OCCASIONAL PAPER NO 166

Governance of Africa's Resources Programme

November 2013

Sustainable Livelihoods and Marine Resources: How Does South Africa's Policy for the Small-Scale Fisheries Sector Consider Current Challenges on the Ground?

Michelle Stern

South African Institute of International Affairs

African Perspectives. Global Insights.

ABOUT SAIIA

The South African Institute of International Affairs (SAIIA) has a long and proud record as South Africa's premier research institute on international issues. It is an independent, non-government think tank whose key strategic objectives are to make effective input into public policy, and to encourage wider and more informed debate on international affairs with particular emphasis on African issues and concerns. It is both a centre for research excellence and a home for stimulating public engagement. SAIIA's occasional papers present topical, incisive analyses, offering a variety of perspectives on key policy issues in Africa and beyond. Core public policy research themes covered by SAIIA include good governance and democracy; economic policymaking; international security and peace; and new global challenges such as food security, global governance reform and the environment. Please consult our website www.saiia.org.za for further information about SAIIA's work.

ABOUT THE GOVERNANCE OF AFRICA'S RESOURCES PROGRAMME

The Governance of Africa's Resources Programme (GARP) of the South African Institute of International Affairs (SAIIA) is funded by the Norwegian Ministry of Foreign Affairs. The programme contributes to policy governing the exploitation and extraction of Africa's natural resources by assessing existing governance regimes and suggesting alternatives to targeted stakeholders. GARP examines the governance of a number of resource-rich African countries within the context of cross-cutting themes such as environmental change and sustainability. Addressing these elements is critical for Africa to avoid deepening the challenges of governance and reducing its vulnerability to related crises, including climate change, energy security and environmental degradation. The programme focuses on the mining, forestry, fisheries and petroleum sectors in select African countries.

Programme head: Oladiran Bello, ola.bello@saiia.org.za

© SAIIA November 2013

All rights are reserved. No part of this publication may be reproduced or utilised in any form by any means, electronic or mechanical, including photocopying and recording, or by any information or storage and retrieval system, without permission in writing from the publisher. Opinions expressed are the responsibility of the individual authors and not of SAIIA.

Please note that all currencies are in US$ unless otherwise indicated.

ABSTRACT

There is a marked need to better understand the interconnectivity between poverty alleviation and environmental sustainability, since impoverished communities are often dependent upon their natural habitat to meet basic needs. Strategies to improve the livelihoods of the poor must consider the role of their natural environment. Although previous studies have recognised the challenges of integrating the dual goals of marine resource sustainability and poverty alleviation in coastal communities in South Africa, greater research is needed to assess the impacts of South African policies in achieving these objectives at a time when polices are being reviewed. The paper highlights this interconnectivity by assessing the challenges in South Africa to reduce poverty for coastal inhabitants, while simultaneously seeking sustainability of marine resources.

Since 1994, when Apartheid ended in South Africa, the government has attempted to include previously disadvantaged black fishers into the fisheries sector as one possible avenue for poverty alleviation. However, existing environmental policies restrict such fishers' access to marine resources. As a result, many impoverished black fishers throughout the country still lack access to a sufficient amount of marine resources to achieve sustainable livelihoods, and have been lobbying for almost a decade for access to commercial rights. In June 2012 the government introduced a policy aimed at fundamentally shifting the existing approach to the small-scale fisheries sector. In light of this objective, this study seeks to determine how the recently adopted Policy for the Small Scale Fisheries Sector in South Africa has considered current challenges on the ground for small-scale fishers. The paper analyses how the new policy deals with difficulties facing small-scale fishers, while also considering wider implications for the country's fisheries management strategies and for the promotion of sustainable coastal livelihoods. The fieldwork for this study was conducted in Hamburg, in South Africa's Eastern Cape province.

ABOUT THE AUTHOR

Michelle Stern currently works as a solar energy specialist at PURE Energies. Prior to this role she worked as a research director for George Media Inc, a global publishing organisation. Michelle has experience researching the interconnections between environmental sustainability and poverty alleviation in Ecuador, Rwanda, Uganda and South Africa. She holds a BComm from McGill University and an MSc in Environment and Development, with Distinction, from Trinity College, Dublin.

ABBREVIATIONS AND ACRONYMS

ANC	African National Congress
ASCLME	Agulhas and Somali Current Large Marine Ecosystems
BCLME	Bengula Current Large Marine Ecosystem Programme
CIS	Co-operatives Incentive Scheme
DAFF	Department of Agriculture, Forestry and Fisheries
DLIST	The Distance Information Sharing Tool
FIS	Fish Information and Services
IFM	Institute for Fisheries Management
IUU	illegal, unreported and unregulated
KZN	KwaZulu-Natal
MCM	Marine Coastal Management
MLRA	Marine Living Resource Act
the dti	Department of Trade and Industry

INTRODUCTION

In June 2012 the Policy for the Small Scale Fisheries Sector in South Africa, adopted by the Department of Agriculture, Forestry and Fisheries (DAFF), was implemented in the face of a variety of challenges within the sector in recent decades. After Apartheid ended in South Africa in 1994, the shifting focus of the newly elected African National Congress (ANC) government on the fishing industry resulted in a fisheries policy dedicated to the upliftment of impoverished coastal communities through enhanced access to marine resources and supporting the sustainable management of those resources. However, developing and maintaining strategies in impoverished coastal communities that ensure both social and environmental interests are met, have been hindered by several unexpected challenges. In recent years there has been ongoing debate regarding appropriate policies that would lessen the stress on marine resources while, at the same time, increase access for coastal inhabitants in order to facilitate poverty alleviation. There is a divergence of views from ANC policymakers around the most effective policies, with some in support of limiting access to marine resources in order to protect threatened stocks. The paper discusses these challenges in a South African context in a bid to generate grounded lessons for sustainable fisheries management in South Africa.

