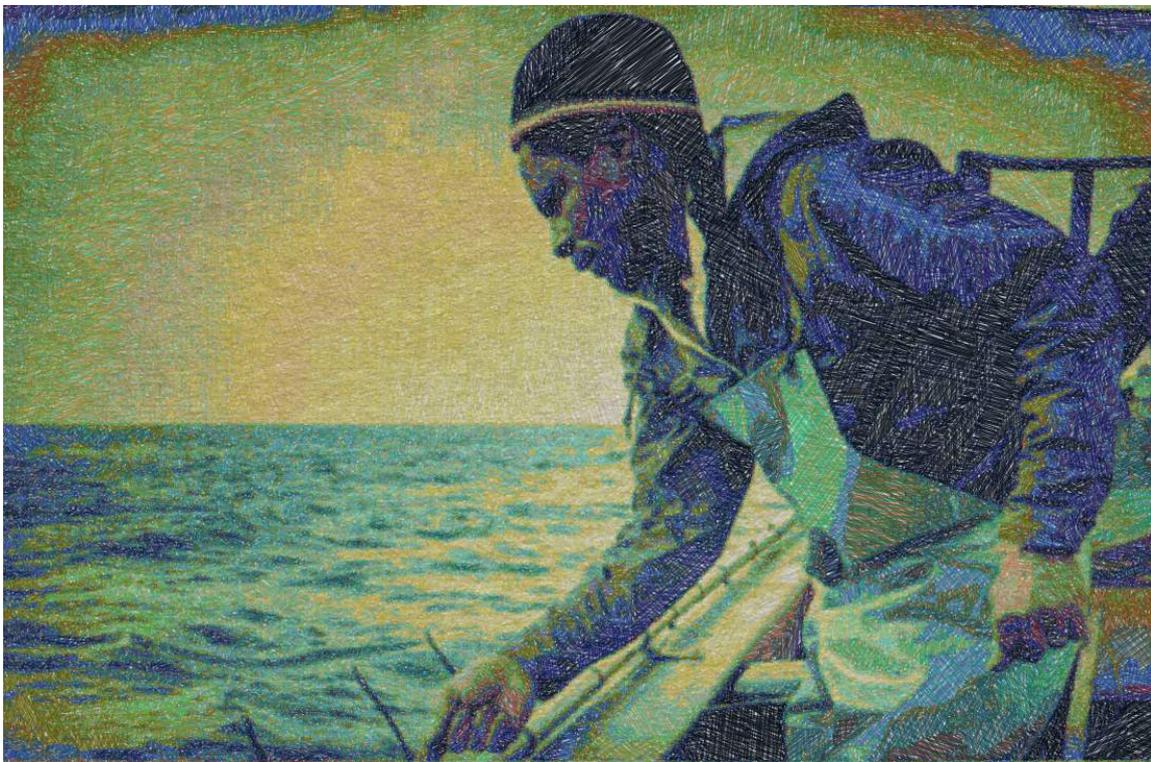


Let us not be slaves until we die: the lives of chokka fishers



NELSON MANDELA
UNIVERSITY

Centre for Integrated
Post-School Education
and Training (CIPSET)

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**Masingade sibengama khoboka side siyokufa:
Ubomi babalobi be- chokka**

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**“...oppressor and oppressed,
stood in constant opposition to one another,
[and] carried on an uninterrupted
now hidden, now open fight...”**

**“The real fruit of their battles lies,
not in the immediate result,
but in the ever expanding union of workers.”**

*Karl Marx and Friedrich Engels (1848). The Communist Manifesto.
In David McLellan ed. (1977) Karl Marx, Selected Writings. pp.222 and 228*

Introduction

This booklet tells the story of fishers' lives and struggles. It is based on the work of the Community Education Programme at CIPSET¹ and the Eastern Cape Black Fishers' Association (ECBFA) over the past three years.

This work has included conducting workshops with the structures of the ECBFA; helping in building links between groups of fishers' in Nelson Mandela Bay; supporting the development of funding proposals and participation in research to help fishers prepare to engage with government departments and meet with fishing companies and the South African Maritime Safety Authority.

Why tell the story of fishers' lives and struggles?

While this is the story of a group of workers within a specific industry, it is also the story of the social relations that shape the world of workers, and it talks to the role of the state in maintaining these relations. It is part of the universal story of how the exploitation of workers gives rise to the accumulation of wealth and privilege by a small elite.

Exploitation is not the end of the story. This book also tells the unfolding story of fishers organising and struggling to change their lives. It shares their hopes and dreams of a radically changed society.

This booklet is for the use of community educators, self-organised community groups and trade unions that aim to build autonomous, democratic, working-class organisations.



The fishers' prayer - members of the ECBFA open their meeting. Zwide, Nelson Mandela Bay

Photo: Community Education Programme

¹ CEP is based at the Centre for Post-School Education and Training (CIPSET) at Nelson Mandela University. It is a collaborative programme with community members and organisations around the Missionvale Campus of Nelson Mandela University. CEP uses participatory, community-based action research to develop non-formal education programmes and support community members who wish to undertake collective work that builds self-reliance and a solidarity economy.

1 Who owns the sea?

1.1 The first fishers

Our ancestors have lived along the Eastern Cape coast, between the mountains and the sea, for at least the past 70 000 years.

Scientists studying our early beginnings along this coastline say that food harvested from the sea was important to our evolution as humans, because the fatty nutrients in shellfish helped with brain development. Seafood also changed how and where we lived: it gave family groups of hunter-gathers a greater variety of foods that was fairly easy to collect. It meant too, that hunter-gathers could settle and survive in smaller areas along the coast.

Between 50 000 and 39 000 years ago, family groups used rocks to build traps, enlarging tidal pools and adding funnels to guide fish into them. They understood how the cycles of high and low tides worked and used this knowledge to trap the fish. This knowledge was passed along through the ages. The fish-traps and shell middens found along the south-western parts of the Eastern Cape Coast are between 2 000 and 4 500 years old. They provide strong evidence that stable groups of Khoi and San families have lived from the sea and other coastal resources since that time.

At that time, and until about four hundred years ago, the sea and its resources (like the land) did not belong to any group of people. People lived as part of the natural world without the need to take ownership of it.



The lines in this picture show evidence of fish traps built between 2000 and 4 500 years ago by Khoi and San hunter-gathers living near Oyster Bay in the Eastern Cape.

Source:
<http://www.heraldive.co.za/news/2017/10/28/celebrate-coastal-cradle-humankind/>

1.2 'My culture is the sea'

In recent times, families living along the Eastern Cape's Wild Coast have been fighting for their right to live from the sea as their ancestors did.

Villagers from the Hobeni, Mendwane and Cwebe communities (Dwesa-Cwebe communities) have fished and collected shellfish along the coast for many generations. Community history tells of amaXhosa clans living in the area since the 1600s.

Siyabonga Gongqose is a fisherman and member of the Hobeni Communal Property Association's Fishing Committee. He feeds his family from the sea and earns money to maintain and educate his children from selling his surplus catch. He says that he became a fisherman when he was about ten years old. His father taught him the skills and traditions of fishing, as he had, in turn, been taught by his father. This traditional knowledge is shared by other villagers, and the community makes joint decisions about fishing rights and the allocation of fishing spots. Villagers also rely on the sea to practise customary rituals.

All these traditions bring villagers into a close relationship with nature. They work and live as guardians of the land and sea; for example, releasing fish that are too small when caught, or protecting saplings in the forest.

But, as the Dwesa-Cwebe communities, they faced many difficulties.

First, in the generation of Siyabonga's great-grandfather, between 1891 and 1894, the colonial government forcibly removed the Dwesa-Cwebe communities from the coast and the forest where they had lived for generations. In 1903, the government declared the area a state forest. The communities continued to use the land and its resources until 1971, when the Transkei Nature Conservation Act was passed, bringing in new controls. The community could only fish in the sea, not in the river-mouth or the lagoon. There were restrictions on the bait they could use and they needed a permit to sell fish. The new law also made headmen ex-officio conservation officers.

Then, between 1970 and 1989, under apartheid and homeland legislation, the communities faced forced removal again. The Dwesa-Cwebe Nature Reserve was established in 1975 and in 1981 it became a state-protected nature reserve. This stopped all legal access to the reserve by local communities. By 1991, a marine reserve was also declared, but restrictions on access to the sea were not strongly enforced.

In 1995, local communities submitted a land claim: they demanded the unconditional return of their land and its resources to their care. In a meeting with the Eastern Cape Department of Nature Conservation, the right to sustainable use of sea and forest resources was agreed: Dwesa-Cwebe communities would participate in the management of the natural resources in the reserve and benefit from the income the state and other providers received from eco-tourism.



Then, in 1998, the Marine Living Resources Act (MLRA) was passed. From 2000, a Marine Protected Area was declared along a 19-km coastal strip on either side of the Mbhashe River. Government imposed "no-take" regulations without consultation, which totally dispossessed the community of access to any marine resources.

Marine biologist and photographer, Thomas Peschak, reported in 2016 that some of fishermen walk for hours at night past the boundaries of Dwesa-Cwebe Marine Reserve to access open fishing grounds. He said the marine reserve was originally created with very little local consultation and as a result some fishermen now struggle to survive and to obey the law.

Nat-geo photo: @thomaspeschak 2016
Source: www.flickr.com



Dwesa Point, Dwesa-Cwebe Reserve, Wild Coast, Eastern Cape.

Photo: Roelof van der Bregge. Source: <https://www.flickr.com/photos/roelofvdb/32085680732/>

Shortly afterwards, in 2001, the Dwesa-Cwebe communities finally won their land restitution claim. In terms of the settlement agreement between the community and government, the nature reserve would be co-managed for an initial period of 21 years by government and a community trust, the Dwesa-Cwebe Land Trust. The agreement also stated that the Dwesa-Cwebe villagers would enjoy favoured status in terms of benefits from eco-tourism employment opportunities and rights to natural resources, as well as giving input into management policies.

However, for Siyabonga and his fellow fishers, Sephumile Windase and a youth, Nkosiphendule Juza, their problems increased. Fishing restrictions in the Marine Protected Area were fully enforced from 2005. The Dwesa-Cwebe communities petitioned government, explaining their dependence on fishing, the difficulties they had in accessing the sea and their frustration about government delays in negotiating a settlement of the dispute about their fishing rights. Legally approved fishing spots were too far away and transport to these fishing spots was too expensive. In practice, the communities no longer had legal access to the sea.

On the evening of 22 September 2010, before Siyabonga had even cast his line in front of the Haven Hotel next to the Mbhashe River, four park rangers pointed rifles at him and the other two fishers. The three fishers were arrested, accused of trespassing, handcuffed and jailed over the weekend. Their main crime was that they had gone fishing in the Dwesa-Cwebe Marine Protected Area.



Source: <https://city-press.news24.com/News/My-culture-is-the-sea-20150926>

Much later, in 2012, Siyabonga, Sephumile and Nkosi appeared in the Willowvale Magistrate's Court at Elliotdale.

Siyabonga explained to the court that after his father passed away, life had become really difficult for his family. They had big debts and there was no money for food or to pay for mourning clothes for his mother. He said, "After the funeral, we had no food, nothing." So, he took his fishing rod and headed to the sea, where his ancestors had fished for centuries and where his father had taught him to fish as a child.

The magistrate agreed that the MLRA completely "extinguished" customary fishing rights in Marine Protected Areas. But a magistrate does not have authority to decide whether the Constitution, which protects customary rights, or the MLRA, which established the marine protected area, should be given preference. Accordingly, the magistrate found Siyabonga and the other fishers guilty of breaking

the MLRA. He gave Siyabonga and Sephumile a R500 fine each or the option of spending 30 days in prison. The sentence was suspended for a year, provided that they did not disobey the MLRA again. He gave the youth, Nkosiphendule, a strong warning.

Afterwards, tensions increased. At least two locals were shot dead by rangers for trespassing and a ranger was killed. The broader community of Dwesa-Cwebe wrote to the Ministries of Environmental Affairs and of Agriculture, Forestry and Fisheries, and to the Chief Executive Officer of the Eastern Cape Parks and Tourism Agency. They wanted the government to recognise their customary rights and not implement the MLRA against them, and for the Minister to use the power that exists in law to grant an exemption to the MLRA after reaching an agreement about its terms with the Dwesa-Cwebe communities. The government never responded or even acknowledged the letters. Community members told a reporter that they were “poor and hungry”, and dissatisfied that, despite the restitution deal that was signed many years previously, “there is still no change”. The Dwesa-Cwebe fishermen and mussel harvesters warned that if their ultimatum was not heeded, they would stage protests in the protected area.

Next, with help from the Transkei Land Service Organisation and the Legal Resources Centre, the community took the magistrate’s ruling on appeal to the High Court in Mthatha. The judge said that the MLRA was not in conflict with the customary rights set out in the Constitution, and rejected their appeal.

Since then, government has allowed fishing in certain zones of the Dwesa-Cwebe protected area. But for many fishers, these areas are simply too far away from where they live.

“My culture is the sea,” Siyabonga Gongqose told the City Press reporter, Janet Heard. As fishers and mussel harvesters, he and the Dwesa-Cwebe community would carry on risking arrest, “because we have nothing.”

Source: <https://cer.org.za/wp-content/uploads/2013/08/S+v+David+Gongqose+plus+2.pdf>
<http://www.saflii.org/za/cases/ZAECMHC/2016/1.pdf>

Janet Heard (2015) ‘My culture is the sea’. City Press Online. 2015-09-28. Available from: <https://city-press.news24.com/News/My-culture-is-the-sea-20150926>



Subsistence fishers harvest rocky shore organisms such as limpets and mussels from just outside the borders of the Dwesa-Cwebe Marine Protected Area.

Source: National Geographic Creative / Alamy stock photo – JGFPJN

1.3 Squid fishing rights

The state is the starting point for understanding property rights in fisheries. South African law sees the state as the primary owner of the sea along its coastline and of the resources it provides.

This gives the state the authority to decide how to structure property relations (or rights) to the sea through its policies and laws.

International law says that there are two areas of the sea that a state can claim. It has autonomous control over its territorial waters. This is an area that stretches from the low water-mark along its shoreline, up to 22 km (12 nautical miles) into the sea. A state can also declare an Economic Exclusion Zone (EEZ) along its coastline. This area stretches 370 km (200 nautical miles) into the sea. The South African EEZ prohibits foreign fishing vessels from fishing in our waters; it allows the government to arrest them, hold their vessels and confiscate their catch if they are found in our waters without permission.

The quota system is the most common mechanism for establishing fishing rights and for state control of these rights. A fishing right determines who has a right to fish and how much can be fished – it is a temporary property right. A fishing right also says when and where fishing can take place, what fishing method and gear can be used, and the kind of fishing boat that is allowed.

The government makes decisions to regulate fishing and maintain the sustainability of the fish stock, based on research. Researchers monitor the squid and its breeding grounds. They also analyse industry data collected by government on the number of crew employed, the catch volumes, and the number of trips made during the fishing season. The researchers then advise government and the industry about the fish stock that is available and on how much fish can be extracted in a fishery. They determine the biggest average catch that could be allowed without harming future fishing possibilities by causing catch volumes to drop to levels where fishing squid is no longer profitable.

In South Africa, the squid biomass (all the living squid in a specific area during a specific time) is protected by limiting the number of fishers, the method of fishing (handline jigging), the total number of approved fishing vessels, and the fishing season. In the squid industry, the volume of fish that can be extracted is expressed as the total number of days over a year that fishers can work. It is known as the total allowable effort (TAE).

Accordingly, fishing rights in the chokka (squid) industry are based on the number of crew a rights-holder can employ. Crew allocations are divided amongst rights-holders, based on the number and size of approved fishing vessels linked to that rights-holder. This means that the past catch history of a fishing company is an important factor in determining the extent of a squid-fishing right a company is allocated. Fishing companies with a proven fishing capacity benefit, and large companies that bring in higher volumes of squid have an even bigger advantage.

