



# SOUTH AFRICA

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Photo: A snapshot of small-scale fishing communities, South Africa. By: Jackie Sunde

# Why SSF?

The South African Policy for SSF sector embraces a human rights-based approach and articulates nearly all the principles underpinning the SSF Guidelines. It confirms the need to recognize rights arising in terms of statutory, customary and common law and it seeks to strengthen collective tenure through promoting a community-based approach to fisheries. An eco-systems approach to fisheries provides the foundation for the policy, emphasizing the need for economic, social and ecological aspects of fisheries to be integrated. It includes a lengthy section on the need for a specific focus on women and efforts to eliminate past prejudice and discrimination that they may have experienced. It emphasizes the importance of an inclusive approach to the definition of small-scale fishing that includes work along the entire value chain.

It advocates strongly for a co-management approach to fisheries and provides a detailed elaboration of how the co-management arrangements should intersect with the local rights-holding entity. It covers social protection, decent work and safety at sea.

This case study shows that South Africa has taken an important first step in achieving the recognition and protection of the human rights of small-scale fishing communities, in the form of its Policy for the Small-scale Fisheries Sector. However, almost ten years since the Policy for the Small-scale Fisheries Sector, small-scale fishing communities remain disenfranchised, marginalized and in some instances criminalized owing to the slow implementation of the policy and the uncertainties prevailing in the fisheries legal framework on the cultures and sociology.

## What are SSF?

### “small-scale fisher”

The Marine Living Resources Act 18 of 1998 as amended (MLRA)

"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:

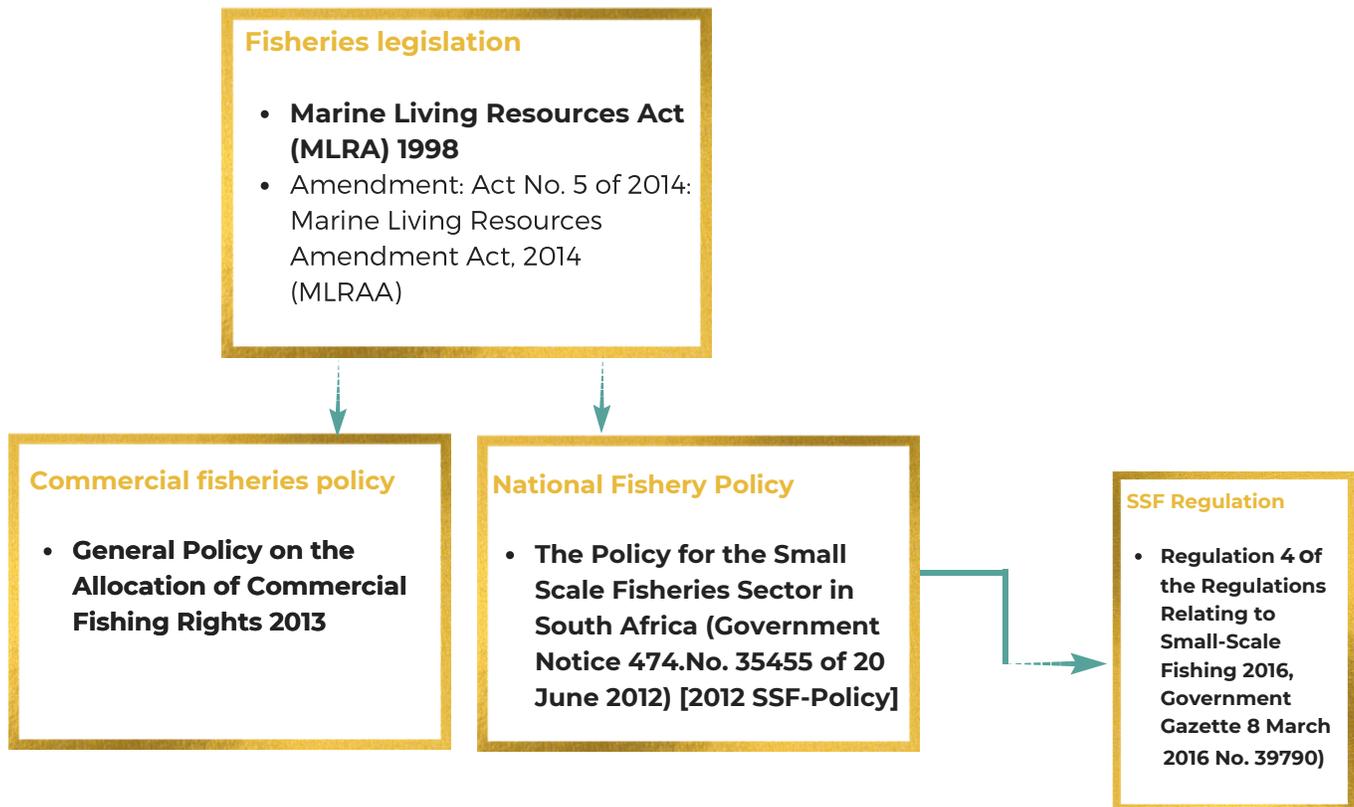
- (a) traditionally operate in near-shore fishing grounds;
- (b) predominantly employ traditional low technology or passive fishing gear;
- (c) undertake single day fishing trips; and
- (d) is engaged in consumption, barter or sale of fish or otherwise involved in commercial activity, all within the small-scale fisheries sector."

