



Guidance and Explanation Notes for the Small-Scale Fishers

Section A: Clarification of the Small-Scale Fishers Verification Criteria

4. (1) The criteria to be applied in determining whether a person is a small-scale fisher are that the person must:

(a) be a South African citizen who associates with or resides in the relevant small-scale fishing community;

Explanation:

South African citizen in this context is as defined in the South African Constitution, which includes anyone of the following:

- (i) was born in South Africa;
- (ii) became citizen through naturalisation (individual has been in South Africa for more than 5 years and has legally obtained a South African Identity document);¹
- (iii) parents of the individual were born in South Africa.

(b) be at least 18 years of age;

Explanation:

- (i) The applicant should have been 18 years or older in 2016 already;

NB!! This criterion might be seen to be encouraging child labour if read in conjunction with 4.1(c).

(c) historically have been involved in traditional fishing operations, which include catching, processing or marketing of fish for a cumulative period of at least 10 years;

Explanation:

The “traditional fishing operations” referred to in the above question are explained as follows:

- (i) “Catching”:
 - Refers to fishing as defined in the MLRA as:
“Fishing mean:
“(a) searching for, catching, taking or harvesting fish or an attempt to any such activity;

¹ <http://www.dha.gov.za/index.php/civic-services/citizenship>.



- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;*
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;*
- (d) any operation in support or in preparation of any activity described in this definition,”²*

- (ii) “Processing”:
 - Refers to individuals/applicants who use low technology to clean and gut fish fished by or bought from small-scale fishers;
- (iii) “Marketing”:
 - Refers to individuals/applicants who buy directly from fishers that use traditional fishing operations (“Langanas”);
 - This excludes individuals/applicants who buy their fish from retailers.

The “cumulative period of at least 10 years” in this criteria is explained as follows:

- (i) The 10 years’ experience required does not have to be consecutive;

Note: *Some of the supporting documents of the accumulated 10 years could include fines, Skipper licences, SAMSA certificates and the minimum supporting document would be an affidavit (department to provide a template).*

(d) derive the major part of his or livelihood from traditional fishing operations and be able to show historical dependence on fish, either directly or in a household context, to meet food and basic livelihood needs;

Explanation:

- (i) “Major part”:
 - Refers to 50 plus 1 % or more of the individuals’ livelihood

Note: *Part-time work such as carpentry does not necessarily mean that the individual/applicant is not dependent or derives a major part of their livelihood from traditional fishing operations.*

- (ii) “historical dependence”:
 - Refers to past direct historical involvement of the individual in traditional fishing operations, meaning that such individual(s) is/are directly involved in fishing operations or were dependent on traditional fishing operations to sustain their livelihood as a household.
- (iii) “Basic livelihood needs”:
 - basic livelihood need encompasses a huge array of needs that differs from person to person or fishing community e.g. fishing for income, fishing as a tradition or custom and or fishing for consumption.

² MLRA 1998

Section B: Completion of the Small-Scale Fishers Verification Form

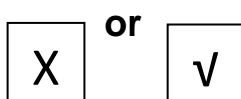
These Guidance notes are meant to assist you as the applicant to complete the Small-Scale fishers Verification Form (The Verification Form).

The Verification forms will only be distributed on a date to be confirmed by the Department to applicants that had previously applied for Small-Scale Fishing rights in the 2016 Verification process.

Both the Verification form and Guidance Notes will be explained to applicants before each applicant signs a register to acknowledge receipt of both documents. The unique application number on the Verification form and the Guidance Notes will be recorded against an applicant, to ensure that all Verification forms and Printed copies of the Guidance Notes are accounted for.

Completing the Verification Form

Please note that in sections where you are required to select a box, you can use either a tick or a cross sign as illustrated below:



Cover Page:

The section at the bottom of this page is for Office use only and should not be completed by you as the applicant.

Glossary:

It is very important to make sure that you as the applicant read this section and understand all the definitions that will be used in the Verification form, before you start completing the form.

Definitions in the Glossary are mostly as explained in the Marine Living Resources Act of 1998 and its Amendments of 2014. However, in the even that a particular word was not defined in the MLRA, the Department has defined it in the Glossary based on what is meant in the context of the Small-Scale Fisheries Verification Process.

Note:

This note explains the purpose of the questionnaire and also alerts you as the applicant about the importance of the “Required questions” the are marked with a triple asterisk (***). These questions MUST be answered as they are important to ensure that your application can be processed.



Section 1: Location

This section forms part of the “Required questions” and must be completed correctly and in full.

The “Date of application” refers to the date you are completing the form.

The “Name of the Community” refers to the fishing community that you wish to be recognized as being a part of.

The “Region where the Community is located” would be one of the following regions of the Western Cape:

- Cape Metro
- West Coast
- South Coast (Overberg)
- Southern Cape (Garden Route)

Section 2: Personal Details

Information requested in this section is required by the Department to identify you as the applicant, and as a citizen of South Africa.

It is important to write your full names and surname in this section as it is reflected in your South African Identity document (ID).

Note: Your ID will be the most important supporting document in this section.

Section 3: Contact Details

Information in this section is required by the Department mainly to ensure that you as an applicant can be contacted and be linked to a particular community.

It is very important to make sure that the contact details you provide in this section actually do work so that you are able to get direct communication from the Department.

Section 4: Other details

Information in this section is required by the Department mainly for demographic purposes as mentioned in the Verification form.

The question asking about “What type of work do you have, outside of fishing activities?” is the only one falling under the “Required questions” and MUST be completed.