The industry, as established under apartheid, initially had rights-holders that were mainly white and male. After 1994, the new government used the regulation of fishing rights to encourage black ownership of the fishing industry. It issued squid-fishing rights for a one-year period and privileged companies with black or female shareholders.

White owners panicked. A performance review on the squid-fishing industry by the Department of Agriculture, Forestry and Fisheries (2009) stated that there was massive fronting in the beginning. Many white owners manoeuvred to retain control. They used the credentials of black fishers, of female workers in the shore-based operations of the company, and of female family members to artificially change their business profiles.



Chokka boats lie at anchor in Port St Francis

Source: <https://www.flickr.com/photos/bigjen/16799753518/>

Some corrupt owners, workers claim, took their identity documents and falsely registered fishers as co-owners in new companies, without any benefit to the fishers. Mafa Jikela explains:

“Into eyenzakayo kula boat ndandikuyo kwathathwa izithombe basixelela ukuba thina njengokuba kudala sisebenza kwi company sizokwenziwa i-shareholders. Ndandisebenze five years kulo boat ingu S...R... Kutheke xa ezi-certificate zizophuma for i-company saxhotwake ngamabhulu kule vekhi ziphuma!”

What happened was that there were pictures taken on the boat that I worked on and we were told that due to our long service at the company we were to become shareholders. I had five years' service on that boat named S... R... When the certificates were about to be released for the company, we were fired by the bosses – just the same week they were to be released!

Many owners saw no point in any alliance with crew: they made pacts with the local black elite instead. Mafaniso Hara (2008, 15) in his investigation of whether crew members in the squid industry benefited from fishing rights transformation, was told by a boat owner that “[T]here was no reason for offering shares to crew members, since they did not bring any political influence that could have helped me retain my fishing rights.”

Initially, some white owners simply ignored the number of crew assigned to their fishing right. They went to sea with a full crew and fished illegally, with no regard for the long-term impact on the fish stock. This was discovered by researchers from Rhodes University, Dinty Mather, Peter Britz, and Warwick Sauer, in their study on transformation and wealth redistribution in the squid industry (no date).

At that time, new black entrants, who mainly held smaller fishing rights, struggled to raise capital to establish viable independent fishing operations; fishing rights were allocated for short periods only, and fishing boats are hugely expensive to deploy and maintain. As they had no previous experience as owners of commercial fishing operations, banks would not give the new applicants the loans they needed. The easiest option was to negotiate access via existing white rights-holders and boat-owners. This created rights to fishing on paper, but not in reality. A black squid rights-holder told Mfaniso that, although blacks formally owned 77% of the shares, “It is the white partner who owns 23% of the total shares in the company, and retains sole ownership of the vessel, that runs finances without their active involvement.”

Mfaniso found that it was difficult to find out exactly how apartheid ownership patterns changed to the advantage of new black owners. Shares in companies can take different forms - a share could be a part of a fishing right, or an interest in a chokka boat, or a share in the processing and export of chokka.

As a result of all these difficulties with fishing rights for new black entrants, government started a policy reform process. In 2005/6, new regulations and fishing rights were introduced for the longer term of seven years. The regulations excluded rights applicants who, among other things, were not part of a company or a closed corporation and did not have access to fishing boats. All crew members had to complete a certificated safety at sea course, paid for by government, in order to become part of a registered list from which skippers could hire their crew.

In 2005, the government reported that majority black ownership of squid-fishing rights in 2001, stood at 33%. A 2012 report by the Department of Agriculture, Forestry and Fisheries, based on data collected in 2009, showed that black ownership had increased to 49%. By 2017, 62% of the 198 individuals who owned all the squid fishing rights until 2020 were black with one formerly-disadvantaged individual holding a directorship in 11 companies awarded squid-fishing rights.

A new period of squid-fishing rights came into existence in 2014. These rights are valid until 31 December 2020. For this period, the total allowable effort in the fishery is limited to 2 422 crew (who can fish for no more than 250 000 “man days” using handline jigging) on up to 138 boats – whichever limit is reached first. Currently, 198 people are directors in the 93 companies that exercise their fishing rights by utilising 126 chokka boats. They employ 2 343 crew.

2 Living from the sea

2.1 The squid industry – more concentration and bigger profits



The chokka boats
Gurusam and *Jabula* at
anchor in the PE Harbour,
September 2014.

<https://www.dreamstime.com/editorial-stock-photo-fishing-boats-port-elizabeth-moored-harbour-south-africa-waiting-tide-to-turn-image46058608>

The value of the squid industry was R900 million and it had a gross asset value of R400 million, fisheries management advisors Feike, told the Parliamentary Standing Committee on the Transformation of the Fishing Sector in 2011. On average, the industry earns between R500 and R650 million in foreign revenue per year. It is the most valuable fishing industry in the Eastern Cape.

The squid fishing industry started in the 1960s. At that time, squid was fished in South African waters by foreign fleets. This changed around 1984, when small ski-boats with twin out-board motors went to sea with crew hired for the day.

In 1986 the apartheid government regulated the industry to protect squid stock. It allowed only handline jig-fishing², limited the number of boats and crew and introduced a closed season from mid-October until mid-November, when the squid lay their eggs and the baby squid hatch.

When the democratic government came into power in 1994, trade boycotts were lifted and export opportunities (mainly to Europe) stabilised. The industry grew rapidly and new investments were made in larger boats, with sophisticated fish-finding technologies and large blast-freezers. The bigger boats had to launch from a harbour, so squid fishing, processing and export developed primarily around Port Elizabeth and St Francis.

The capitalisation of the industry brought several other important developments. First, the new boats could carry more crew and stay out at sea up to four weeks at a time, increasing catch volumes from 2 600 tons in 1985 to peak production of 12 000 to 13 000 tons in 2003 and 2004, respectively.

Second, to raise the capital for new investments, the industry came together across all the activities needed to deliver squid to the market. Large processing and export companies owned fleets of new boats, and squid rights-holders, in turn, held shares in boats and in the processing and export side of the industry.

² A jig is a form of artificial bait attached to a long line that is moved up and down in the water to attract chokka.

Third, blast-freezing is an extremely cold, extremely fast freezing process. Rapid freezing creates small ice crystals. The smaller the ice crystals are, the less damage there is to squid from the freezing process. Owners received higher prices for premium quality squid in overseas markets.

Imraan Patel, told the Financial Mail in 2010:

"My business has peaked. I can only sell my product to four or five buyers," he says. "They control the price and now they are moving into [other] fishing, too. They are buying [up] the independent operators."

Moving into the export market or expanding his quota by buying another company is possible but risky, according to Imraan. He would have to earn the borrowed capital back within the remaining quota period. Any negative change in the catch volume during that time, and he could go bankrupt.

Imraan's story raises three important points which demonstrate the increasing power of bigger companies to shape the industry in order to maintain and grow their profits.

First, export companies control the price at which they buy squid from fishing companies. Control over the sale price of squid increases the power of exporters in the industry. The Competition Commission granted a request for exemption by the South African Squid Exporters to share 'sensitive' price information on the demand and supply conditions in the squid market for a period of ten years. The Commission agreed with the owners that they should not be considered a cartel, because the industry is vulnerable to unfair overseas competition that force market prices down. They also agreed with the owners' view that, because the industry is so integrated across the value chain, the collapse of the export market will affect 50% of owners and the 90% of workers who are 'historically disadvantaged'.

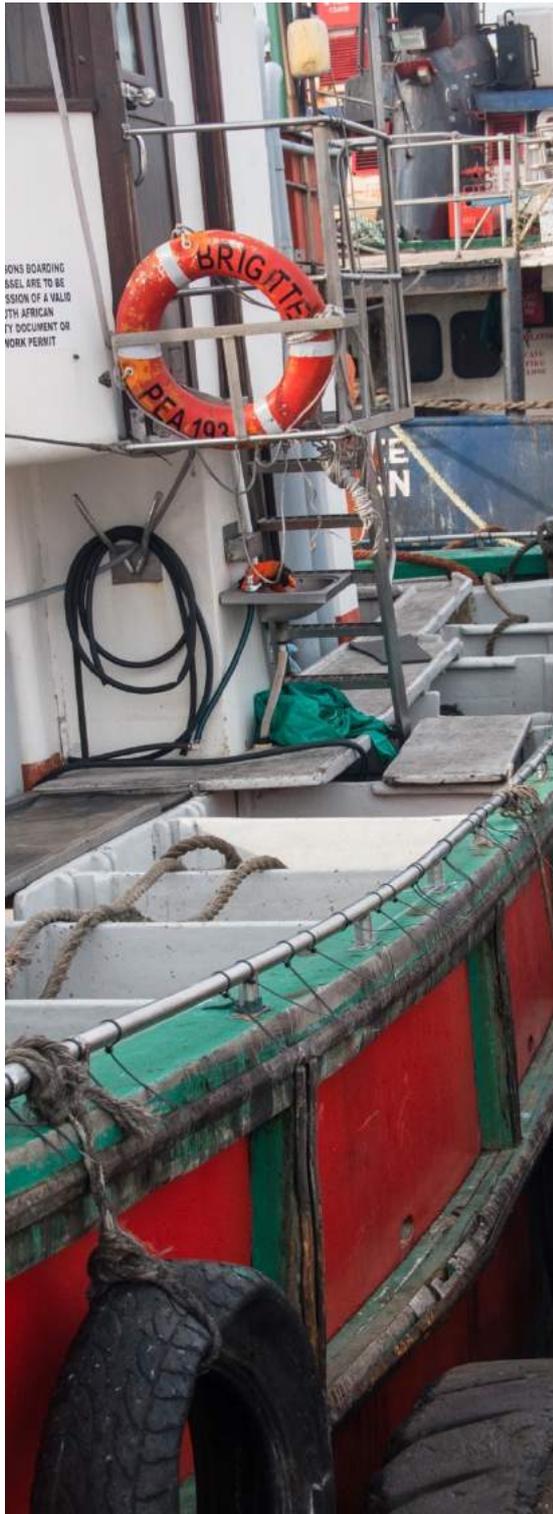
Second, in an environment where the size of the industry is fixed through the total allowable effort set by government, many smaller companies can go bankrupt, because catch rates and market prices can fall substantially, while overhead costs (such as capital, petrol and labour) increase. Indeed, bankruptcy faced many smaller fishing companies in 2014, when nearly 60% of the chokka boats did not go out to fish because the fishing was poor and the price of squid dropped in European markets. In such an environment, bigger companies can grow profits easily by buying up vulnerable smaller operators.

Third, larger companies, which are already in other fisheries, can afford the risk of acquisition to grow their profits. For example, in November 2017, Premier Fishing, a big, 100% black-owned national company with interests in many fisheries, bought a 53,5% controlling share in the Talhado Group for R106 million.

Talhado Fishing Enterprises is one of the largest squid-fishing operations in the Eastern Cape. In 2017 it had an after-tax profit of R51 million. Talhado's current squid-fishing right gives a consortium of seven rights-holders, with access to seven boats, the right to employ 133 crew. Talhado also has an agreement to buy squid from smaller operators. Together, their fishing rights add another 274 crew members and a further ten fishing boats to the company's total resources. Its cold facility can hold up to 800 tons of squid. The group's land-based operations employ 14 monthly and 21 weekly staff members.

Premier Fishing already owned a squid-fishing right that allowed its 11 owners to employ 72 crew across four chokka boats. It's acquisition of a stake in the Talhado Group increases its influence in the squid fisheries enormously. It will also boost the share value of Premier Fishing on the stock market when it adds 53,5% of Talhado's profits to its own.

So large companies are enjoying huge profits from squid-fishing. Smaller companies also profit, and many new black shareholders have benefited handsomely. However, for fishers, very little has changed. Fishers argue that fishing companies magnify the problems around fluctuations in the market and the availability of squid to extract big profits from their labour.



<https://www.flickr.com/photos/happisnappa/albums/72157647508529368>

In May 2017, at an industry summit called by the Department of Agriculture, Forestry and Fisheries (DAFF), the Eastern Cape Black Fishers' Association (ECBFA) presentation to the summit, noted the increase in black ownership of squid fishing rights and the increases in profits for rights' holders. They quoted an Independent Media Business Report of 5 May 2017, which stated that profits for black-owned and managed fishing company Premier Food and Fishing and their shareholders increased handsomely.

The ECBFA argued that in contrast to the growing profits of rights holders and company share holders, fishers experienced ongoing poverty: squid fishing rights for black owners have not changed the lives of chokka fishers:

...Whilst the lives of a small portion of historically disadvantaged black people have changed dramatically as a result of the fishing rights they received; the misery for fishers who land the catch upon which the wealth of others has been built, has continued. In this situation we cannot talk about an economically transformed squid fishing industry, nor can we talk about a socially just squid fishery."

2.2 The work of chokka fishers

Before becoming fishers, many chokka fishers were farmworkers, or the children of farmworkers, or were migrant workers who first tried to make a living on the mines or by working in construction.

In interviews³ with chokka fishers who are members of the Eastern Cape Black Fishers' Association, fishers told the Community Education Programme what it is like to be a fisher on chokka boats. This section tells their stories. To avoid victimisation, the fishers are not identified and pseudonyms are used.

Fishing is part of their identity, they say. It is also the source of great exploitation. Boat owners and skippers disregard them, seeing them only as a means for getting the catch to harbour. Eric Fassie, says:

“uBoat owner noSkipper basithatha nje ngabantu ababamba i-Fish.”

The boat owner and the Skipper, they just take us as people who catch fish.

Catching chokka is physically exhausting. Koos Ruiters explains:

“Ons is moeg sometimes. Dan kry mens se arms ôk swaar. Dan voel jy jou arms is tam. Jou oë brand. Jy wil gaan slaap, maar as jy wil werk dan kan jy werk. As jy wil gaan slaap vir twee ure, dan slaap jy. Dan kom jy maar weer. Dan kom jy werk [as die chokka byt].”

You get so tired sometimes. You feel it in your arms, they are so weak and feeble. Your eyes burn. You could go to sleep for two hours, but if you want to work you can work [when the chokka bites]

Fishers bear these difficulties, because they have families and importantly, fishing is their way of life, says Mongameli Tyutyu:

“Sinyamezele ngoba sinabantwana. Ayikho enye indawo esinokuya kuyo. Impilo yethu kukubamba i-fish.”

We endure, because we have children. There is nowhere else for us to go. Catching fish is our life.



Chokka fishers aboard the Craig.

Source: <http://www.jbaynews.com/photo-of-the-day-chokka-fishermen-at-sea/>

³ The names of fishers quoted here are pseudonyms. They chose not to use their real names, because they feared victimisation

Chokka is caught with handlines and jigs or 'dollies'. A 'dollie' is a lead sinker covered in a plastic body with small spikes at its head. The chokka gets hooked onto the small spikes. The fisher, who keeps the line running over his hand, feels, from the weight of the line in the water, when to pull. When the line feels 'lighter', because the swimming chokka is hooked, the fisher knows it is time to pull. An experienced fisher can manage between two and four lines at the same time.

The chokka boats lie 3 to 5 km out to sea from the shore. Chokka is caught on the sea-bed, but when the chokka is in a feeding frenzy, it is caught just a few metres below the surface.

Fishers stand at the port or starboard side of the boat at a fishing station known as a 'laatjie' that is built onto the side of the boat. In this fishing position, the fisher is slightly bent over as he pulls the line in and stretches up as he casts his line out. In that tightly confined space, the fisher is always in motion. The line runs directly over his hand and needs to be constantly moving to attract the chokka. Some fishers use a glove to protect their hands from being cut by the line or hooked onto a 'dollie'. Others tape up their fingers because they have a better feel for the line this way. Koos Ruiters says:

"Ons sit dollies aan by die lyne. Miskien ons sit so drie dollies aan by die lyne of vier. Nou gooi ons die lyn by die water in, dan gaan dit tot op die grond of miskien die bo-water; so 12 tot 13 vaam. En dan trek hulle dit nou maar net."

