californian Department of Fish Game for the reopening of the abalone fishery. In addition, and unlike the United States of America or any of the jurisdictions referred to by the Minister, South Africa has to date not even drafted its National Plan of Action to Prevent, Deter and Eliminate IUU Fishing. The NPOA: IUU Fishing ought to have been implemented by 2004 in terms of WSSD Decision 31. If regard is had to the Department of Environmental Affairs and Tourism's Strategic Plan for 2008-2011, neither of above-mentioned critical objectives are even mentioned or alluded to.



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What follows, is a brief evaluation of the three major commitments made by the Minister and his department during 2007 and 2008 with respect to the recovery and management of the abalone fishery.

1. **Temporary Suspension of Rights:** On 25 October 2007, the Minister's official media statement on the subject stated that "I [the Minister]... today also give notice that if there is not a drastic decline in poaching, I will have to **apply my mind** (own emphasis) at the start of the next season as to whether it is perhaps time to consider a complete ban on all perlemoen harvesting..." It is therefore apparent that the initial suspension was a temporary emergency measure pending a comprehensive ecological and management study of the abalone stock prior to the commencement of the 2008/2009 fishing season, which is scheduled to commence on 1 November 2008. As at the 15<sup>th</sup> of September 2008, there has not been any -
  - a) research undertaken in any of abalone fishing zones to determine stock status or the socio-economic impacts of the suspension;
  - b) informal liaison or communication with the abalone divers despite the fact that they remain valid holders of ten-year long commercial abalone rights. Since the suspension of fishing rights, Marine and Coastal Management has not formally communicated any message, intention or request to the registered industrial body for the abalone fishery;
  - c) research working group meetings to discuss stock status etc;
  - d) management working group meetings to discuss social plans, compliance plans or a recovery plan;
  - e) any fundamental compliance with the requirements for the issuing of permits in terms CITES.

As the Minister's department has not undertaken any work to determine the biological status of abalone, the ecological impacts of the first year of the suspension period, or any form of consultation with the abalone industry and the registered industrial body for the sector, it is unclear how the Minister intends to properly **apply his mind** to determine the proper status of the abalone resource and the socio-economic impacts of the suspension.



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2. **Commercial extinction:** Although never defined, it has been readily assumed that the **entire abalone fishery** is on the brink of commercial extinction. Commercial extinction of a living natural resource must necessarily mean that the continued profitable commercial trade in the resource is no longer possible. After all, no person engages in commercial activity, let alone illegal commercial activity, to lose money. The fact that more than 20 million units of abalone worth a conservative R3 billion were illegally harvested during 2006 and 2007 must seriously question the validity of the assertion that abalone stocks are on the brink of commercial extinction. It is estimated that during 2008, at least a further 10 million units of abalone will be poached.

Secondly, the Minister's own scientific advisors explained in the 2007 Abalone Scientific Report that –

- a) Zones E and G are experiencing increased recruitment levels and abundance levels remained stable. Zone F is in a similar state. In fact, employing a precautionary principle, the Minister's scientific advisors even considered recommending an **increase** in the TAC's for Zones E and G.
- b) The Scientific Report continues by stating that abalone abundance in Zones A and B is approximately 30% of pristine levels due to high levels of poaching and recruitment failure.
- c) There is little doubt that Zones C and D have been the most heavily impacted by poaching and recruitment failure. Abundance levels in Zones C and D are approximately at 8% and 20% of pristine, respectively.

Thirdly, there is no policy or criteria to guide decision-making when determining whether a fishery should be declared to be in an emergency. However, if one consistently and rationally applies logic and reasoning that is used to justify the suspension of rights in the abalone fishery, then rational and consistent decision-making will require the Minister to close the hake trawl, west coast rock lobster, Patagonian toothfish, KZN Prawn Trawl, traditional linefish and tuna fisheries since the biomass of each of these fisheries is estimated to be less than 30% of pristine. For example, the biomass of west coast rock lobster stocks is estimated at no more than 20% of pristine. As far as the mainstay of the South African commercial fisheries is concerned, hake stocks are estimated to be at 20% of pristine but remain certified as being sustainably managed by the Marine Stewardship Council. There is therefore a clear case of irrational and unreasonable decision-

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making when determining whether a fishery is in a state of environmental crisis for the purpose of section 16 of the MLRA.