Since 1994 the ANC government has implemented various policies to integrate marginalised fishers – who have been disadvantaged through specific laws that favour other groups – into the formal fishing industry. Over the last decade small-scale fishers have lobbied for formal recognition that would legally legitimise their ability to sell produce at a larger scale. According to the Marine Living Resource Act (MLRA), small-scale fishers sell their catch on a small scale and are dependent upon the sale of their produce for their livelihoods. The government has recognised the need to provide small-scale fishers with legal commercial rights to sell the majority of their catch and provide for the establishment of community-based monitoring involving co-management of stock between fishers and governmental bodies. This study investigates whether the current challenges for small-scale fishers in impoverished coastal communities, including obtaining access to commercial fishing rights, have been addressed in the Policy for the Small Scale Fisheries Sector in South Africa.

Hamburg, a small coastal community in the Eastern Cape province, was one of the first communities in South Africa to receive abalone permits, which were subsequently removed, in a pilot project that lasted from 2002–04.[1] The pilot project attempted to achieve a community-based co-management approach to monitoring abalone through the distribution of abalone permits in Hamburg. Yet this project failed to achieve its objectives since a co-operative strategy within the community was not realised, and the permits were subsequently removed. The paper explores how the abalone trade has evolved since the ban was put in place, and looks at other livelihood opportunities that exist in the community. The challenges of implementing a more effective co-management approach, which is an integral part of the government's development strategy, are also explored. By conducting research in Hamburg, this study will allow for wider implications regarding South Africa's fisheries management strategies and for the promotion of sustainable coastal livelihoods on a national scale.

The paper attempts to assess whether the recent Policy for the Small Scale Fisheries Sector in South Africa integrates lessons learned from failed attempts to empower this

sector. In light of this objective, it aims to answer the following question: How has the Policy for the Small Scale Fisheries Sector in South Africa considered current challenges on the ground for small-scale fishers?

IMPROPER MANAGEMENT OF THE SOUTH AFRICAN FISHERIES SECTOR

The world's fish stocks are depleting rapidly, and efforts to improve fisheries management are needed to restore dwindling marine resources.[2] The South African Government has invested significant resources into promoting sustainable coastal livelihoods. However, the impact this has had on coastal poverty has remained limited owing to few governmental agencies recognising the difference between inland and coastal communities; as well as outdated laws and policies, inadequate law enforcement, and the recurring restructuring of governmental institutions that create more challenges when implementing well-intended policies.[3]

Illegal, unreported and unregulated (IUU) fishing contributes to unsustainable practices and creates a significant challenge in managing South Africa's fisheries sector.[4] It contributes to the challenges in poverty alleviation in coastal communities, as many inhabitants are dependent upon the sustainability of the marine resources for their livelihoods, and IUU fishing can threaten the entire ecosystem.

Abalone, a highly valued shellfish, is found primarily in Southern African, Australian and North American waters.[5] The abalone fishery in South Africa was a stable, quota-managed fishery from the 1970s to the mid-1990s.[6] However, the abalone trade has since been labelled as one of the most difficult to manage in the country, and the poaching of abalone and crayfish together costs the South African economy almost $80 million each year.[7] An increase in the black market trade of abalone and ecological factors caused by a shift in the West Coast lobster stock (which has resulted in a decreased stock of juvenile abalone) have been the main contributors to abalone's depleting numbers.[8] These factors led to an 88% decrease in the total allowable catch of abalone from the 1995–2006 season to the 2007–08 season. The fishery was subsequently closed in 2008 throughout the entire country. Abalone remains a high-value resource for organised illegal fishing networks, especially from buyers in China.[9] There has been a series of clashes among abalone poachers, community members and the police, and a growing number of gangs, particularly of unemployed youth, have been involved.[10]

During Apartheid, the fisheries sector was dominated by a small number of white, South African commercial players.[11] In this sector, the task of the newly elected ANC government in 1994 was to initiate the transformation of the fishing industry through implementing a fisheries policy that would include 'historically disadvantaged sectors of society' and that would therefore integrate black South Africans into the sector.[12]

The Black Economic Empowerment Programme was created, post-Apartheid, to provide economic opportunities to previously disadvantaged blacks, and the MLRA was passed in 1998 to foster equity, sustainability and stability of the fishing industry in particular.[13] The transformation of the fisheries sector was meant to provide formal direct access to marine resources, and this was reinforced by the MLRA, which stated that it was set out:[14]

> to provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa.

The permit reallocation process that was implemented to achieve the MLRA objectives, however, neglected many historically active fishers in favour of completely new entrants to the sector who had greater access to credit or skills, or who had the business acumen to apply for permits.[15] This was because the government did not anticipate the high level of interest by applicants, and decided to make the applications open to everyone instead of dedicating resources to targeting historical fishers. Since there was no process of identifying those who had been historical fishers, many permits were distributed to new entrants into the industry. Consequently, the marine resources that coastal inhabitants are dependent on for their livelihoods are being exploited, not only by historical fishers, but also by new entrants who have been given the opportunity to legally enter the trade. The policy of reallocation intended by the MLRA has therefore been counterproductive as, although rights were taken from commercial fishers, they were not reallocated to the intended beneficiaries.[16] The transformation objectives – which were to make historical black fishers equal beneficiaries of the fisheries sector – have not been achieved, since the main beneficiaries are new entrants and white commercial players.[17]

CONTESTATION OVER ACCESS TO COMMERCIAL FISHING RIGHTS

According to the MLRA, a subsistence fisher is defined as a:[18]

> person who regularly catches fish for personal consumption or for the consumption of his or her dependants, including one who engages from time to time in the local sale or barter of excess catch, but does not include a person who engages on a substantial scale in the sale of fish on a commercial basis.