We put dollies on the lines. Perhaps we attach three dollies on the line, or four. Then we throw the line into the water, then it goes down to the bottom or maybe the surface water; twelve, thirteen fathoms and then they just pull it.



A chokka fisher in his 'laatjie', spools out his handline. There is no guard rail protecting him on this boat.



A fisher with a 'dollie' in hand. He has taped up his index fingers to protect them.

Source: <https://youtu.be/bdaQL3wuEsg>

When the chokka is running the work never stops. In December, the high season for chokka, an experienced fisher can land between 1 ton and 1,5 tons of chokka over a 21-day trip. There are short breaks during this fishing rush when the chokka is sized and taken to the blast-chiller. But really, to lie down means to lose income, fishers say. Koos Ruiters describes the work:

"Dan vang ons dag en nag. Dis nou miskien so tot twenty-four [ure], tot môre oggend toe. Maklik drie dae. So gaan dit aan. Daar is nie eintlik soos 'n tyd om te lê daarso nie. Miskien so 'n uur om te lê en agterna dan staan jy op en dan staan jy weer tot môre oggend toe. So as die chokka byt dan werk jy aanmekaar. Ons voel moeg sometimes daarso. Is nou net as die skuit nou ry hier van die Baai af, Maitlands toe, nou kry ons 'n kans om te lê. So is dit maar."

Then we catch day and night. Sometimes its 24 [hours] until the next morning - easily three days. There isn't really time to lie down out there. Perhaps an hour or so and then afterwards you get up and then you stand again (catching chokka) until the next morning. When the chokka is biting, you work without stopping. Sometimes it tires us out, out there. Perhaps when the boat is leaving the harbour here in PE and going towards Maitlands, then it's our chance to lie down. That's simply the way it is.



Chokka fishers use handlines and jigs to catch squid off St. Francis Bay, Eastern Cape. Here the fishers have no 'laaitjie' from which to fish. Note the guard-rail on the boat's side and small benches for sitting down.

Source: <https://www.youtube.com/watch?v=asxrkh5PuM>



Chokka is sorted into pans according to size.

Source: <https://youtu.be/bdaQL3wuEsg>

Every few hours, when the blast-freezer has finished freezing the squid in it, the skipper or the mate will weigh the next load of chokka. Each crew member will bring his basket, which is weighed and the chokka is sorted into sizes and packed into labelled pans. The skipper can also give some fishers (called 'pan men') the job of sorting the freshly caught chokka. Once sorted, the chokka is moved to the blast freezer, which speed-freezes the next batch of chokka.

Koos Ruiters explains what is involved:

"En dan sal ons ôk die chokka size; die chokka wat jy vang. Van die kleintjies af aan... Ek vang chokka. Dan pak ek die chokka in die panne in en van die panne da gat hulle freezer toe. Iemand anders vat dit freezer toe".
And then we size the chokka that we catch, from the small little ones on...
I catch chokka and then I pack the chokka into the pans and from the pans they go to the freezer.
Someone else takes it to the freezer

Huge generators power on-board refrigeration and lights to attract chokka at night. It is said that a chokka boat generates enough electricity to power 40 average households. The blast-freezer can reach temperatures of -40 °C. Freezing chokka can take between 6 and 8 hours, depending on the size of the freezer and the volume of chokka in it. Once the chokka reaches a core temperature of -20 °C, it is ready to be 'glazed'. Fishers who also work as glazers remove the pans of frozen chokka from the blast-freezer, spray them down with fresh seawater and knock the chokka out of the pans. They put the frozen chokka into bags which are stored in the hold of the boat. This is wet work that happens on deck in all weather and the fishers get extremely cold.

Source: <http://fishytales.co.za/2017/11/09/know-your-bait-chokka-part-2/>



Fishers loading frozen chokka into the hold. The temperature in the hold is maintained around -20 °C

Source: <https://youtu.be/bdaQL3wuEsg>



Pakamile Zingita says that he suffers from arthritis:

“Ndiqinelwe ngamadolo ngoku mna namathambo. Phaya sibamba i-chokka ukugqiba kwethu ukuyi bamba i-chokka siyifaka efrijini... So yonke lonto yenza inqele.”

I suffer from stiff knees and also have joint pain. We catch the chokka ourselves and then have to put it in the freezer... All that [work in the cold] leads to cold-related illness.

South African squid is exported mainly to Europe, but also to Japan. High food safety standards have to be met, including maintaining the cold-chain. When a chokka boat lands, crew members unload the squid into refrigerated trucks as quickly as possible. Each boat holds between 40 and 45 tons of chokka as cargo. Once loaded into the truck, the squid is driven to the factory freezers and distributed across the world.



It is estimated that each block of chokka gets handled at least 6 times by crew members. Boats offload between 40 and 45 tons of chokka per trip when the fishing is good.

Source: <https://youtu.be/bdaQL3wuEsg>

At sea, one of the crew takes on cooking duties and is paid a cook's allowance of R2 per crew member per trip. Some companies charge fishers a cook's fee. Food is eaten on deck or in the sleeping cabin.

Fishers, Eric, Elroy and David, on board the *Santo Mersck*, told Navar Claasen from GroundUp News that 16 men on their twelve-metre chokka boat sleep in an area that is no more than 6m by 6m. There is little space and no privacy and often the cabin is not very clean, they say.



Fishers resting in bunks in the cabin all of them on the *Santo Mersck* share.

Photo: Navar Claasen, 2017. Source: <https://www.groundup.org.za/media/uploads/images/photographers/Navar%20Claasen/Chokka%20fishers/Sleeping%20Quarters%20Eric%20Elroy%20and%20David.jpg>

3 Why are fishers poor?

Depending on who one asks, there are many reasons why fishers are poor.

Boat owners and fishing companies like to say that fishers are poor because they have low levels of formal schooling and are unreliable workers. Some trade union organisers say it's because fishers are poorly organised, with limited legal protection as workers.

In interviews with the Community Education Programme, fishers explained in detail how they are impoverished: skippers and an elite with fishing rights exploit them by passing costs and risks on to them and, by controlling their access to work, the wages they are paid, their health and safety on board, and by determining the circumstances under which they can make a life with their families.

They say that ownership in the industry might be changing, but for them, as chokka fishers, nothing has changed much. Their lives are ruled by the owners of the sea, whose main aim is profit.



The Santo Mersck is owned by Western Star Fishing Enterprises.

Photo: Navar Claasen, 2017. Source: https://www.groundup.org.za/media/_versions/images/photographers/Navar%20Claasen/Chokka%20fishers/Santo%20Mersck_extra_large.jpg

3.1 The power of the skipper

Historically, the people who could enrol to become skippers were white. Although more black skippers are being trained, the old apartheid racial divisions of work are still largely in place on chokka boats.

A skipper is in command of a fishing-boat with between 12 and 26 crew. He will have a licence that allows him to take charge of a boat of a particular size, which is authorised to go out to sea for a specific distance from the shoreline. The skipper uses hi-tech fish-finding technology like echo-sounders and radar to locate the chokka. The skipper is usually supported by a mate.

Decisions about who is hired for a fishing trip, the timing and the duration of the trip all directly affect the ability of fishers to make a living from the sea. These issues lie in the hands of the skipper. Skippers have absolute power over who has work, because fishers are hired afresh for each fishing trip. This gives the skipper enormous control over fishers' access to work. Fishers experience this power when a skipper refuses to rehire someone for being 'cheeky', because they have no legally-protected way to challenge the skipper's decision. They also feel the skippers' dominance in the way he talks to them.

Benson Siwisa contrasts the power of workers who fish in all kinds of weather, with the outright power of the skipper when he says:

"Ngu skipper ophetheyo elwandle. Thina asinama lungelo tuu pha elwandle, Ndihlukumezeke kakhulu njengo msebenzi kwi boat ngenxa ka skipper. Xa ethetha nathi uthetha ingathi uthetha nenja. Oqqiba enze yonke into efunwa nguye."

The skippers are the bosses at sea. We (the fishers) do not have rights at all when at sea. I have been victimised a lot as a worker on the boat, because of the skipper. When he speaks to us, it's as if he is talking to dogs. He decides for himself and does whatever he wants.

Thabang Leseti says the skipper determines who works and when:

"Alikho ixesha, akukho rest pha. Ubusuku nemini siya sebenza. Ixesha umlungu afuna sivuke ngalo siliva kuye. Uyasivusa akhalise instimbi ithi: PEEE! Funeke sivuke noba bugqibo sebenza ngoku funeka uvuke xa ekubiza. Akukho lika tshayiwe. Day and night, ubusuku nemini siya sebenza."

There is no specified time [to rest]. There is no rest. During the day time and at night we are working. The time to wake up is determined by the white man. He wakes you up with a loud hooter, making a terrible noise: 'PEEE!' You have to wake up even if you had just fallen asleep. You have to wake up when he calls you. There is no finishing time. Day and night, it's work, non-stop.

Elvis Mtimkulu adds:

"So, ndithi ndikule nqanawe uya kwazi ukundivusa noba kunini xa efuna ndiyo loba noba kuya netha ba asfuni uvuka usigalela ngamanzi sibe manzi athi masisebenze."

So, when I am on his boat, he would wake us up at any time and tell us to work even when it is raining. And when we don't want to work, he would pour cold water on us so that we are wet and will work.

The skipper also decides, in consultation with the rights owner, how long to stay at sea. If the fishing is good, a trip can last up to 27 days. If the fishing is poor, the skipper will return home within a week or not go out all, as happened in 2014.

Fishers say if they raise objections about their pay or working conditions, skippers will fire them and will not re-employ them. Elvis Mtimkulu continues:

"Senziwa izibanxa apha elwandle. Abanye ke oFishermen bayo ndixela ku mlungu. Wathike umlungu mandithathe izinto zam ngoba mna ndi fundisa abanye aba sebenzi ubu mdaka. Mandithi: Fokof!" They make fools of us at sea. Some of the fishermen went to report me to the white man [for explaining to other workers how they are exploited]. The white man then told me to pack my things, because I am teaching other workers filth. He told me: "Fokof!"

Do these blunt and brutal messages from skippers mean that fishers do not have the same full and equal enjoyment of rights and freedoms that land-based workers have? Many fishers believe this is the case.

3.2 Contracts

In 2017, the South African Maritime Authority developed employment contracts to help companies employ fishers on a short-term basis. The skipper has to give every fisher a copy of the contract, which should be kept on board. Many fishers claim they have not seen or received a contract. Lizo Gqirana says a skipper on the boat where he worked previously used the lack of a contract to threaten them:

“Ndandiphangela kwi boat apho ke abantu bebebalelwa kwi cardboard ye cigarette kuphunywe nawe ke kuyiwe elwandle. Umlungu akusebenzise elwandle, ade akuxelele ukuba awaziwa naphandle ukuba ukule nqanawa, ndithanda ndingani dubula nonke nidade apha emanzini ndigoduke nenqanawe yam. Ngoba anaziwa ndini bhale nje kulento. Ugqiba kwenu ningafumani ne cent emdaka ne family zenu.”

I worked on a boat where people were counted and recorded on a cigarette packet and then taken out to work at sea. The white man for whom we worked at sea, he would even tell us that no one on land knows that you are on this boat: ‘If I feel like it I would shoot you all and leave you in the water. I’ll leave for home with my boat. No one will know, because I just wrote [your names as crew] on that thing [the cigarette packet]’. After that, he said, we wouldn’t get a dirty cent.

While there may be an ‘office’ copy of the employment contract between fishers and their employers, the employment relationship of fishers still appears to be governed by the skipper.

Benson Siwisa says:

“Umthetho pha elwandle wenziwa ngu skipper.”

The law at sea is made by the skipper.

3.3 Starvation wages

Fishers’ wages are determined by what is known in the industry as their ‘effort’ – a fisher earns his wages as commission for the chokka he catches. The seasonal and biological availability of chokka also affect wages. Finally, the law sets a daily minimum that a fisher should be paid when the catch is poor. Fishers experience these three factors working together to give them starvation wages.

First, a *catch commission* is not the same as a fixed wage. Fishers’ pay is based on the volume of chokka they catch during a trip. A fisher does not know, at the start of a trip, how long the trip will actually last. This depends on the fishing conditions, the skipper and the rights-holders. The skipper identifies the fishing grounds and negotiates the length of the trip with the company holding the fishing rights.

Eric Fassie explains his experience of selling the ‘fruits of his labour’ and receiving little income through his catch commission:

“Thina oFishermen, sibathengisele ngo kwethu kodwa ingabo abasiqeshilelo. Ukuya ngokwabo nalemali siyi sebenzelayo ngesi ngayifumani.”

We, the fishers, we have to sell [the fish] to them [the bosses], because they are the ones that employed us. If it were up to them we would work and receive no income.

The rate of this commission (the price companies are prepared to pay fishers for the chokka they catch) is determined at the Squid Statutory Council by rights-holders, boat-owners and trade unions, who mostly represent land-based workers. It is not negotiated with fishers and not all companies follow this determination.

There are small variations in the rates paid by different companies, because some companies do not belong to the employers’ organisation that is part of the Squid Council. For example, between 2015 and 2016, some companies paid a catch commission rate of R9.00. Some paid R9.50, some paid R10.00 and very few paid R11.00. A fisher who is unhappy with the rate of the catch

commission has to compete for work on a boat that pays more. And as we have seen, fishers who 'complain', get blacklisted easily and are not rehired by a particular skipper.

Second, fishers' wages depend on the *availability* of chokka. When the fishing is poor, because of the season or, because there is smaller total mass of fish in an area, fishers' wages plummet. Khayaletu Tanda, explains:

"Into endiyithandayo pha elwandle kubamba intlanzi ngoba xa ndi bambe intlanzi ndifumana imali. Intlungu yam yinto yokuba xa ndingayibambanga intlanzi ndibuya ndingena 'mali. Xa intlanzi ingekho akubikho 'mali"

What I like at sea is to catch fish, because when I catch fish, I get money. My pain is that if I haven't caught fish, I return without any money. And if there's no fish to catch, I don't get money.

Third, fishers' struggles pushed government to establish a *minimum daily allowance* in 2012 of R63,50 when the catch is very low. By 2016/7, this allowance was R65 per day on most boats. This minimum daily allowance is not a minimum wage – it is a minimum that rights-holders have to 'grant' a fisher when his catch commission falls below this basic minimum per day. When this happens, a fisher will be paid this daily allowance instead of the catch commission for every day he spends at sea. In such a case, he does not get paid for the chokka he actually catches as well. It is important to remember that the fisher put in the physical effort and fished, but he didn't catch much, because the squid were scarce. Koos Ruiters says:

"Kyk, sometimes kom dit so dat ons nou niks chokka vang nie. Nou kom ons op daai daily rate uit. Hier is daai daily rate is R85 per dag. Nou oppie 21 days, nou kry jy daai daily rate vir die 21 days. Dan trek hy nog sy skuld ôk da af. Jy kry miskien one tou of two tou, dan trek hy skuld ôk daarvan af, af - van daai daily rate af. [Onderhoudvoerder: Party mense loop met niks huis toe nie?] Ja. Ja." Look, sometimes it works out that we don't get any chokka. Then it comes about that we get paid from that daily rate. Here it is R85 per day. Then you get that daily rate for the 21 days. You get maybe one thou or two thou. Then he still deducts his debt [what the fisher owes the bosses] from this daily rate. [Interviewer: Some people go home with nothing?] Yes. Yes.

Of course, when the fishing is poor, trips don't really last for 21 days: they are cut short and the boats return to harbour. Fishers agree that fish shortages affect skippers, boat-owners and the directors of companies with fishing-rights. But, they argue, the bosses are protected from these fluctuations, because of the size of their earnings and their accumulated wealth over many years. They don't have to 'handle' the impact of poor earnings at home the way workers do. Marlin Kemp says:

"Jy werk vir jouself om te kan pay op die einde van die dag. En jy wil - as jy sien die vis byt - dan wil jy ôk mos oraait huis toe gaan. Daai is nou change wat ons gaan kry. Jy werk nou eintlik, die boer, die kaptein, jy werk ernstig [vir] hom. Joune is maar die change. As jy miskien 'n twee ton vang dan kry jy nou daai twenty, dan verder kry hy amper 'n miljoen rand vir die kilos wat julle so vang. Nou daai twenty gaan jy nou maar handle hier by die huis."

