

DRAFT POLICY ON SMALL-SCALE FISHERIES IN SOUTH AFRICA



BRANCH FISHERIES



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries

OUTLINE OF THE PRESENTATION

- ❖ WHY DO WE NEED A POLICY?
- ❖ FACTORS THAT HAVE SHAPED THE POLICY
- ❖ WHAT DOES THE NEW POLICY SET OUT TO ACHIEVE?
- ❖ MAIN PILLARS OF THE POLICY
- ❖ POLICY PRINCIPLES AND OBJECTIVES
- ❖ BOLD NEW PARADIGM SHIFT
- ❖ FOUR POLICY FOCAL AREAS
- ❖ MANAGEMENT MECHANISMS AND INSTRUMENTS
- ❖ ALLOCATION OF SMALL-SCALE FISHING RIGHT
- ❖ WHAT IS NOT COVERED AND IMPLEMENTATION CHALLENGES



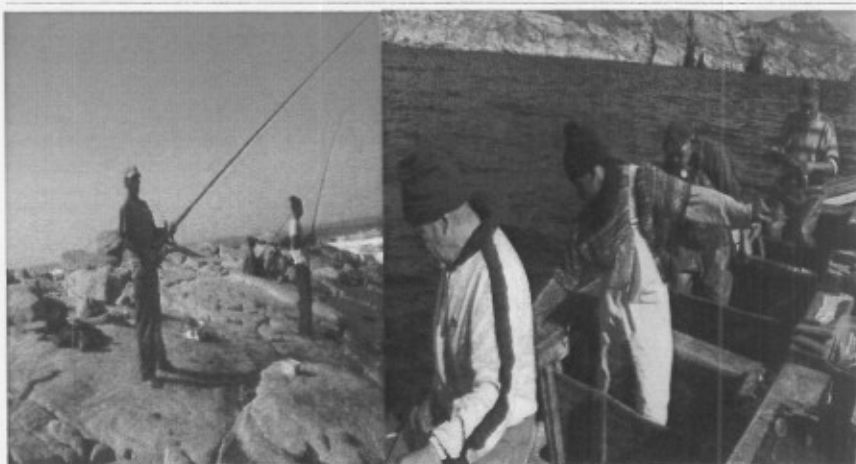
WHY DO WE NEED A POLICY?



WHY DO WE NEED A POLICY?

- ❖ In the past small-scale fishers were mostly excluded from long-term fishing rights allocation process
- ❖ MLRA did not adequately address diversity within small-scale fisheries
- ❖ MLRA does not take into account the contribution to poverty alleviation and food security by the small-scale fishing sector
- ❖ A new policy is needed to address transformation and development of small-scale fisheries sector and reflect Government's development priorities

FACTORS THAT HAVE SHAPED THIS POLICY



 agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

5

FACTORS THAT HAVE SHAPED THIS POLICY

- ❖Lack of a holistic approach to fisheries policy and management in the past
- ❖Small-scale fishers have been unfairly disadvantaged by past decisions to allocate marine living resources mainly for commercial and recreational purposes only
- ❖Equality Court Orders compelled the state to finalise a policy framework for small-scale fishers
- ❖National Summit held and National Task Team appointed to draft policy

 agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

6

FACTORS THAT HAVE SHAPED THIS POLICY

- ❖ Increasing concerns about the state and sustainability of marine living resources
- ❖ Possible impacts of environmental and climate change on coastal communities
- ❖ Government rural development and economic transformation priorities
- ❖ High levels of poverty and food insecurity within affected coastal communities
- ❖ Lack of gender equity in the sector



7

WHAT DOES THE NEW POLICY SET OUT TO ACHIEVE?



8

WHAT DOES THE NEW POLICY SET OUT TO ACHIEVE?