A subsistence permit currently limits the catch to 10 fish per day, with various daily caps on different species, and restricts the sale to within 20 km of the catch landing. Furthermore, subsistence fishers are only permitted to sell a vaguely defined 'excess stock' after feeding themselves and their dependants. It is assumed that subsistence fishers undertake fishing for personal or family use, primarily for nutritional needs.[19] Although subsistence, recreational and commercial fishers are legally recognised in South Africa, there is a lack of formal recognition for small-scale fishers, who sell the majority of their catch, instead of simply what is in excess after feeding themselves and their dependants. They are forced to rely on subsistence permits, which confine them to very limited, local sales. Access to commercial rights would allow small-scale fishers the legal rights to sell most of their catch.

Several fishers who were not involved in the reallocation process to gain commercial rights in the 1990s voiced their concerns in a lawsuit in 2002.[20] Through the lawsuit

the applicants were hoping to achieve, among other things, 'the right of all marginalised fishers excluded by the formal application process to accommodation within the limited commercial sector.'[21] After a decade of planning and drafting policies, the result was the Policy for the Small Scale Fisheries Sector in South Africa, which was adopted by DAFF in June 2012. The policy formally recognises small-scale fishers and defines them as participating in commercial activity.

A co-management approach, which is a partnership between the government and resource users to manage an area or resource, has been encouraged in the South African fisheries sector since 2001, and emphasises community empowerment to monitor marine resources.[22] The economic rationale for allocating fishing rights to the community is that the community is better at improving the efficiency of the fisheries than the government, who may be constrained by limited resources for law enforcement.[23] The vastness of South Africa's coastline creates significant challenges to monitoring, and it is argued that community labour should be leveraged instead of straining the government's limited resources.

An example of an unsuccessful co-management approach to fisheries management occurred in Hamburg, Eastern Cape, when abalone permits were distributed as a pilot project in 2002. The intention was to test the feasibility of implementing a community-based and sustainable abalone trade.[24] The licences were distributed to 137 fishers, although many more residents had applied for the permits, permitting them to harvest three abalone per day during weekdays only. The experimental fishery was intended to eventually provide the community members with long-term commercial rights and to control the growing illegal harvest. Thus:[25]

> By relying on a co-management process, it was foreseen that securing community members with individual user rights to abalone, together with the establishment of local committees to facilitate communication with the law enforcement arms of the fisheries authority, would instil a sense of ownership of the resource among the permit holders.

However, the experimental fishery did little to reduce the illegal harvest in Hamburg, since permit holders were not equipped to stop outside poachers from accessing 'their' resource, and felt they had no right or power to enforce the law. Furthermore, the process was doomed to fail, as 'both permit and non-permit holders questioned the legitimacy of the permit allocation and the imposed regulations'.[26] Management approaches are most effective when the resource users consider the rules to be legitimate, and this is only possible if people understand the value attached to the resource and are able to benefit from it.[27]

At first, the permit holders were divided into two groups who sold the abalone to two different companies.[28] Later, all permit holders sold their catch to only one of the buyers, who was officially recognised by the Marine Coastal Management (MCM) as a collaborator in the project. This made the buyer a part of the co-management structure, which included a committee consisting of local community members. At the end of the 2003 season, many permit holders were unsatisfied with the payment conditions of the recognised buyer, and several of them broke away to form their own committee and collaborate with separate

buyers. These actions were not approved by the MCM.[29] With no diving training, the permit holders hired professional divers to harvest the abalone in the deeper water while they themselves harvested in shallow waters, breaching the permit regulations. Although training workshops were arranged, the permit holders never learned to dive themselves. There were instances of poor monitoring of the divers and false audits from the buyer. This all contributed to an inconsistent implementation strategy, and the permits were subsequently removed in May 2004.[30]

In February 2008 abalone fishing was suspended indefinitely in South Africa's waters.[31] The marine management authorities initiated the ban in order to prevent the depleting abalone stock from extinction. However, in late 2009, President Jacob Zuma vowed to lift the ban once scientific evidence of increased stocks had been shown.[32] Despite the ban, poaching of the species is still prevalent in Hamburg.[33] Given the failure of the abalone permit allocation as a co-management approach, this study addresses the need for more research to determine how the trade has evolved in Hamburg since the ban has been instituted. This will help to determine whether community members are organising themselves to implement a more effective monitoring strategy, since the ban has proved to be ineffective in controlling poaching, the survival of marine resources in the community is threatened. It is also necessary to determine if the government has used lessons learned from the experimental fishery when adapting co-management approaches in the future. This will contribute to assessing the challenges of promoting community participation in the fight against illegal fishing in South Africa.[34]

INEFFICIENT MARINE RESOURCES MANAGEMENT LEADS TO CO-MANAGEMENT ASPIRATIONS IN HAMBURG, SOUTH AFRICA

South Africa has been chosen as the setting for the case study analysis because it is a developing country that has a high population density along its long coastline and a high percentage of coastal inhabitants living in poverty.[35] Its coastline is over 3 000 km long and is the home to millions of inhabitants.[36] The Eastern Cape is the third most-populous and second-poorest province in South Africa.[37] Hamburg is located 35 km south-west of East London in the Eastern Cape.[38] The village has a population of approximately 3 000 inhabitants, with the majority classified as living in poverty.