You work for yourself so that you can get paid, because you want in the end when the fish is biting, you also want to go home 'oraait' [paid decently]. And even if you are working hard, the boss, he gets 20 tons and you just get 20 [kilos]. He'll get nearly a million for the kilos we are catching. That 20 you'll have to handle at home.

Fishers wages are also supplemented when they are awarded additional work by the skipper for the following jobs: freezer man, pan man, anchor man and cook. Fishers say it's not clear to them how the rates of pay for this work are calculated - different bosses simply pay different rates (or nothing at all).

They are also expected to do extra work that is unpaid, for example, loading and guarding the catch on land; cleaning and washing boats and shipping containers. This work is simply expected of them, because they were employed during that trip. Eric Fassie explains:

"Xa ibanjiweke lentlanzi funeke ipakwe ezipani. Siyi paka free ke. Ayikho ke imali yokuyi paka siphinde siyoyi 'frizisa'. Iphinda yothulwe kwasithi lentlanzi kwi boat xasinga phandle. Ixhomekeke kwa kuthi ukuyothula kwi boat. Zizinto ekufanelwe ukuba ziya bhatalelwa imali zayo ke."

When the fish is caught, it should be packed into the pans. We pack for free. There is no added fee for packing and carrying to the freezer. We also offload the fish from the boat when we arrive at the dock. We feel we should be paid for these tasks too.

Some fishers feel that skippers cheat them out of the wages which they are owed. Fishers believe that the scales are often tampered with and that some skippers record their catch below the actual weight the fisher caught. Mongameli Tyutyu says indignantly:

“Siyaqhathwa kwa kwi skali se-fish! Umlungu uyakwazi uyijika uyijongile ungakwazi noku thetha ngoba ucenga lomsebenzi.”

We are cheated on the scale when the fish is weighed! The white man can change it whilst you are watching and you can't even speak, because you don't want to lose your job.

Benson Siwisa adds:

“Kaloku umlungu yakwazi uku qhatha pha. Uyayazi ba ufuna ukunika imali engakanani. So akazokunika lamali ye fish inkulu. Kodwa ke siya thula ngoba sicenga umsebenzi.”

That's because the white man knows how to cheat there. He knows how much he wants to give to you. So, he won't give the amount equal to the huge amount of fish [you caught]. So, we just keep quiet, because we are begging for work.

Matthews Jiba's payslip

Here is an example from an actual pay slip for a fisher.

Matthews Jiba caught
200kg of chokka on this trip.

At a catch commission of R10, he earned R2 000 for the trip:

Total Catch Kg X Rate per Kg =
200 kg X R10 = R2 000)

He also worked in the blast-freezer during the trip and was paid R297,80 for this work over the 17 days of the trip.

Surname	Jiba
Name	Mathews
ID	6906 xxxxxx 88
Company name	Something CC
Boat	Damsel
Job	Blast
Period ending	2016/02/17
Trip days	17
Trip Allow	65,00
Rate per kg	10,00
Catch Kg	200
Ton paid	2000,00
Daily rate	
Pay Adjustment	
Anchor man	
Freezer man	297,80
Pan Man	
Cook	
Gross Pay	2297,80

Let's assume that on this trip Matthews caught only 100kg of fish. His catch commission would have been R1 000. This is just below what he would receive if he were paid a daily allowance.

Daily allowance X total trip days =
R65 x 17 trip days = R1105

Note: The right to a daily allowance was extended by the Minister of Labour to all squid fishers in 2012. This followed complaints by chokka fishers to the Parliamentary Committee on transformation in fisheries in 2011. At the time, the Minister set this allowance at R63,50. Nearly five years later, in 2016, this amount had increased by R1.50 only!

Many rights-holders, boat-owners and skippers focus on the increased income that fishers earn at the height of the season. They argue that this should help to carry fishers through the lean times. So, what happens for fishers over a year? Let's look again at the payslips of Matthews Jiba.

The first obvious thing that we see, is how his pay changes at different times of the year. At the height of the fishing season, in December and January, his gross income (income before any deductions) is between R9 000 and R13 000. At the tail end of the fishing season it can crash to R585 for a trip.

Matthews Jiba's payslips 2015- 2016								
Period ending	Trip days	Trip Allow	Rate per kg	Catch Kg	Catch Commission	Daily Allowance	Freezer/ Cook	Gross Pay
2015/01/28	21	65	11	746	8 206,00		978,40	9 184,40
2015/02/25	21	65	10	383	3 830,00			3 830,00
2015/06/24	20	65	10	151	1 510,00		282,10	1 792,10
2015/07/27	19	65	10	140	1 400,00		268,90	1 668,90
2015/08/21	16	65	10	25		585,00		585,00
2015/09/22	19	65	10	73		1 235,00	142,90	1 377,90
2015/10/19	21	65	10	370	3 700,00		532,80	4 232,80
2015/12/21	27	65	10	1 153	11 530,00		1 685,10	13 215,10
2016/02/17	17	65	10	200	2 000,00		297,80	2 297,80
2016/03/18	22	65	10	261	2 610,00		2 200,00	4 810,00

Another obvious point is that over a year, from January to December, there were only eight trips. Matthews did not miss any trips – for about four months of the year, there is no chokka fishing. So, in a calendar year, Matthews would earn a gross income of R 35 886,20. After deductions, his take home pay was R32 029,15. Finding a way to spread his annual income across the year is very difficult, because it changes so much from month to month. Matthews does not know in advance what his catch during a trip would be, and therefore what he would be paid. All he can know with some certainty is that his income will ebb and flow with the season. From experience, he and his family will know when the lean months are and when a better income is a possibility.



The Southern Star at sea

Source: <https://www.flickr.com/photos/searescue/14729688531/in/album-72157629531692352/>

3.4 Passing on production costs

Companies argue that fishers are really working for themselves. According to them, because fishers are paid for the volume of fish they catch, fishers should also be responsible for what it costs to do this work. They must pay for their tackle, their fishing overalls and any protective gear. Monde Madolo explains in English:

"I'm catching calamari, chokka. I bought my own tools from the boat... They deduct money for my dollies and some socks and balaclavas."

For skippers, selling gear to crew members is a profitable business. Koos Ruiters says:

"Ek betaal vir dit [die tackle]. Die kaptein koop dit by die 'huise' en ek koop dit oor by hom... Ek betaal R20 vir 'n vissie en dan is dit sê maar R12 by die bote. Maar sien gumbootse is miskien R70 by die fabriek, dan vra hy jou nou one fifty of so - en ôk die broeke wat ons aan het."

Ons moet maar happy voel daaroor. En hy sry sometimes saammet ons. As ons nou vir hom sê die goed is cheap daar, dan sê hy vir jou – gaan koop nou daar. Gaan koop daarso!”

I pay for my tackle. The captain buys it at the [suppliers], and then I buy it back from him. I would pay R20 for a little fish [dollie], and at the boat it’s about R12. On the other hand, gumboots are perhaps R70 from the factory, then he (the captain) asks (nogals) R150 or so. More than double. And also, the pants you wear...

Must we feel happy about this? He argues with us sometimes. When we say the stuff is cheaper there, then he says, go and buy it there then. Go and buy it there!

Of course, fishers can go and buy their gear “there”, but the skipper knows full well that a fisher may run short, or that gear can get damaged, lines can break and dollies can get lost in rough seas. Out at sea, it is difficult for fishers to keep track of what goods they put on the skipper’s tab. And, regardless of a fisher’s income for the trip, the skipper will deduct what he is owed.

Bongani Stuurman says bitterly:

“Phayana elwandle uthenga ku Skipper kwi boat izinto zokusebenza noku loba intlanzi. Ndisitsho nje pha kwi payslip yam ndikhe ndibone imali itsaliwe ye-tackle kunye nezinye izinto zoku sebenza. Aba khathaleli noba ufumana malini kodwa eyabo imali funeke iphumile”

Out at sea you buy [your] working gear and stuff to catch fish from the skipper on the boat. As I said, there on my payslip, I sometimes see the money deducted for tackle and other work stuff. They don’t care how much money is left, as long as there’s enough for their deductions.

Are fishers independent contractors?

According to existing labour law, a person who works for or provides services to another person is believed to be an employee, until the opposite is proved. This is, regardless of the provisions of a formal contract, if any **one** or more of the following factors apply.

The relationship is assessed based on what happens in practice.

Criteria for assessment of who is an employee	Fishers’ practical experience
<i>The manner in which the person works is subject to the control or direction of someone else;</i>	Although a fisher earns wages through a catch commission, when on board, the fisher falls under the authority of the skipper and mate.
<i>The person’s hours of work are subject to the control or direction of another party, and not themselves;</i>	The fisher’s work falls under the authority of the skipper and mate.
<i>In the case of a someone who works for an organisation, the person is considered to be part of that organisation;</i>	Payslips are managed by the company and many fishers have an employee number. The company makes deductions for the Provident Fund, like it does for other employees.
<i>The person has worked for that other party for an average of at least 40 hours per month over the last three months;</i>	Fishers are at sea for an average 21 days per trip. There is usually one trip per month during the season.
<i>The person is economically dependent on the other party for whom that person works or renders services;</i>	Fishers can’t fish for chokka without being hired by a skipper.
<i>The person is provided with tools of trade or work equipment by the other person;</i>	Fishers are forced to buy from the skipper’s shop; they don’t control the cost of their tackle.
<i>The person only works for or renders services to one person.</i>	Most fishers have a history of regular employment over years with the same company.

3.5 Other deductions

Fishers say that skippers are also the providers of pain-killers, cigarettes and other small items sold from the skipper’s tuck-shop. They claim that many skippers also sell illegal drugs that some fishers believe help maintain their ability to do punishing work over long hours. Mongameli Tyutyu says:

“Baphinde bayi cuthe kwalo ten rand, hlala twenty-one days kwi boat kodwa as a fishermen uyakwazi ubuya ne R40. Basithengisela amacuba nezinye iziyobisi. Bayitsale kumvuzo wakho.” They even deduct from that R10 [catch commission]. We stay for 21 days on the boat, but as a fisherman, you can come back with just R40. They sell us tobacco and other drugs, then they deduct those from your income.

Things that are legally or illegally bought on the tab from the skipper are simply deducted in a lump sum known as 'skippers' shop'. This means that, for many fishers, it is difficult to see what goods were charged for, or if a fisher was over-charged.

When a fisher is at sea for a long time, he may need to send money to his family during a trip. He requests this against the catch he has already caught. The skipper notifies the office and this 'early pay' is set off against his final gross income. This is also deducted as skipper's subs.

Fisher Koos Ruiters clarifies:

"Kyk ons gaan by die Kaptein, dan bel hy fabriek toe, na die office toe, miskien dan wil jy vir die mense by die huis [iets stuur] dan gaan dit met die office se mense, nou stuur hulle dit huis toe. [Onderhoudvoerder: Dan word dit alles afgetrek op een slag?] Ja. [Onderhoudvoerder: Hoekom werk dit so?] Ek weet regtig nie."

Look, we go to the Captain, then he phones the factory, the office. Perhaps you want to send something to your family (while you are at sea) then the office people will send your money home. [interviewer: Then it all is deducted in one go?] Yes. [Interviewer: Why does it work like that?] I really don't know.

There are also standard deductions from fishers' wages. Some companies deduct SITE/PAYE in the months where fishers' incomes peak. Yet most fishers' annual income is well below the taxable annual income. UIF deductions are also made. Fishers say they cannot claim UIF, and are turned away by the Department of Labour. Lindile Mtirara explains:

"Kodwa kuvala bona not thina. So ndahamba ndayo funa UIF. Xandifika pha kwathiwa 'No!' Asikwazi to claim UIF kodwa sovala three months qha."

They [the bosses and government] are the ones who close [the fishing season] and not us. So, I went to claim my UIF. When I got there, I was told 'No!'. We don't know how to claim UIF, because we close for just three months.

All fishers pay money to the Statutory Council for the Squid Industry. However, most chokka fishers are not represented on the Squid Council, because they are not members of either the Food and Allied Workers' Union (FAWU) or the United Democratic Food and Combined Workers' Union (UDF&CWU).

Here is a portion of the payslip of Mcebisi Daku. It shows the total deductions and his net earnings after these deductions.

He had R521 deducted for Provident Fund, UIF, the Squid Council and a massive R108 for bank charges. In terms of the Merchant Shipping Act amendment of 2015, the cost of allotment (bank charges for early pay) should be carried by the company.

Mcebisi owed the skipper R1 467.78 for items bought on board and a further R1 700 was deducted as debt to the skipper for his early pay. Once all deductions were made, he was left with no money for a taxi fare home.

Tax	-
DEDUCTIONS	521.36
NET EARNINGS	3 167.79
Skipper Shop	1 467.78
Skipper Subs	1 700.00
Skipper Loan	-
NET PAY	-0.00
YTD - EARNINGS	7 658.22
YTD - TAX PAID	-

3.6 Debt-slavery

The regulations implemented by the SA Squid Management Industrial Association (SASMIA) close fishing down during April, May and June, instead of for just five weeks in October and November. This brings great hardship and debt to fishers.

If a fisher borrowed money from the skipper or was given a loan to tide him over during the closed season when he had no income, repayment of this loan is another deduction. These debts are deducted in one lump sum upon the fisher's return to work, sometimes leaving nothing, or very little. Mongameli Tyutyu explains:

"Mna ke ndakhe ndabuya ndi peye R1 kuthiwa I owe the boat kodwa fish yona ndize nayo more than three ton. Ndagoduka ndingenayo nemali ye-chips yabantwana."

I once came from sea and got paid R1 and was told that I owed the boat even though I had caught more than three tons of fish. I went home. I did not even have money for the children's chips.

Another way of looking at the debt that fishers chalk up during the closed season is as a kind of slavery. Their debt burden ties them into a working relationship with the same skipper and company, so that they cannot easily escape working under the same conditions. Debt becomes a form of forced labour through which the fisher is bound to a relentless cycle of work, without any visible advantage. Simply to survive, the fisher has to repeat the debt cycle.

André September talks about this pain:

"Nou teen daai tyd [die hoogseisoen vir chokka] wanneer die geld nou kom en jy nou 'n tien duisend randjie of so het; of 'n agt of 'n nege - dan skuld jy nou maar die skopper klaar die helfte van daai geld. So gaan daai geld nou maar net so weer [uit] die one day en dan skuld jy nog op die skuit ôk. Op die einde van die dag gaan jy nou 'n tien duisend verdien maar jy het maar net 'n drie duisend randtjie vir jousef. En dan moet jy nou maar al jou goetertjies [betaal] en die huis se kos en daai kinders se klere en op die einde van die dag het jy maar weer niks. En dan wag jy maar net vir die next trip om weer te kan begin. En dan moet jy maar... [Oorweldig deur emosie; hy hou op praat]."

Now, at that time [the height of the chokka season] when the money comes and you now have ten-thousand rand or so; or an eight or a nine - then you already owe the loan shark half of that money. So that money simply flows out in one day and then you still owe on the boat. At the end of the day you would have earned R10 000, but you have a mere R3 000 for yourself. And then you have to pay for all your stuff and the food at home and clothes for those children and at the end of the day you have nothing again. And then you simply wait for the next trip to start. And then you'll just have... [Overwhelmed by emotion, he stops talking.]

3.7 Working conditions

Fishers are angry about their harsh working conditions. Fisher Benson Siwisa, says:

"Ndihlala pha phandle elangeni okanye ndigodole ndikhangela i-fish. Andivi kamandi ngalendlela sisebenza ngayo pha elwandle."

I sit outside in the sun or in the cold looking for fish. I don't feel good about the way we work there at sea.

