

Olifants Estuary, South Africa: Moving Forward With Community Fishing Rights and Conservation Initiatives in the Face of New Threats from Mining

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Key Messages

- Through partnerships developed over the years with researchers and NGOs, fishers in Olifants Estuary have strengthened their voice in negotiations and decisions affecting the estuary and their livelihoods.
- Increased understanding of the importance of the estuary for conservation, livelihoods and culture amongst fishers, government officials and other stakeholders has led to a greater willingness to work together to achieve socio-economic and conservation objectives.
- Proposed mining activities in the vicinity of the Olifants estuary pose a new threat to the communities of Papendorp and Ebenhaeser and require ongoing vigilance, mobilisation of the community and collaboration with social partners, to defend rights and the environment.

Community Introduction

The people of Ebenhaeser were forcibly removed from their farmlands near Lutzville in the Western Cape of South Africa in 1926 and relocated to unfertile lands adjacent to the Olifants Estuary (Figure 1). These communities have been reliant on the estuary for fishing for generations although in recent years reduced catches have resulted in many seeking supplemental livelihoods^(1,2). There are

approximately 120 fishing families that rely on fishing for food and as a contribution to livelihoods. They live in two main villages adjacent to the estuary – Ebenhaeser and Papendorp. The fishers use rowboats and gillnets and mainly fish at night. The main target species is mullet but there is also an incidental catch or “bycatch” comprising a few linefish species such as elf and silver kob.

Conservation and Livelihood Challenges

The Ebenhaeser and Papendorp communities face several challenges to their livelihoods including threats to close the fishery and proposals to build a mine adjacent to the Olifants estuary.

Threats to Close the Gillnet Fishery

Over the past 20 years, traditional small-scale fishers at the Olifants estuary have been facing threats from fisheries scientists and conservationists to close the gillnet fishery. A government policy published in 2005 required that gillnetting be phased out by 2014, while a draft

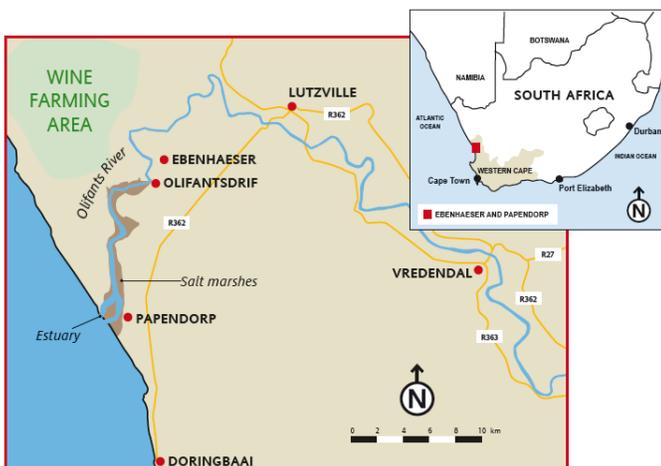


Figure 1: Map of the Olifants River Estuary



estuary management plan (EMP) published in 2008, recommended the estuary be declared a “no-take marine protected area (MPA). The community rejected both the policy and the draft plan on the basis of inadequate participation in the decision-making process and failure to recognise their socio-economic and cultural rights.



Figure 2: Two of the older fishers from Olifantsdrif with dried fish (bokkoms) in background

Mining Proposed Adjacent to the Estuary

In April 2016, an Australian mining company, Mineral Sands Resources (Pty) Ltd with various subsidiaries in South Africa, submitted a mine prospecting application for heavy mineral sands, phosphates, garnet, precious stones and diamonds on two farms that lie adjacent to the north bank of the Olifants Estuary. The proposed mining area is located on land identified as a critical biodiversity area. The southern boundary of the mining area borders on the sensitive Olifants estuary and associated habitats (approximately 15 km in extent) while the western boundary is adjacent to the seashore and extends northwards for approximately 20 km. To the north of the proposed mining area an existing mine, Tormin Mineral Sand Mining, is currently operating under the same Australian company. Ongoing allegations about environmental transgressions and bad labour practices at the Tormin site⁽³⁾, as well as a lack of response from the Department of Mineral Resources to respond to requests by civil society to investigate these alleged transgressions, have created much suspicion amongst local community members towards the company and its intentions.

Fishers at the Olifants estuary, as well as other community members, are particularly concerned about the negative impacts that the proposed mining activities may have on estuarine habitats, water quality and sediment movement as well as scenic views and sense of place. Of particular concern is how this may affect local livelihoods and plans for conservation as well as a community tourism development at the mouth of the estuary. Although the Basic Assessment Report (BAR) for the prospecting phase has indicated that no drilling of experimental holes will take place on the estuary banks⁽⁴⁾, fishers are concerned that once approved, environmental controls will be ignored. They are also concerned that should prospecting yield favorable results and mining be approved, the company will request permission to extend the mining operation into the estuary and out to sea, as happened at the Tormin site. The lack of accessible information, consultation and transparency associated with the Tormin mine, as well as processes associated with the BAR for the new prospecting application, have led civil society as well as the NGO, Centre for Environmental Rights, to compose several letters to the Department of Mineral Resources requesting further information, and highlighting inadequacies in the assessment and decision-making processes as well as possible transgressions at the existing Tormin mine site.

Although there is a policy and legislative framework in place to regulate the mining sector, the increasing power of the mining sector in South Africa (with strong political backing), presents a serious threat to coastal communities like those living adjacent to the Olifants estuary. The people of Ebenhaser and Papendorp are facing threats to their livelihoods and way of life - this time due to mining proposals that support the government's new initiative to “grow the blue economy”.