A total of 20 interviews was conducted in the spring of 2011, with a mix of fishing and non-fishing community members from Hamburg as well as policy informants from East London and Cape Town. Semi-structured interviews were conducted in order to allow the participants to move away from the topic guide if desired, and to discuss issues in the order and pace that they wished. The information was assessed using qualitative assessment and the data analysis drew on Attride-Stirling's article on thematic analysis for qualitative data.[39] In the summer of 2012 two follow-up interviews were conducted with policy informants from Cape Town in order to gain their perspectives on the Policy for the Small Scale Fisheries Sector in South Africa.

OVERVIEW OF MAIN POINTS FROM THE INTERVIEWS

Interviewee #11 (policy informant, East London, 8 April 2011): '*If you weigh conserving the environment with your own livelihood, your life wins.*'
The fishers believe that the marine resources are under threat, but when protecting these resources competes with ensuring their livelihood needs, their livelihoods naturally take priority.[40] Many admitted that when given the opportunity to fish over the daily catch limit they would do so because it meant they would be able to meet more of their needs. The policy informants were aware that the dual goals of protecting marine resources and alleviating poverty in impoverished coastal communities can be conflicting if the community members depend on the resources as a source of income and these resources are not caught at sustainable levels.

Interviewee #6 (fisher, Hamburg, 1 April 2011): '*We need to fish to put something on the table.*'
The majority of fishers claimed that fishing was their only livelihood option, and that their main income was from a government grant or pension.[41] Several had other marketable skills such as construction, bricklaying or babysitting, but there was a lack of opportunities to use these skills to make an income.

Interviewee #12 (policy informant, East London, 8 April 2011): '*We look at the poverty of people living adjacent to the coastal areas and know that there are inefficiencies in the system. Small-scale and subsistence fishers don't have an income. They are living in poverty and dependent on the resources. Our department wants to legalise their fishing methods. The government has to intervene.*'

Interviewee #10 (fisher, Hamburg, 6 April 2011): '*We have been promised job creation in the fishing sector. Now give us what we have been promised.*'
When asked about their future aspirations, many fishers claimed they wished for access to better permit conditions that allowed them a catch greater than the current limit of 10 per day.[42] Harvesters who once had abalone permits before the ban was implemented claim that being able to harvest legally again would provide them with a reliable income and allow them to work under safe conditions. Additionally, they wish to sell at fair prices, just below the market value in order to be competitive, with the option to sell in external markets. This, they believe, would provide them with an avenue out of poverty. Additionally, storage facilities to keep fish fresh overnight would allow them to receive better prices for their stock, as they would not be forced to sell on the day-of-catch. A fish shop could provide fishers the opportunity to sell at a price that is below the market price in a nearby shop, but still at a competitive price that would enable them to receive a reliable income. An enterprise that enables fishers to pool their resources would enable them to share the benefits in the fish trade.

Interviewee #7 (fisher, Hamburg, 4 April 2011): '*We fish for nothing.*'
Widespread poverty exists in Hamburg and the fishers claimed that their income has decreased over recent years owing to buyers dictating prices.[43] According to the fishers interviewed, they have to accept whatever price is offered, as they have no option to sell outside of Hamburg and lack access to storage facilities that would allow them to sell their

catch at a later date. Due to their desperate situation, they are left with no other avenue to achieve sustainable livelihoods.

Interviewee #5 (fisher, Hamburg, 1 April 2011): '*People come and fish in Hamburg at night, even though it's illegal*.'
It was discovered that most of the fishers attribute the decrease in fish stock to the increase in fishing from various players.[44] Fishers on both national and foreign fleets have access to deep-sea fish, and local fishers believe that many go over the limit or fish without a permit, therefore disturbing the ecosystem and threatening the survival of inshore fish. Poaching is committed most commonly by South African divers and criminal networks in collaboration with international fleets. They claim that fishing vessels enter the waters off Hamburg at night when there is no monitoring. Fishers in Hamburg are frustrated that people from outside the community appear to have open access to the deep-sea fish in the Hamburg region, when members of the community are forced to rely on subsistence permits that limit access solely to inshore fish.[45]

Interviewee #5 (fisher, Hamburg, 1 April 2011): '*We are the victims, the number one victims. We get punished when boaters get away with what they want*.'
Many of the fishers feel resentment when they get penalised for overfishing on a small scale, especially when compared with the rate of exploitation by commercial fishers in Hamburg.[46] They feel victimised and believe that greater resources are needed for monitoring the deep-sea fishers, often on illegal fleets, who take Hamburg's resources and do not rely on them for subsistence.

Interviewee #17 (fisher, Hamburg, 7 April 2011): '*When we had the permits we didn't suffer, now we suffer. We would be free if we could do this in a legal way. We are in danger now.*'
Most of the fishers claimed they were confused about the regulations of their subsistence permits.[47] Although some government officials have allowed them to sell their catch within Hamburg, they have been confronted by other officials claiming that they are not legally allowed to sell anywhere. The officials therefore have different interpretations of what constitutes 'excess catch' on a subsistence permit, and this has created frustration for the permit holders.