Apart from the reality of working outside in summer and winter in wet conditions, fishers tell of the dangers of their work. They also say that there is little physical protection for them - boats are not safe workplaces. Basic equipment like life-jackets are often insufficient for all the crew members. The South African Maritime Safety Authority (SAMSA) is unable to check boats at sea for seaworthiness. In the harbour, boats might make the grade, because the owners prepare for inspection, but out at sea it is a different story.

Fishers blame the close relationship between boat owners and SAMSA for their poor working conditions. Gladman Mazantsi says:

"Asikhathelwanga tuu thina basebenzi, asikwazi to report the corruption at sea because SAMSA works very close with the skipper."

No one cares about us as workers, we can't even report the corruption that happens at sea because SAMSA works very close with the skipper.

André September tells the story of a friend who died at sea:

“Nou my ondervinding van die skuite is nog... so da kan jy miskien nou seer kry en dan gaan jy nie eens IOD kry nie. Want daar is baie gevalle. Hier's 'n vriend van ons. Hy't op die anker gewerk en toe het hy op die anker so getrap, die sein het sy been gevang en die sein het sy been gedraai en die kaptein het nou nie gesien soos hy nie want hy't agtertoe gekyk. Toe hy nou weer vorentoe kyk en die ding sien, toe's die mannetjie al halfpad al opgerol. Toe hulle hom nou eventually daar los kry, toe's hy mos nou afgesterwe. Hom familie het nou nog niks gekry nie. Want ek kry baie hom suster en hom ma dan vra hulle vir my: Het julle skuite dan niks benefits en daai nie?”

In my experience on a boat you can perhaps get hurt. You can't even get IOD (injury on duty). There are two cases. There is a pal of ours, he worked with the anchor and he stepped in such a way that his leg got caught and it twisted his leg. The skipper was looking away and when he looked again and saw everything, this guy was already half rolled up in the anchor's chain. When they eventually freed him, he had already died. His family has still not received anything at all. I often meet his sister and mom and then they ask me: Do the boats you work on have no benefits and stuff like that?

Some fishers turn to drugs and alcohol to cope, and the severe working conditions bring other health problems. Fishers' sleeping and rest facilities are close to freezer-rooms and engine-rooms and there is a high level of noise. Chest infections are common and many fishers have had or are struggling with TB. Fishers are required to complete an annual medical examination to demonstrate their fitness for work. Thabang Leseti says:

“Yho! Impilo ibanzima kufuneka qho xandibuya elwandle ndiye eclinic. Ndifumane amayeza okhohlela nawe nqele. Liyasitya kaloku engqinibeni, qho funeke ndimane ndisiya kwa Gqirha ngakumbi apha ebusika. Uduru ke uGqirha owanga phandle eclinic. Impilo yona ngokwe nyani nyani hayi ulwandle luyasi bulala.”

Yho! My health is not good. Every time I return from the sea, I have to go to the clinic. I get some cold and cough medicine. We have problems with our elbows and I visit the doctor constantly, especially in winter. Private doctors are expensive. Health-wise, really truly, the sea is killing us.

A SAMSA report states that in 2017, and again in 2018, a fisher jumped overboard and drowned after displaying 'suicidal tendencies'. Fishers tell a different story. They say drug and alcohol use and the harsh life at sea, cause accidents, like falling overboard. They also blame accidents on being out at sea in rough weather without life-jackets.



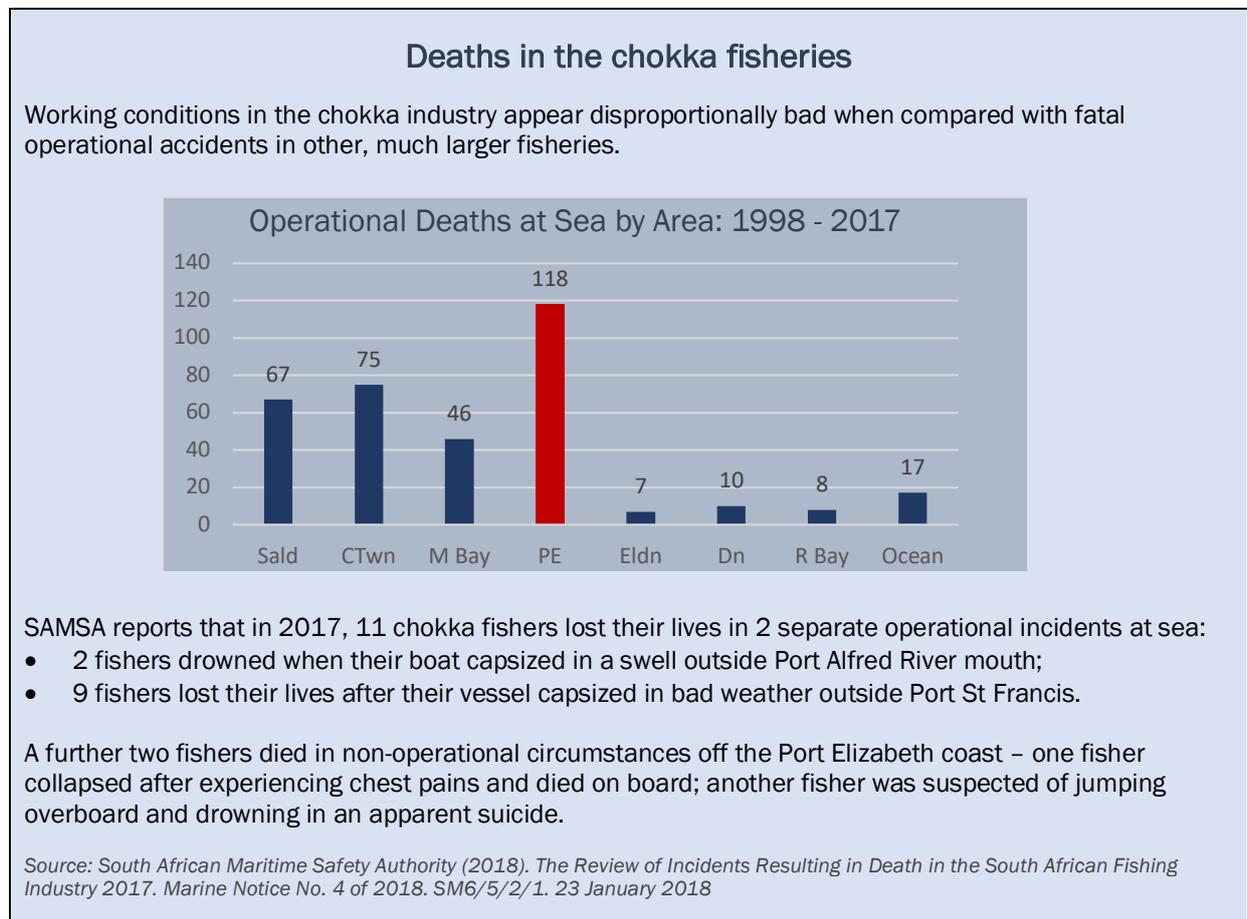
At 07h50 on Wednesday 27 August 2014, the St Francis Bay volunteer Sea Rescue duty crew launched their 8,5 metre Rescue Boat, Spirit of St Francis, after being called by Transnet National Ports Authority to assist an 18-metre chokka boat that had gone aground on rocks at the Port St Francis harbour entrance.

Picture Craston Wilson. Source: https://www.flickr.com/photos/sea_rescue/14864998808/in/album-72157632184361510/

At a meeting between the South African Squid Management Industrial Association (SASMIA) and SAMSA representatives in 2003, safe manning regulations on chokka boats were discussed. The minutes of the meeting show that employers' organisation argued that:

“...the clause with regards to wearing life jackets at night be revisited. The squid industry should be exempted from this requirement when fishing, as the lifejackets would hamper the fisherman and the lights used at night on the Chokka boats were extremely effective.”

The statistics on deaths at sea in the squid fishing industry, paint another picture.



3.8 No 'binnevet'

What fishers find particularly painful is that there is no or little protection for them against the hardships they experience now, because they receive no workman's compensation. Nor is there any security for their old age. Mongameli Tyutyu says:

“Ngoba siyagula pha kuhlala emanzini. Kunyuke ne kilo lena. Ndinemi nyaka eyi thirty-three years ndisebenza kodwa andinayo ne pension fund xandithe ndayeka usebenza. So andina kamva.”

We become ill from the long stay at sea... I've been working for 33 years, but I don't even have a pension fund for when I retire from work. So, I have no future.

For some fishers, money has been deducted from their incomes towards a provident fund since 2012. Many fishers claim that no explanation was given to them about joining a provident fund. They tell stories of fellow fishers who died and whose families were unable to trace their policies with the provident fund. Some say they do not have proof that there even is a policy in their name. Elvis Mtimkulu explains:

“Kodwa ndaya kwa old mutual ndiyo jonga le mali siyitsalwa ngu boss wam ba iyeza na kubo kwathiwa hayi akukho mali ingena nge gamalam kubo apha lena into yi fraud”

But I did go to Old Mutual to enquire about the money being deducted by my boss; whether it reaches them. And they said there is no money under my name there. And therefore, this is fraud.

Bongani Stuurman asks:

“Nangoku bale tax itsalwa njani? Old Mutual utsalwa njani? Mna andiyazi! Ndiyibona nje kwi payslip. Abasixeleli ukuba kwenzeka ntoni.”

Now, how is tax deducted? How is Old Mutual deducted? Me, I don't know! I just see [it] on my payslip. Nobody tells us what is going on.

André September says there are no tangible benefits for fishers.

“Ek is nou al van 2001 af 'n visserman. En daar is nie eintlik benefits wat ek nou al gesien het van die klomp jare wat ek nou al in die bedryf is nie. Dis maar net so. Dis op en af. As dit season is, dan weet ons, ons gaan iets verdien en as dit weer af season is dan weet ons nie. Ons gaan nou maar weer lê en niks verdien mos nou by die huis en daai nie. Ons moet ôk maar aanpas...”

I've been a fisherman since 2001. And there is not really any benefits that I've seen from all the years that I've been in this business. It's just like that, up and down. When it is the season, then we work and we earn something. And when it is off-season then we know we are going to lie at home and not earn anything. We must simply adjust...

Koos Ruiters sees the lack of any benefits as part of the exploitation of fishers by the bosses. He puts it bluntly:

“Kyk nou, vir hoe lank al werk ek al op daai see? En ek kry nie eens enige binnevet nie. En daar is 'n klomp – kyk na die boere. Ons word nie ryk deur die boere nie. Die boere word ryk uit ons uit.”

Look, for how long do I work on that sea? And I don't even have any 'binnevet'. And there is a lot (of wealth). Look at the bosses - we don't get rich through the bosses. The bosses really get rich out of us.

Koos Ruiters uses an interesting word – “binnevet”. This word has a double meaning. It is a shift of the English word, ‘benefit’, into Afrikaans. At the same time, it also has an actual Afrikaans meaning that refers to the inside fat of an animal that is in top condition. In Koos's 20 years' experience, the exploitation of fishers (their lack of benefits and low wages) results in their physical decline as human beings – fishers have no ‘binnevet’.

Even if a fisher (like Matthews Jiba) goes out for every possible trip a boat makes in a season, he will still get a new contract for each trip, and is never seen as an employee, in the same way that land-based workers are. Companies believe this means they don't have to pay benefits to fishers - as contractors, they should look after themselves. Pakamile Zingita says:

“Leminyaka ndisebenza elwandle, akukhonto ndinayo mna endi noybonisa ukuba ndiyasebenza. Ngoku into eyenze kayo. Ndiqalise uku peya indodla yam kwa SASSA. Akukho nto ndiphuma nayo mna njengo msebenzi... Ndiphuma elwandle andina fokol, so phaya elwandle abelungu bayasi xhaphaza. Nalo ulwazi lam endinalo ngo lwandle. Kuyalanjwa pha ku landlu yam ngoku abantwana bam bajonge le R1500 ye ndodla ndiyi peyayo. Aphelile amandla kum ngoba ndimdala kodwa akukhonto ndinayo koko ndisebenza kwela lwandle.”

For all these years that I have worked at sea, there's nothing that I have to show that I have been employed. What has happened is that I receive my pension from SASSA [South Africa Social Security Agency]. I received nothing as an employee...There is hunger at my house, because all my children are dependent on that R1500 government pension I receive. I don't have strength anymore, because of old age. I have absolutely nothing whereas I worked at the sea from the beginning.

And Thabang Leseti adds with enormous sorrow:

“Ba ndi bhuhile akhonto family yam ezakuyifumana andizo kwazi noku ngcwatywa. Noba ndifile, ndife ingathi kufe impukane. [He cries softly.]”

When I die my family receives nothing and they won't be able to bury me. When I die, it's as though a fly died. [He cries softly].



Families of the fishers deceased and missing at sea meet at the hull of the *Maredon* which capsized and ran aground at Sunset Rock in July 2017

Source:
<http://www.heraldlive.co.za/news/2017/07/19/chokka-boat-fishermans-body-found/>

3.9 Fishers' skills are not valued

Chokka fishers are often seen by other people, especially rights-holders and boat-owners, as uneducated and unskilled. Perversely, such people argue that this is a reason for their poverty. Yet many fishers are resourceful people with a range of skills – their problem is that these skills are not valued.

Apart from their knowledge of the sea, some fishers found their way to fishing via mining or construction work. Along the way, they learnt to do various things and adapted their knowledge to their new circumstances. Many fishers, like Monde Madolo, have concrete skills learnt through many years of experience. Monde, tells this part of his story in English:

"I was fishing for myself and my family before 1999. I did no other work at that time. Now I've got a ticket of motorman Grade 2. The pay is more certain when I do this job.

I was born in the Transkei, Kentani. I finished in 1988 at school at Kentani and then went to Johannesburg where I worked only in construction.

Then I came to PE and found a job as [assistant] electrician at General Tyre. I was 'renewing' electricity [renovating the electrical system]. I worked for some couple of months, after that the job is finished.

Then I find a job from the sea. I go straight to the sea. Some crew members showed me how to put the dollies in a line and how to throw and how to pull (the chokka on board).

I learnt from working for another white guy as a tool man.

[Now] I'm in charge of checking oil water and some leaking pipes and 'tubings'. Some lights are not working and I'm going to fix it when it is down [and] when the boat is out at sea.

The [other] time I did a driver's course I think maybe it is going to be better for me, yes. I now work for Talhado Fishing as a driver and I get paid regularly."

Despite his skills and the valuable work, he does on board to keep the chokka boat safe at sea, he also has this to say about his circumstances:

"(I have) Nothing. I don't have money."

3.10 The struggle to make a life

It is easy for fishing rights-holders and company owners to simply assume that fishers will have the physical stamina to fish - that they will be strong, healthy and well-clothed to cope with conditions at sea. What happens at home in the lives of the women who care for them, and in the lives of their children, is their business. This distorted view is strongly disputed by fishers.

Fishers say their ability to make a dignified life is inseparably tied to the work they do at sea and to the way they are forced to earn an income from this labour. Mongameli Tyutyu puts his finger directly on this exploitative relationship:

“Ngoba pha elwandle umlungu uthi: no fish no pay? Ngoba siyagula pha kuhlala emanzini? Kunyuke ne kilo lena.”

Why, at sea, does the white man say: ‘No fish no pay’? Why do we become ill from staying on the water? The [rate per] kilo has to go up.

André September explains how the uncertainty of his income affects his ability to contribute to the wellbeing of his family and to plan for the future:

“Miskien as jy sal ‘n vastelike R10 000 elke maand gaan kry in jou rekening in. Nie die op en af ding nie. Dan kan jy ôk mos budget en miskien winkelskuldjies of so maak, want ons word nie gehelp nie. Soos as ek nou miskien wil klere of miskien furniture soos daai vat - hulle gaan nie my help nie. Of [as] jy nou ‘n banklening maak. Hulle help ons nie by die banke nie want onse pay datums is nie een nie, en onse geld, onse pay verskil mos nou... Ek sal net dit laaik soos dat ons darem na iets toe kan - wat ons darem kan sien vir wat werk ons. As jy mos ‘n vastige bedrag gaan hê, dan gaan jy mos kan spaar en sulke dingetjies doen om darem verder voorsorg te maak vir die toekoms. Maar nou die manier wat ons werk, jy kan basically niks doen nie, want jou geld gaan eintlik hand tot die mond.”