- ❖ Create a sustainable, equitable, small-scale fishing sector
- ❖ Secure the well-being and livelihood of small-scale fishing communities
- ❖ Maintain the health of marine ecosystems
- ❖ Empower and develop small-scale fishing communities
- ❖ Communities and Government should co-manage nearshore marine living resources

MAIN PILLARS OF THIS POLICY



MAIN PILLARS OF THIS POLICY

- ❖ A community-based approach to rights allocation
- ❖ Co-management approach to managing the small-scale fisheries sector
- ❖ Multi-species approach in allocating fishing rights to small-scale fishing communities
- ❖ Preferential access to small-scale fishing communities who have traditionally depended on marine living resources for their livelihood
- ❖ Ensuring the integrity of marine ecosystems and sustainability of the resource is not compromised
- ❖ Developmental approach to the small-scale fisheries sector

POLICY PRINCIPLES AND OBJECTIVES



POLICY PRINCIPLES AND OBJECTIVES

- ❖ 15 principles in the policy to guide Government and Stakeholders in achieving its vision and objectives, Pg12-15
- ❖ Fundamental premises that will apply to decision-making, management and regulation of marine living resources and the sector
- ❖ These principles are in line with the MLRA & NEMA principles
- ❖ 12 strategic policy objectives of Government have been taken into account in introducing policy shifts

BOLD NEW PARADIGM SHIFT



BOLD NEW PARADIGM SHIFT

- ❖ New policy proposes shift away from past management approach to one which:
 - emphasizes a community orientation
 - allocates fishing rights to legal entities established by small-scale fishing communities
 - establishes mechanisms and structures for community-based harvesting and managing marine living resources
 - gives preference to fishers and communities that can demonstrate historical involvement and use of traditional fishing practices
 - encourages approach of the relative advantages of the small-scale fishing sector to environmental sustainability, energy use and labour intensiveness
 - recognizes the importance of developing and empowering small-scale fishing communities



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

15

FOUR POLICY FOCAL AREAS



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

16

PEOPLE AND COMMUNITIES

❖ Community orientation and community-based approach

- Government and small-scale fishing communities share responsibility for harvesting and managing
- community-based right holding
- range of management instruments and tools
- institutional arrangements
- capacity building
- compliance, monitoring and enforcement

❖ Transformation and gender

- men and women to enjoy equitable benefits
- promote economic empowerment of women
- change practices that hindered women's access to and benefit from resources, economic opportunities and decision-making in the past



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

17

PEOPLE AND COMMUNITIES

❖ Social security and disaster relief

- Government will facilitate establishment of appropriate mechanisms to provide:
 - ✓ social security for small-scale fishers who belong to a community-based legal entity
 - ✓ disaster relief or assistance to small-scale fishing communities

❖ Labour rights and safety at sea

- Government will promote the development of:
 - ✓ minimum labour standards and basic conditions of employment for small-scale fishers
 - ✓ minimum safety standards for small-scale fishers



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

18

SUPPLY CHAIN FROM CATCH TO MARKETS

❖ Policy proposes various mechanisms to assist small-scale fishing communities to add value to the marine living resources that they harvest:

- subsidy schemes for fish storage
- skills training in processing, packaging, marketing and basic business skills
- subsidy schemes for establishing locally based and owned marketing companies
- South African label of certification for fish products caught by small-scale fishing communities in an environmentally friendly manner



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

19

GOVERNANCE, MONITORING AND ENFORCEMENT

❖ Co-management of fisheries

- shared management responsibility
- co-management committees
- devolution of some management decisions to fishing communities
- provincial governments and municipalities included
- adaptive management approach and ongoing support

❖ Compliance monitoring and enforcement

- self-regulating role for small-scale fishing communities
- co-management will facilitate self-regulation
- communities will have to assist in monitoring fishing related activities and in preventing illegal fishing
- Minister may appoint members of small-scale fishing communities as honorary marine conservation officers



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

20

LEARNING, INFORMATION AND SUSTAINABILITY

❖Capacity building

- wide range of skills development and training on all aspects of managing and using marine living resources

❖Policy and legislation

- regular policy review and evaluation

❖Technical and advisory support services

- technical and advisory support service network situated in regional hubs to increase accessibility

MANAGEMENT MECHANISMS AND INSTRUMENTS



RIGHT TO FISH

- ❖ Under the new policy the right to fish will be held by the small-scale fishing community
- ❖ Policy sets out how right holding will work
- ❖ Authority to grant right vests with the Minister
- ❖ Minister determines how right will be granted on basis of pre-set criteria & consultation with community

Small-scale fishing community (of identified small-scale fishers) applies to Minister for recognition



Small-scale fishing community sets up community-based legal entity & draws up list of its members that are entitled to fish



Community-based legal entity submits list & application for right to fish to Minister



