

Unmasking governance failures: The impact of COVID-19 on small-scale fishing communities in South Africa

Abstract

The COVID-19 pandemic has highlighted the pre-existing vulnerability of the small-scale fisheries sector in South Africa and exposed the structural inequalities and ongoing injustices facing this sector. The failures within the fisheries governance and management system linked to the slow pace of implementing the Small-scale Fisheries Policy of 2012, have further exacerbated their vulnerability. This paper explores the immediate impacts of the COVID-19 pandemic on the small-scale fisheries sector and exposes how governance failures within the fisheries sector have increased their vulnerability. Restrictions on fishing activities and mobility, closure of conservation areas, unfair fines and arrests, loss of markets and barriers to sale of fish products as well as lack of access to water, have had significant impacts on small-scale fishers and coastal communities. The lack of social protection and the limited emergency relief provided by government further exacerbated their precarious position. Despite their vulnerability, fishers have demonstrated a measure of resilience, supporting those in need with food, lobbying government to amend restrictions and recognize their rights, and challenging efforts to fast-track development and exclude their voices. The crises has highlighted an urgent need for broad, national level transformation to deal with the poverty and injustices facing poor coastal communities, as well as fisheries-specific policy reform.

**Unmasking governance failures: The impact of COVID-19 on small-scale
fishing communities in South Africa**

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Abstract

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Key words: small-scale fisheries, governance, fishing communities, COVID-19, impacts, vulnerability, South Africa

1. Introduction

Over the past 20 years there has been increasing recognition of the importance of the small-scale fisheries (SSF) sector and several international instruments provide recognition, protection and support to this sector (FAO, 2012; FAO, 2014). Yet, despite these positive developments, worldwide small-scale fishers (hereafter SSFs) and their families continue to suffer historical forms of social injustice, many live in conditions of poverty, face restricted access to resources and are excluded from state-centred governance processes (FAO, 2014; Cohen et al., 2020). In view of their precarious circumstances, they are particularly vulnerable to shocks and stressors, including economic crises, socio-political changes, disasters and incremental changes associated with climate change (Allison et al., 2005; Béné et al., 2007; Ostreich et al., 2019). The COVID-19 pandemic and associated lockdowns have affected every phase of the fishery value chain and disrupted an essential food system that provides food and livelihood to millions of people throughout the world (Bennett et al., 2020; FAO, 2020; Love et al., 2021). While fishing activities in both the industrial and small-scale sectors have been negatively affected by the COVID-19 pandemic, the SSFs have been most severely impacted, because they lack the capital and resources to cope with these sudden shocks, are

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reliant on fisheries resources for food and income, and in many countries lack adequate access to basic services including health care and social protection (FAO, 2020; Bennet et al., 2020). The COVID-19 pandemic has once again highlighted the vulnerability of SSFs to unexpected shocks and exposed the structural inequalities and injustices faced by poor and marginalised groups (Chandrasekaran et al., 2020; Bennett et al., 2020; Trunchet et al., 2021), the mediating factors that shape their responses and enable them to cope and adapt (Ostreich et al., 2019; Campbell et al., 2020; Love et al., 2021; Sunny et al., 2021; Trunchet et al., 2021).

South Africa has been severely impacted by the COVID-19 pandemic with a cumulative total of approximately 2.11 million cases and 63 039 deaths at the time of writing (Department of Health, 2021). South Africa's initial response to the pandemic was to implement a hard lockdown, namely, level 5 which is the most restrictive lockdown level. Whilst this response was hailed by some as a positive response in terms of preventing deaths, the resultant economic, social and potential long term health impacts and implications of the government's approach has been questioned. Critics cite the pre-existing economic recession, with worsening inequality, 40% unemployment and a poverty rate of 60% prior to the crisis when challenging the nature of the lockdown (Bond, 2020).

Whilst the impacts of the lockdown on the poor and on small-scale producers are starting to emerge (Bond, 2020; Informal Workers of SA Network, 2020), the impacts of COVID-19 on the SSF sector specifically have not been well-documented. In this paper, we sought to understand the impacts of the COVID-19 pandemic for SSFs and the factors influencing those impacts. We start with a brief explanation of methods employed and sources of data, followed by a brief overview of the SSF sector in South Africa. The main focus of the paper is to investigate and document the immediate impacts of the COVID-19 pandemic on the SSF sector, and highlight governance failures that have contributed to increased vulnerability in this sector. The paper concludes with proposals for addressing the underlying structural inequalities and governance failures in the SSFs sector.