Perhaps (if things could change) you would get a fixed R10 000 every month in your account. Not this up and down business. Then you'd also be able to budget and then perhaps we will also be able to get credit at shops. Let's say I want to buy clothing or furniture or something like that - they (the retailers) won't help me. Or if you want to take a loan from the bank, they don't help us, because our pay dates are not regular and our monies differ from month to month. I would really like it, if we can aim for something so that we can at least see what we are working for. When you get a steady income then you're able to save too and do little things like that to prepare further for the future. The way that we are forced to work, you can basically do nothing, because your money is simply for living from hand to mouth.

Pakamile Zingita reflects on his life with great sadness. How is he to put his daughter through school and help her study, when the wages his life's work brought, have been so inadequate?

“Mna andi nanto. Ndinayo endithembele kuyo. Umntana wam woku gqibela ufunda u-standard 10. Kunzima ngoku ukuba ndim gqithise ngoba imali ayikho. Kodwa ndingu msebenzi elwandle. Yena umntana usafuna ufunda kodwa kunzima ukumfundisa.”

Me, I have absolutely nothing. I have been there [at sea all the time]. I have lost all hope now. My last-born child is now in matric. It's difficult. I've to let it go for there is no money, because I work at sea. My child wishes to continue studying, but it's difficult for her to study.

These views are echoed in the stories told to GroundUp reporter, Navar Claasen in 2017.



Themba Ngazitha, a 51-year-old from Humansdorp, has been working on chokka boats for over 20 years, supporting his wife, Palala and daughter, Patricia. His daughter has three children whom he also supports; the number of people relying on him has caused him a great deal of stress. Thanks to support from their local church, he and his family have managed to survive, but as time goes by it is proving more difficult to make ends meet.

Source:

<https://www.groundup.org.za/media/uploads/images/photographers/Navar%20Claasen/Chokka%20fishers/Themba.jpg>

4 Government's helping hand?

Fishers say they live under the law of the sea. This law makes them people of the sea that the government does not recognise. Gladman Mazantsi is straightforward:

“Xa siselwandle asaziwa ngu government. Akhomntu usaziyo.”

When we are at sea, the government doesn't know us. There is no one who knows of us.

4.1 Chokka fishers' rights as workers

Fishers explain that they are covered at sea by the Merchants' Shipping Act. The Act stands instead of the Labour Relations Act and the Basic Conditions of Employment Act, which protect land-based workers. This is because South African sea-faring vessels can be found outside of South African territorial waters, where South African labour laws do not apply. The Merchants' Shipping Act is based on international law: any dispute at sea is settled by an officer who has powers to adjudicate, and his decision is final. However, fishers point out that they fish in South African territorial waters, only a few kilometres from the coast.

The fishers say that the Merchants' Shipping Act gives them no protection.

In their experience, government sees the transformation of the squid-fishing industry only in terms of black ownership rights, and their rights as workers are disregarded. Government does not recognise them. Gladman Mazantsi expands on this view:

“Government talks about amalungelo kodwa abantu base lwandle abahoyekanga. Asi khathelwanga tuu thina basebenzi.”

The government talks about rights, but people of the sea are not taken care of. No one at all is concerned about us as workers.

4.1.1 The right to collective bargaining

In 1996 the South African government and the International Labour Organisation brought South African fishing companies and trade unions together to consider changing the outdated Merchants' Shipping Act of 1951. Under the Act, crew members aboard ships had very few rights and were treated more like marines in the Navy.

A conference was held in 1997: it recommended that a Bargaining Council for Fisheries⁴ be established. After lengthy negotiations, this was finally done in December 2001. Through a collective bargaining agreement, fishers in other fisheries received protection in line with elements of the Basic Conditions of Employment Act. At the Council, trade unions can negotiate daily allowance rates and the rates of catch commissions, as well as different forms of leave and overtime pay. At the time, the squid industry argued that it was 'special', because it was mainly an industry of small employers. In addition, the seasonal nature of the industry placed stress on them as employers, they said. This argument was accepted by government and the industry was excluded from the Bargaining Council for Fisheries.

Much later, in August 2007, a Statutory Council for the Squid Industry (Squid Council) was established (see box below). Organisations join the Squid Council voluntarily. These organisations can make agreements on wages and working conditions that apply to their members. Unlike the Bargaining Council for Fisheries, agreements reached by the Squid Council cannot be extended to cover fishers working in companies that are not members of the Council. A significant number of employers do not belong to the Small Employers Association for the Squid Industry (SEASI), the only employers' organisation represented on the Squid Council. The Minister of Labour has the power to extend agreements about benefits (like a Provident Fund) to all employers and employees in that sector.

⁴ Bargaining Council agreements become law for all companies, whether they are members of the employers' organisations under a bargaining council.

In 2012, the Squid Council reached a collective agreement to establish a Provident Fund and the Minister of Labour extended the agreement to all companies in the industry. The Fund is administered by the Squid Council. Companies pay a fisher's contribution over to the Council, then the company deducts the fisher's contribution from his wages over the same number of months that he completes fishing trips.

Companies belonging to SEASI also deduct a subscription to the Council from fishers' pay for every trip they make. Depending on the company, this amount ranged from R7.50 to R12,50 between 2015 and 2016.

Fishers say this membership fee has no value for them. They question the ability of the Council to reach agreements that are of any real benefit to them. Further, trade unions like the Food and Allied Workers' Union (FAWU) and the United Democratic Food and Combined Workers' Union (UDF&CWU) represent mainly land-based workers at the Council. In their experience, it is nearly impossible to bring any dispute to the Council. The hiring and firing power of the skippers means that any disagreement reported to 'the office' might result in an increased likelihood of not being hired for a new trip. Gladman Mazantsi explains:

"If uSkipper uvile uye kwi office, akasoze aphinde akuncede."

If the skipper hears that you went to the company offices, he will never assist [employ] you again.

Statutory Council for the Squid and Related Fisheries of South Africa

The Statutory Council for the Squid and Related Fisheries of South Africa was established in August 2007 by the Minister of Labour, in terms of the Labour Relations Act (LRA). The Council is an independent body. Currently there are three parties to the Council: the Food and Allied Workers' Union (FAWU), the United Democratic Food and Combined Workers' Union (UDF&CWU) and the Small Employers Association for the Squid Industry (SEASI). Two members of each of these parties make up the Executive Committee of this Statutory Council.

The powers and functions of the Statutory Council include the following:

- performing dispute resolution functions, as set out in the LRA (section 51);
- promoting and establishing training and education schemes;
- establishing and administering pension, provident fund, medical aid, sick pay, holiday and unemployment schemes or funds for the benefit of Council members;
- concluding collective agreements;
- giving effect to the matters mentioned in the constitution;
- enforcing those collective agreements;
- preventing and resolving labour disputes;
- determining, by collective agreement, any matter which might not be an issue in dispute, for the purposes of a strike or a lock-out at the workplace;
- conferring additional matters for consultation on workplace forums;
- providing industrial support services within the sector;
- determining and administering uniform conditions of employment for all the parties to this council;
- monitoring compliance.

The scope of The Statutory Council for the Squid and Related Fisheries of South Africa is squid fishing by means of the hand-line jigging method from fishing vessels at sea, including the maintenance personnel who are responsible for keeping the vessels and additional equipment in a sea-going and serviceable condition; the administrative (office) personnel who are responsible for the administrative paperwork; as well as the land-based factory personnel who are responsible for the handling of squid at the land-based processing plants.

4.1.2 The ILO Conventions of 2007

During their 2008-2009 strike, chokka fishers demanded that government change the laws to implement the Maritime Labour Convention of 2006 (MLC, 2006) and the Work in Fishing Convention of 2007 (C188). This was eventually done in 2015 and came into effect as law on 3 May 2016.

For fishers, this puts in place very basic work rights, which, if they were not determined by the Squid Council, would require employers to follow the Merchant Shipping Act. These changes instructed skippers (on behalf of the owners) to put a crew agreement in place with fishers; this sets out the responsibilities of the owners, the skipper and the fishers. The Act sets minimum standards for safety on board a fishing vessel, decent accommodation and food on board, basic social security and guidelines for medical fitness. It requires fishers to be paid within a period of 45 days after their last payment. It also outlines basic dispute processes which should be followed without blacklisting any seafarer. Should a fisher die at sea, the cost of bringing the body home should be carried by the company. The company should also carry the cost of allotment (paying over part of a seafarer's wages to the family).

In 2017 SAMSA developed a basic crew agreement which it recommended that employers follow. This was because, according to SAMSA, "the Statutory Council for the squid industry does not currently have an agreement that sufficiently covers the requirements of the amended sections, therefore it is expected that each vessel present individual crew contracts as proof during inspections."

For chokka fishers, entitlements such as paid leave, which exist for other workers under the Basic Conditions of Employment Act, are non-existent, or badly defined at best. And as the fishers pointed out earlier in this text, many of them have never even seen a contract. In their experience, the little protection that exists in law exists only on paper. Government institutions are unable to enforce decent work for them.

4.1.3 The right to strike

Towards the end of 2008, chokka fishers went on a gruelling strike for more than five months. They were represented mainly by the Food and Allied Workers Union. Their chief demands were an increase in the catch commission rate from R4,00 per kilo to R7,00 per kilo. Fishers also demanded a fixed daily wage of R150 per day, regardless of their catch. The bosses rejected these demands and refused to negotiate, saying they could not afford the increases because of a global economic decline which reduced the demand for squid. During the strike, scab labour was recruited, with dreadful consequences: nineteen crew (none of whom were wearing life-jackets) died when their boat capsized in rough seas outside the Port St Francis Harbour and a further eight fishers went missing. Scab labourers were attacked and two workers died after being stoned by strikers. After this bitter strike, many fishers left the unions, because they felt that they were unable to represent their interests.

Subsequently, in 2010, the Squid Council reached an agreement with its members that applied a very narrow understanding of the right to strike to the industry. The agreement declared a range of services to be 'essential' or maintenance services and prohibited strikes by fishers out at sea and by land-based workers in the packing and processing of squid:

"Persons engaged in "essential services" are prohibited from taking industrial action [s 65(1)(d)]. The parties to the SISC agree that the following work shall be essential services:

- All employees while at sea.
- All employees who render services relating to the safety of the employees or the fishing vessel, on any fishing vessel, while the fishing vessel is at sea or the fishing vessel is moored in any Harbour.
- All employees who render services relating to the maintenance of fishing vessels as well as any equipment, mechanical as well as electrical, relating to the maintenance of fishing vessels.
- All employees who render services relating to the packaging and processing of Squid on fishing vessels or in land based facilities."

Section 23 (2) (c) of the South African Constitution, gives all workers the right to strike, but the Labour Relations Act puts some constraints on it. In order to embark on a protected strike, workers need to follow procedures that are set out in the Act for entering into arbitration for those issues that are covered in collective bargaining agreements.

The Labour Relations Act also sets out what is meant by an essential service. An Essential Services Committee, established by the Department of Labour, may extend the scope of the definition. Workers in an essential service cannot go on strike; disputes must be settled through arbitration.

Many workers feel that labelling a sector or service as an essential service is unconstitutional. It undermines the workers' constitutional right to strike by removing their negotiating power and giving this power to an arbitrator. Fishers also question why chokka fishing is classified as an essential service.

It is clear from their actions that the bosses use labour laws only when it suits them. Benson Siwisa tells of this shocking experience during a strike:

“Ndikhumbula omnye uSkipper wadubula umntu phambi kwam. Sasi funa ukuya kwi strike sisithi makunyuke ikilos. Wamdubula ke lo fisherman embuza ba nguye lo uthi abanye mabanga phangeli. waveske wamdubula ke lo fisherman wafa. Abanye ba gxhotwa kulo boat. Asifumana nix”
I remember one skipper once shot someone right in front of me. We wanted to go on strike for a raise on the (amount paid) per kilo. He then shot this fisherman asking him if he was the one telling others not to work. He just shot that fisherman. He died. Others got fired on that boat. We got nothing.

According to Benson, no real justice resulted from the inquest into the fisher's death. Instead of going to jail, the skipper was fined R200 000. He also was required to pay R50 000 to the fishers' family and was banned from working at sea for ten years. However, within a year he was back at work and is still working at sea.

4.2 The empowerment of fishers

4.2.1 Fishing rights

In the squid fisheries, government has used the allocation of fishing rights as a way to empower new black entrants to the 'blue economy'. (See 2.3 'Squid fishing rights' and 3.1 'The chokka industry', above.) Permit conditions for squid rights in the current fishing seasons sets no obligations on rights-holders in terms of the empowerment of crew. It simply states that the permit holder may only employ the total approved number of crew on a vessel.

In an eight-line section headed, '6. Empowerment of squid fishers', a 2013 draft policy on squid rights reduced empowerment to SAMSA-mandated marine safety training. Government carries the costs of this training, and crew intending to work in the industry must register and complete it. Skippers may only employ registered crew and registered crew may only work on registered chokka boats. However, when not employed on a chokka boat, fishers may crew on vessels in other fisheries:

“The Department will require all fishing crew who are intending to work on squid boats to register on a Crew Register. Squid right holders will be required to select their crew members from among those who are listed on the Crew Register. The Department will only register persons on the crew register if they have successfully completed a SAMSA safety training course, demonstrate some reliance on squid fishing and historical involvement in squid fishing. Crew will be registered free of charge and the registration process will commence in the last quarter of 2005. Registered crew may only fish from vessels authorised to catch squid. This does not mean that persons registered on the Crew List may not crew on vessels in other fisheries.”

The policy sets no obligation on rights-holders to ensure good working conditions for fishers.

Under the heading “Transformation”, the policy favours rights-holders who provide employee share benefit schemes and have lower differentials between the highest and lowest paid employees. Some administrative and land-based workers in packaging and processing have benefited, as long as they remain employed. Technically, this could help fishers too, but in practice very few companies include fishers in employee share benefit schemes. Instead, fishers’ claim their details have been used to help rights-holders without any advantage to themselves. Khayaletu Tanda says:

“Lomlungu lowo sasizo sebenza sobabini kwi company ezo hamba ayo funa i-quota. Safilisha forms wafumana quota. Uyifumana kwakhe wasibeka ecaleni kodwa bethe umntu nganye uzofumana shares ezingu 20%. Sasebenza ke kodwa wathi yena waphuma kwi company kodwa ndasebenza five years”

I was going to work together in a company with that white man who went to look for a quota. We filled in the forms for the quota. It was after he got the quota that he pushed us aside though he earlier said that each of us would get a 20% share of the business. We worked in spite of that and he told us he was no longer part of the company, but I had worked for five years.

Lizo Gqirana adds:

“Kusukela ngo 2004, kwathengwa ‘Champion’. Kwa thatwa ID zethu ngelaxesha urhulumente e-busy zizinto zase Iwandle. Kufunwa i-licence for i-quota. Ba siba fifteen. Thina siyoyiva xa kudala sinikizele nge ID. Asiyazi bakuqhubeka ntoni.”

Around 2004, Champion was bought. Our IDs were taken at the time when the government was busy with the ocean issues. A licence for a quota was requested. We were 15 [fishers]. We heard about that long after we had given our IDs. We don’t know what happened.

4.2.2 The small scale fisheries policy

“With the advent of democracy in South Africa, there were high expectations that poor coastal fishing communities would gain formal access to the coastal resources they had historically relied on for food and livelihoods. However, notwithstanding some transformation of the fishing industry and the allocation of commercial rights to several historically disadvantaged individuals, thousands of traditional small scale fishers were overlooked in the new dispensation. The failure to adequately address the rights of this excluded group led to the mobilization of fisher groups and mass action, which culminated in 2005 in legal action against the government minister responsible for fisheries management. This resulted in a court ruling that required the minister to develop a policy to address the needs of this excluded group and immediately provide ‘interim relief’ through access to marine resources.”