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

23

INSTITUTIONAL ARRANGEMENTS

- ❖ Multi-tiered organisational model
 - Consultative Advisory Forum (CAF) at national level
 - Small-scale fishing sector working group
 - Community structures
- ❖ Structures at community level
 - Community-based legal entities
 - Co-management committees



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

24

DIVISION OF ROLES AND RESPONSIBILITIES

❖ DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES (DAFF)

- policy development
- screening fishing right applicants
- reviewing applications and coordinating application process
- issuing fishing rights and permits
- Compliance enforcement

❖ Community-based legal entities

- represents interests of identified small-scale fishers
- compiles list of members who may fish and submits fishing right application to Minister
- coordinate activities associated with harvesting and managing marine living resources at community level
- ensures compliance with conditions of fishing right among members

❖ Co-management structures

- shared management responsibility for small-scale fisheries at local level in accordance with co-management agreement



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

25

ALLOCATION OF SMALL-SCALE FISHING RIGHT



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

26

APPROACH TO ALLOCATION

- ❖ Community-based approach for benefit and upliftment of small-scale fishing communities
- ❖ Transformation and redress of past injustices in the sector
- ❖ Takes fundamental human rights, MLRA principles and international obligations into account
- ❖ Gives due regard to promoting interests of women, disabled and child-headed households



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

27

MULTI-SPECIES APPROACH

- ❖ Recognizes that small-scale fishers traditionally harvested variety of species
- ❖ Inclusion of species will depend on:
 - availability of resources
 - extent to which resources can be sustainably exploited
 - extent to which resources are already being exploited in terms of long-term rights allocation
 - number of members of community-based legal entity in particular area that wish to exploit particular resource
 - potential market value of resource
 - nature and extent of fishing area
 - where appropriate "new" species may be made available



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

28

CRITERIA FOR ELIGIBILITY AS SMALL-SCALE FISHER

- Criteria for rightholder, i.e. community
- Criteria for fishers

PROCEDURE FOR ALLOCATING RIGHTS

❖ Duration of rights

- for remaining long-term rights allocation period depending on species

❖ Appeals

- Small-scale fishing right applicants may appeal to the Minister where they are affected by a decision taken by a delegated official under the MLRA
- small-scale fishers may appeal where:
 - ✓ excluded from list
 - ✓ legal entity is refused fishing right
 - ✓ no allocation was received from fishing right granted to small-scale fishing community or is dissatisfied with allocation awarded
- Where the Minister takes a decision, no appeal is available

PROCEDURE FOR ALLOCATING RIGHTS

❖ Conflict resolution mechanisms

- conflicts between members of small-scale fishing community must be resolved through agreed internal conflict resolution mechanisms
- internal conflicts are not appealable to Minister

❖ Current right holders

- fishers granted long-term fishing rights in terms of long-term rights allocation process AND who meet the criteria for small-scale fishers may retain the rights for the duration of the long-term rights period
- when the current rights expire fishers may be incorporated under this policy provided that they meet the criteria of small-scale fishers
- alternatively fishers (who meet the criteria) may choose to be accommodated under this policy in which case he/she will not be entitled to retain current rights



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

31

WHAT IS NOT COVERED AND IMPLEMENTATION CHALLENGES



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

32

WHAT IS NOT COVERED IN THE NEW POLICY

- ❖ Type of community-based legal entity is not prescribed
- ❖ Implementation plan
- ❖ Operational procedures and guidelines



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

33

CHALLENGES FOR IMPLEMENTATION

- ❖ Enforcing compliance
- ❖ Capacity to support fishers (*Budget / type of support required*)
- ❖ Selection criteria
- ❖ Basket of species to be made available



agriculture,
forestry & fisheries
Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

34

OUTCOME OF PUBLIC CONSULTATION PROCESS

- ❖ PUBLIC CONSULTATION - 29 SEPT TO 04 NOV 10
- ❖ 145 VILLAGES VISITED
- ❖ MEETINGS WERE POSPONED DUE TO BAD WEATHER
- ❖ SOME FISHERS ARE IN REMOTE NOT EASLY ACCESIBLE
AREAS



WAY FORWARD

- ❖ DRAFT POLICY PRESENTED AT NEDLAC 04 NOV 2010 ✖
- ❖ MORE THAN 200 COMMENTS RECEIVED
- ❖ INCOPORATE COMMENTS INTO THE DRAFT POLICY
- ❖ PRESENT THE DRAFT TO THE PORTFOLIO COMMITTEE
- ❖ PRESENT FINAL POLICY TO THE MINISTER FOR APPROVAL

PREPARED BY:
 DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
 BRANCH : FISHERIES
 CHIEF DIRECTORATE: MARINE RESOURCE MANAGEMENT

QUESTIONS AND DISCUSSION POINTS?

