

BACKING SMALL-SCALE FISHERS: OPPORTUNITIES AND CHALLENGES IN TRANSFORMING THE FISH SECTOR

MOENIEBA ISAACS & MAFANISO HARA



RURAL
STATUS
REPORT

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Institute for Poverty, Land and Agrarian Studies
Faculty of Economic and Management Sciences

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Backing small-scale fishers: Opportunities and challenges in transforming the fish sector

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1. IMPACT OF SMALL-SCALE FISHERIES

Globally, small-scale fisheries play a significant role in food security, poverty reduction and income generation (Béné et al 2007; Heck et al 2007; Béné et al 2010; FAO 2003). At the 2008 Global Conference on Small-Scale Fishing in Bangkok, Thailand, organised by the Food and Agriculture Organisation (FAO), it was indicated that small-scale fisheries contribute to more than half of the world's marine and inland fish catch. The importance of this sector is further underlined as it employs over 95% of all men and women engaged in fisheries worldwide and that, of these, more than 90% are to be found in developing countries (FAO 2009). In Africa, it is estimated that the fishing sector provides income for over 10 million people engaged in fish production, processing and trade. And the sector contributes to the livelihoods and food security of over 200 million people on the continent¹. In South Africa, however, fisheries have historically been dominated by the commercial marine sector.

Although small-scale fisheries contribute less than 1% to South Africa's GDP, they play an important role in the provision of protein and employment – particularly in the about 136 coastal communities² dotted along South Africa's 3 000-kilometre coastline. The extent and spread of small-scale fishers covers all the four maritime provinces, especially the Western Cape, where fishing has been an important source of protein among the coastal

DEFINITIONS

Basket area:

A basket area is a naturally occurring biogeographic zone where particular species are found. A basket of species may be harvested or caught within particular designated areas, based on the availability and productivity, geographic availability of migratory species, the extent to which species are sedentary or migratory, how much a species is already being exploited, the kinds of traditional fishing that have taken place in an area. Catch size controls are defined for each species within each basket area.

communities since the 1700s (Isaacs 2013). Small-scale fishers are found both in urban and rural coastal areas.

A survey in 2000 estimated that there were about 30 000 subsistence fishers and about 28 000 households that depended on harvesting near-shore marine resources (Clark et al. 2002). The

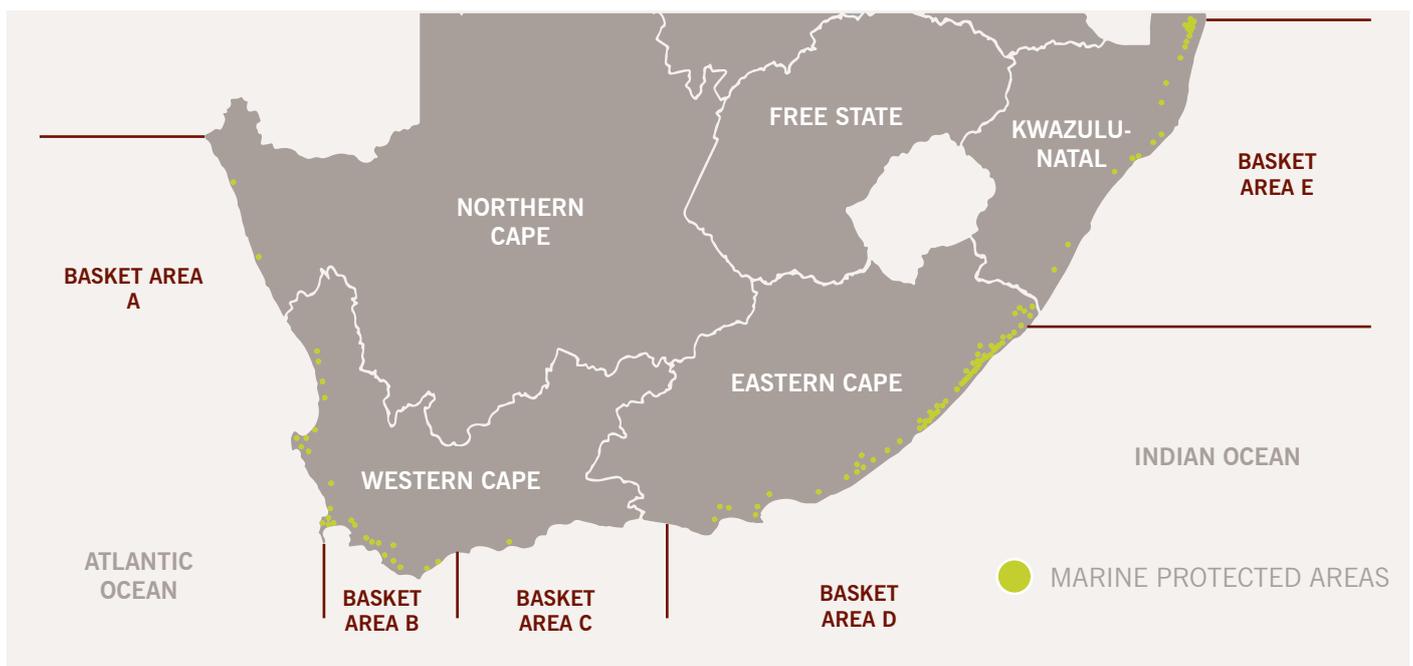


FIG. 1 Map of small-scale fishing communities along the coast.



Potential productivity for inland fisheries is estimated at around **15 000 tonnes** annually.

latest estimated total number of small-scale and subsistence fishers in South Africa is about 8 078³.

1.1 INLAND FISHERIES

South Africa possesses over 700 public dams (these translate into about 800 000 hectares in surface area) and natural water bodies with inland fishery potential. The potential productivity for inland fisheries on South Africa's major dams is estimated to be around 15 000 tonnes annually, spread unevenly throughout the country, with the highest production being in the warmer areas of the country such as Limpopo, Mpumalanga, North West and KwaZulu-Natal (Weyl et al 2012).

