

Investigating the implications of the Small-Scale Fishers Policy of South Africa on small-scale fishers on the east coast.

Authors: Aphiwe Moshani and Philile Mbatha

University of Cape Town

Department of Environmental and Geographical Sciences

Email | MSHAPH003@myuct.ac.za / aphiwemoshani@gmail.com

Contact no | +2772 918 8276/ +2721 650 2786

Given the history of marginalization and dispossession of small-scale fishers in South Africa post-apartheid legislative reform was anticipated to bring inclusivity and equity. However, years into the democratic dispensation, it became apparent that the promulgation of the Marine Living Resources Act in 1998 had not adequately addressed the exclusion and lack of recognition of small-scale fishers in the country. Moreover, due resistance and uncertainties from coastal communities of South Africa along the west and east coast SA legal institutions obligated the Department of Agriculture, Forestry and Fisheries (DAFF) to form a policy that would redress this injustice. This led to the passing of the Small-Scale Fishers Policy (SSFP) of South Africa in 2012 which, for the first time, sought to restore the customary rights of small-scale fishers. Seven years later, the implementation of this policy has proven slow and challenging and one of the reasons for these challenges has been failing to consider the dynamic coastal environment across the country, more specifically coastal communities along the western Indian Ocean which is South Africa's east coast. In addition, the arising conflicts between fishing communities and the state due to illegal fishers and uncertainties during the implementation of SSFP have proven the need to understand contextual factors that were not considered in the development of the policy.

This study uses Sokhulu, a small-scale fishing coastal community off the coast of KwaZulu Natal as a lens to understand the implications of the allocation of communal fishing permits on bone fide fishers in identified fishing villages. Through this lens the study investigates the enabling and constraining factors in the context of the new SSFP and in regard to Sokhulu's co-management ancestral land. Additionally, the study also conducts an inquiry into the role of customary institutions of Sokhulu in the decision-making processes the state conducts in fishing rights allocation.

Qualitative research methods are used in this study and several key findings emerged in the study include the fundamental failures in the implementation of the SSFP. The policy does not address the complexities that exist within coastal communities which make it difficult to implement the policy mainly because of the multi-sector activities which exist in Sokhulu such as mining, agriculture, protected areas and land claims. Moreover, coastal environments are dynamic and the east and west coast fishing communities cannot be treated in a rigid and uniform manner. State imposed policies such as SSF often do not acknowledge the nuanced and complex systems of villages and communities along KZN, this kind of global-west implementation and decision-making process assumes that all coastal communities are uniform and that marine resources can be managed in a one-dimensional, top-down manner.