



# nelson mandela bay

## T O U R I S M

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7 June 2020

Department of Environment, Forestry and Fisheries  
Environment House  
473 Steve Biko and Soutpansberg Road  
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0083

Dear Minister Creecy

**Re: Concerns about the impacts of Demersal Longline Shark Fishery.**

We represent a public group 'Save Our Sharks' and supported by concerned members of the public and the Nelson Mandela Bay Tourism Association. We write to you to express our serious concerns about the management of commercial shark fishing and the impact it is having on the marine environment and the livelihood of persons directly affected. Our concerns have been shared by ~ 25 000 signatories who have added their support for us to petition the Minister. The signatories are from all walks of life, including international support.

Your announcement released on the 21 May 2020 that your department has appointed a panel of experts to review the management and conservation of sharks in South African waters has been noted. We wish to commend you for this initiative as it was one of many items of priority.

When the State awards a right to fish, it carries with it the obligation to do so in a responsible manner to ensure the effective conservation and management of the living resource. Anything less should be a criminal offence.

Our organization and members of the public have become increasingly alarmed and disenchanted by some of the inexplicable decisions by DEFF over the past number of years. In the face of scientific experts expressing caution, and persons in the industry expressing concerns, we have witnessed the continued and relentless commercial harvesting of sharks with little regard to the consequences. South Africa is a signatory to the global FAO Code of Practice for Responsible Fisheries and in respect of sharks, almost

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every item of principle (Article 6.0) and fisheries management (Article 7.0) has been ignored or not implemented.

Parliamentary oversight has proven unsatisfactory in exposing irregularities and omissions. The current situation has only been revealed by action groups exposing the facts to the public. The most recent Carte Blanche TV expose revealed even more unsatisfactory situations.

So the question we are asking is: how did fisheries management department MCM/DAFF/DEFF, who are custodians of the marine resource, allow this to happen? The FAO code of practice and the Marine Living Resources Act detail exactly the principles to be followed and measures to be taken in almost every circumstance.

It is our view that in addition to the expert scientific panel terms of reference, there should be a proper review of the managerial performance of the department from about 2010 when the NPOA-Sharks was first drafted, and that persons involved in mismanagement or any other irregularities are brought to account.

Please allow us to detail for your information and attention the more specific issues that have been drawn to our attention.

### **1. Unsustainable shark fishing – decimation of sharks by DLS sector**

Our concern is the unsustainable fishing of specific shark species targeted by commercial demersal longline fishers. Some of these species have been assessed and found to be overfished and the consequences have serious implications for the fish stocks as a natural resource.

NPOA-Sharks reviews as well as stock assessments for the main demersal species (smooth hound and soupfin sharks) were completed in 2018 (using data from 1998 to 2016) and show that both species have been overfished and are still being overfished. Catches recorded since 2016 have been at even higher rates so it follows that the status of the health of the stock has declined further. We wish to emphasize that harvesting demersal species by longline was always high risk as stock status as early as 2005 were noted to be vulnerable, and the precautionary approach should have prevailed. Subsequently interventions recommended to mitigate the overfishing, which included (slot) size limiting, total catch restrictions and onboard observer enforcement recommendations have simply been ignored to date. This mismanagement of our shark resources over the years may now render any mitigation measures insufficient.

Soupfin sharks have been heavily fished as both bycatch and direct-targeted species in a number of fishery sectors to the extent that stock levels are now close to collapse and require an immediate and substantial reduction of fishing effort, i.e. from a catch of approximately 1500 t per annum to below 100 t per annum.

Smooth hound sharks are overfished and unless the catch is reduced to below 75t per annum, stocks will be threatened with collapse. Both of these recommendations are so serious that it is unlikely that the DSL will be viable as a direct fishery any longer.

The MLRA provides for an immediate and urgent intervention.

**Request:** Stop DSL fishing immediately. Strategies need to be put into place for the recovery of threatened and endangered species in other fishery sectors where soupfin and smooth hound sharks are taken as bycatch. Risk assessment thresholds to be established for all target and bycatch species and updated regularly.