Interviewee #10 (fisher, Hamburg, 6 April 2011): '*The government used to promise people jobs and we got permits, and then they were suddenly taken away. How does the government think that people will stop once they don't have permits? We have been shown that we can feed ourselves and our family, how can they expect us to suddenly stop?*'
The abalone harvesters claim that the money made in the illegal trade is unattainable elsewhere.[48] They have been lobbying the government to get the permits reissued, but have been unsuccessful, even though the government has made promises to reintroduce them. The harvesters opined that it is unfair to expect them to stop harvesting abalone after experiencing the positive impact that the legal trade has made on their lives.

Interviewee #2 (community member, Hamburg, 30 March 2011): '*The community must be equipped to monitor the resource. I promise you that once this exists, everything would improve more by having control*.'

The policy informants claimed that there are inefficiencies in the marine resources monitoring system, and attributed this to a lack of resources and finances to control poaching.[49] A challenge to the monitoring system is that monitors do not have the authority to enforce the law, but are rather community members who are hired solely to patrol fishing activities in order to record data to inform future decisions. The closest official who is able to enforce the law in Hamburg is located in East London, 35 km away. Although the policy informants were aware of the occurrence of poaching, not all saw the need for an official with the authority to monitor the law to be stationed in Hamburg. However, the desire to have such an official located in Hamburg was highlighted during community meetings.[50]

Interviewee #5 (fisher, Hamburg, 1 April 2011): '*Co-management would be the most important, as we would be able to say "it's our fish" and have more control and say "no" to outsiders*.'

The community members expressed the desire to have greater protection of marine resources and believe this is only possible through implementing a co-management approach to monitoring, with both community empowerment and the government's involvement.[51] In order to empower the community members to monitor themselves, they expressed the need for training, tools and equipment to monitor the deep-sea resources.

The abalone trade in Hamburg has evolved into a dangerous business since the experimental fishery ended in 2004.[52] The harvesters have continued to lobby for the permits to be reissued through a co-management approach. Although the fishers who once held abalone permits are advocating for another attempt at an abalone fishery, the stock levels are not sustainable to support a commercial fishery. Instead, a co-management approach in Hamburg could focus on the catch of other species that are at sustainable levels. Although fishers are advocating another attempt at a co-management approach for the Hamburg community, it is not clear how such an approach will be more effective than the pilot project of abalone permit allocations. A significant challenge to implementing a co-management approach to monitoring marine resources is addressing the presence of illegal fleets that are most active at night. There are often weapons involved and illegal fleets have access to more equipment and resources, making it very difficult to prevent poaching. However, even when facing such a challenge, a local community member with the authority to monitor the law may decrease the extent of illegal activities, and the Hamburg community has advocated for one to be appointed.

Co-management has been recommended in many governmental policies for subsistence and small-scale fishers since 2003, and the MCM has provided guidelines to plan and implement such approaches in South Africa.[53] Many economists have advocated a co-management approach over recent decades, arguing that allocating fishing rights will prevent marine resource collapse.[54] The 'implementation of effective co-management should result in enhanced understanding and communication between resource users and government, increased sense of ownership by fishers, greater legitimacy for the management system, and hence better compliance and lower costs of enforcement'.[55]

Interviewee #8 (fisher, Hamburg, 5 April 2011): '*A fishing co-operative would be the most important thing to be able to say the resource is "ours" and to stop outsiders*.'

Many fishers expressed interest in forming a fishing co-operative that would enable

them to monitor the fish stock and pool resources to sell fish at fair prices.[56] The policy informants indicated that such a plan has great potential to succeed, and the Department of Trade and Industry (the dti) has committed to promoting co-operatives as one of its flagship programmes in stimulating economic development among the poor. However, many of the fishers are neither aware that this opportunity exists, nor do they know how to apply for it.[57] This may be because the high illiteracy rate in rural communities makes it difficult for fishers to complete the application.[58] It is necessary for communities to be given the proper resources to complete applications successfully.

IMPLICATIONS AND RECOMMENDATIONS FOR SOUTH AFRICA'S SMALL-SCALE FISHERIES SECTOR POLICY

Although South Africa has incorporated principles of effective governance in broad policies and legislation to govern resource management, implementing these polices among small-scale fisheries has proved challenging. The Policy for the Small Scale Fisheries Sector in South Africa addresses some, but not all, of the current challenges for small-scale fishers on the ground.

Firstly, the need for a community monitor has indeed been integrated into the policy, which states that 'monitoring programmes must be established by the co-management committee and in each Small Scale fishing community a local monitor must be appointed'.[59] It also states that DAFF must train the monitor and, in some cases, it may be necessary to appoint more than one. However, the policy does not state whether the monitors have the power to arrest or distribute fines, and it is not clear how they will be empowered in the absence of such authority. The right to arrest and distribute fines may be needed in order to reduce the extent of poaching. Co-management has been labelled an integral strategy to fisheries development for several years, and the policy proposes that 'every Small Scale fishing community establish a community-based legal entity within which fishers can operate'.[60] It also states that small-scale fishers and coastal communities must be involved in decisions about the monitoring and management of the resources, and that the resources will be managed in terms of a community-based co-management approach to ensure that the resources are used in a sustainable way.[61] Although previous permit allocation rights were distributed in the form of individual rights, the new policy will distribute community rights. It declares that the defined roles and responsibilities of representatives of different parts of government and the small-scale community in managing the resources must be made clear, which proved to be challenging in the experimental fishery in Hamburg. It further recognises that members of a community-based legal entity should have flexibility in making decisions.