Only limited potential exists for developing inland fisheries commercially. The highest sustainable socioeconomic benefits could be derived from recreational fishing and small-scale fishing. However, the potential contribution of the sector towards rural economic development needs to be based on a scientific analysis of sustainable productivity for the specific water bodies. Thus, the development of the sector needs to be aligned with the productivity of particular geographic areas and water bodies, based on credible scientific estimates and analysis, and routine programmes of data collection, analysis and monitoring (Weyl et al 2012). Such monitoring needs to include socioeconomic aspects so as to highlight the socio-economic benefits of the sector.

1.2 AQUACULTURE

Since the mid-1990s, when fisheries production started to level off around the world, aquaculture has been the engine for the increase

in fish production (FAO 2012). Aquaculture's contribution to global total fish production has risen steadily from 20.9% in 1995 to 40.3% in 2010. Its contribution to global fish production for human consumption was 47% in 2010 compared to 9% in 1980 (FAO 2012; Bostok 2010). Most of this growth is happening in China and Southeast Asia. Africa has lagged behind in aquaculture development, contributing only 1.5% to global production. South Africa's contribution to Africa's production remains less than 1% (DAFF 2012).

Recent years have seen increased demand for fish in South Africa due to changes in diets (this trend is similar to the developed world). Aquaculture presents great potential for growth in South Africa, given that most of the commercial capture fisheries species are already being exploited at their maximum sustainable yield levels. An increase in aquaculture production could contribute towards diversification in aquatic food products on the local market, food security, job creation, economic development and export opportunities. For rural poor and food-insecure communities, aquaculture has the potential for contributing towards improved food security, income and livelihoods. The role that aquaculture can play in food security and economic development in South Africa is in line with South Africa's National Aquaculture Strategic Framework (NASF) (DAFF 2012).

1.3 SOCIAL POLICY TO INCORPORATE FISHING COMMUNITIES

During apartheid most black coastal communities lost their fishing rights because small-scale and subsistence fishing were not officially recognised as sectors of the industry (Isaacs and Hara 2008; Isaacs 2003; Van Sittert 2002). In the Western Cape, where most of the commercial fishing industry is based, coastal communities participated in the industry mainly as employees on fishing vessels and processing factories.

A number of landmarks can be identified in the process of reforming fisheries towards a small-scale fishing sector and inclusive rights, especially for formerly marginalised communities. These are community quotas, revising the Sea Fisheries Act No. 12 of 1988, and creating the small-scale fishing sector.

2. A HISTORY OF SMALL-SCALE FISHERIES IN SOUTH AFRICA

Late
1980's

Individual Transferable Quotas (ITQs) were introduced in South Africa and the rest of the world as a mechanism for economic rationalisation that functioned by adapting fishing capacity to resource availability.

1992

The Minister of Environmental Affairs and Tourism established the **Schutte inquiry** into the socioeconomic conditions of fishing communities along the West Coast of the Western Cape. Based on the ensuing report, the Quota Board recommended creating **Fishers' Community Trusts** to address poverty in fisher households in all coastal communities in the four maritime provinces (Northern Cape, Western Cape, Eastern Cape, KwaZulu-Natal).

November
1994

The new ANC government commissioned the Fisheries Policy Development Committee (FPDC) process to revise the Sea Fisheries Act No. 12 of 1988. The product of this four-year process was the **Marine Living Resources Act No. 18 (MLRA)** promulgated in 1998.

1999

The **Subsistence Fisheries Task Group (SFTG)** was established to advise on managing the sector (SFTG 2000). The SFTG argued that the current definition of subsistence fishers 'excluded an important group of fishers who might previously have been considered as "subsistence fishers" or "artisanal fishers", but who would prefer to gain commercial rights'.

2005

In response to unsatisfactory fisheries reforms, the Small-scale Fishers Association, Masifundise Development Trust and the Legal Resources Centre, with support from academics, launched a **class action suit** against the Minister of the Department of Environmental Affairs and Tourism (DEAT). In the same year, Marine and Coastal Management implemented long-term fishing rights for all commercial fisheries.

May
2007

An **out-of-court settlement** was reached with the Ministry of the DEAT (see Kenneth George and Others vs. the Minister). In the same year, the fisheries department held a small-scale fisheries summit and established a **national task team** to develop a new small-scale fisheries policy for South Africa, and allocated interim rights.

2012

The Food and Agriculture Organisation (FAO) published its **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security**, and in the same year the **New Policy for Small-Scale Fisheries in South Africa** was introduced.

May
2013

The Marine Living Resources Amended Bill was gazetted and became law with the **Marine Living Resources Amendment Act No. 5 of 2014**.

July
2014

The FAO adopted the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of Food Security and Poverty Eradication (SSF-Guidelines), and the UN Committee on World Food Security (CFS) **launched a report** by the High Level Panel of Experts (HLPE) on **sustainable fisheries and aquaculture for food security and nutrition**.

February
2015

A **roll-out plan emerged** to implement small-scale fisheries policy and regulations relating to small-scale fishing to guide the rights allocation to small-scale fisheries.

2.1 LEAVING REDISTRIBUTION TO MARKET FORCES – ITQs

Individual Transferable Quotas (ITQs) refer to a fisheries management approach that assigns exclusive individual rights to a person or company to harvest a specific portion of the overall fish species quota for a specified period of time. They are usually expressed as units representing a percentage of the total allowable catch of a fishery. As the name implies, ITQs are transferable and can be traded or sold on open markets, in keeping with Western economic thinking that markets are the best way to achieve efficiency, economic growth and social welfare (Hatcher 2005; OECD 1997). Thus, the ITQs system gives *de facto* property access rights or privileges and is primarily concerned with promoting economic efficiency rather than conservation, community welfare or equity (Sumaila 2010; Copes and Charles 2004; McCay 2004).