Finally, there is a significant contradiction between the reasons for the suspension of abalone fishing rights and the reasons given for opposing the ranching of abalone in the draft marine ranching guidelines (GN 31143 of 13 June 2008). The draft guidelines state that abalone ranching will not be permitted in a number of defined areas (such as Zone B, Zone F, Zone E and the False Bay) because these areas "support significant" and "viable" abalone populations.

3. **Socio-economic, compliance and research plans:** The Minister and his department have failed to design, draft, consult on and implement any of these plans. The Minister did allege that the backbone of the socio-economic plan would be the accommodation of abalone divers in the fish farming and non-consumptive eco-tourism sectors. If regard is had to the final boat based whale watching and shark cage diving policies, no mention is made of accommodating abalone divers. Perhaps more problematic is the fact that Marine and Coastal Management blundered by issuing exemptions to the shark cage diving and boat based whale watching sectors for an unlimited period. In addition, there can be no further sustainable accommodation of operators, let alone the more than 200 commercial abalone right holders. On 1 September 2008, the Minister and the MCM DDG, Monde Mayekiso were quoted as stating that they were still considering the development of an abalone enforcement strategy. In addition, MCM has yet to even produce a draft NPOA: IUU fishing to combat the illegal harvesting of and trade in abalone. For example, South Africa has failed miserably to even prevent the illegal duplication of CITES permits. This has allowed the massive illegal trade in abalone to continue unchecked (see story 1 above). Finally, Marine and Coastal Management has not undertaken any scientific research during the 2007/2008 season. As at 15 September 2008, neither the Scientific nor the Management Working Groups have met. Consequently, the Minister will not be presented with any scientific and management reports on and recommendations for the 2008/2009 abalone fishing season.

It is accordingly our view that the Minister and his department have abdicated both their national and international legal obligations with respect to the management of the abalone fishery.



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In light of our findings, we recommended the following:

1. That commercial abalone harvesting be allowed to continue in Zones B, E, F and G. It is recommended that the Minister should maintain the 2007/2008 TAC recommendation of 75t, 12t, 20t and 18t, respectively, for the above-mentioned zones;
2. That an abalone recovery management plan, inclusive of socio-economic, compliance, stock rebuilding and research strategies, be developed and implemented within the next 90 days;
3. That the department's abalone ranching and abalone fisheries management strategies be aligned so as to comprehensively support the rapid development of an Overberg ranching strategy aimed at re-building abalone stocks in Zones A, C and D; and
4. That a conservative commercial abalone TAC should be declared for the False Bay.

### 3. SIODFA BREAKS NEW GROUND WITH RESPONSIBLE HIGH-SEAS FISHERIES MANAGEMENT

Two meetings relevant to deep-sea fisheries took place in Cape Town during the week of 23 – 30 May. The first involved deep-sea skippers and fleet managers from Australia, New Zealand, Namibia, South Africa, Iceland, Ukraine and the Faeroes in a meeting organized by the Food and Agriculture Organization (FAO), and the Southern Indian Ocean Deepsea Fishers Association (SIODFA), a group formed by Austral Fisheries (Pty) Ltd, Australia; B & S International Ltd, Cook Islands; Sealord Group, New Zealand and Transnamibia Fishing (Pty) Ltd; Namibia, to promote responsible management of deep-sea fisheries resources in the Southern Indian Ocean and conservation of deep-sea biodiversity.

The first meeting was convened as part of the process by which the FAO is reviewing and informing the United Nations General Assembly, regarding management procedures for deep-sea fisheries and especially protection of "vulnerable marine ecosystems" that might suffer "significant adverse impacts" from deep-sea trawling. Here the emphasis was on cold-water corals. This meeting underscored the valuable contribution that skippers 'expertise can make to this process. The results of the meeting are available in

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#### SADC Countries Sign a Statement on Illegal Fishing

A Statement of Commitment to get tough on illegal fishing was signed by the SADC Ministers responsible for Marine Fisheries on 4 July 2008, in Windhoek. This Statement of Commitment has moved Southern Africa a step further in the fight to combat illegal activities in the fisheries sector.