2. Methods

The research for this paper draws on the authors' collaborative work over the past 18 months conducting primary and secondary research on coastal communities in South Africa¹. Grounded research using multiple qualitative methods was utilised. Data was gathered from action research with a group of 20 small-scale male and female fisher leaders from 15 small-scale fishing communities along the South African coastline which commenced in April 2020. This action research includes information gathered from the fishers through interactions with them on an online WhatsApp chat where the SSF fisher participants posted impacts of COVID-19 and the lockdown measures on the chat. These fisher leaders provided insights from a diversity of local contexts and sub-sectors including boat-based line and rock lobster fisheries, shore-based anglers, and intertidal resource harvesters. This information was collectively analysed and key thematic issues identified. These themes focused on direct impacts of COVID-19 and the lockdown measures as well as the performance of governance processes and institutions to support SSFs during this time. Subsequently, telephonic interviews were conducted with these 20 leaders using a semi-structured interview schedule. In-depth

¹ All authors are members of the One Ocean Hub South African research team. www.oneoceanhub.org

1 probing of specific issues that emerged, such as restricted access to fisheries resources for
2 those living adjacent to marine protected areas and lack of government relief during the initial
3 lockdown period, was undertaken with a sub-group of this larger group specifically for the
4 purposes of highlighting the impacts of COVID-19. Articles from a range of social media as
5 well as academic literature were reviewed and informed the analysis of the thematic issues
6 emerging. Various Blogs and Webinars hosted during the period April to December 2020
7 linked to SSFs and COVID-19 were also used as a source of additional data. These sources of
8 data were supplemented by the authors' direct involvement in a series of online meetings
9 with policy makers and government officials during the same period.
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11 **3. Overview of the SSFs sector in SA**

12 The small-scale fisheries sector in South Africa has historically been a marginalised sector,
13 excluded from governance, subject to racial discrimination, with high levels of poverty and
14 lacking in basic services (Isaacs, 2006; Sowman, 2006; Sowman et al., 2014). Prior to the first
15 democratic elections in 1994 the SSF sector, including subsistence and artisanal fishers, was
16 not legally recognised. The reforms ushered in with democracy, failed to adequately address
17 the needs and rights of these fishers and continued to prioritise the large, industrially
18 orientated commercial sector and the recreational sector. It was only following extensive
19 protests and legal intervention that a policy for SSF was gazetted in 2012 and amendments to
20 the fisheries legislation enabled the legal recognition of the SSF sector in 2016 (DAFF, 2012;
21 DAFF, 2014; Sowman et al., 2014). This legal recognition included the continuum of small-
22 scale fishing ranging from subsistence to artisanal and small-scale commercial fishing.
23 Notwithstanding this, only 11 040 SSF fishers out of 22 000 who applied to be recognised as
24 *bona fide* SSFs have received fishing rights under the new SSF Policy and associated
25 regulations (DAFF, 2014). It is estimated that another approximately 20 000 fishers have been
26 excluded from the formal rights allocation process (Masifundise, 2020; Sunde and Erwin,
27 2020) largely due to lack of understanding and access to these complex government-driven
28 administrative processes.
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30 The process of policy implementation has been characterised by a mismatch between the
31 human rights-based principles of the Policy and implementation practices. Inadequate
32 capacity in the Department of Agriculture, Forestry and Fisheries (DAFF), now called the
33 Department of Forestry, Fisheries and the Environment (DFFE), lack of political will, a narrow,
34 restrictive interpretation of the policy definition of SSF, excluding those who rely on fishing
35 seasonally or part time or who don't harvest directly but work along the value chain,
36 inadequate fisher participation in governance decisions, coupled with a top-down, "one size
37 fits all" approach in the policy transition period has undermined the attainment of policy
38 intentions and resulted in the exclusion of thousands of poor fishers (Sowman and Sunde
39 2021, forthcoming).
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41 **4. Vulnerability of SSFs to poverty and shocks and stressors**

42 The vulnerability of small-scale fishing communities to poverty and both human-induced and
43 natural disasters and crises has been well documented in the literature and predates the
44 global pandemic (Béné et al., 2007; Mills et al., 2011; Kolding et al., 2014). Within this research
45 the complex linkages between the vulnerability of SSF and various structural conditions and
46 social, political and economic factors have been explored (Ostreich et al., 2019). SSFs are
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1 amongst the poorest and most marginalised people in the world due to a profusion of existing
2 pressures including the negative impacts of industrial fishing and pollution, limited access to
3 fishing areas and resources, structural inequities, poor infrastructure and services and limited
4 social protection (Allison et al., 2005; FAO, 2014). In the past two decades there has been an
5 increasing focus on the vulnerability of the SSF sector specifically in the context of climate
6 change (Barange et al., 2018; Ruiz-Díaz et al., 2020). Small-scale fisheries are predicted to be
7 one of the groups most vulnerable to climate and environmental change, although they have
8 hardly contributed to its cause (Allison et al., 2005). The COVID-19 pandemic has exposed and
9 amplified the precarious and vulnerable circumstances of SSFs.
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14 **4.1. Policy responses to vulnerability**