As a system for both privatisation and marketisation, ITQs need less state involvement, leaving the industry to market forces. The system limits access to a fishery to a small group of individuals or companies (Mansfield 2004). This approach has been mainstreamed in many developed countries such as New Zealand, Iceland and Canada, and has been promoted by the Confederation of African Ministers' of Fisheries and Aquaculture in South Africa and Namibia (Isaacs 2012). However, the market-based system of ITQs cannot allocate rights equitably.

Transformation [politics] has created a de-concentration of rights to accommodate many new entrants into the fishing industry to achieve equity, and economics [ITQ system] has created a concentration of rights holders. This happened from 1991 to 2005 with the annual allocations and then from 2006 (to 2020 for most commercial species) with long-term rights allocation. This will happen again with the next rights allocation process.

Roy Bross, chairperson of the Deep-sea Hake Trawl Association, personal communication

The established fishing companies were required to increase their race and gender complement by partnering with Black Economic Empowerment (BEE)⁴ consortia if they wished to maintain their quotas. The fisheries department argued that BEE would fit into the government's broader macroeconomic policy of reducing poverty, the rationale being that ITQs and BEE in established fishing companies would provide secure, quality jobs based on the government's minimum wage regulatory framework, and the benefits would 'trickle down' to vulnerable fishing communities. The post-apartheid government was seeking to formulate a fisheries

policy that would address popular expectations for a more equitable redistribution of access rights, while at the same time maintaining an internationally competitive fishing industry (Hersoug and Holm 2000; Isaacs and Hersoug 2002; Isaacs 2006; Isaacs et al 2007; Hara 2009; Isaacs 2011a; Isaacs 2011b).

2.2 SCHUTTE INQUIRY

The report from the Schutte inquiry into the socioeconomic conditions of fishing communities along the West Coast of the Western Cape identified poverty, insufficient housing, alcoholism, unemployment and illiteracy as pertinent features of most coastal communities along the West Coast (Schutte 1994). Based on this report, the Quota Board recommended creating Fishers' Community Trusts in all coastal communities in the four maritime provinces (Northern Cape, Western Cape, Eastern Cape, KwaZulu-Natal). The role of Fishers' Community Trusts was to prevent fisher households from falling deeper into poverty, by providing cash payments and food parcels.

In the same year, the minister instituted 'community quotas'. Under this provision, quotas for hake (10 000 tons), West Coast rock lobster and pelagic fish were distributed to 34 community trusts along the whole coast. The community trust/community quota system was based on selling the catch back to the established operators for a relatively low price, and using the income as relief support for poor fishers within their fishing communities (Isaacs 2003). Independent boat operators linked to the established companies would deliver their catch to them for processing and all earnings were to be given to the Quota Board for distribution to the Fishers' Community Trusts. Thus, individual fisher households were not actively involved in fishing or managing the quotas; poor fishers were to receive support through a redistribution system.

Fishers argued bitterly that these people were increasing their standard of living at the expense of genuine fishers and fishing communities.

The trusts mostly comprised farmers, teachers, school principals and other professionals who did not make a daily living from the sea. Fishers argued bitterly that these people were increasing their standard of living at the expense of genuine fishers and fishing communities. The Food and Allied Workers Union concurred that the community trusts and their trustees had no accountability to the communities they were supposed to represent (FAWU 1997). In addition, the Fishers' Community Trust system did not include alternative and supplementary income generation opportunities and activities for fisher households, to empower them to become self-sufficient. Lastly, Fishers' Community Trusts were created without the necessary financial and management structures (Schutte 1994). As a result, the mismanaging of funds, corruption and elite capture of the benefits soon became commonplace and impacted negatively on poor fisher households.

After one year of implementing community quotas, a special committee was established to review the operation of the trusts. The committee recommended that ‘the possible total abrogation of the Community Quota system should be seriously considered’ (Schutte 1994: 43). At the same time, the community quota system was challenged in the Cape Supreme Court. The court ruled that under the existing Sea Fisheries Act No. 12 of 1988, community trusts were not legitimate receivers of quotas. Consequently, most trusts were dissolved.

2.3 MARINE LIVING RESOURCES ACT NO. 18 OF 1998

In November 1994, the new ANC government tasked the Fisheries Policy Development Committee with revising the Sea Fisheries Act No. 12 of 1988 (Hersoug 1996). As premised by the ANC’s manifesto – the Reconstruction and Development Programme (ANC 1994) – the aim was to come up with a new policy and legislation that would redistribute fishing rights to racial groups that had been marginalised under apartheid. The product of this four-year process was the Marine Living Resources Act (MLRA) promulgated in 1998.

Post-apartheid fisheries reform in South Africa started with high expectations from fishing communities: that they would gain access to marine resources and formalise their livelihoods. However, the Marine Living Resources Act No. 18 of 1998 allocated quotas to commercial or subsistence fisheries but did not recognise artisanal fishers. Subsistence fishers who wanted to continue fishing had to commercialise their entities or apply as individuals. Community quotas, subsistence permits, interim relief permits and the forming of cooperatives all fell within the framework of the ITQ system. To obtain ITQs under these new conditions, fisher organisations (welfare-based organisations, unions and cooperatives) were pressured to privatise without any support or protection from the market. As a result, many community welfare organisations were transformed into commercial enterprises (Isaacs 2006).

...fisher organisations ...were pressured to privatise without any support or protection from the market.

While the post-apartheid government sought to formulate a fisheries policy that would address popular expectations for a more equitable redistribution of access rights, at the same time it wanted to maintain an internationally competitive fishing industry (Hersoug and Holm 2000; Isaacs and Hersoug 2002; Isaacs 2006; Isaacs et al 2007; Hara 2009; Isaacs 2011a; Isaacs 2011b).