Section 5: History in Fishing

Information in this section is required by the Department mainly to assess your fishing history and experience as the applicant against the criteria used to identify Small-Scale fishers.



All the questions in this section are deemed as very important and MUST be completed correctly and in full.

Question 5 (a):

The 10 years accumulated traditional fishing operations experience mentioned in this question does NOT need to be consecutive years.

Question 5 (b):

If you indicated that you do have at least 10 years accumulated traditional fishing operations experience in Question 5 (a), you then **MUST** write down the total number of years in the box provided in this question.

Question 5 (c):

This question seeks to help the Department understand what your exact involvement in traditional fishing operations and which years were you involved in those selected traditional fishing operations.

This question consists of 10 separate tables, labeled Year 1 to Year 10. You are required to fill in all 10 tables with your 10 years traditional fishing operations experience.

You are required to select the traditional fishing operation you were involved in, in each of the accumulated 10 years.

It is important to attach relevant supporting documents for all selected traditional fishing operations.

Please see below all the traditional fishing operations listed in the Verification form along with suggested supporting documents:

1. Boat Crew/Assistant/Skipper:

Suggested supporting documents would be:

- **SAMSA certificates** of boats you were a crew or an assistant on,
- **Skipper license** documents if you were a Skipper and list all boat you skippered,
- Any **Fines** of the specified year you might have received while involved in this traditional fishing operation,
- **Affidavits** from the boat owner and/or fellow crew fishers would also be considered, but as the lowest form of a supporting document,
- **Any other (Images etc.)** relevant documents.

2. Diver: (e.g., for abalone, Kelp or Lobster)

Suggested supporting documents would be:

- **Professional or Commercial Diving license** documents,
- **Permits** identifying you as a Diver,
- Any **Fines** of the specified year you might have received while involved in this traditional fishing operation,
- **Affidavits** from fellow divers or other fishers would also be considered, but as the lowest form of a supporting document,
- **Any other (Images etc.)** relevant documents.



3. Collecting inshore resources (bait, mussels, etc.)

Suggested supporting documents would be:

- **Permits** used to collect inshore resources,
- Any **Fines** of the specified year you might have received while involved in this traditional fishing operation,
- **Affidavits** from fellow fishers would also be considered, but as the lowest form of a supporting document,
- **Any other (Images etc.)** relevant documents.

4. Fished from shore (*Includes fishing with a Rod and Net fishing without a vessel*)

Suggested supporting documents would be:

- **Permits** used to fish from shore,
- Any **Fines** of the specified year you might have received while involved in this traditional fishing operation,
- **Affidavits** from fellow fishers would also be considered, but as the lowest form of a supporting document,
- **Any other (Images etc.)** relevant documents.

5. Processing

Note: *It is important to Indicate in the explanation section if the fish was caught or bought directly from fishers using traditional fishing operations and provide supporting documents.*

Suggested supporting documents would be:

- **Permits** used in order to catch the processed fish,
- **Receipts and invoices** from the fishers you bought the fish from if it was bought,
- Any **Fines** of the specified year you might have received while involved in this traditional fishing operation,
- **Affidavits** from the fishers that you bought the fish would also be considered, but as the lowest form of a supporting document,
- **Any other (Images etc.)** relevant documents.

6. Marketing

Note: *It is important to Indicate in the explanation section if the fish was caught or bought directly from fishers using traditional fishing operations and provide supporting documents.*

Suggested supporting documents would be:

- **Permits** used in order to catch the processed fish,
- **Receipts and invoices** from the fishers you bought the fish from if it was bought,
- Any **Fines** of the specified year you might have received while involved in this traditional fishing operation,



- **Affidavits** from the fishers that you bought the fish would also be considered, but as the lowest form of a supporting document,
- **Any other (Images etc.)** relevant documents.

Section 6: Dependence on fishing

Information in this section is required by the Department to assess your current dependence on traditional fishing operations.

Question 6 (a):

This question seeks to understand whether you derive most of your livelihood from traditional fishing operations. Livelihood in here does not only refer to finances, but also includes consumption and traditional or customary needs.

Question 6 (b):

This question requires you as the applicant to explain in more details as to how your livelihood is dependent on traditional fishing operation and also mention which traditional fishing operations you referring to.

1. What form of livelihood do you derive from traditional fishing operations?
 - You as the applicant need to **explain in detail** what form of livelihood you derive from traditional fishing operations.
2. List your traditional fishing operations that contribute to your livelihood:
 - You as the applicant need to list the traditional fishing operations that contribute to the livelihoods you mentioned in Question 6 (b) 1.
3. Provide any other relevant information:
 - This question gives you as the applicant the chance to further provide more relevant information that might have been left out in the previous two questions or that will give more clarity.

Section 7: Person who can vouch for you

Information in this section should be that of a person who can validate or support your application.

Section 8: Applicant Declaration Acceptance and signature

This section of the Verification form is meant for you to declare the correctness of the information you provided, and you giving consent to the Department to verify and validate your information.

Question 8 (a):

This question seeks to find out whether the applicant complete the form themselves or not, and if not, the Department would like to get the reasons, therefore.

Question 8 (b):

This question seeks the name and further details of the person who completed the verification form on behalf of the fishers.



Section 9: Acceptance and signature

This section is the last section on the Verification Form. The section starts by explaining the POPI Act.

Finally, the section asks for the applicants' details, such as the Applicant name and signature.

Note: It is very important to ensure that you as the applicant sign this section of the Verification form, or else it would be deemed as incomplete.

.... **THE END**...