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16 Understanding the factors that shape the capacity of SSF communities to cope and adapt in
17 the face of poverty, inequality, crises and shocks in different contexts is emerging (Barange
18 et al., 2018; Ostreich et al., 2019). It is recognised that poverty can be an obstacle to adaptive
19 capacity, which may be lower in poorer communities and in poor countries (IPCC, 2014b in
20 Barange et al., 2018: 21). Most SSF communities globally are faced with multiple interacting
21 stressors, including political, economic, social and environmental. These stressors often act in
22 concert, driving a complex web of vulnerability amongst communities. Assessing vulnerability
23 thus requires recognising these interlinkages that have a bearing on individual and
24 communities' sensitivity to changes and shocks, their ability to cope with these impacts and
25 their inherent adaptive capacity to changes (Sowman and Raemaekers, 2018; Ostreich et al.,
26 2021).
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32 The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food
33 Security and Poverty Eradication, the 'SSF Guidelines' (FAO, 2014) provide guidance on
34 addressing ongoing vulnerability in the sector and enhancing recognition of the important
35 role of this sector in eradicating hunger and poverty (FAO, 2014). Most importantly, the SSF
36 Guidelines are based on the recognition that the many factors that make poor people
37 vulnerable also hinder their ability to enjoy their human rights. These include issues such as
38 food insecurity and malnutrition, poor health, low levels of education, insecure tenure rights,
39 marginalization and exclusion from participation in governance (Barange et al., 2018:20).
40 Kolding et al. (2014) have argued that capacity to invest in resource sustainability will only
41 increase after vulnerabilities have decreased and that "the most productive interventions to
42 promote sustainable resource use and conservation in many communities may lie outside the
43 'natural resource management system'" (Kolding et al., 2014:5).
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49 The SSF Guidelines stress the need for integrated and holistic approaches to addressing the
50 needs and interests of SSF, including the need for cross-sectoral collaboration. This needs to
51 be done in a full and effective consultation with fishing communities including indigenous
52 peoples, men and women paying particular attention to vulnerable and marginalised groups
53 (FAO, 2014).
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57 **4.2. Onset of the global pandemic and heightened SSF vulnerability**

1 As signs of a global pandemic appeared in March 2020, evidence began emerging of the
2 impact of COVID-19 on small-scale fishing communities, highlighting the vulnerability of this
3 sector. In early April 2020, FAO released a Policy Brief on the Impact of COVID-19 on Fisheries
4 outlining the impacts on fisheries all along the value chain – from access to fishing grounds
5 and harvesting, to the trade and marketing of these resources, as well as barriers to accessing
6 fish for food. The FAO urged States to consider fishing as an essential service when designing
7 restrictions to curb mobility (FAO, 2020). Various scholars and organisations (Bennett et al.
8 2020; FAO, 2020; Oxfam, 2020) highlighted a plethora of negative consequences linked to the
9 COVID -19 pandemic including complete shut-down of some fisheries, knock-on economic
10 effects from market disruptions, increased health risks for fishers and fishworkers,
11 exacerbating vulnerabilities resulting from other social and environmental stressors. They
12 sounded the alarm noting that “the short- and long-term effects of COVID-19 risk are further
13 marginalizing many SSF and coastal communities who are already vulnerable to a myriad of
14 social and environmental changes” (Bennett et al., 2020:337). These authors identified three
15 key findings: Firstly, many SSF fishers lack adequate health services and hence face higher
16 health risks. Secondly, many governments undervalue the role of SSF in contributing to food
17 security and hence did not consider SSF fisheries as an ‘essential service’. Thirdly, the
18 pandemic is exacerbating pre-existing stressors caused by climate change (Bennett et al.,
19 2020).
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26 **5. Impacts of COVID-19 on SSF in South Africa**