The consequence of restructuring was the concentration of rights in the hands of a few rights holders. The local elites within communities, who had the necessary social and political capitals, organised to maximise their access to quotas. With the requirement to form closed corporations (i.e. privatise community

organisations), they acted as gatekeepers, withholding from the fishers in their organisations crucial information they had received from the fisheries department. They restructured community organisations to grab access rights (‘rights grabbers’) and many poor and marginalised fishers were left without fishing rights and no longer had access to the sea. Others were able to exist by working for rights holders in other sectors at various times of the season, but often had no income during the rest of the year (Sunde 2006).

This strategy was crucial to the elites’ success as new entrants in the fishing industry from 1996 to 2000. Successful new entrant fishing companies from 1999 onwards were those who were able to downscale, remove, manoeuvre around or buy out poor fishers from their newly privatised companies. Thus, the fisheries reform in South Africa created opportunities for the elite to grab fishing rights at the expense of the bona fide fishers (Isaacs 2004, 2006; Isaacs and Hara 2008; Isaacs et al 2007).

...no option but to enter into catching, processing and marketing agreements with large industrial companies...

While transformation created space for new entrants to access fishing rights, without the necessary infrastructure, financial capital and business skills to manage their quota they had no option but to enter into catching, processing and marketing agreements with large industrial companies, resulting in “armchair” fishers.

Although reform in fisheries was supposed to lead to equitable distribution of wealth within the broader society (Raakjær-Nielsen and Hara 2006), the MLRA framework favoured, privileged and mainstreamed economic competitiveness and establishment of private companies in a way that created a new local elite. The MLRA failed to respond to the fundamentally heterogeneous social, political and economic nature of fishing communities in South Africa, particularly neglecting the importance of creating institutional structures to interface with poor communities. Also, fishers wanted real rights that would enable them to actively participate in harvesting, processing and marketing their own allocation rather than act as vassals to established industry.

2.4 SUBSISTENCE FISHERIES TASK GROUP (SFTG)

In 1999 a Subsistence Fisheries Task Group (SFTG) was established to provide advice on managing the sector (SFTG 2000). The SFTG argued that the current definition of subsistence fishers excluded an important group of fishers who might previously have been considered as subsistence fishers or artisanal fishers, but who would prefer to gain commercial rights (SFTG 2000). While policy and formal legal recognition of the sector was being debated and developed, Marine and Coastal Management used “interim relief measures” to extend rights to small-scale/subsistence fishers on a

yearly or even six-monthly basis, thereby causing a lot of strain and dispute every time rights had to be renewed. During this period, disorganised management of the rights issuing processes and of management institutions for the sector enabled “rights grabbers” to take advantage of the situation, taking rights for themselves at the expense of communities and the marginalised bona fide small-scale fishers (Isaacs 2011c).

...need to clarify access rights for small-scale fisheries...

The interim relief measures and the Department of Fisheries’ definition of subsistence fishers as ‘limited commercial fishers’ fitted into the rationale of ITQs and a wealth-based approach to redistribution. This approach also fitted in with the broader macroeconomic agenda of Growth, Employment and Redistribution (GEAR) – creating small enterprises in communities to address poverty alleviation. The need to clarify access rights for small-scale fisheries and a clear policy directive for addressing food insecurity and poverty, were key (Sowman 2006).

2.5 RESISTANCE AND RESPONSES OF SMALL-SCALE FISHERS TO THE ITQ ALLOCATION PROCESS

Fishers’ struggles for their traditional fishing rights eventually found political expression. In 2005, in response to unsatisfactory fisheries reforms, the Artisanal Fishers Association, Masifundise Development Trust and the Legal Resources Centre, with support from academics, launched a class action suit against the Minister of the Department of Environmental Affairs and Tourism (DEAT). This case – Kenneth George and Others vs. the Minister – used the Constitution (1996) and the Equality Act (2000) to litigate against the MLRA reform process (ITQ-based allocation of fishing rights) in light of its social and economic impacts.

The main argument of the case against the Minister was based on the human rights approach, focusing specifically on three main rights protected in the Constitution of South Africa: the right to be recognised, the right to a livelihood and the right to food and nutrition. The claimants proposed a paradigm shift from ITQs (based on neo-liberal thinking and privatising rights) to a collective rights allocation, creating legal entities, a multi-species rights approach and preferential access to inshore species for small-scale fishers.

...small-scale fishers have a claim to marine resources based on their traditional practices and livelihoods...

The case was to be heard in the Equality Court but, in April 2007, the claimants agreed to put it on hold on condition that small-scale fishers would be allocated interim rights and a new

small-scale fisheries policy would be developed. It was further recognised, as part of the agreement, that small-scale fishers have a claim to marine resources based on their traditional practices and livelihoods, and therefore have special needs in terms of fisheries management and development, and that they cannot be expected to compete with established fishing companies for commercial fishing rights (Isaacs 2006; Sowman 2006; Sunde 2006; Hauck 2008; Isaacs 2011a, 2011b and 2011c).

The Artisanal Fishers Association, with Masifundise Development Trust, formed a popular movement to defend their sociopolitical right to decriminalise their livelihoods (Salo 2007). They used political and social networks built during the anti-apartheid movement to lobby support for the plight of artisanal fishers in the post-apartheid reforms. Advocacy and lobbying also took place at provincial, national and international levels. The National Economic Development and Labour Council (NEDLAC)⁵, the national body on which both these organisations were represented as members of civil society, was also a key avenue for the fight for small-scale fishing rights. At provincial level, the organisations aligned themselves politically with the regional secretary of the Western Cape’s Confederation of South African Trade Unions (COSATU) and were represented on the COSATU fishing desk. Both organisations were also represented on the Western Cape equivalent of NEDLAC, the Provincial Development Council, and were instrumental in formulating the fishing strategy for the Western Cape with the provincial Department of Economic Affairs and Tourism (Isaacs 2011). The fishers also collaborated with regional bodies to highlight the inequities in rights allocation based on the ITQ system in South Africa at the Southern African Development Corporation (SADC), the Benguela Current Commission and the New Partnership for Africa’s Development (NEPAD).