For more information about the SADC Marine Fisheries Ministerial Conference visit <http://www.stopillegalfishing.com>



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**Marine Turtle Conservation Gets a Boost**

An innovative regional agreement is beginning to turn the tide for the 'ancient mariners' of the world's oceans. Marine turtles traverse the seas for thousands of kilometres and are threatened by degradation of critical habitats on land, interaction with fishing gear at sea, and excessive harvesting of eggs and for meat.

A new report, prepared for a forthcoming meeting in Bali of 27 signatories to a region-wide turtle conservation agreement, gives the most comprehensive picture to date of how well countries have been tackling these problems.

Douglas Hykle, who coordinates the agreement's activities from the United Nations Environment Programme (UNEP) office in Bangkok, said national reports clearly show signatory states are making efforts to monitor, manage and protect their marine turtle populations.

"Participating countries have made progress in many areas, but there is still room for improvement. Many have yet to clearly describe their resource needs and to mobilise sufficient funding for domestic implementation; and only a few are carrying the burden of supporting international coordination efforts," he said.

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the FAO Fisheries Circular "Deep-sea Fisheries in the High Seas: A Trawl Industry Perspective on the International Guidelines for the Management of Deep-sea Fisheries in the High Seas", to be published shortly. The meeting stressed the need for practicality in management measures and coherence in regulations between different areas and also the need to recognise the value and potential of industry contributions to rational and responsible fisheries management. In this context, the skippers' view was that deep-sea fisheries were being unjustly demonized by environmental groups, even though theirs was just one of a myriad of activities operating in the natural environment, contributing to food supply and social benefits.

The second meeting is believed to be the first ever occasion where an international association of fishing operators had arranged for their vessels' officers to meet and discuss management and conservation issues of the high-seas fishery they harvest. What is perhaps even more remarkable is that the coastal and flag states for the region concerned have still not ratified a fisheries management agreement so that these fisheries have continued to lack formal control. The operators themselves have introduced a freeze on fleet-sizes, detailed fisheries data collection programmes, by-catch monitoring schemes and resource assessment programmes even though most of these initiatives are not required by the flag states. Such measures have also included the voluntary closing to trawling of eleven areas in the Southern Indian Ocean covering over 300 000 km<sup>2</sup> of seabed, i.e. an area slightly larger than Norway, as *Benthic Protected Areas* with the objective of maintaining biodiversity and ensuring conservation of coldwater corals and related bottom fauna. This unprecedented action has resulted in one of the largest marine protected-area closures ever on the high seas.

Among topics the SIODFA skippers reviewed were:

- United Nations General Assembly resolution 61/105, article 83 – its implications for deep sea high-seas fishing
- The Southern Indian Ocean Fisheries Agreement and its interim measures
- Vulnerable marine ecosystems and any significant adverse impacts by their operations in the Southern Indian Ocean
- Proposed South Pacific Ocean RFMO interim arrangements
- Collecting, recording and reporting of fisheries data
- Location and documentation of historical data
- Collection of biological material for management purposes
- Commercial vessel stock assessment – the methods and pitfalls
- Use of acoustics for resource assessment in high seas situations and
- The potential benefits of certifying skippers for deepwater fishing.



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One productive outcome of the meeting arose from the presentation of the experiences on one of the Association's vessels (*F.V. Southern Champion*, Albany, Western Australia) that had been using a video-recorder to observe bottom fauna in association with fishing activities in depths of 600-900 metres. The result was agreement that all SIODFA vessels should move to be equipped with such means of monitoring seabed fauna in areas that are fished.

A further conclusion of the meeting was that significant benefits would arise from convening such international skippers' meetings on a regular basis to review problems, potential management initiatives and other operationally oriented issues so that management decisions benefit from the knowledge of those most closely associated with the fishery.