27 Many small-scale fishers in South Africa locate their responses to the impact of COVID-19 in
28 their pre-existing marginalisation and the social injustices facing the sector historically
29 (America et al., 2020; CFFA, 2020). Although there is a lack of current, national level data on
30 the poverty status and vulnerability of the SSF sector, evidence from fishers themselves, as
31 well as academic research attest to the prior social, political and economic marginalisation
32 and subsequent vulnerability of the SSF due to their historic exclusion from governance,
33 high levels of poverty, persistent structural inequities and failure of the state to redress and
34 allocate their rights (Sowman et al., 2014; Sunde and Erwin, 2020; Empatheatre Collective
35 2019). In addition, there is evidence of the vulnerability of SSF in the face of environmental
36 and climate change and how this affects their ability to adapt (Sowman and Raemaekers,
37 2018). Presentations by fishers, academics and researchers over the past year through
38 various social media have emphasised how the pandemic has exposed the fault lines in the
39 fisheries sector in South Africa and exacerbated the vulnerability of SSF (PLAAS, 2020; Sunde
40 and Erwin 2020; Snow and Pereira, 2020). In this section, we document the impacts of the
41 COVID-19 lockdown on the SSF sector and identify the factors that mediated this impact.
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49 **5.1. Immediate impacts of COVID-19 lockdown measures**

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51 On the 23rd March 2020, the state announced a national lockdown and shortly thereafter
52 Disaster Management Regulations, detailing restrictions on the movement and activities of
53 citizens were released, impacting the flows of food, and the social and economic networks
54 and services upon which many residents relied. These restrictions revealed the precarious
55 access to resources, basic services such as adequate water, housing, and health services facing
56 millions of poor South Africans. Given the high rates of malnutrition, tuberculosis and
57 HIV/Aids in South Africa, the COVID-19 lockdown had an immediate impact on the health and
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1 welfare of the poor, including thousands of SSF fishers. The laudable attempts by the SA
2 government to ‘flatten the curve’ through these hard lockdown measures, has been critiqued
3 for its severe socio-economic impacts on the poor with inadequate or non-existent safety nets
4 in place, revealing a profound mismatch between regulatory intentions, and the realities of
5 the living conditions of the majority of South Africans (Bhan et al., 2020; Bond, 2020; Staunton
6 et al., 2020).
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9 Lack of access to adequate water emerged as a major issue early on in the crises. Whilst the
10 water shortages in parts of South Africa have been exacerbated by severe drought as well as
11 poor service delivery, the COVID-19 health crisis shone a spotlight on this issue. Some coastal
12 communities have not had direct access to clean drinking water for over four years, whilst
13 others share a single water source, raising the risk of infection at the over-crowded water
14 point. Restrictions on movement meant that rural residents were not permitted to travel to
15 collect water from nearby rivers. This threatened their immediate need for drinking water
16 but also the need to sanitise in the context of COVID-19. In one rural area, 10 members of a
17 fishing community were arrested by police and charged for contravening the Regulations
18 when they met to discuss their water crisis. They were given the option of paying an admission
19 of guilt fine of R10 000 (approximately 650 USD) each, which is more than double the average
20 household income. They required legal intervention in order to get their charges dropped
21 and extensive advocacy over a period of 4 months before water tanks were delivered to their
22 village (Daily Maverick, 2014).
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28 The threat to the right to food for many communities in South Africa has been exposed during
29 the pandemic. The Disaster Management Regulations allowed certain “essential services” to
30 ensure food security to operate under lockdown, including fisheries, which was included in
31 the list of essential services. Consequently, DFFE issued exemptions to lockdown restrictions
32 for all commercial and SSFs who held permits to fish in terms of the Marine Living Resources
33 Act (MLRA). Whilst their recognition as “essential services” was welcomed by many fishers,
34 the broader, national level restrictions impacted the entire value chain, curtailing the
35 movement of citizens and reducing income from sale of catches. Firstly, for the many SSF
36 communities living in or adjacent to Marine Protected Areas (MPAs), they were not permitted
37 by the local conservation management agency to enter these reserves which were closed due
38 to the Regulations. There is evidence of harassment and arrest of fishers from poor rural
39 communities due to lack of communication across government departments responsible for
40 conservation and fisheries management regarding exemptions to allow fishing (LRC, 2020a).
41 Furthermore, fishers have been placed at risk by police failing to respect COVID-19 safety
42 protocols in police vehicles and at the stations. In some cases, fishers were supported by
43 scholar activists and legal NGOs to get released and have the charges dropped (LRC, 2020b).
44 It took several weeks and a meeting between the Legal Resources Centre and the DEFF
45 National Directorate of Small-scale Fisheries before this situation in reserves was addressed.
46 Notwithstanding this, a fisher was killed and another injured by rangers when fishing in the
47 Isimangaliso World Heritage Authority. The closure of tourist accommodation attached to
48 these coastal reserves further exacerbated the loss of income for many of these rural families.
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57 A major impact for SSFs has been on their ability to market and sell fish. They could not travel
58 to local markets nor could they rely on other local marketers who were initially also prohibited
59 from operating. One of the most significant economic impacts on fishers was the crash in the
60 global lobster market. Due to their reliance on the industrial sector for the marketing of high
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1 value species through export markets, thousands of SSF fishers lost their income for the entire
2 season. For thousands of fishers who rely on seasonal migration, the prohibition on travel and
3 closure of accommodation in coastal villages immediately stopped the *snoek* run, a
4 traditional, cultural practice that lies at the heart of fisheries in the northern and western
5 Cape (Isaacs, 2013). Fisher leaders lobbied government and secured a special arrangement to
6 enable them to travel. In addition, an amendment to the Regulations allowed informal fish
7 traders to continue to trade under strict conditions.
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10 There is currently no provision for social protection for the SSF sector in this country. They
11 remain a largely invisible, informal sector due to the very slow pace of policy implementation
12 and a failure to ensure an inter-sectoral approach (Sowman and Sunde, forthcoming). The SSF
13 sector is not yet covered by labour legislation and does not qualify for any social or labour
14 subsidies or relief. This status created a policy hiatus that had huge implications for them.
15 Ironically, by designating them an essential service, the SSF sector was not able to apply for
16 unemployment Insurance or COVID-19 relief funding. While they were able to fish, lack of
17 markets meant that income was significantly reduced and DFFE did not believe they required
18 special relief funding as was made available for small-scale farmers. The only relief available
19 to registered SSF fishers was a once-off, small, state-funded food parcel. However, thousands
20 of fishers who have not been registered by the Department as *bona fide* fishers were excluded
21 from receiving any relief (Sunde and Erwin, 2020). Women fishers, who are mainly responsible
22 for the cleaning and marketing of fish, did not qualify for any relief or social protection such
23 as the unemployment benefit. Despite advocacy from fishers and civil society partners to
24 consider the plight of informal workers and to respond to the social protection needs of the
25 SSF, government has not provided any emergency relief (Informal Workers Statement 2020).
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32 **5.2. Delays with implementation of the SSFs policy and associated socio-economic** 33 **impacts** 34