Interviewee #21 (policy informant, Cape Town, 12 September 2012): '*The policy is biased towards situations in the Western Cape and Northern Cape provinces.*'

Although the policy addresses some of the current challenges on the ground for small-scale fisheries, not all of them have been integrated. The policy was designed from a national level, but the context of small-scale fisheries in each of the provinces in South Africa varies significantly. Currently all decisions for fisheries policy are made in Cape Town in the Western Cape, and decision makers are concentrated in the Western Cape

and Northern Cape provinces. There are fisheries field workers in the other provinces, including the Eastern Cape, but they are not involved at a decision-making level, and therefore the decision makers do not know the contexts and challenges at all provincial levels. Although fishers have had a voice in forming the policy, it is biased towards those in the Western Cape and Northern Cape provinces because they have had more of a platform.

Interviewee #21 (policy informant, Cape Town, 12 September 2012): '*The departments are doing their own thing, creating conflict, and now there will be new legal entities – no one knows how it is going to work out*.'

The policy states that fishers must form legal entities to ensure rights belong to the communities. However, the dti has already promoted and formed co-operatives in several communities, and fishers seeking equipment for their fishing entity are required to form a co-operative in order to apply for access to financing. The dti is working separately from DAFF, and effective communication and collaboration between the two bodies has not occurred. In forming new legal entities under the new policy, it is unknown how the departments are going to communicate with each other more efficiently. It is currently causing divisions in some communities where the dti has implemented co-operatives, since those who have access to loans and financing for their fishing entities are often resented by those who do not. Although the policy aims to promote equity, it is not clear how this is going to be achieved. Greater transparency and co-operation between the dti and DAFF are required.

Another concern regarding the policy is that it does not show how communities will be empowered to monitor poachers who use weapons to commit violence against local inhabitants. Strategies that consider how the community members may face such challenges must be integrated into plans to empower the community. Although a local monitor is now part of the strategy, it is imperative that they be equipped with the necessary training and tools to face such adversity. Law enforcement officials should work closely with monitors to address criminal activity. With regards to abalone, if such permits are reintroduced, they must be distributed carefully and integrate the lessons learned from the failed fishery experiment in Hamburg.

In the province of KwaZulu-Natal (KZN), still other challenges exist. Fishers who currently rely on subsistence permits have been promised that their permit catches will increase under the new policy. However, unlike other provinces where DAFF is in charge of decision-making regarding catch allowance, in KZN it is the provincial conservation authority that determines the catch allowance. The conservation body in KZN, Ezemvelo KZN Wildlife, has more power at a local level, and since its mandate is conservation-based and not livelihood-based, it is not clear whether fishers in this province will have access to greater catch quotas.

Educating community fishers will remain an additional challenge. Although individual fishing rights were distributed in the past, under the new policy only community-based rights will be distributed and fishers must provide documentation that they are historical fishers. Some fishers have only recently been informed of the new small-scale fisheries policy, but there are still many communities, notably in KZN and the Eastern Cape, who are not yet aware that the policy exists. Furthermore, the policy states that a fishing entity must apply to the minister for community-based rights and recognition; and that DAFF

must inform communities that fishers must be historical fishers through appropriate means, such as newspapers, radio broadcasts and community workshops.[62] However, many impoverished communities lack access to radio and newspapers, or are illiterate and unable to provide documents to the ministry. Communities should be given the opportunity to apply for permits in a manner that is responsive to the communication resources and skills they possess, and it is critical that the criteria for applying for a community-based legal entity be communicated effectively to each community.

The government has appointed a consultancy company to design the implementation plan of the policy, but they were given only six months in which to design it. It is unlikely that this time period will be sufficient to design an effective implementation plan that meets the needs of all provinces in South Africa. In summary, although the Policy for the Small Scale Fisheries Sector in South Africa has integrated some of the challenges for small-scale fishers on the ground, the diverse needs of the different provinces have not all been considered. DAFF is constrained by limited resources and human capacity to fully respond to the needs of fishers in every province. However, the policy stresses that contextual differences must be accounted for when integrating the policy, and it is critical that sufficient time and resources are committed to ensure that the implementation plan is responsive to the needs of fishers in local contexts.

CONCLUSION

The results from this study highlight several of the challenges facing fisheries management in South Africa. Impoverished fishers have limited access to marine resources due to over exploitation. The need to conserve marine resources for future generations has been used as a rationale for limiting small-scale fishers to subsistence permits. It must be recognised that poverty reduction schemes will take priority over methods to protect the environment, even with increased awareness of dwindling resources. Several years after the end of Apartheid in South Africa, and since the fishing industry underwent the attempted transformation process, great challenges remain in addressing the dual goals of sustaining the marine resources while simultaneously alleviating poverty in impoverished coastal communities. Restricting impoverished small-scale fishers to subsistence permits barely provides them with enough for basic survival.[63] The fishers in Hamburg did not understand the rationale for restricting them to limited in-shore marine resources when commercial fishers are granted access to deep-sea fish stocks. However, in response to the needs of small-scale fishers, the government has implemented a policy to formally recognise them and allow them to sell their catch commercially, as well as promoting a co-management approach to monitoring. Proper implementation is critical to the policy's success. The policy stresses that strategies should be crafted to suit individual contexts, but it is not clear in the design of the strategy that different provinces have been considered. It is critical that provincial contexts are taken into account when designing the implementation plan.

To enhance the findings of this study, more research should be conducted in other impoverished coastal communities in the Eastern Cape as well as in other provinces in South Africa, to draw out the broader implications for the country's fisheries management strategies as a whole. A comparison of this study with a coastal community that has not

experienced any experimental fisheries of abalone and where other rural development projects have been implemented could provide an interesting comparison to the present case study area. This would help to determine the effectiveness of rural development policies under which alternative employments in the non-fishing sectors are provided to relieve the stress on marine resources.