Sowman, M., Raemaekers, S. & Sunde, J., 2014. Shifting Gear: A new governance framework for small scale fisheries in South Africa. In: *Governance for Justice and Environmental Sustainability: Lessons Across National Resource Sectors in Sub-Saharan Africa*. London: EarthScan/Routledge, pp. 200 – 2019

In 2007, after the Equality Court ordered government to develop a policy that would acknowledge the rights of small scale fishers and grant them access to marine resources. It took another five years before the policy was fully implemented. In 2012, a policy was finally adopted and gazetted and an amendment to the Marine Living Resources Act was promulgated that defined who should be considered a small scale fisher. The Act defines a small scale fisher as:

- a member of a small scale fishing community engaged in fishing to meet food and basic livelihood needs, or who is directly involved in processing or marketing of fish;
- a person who traditionally fishes in the near-shore fishing grounds;
- someone who predominantly uses traditional low technology or passive fishing gear;
- someone who undertakes single-day fishing trips;
- someone who is involved in the consumption, barter or sale of fish or is involved in commercial activity linked to small scale fisheries.

Squid-fishers had high hopes that the Small Scale Fisheries Policy would provide an avenue out of the poverty and exploitation that they faced by opening up opportunities for collective ownership and new thinking about fisheries and rights to the ocean’s ecosystems.

Although many fishers working in this chokka industry since the mid-1980s and the 1990s had depended on fishing to make a living and had been historically marginalised, initially hardly anyone was considered to be a beneficiary of the Small Scale Fisheries Policy. Government's understanding of who should be seen as a small scale fisher was heavily influenced by the particular experience of coastal communities who, historically, had fished for their own subsistence.

Chokka fishers argued that they, too, depended on fishing for their subsistence. Their access to the sea has been limited by apartheid dispossession and, more recently, under the Marine Living Resources Act, which imposed a strict permit system that stopped subsistence fishing without a permit and bound them to fishing on chokka boats.

Having applied, fishers had only 30 days in December 2016 to lodge an appeal against DAFF's compilation of provisional lists of small scale fishers in the Port Elizabeth area. The appeal required extensive documentation at the height of the squid-fishing season, when many members of the ECBFA were at sea.

Fishers have many questions about the implementation of the policy. In May 2017 they expressed their unhappiness at how long the implementation of the policy was taking at a consultative meeting with the Department of Agriculture Forestry and Fisheries (DAFF). They asked what the transformative power of this policy was, but DAFF did not clarify what the basket of rights comprised. Fishers argued that, without a longer-term, viable basket of rights and access to financial and training resources; granting fishers' cooperatives fishing rights would simply mean ongoing subsistence and their continued marginalisation as fishers.

What is also of deep and ongoing concern to fishers are the admissions to the Parliamentary Standing Committee by the DAFF at the end of 2017 that the Department does not have enough staff, nor a big enough budget, to implement the policy fully. A record of the meeting has DAFF Deputy Director-General, Siphokazi Ndudane, reporting on problems with support for cooperatives:

“Fisheries does not have enough budget. The division had an objective of assisting for five years, but that has proven to be difficult to achieve. There are over 300 fishing communities with over 30 000 fishermen. The bulk of the fishermen being helped in cooperatives have never run businesses before. They are being work-shopped on finance and marketing related matters. DAFF is not in a position to do this on its own, because it has limited capacity. It is looking at getting help from other state departments and to appoint service providers to help in supporting the cooperatives.”



A small scale fisher throws his cast net from his wooden rowing boat, Sundays River Estuary, Algoa Bay, Eastern Cape.

Peter Chadwick - Pic 7682.
Source:
<https://www.peterchadwick.co.za>

5 Fishers' struggle and organisation

In the face of their exploitation, fishers have also built networks and organisations of solidarity, resistance and hope. Fishers rely on family and friends to make a life. They have united with other fishers to build an organisation that will stand for them in their struggles for decent work and for a future free from exploitation.

Out of their struggle to survive and through the systems of support that sustain them, fishers are building a challenge to the existing social relations upon which their oppression rests. It requires keeping yourself and others strong in the belief that collectively fishers will overcome. Pakamile Zingita says:

“Siya sokola thina. Lento nathi sizizamela ngale Association. Asiyazi noba indlela ibhekaphi kodwa into izokulunga.”

We are really struggling. That is why we are also trying to fight this [exploitation] through the Association. We are not sure where this road leads, but we know things will be alright.

And Koos Ruiters says:

“Jy moet maar sterk wees.”

You just have to be strong.

5.1 Strategies to make a life

Fishers talked about their struggle to live with dignity, because of the way they are exploited at sea. (See also ‘The struggle to make a life’ p. 27) Relationships of care stand in when making a life is difficult and families suffer. The bonds of family and friendships, and especially the care and support of women, have helped fishers and their families survive.

Women play an important role in building support for fishers and their families. Apart from women’s deep awareness of the difficulties fishers face and their empathy with the men’s situation at sea, women have also provided financial support. Asking for and accepting this help is not always easy. Thabang Leseti says:

“Kodwa ndibuya ndiphaca ndingena mali. Kubabu hlungu endlini kodwa azame uxola unkosikazi athi lomsebenzi nimsebenzayo ubu hlungu, ngoba umnike i21 day’s yonke kodwa ubuya ungena ‘mali. Soxolelane ke. Kodwa ndinyanzeleke ukuba ndiyo boleka imali kwi skopari... Okanye funeke ndiyo cela imali ku mama wam. Umama wam sepeya indodla ngoku. Kuba sitye endlini [crying].”

But I come back with no money. It becomes very painful at home, but my wife consoles herself saying, the work we do is very difficult because we go away for 21 days and come back without money. We forgive each other then. But I still have to go and borrow money from the loan sharks... Or I’ll have to ask my mother. My mother is a pensioner. All this just for us to eat at home. [crying]

Khayaletu Tando explains very emotionally, that he looks to his sister for help.

“Into endiyenzayo xa ndibona ukuba ndinama tyala amaninzi ndifonele ekhaya KZN ndiboleke imali. Usister wam andinikeze noba yi R500 ndikwazi uku bhatala umatshonisa.”

When I have so many debts I then phone back home at KZN to borrow money. My sister gives me R500 so that I can pay the loan shark.

Palala, Themba Ngazitha’s wife, lives in Humansdorp. She explained to Navar Claaasen: “It is very difficult to know how much money Themba will be coming home with. Sometimes it is a lot and sometimes it is very little. If it is too little then I have to go buy food on credit at our local grocery store to feed all of us, hoping that from Themba’s next trip, he will come home with more money,” says Palala.

Source:

<https://www.groundup.org.za/media/uploads/images/photographers/Navar%20Claasen/Chokka%20fishers/Palala.jpg>



André September adds that relationships of care are based on give and take. He explains that your family may not be able to help each time you are in need:

“Jy moet ôk ma jou familie iets gee daai tyd wanneer jy iets het. As jy nou ma weer lê daai tyd kan hulle mos nou maar vir jou weer terug gee. Dis maar hoe ek deur die lewe moet kom in die vis bedrywighe... Dit is ‘n bietjie moeilik, want baie keer het jy nou nie daai familie wat vir jou ôk een maal kan terug gee wanneer jy nou so in ‘n verleentheid is nie. Dan gaan dit maar baie swaar,”
You have to give your family something that time that you also have something. And when you are lying at home, then they can give you something back. This is just how I get through life with this fishing business. It is quite difficult, because often you don't have the kind of family that can give back to you when you experience embarrassment. Then life is really very hard to bear.

But, it is not only family that extend support. Fishers also help one another, says Marlin Kemp:

“Ons help mekaar so – as hy miskien by my honderd rand leen dan en ek het nog ‘n paar sente dan gee ek mos maar die honderd. As hy mos nou weer ‘n paar sente het, dan gee hy dit nou maar weer terug. So werk ons maar met mekaar.”

We help each other like this - let's say he borrows a few rand from me when I've got a few cents/a little money left. Then I'll give he the R100 and when he has a little money, then he gives my R100 back. This is how we work together.

Fishers also tap into other networks during the off-season to find short-term work in industries like construction. Lizo Gqirana says in English:

“Sometimes if I did not work right, I go to Gelvandale for jobs so that I can have something to eat. I do construction jobs. I am labour for brick-layers.”

Eric Fassie says:

“Funeke ndihambe ndiyo khangela ijob noba ku contractor. Ndi jope elo xeshanyana kude kuvulwe elwandle”

I have to look for a job in construction just to earn income until the season for fishing is open again

While the steps that fishers take may appear to be about survival under capitalist exploitation, it is more than that. The strategies that fishers and their families adopt are part of the work that can take us beyond capitalism, because fishers are building social relationships that are not based on profit-making, but on solidarity and care.

5.2 Fishers' organisations

5.2.1 The role of trade unions

Trade unions across the world have emerged out of workers' struggles, and this is no different in South Africa. The trade unions of today developed out of the mass strikes of the mid-1970s and 1980s in apartheid South Africa, as workers fought for a living wage and decent work.

Trade unions help workers use their collective power to negotiate or withdraw their labour as a balance against the power of the bosses in the workplace and the owners of capital. From 2006, chokka fishers have embarked on a series of strikes against their appalling working conditions. However, the inability of unions to really represent their interests led to deep dissatisfaction amongst fishers and most of them left the unions. Khayaletu Tanda explains:

“FAWU simane sinyula abantu bahambe bengenzi lutho. FAWU udlalile ngathi kakhule from ndisese Cape Town. FAWU makufuneka uyokudibana naba sebenzi bengezi. Thina kufuneka sihambe siyo xoxa. Izinto ziphele emoyeni.”

FAWU would ask us to elect people to go and do nothing. FAWU really toyed a lot with us, especially when we were in Cape Town. When the FAWU was supposed to meet with workers they wouldn't pitch. We had to go and negotiate. Things would disappear into thin air.

Mafa Jikela went to the CCMA to complain about the fronting happening in the chokka industry. He believes that the union representatives were bribed to make the case go away. Nothing happened afterwards. He says indignantly:

“Ndayake e-CCMA ndayo mangala; ndiyaqonda ke amabhulu ke athenga abantu. Bane mali kaloku bona. Umntu we union wandithatha wayondibeka endlini yam. Into yenzekayo pha. Kwathiwa mna mandiphume kweza office sasikuyo kuzoku xoxwa eli tyala lam. Nam ke ndaphuma phandle”

I went to the CCMA to lay a complaint and I understand that the white men bribed certain people. They have the money to do so. The union representative took me home. That is what happened there. They said I should get out of those offices so that they could negotiate my case. So, I went outside.

Elvis Mtimkulu feels the union did nothing to improve the wages of fishers. He says:

“Yahamba iminyaka sa joina i-union ekuthiwa yi FAWU sabhataliswa imali ke kwi union R10 samaneke sitsalelwa imali ye union kwi payslip. Sasibhatalwa nge kilos ngelo xesha. Kodwa ngeyanga zawukwazi ufumana R1400. Xa ubambe more than 200 kilos, akhonto ibonakala kwimali yakho ba usebenzile Uhlala le 21 days ube ungapeyi kweli lwandle!”

Years went by and I joined a union called FAWU and we paid the union R10 and that [money] was deducted for the union from our payslips. We were paid based on kilos back then. But in a month, you would earn R1400. When you caught more than 200 kilos, there would be nothing to show in your money that you really worked. You stay for 21 days and don't get paid at sea!

On the other hand, it is true that unions organising fishers face certain difficulties. It is easier to organise workers who work in large factories, where communication is channelled through elected shop stewards. Shop stewards can attend shop steward council meetings during working hours and general meetings can be held at the factory. At sea, things work differently.

When fishers are at sea for 21 days, it is difficult to reach them, except through the skipper. Boats return to land for a short while before fishers are out at sea again and the boats do not all return at the same time. Also, unlike factories that combine large numbers of workers, fishers work on boats that employ 12 to 26 fishers. When such small groups of fishers return home, it is difficult to bring all the fishers together for a meeting. Also, not all fishers can afford the transport costs to attend a meeting. This is why most unions have stronger support among land-based workers, who work at processing fish.

Another factor that has fragmented fishers is how official policy positions fishers. There is a sharp distinction in the small scale fisheries policy between artisanal fishers (who fish for themselves, like those of the Dwesa-Cweba community), and fishers who work on boats owned by companies, like the chokka fishers. This has made it difficult to build unity amongst fishers. Also, non-governmental organisations have worked hard at uniting large communities of artisanal fishers. In doing so, they have set boundaries in their work that tend to exclude fishers who work on boats owned by fishing companies.



Workers in the processing plant of Balobi Fishing strike for a living wage in 2014.

Source: <https://stfrancischronicle.com/2014/03/12/squid-fishing-is-currently-dead/>

5.2.2 The Eastern Cape Black Fishers' Association

The Eastern Cape Black Fishers' Association emerged out of the struggles of fishers. By mid-2014 a number of strikes in the squid-fishing industry and poor representation by labour unions did not improve the lot of fishers. The struggle of Siyaphambili Cooperative workers who were retrenched and excluded from the cooperative by the management of the fish processing company Eyethu, was not bearing fruit. In 2014 an accident at the Eyethu processing plant left 86 workers injured. Later, some of the affected workers claimed they did not receive proper compensation for their injuries at work. Divers were also affected. They wanted formal recognition of the skills that they had developed in practice. Lindile Mtirara says:

"The Association [was] formed, because we feel the pain. It has been years working in the fishing industry, but akhonto esandleni [there is nothing in our hands]."

Thandiwe Mfeketo explains that her struggle began when she became ill, because of the cold at the processing plant where she worked. She wanted her provident fund contributions paid out. After the company was sold to a new owner and the person at the company managing her HR contract died, no one was there to help her:

"Ndiqale uku ngena kwa eyethu ngo 1990. My manager was Mr R... Sisebenzile no Mr R... kwade kwangena uD... Kuthe kongena uD... kwabonakala ukunga visiswana. Mr R... wathatha okwakhe wahambe waya eKapa. Sasebenza noMr D..., into yenzekayo mna ukuyeka kwam usebenza ngenxa yoku gula zange ndiyi fumane provident fund yam xandisiya khona kwa provident fund kuthiwa andikho. Ngoku sebenza besenza pilchard and box fish. Khangе ndibe right empilweni ngenxa yenqele yapha eyethu. Ndathi ndibuya kwathiwa umsebenzi andise nawo. Into endiyi khalazelayo kunga fumani imali yam ye provident fund."

I began working for Eyethu in 1990. My manager was Mr R... until D... took over as there were disputes. Mr. R... took his belongings and went to Cape Town. We then continued to work with Mr. D..., what then happened was that when I stopped working due to illness I never got my provident fund and when I went to enquire at the provident fund offices they told me that I was not on their system. My employment duties were to make pilchards and box fish. I then fell ill due to the cold working conditions at Eyethu. When I returned I was told that my employment was terminated. My grievance is that I never received my provident fund payout.

A constitution for the ECBFA was drafted and a general meeting adopted the constitution and elected representatives from each interest group onto a fourteen-member Management Committee with office-bearers. In July 2014, the organisation was registered with the Department of Social Development as a not-for-profit organisation.

**Socio-economic independence
for all fishers and fishing communities**

Join the Eastern Cape Black Fishers Association

Our objectives

- To ensure that all black fishers have meaningful participation in the ocean economy
- To obtain commercial and small scale fishing rights
- To form co-operatives for black fishers.
- To do away with fronting in the fisheries sector.
- Ensure that black divers obtain all necessary documentation (Class III) divers certificates.