35 In addition to the direct impacts of COVID-19 lockdowns on fishers, a number of fisheries-
36 sector specific governance issues vastly increased the SSF fishers' vulnerability to the impacts
37 of the lockdown. Most glaring of these is the extensive delays in policy implementation as
38 most small-scale fishers have yet to enjoy protection or benefits from the recognition of their
39 rights. The Policy for the SSF sector was gazetted in 2012 and the legislation relevant to
40 fisheries management, namely, the Marine Living Resources Act (MLRA), was amended in
41 2014 to enable the legal recognition of SSFs. Then in 2016, the Fisheries Department
42 promulgated Regulations in terms of the MLRA that prescribed the process whereby SSFs
43 could access these rights (DEFF, 2016). A top-down, one size fits all approach and a failure to
44 engage adequately with fishers in the diverse contexts has led to the development of a
45 business-orientated model that does not fit the rural, under-resourced remote realities of
46 many of the fishing communities (Sowman and Sunde 2021, forthcoming). This lack of
47 governance fit has slowed down the pace of implementation. At the time of Lockdown in
48 March 2020, fishers in the Western Cape had yet to receive their rights whilst in the Eastern
49 Cape and KwaZulu-Natal, there is confusion over which species they may harvest for own
50 consumption and commercial purposes. General confusion over permit conditions and lack
51 of support from local conservation agencies, has exacerbated their plight. Furthermore, the
52 slow pace of training programmes for the SSF sector has delayed the development of viable
53 and sustainable enterprises.
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1 Since 2012, when the SSF policy was gazetted, the Department has delayed redistributing
2 resources from the 22-commercial species allocated to larger commercial entities to the SSF
3 sector. This is largely due to the powerful influence of and resistance from both the
4 commercial and recreational sectors and the lack of capacity of the Directorate managing the
5 SSF policy implementation process. The commercial sector has taken legal action against the
6 department in 2008 and again in 2010 to stop the Department from allocating resources to
7 the SSF sector (WCRL Association vs the Minister)². More recently the Squid Commercial
8 sector has again threatened legal action if the department honours their commitment to
9 allocate a portion of the commercial Total Allowable Effort (TAE) to SSFs cooperatives in the
10 Eastern Cape (SASMIA, 2020). In the face of this threat, the Department has not been able to
11 honour its original promise and the process has been delayed. These unfulfilled promises,
12 coupled with the lack of a co-management structure or a mechanism for effective
13 representation of the SSF fishers have created an atmosphere of mistrust between the
14 Department and the fishers (Sowman and Sunde, forthcoming).
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19 As noted above, these shortcomings in the policy implementation process, resulting in huge
20 COVID-19 lockdown linked impacts, have been largely due to the fact that thousands of fishers
21 were excluded from the rights allocation regime (Sunde and Erwin, 2020; Sowman and Sunde,
22 forthcoming). A significant number of these excluded fishers, resort to purchasing a
23 recreational permit to avoid arrest and criminalisation. However, in terms of the permit
24 conditions for recreational fishers, the sale of fish is prohibited. The COVID-19 lockdown
25 immediately jeopardised the food security of these fishers who used recreational permits to
26 gain access to resources as the Regulations did not include recreational fishers in the
27 'essential services' category. It is estimated that between 4000 and 10 000 fishers who
28 depend on this license for their basic food security or to supplement their meagre wages were
29 not able to put food on the table (Sunde and Erwin, 2020). Following two months of extensive
30 lobbying over 20 media articles and the excluded fishers' approaching the Parliamentary
31 Portfolio Committee, the State finally revised the Regulations in June, to accommodate
32 recreational fishers (Sunde and Erwin, 2020).
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39 **5.3. Lack of adequate consultation with fishers and the lack of a unified, organised** 40 **SSFs**