## **2. Illegal fishing in MPA's – Lack of enforcement**

The blatant illegal fishing of one of the DLS vessels, the MV White Rose in the De Hoop marine reserve (MPA) in April 2019 is a flagrant disregard of specific permit conditions. It is poaching of a national resource and theft from our national heritage. It ranks along with rhino poaching or setting snares in a game park and requires the strongest condemnation. The Marine Living Resources Act makes provision for the Minister to severely punish such non-compliance and to reinforce a no-tolerance policy of enforcement. Therefore the fact that the vessel continues to still operate, more than a year later, with impunity, conveys a message of contempt for law enforcement.

It was not that the vessel accidentally strayed into the De Hoop Reserve MPA as the vessel has sophisticated tracking technology onboard, so they knew where they were fishing. Surveillance by satellite imagery has shown the vessel fishing continuously and on many occasions on the periphery of the protected area and we have viewed records of the vessel track forwarded to us.

The MV White Rose was apprehended as a result of private surveillance and not by DEFF enforcement monitoring, notwithstanding that the vessel GPS tracking system is supposedly being monitored for fishery management purposes.

We understand that prosecution of the vessel captain and owner is being followed through and a trial date has been set in July 2020. We would advise the Minister that we have photographs of the same vessel showing prohibited species being killed, which are also contraventions of the fishing permit, and which should be added to the investigation charge sheet.

We are aware of research in areas adjacent to De Hoop MPA which confirm that smooth hound sharks and protected hammerhead sharks frequent the same marine habitat; the research study showed a 40% probability of both species being caught on the same longline setting. We have overhead photographs of killed hammerhead sharks onboard the MV White Rose and suspect that these prohibited species are being added to the catch.

**Request:** Effective enforcement of existing permit conditions and laws through robust enforcement mechanisms is as a matter of urgency required.

**Request:** The critical habitats of the threatened and endangered species, particularly high residency species, need to be identified and protected.

## **3. Sudden decrease in White Shark numbers**

DLS fishing targets the smaller shark species such as smooth hound which are the natural predation species of protected white sharks. The decline in white shark sightings by the

boat based shark and whale watching tourist industry can directly be linked to the overfishing of demersal shark species. The lack of scientific data does not render observations from operators that spend thousands of hours on the ocean insignificant. The lack of scientific studies is a direct result of non-performance from authorities when DLS was put in place (no EIA, no risk assessment, no specialist studies were done). The absence of white sharks from key South African southern coastal viewing sites is a major cause for alarm. This is ironic since South Africa was the first country ever to grant legal protection to the white shark. Now, due to the overfishing, poor management, lack of enforcement, white sharks are disappearing. The Carte Blanche TV expose on the demersal longline shark fishing industry (19 April 2020) highlighted the impact that it had on the white shark cage diving and boat watching eco tourism industry. To allow the white shark population to recover, DLS should be put on hold. All the permit holders for DLS have other fishery sector permits and can most be accommodated into other sectors.

**Request:** Halt DLS to allow the White Shark population to recover to sustainable levels in the areas where the sharks have disappeared.

#### **4. Inadequate legislation to protect marine resource**

The DEFF departmental mandate is to ensure the sustainable use and development of our natural marine resources including sharks.

The fact that the Marine Living Resources Act (MLRA) has not been adhered to in many instances and has not provided for the protection of this finite marine resource is a serious concern. South Africa, as signatory to FAO Code of Conduct for Responsible Fisheries, has a duty and responsibility to adhere to the code.

In our view, the legislative framework for fisheries management is in itself deficient. The MLRA does not impose statutory policies or governance practices on the Ministry and this is evident by the state of the fisheries.

We have witnessed consecutive fisheries administrations ignoring policy and principle, and even the law, with impunity. This situation has to change.

