

A Marine Fisheries Policy

The White Paper on South African fisheries, released on 19 June, spells out the following management policy objectives

It is a policy objective that South Africa should develop and maintain a cost-effective fisheries management structure with a broadly recognized acceptability that ensures that:

- fisheries management in South Africa, within the constraints of limited human and financial resources, be conducted on a multidisciplinary basis and make use of the best available knowledge. Special attention should be given to broadening the scope and increasing the effort of fisheries research within economic, social, cultural and other relevant non-biological disciplines, and to integrating their results with those of numerical and biological studies in order to advance a well-balanced, comprehensive basis for important decisions on policy options;
- all fisheries sector practices conform to relevant international standards, laws and treaties; opportunities for meaningful co-operation between South Africa and those countries interested in helping development of the local fishing industry and its associated infrastructure be investigated with a view to enhancing the industry's development;
- levels and patterns of exploitation, determined on the basis of best available scientific information, do not jeopardize the soundness of the resource, its environment or the ecosystem on which biodiversity and long-term optimal depend; sustainable yields
- long-term management plans, which include operational management procedures, be developed to ensure optimal utilization of all significant living marine resources;
- the harvesting of one species does not endanger the continued existence, or cause the substantial depletion of any other species, and that a variety of regulatory measures be introduced to avoid such dangers, including the full protection of species, MPAS (Marine Protected Areas), restrictions on fishing gear and methods of harvesting;
- fishing sectors be subject to environmental audits where applicable, and investigations on potential detrimental effects on marine and estuarine species and their environment from activities causing environmental disturbance or pollution be initiated or continued;
- implications of an economic and socioeconomic nature, ensuing from various policy options, are properly identified, analyzed and taken into account when decisions are made;
- the principle of national co-ordination and control over the use of South Africa's living marine resources and related research activities be entrenched, but on a basis of involving other authorities in cases of non-mobile marine resources, which occur relatively

- nearshore and which do not overlap boundaries. When this is practicable, it may be necessary to involve networks of scientific institutions to assist in the process. The inherent potential of introducing co-management structures shall be given special attention in this respect;
- cost-effective capability and capacity is put in place to enforce fishery regulations effectively, to exercise adequate overall monitoring, control and surveillance and to provide for sufficient contributions to public education, to ensure that the extent and practices of all exploitation of South Africa's living marine resources are consistent with the principle of optimum sustainable utilization. A well-functioning Vessel Monitoring System, tailored to be compatible also with future regional needs in Southern Africa, is considered an essential tool in this respect;
 - institutional structures of fisheries management in South Africa adequately meet functional demands linked to the core role of providing the capability and the capacity for the effective implementation of the fisheries policy by sound management. Furthermore, institutional structures should minimize bureaucracy but allow adequate opportunities for user and interest groups to raise concerns and make inputs to decision making, and should also promote the necessary research, advice and channels of communication for the implementation of responsible fisheries management through national and provincial participation and representation. Empowerment of authority and lines of communication between institutional levels and bodies should reflect realities of policy and management responsibility, thereby fostering realistic management accountability and transparency;
 - an ethic of training in its broadest sense be promoted within the fishing industry and its associated community;
- adequate consultation take place with representative, visible industry organizations and democratic public bodies, allied to open, transparent administrative procedures;
 - an integrated strategy of development and a coherent plan of strategy implementation, including the addressing of appropriate funding schemes, be developed in order to create a favourable environment for fisheries sector development. Some of the features of a fisheries sector development strategy should be, first, to adopt short-, medium- and long-term perspectives, realizing that processes of development are difficult and complex and that they take time, and second, to support the establishment of an adequately funded specialized unit for fisheries and mariculture sector development (UFMD). Special attention should be given through this development plan to schemes of, and support for, education, training and transfer of technology; the organizing of some decentralized structure of advisory service units to cater for, for instance, support to improving local capacity of organizing and managing small business enterprises, disseminating information related to the supply of goods and services, markets, research, fisheries, mariculture and other governmental management institutions;
 - the establishment of basic infrastructure facilities in order to minimize post-harvest loss, improve on the soundness of working conditions, product range and product quality;
 - the undertaking of a comprehensive study on potential opportunities of developing a wide range of mariculture and/or fish farming/sea ranching activities, with a view to adopting any new technology continuously becoming available worldwide to

prevailing South African conditions. Possibilities of attracting external donor financing and expertise to facilitate such a study should be investigated.