The case also had strong international support from small-scale fisheries NGOs, such as the International Collective in Support of Fishworkers and the World Forum of Fisherpeople, who often use the plight of small-scale fishers as an awareness raising and advocacy tool at the United Nations Food and Agriculture Organisation (FAO) and Committee on Fisheries meetings.

2.6 THE NEW SMALL-SCALE FISHERIES POLICY AND AMENDED ACT

In 2007 the fisheries department held a small-scale fisheries summit and established a national task team to develop a new small-scale fisheries policy for South Africa. The task team comprised fisher representatives, government officials, NGOs (Masifundise Development Trust and Coastal Links) and researchers. The process was participatory and the voices and inputs of fishers came through in creating and developing the new Policy for Small-scale Fisheries in South Africa, gazetted on 20 June 2012 and approved by cabinet. The key principles and aims of the policy include contribution of the sector towards poverty alleviation, food security and socioeconomic development for

Use the space created by the policy to state our discontentment with the process, and then use the alliance to get a seat at the negotiation table; use the media to write an open letter. In essence, we need to use all avenues when engaging with the state – get a seat at the negotiating table and criticise their policies where necessary. Use all the opportunities given to engage with the state.

**Henk Smith, legal advisor,
personal communication**

the formerly marginalised coastal communities. The new policy aims to remedy and rectify the past injustices against coastal and traditional fishing communities through security of fishing rights and equitable distribution of rights to marine resources within the limits of sustainable usage.

Small-scale fisheries play a critical role in providing income, jobs and food for coastal communities (FAO 2014). The sector is also the biggest in terms of participants and landed catch globally. In South Africa, the sector never had formal legal recognition until 2012. The formal and legal recognition provides potential for institutionalising the sector so that it can contribute towards the socioeconomic development of fishing communities.

The policy is a paradigm shift in that it advocates a shift from ITQs to a collective rights system of allocation. Also, the fishers and fishing communities will co-manage the marine resources with the fisheries department at the various administrative levels – local, district and national. The rights will be allocated to a community-based legal entity.

In May 2013, the Marine Living Resource Amendment Bill was released for comments. It specifically incorporated the small-scale fishers as a legally recognised group and allocated rights to the group, based on the stipulations of the Policy for Small-scale Fisheries. In August 2013, the Fisheries Department started a consultation process on the implementation plan with small-scale fishing communities (DAFF 2013). The plans for implementing small-scale fisheries policy and regulations were released in February 2015.

The group of researchers, NGOs and legal experts that collaborated around the fisher case and developing the policy also participated in the development of the FAO's International Voluntary Guidelines for Securing Sustainable Small-Scale Fishers, adopted by the Committee on Fisheries (COFI) in June 2014.

The Marine Living Resources Amendment Act was passed in May 2014. Section 1 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 directly involved in processing or marketing of fish, who traditionally operate in near-shore fishing grounds; mainly employ traditional low technology or passive fishing gear; undertake single-day fishing trips; and are engaged in consumption, barter or sale of fish or otherwise involved in commercial activity, all within the small-scale fisheries sector'.

This definition is in line with the universally accepted FAO broad definition of Small-scale Fisheries and Artisanal Fisheries⁶.

The Marine Living Resources Amendment Act No. 5 of 2014 and the Policy for Small-Scale Fisheries (2012) are legal processes and initiatives to recognise, formalise and redress the fishing rights of communities that had lost their rights under apartheid. Implementing the Marine Living Resources Amendment Act from a developmental approach is critical to its success.

3. CHALLENGES FACING SMALL-SCALE FISHERIES IN A TRANSFORMING SOCIETY

Small-scale fisheries have the potential to contribute positively to food security and livelihoods of fishing communities and society at large. This is especially the case with the marine sector for coastal communities, but also potentially for inland communities through use of fish resources on public dams. If problems can be overcome in developing small-scale aquaculture, this is another sector that could provide similar opportunities. A number of challenges need to be overcome, though, in order for the small-scale fisheries to fulfil these potentials.

3.1 NATURE AND STRUCTURE OF FISHING COMMUNITIES

Many coastal settlements depend on harvesting marine resources for sale and for direct human consumption. The current estimate is that around 136 unitary entities could be defined as 'communities' under the proposed community-based rights allocation system. In the Western Cape and Northern Cape in particular, these settlements can seldom be described as 'communities' in the sense of small, spatially defined geographic units with a homogenous social structure and shared norms. Van Sittert (2003) argues that the concept of 'fishing community' is situated within the industrialisation of the fishing industry between the 1930s and 1960s.

...fishing towns have had difficulties in operating as communities...

The planned establishment of coastal settlements was based on a common model of company-established fishing towns such as Saldanha Bay, St. Helena Bay, Lamberts Bay, Port Elizabeth, Jeffrey's Bay, Port Nolloth, Hondeklipbaai and others. The 'physical, historical, economic, social and political factors that led to establishment of these towns have ensured continuing differentiation, posing different problems which will require distinctive approaches to change' (Lemon 1991:1). Many of these company-established fishing towns have had difficulties in operating as communities, although some common interests have been developed through democratic or representative organs.

Unlike in the Western Cape and Northern Cape, rural areas of the Eastern Cape and KwaZulu-Natal are governed under traditional authority systems. As a result, the concept of community appears to be still strong in these provinces. In areas of the Eastern Cape and KwaZulu-Natal, the role of traditional authorities around harvesting marine resources has been documented by Kepe (1997), Whande (2004), Sunde and Isaacs (2008) and Sunde (2011). The Legal

Resource Centre work on the legal pluralism and customary rights (Sowman et al 2013; Sunde 2014) has made an important contribution to defining small-scale fisheries communities.