SIODFA members primarily target *alfonsino* and *orange roughy* with lesser catches of *blue-eye warehou*, *armourhead* and *butterfish*.

#### 4. TANZANIA TO ENLIST NAVY TO FIGHT ILLEGAL FISHING IN THE INDIAN OCEAN?

According to the *British Guardian*, the Tanzanian government banned prawn fishing using bottom trawling methods carried out by big fishing vessels in the Indian Ocean from 12 August 2008. The Tanzanian Minister for Livestock and Fisheries, John Magufuli said that the move followed research findings that showed that the number of prawns had decreased considerably in the country's territorial waters. He also stated that big fishing companies licensed to fish in Tanzanian waters are "stealing" fish from the country's waters. He said "These companies steal our fish and go without paying taxes. They have turned our territorial sea into their shamba (land)". The Minister stated that from now onwards, the government would use its security organs, including the navy to patrol the waters.

However, according to a leading fish exporter Tanzania has not actually banned industrial prawn fishing. Rather it was the industry that 2 years ago proposed to stop the prawn fishery for three years. The industry recommended that the fishery stop be done together with the removal of the numerous mosquito nets used by artisanal fishers to fish for larvae and juvenile prawns at the mouths of the rivers, especially around the Rufiji River delta.

Tanzania will find it very difficult to prevent the fishing with mosquito nets and to stop the industrial trawlers. The government collects export royalties from



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Examples of progress include Australia, which has multi-million dollar programmes in place to support the development of community-driven approaches to turtle conservation and to find solutions to the problem of ghost nets.

Indonesia is carrying out advanced research to identify interactions between fisheries and turtles and to work with industry to mitigate impact.

The Seychelles has devised innovative approaches to involve the private sector in practical conservation measures.

Official delegations from more than 30 countries are expected to attend the Bali conference.

the export on prawns and is reluctant to lose out on this revenue stream. The industry too was reluctant to stop fishing without an agreement with the government.

Magufuli said research conducted by the Tanzania Fishery Research Institute (Tafiri) on the availability of fish and destruction of the environment found that various fish stocks had been decreasing. The research found that the prawn population had decreased from 1 320 tons in 2003 to 202.5 tons last year. The Minister said according to the research, lobsters, squids, octopus and sea cucumbers had also decreased.

In line with the reduced marine species, there has also been massive destruction of the environment. And in Lake Victoria, the Nile perch population decreased from 750 000 tons in 2005 to 375 000 tons in February this year according to Tafiri research.

Magufuli said that small scale fishermen would be allowed to fish for prawns provided they used legally accepted fishing gear. Fishing methods such as beach seine nets (locally known as kokoro) and explosives had also been banned as these methods destroyed fish breeding areas. However, according to the fish exporters, beach seining was already illegal and many other laws are being broken every day due to lack of political will and enforcement, that these new laws don't really mean anything. The lack of enforcement is so severe that just 8 kilometres from the



city centre and no more than 500 metres off the beach, clearly visible to anyone, including enforcement units, illegal beach seining goes on unabated for anywhere between 15 – 20 days a month. A typical answer to the reporting of dynamite fishing to the compliance officials is "no car, no boat, no petrol..." while their office cars are seen driving around towns.



In an e-mail the fish exporter attached images of other illegal activities taking place, including the illegal slaughter of endangered turtles.



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#### Fisheries Management could Save Corals from Starfish

A recent study found that commercial fishing bans on the Great Barrier Reef helped curb the coral-eating starfish known as the crown-of-thorns. This spiny starfish can grow up to two feet (0.6 meters) in diameter and have up to 20 arms.

The researchers reported that management areas that include no-take zones has resulted in as many as seven times fewer outbreaks of the coral-devouring starfish. They hypothesize that restrictions have kept predatory on the reefs. While these larger species of fish do not feed on the crown-of-thorns, they do ingest smaller fish, which feed on small invertebrates. The invertebrates in turn feed on crown-of-thorns larvae. In the absences of large fish, the smaller fish numbers skyrocket and invertebrate numbers shrink, which results in less predation on starfish larvae.