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42 One of the pre-existing factors shaping the vulnerability of the SSF sector in the past six years
43 has been the government's Blue Economy policy that has enabled the go ahead of a plethora
44 of mining, port expansion and industrial aquaculture developments that have impacts on the
45 marine and coastal environment and communities. In many cases, the promised job creation
46 and other socio-economic benefits of these projects remain unfulfilled, with potential
47 negative impacts on the marine environment and on SSF tenure rights and livelihoods
48 (Sowman, 2020). It is increasingly clear that South Africa's Blue Growth strategy is driving a
49 neo-liberal, extractivist approach to the use of ocean resources (Isaacs, 2019; Bond, 2019).
50 The COVID-19 Lockdown did not slow down the approval of these developments. On the
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57 ² West Coast Rock Lobster Association and Others v Minister of Environmental Affairs and Tourism and Others
58 (3920/2008) [2008] ZAWCHC 123 (7 October 2008)
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1 contrary, during the Lockdown period, government and consultants proceeded with
2 environmental planning and decision-making through online consultation. As a result, a vast
3 number of online public participation processes for ocean and coastal developments were
4 conducted despite being completely inaccessible to most SSFs (Snow and Pereira, 2020). Civil
5 society organisations and the fishers challenged these exclusive participation processes.
6 However, the vast majority of consultants proceeded with online consultation despite
7 excluding the poor who do not have access to data and internet technologies, impacting on
8 their procedural rights.
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11 In addition, government, researchers and consultants, working in the field of Marine Spatial
12 Planning (MSP) and conservation planning did not take proactive steps to ensure meaningful
13 participation of affected communities in these processes during the Lockdown and many of
14 these meetings were held online³. During this period, the iSimangaliso Wetland Park
15 Authority attempted to rush through online public participation for a new ten-year Integrated
16 Management Plan for the iSimangaliso World Heritage Site, with enhanced restrictions on
17 access and pursuit of livelihoods for communities. Public meetings scheduled to take place in
18 various locations adjacent to small-scale fishing communities affected by the IMP when strict
19 Lockdown measures were lifted, were neither properly advertised nor well attended by SSFs.
20 This was largely because advertisements of the public processes were mainly done online.
21 With the support of scholar activists, community groups protested this exclusion and secured
22 legal representation from the Legal Resources Centre to challenge the weak public
23 participation process. However, the environmental consultants and iSimangaliso Authority
24 failed to meet the communities' request for face-to-face engagement, resulting in the
25 communities rejecting the Draft Integrated Management Plan (LRC, 2020c; Savides and
26 Zincume, 2020).
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33 The tendency of fisheries and conservation management agencies to overlook the importance
34 of stakeholder consultation and resource users' participation in planning and governance of
35 marine resources described above, has been well documented (Mbatha, 2018; Sowman and
36 Sunde, 2018; Empatheatre Collective, 2019). This has had huge consequences for the SSF
37 sector, the full implications of which are visible now during this time of crisis. The SSF
38 sector generally has little experience of active participation in relevant cross-sectoral and multi-level
39 governance processes. The fishers lack the political connections, economic power and social
40 capital, to ensure their effective involvement in governance and remain relatively unaware of
41 their civic rights in this regard. However, this exclusion from governance is exacerbated by
42 the growing fragmentation of and conflict amongst the SSF sector itself. The long delays in
43 policy implementation have resulted in fishers becoming disillusioned and mistrustful of the
44 process and of their leadership. There has been a weakening of organisations that
45 represented SSFs interests during the policy process and the emergence of new organisations
46 claiming to represent the interests of all SSFs. Since the promulgation of the SSFs policy, there
47 has been very little capacity building of fisher leaders. Consequently, the fishers rarely speak
48 with one voice, and their demands and needs are not always articulated clearly or
49 strategically.
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56 **6. Discussion**