We work for you by

- **Negotiating** with the Department of Agriculture Forestry & Fisheries for fishing rights.
- **Mobilizing** and registering fishers under the Small Scale Fishing Policy
- **Reporting** fronting and any illegal activities.
- **Training** and developing fishers to be successful with sustainable cooperatives
- **Advocating** for the interests of fishers and fishing communities
- **Campaigning** for fishers' rights as workers

Address: Zwide Rent Office
 Community Liaison Offices
 Zwide
 6205

E-mail: ecb.fisherman.association@gmail.com
Contact no: 041 459 0244
Registration: 140-158 NPO



**EASTERN CAPE BLACK
FISHERS ASSOCIATION**

Flyer inviting
fishers to join the
Eastern Cape
Black Fishers
Association

The ECBFA have used three strategies to represent fishers.

First, the Association worked to *unite all fishers*. Their common struggles brought the different groups to realise that they were all fishers – chokka fishers, workers in processing plants and divers, all had common interests as fishers exploited by fishing companies. Monde Madolo explains in English:

“The other group of us came and ask for help as a group during the fisher strike in 2014. So, I joined and signed, because I wanted help. Now we sign [a] form for membership. I pay [a] R50 [membership fee].”

The ECBFA was initially called the Eastern Cape Black Fishermen’s Association. Because the organisation aimed to bring together all people who worked as crew, divers, fish processors and sellers of fried fish in the townships, it changed its name to the Eastern Cape Black Fishers’ Association. It also recognised that women have a key role to play as fishers. “We are all fishers” the organisation claimed. Thabang Leseti explains the problems they put to an ECBFA management committee member as workers:

“Ukuqala kwethu ukuza apha ku X... singaba sebenzi. Ukuba sibulawa ngaba qashi bolwandle phayana sifuna into yokuba asincede uX... asikhuphe kobu khoboka sikubo phayana. Sithi siyo sebenza sibuye singena mali. Seza ku X... simcela ukuba asincede kulento ngoba sifuna ukuba nemali esiyifumanayo nje ngamntu wonke aphe Mzansti Afrika. Umntu wonke aphe Mzansti Afrika uya emsebenzini abhatalwe yi-owner yakhe senza lonto ke. Savusa ke lombutho okuthiwa ECBFA. Saziwe nathi ukuba singaba sebenzi aphe Mzansti Afrika nathi sisebenze ngokwase Mthwetweni.”
When we first came to X... as workers, we told him that our employers are killing us at sea and we seek his assistance to take us out of the situation of slavery there. We go to work but come back with no money. So, we came to X... asking him to assist us to be paid like any other South African. Everyone in South Africa goes to work and gets paid by the owner, so that is what we are doing. We then formed this organisation called the ECBFA. So that we can also be known as legal workers in South Africa.

Second, the ECBFA *helps fishers* with the individual problems they face as workers. Pakamile Zingita says the organisation helped him several times to claim his provident fund money upon his retirement:

“Kodwa ndayapha kwi company ndi hamba ne member ye committee ye ECBFA bandi signisa ama phepha kwathiwa imali yona ndizokuyifumana ya yingu April 2016 ngokoke. Kodwa andikayi fumani. Bathe kum le form iya to Pretoria so kuzoku qokelelwa imali yam kwezindawo bendi phangela kuzo. Ayafika imali, ndafowna kwakhona kwi company bathi funeke ndiphinde ndiyo sign (a) enye form. Ndayi gcwalisa ke le form ndiphinde kwakhona ndi hambe ne members ye committee uP... nda sign (a) ke naye waba liinqina.”

I did go to the company together with a committee member of the ECBFA then I signed some documents and was told that I would receive my [provident fund] payout and that was back in April 2016. But until not I have not received it. I was told that the form was to be sent to Pretoria where they will gather my money from all the places where I worked. The money did not arrive. I then phoned the company and they asked me to come sign another form. I filled the form in again with another committee member, P..., as my witness.

Eric Fassie feels the organisation helps, because it raises their grievances as workers:

“Liyandicenda kuba itho qolo for ezizinto sikhala ngazo sizoku lungiselelwa sifane nabanye abantu aba phangelayo apha eMzansti. Sifane nabanye abantu”

It [the ECBFA] does help, because it constantly raises our grievances so that our conditions of employment could change for the better so that we can also be like any other working South Africans

Khayaletu Tanda echoes Eric’s view when he explains why fishers formed the ECBFA:

“Into yokuba sijoina i-ECBFA sikhandeke kakhulu la kudala kukho imibutho ethi izasi nceda kodwa lutho. Yona ECBFA yiyo ebonakalisa ukuba iyasebenza. Noko kukhona into seleko saqala la usebenza zange kubekho umntu ozayo sithethe la ngento zase lwandle i-association iyenzile lonto. Izinto bekumane ziphelela emoyeni.”

The reason why we joined the ECBFA was because we tried various organisations to help us but nothing helped. At least with the ECBFA we have seen some work being done. Since we began

working no one stood up for us concerning issues at sea, but the association has done that at least. Things would just disappear into thin air.

The organisation also sought to engage government institutions about the collective problems of fishers. It met the South African Maritime Safety Association in Port Elizabeth about accidents at sea, ineffective inspections and unseaworthy vessels being allowed to go out to sea, and the poor accommodation of fishers on board fishing vessels. It also sought meetings with the Department of Labour about UIF deductions, about the lack of workmen's compensation for fishers, and about pension fund irregularities. Few of these interventions yielded results. Like the fishers themselves, the ECBFA was disregarded by both SAMSA and the Department of Labour.

And so, the organisation used a third strategy, *leveraging all the political support* it could muster. It developed a comprehensive report that began to outline some of the problems fishers faced. The ECBFA objected to fronting in the industry, pointed out the exploitation of workers in the fishing industry and argued that the fishers they represent, should also be considered for fishing rights. They presented this report to the Parliamentary Standing Committee of the Department of Agriculture, Fisheries and Forestry (DAFF) in 2014. Then they lobbied members of the DAFF Portfolio Committee and the Deputy Minister, whose portfolio included Fisheries.

As a result, a number of events took place. DAFF held consultative meetings with a focus on fishing for the first time in the Eastern Cape. The Portfolio Committee came on an oversight visit to hear about the problems of fishers. And finally, DAFF organised an Eastern Cape Fisheries Summit in May 2017.

However, this lobbying was not appreciated by everyone in the Department. In February 2016, the Portfolio Chairperson questioned the Deputy Director-General of Fisheries Management on DAFF's perceived lack of responsiveness to complaints by the ECBFA. The Director replied that: "...a bigger component [of the problem that is] not dealt with, is politically connected individuals."

Community participants at the Eastern Cape Fisheries Summit of May 2017 were promised as part of the resolutions of the Summit, that DAFF officials would circulate the resolutions of the Summit. By the end of 2017, no minutes or resolutions had been circulated. This unresponsiveness by department officials gave weight to the ECBFA's earlier complaint at the Summit:

"As a community we have raised our problems in a disciplined manner since 2012. We've struggled to get crucial information. We battled to meet the right people. We have been sent from pillar to post. The current state of affairs, where there are long delays before getting a response from officials, no clear communication channels, and limited opportunities for participation, does not help to build a good working relationship with DAFF. As a voluntary organisation, we have extremely limited resources and the burden of the relationship is placed on us alone. This needs to change."

While government and its institutions have framed their responses largely as policies (such as the Small Scale Fisheries Policy, Fishing Rights Reform and advances in the BBBEE scoring of the owners of fishing rights), what fishers want is direct, ongoing engagement with government, as well as concrete action. They put their demands to the Eastern Cape Fisheries Summit in 2017 under three headings: decent work, the transformation of fisheries, and shared governance.

Pakamile Zingita says fishers want a decent life and an end to their slavery:

"Ngoku into endiyifunayo kwi association. Kukuzisebenzela thinn. Singa sebenzeli ababantu batya amandla ethu elwandle. Masingade sibengama khoboka side siyokufa. Nathi sikwazi ukufundisa abantwana bethu nje ngabo boat owners"

What I need from the association now is for it to work for us. We do not want to work for those people who only gain from our hard work at sea. Let us not be slaves until we die. We also want to educate our children, just as boat-owners do.

What fishers want

Decent work

1. Recognition of fishers as employees and not independent contractors
2. Extension of Labour Relations Act and Basic Conditions of Employment Act to squid fishers
3. Income protection during months of forced closure of industry
4. Inclusion in government systems that monitor fishers' working conditions on land and catch volumes at sea.

Shared governance

1. Responsive regionally empower offices of DAFF with access to information.
2. A functioning regional community forum.
3. Consistent detailed feedback from DAFF.

The transformation of fisheries

1. A truly radical transformation of fisheries through the implementation of an approach that acknowledges the fishers as capable of influencing and directing the mechanisms and policies of food production and distribution for the common good, locally rather than for the export market.
2. Economic transformation that sees ownership and work opportunities extended to cooperatives of fishers in both commercial and small scale fishing.
3. Opportunities to introduce education for fishers and their families (both ABET and skills training).
4. An empowerment fund for fishers' cooperatives.

Source: Demands by ECBFA to Squid Fisheries Summit called by the Department of Agriculture, Forestry and Fisheries in May 2017.



Eastern Cape Black Fishers' Association Management Committee
Front Row: Siyabulela Matatata, Mfanelo Banti, Xola Ngangca, Maxon Fumba
Back Row: Eric Luyanida Statela, Sibusiso Mzimkulu
Absent: Sililo Dontsa

5.2.3 Fishers' cooperatives

As small scale fishers finally receive fishing rights through membership of small cooperatives, the ECBFA faces a new set of challenges. It will need to transform as an organisation. Workers' rights will need to be fought for and protected, because not all fishers will be part of cooperatives. At the same time, the Association will need to find ways to support the newly formed fishing cooperatives through education, the ongoing lobbying of government and, most importantly, by mobilising community support to build a solidarity economy. Community members will need to believe and support the slogan of fishers: "We feed the nation", by helping to build a market for fishers' catches.

Fishers are keen to work for themselves. They feel that this is a way to escape the exploitation of the bosses. Eric Fassie says:

"ECBFA funeke ize ne change yokuba masizisebenzele thina ofishermen. Singa xhomekeki ko skipper. Senze lento ye small scale sizisebenzele ngokwethu [pause, thinking]. Ngoku pha kwi boats asizi sebenzeli. Nga bo abenza ingathi siyazi sebenzela. Ibe singazi sebenzeli thina kweza boats."

The ECBFA must bring a change that will enable us to be self-employed as fishermen and not depend upon the skipper. We want to be small scale fishers who are self-employed [pause, thinking]. On the boats we are unable to work for ourselves. They are the ones making money out of us whilst they make it appear as though. We do not work for ourselves on those boats we work for ourselves.

Koos Ruiters supports his view:

"Soos ek dink, die kwota-besigheid is orraait vir ons, wat hulle nou mee besig is. Dat ons die kwota by ons kan kry... So ons wil die kwota by ons nou hê nou. [Onderhoudvoerder: Hoe dink Meneer gaan die dinge dan werk?] Dan moet ons net probeer om 'n skuit te kry vir ons klompie nou. Dan moet ons so chokka vang of vis vang. Dan kan ons ook aan die lewe kom. [Onderhoudvoerder: En die kaptein?] Ons moet ene kry."

The way I see it, this quota business is alright for us, this [thing] that they [ECBFA] are now busy with, that we can get a quota, for ourselves....So we want to have the quota [fishing rights] for ourselves now. Then we must just try and get a boat, our lot [our people]. And then we must catch chokka or fish. Then we would also be able to live. [Interviewer: And the skipper?] We will need to get one.

Cooperatives can bring small scale fishers into the fishing economy in new ways as worker-owners. Over and above their labour power, fishers are now owners of long-term fishing rights. They also own the means of production collectively, such as boats and their tackle. They still need to develop secondary cooperatives in fish processing. Together, fishers will need to create new markets based on solidarity in order to sell the processed catch on to the public and the buyers in a particular area. Building a solidarity economy within a market system dominated by capitalist thinking and practices and by the naked power of large industrial fishing companies will require:

- enormous political will
- huge educational, organisation and mobilisation efforts that will build the capacity of fishers
- investment in infrastructure, and
- strong democratic and independent organisation by fishers themselves.

Fishers see the complexity involved in shifting to working for themselves. Making this change could bring further uncertainty about income in the short term. Given their current economic disempowerment, how do fishers and their families balance their short term needs with the possibility of longer term gains? There will be hostility from the current rights-holders and boat owners, that can result in new forms of exclusion. All this is not impossible, but needs careful weighing up, feels Marlin Kemp:

"Want hier is nou nog 'n ander ding wat ons nog in die gesig ôk staar. Ons is nou besig met die goete nou [claiming fishing rights] en die wit mense weet nou al ons is met die goete deurmekaar. Nou kom dit nou by daai tyd wanneer ons nou gaan los by die wit mense en dan moet ons nou oorskuif na die Association toe. Nou daai fase sal ons nogal like om te weet because op die einde van die dag is jy nou weer by die Association, nou verdien jy ôk maar amper so te sê niks nie. Sien

Mevrou nou daai way. Hier verdien jy nog minderder as wat jy verdien het da waar jy nou gewerk het. [Onderhoudvoerder: Dis waarvoor julle bang is?] Ja. Ons weet eintlik nie [waarnatoe nie].” And this is another thing that is facing us. The white people know that we are busy with these things [getting organised to obtain fishing rights]. And now comes that time where we will have to leave things with the white people and move across to the Association. Now about that phase, we would like to know [more about that], because at the end of the day when you are with the Association you could earn just about nothing. Do you see that possibility, ma’am? Here [with the association] you could earn even less that where you worked previously. [Interviewer: So that is your fear?] Yes. We don't quite understand [which way to go].

However, chokka fishers will also be able to learn from the experience of other fishers and other worker-cooperatives. There are many examples of successful small scale fisheries across the world. The World Co-operative Monitor (2014) reports that cooperatives employ more than 250 million people in full-time and part-time work and that the 300 largest cooperatives have a combined turnover of 2.2 trillion dollars.

In South Africa, small scale fishers in the Western Cape have made a start in transforming fisheries management through networks of small cooperatives. In the organisation, mobilisation and education of wider and wider groupings of fishers, the support of democratic organisations, and trade unions committed to working for all fishers, lie the possibility for new beginnings. These new beginnings, however difficult they may be, hold the hope of chokka fishers that there will be an end to their exploitation and the realisation of Pakamile Zingita’s wish for fishers: “Masingade sibengama khoboka side siyokufa.”

Let us not be slaves until we die.

Kleinmond Vroue Cooperative

South Africa’s newly amended Small Scale Fisheries Policy of 2016 allocates collective fishing rights to small scale fisheries. Fishers and processors recognised as small scale fishers, are forming cooperatives.

Members of the Kleinmond Vroue Cooperative buy locally caught line-fish from 80 fishers in Pringle Bay, Betty’s Bay and Kleinmond, and then sell the product at higher minimum prices, which are negotiated with local seafood restaurants.

Fishing cooperative members manage all the steps, from catch to product delivery. Cooperative members are receiving training in the development and management of their cooperative.

They also have resource monitoring responsibilities and compliance duties in managing the fishery. Three cooperative members represent local fishing communities on the Kogelberg Coastal Marine Working Group.



Members of the Kleinmond Vroue Co-operative

Photo: WWF-SA Source: <http://www.reefresilience.org/case-studies/south-africa-fisheries-management/>



Snoek fishers on their boat. The Department of Trade and Industry has made big investments in boats and other infrastructure for small scale fisheries in the Western Cape.

Photo by CV Rojas. Source: <http://www.uctcanada.ca/index.php/articles/abalobi-strengthening-the-small-scale-fisheries-sector-through-technology>



Out fishing at dawn. DAFF hopes that a new fishing app for cooperatives developed by UCT will help fishers pool their catch to sell to secondary cooperatives who can negotiate prices in the market. This, they hope, will stop the big buyers driving prices down by forcing small scale fishers in a single local area to compete with one another.

Source: <http://www.science.uct.ac.za/news/virtual-seafood-market-artisanal-fishers-0>



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