THANK YOU!



DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

BRANCH: FISHERIES MANAGEMENT

LONG-TERM FISHING RIGHTS ALLOCATION STATS

FISHERIES PER CLUSTER	TOTAL NUMBER OF APPLICATIONS RECEIVED	SUCCESSFUL APPLICANTS	UNSUCCESSFUL APPLICANTS	TOTAL NUMBER OF APPEALS RECEIVED	SUCCESSFUL APPELLANTS	UNSUCCESSFUL APPELLANTS	FINAL ALLOCATION
CLUSTER A FISHERIES							
Hake Deepsea Trawl	80	46	34	58			52
Horse Mackerel	25	15	10	19			18
Hake Inshore Trawl	46	17	29	26			17
KZN Prawn Trawl	4	4	0	0			4
Patagonian Toothfish	7	5	2	4	0	4	5
Small Pelagics (Pilchards & Anchovy)	248	95	153	160			71
Small Pelagics (Pilchards Only)							38
South Coast Rock Lobster	34	13	22	19			13
TOTAL:	444	195	250	286	0	4	218
CLUSTER B FISHERIES							
Demersal Shark	40	4	36	13	2	11	6
Hake Longline	583	132	443	TBC			139
Seaweed	53	13	40	19			13
Squid	236	57	179	93			120
Tuna Handline (Pole)	265	98	167	101			194
West Coast Rock Lobster (Offshore)	772	195	577	435			237
TOTAL:	1949	499	1442	661	2	11	709
CLUSTER C FISHERIES							
Hake Handline	186	39	147				95
West Coast Rock Lobster (Nearshore)	Zone A = 184; Zone B = 775; Zone C = 318; Zone D = 960; Zone E = 456; Zone F = 28; Zone G = 1349. Total = 4070	Zone A = 19; Zone B = 92; Zone C = 29; Zone D = 111; Zone E = 20; (Zone F is part of Zones D & G); Zone G = 147. Total = 418	Zone A = 165; Zone B = 683; Zone C = 289; Zone D = 849; Zone E = 436; Zone G = 1202. Total = 3624	Zone A = 62; Zone B = 469; Zone C = 159; Zone D = 472; Zone E = 162; Zone G = 581			825
TOTAL:	4256	422	3834		0	0	920
CLUSTER D FISHERIES							
KZN Sardine Beach-seine	25	22	3				24
Netfish (beach-Seine), Treknet and Gillnet (Drift-net, Set-net)	221		0				120
Oysters	125	94	31				106
White Mussels	80	7	73				7
TOTAL:	451	123	107	0	0	0	257
TRADITIONAL LINEFISH							
Linefish	928	278	650				455
TOTAL:	928	278	650	0	0	0	455
GRAND TOTALS:	8028	1617	6283	347	2	15	2569
OTHER LONG-TERM FISHERIES							
Abalone	APF's = 8; Legal Entities = 155; Individual Divers = 318	APF's = 5; Legal Entities = 24; Divers. Total = 202	APF's = 3; Legal Entities = 131; Divers = 116. Total = 250	APF's = ; Legal Entities = ; Divers =	APF's = 0; Legal Entities = 16; indiv. Divers = 62		APF's = 5; Legal Entities = 40; Divers = 264
Large Pelagics (Tuna & Swordfish Longlie)	Tuna = 69; Swordfish = 38. Total = 107	Tuna = 21; Swordfish = 14. Total = 35	Tuna = 48; Swordfish = 24. Total = 72	Tuna = ; Swordfish =	Tuna = 5; Swordfish = 3		Tuna = 34; Swordfish = 18

NOTE:
PENDING FINALISATION OF APPEALS & RESERVED DECISIONS

application for fishing rights

non of the appeals successful