**Request:** Improve the MLRA to ensure the sustainability of natural resources, such as in this case shark populations, is the main focus of management. With limited resources, there is no place for vanity projects that distract focus. The concept of balancing outcomes cannot be at the cost of future sustainability.

**Request:** That the process of resource management is reinforced with mandatory policies and procedures that are non-negotiable.

#### **5. User group conflicts : shark resources**

Conflict between the DSL fishers and international eco-tourists (BBWW and WSCD operators) at the hot spot viewing areas along the southern and western coastal regions indicates an unacceptable situation which has been ongoing for two or more years. The fact that the department has not seen fit to intervene is unacceptable. The MLRA makes provision for the establishment of exclusionary areas to avoid such events. Ecotourism

has been shown to be 100:1 more financially viable than DLS, and sustainable, without the added impact on the drastic decreasing of shark populations.

**Request:** Protect the utilization of the sharks as a natural resource for the benefit of most against the lowest risk to the shark population.

## **6. Access to information**

The MLRA and FAO Code of Conduct make provision for access to information a specific and important requirement. South African legislation (Access to Information Act) has made it a legitimate right to information that is necessary for the public and organizations such as ours, to gauge the effectiveness of fisheries department monitoring and to keep our constituents fully informed. The times when government departments can do exactly what they like or to simply not do their duty are long gone.

We require to obtain information from the shark fisheries data, in proper interpretive format, that assists with a better understanding of the industry.

We also take this opportunity to officially register our organization as an interested and affected party.

**Request:** Fisheries catch and enforcement information be communicated to stakeholders in intelligent format.

**Request:** DEFF develop and implement public communication programmes commensurate with FAO code of practice guidelines.

**Request:** Register Nelson Mandela Bay Tourism and Algoa Bay Conservation as interested parties with DEFF.

## **7. Habitat protection**

Increasingly, fish and shark stock assessments are having to consider the risk implications of habitat. This is because studies are finding that fish stocks are not evenly distributed and that some species have very high residency tendencies. Habitat protection and buffer zones along Marine Protected Areas are international standards that are employed for population protection. It is thus very pleasing that a member of your expert panel is from SANPARKS.

Our very specific concern is the Algoa Bay marine environment. The bay is a unique geo-physical feature of the Southern African continent and has multiple distinct habitats for both marine fishes and animals. It is also the western boundary area of many indo-pacific species. Fishing records and marine sightings show that the bay area is home to more species than any other single region along the SA coast. Records of catches and sightings prove the high bio diversity of the region. The area is a proven pupping area for ragged tooth sharks and the many catches of juvenile white sharks show the bay to be a breeding area.

The recent establishment of the Addo Marine Protected Area has gone some way towards recognizing this valuable heritage site. There are however, numerous underwater marine structures that are equally vulnerable. Specific habitats within the

marine biosphere of Algoa Bay area are still vulnerable to exploitation and even more diverse marine hazards. (fishing, bunkering, fishfarming, etc.). MPA's are only effective if they are sufficient in extent and buffered by controlled protective areas. This is because commercial fishing is able to accurately targeted species habitats using GPS satellite tracking and underwater sonar navigation technology. Longlines are set with un-erring accuracy and the species are totally removed from that habitat.

So we are requesting a review of the larger Algoa Bay to be proclaimed as a region requiring additional protection for marine resources. We have started an investigation for the protection of Algoa Bay as a heritage site, possibly in future as a World Heritage Site.

**Request:** Algoa Bay be declared a Marine protected area with controlled zones encompassing the entire bay from Cape Recife to Woody Cape. Such action will add long-term benefits to the region.

### Acknowledgement

We thank you for this opportunity to express our concerns, which we have done in a constructive manner and based on the best available information at our disposal. We trust that you will implement our requests.

Your assistance in this matter would be greatly appreciated.

Kindly acknowledge receipt of this memorandum.

Yours faithfully



Shaun Fitzhenry  
Nelson Mandela Bay Tourism: Chairperson



Ronelle Friend  
Algoa Bay Conservation