Hugh Sweatman, a marine ecologist at the Australian Institute of Marine Science in Queensland estimates that crown-of-thorns starfish are responsible for about 40 percent of the drop in live coral coverage on the Great Barrier Reef. He said, "This study is yet another argument for instituting marine protection programs."

The fish exporter states that the Minister's statement does not provide anything more than the talk they are so used to in Tanzania. A good example of this is the recent high publicity that followed a high profile meeting of security organs, ministers, and donors held in 2007 to tackle an epidemic problem along Tanzania's coastline, namely dynamite fishing. "Newspaper articles followed the high profile meeting and publicized high profile statements of eradicating the problem. Hope among stake holders was high, yet as of August 2008, almost a year later, dynamite blasts are a regular occurrence along most of Tanzania's coast". He says whenever they meet with high ranking Government officials to state their problems and the need for their assistance, they always come out feeling good about the meeting and positive about the outlook. "Actually, the situation since the year 2000 has become worse and worse".

Is the navy not the solution? The exporters feel the solution is somewhere outside meetings by politicians and conventional enforcement agencies. They would welcome a dedicated enforcement agency created just for fisheries management to be implemented after a "4 – 6 month sensitization campaign along the entire country's coast that includes the regional and district leadership, town councils and the magistrates". The reasoning is that many fishers have already been 'sensitised', but enforcement has not. There is a high degree of cynicism among fishers, who commonly claim that '*viongozi wetu*', the higher level political leaders are behind the dynamiting, or at least condone it and turn a blind eye.

#### 5. FAO COUNTRIES SIGN AGREEMENT TO LIMIT DAMAGE TO DEEP SEA HABITATS

After two years of preparation and negotiation, FAO Members have adopted international guidelines aimed at limiting the impact of fishing on fragile deep sea fish species and habitats. The guidelines provide a framework that fishing nations should use when operating in high-seas areas outside of national jurisdictions, where many deep sea fisheries (DSF) are located. Stating that all fishing activity in deep sea areas should be "rigorously managed," they lay out measures to be taken to identify and protect vulnerable ecosystems and provide guidance on the sustainable use of marine living resources in deep-sea areas.

Additional recommendations include:

- Fishing nations should assess the deep-sea fishing being undertaken by their fleets in order to determine if any significant adverse impacts are involved;



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- Deep sea fishing activity should cease in any area where significant adverse impacts to vulnerable marine ecosystems are thought to be taking place;
- Where deep sea fishing can be undertaken responsibly, more appropriate fishing methods should be used to reduce impacts on non-target species.

## 2 Namibian Vessels Lose Licenses

The Namibian government says it is in the process of revoking the fishing licences of two Namibian ships accused of poaching in international waters. Abraham Iyambo, Namibia's Minister of Fisheries and Marine Resources, said in a statement that both vessels would be investigated after complaints from New Zealand and Mozambican officials.

One vessel was stopped in Mozambique waters carrying a large cargo of shark products. The other vessel attempted to unload an allegedly illegal cargo of tooth fish in Auckland, New Zealand, in May 2008. Both ships belonged to a Namibian company, Omunkete Fishing.

The government's move came less than two weeks after Namibia hosted seven coastal southern African countries at a SADC conference at which they agreed on tough measures to curb illegal fishing.

The guidelines also outline steps for improving information on the location and status of vulnerable marine ecosystems and deep-sea fisheries. Managing deep-sea fisheries in high seas areas outside of countries' exclusive economic zones has always been difficult, since it requires multilateral solutions involving not only nations whose vessels are engaged in deep-sea fisheries but other interested countries as well.

"Until now, there really hasn't been an international framework for tackling this issue. These guidelines represent one of the few practical instruments of this nature, and are a breakthrough in that they address both environmental and fisheries management concerns in an integrated manner," said Ichiro Nomura, Assistant Director General of FAO's Department of Fisheries and Aquaculture.

Many deepwater fish species grow slowly, reach sexual maturity late, and may not always reproduce every year. As a result they have low resilience to intensive fishing, and recovery from overfishing can take generations.