It must be emphasized that all these need to be put in place to achieve the long-term sustainable utilization of all natural living marine resources of South Africa, and of the environment in which they exist and in which mariculture activities may occur, to the benefit of the country as a whole,

The human resource needs of the fishing industry are multidisciplinary in nature. A culture should be encouraged where labour is seen not merely as a cost of production but as mankind with the dignity this entails. Good labour relations will be promoted.

Fair, humane and acceptable labour practices, workers' rights, job creation and security, sound working conditions, health and safety, and welfare benefits of employees in the industry will be encouraged and, where appropriate, regulated. It is necessary to register all fisherfolk. Therefore, it will be necessary to find suitable parameters in order to establish a clear definition of a 'fisher' and the level of activities which make him or her eligible for registration as a full-time,

or if deemed appropriate, a part-time fisher.

It is a policy objective that holders of fishing rights and other fishing industry operators should provide acceptable conditions of employment for all employees.

Within the Government's administrative structures, policy matters related to labour and employment in all sectors of the economy are the special responsibility of the Department of Labour.

The Ministry and the Department will, however, within the constraints of its specified statutory terms of reference, its scarce human and financial resources, and its obligation to give priority to core activities and responsibilities, continue to lend support to efforts at fostering improved relations between fishing industry employers and their labour force. If required, it can also contribute in a facilitating and liaising role to improving communication and relations between the Department of Labour and representative organizations in the fishing industry.

Legal report

The full legal report identifies the instances in which it will be necessary to amend the present Sea Fisheries Act in order to achieve the policy objectives. It also indicates those instances where the

policy recommendations are not achievable by means of legislation.

The more important changes proposed to amend the Act include inserting in the Act, a statement of policy objectives and principles in order to ensure that the Act would be interpreted and applied in accordance with the policies identified in the policy itself, specifically with regard to the RDP and certain recent developments in international law; specific recommendations are also made for legislative changes to achieve the policy's objectives in respect of access rights, in particular commercial access rights, recreational fishing, subsistence fishing, foreign fishing and mariculture.

With regard to Institutional Structures, the Legal Task Team based its findings on the provisions contained in the original proposal submitted to the Minister in June 1996, because an approved version of the White Paper dealing with this topic was not available when their report was being drafted. Certain changes of a philosophical nature would now be necessitated.

On resource management, the Legal Task Team recommended the incorporation of management plans into legislation.

Certain changes are also proposed to strengthen the enforcement aspects of the present Act. These include strengthening the penalties available and increasing the powers of fisheries inspectors, introducing provisions on the use of evidence gained from vessel monitoring systems, as well as the inclusion of a new offence of failure to stow fishing gear correctly.

A considerable number of amendments would be required to bring the present Sea Fishery Act into line with the policy objectives.

If these amendments are introduced, they would be of such a technical nature that they would have the effect of introducing further complexities to the Act.

The Department accordingly recommends that the present Sea Fishery Act be repealed and that a new law with

respect to utilization of living marine resources be drafted. However, it is further considered, in any event, that a new Act is justified in view of the new policies that need to be introduced.

An example would be the need to establish a Commercial Public Company, as outlined in 4.6.1.1. New policies will only be fully effective in the context of a new Act. With a new Act, it will be possible to achieve both the necessary degree of transparency as well as ensuring effective participation in the decision-making process.

This is excerpted from the White Paper on a Marine Fisheries Policy for South Africa, prepared in May 1997, and officially released on 19 June 1997.