How **far inland** is part of the coast? Which communities should **be included** as coastal communities?

One issue in defining community around coastal resources is to decide how far inland is part of the coast and therefore which communities should be included as coastal communities. The White Paper on Coastal Development (DEAT 2000) proposed 20 kilometres as the limit for defining the coastal belt. Even then, some communities further inland than 20 kilometres have argued that they were moved from coastal areas as part of forced removals under apartheid and that their fishing rights should be restored on the basis of historical residence in coastal communities. One would foresee similar issues in defining inland fishing communities that should be given priority fishing rights around public dams.

3.2 INDIVIDUAL VS. COLLECTIVE RIGHTS

The paradigm shift from ITQ rights allocation to collective rights in the new small-scale fisheries policy started in 2005 with the court challenge to the ITQ system, and in 2014 the rights of small-scale fishers were realised in law. The collective rights will be called 'basket rights' to a legal entity formed by the community. Women will play a key role in the pre- and post-harvesting sector and will be allocated fishing rights if they are active fishers. This policy makes a key shift to active rights: Rights will only be issued to fishers who are practising fishing as a livelihood. Management responsibilities are integrated in the fishing rights system and fishers will play a key role in co-managing marine resources.

After 20 years of implementing ITQs to commercial rights holders and interim relief permits, many existing rights holders harvesting in the inshore zone are competing for the same resources as the small-scale fishers that the revised policy promotes. Most existing rights holders are therefore opposed to

the shift from ITQs to collective rights allocation. In the small-scale policy meetings many existing rights holders articulated their fears about the collective allocation and stated clearly that they wanted to remain small-scale fishers, but as individuals. They do not want to form part of any legal entity or community structures. Fishers also felt that the 2007 Equality Court order imposed a new small-scale policy with a new allocation system and that they were not part of the drafting process.

While the Department of Agriculture, Forestry and Fisheries (DAFF) was in the process of legalising small-scale fisheries by amending the Marine Living Resources Act and developing the guidelines for implementing the small-scale policy and criteria for community legal entities (association, cooperative, etc.), the Department of Trade and Industry (DTI) introduced a Fisheries Cluster Project in 2012 – specifically directed to Western Cape fishing communities – and invested R11 million in providing vessels to 39 cooperatives. According to the Minister of DTI, Rob Davies, the aim of this project 'is to broaden the participation of small-scale fishing communities to higher commercial value activities in the value chain'. Without considering the new policy to guide allocations and development in the sector, the DTI pre-empted implementing and facilitating the formation of cooperatives, creating confusion in fishing communities and showing a lack of communication between line ministries (DAFF and DTI).

Conflicts have... arisen between recreational fishers and small-scale/subsistence fishers...

Recreational anglers have historically dominated fishing on public dams. These well-organised groups are often opposed to formalising small-scale fishing on public dams, especially when it involves using nets, which they see as destructive to species that are important for recreational fishing (Hara and Backeberg, forthcoming; Hara and Ngwexana 2011). Conflicts have already arisen between recreational fishers and small-scale/subsistence fishers on dams such as Pongolo and Driekoppies (Tapela et al 2011; Hara and Ngwexana 2011). Future policy on public dams will have to find ways to accommodate various users' interests.

Aquaculture is usually practised as an individual enterprise. While DAFF has tried to organise the first few aquaculture projects into groups for community-based aquaculture, most of these projects have not been promising in terms of profitability and sustainability (Semoli, Director, Aquaculture, DAFF personal communication).

3.3 COLLECTIVE RIGHTS AND THE VALUE CHAIN

In creating a small-scale fishing sector in marine fisheries, it is a battle to move rights in the sector from a market-based ITQ system to community-based rights. The premise is that distinctly defined communities will have a basket of rights held in a communal entity

and available to all community members, not just individuals. Should an individual community member die or move above the economic criteria for exercising those rights, their right would revert back to the community to be issued to another qualifying member. Presumably, communal rights will be passed on to future generations of the same community, making them Community Transferable Quotas.

A key issue is that these rights would not be tradable. The rights holders would still have to enter the normal value chain to sell their catch. Apart from helping communities to operationalise their small-scale rights, policy should provide an opening for communities to add value to their catch, rather than restricting them to sell to specific appointed buyers as has been the case until now. As well as financial and technical support, support should be provided for rights-holding communities to develop their capabilities for forward integration in the value chain (Hara 2014). At the same time, value adding should not negate the need to meet food security from the same catch. It is important, therefore, that community rights holders maintain the flow of fish within the community value chains (Isaacs 2013).

3.4 SMALL-SCALE FISHERIES – UNDER-RESOURCED AND UNDERAPPRECIATED

'Small-scale fisheries help to feed the world, but have an inherent poverty problem' (Isaacs 2012). According to the World Bank (2012), the importance of small-scale fisheries on a socioeconomic level is greatly underappreciated because of a lack of research within the sector. The resulting knowledge gaps could cause policymakers to neglect the sector. Lack of data on small-scale fishing in the developing world creates a distorted view of this sector, so small-scale fisheries are undervalued, with the full weight of their contribution to food security, livelihood provision and poverty alleviation not recognised (Mills et al 2011).

In this context, the small-scale fisheries and aquaculture sectors (note that inland fisheries still fall under the Aquaculture Directorate) are grossly understaffed compared to commercial fisheries, having only been set up in the last five years. Unlike commercial species, little research has been done on species targeted by small-scale fishers – however, recently a programme was developed and implemented for routinely and consistently collecting both specific biological data and catch data (Sibiya, Director, Small-Scale Fisheries, DAFF, personal communication).⁷ Still, this data is not currently being analysed to provide information that could inform decisions on limits on quota and effort levels. Similar programmes need to be instituted for both aquaculture and inland fisheries. Programmes should also be instituted for collecting socioeconomic data to demonstrate the economic, social and cultural value of small-scale fisheries.