Some deep sea fishing in the high seas also raise serious concerns about other vulnerable species, such as delicate cold water corals and sponges; fragile sea-bottom seep and vent habitats that contain species found nowhere else, and specific features like underwater seamounts that are often home to sensitive species.

Because deep sea fishing is a relatively new activity and requires considerable resources in terms of investment and technology, few countries have so far developed policies and plans specifically related to managing it, even in their own waters.

## 6. THE FAILURE OF GOVERNANCE IN SA'S NON-CONSUMPTIVE SECTORS

The failure of governance at South Africa's Marine and Coastal Management (MCM) has once again directly and adversely retarded *transformation*. Transformation – notionally understood to mean a "complete change usually into something with an improved appearance or usefulness" – in the non-consumptive marine sectors of boat-based whale watching and white shark cage diving has been dealt a severe blow.



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### Survival Chances of Albatrosses Increase

The survival chances of the albatross, one of the most threatened seabird families in the world, have improved following a report released by WWF-South Africa.

At least 28 species of albatross and petrel are caught by South African fisheries as by-catch, of which 13 are threatened with extinction. The birds are caught trying to retrieve bait from longline fishing hooks, or are injured or killed during fishing operations. A deterioration of their breeding habitats and targeted hunting operations are other factors.

Samantha Petersen, manager of the WWF-South Africa Responsible Fisheries Programme, said that the report - "Understanding and Mitigating Vulnerable Bycatch in Southern African Trawl and Longline Fisheries" (available from Feike's David Arnott at [darnott@feike.co.za](mailto:darnott@feike.co.za)) - improved substantially the understanding of the circumstances under which seabirds were killed.

"The findings help accurately identify management measures to reduce the wasteful killing of these magnificent birds while not unnecessarily disrupting fishing activities or impacting other vulnerable marine life like turtles and sharks" said Dr Petersen.

In 2007, the Minister of Environmental Affairs repeatedly stated that he would use the allocation of permits in these two sectors to underpin the mythical "Social Plan" for the abalone divers whose 10-year fishing rights were suspended first in October 2007 and finally in February 2008. When the "final policies" for each of the two sectors were published in July 2008, not only were they shockingly amateurish "cut-and-pastes" of each other and other policies, they failed (or forgot) to make any reference to accommodating the marginalised and maligned abalone divers.

The policies themselves fail to address some of the most basic "policy" issues such as how many operators will be allowed in each of the identified zones. Then of course, there are basic amateurish embarrassments that should never be allowed in law making – errors that cause confusion and embarrassment. For example, one has to regularly refer to the cover of the Government Gazette when reading the boat based whale watching policy because there are repeated reference to white shark cage diving policy issues. A good example appears in the white shark cage diving (WSCD) policy, which states the following under the title "Regulation of the WSCD Industry":

*"The Department shall, through its WSCD regulations or other appropriate means, prohibit whale and dolphin watching operations..."*

We are all guilty of having cut-and-paste in our careers but for goodness sake don't forget **Cut-and-Paste Rule 101 – FIND AND REPLACE** immediately afterwards! But maybe MCM staff have not been on *that* training course...yet.

So, will MCM ever get beyond the issuing of section 81 exemptions to the operators in the non-consumptive sectors? Maybe not. Feike has reliably learnt that a law firm has been specifically engaged to advise the ones who don't use FIND AND REPLACE to find a way around and replace a little problem. It was only recently discovered that *in fact* those annual (free) section 81 exemptions that were being handed out like candy (and unlawfully) carried a clause that stated that the exemptions were allocated for an indefinite period – even better than a 15 year commercial fishing right! Naturally, the operators who were lucky enough to get an "exemption" to operate either a boat-based whale watching or white shark cage diving vessel are not willing to support this new permit allocation process.

In addition, there are two further possible legal arguments to be made against these "final" policies. The first and only draft policies were published way back



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in 2006 for comment. Two years of silence passed and the boat-based whale watching sector policy now also regulates dolphin watching. We believe that the substantial lag in time between the final and draft policies, coupled with the substantive addition of another "species" to be regulated under the policy may amount to a breach of fair administrative action in terms of the Promotion of Administrative Justice Act, 2000.