ENDNOTES

1 Stern spent three weeks in the village of Hamburg, Eastern Cape, South Africa in 2011. She worked in conjunction with EcoAfrica Environmental Consultants, based in Cape Town, which used the research to support the request for public funding for a fishing co-operative as a solution to improve livelihoods in the community. The results from the research were also used for Stern's MSc in Environment and Development dissertation from Trinity College Dublin. Further results can be found in the summary article on the ASCLME (Agulhas and Somali Current Large Marine Ecosystems) database, run by EcoAfrica Environmental Consultants, referenced as follows: Stern M, 'South Africa's Policies for Impoverished Coastal Communities: Assessing Needs on the Ground', *Agulhas and Somali Current Large Marine Ecosystems (ASCLME)*, 2012a, http://www.dlist-asclme.org/sites/default/files/doclib/South%20Africas%20Policies%20for%20Impoverished%20Coastal%20Communities-%20Assessing%20Needs%20on%20the%20Ground%20%282%29.pdf.

2 Coll M *et al.*, 'Ecosystem overfishing in the ocean', PLoS ONE, 3, 12, 2008, http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0003881.

3 Griffiths C *et al.*, 'Marine biodiversity in South Africa: An evaluation of current states of knowledge', PLoS ONE, 5, 8, 2010, e12008; Isaacs M, 'Small-scale fisheries reform: Expectations, hopes and dreams of "a better life for all"', *Marine Policy*, 30, 1, 2006, pp. 51–59; Sowman M, 'Subsistence and small-scale fisheries in South Africa: A ten-year review', *Marine Policy*, 30, 1, 2006, pp. 60–73.

4 Agnew D *et al.*, 'Estimating the worldwide extent of illegal fishing', PLoS ONE, 4, 2, 2009, e4570; Le Gallic B & A Cox, 'An economic analysis of illegal, unreported and unregulated (IUU) fishing: Key drivers and possible solutions', *Marine Policy*, 30, 2006, pp. 689–95; Plaganyi E, Butterworth D & M Burgener, 'Illegal and unreported fishing on abalone-Quantifying the extent using a fully integrated assessment model', *Fisheries Research*, 107, 1–3, 2011, pp. 221–32.

5 FIS (Fish Information and Services), 'South Africa invigorates fisheries management', *Baird Maritime*, 23 June 2010, http://www.bairdmaritime.com/index.php?option=com_content&view=article&id=7095:south-africa-invigorates-fisheries management&catid=75:fisheries&Itemid=68; MRAG (Marine Resources Assessment Group), *Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries*, 2005, http://webarchive.nationalarchives.gov.uk/+/http:/www.dfid.gov.uk/pubs/files/illegal-fishing-mrag-report.pdf.

6 Raemaekers S *et al.*, 'Review of the causes of the rise of the illegal South African abalone fishery and consequent closure of the rights-based fishery', *Ocean and Coastal Management*, 54, 2011, pp. 433–45.

7 FIS, *op. cit.*; Hauck M & M Kroese, 'Fisheries compliance in South Africa: A decade of challenges and reform 1994–2004', *Marine Policy*, 30, 1, 2006, pp. 74–83; Plaganyi E, Butterworth D & M Burgener, *op. cit.*; Raemaekers S & PJ Britz, 'Profile of the illegal abalone

fishery (Haliotis midae) in the Eastern Cape province, South Africa: Organised pillage and management failure', *Fisheries Research*, 97, 3, 2009, pp. 183–95.

8 Raemaekers S & PJ Britz, *op. cit*.

9 Hauck M & M Kroese, *op. cit*.; MRAG, *op. cit*.

10 Hauck M & M Kroese, *ibid*.; Raemaekers S, *op. cit*.

11 BCLME (Bengula Current Large Marine Ecosystem Programme), *Transformation in the Marine Fishing Industries of the BCLME Countries*, 2005, http://archive.iwlearn.net/www.bclme.org/www.bclme.org/projects/docs/Final%20report%20LMR-SE-03-03%20%28Transformation%29.pdf; Branch G & B Clark, 'Fish stocks and their management: the changing face of fisheries in South Africa'. *Marine Policy*, 30, 1, 2006, pp. 3–17.

12 Isaacs M, *op. cit*.

13 BCLME, *op. cit*.; Isaacs M *ibid*.; Sowman M, *op. cit*.

14 South Africa, MLRA (Marine Living Resources Act), 1998, 18. Cape Town: Government Gazette.

15 Isaacs M, *op. cit*.

16 Canadian Cooperation Centre, South Africa, *op. cit*.; Sowman M, *op. cit*.

17 Crosoer D, Van Sittert L & S Ponte, 'The integration of South African fisheries into the global economy: Past, present and future.' *Marine Policy*, 30, 1, 2006, pp. 18–29.

18 South Africa, 1998, *op. cit*.; Sowman M, *op. cit*., pp. 63.

19 Branch G *et al*., 'Defining fishers in the South African context: Subsistence, artisanal and small-scale commercial sectors', *African Journal of Marine Science*, 24, 2002, pp. 475–487; Isaacs M, *op. cit*., pp. 51–59; Kashorte M, *Moving Subsistence Fisheries to Commercial Fisheries in South Africa*, UN University, 2003, http://www.unuftp.is/static/fellows/document/marisaprf03.pdf.

20 Isaacs M, *op. cit*., pp. 51–59.

21 *Ibid*., p. 58.