Clearly, therefore, all levels of government urgently need to increase both human and material resources for small-scale fisheries.

The government also needs to develop policy and legislation for aquaculture and inland fisheries so as to formalise and boost the importance of these sectors.

3.5 INLAND FISHERIES

There is growing subsistence and small-scale commercial fishing activity on most public water bodies (Tapela et al 2011). But in the absence of policy to guide the governing and managing of these uses, most of this activity is technically illegal (Hara and Swarts 2014).

Effectively managing inland fisheries would have to be based on cooperative governance between the relevant government departments at the various levels, recreational fishers, water users and communities that are the target for the developing inland fisheries. The National Environmental Management Act No. 107 of 1998 (NEMA) needs and provides for such cooperative governance.⁸ Section 80 (e) of the National Water Act No. 36 of 1998 (NWA) needs the active promotion of user participation in managing water, including communities.

As fisheries are regarded as a primary industry, DAFF has a developmental role in line with its Growth and Development Strategy (DAFF 2010), government's Rural Development Strategy (Department of Rural Development and Land Reform 2009) and the National Development Plan (National Planning Commission 2011). These all require that equitable socioeconomic uses of natural resources for rural communities are maximised. Thus, interventions for governing inland fisheries need to be based on a developmental approach, rather than the current traditional resource conservation-orientated management approach (Hara and Backeberg, forthcoming; Hara and Swarts 2014).

Formalising and developing an inland fisheries sector would need DAFF leadership. While DAFF accepts that they should be responsible for inland fisheries, currently there is a lack of human capacity in the aquaculture directorate, within which inland

fisheries is currently located. In addition, DAFF needs legislation for managing inland fisheries equivalent to that for marine fisheries. This would give legal effect and credibility to the mandate for the provision of resources for such a sector.

One of the problems is that, because inland fisheries will be mostly practised on dams, this is usually confused or combined with aquaculture – including in the fisheries branch of DAFF itself. It is probably because of this confusion that the sector was placed under aquaculture rather than the small-scale fisheries directorate. The distinction between the two sectors needs to be clarified in policy, legislation and resourcing. In the long run, a separate directorate with its own staff and resources would be the best way for taking inland fisheries forward as a viable economic sector.

3.6 AQUACULTURE AND FOOD SECURITY

Aquaculture interventions can contribute to the nutritional status of households, who could consume fish produced from their own ponds (direct food security) or sell fish from ponds for household income to increase their purchasing power (indirect food security). However, literature on Bangladesh shows that fish sold in the markets contributes to almost 70% of the fish consumed and only around 10% of this is from fishpond consumption (Kawarazuka 2010). Some stories of success have been reported. For example, a study done on aquaculture in Malawi (Dey et al 2006 in World Fish 2011) indicated that the number of fishponds in the past 25 years had increased from 300 to 7 000, leading to 10% improvement in farm productivity, 134% increase in per hectare farm income, 61% increase in total farm income, 40% increase in technical efficiency and 208% increase in total household consumption of fresh fish and 21% in dried fish.

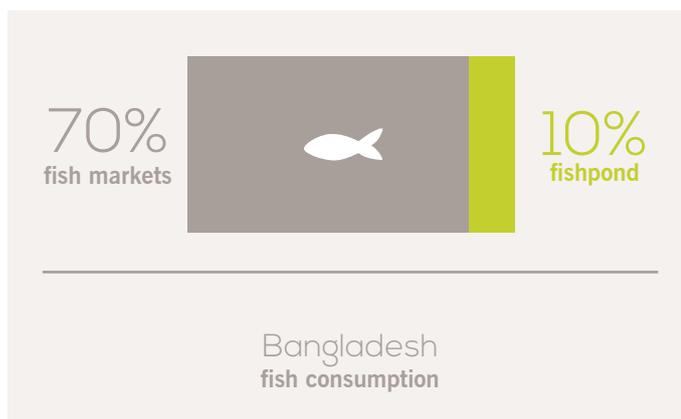
However, the overall picture of aquaculture development in Africa remains generally disappointing. Allison (2011) reported that, despite previous efforts (donor-driven and publically funded) to promote the subsistence aquaculture sector, no organic growth has



In Operation Phakisa, launched in July 2014, is an initiative of the Presidency and is aligned with the National Development Plan (2012) and White Paper on National Environmental Management of the Ocean (NEMO 2014). Focusing on the Blue Growth⁹ of the oceans, these have the potential to contribute up to R177 billion to the country's gross domestic product (GDP), while creating up to one million new jobs by 2033. The underdeveloped aquaculture sector is one of the work streams Operation Phakisa intends to develop to provide food security and promote rural development, especially for marginalised coastal communities. Twenty-four aquaculture farms will be implemented, likely to grow the sector's revenue from R500 million (currently) to R1.4 billion in 2019. Per Pinstrup-Andersen, Chair of the High Level Panel of Experts (HLPE) for the United Nations' Committee on World Food Security (CFS), calls for the role and importance of fish to be included within food and nutrition security agendas.

'If we limit the discussion and policy recommendations to agriculture, we are foregoing some very big opportunities for improving food security and nutrition. Ignoring fish in efforts to improve diet diversity and reducing micronutrient deficiencies is particularly troubling.'

occurred in most of Africa and projects that did not get ongoing technical support had failed. Previously, Rouhani and Brits (2004) had also pointed out that all subsistence-type aquaculture projects identified in South Africa had failed due to: large numbers of participants; impoverished individuals with few or no economic alternatives; all the individuals were members of a bigger group or committee; managers had low levels of formal education; extensive aquaculture technology instead of intensive techniques; no links with the private farming sector; dependence on the public sector for technical support; and lack of economic analysis before commencing projects.



