



11 October 2013

Attention: Ms Albertina Kakaza

Mr Mlungisi Johnson
Chairperson
Portfolio Committee on Agriculture, Forestry and Fisheries

Dear M Johnson

Comment on Living Marine Resources Amendment Bill (B30-2013)

I am concerned that in three cases the wording of these proposals is not as clear as is desirable, thus risking later mis-interpretation/mis-implementation. The instances in question all relate to the objectives which are proposed to be added to Section 2.

I would accordingly appreciate if the Committee could consider making the three changes to the wordings currently proposed, which are put forward below with associated motivation.

Clause 2(k)

“the need to promote equitable access to and involvement in all aspects ...”

The problem with the specific wording here is that leads to contradictions, because it necessarily implies open access, which is contrary to other provisions in the Act. Such a situation has been known for decades (the seminal work of H Scott Gordon) to result in dissipation of benefits to the nation through leading inevitably to fisheries resources which are not only overexploited, but furthermore reduced to levels of commercial/subsistence extinction. This would in turn be in conflict with existing international commitments given by South Africa (e.g. to WSSD). To avoid this tragedy of the commons, access must be limited, and therefore cannot be equitable. Those not granted access must see their benefits indirectly, through Government use of the taxation revenue from those who are granted such access. The intent here though is surely rather for “equitable opportunity for access”, and such terminology should replace that presently proposed:

“the need to promote equitable opportunities for access to and involvement in all aspects ...”

Clause 2(l)

“the need to recognise approaches to fisheries management which contribute to food security, socio-economic development and the alleviation of poverty; and”

The difficulty here is that these are already well-known as objectives for fisheries, so “recognising” them scarcely effects any change. Would not wording along the lines below convey better what seems to be the intent:

“the need to give due weight in fisheries management to the objectives of contributing to food security, socio-economic development and the alleviation of poverty; and” .

Clause 2(m)

“the need to recognise that fish may be allocated through a multi-species approach”

The problem that arises here is that “multi-species” is a term generally used with a very specific meaning in fisheries internationally. It refers to taking technological (gear effects) and/or biological (predator-prey) interactions into account in setting management measures across a range of species. Thus these words would most likely be read as a promoting an ecosystem approach to fishing through taking such factors into account in scientific analyses concerning sustainable catch calculations and the allocation of such catches amongst species. This , however, does not seem to be the intent of this clause from the background comments provided, which suggest rather wording along the lines:

“the possible need for allocation of more than one species, rather than a single species only, to certain applicants for fishing rights”.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. S. Butterworth', with a long horizontal flourish extending to the right.

Professor Emeritus D S Butterworth