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60 ³ iSimangaliso Integrated Management Plan (IMP) meetings for the 2022-2031 Draft IMP
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1 The impacts presented above highlight the ways in which COVID-19 and the government's
2 response has laid bare the pre-existing vulnerabilities of the SSF sector due to structural
3 inequalities and historic injustices in South Africa. These vulnerabilities strike at the heart of
4 the human rights of the SSF fishers. As most SSFs are poor, historically disadvantaged black
5 South Africans, they, like the majority of black South Africans, continue to experience the
6 legacy of apartheid and the failure of the post-apartheid state to ensure access to basic
7 services, food security and the right to decent work and the extension of broad, black
8 economic transformation to the poor. They were therefore further disadvantaged by the
9 government's response to the virus which exacerbated pre-existing socio-economic injustices
10 and needs. However, the findings from this paper indicate that over and above these general
11 impacts, very specific governance failures *within* the fisheries sector, result in distinctive
12 impacts for the SSF in South Africa (Ostreich et al., 2019).
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17 Firstly, the fact that many fishers have been left out of the current SSF rights allocation
18 process resulted in thousands of these fishers being completely locked out and locked down,
19 unable to access marine resources at all. Instead, they faced increased challenges of arrest
20 and fines. Secondly, even though at the start of lockdown fishers in the Eastern Cape and KZN
21 were poised to start operating their cooperatives, they were largely thwarted due to poor
22 governance within the DEFF itself, rather than COVID-19 related lockdown impacts. Thirdly,
23 poor communication with other government departments and conservation authorities
24 resulted in unnecessary suffering for some fishers who lacked access to water and others who
25 were harassed or arrested by rangers and enforcement officials for fishing for food. This
26 reflects the long-standing absence of an inter-sectoral, collaborative and co-operative
27 governance approach to SSF. Fourth, fishers in the Western Cape who have yet to have their
28 rights recognised, were stuck in an on-going process of challenging and advocating for a
29 review of the implementation process. The Lockdown brought these processes to a halt and
30 these fishers were trapped yet again with an interim fishing permit. In addition, the collapse
31 of the international lobster market resulted in most of them losing their seasonal income from
32 this marine resource sector. There was no immediate relief or social protection for these
33 fishers, highlighting weaknesses in the SSF governance system but also the absence of a whole
34 of government approach in the case of a crises.
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41 The absence of labour and social protection mechanisms and the fact that even those SSF
42 fishers whose rights have been recognised on paper, are still not recognised officially as
43 workers, further illustrates the gap between the governance of SSF in this country and the
44 Guidelines for SSF (FAO, 2014) which highlight the need for a developmental, collaborative
45 approach precisely because they recognise the inter-dependent nature of the factors causing
46 SSF vulnerability. SSF fishers in South Africa, are still regarded as informal workers, or in the
47 case of unregistered fishers, are regarded as illegal fishers, even if they have customary fishing
48 rights (Sowman and Sunde, forthcoming).
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53 Despite policy commitments to collaborative, cooperative governance (DAFF, 2012), the DEFF
54 continues to adopt a top-down, 'one size fits all' approach to the governance of SSF. This was
55 most apparent in the blanket approach to the COVID-19 Regulations and the failure of the
56 department to tailor its response in accordance with the needs of SSF fishers in different
57 contexts. The absence of a mechanism for co-management and on-going representation of
58 fishers in governance was most glaring and meant that an opportunity for real inclusive,
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1 adaptive governance was missed. DEFF insists on retaining centralised control of the SSF
2 despite the evidence that there is a mismatch between the realities of fishers on the ground
3 and the rigid, overly bureaucratic and centralised approach to policy implementation
4 (Sowman and Sunde, 2021, forthcoming).
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6 All of these different contextual factors that preceded or collided with the onset of the
7 pandemic served to intensify the struggles of SSF under COVID-19. Most importantly, they
8 reveal intra-sectoral and intra-departmental governance weaknesses that exacerbate an
9 external shock such as the pandemic. This contrasts with much of the fisheries-related
10 literature that has emerged post the onset of the pandemic, which focuses on the direct
11 impacts of the COVID-19 lockdown on fishers in the context of pre-existing vulnerability (FAO,
12 2020; Bennett, 2020). In contrast, the findings from this overview of the impacts of COVID-19
13 on SSF in South Africa, suggest that like other poor, black South Africans, the majority of SSF
14 were vulnerable to the health and socio-economic impacts of the pandemic, but the
15 persistent governance failures within the fisheries system are the main source of vulnerability
16 and stress on the SSF fisheries system.
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22 Despite these challenges, SSF in South Africa have demonstrated a measure of resilience
23 during the current COVID-19 pandemic and there are signs of important shifts in their
24 engagement with the state and collaborative work with other civil society partners that may
25 ultimately strengthen the sector's ability to transform. At local level reports surfaced of
26 increased solidarity across coastal communities, with SSF fishers playing a significant role in
27 creating and supplying pop-up food kitchens. Women leaders played a critical role in lobbying
28 fisher associations and the government to ensure that fishers could travel up the coast and
29 that fish was distributed to poor communities (Hilda Adams pers. comm., 2020). A well-
30 established fisher project using ICTs to empower fishers in the marketplace was able to pivot
31 from a restaurant-based market to a local community-based fishery which enabled the sale
32 of fish in poorer, rural areas to be cross-subsidised by direct sales to more affluent consumers
33 in urban areas (ABALOBI, 2020⁴). New networks of fishers provided information and legal
34 advice and enabled groups of fishers to get legal support, participate in some online meetings
35 and challenge their exclusion (Snow and Pereira, 2020). Although some fisher organisations
36 have sought alliances with other small-scale producers, informal workers and civil society
37 partners during the pandemic to advocate for food security, social protection and a socially
38 inclusive budget (Informal workers Statement, 2020), it remains to be seen if they will be able
39 to maintain these strategic alliances and build solidarity with organised social movements on
40 a more lasting basis without further input from NGOs, researchers and other civil society
41 groupings.
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49 **7. Conclusions and Recommendations**