Constraints to developing aquaculture in the SADC region (and Africa in general) are many, varied and complex. Some problems, such as the macroeconomic environment, are not specific to aquaculture (Hara 2001). Already in the 1990s, the main underlying problems had been summarised as related to adopting technology, sustainability, and that target beneficiaries have normally been rural resource-poor farmers (FAO 1995; Coche et al 1994; Brummett and Noble 1995; FAO 1996; Martinez-Espinosa 1996).

Another important point is that small-scale aquaculture is situated in complex livelihoods and has strong links with smallholder agriculture – if not integrated well to fit into the farm calendar, it competes with farming for labour (Brummett 2002). When drawing parallels and differences between subsistence aquaculture and subsistence agriculture, the themes of poverty, food insecurity, vulnerability and marginalisation are crosscutting. One key discrepancy is the huge public and donor investment in subsistence aquaculture with little contribution to household food security, while subsistence farmers in agriculture are their main recipients of funds.

Smallholders in agriculture, like small to medium aquaculture enterprises, show impressive productivity and food availability,

...governments which want to stimulate the rural farmer to engage in aquaculture must recognise that the small-scale farmer sees aquaculture as a way of spreading her/his risks, and that s/he is confronted by many constraints which he has to overcome; that promotional efforts should focus on species s/he is familiar with, and on cultural practices which do not conflict with other activities; and that government policy should address issues of species selection, the right culture system and the right circumstances of producers and consumers; that small-scale semi-intensive commercial fish culture, with simple technologies and low capital investment offer the best development opportunities as this would enable locally available labour, materials and resources to be fully utilised.

Aquaculture for Local Community Development Programme, 1992: 5 quoting a 1984–86 UNDP/FAO survey report on aquaculture development in the SADC region

which is good for consumers. When it comes to direct food security and indirect food security (through cash generation) it seems that very small-scale producers are not doing as well (Allison 2011; Belton et al 2012; Dey et al 2011; Béné et al 2010). Thus it seems that medium-sized operations are better.

Smallholders in agriculture show impressive productivity and food availability...

Recent reviews on aquaculture development in sub-Saharan Africa suggest a re-alignment to investing in medium-sized entrepreneurs, where fewer people are employed but they have greater impact on the national and regional levels of food security (Allison 2011; Brummett, Lazard and Moehl 2008; Dey et al 2011). Belton et al (2012), in their work in Asia, came to the same conclusion that more commercial-oriented fish farmers may actually be better equipped to feed themselves and generate surplus than the subsistence type of aquaculture.

However, if communities are to undertake commercial aquaculture rather than small-scale or subsistence-based aquaculture in Africa, it will need financial, technical and marketing support by government or external agents. Again, this does not mean that such an approach should overlook the importance of a certain amount of production from aquaculture remaining within the communities for their own food security.

4. CONCLUSION

Small-scale fisheries have great potential for contributing towards poverty alleviation/reduction and food security for South Africa's marginalised communities. Although most of this potential lies with the marine fisheries, aquaculture and inland fisheries also contribute towards the livelihoods of rural inland communities. The challenge is to develop and implement enabling policy and legislation that

could operationalise and protect fishing rights for communities. In their infancy, these sectors will need adequate and sustained financial and technical support from government and external development agents. In this context there is a need for increased human and material resources for government line agencies such as DAFF, if they are to fulfil their mandates towards small-scale fisheries.

5. ENDNOTES

- ¹ <http://www.fishforall.org/ffa-summit/africasummit.asp>
- ² Northern Cape – 2, Western Cape – 44, Eastern Cape – 77 and KZN –13 (DAFF 2013).
- ³ KwaZulu-Natal – 1 637, Eastern Cape – 4 774, Northern Cape and Western Cape 1 667 (DAFF 2013).
- ⁴ Black Economic Empowerment (BEE) is a legislated programme of the Government of South Africa (Republic of South Africa 2003a) aimed at redressing and reversing the economic inequities brought about by apartheid on previously disadvantaged racial groups generically referred to as 'blacks'. The programme includes measures such as employment preferences, skills development, economic ownership, inclusion in management, socioeconomic development and preferential procurement. In response to criticism about Narrow Based Empowerment instituted in 2003/04 that led to enrichment of a few blacks, the government initiated Broad Based Black Economic Empowerment (BBBEE) (Government of South Africa 2003b). Government defines BBBEE as 'an integrated and coherent socioeconomic process that directly contributes to the economic transformation of South Africa and brings about significant increases in the numbers of black people that manage, own and control the country's economy, as well as significant decreases in income inequalities' (Republic of South Africa 2003b:12).
- ⁵ NEDLAC is the vehicle through which government, labour, business and community organisations seek to cooperate, through problem solving and negotiation, on economic, labour and development issues, and related challenges facing South Africa.
- ⁶ Small-scale and artisanal fisheries are defined differently by different disciplinary experts, politicians, administrators, etc. In trying to combine all the characteristic dimensions of these fisheries, the FAO Glossary indicates that artisanal fisheries are: 'traditional fisheries involving fishing households (as opposed to commercial companies), using relatively small amount of capital and energy, relatively small fishing vessels (if any), making short fishing trips, close to shore, mainly for local consumption. In practice, definition varies between countries, e.g. from gleaning or a one-man canoe in poor developing countries, to more than 20-m. trawlers, seiners, or long-liners in developed ones. Artisanal fisheries can be subsistence or commercial fisheries, providing for local consumption or export. They are sometimes referred to as small-scale fisheries'. (<http://www.fao.org/fishery/topic/14753/en> -downloaded 10/02/14).
- ⁷ Sibiya, Director, Small-Scale Fisheries, DAFF, personal communication.
- ⁸ The purpose of NEMA is stated as being: 'to provide for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith.'
- ⁹ Blue Growth is the long-term strategy to support sustainable growth in the marine and maritime sectors as a whole.

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