22 Hauck M & M Kroese, *op. cit*., pp. 74–83.

23 Kashorte M, *op. cit*.

24 Raemaekers S, *op. cit*.

25 *Ibid*., p. 70.

26 *Ibid*., p. 94.

27 Jentoft S, 'Fisheries co-management: Delegating government responsibility to fishermen's organizations', *Marine Policy*, 13, 1989, pp. 137–54; Kashorte M, *op. cit*.

28 Raemaekers S, *op. cit*.

29 *Ibid*.

30 Lanshammar F, 'The Deputy Minister of water and environmental affairs, Rejoice Mabudhafasi, visits the DLIST community in Hamburg', DLIST (The Distance Information Sharing Tool) Agulhas and Somali, 2 June 2010, http://www.dlist-asclme.org/demo-site-news/the-deputy-minister-water-and-environmental-affairs-rejoice-mabudhafasi-visits-the; Raemaekers S, *op. cit*.; Sowman M, *op. cit*., pp. 60–73.

31 Benton S, 'South Africa bans abalone fishing', *SouthAfrica.info*, 26 October 2007, http://www.southafrica.info/about/sustainable/abalone-261007.htm; FIS, *op. cit*.

32 *Ibid*.

33 Lanshammar F, *op. cit*.; Raemaekers S, *op. cit*.

34 Hauck M & M Kroese, *op. cit*., pp. 74–83.

35 Glavovic B & S Boonzaier, 'Confronting coastal poverty: Building sustainable coastal livelihoods in South Africa', *Ocean & Coastal Management,* 50, 2007, pp. 1–23.

36 Griffiths C, *op. cit.*; Martin R & J Nielsen, *Creation of a New Fisheries Policy in South Africa: The Development Process and Achievements*, IFM (Institute for Fisheries Management) and Coastal Community Development, 1996, http://www.oceandocs.org/handle/1834/429.

37 Glavovic B & S Boonzaier, *op. cit.*, pp. 1–23; Stephensona R, Bekeb A & D Tshibangu, 'Contextual influences on contraceptive use in the Eastern Cape, South Africa', *Health & Place*, 14, 2008, pp. 841–52.

38 DLIST ASCLME, 'Hamburg, Eastern Cape, South Africa', DLIST Agulhas and Somali Current Large Marine Ecosystem, 2010, http://www.dlist-asclme.org/demo-site/hamburg-eastern-cape-south-africa.

39 Attride-Stirling J, 'Thematic networks: an analytic tool for qualitative research', *Qualitative Research*, 1, 3, 2001, pp. 385–405.

40 Stern M, 'Assessing policies promoting poverty alleviation and marine resources', *African Geographical Review*, 2012b, 31, 2, pp. 126–41.

41 *Ibid.*

42 *Ibid.*

43 *Ibid.*

44 *Ibid.*

45 *Ibid.*

46 *Ibid.*

47 *Ibid.*

48 *Ibid.*

49 *Ibid.*

50 *Ibid.*

51 Stern M, 2012a, *op. cit.*

52 *Ibid.*

53 Sittert L *et al.*, 'Benchmarking the first decade of post-Apartheid fisheries reform in South Africa', *Marine Policy*, 30, 2006, pp. 96–110.

54 Costello C, Gaines S & J Lynham, 'Can catch shares prevent fisheries collapse?', Science, 321, 2008, pp. 1678–81; Raemaekers S, *op. cit.*; Sittert L *et al.*, *op. cit.*, pp. 96–110.

55 Sittert L *et al.*, *ibid.*, p. 107.

56 Stern M, 2012b, *op. cit.*

57 South Africa, the dti, *Programme Guidelines: Co-operatives Incentive Schemes (CIS)*. Pretoria: the dti, 2005.

58 Glavovic B & S Boonzaier, *op. cit.*, pp. 1–23.

59 South Africa, DAFF (Department of Agriculture, Forestry and Fisheries), Policy for the Small Scale Fisheries Sector in South Africa. Government Gazette, 35455. Pretoria: Government Printer, 2012.

60 *Ibid.*

61 *Ibid.*

62 *Ibid.*

63 Stern M, 2012b, *op. cit.*

SAIIA'S FUNDING PROFILE

SAIIA raises funds from governments, charitable foundations, companies and individual donors. Our work is currently being funded by, among others, the Bradlow Foundation, the United Kingdom's Department for International Development, the European Commission, the British High Commission of South Africa, the Finnish Ministry for Foreign Affairs, the International Institute for Sustainable Development, INWENT, the Konrad Adenauer Foundation, the Royal Norwegian Ministry of Foreign Affairs, the Royal Danish Ministry of Foreign Affairs, the Royal Netherlands Ministry of Foreign Affairs, the Swedish International Development Cooperation Agency, the Canadian International Development Agency, the Organisation for Economic Co-operation and Development, the United Nations Conference on Trade and Development, the United Nations Economic Commission for Africa, the African Development Bank, and the Open Society Foundation for South Africa.
SAIIA's corporate membership is drawn from the South African private sector and international businesses with an interest in Africa. In addition, SAIIA has a substantial number of international diplomatic and mainly South African institutional members.

South African Institute of International Affairs
Jan Smuts House, East Campus, University of the Witwatersrand
PO Box 31596, Braamfontein 2017, Johannesburg, South Africa
Tel +27 (0)11 339-2021 • Fax +27 (0)11 339-2154
www.saiia.org.za • info@saiia.org.za

South African Institute of International Affairs
African perspectives. Global insights.