### “small-scale fishing”

The Policy for the Small Scale Fisheries Sector in South Africa (Government Notice 474.No. 35455 of 20 June 2012) [2012 SSF-Policy]

"The use of marine living resources on a full-time, part-time or seasonal basis in order to ensure food and livelihood security. For the purposes of this policy, fishing also means the engagement (by men and women) in ancillary activities such as, (pre and post harvesting, including preparation of gear for harvesting purposes), net making, boat-building, (beneficiation, distribution and marketing of produce) which provide additional fishery-related employment and income opportunities to these communities)."

# How are SSF governed?



## Who governs SSF?

### National authorities in charge of fisheries governance:

- The National Department of Environment, Forestry and Fisheries (DEFF)
- National Directorate: Small-Scale Fisheries Management

### Responsibilities:

- **DEFF** is mandated to give effect to the right of citizens to an environment that is not harmful to their health or well-being, and to have the environment protected for the benefit of present and future generations.
- **DEFF** provides leadership in environmental management, conservation and protection towards sustainability for the benefit of South Africans and the global community.
- **National Directorate: Small-Scale Fisheries Management** was reported in 2018 to only have 7 permanent staff members.

# What principles govern fisheries?

Legislation - **Yellow** **Blue: Policy**

Yes  

No  

Not clear  

Not specific to fisheries  

Principle	Legislation - Yellow	Blue: Policy
Human rights & dignity		
Respect of cultures		
Non-discrimination		
Gender equality & equity		
Equity & equality		
Consultation & participation		
Rule of law		
Transparency		
Accountability		
Economic, social & environmental sustainability		
Ecosystem approach to fisheries		
Social responsibility		
Other SSF relevant principles		