Secondly, the boat-based whale watching policy (read with the regulations) are confusing and ambiguous, particularly when attempting to determine which criteria are "essential" or peremptory requirements and which are directory or criteria to be used in comparing and ranking applications.

## Events to Diarise

### **Marine and Coastal Educators' Network 9<sup>th</sup> Annual Conference 11 – 16 January 2009**

The Conference will take place at the NG Jeugsentrum in Hartenbos from 11 – 16 January 2008. The theme of the conference will be "**Currents of change**" which the organisers envisage will deal with the changes that have taken place in the curriculum and how marine educators can best deal with them. This year there will not be long theoretical presentations, instead of presentations there will be actual lesson plans and activities. Local experts and scientists will be invited to talk on the work that they are doing and will conduct field trips in the Mossel Bay/Hartenbos area. The conference will cost **R700.00 for MCEN members and R800.00 for non-members**. This includes all meals and accommodation except for a light lunch on one day which will be for your own account.

The Marine and Coastal Educators' Conference is always the most wonderful opportunity for people who are passionate about the sea to get together for five days, and talk shop while having fun at the same time. It is always a good way to start the year while you are fresh after your leave and filled with enthusiasm for the year ahead. The numbers are limited to 40 participants, so reserve your place before the end of the year. The programme will be forwarded early in December.

Closing day for Registration : Friday 5 December 2008

Contact Lyn Britz at [lbritz@seaworld.org.za](mailto:lbritz@seaworld.org.za)

### **IUCN World Conservation Congress Barcelona, 5-14 October**

The IUCN will be holding its fifth World Conservation Congress in Barcelona between 5-14 October 2008. An important part of the Congress will be the Alliance Workshops which will be held between 5-9 October. These are a series of workshops on a range of topics related to conservation and environmental protection. The Oceans, Coasts and Coral Reefs SG will be holding a workshop entitled *Ocean Governance in the 21st Century: Gauging the Law and Policy Tides* on October 6 between 16:30 and 18:00. A draft programme of all the Alliance Workshops is available at <http://208.112.69.59/agenda/>.

The Congress anticipates the attendance of some 8,000-10,000 participants from all over the world. The Congress presents a once in a four-year opportunity for IUCN members to meet, share experiences, debate and hopefully plan for future activities

Registration is required and pre-registration is available only until 25 September 2008. The registration fee for Commission members attending the World Conservation Forum (Alliance Workshop week) is 200 Euros for registration by 25 September and 250 Euros afterwards. See [http://cms.iucn.org/news\\_events/events/congress/index.cfm](http://cms.iucn.org/news_events/events/congress/index.cfm)

If you have any further questions please contact. David VanderZwaag: [david.vanderzwaag@dal.ca](mailto:david.vanderzwaag@dal.ca) or Nilüfer Oral: [noral@bilgi.edu.tr](mailto:noral@bilgi.edu.tr)

### **Seafood Summit 2009: Sharing Responsibility for Real Change, San Diego, California, 1 – 3 February 2009**

Seafood Summit brings together global representatives from the seafood industry and conservation community for in-depth discussions, presentations and networking with the goal of making the seafood marketplace environmentally, socially and economically sustainable.

For more information contact Seafood Summit at [SeafoodSummit@seafoodsummit.org](mailto:SeafoodSummit@seafoodsummit.org)

### **Climate Change Conference, Polokwane, 20 – 24 October 2008**

The Department of Economic Development, Environment and Tourism in the Limpopo Province is hosting an International Conference on Climate Change at the Oasis Lodge, Polokwane from 20-24 October 2008. The conference seeks to create a platform for scientists, governance practitioners, business and the general public from all over the world to discuss specific issues around climate change in the context of developing countries.

For more information contact Dr Antoaneta Letsoalo on [letsoaloAL@ledet.gov.za](mailto:letsoaloAL@ledet.gov.za) or Dr Greg Knill on [knillC@ledet.gov.za](mailto:knillC@ledet.gov.za)