Community Initiative

Working with their community partners, the Olifants Estuary fishing communities are addressing the challenges facing their community.



Challenging Threats to Close the Gillnet Fishery

The Olifant fishing communities have worked with their social partners – researchers from the University of Cape Town, and NGOs (Masifundise Development Trust and the Legal Resources Centre) – to challenge proposals to close the fishery and have developed an alternative vision and set of fishery management proposals for the estuary. These proposals recognise the fishers' rights to resources but also address conservation and fisheries management objectives. These proposals were based on local and scientific knowledge gathered over several years as well as extensive deliberations amongst fishers and their social partners over a four-year period. The fishers' proposals were presented to the Olifants Estuary Management Forum (a group comprising representatives from relevant government departments, local farmers, fishers and other interested parties) in November 2013 and were supported. The EMP was consequently revised to address the rights and interests of the fishing and land claimant communities. The deliberations and negotiations amongst estuary rights holders and stakeholders over a four to five year period have enhanced understanding and trust amongst different stakeholders, providing an enabling environment to advance efforts to achieve sustainable livelihoods and conservation objectives⁽⁵⁾.

Key to the finalisation of the EMP was a decision to establish a community conservation area (CCA) at the mouth of the estuary that would be co-managed with local community members. While progress has been slow to formalise the CCA, significant progress has been made in bringing different groups together including representatives of the Communal Property Association who represent the land claimants, fishers, conservation authorities and other estuary stakeholders, to discuss and define the boundaries of the CCA, to seek agreement on traditional land use practices on land adjacent to the protected area (e.g. grazing of sheep on the salt marshes during periods of

drought), and to develop draft maps demarcating the CCA. The next steps in the process include:

- Examining various legal entities for formalising the CCA.
- Clarifying the roles and responsibilities of fishers and conservation officials in the co-management arrangement.
- Identifying local community members that can participate in a conservation-training program.



Figure 3: Discussing the boundaries of the Community Conservation Area at a meeting of fishers with social partners, in Ebenhaeser, June 2016

Challenging the Mining Proposition

Fishers of the Olifants estuary are once again forced to mobilize the community, and enlist support from researchers, NGOs and civil society organizations to address this new threat. These recent events highlight that certain departments (mining) wield more power than others (environment) and are still working in silos - pursuing their sectoral mandates without due consideration of the socio-ecological context and the rights and interests of local communities. Once again, it is the poor and marginalized that are having to be vigilant and find ways of tackling proposals that could undermine the ecological integrity of the system, their livelihoods and way of life. Clearly, the partnerships that have developed over the years between the local fishers, researchers, and NGOs have enhanced their capacity and agency to engage with traditionally

powerful actors and challenge decisions that affect their rights.



Figure 4: Fishers, university researchers and students meeting together on the banks of the Olifants estuary (September 2016)

Legal Recognition of Fishing Communities

During 2015 and 2016, the fisheries authority, the Department of Agriculture, Forestry and Fisheries, began putting in place procedures to implement the Small-scale Fisheries Policy promulgated in 2012. This policy recognizes small-scale fishers as a legal category of fishers and commits to protect their rights, give preferential access to coastally dependent communities and provide support to develop this new sector. The development and promulgation of the new policy and set of regulations⁽⁶⁾ was seen as a victory for small-scale fishers who have been struggling to gain legal access to resources traditionally harvested since the advent of democracy in 1994. However, implementation of this policy is proving complex and challenging as many thousands of fishers assume that the policy will secure their access to marine resources but are required to meet certain criteria and follow various administrative procedures to qualify for such a right. The fishers of the Olifants estuary are currently involved in a process of being registered and verified as small-scale fishers in order to obtain long-term fishing rights to resources in the Olifants estuary. However, not all fishers have registered as required by the regulations and once again several traditional small-scale fishers of the Olifants estuary are potentially at risk of being denied

access to estuary resources. The social partners are currently working with the fishers to ensure that they are not excluded from the rights allocation process. Thus, despite a new policy which seeks to recognize and protect small-scale fishers, communities such as those living at Ebenhaeser and Papendorp are at risk of being overlooked due to complex administrative procedures, inadequate communication from government regarding processes and requirements to register as fishers, and lack of capacity and skills at the local level to challenge complex state governance systems alone. These challenges together with the new threat of mining highlight the ongoing vulnerability of coastal fishing communities in South Africa, and the importance of building networks and partnerships to challenge unfair decisions, tackle complex administrative procedures and defend local rights.

Practical Outcomes

- A much greater appreciation of the rights and interests of different users and stakeholders in the Olifants fishery has emerged which has been useful in discussions with the government regarding future management of the estuary and fishery.
- Increased understanding amongst fishers and government officials of the importance of the estuary for conservation, livelihoods and culture and an initiative to declare a community conservation area at the mouth of the estuary.
- A greater willingness amongst fishers and conservation agencies to work together in a co-management arrangement to achieve livelihood and conservation objectives.
- Increased capacity and empowerment of fishers to challenge unjust proposals, plans and policies and participate in planning and decision-making processes.



- Revision of the Olifants Estuary Management Plan to include fisher's proposals for management of the fishery.
- The fishery has not been closed despite government's intention to close it at end of 2014.
- Strengthening of partnerships between fishers, university researchers and other social partners.



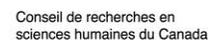
Figure 5: Two fishers with their dried fish catch (locally known as "Bokkoms")

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