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51 The COVID-19 crisis has exposed the fault lines in the current SSF governance system in South
52 Africa, and the inadequacies in the execution of policies that seek to ensure the realization of
53 fundamental human rights. This review of the impacts of the COVID-19 pandemic on the SSF
54 sector has revealed not only the depth of the government's ill preparedness to cope in a crisis
55 of this nature, but the weaknesses and gaps in the existing process of SSF policy
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60 ⁴ See Daily Maverick <https://www.dailymaverick.co.za/article/2020-04-09-go-fish-the-covid-19-edition/>
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1 implementation. Contrary to the commitment to a developmental, human rights-based
2 approach to SSF, there is an obvious mismatch between policy rhetoric and the actual
3 approach to fisheries governance and management. A narrow interpretation of the policy
4 leading to the exclusion of thousands of fishers gaining access rights, failure to create
5 participation platforms for fishers, lack of social protection mechanisms and poor co-
6 operative governance have contributed significantly to the vulnerability of SSFs to this
7 unexpected health crises. As a consequence, the pre-existing vulnerability of SSF fishing
8 communities has been greatly exacerbated by the COVID-19 pandemic and the governance
9 inadequacies within the fisheries sector have been laid bare.

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13 Whilst emergency aid and short-term social protection interventions are critically needed
14 now, these will not address the deep structural and systemic inequalities and injustices facing
15 SSFs. Rather, there is an urgent need for broad, national level transformation to deal with the
16 poverty and injustices facing poor coastal communities, as well as fisheries-specific policy
17 reform. The food system and value chain needs to be re-orientated to create the jobs,
18 redistribute benefits and value-adding, that local communities need. The responses and
19 initiatives by local fishers, in particular women leaders, as well as various research groups and
20 NGOs to support fishers deal with the impacts of the pandemic need to inform strategies to
21 address vulnerabilities and build resilience in coastal communities. To enable this, there will
22 need to be extensive capacity building and strengthening of local level organisations within
23 the SSF sector. Government needs to create the necessary platforms at local, provincial and
24 national level to engage fishers and involve them in decision-making, not only in fisheries but
25 also in the governance of basic services, food security, managing risks and hazards as well as
26 Blue Economy initiatives. Opportunities for civil society organisations to provide support in
27 implementing the SSF policy need to be created and the private sector needs to demonstrate
28 its commitment to corporate social responsibility and solidarity.

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36
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Author Statement

Merle Sowman - Conceptualised paper, was involved in training fishers for survey, analysis of certain themes, wrote sections of paper and edited the final paper.

Jackie Sunde - Contributed to conceptualisation, trained fishers to conduct survey, analysed selected data, prepared draft paper for circulation to team and integrated comments.

Taryn Pereira - Commented on and added insights to draft paper.

Bernadette Snow - Commented on and added insights to draft paper.

Anna James - Commented on and added insights to draft paper.