# What legal and policy instruments are SSF specific?

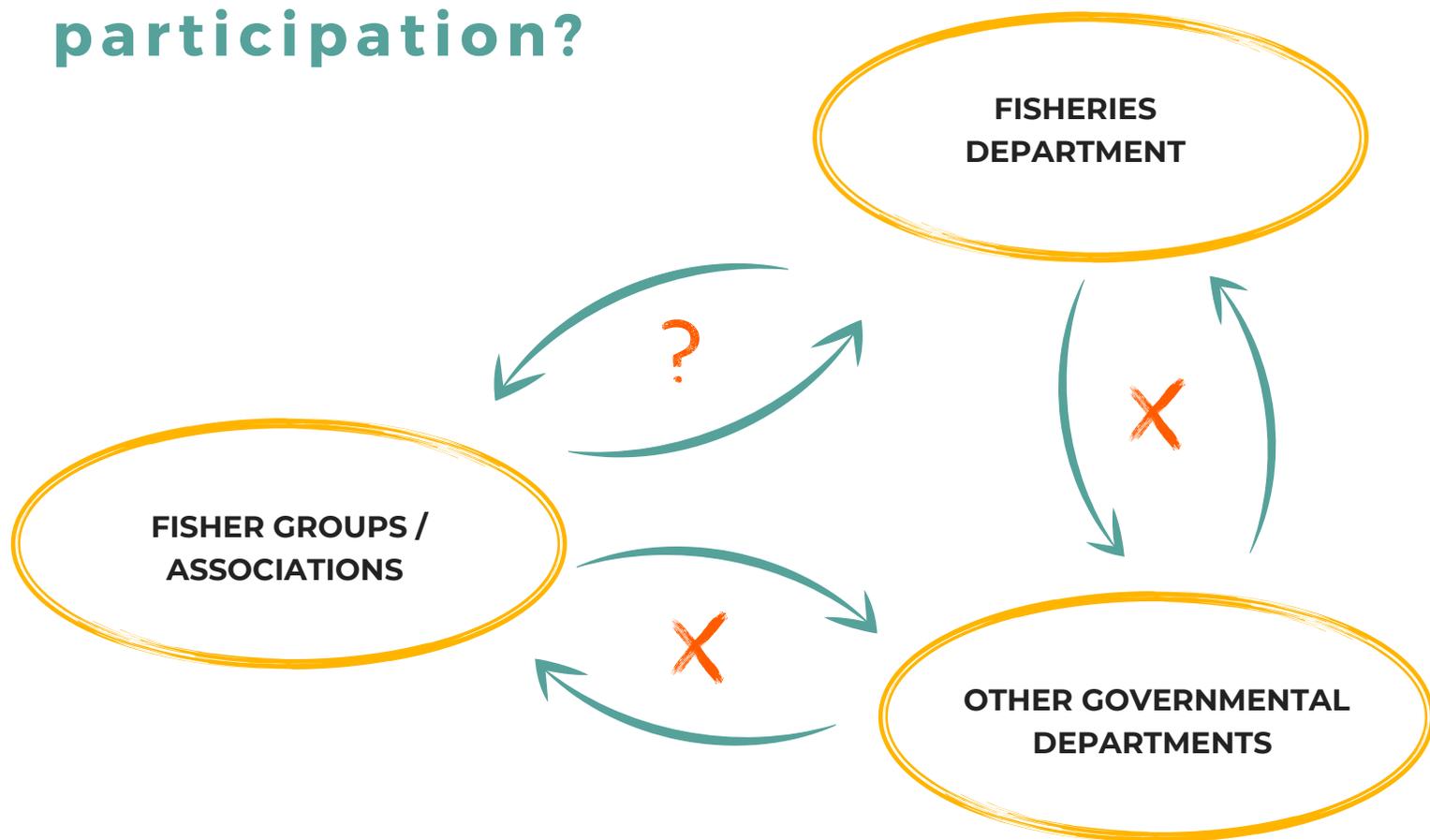
## Specific provisions for SSF

- **Tenure and related rights for SSF**
  - Marine Living Resources Act 1998, as amended (MLRA)
  - 2012 SSF-Policy
- **Exclusive fishing area or priority access to fishery resources for SSF**
  - Marine Living Resources Act 1998, as amended (MLRA)
  - The Regulations Relating to Small-Scale Fishing (2016, Government Gazette 8 MARCH 2016 No. 39790),
  - 2012 SSF-Policy
- **Registration requirements for SSF**
  - The Regulations Relating to Small-Scale Fishing (Government Gazette 8 MARCH 2016 No. 39790)
  - 2012 SSF-Policy
- **MCS measures and others aimed to deter, prevent and eliminate IUU applying to SSF**
  - 2012 SSF-Policy
- **Social development, employment and decent work for SSF along the value chain**
  - 2012 SSF-Policy
- **Labour rights or social benefits for SSF along the value chain**
  - 2012 SSF-Policy
- **Capacity building program for SSF**
  - 2012 SSF-Policy
- **Responsible trade in fish and certification of fishery products from SSF, including sanitary and safety standards for domestic vs. export markets**
  - 2012 SSF-Policy
- **Legal protection of women in SSF, along the value chain**
  - 2012 SSF-Policy
- **Special treatment to women in SSF**
  - 2012 SSF-Policy
- **Protection of SSF from disaster risks/ climate change, and/or recognition of SSF vulnerability in disaster risk/climate change policies and strategies**
  - 2012 SSF-Policy

## No specific provisions for SSF

- **Recognition of SSF as professional workers, along the value chain**

# What are opportunities for interaction & participation?



## Representation of SSF in governance

Representation of SSF in decision-making and/or resource management IS legally required (2012 SSF-Policy).

## Fishers' participation in management, including co-management or decentralised fisheries management schemes

The extent of fishers' participation in management is unclear. The 2012 SSF-Policy states that the DEFF supports a co-management approach for the management of SSF.

## Holistic form of governance or reform

While the SSF-Policy carries a tone of achieving holistic governance reforms (see para 3.1) the institutional infrastructures have yet to be put in place to give practical effect to this.