

**Draft Wild Fisheries Sector Plan:
Input for Marine Spatial Planning (MSP)**

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Introduction:

I. Purpose of Marine Sector Plans as part of MSP

Marine Sector Plans specify the overall development objectives and priorities of each marine sector, where Fisheries as a whole are considered a sector, for the coming two decades from a national point of view. **It should be noted that this is a first iteration and is not final or binding.**

They specify and outline the spatial claims and interests of each sector for South Africa's marine area as a whole – the “spatial ask” of each marine activity and interest. This includes proposed zones and spatial regulations including their location and extent.

The Marine Sector Plans therefore summarise the national spatial and sector priorities that each marine sector would like to see translated into the Marine Area Plans across the Marine Planning Areas as part of the coming Marine Area Plan development processes. The Marine Planning Areas encompass the area between the high-water mark (landmass boundary line) and the exclusive economic zone as seaward boundary.

The Marine Sector Plans are therefore not the integrated Marine Area Plans.

Rather, they are critical inputs for the next step of developing integrated cross-sectoral Marine Area Plans. As such, the Marine Sector Plans serve as the sectors' proposals that will then need to be further discussed and negotiated across sectors and in multi-actor constellations as part of the Marine Area Plan development.

II. Logic of Marine Sector Plans and Marine Area Plans

Each of the various Marine Sector Plans follows the same structure, which comprises of the following sections:

- Part 1: Background and context
- Part 2: Sector development objectives
- Part 3: Sector development guidelines
- Part 4: Proposed marine zones and spatial regulations
- Part 5: Maps
- Part 6: Future outlook

Each Marine Sector Plan is developed on the basis of the spatial management system approach that applies for MSP (see gazette no. 42657, notice no. 1090 from 23. August 2019). This approach foresees a spatial management system that consists of:

- a) general development guidelines
- b) sector development guidelines, and
- c) a zoning scheme with spatial regulations.

This uniform approach to area-based management will provide for coherence and consistency across all Marine Sector Plans and, eventually, all four Marine Area Plans.

The system builds on South Africa's spatial planning approach on land in terms of regulation of uses and defined zones for particular uses. While the general development guidelines are broad enough to apply to all Marine Area Plans, sector development guidelines may vary between Marine Area Plans to accommodate the social, economic, and ecological differences of each of the four Marine Planning Areas and to meet distinct Marine Area Plan objectives. The principles of the zoning scheme will also apply throughout all Marine Sector/Area Plans, although the precise details of the zones regarding spatial regulations and their allocation in space will obviously vary.

a) General development guidelines

The purpose of the general development guidelines is to provide a framework for planners and sectoral decision-makers to enable sustainable ocean development throughout the Marine Planning Areas. Guidelines of this nature are essential for achieving South Africa's vision for sustainable ocean use and the Marine Spatial Planning goals (see the National MSP Framework, gazette no. 42657, notice no. 40860 from 26. May 2017). The final set of general development guidelines will be developed in close consultation with all relevant stakeholders during the preparation of the Marine Area Plans.

b) Sector development guidelines

In addition to the general development guidelines, sector development guidelines will be developed for specific maritime sectors in the respective Marine Planning Areas. Their aim is to promote the sustainable development of the respective sectors in line with (national and sub-national) sector objectives (e.g. as already specified in sector policies, strategies or plans, or as specified in dedicated consultation processes). They will be based on the best available science. As in the case of general development guidelines, the full complement of objectives and associated development guidelines for maritime sectors will be developed in collaboration with the respective stakeholders during the preparation of the respective Marine Sector Plans and, eventually, the Marine Area Plans.

Like the general development guidelines, sector development guidelines will apply throughout the entire Marine Planning Area, irrespective of any zoning scheme and sector prioritisation that may additionally apply.

c) Zoning scheme

“Zone” in the context of the zoning scheme of the Marine Area Plans means a defined category of sea use that is shown on the map for the Marine Area Plan. Zones will be delineated using coordinates and depicted on a map as a schematic representation.

Zones go beyond the general and sector development guidelines in that they pre-define desired combinations of use for specific marine areas. They are arranged in the Marine Planning Areas in such a way as to enable the best possible pattern of use that can be obtained at the time, based on the best available evidence at the time and stakeholder interests. Zones allow priorities to be set for certain uses and activities based on criteria such as suitability, compatibility, and desirability, and can be used to restrict activities in certain marine areas. The advantage of a zoning scheme is a more coordinated spatial approach that minimises conflicts, creates greater transparency for developers and investors, and makes processes such as licensing more efficient.

Zones reflect the general and sector development guidelines to the best extent possible in that they provide for detailed spatial regulations.

Zones and their regulations are based on the following types of use:

- Primary use is an activity that is given priority in a particular zone. Other activities are only allowed in the zone if they do not impede the primary use.
- Consent use is an activity that is compatible with the primary use of the zone, and which can be approved in a primary use zone under specified conditions.
- Prohibited use is an activity that is not allowed in the zone as it would impede the primary use.

Zones and their regulations will be defined as part of Marine Area Plan development processes based on consultation of all public and private stakeholders with an interest or mandate in the (respective) Marine Planning Area.

The regulations of each zone do not replace existing sector regulations for specific uses (e.g. marine protected area regulations, fisheries regulations, UNCLOS, port regulations). Rather, their specific purpose is to guide development and, in some cases, complement the existing regulations on a spatial

planning level. In particular, any licensing that may impact the environment still needs to go through an EIA. EIAs will need to also consider the regulations set out in the respective zoning scheme.

The zones that can apply in South Africa's Marine Area Plans are based on current and prospective uses and activities. The zones are justified on the basis of the sustainable development needs and objectives of maritime sectors and human interests. They intend to ensure and enable:

- preferred access to key areas and resources for marine users (e.g. key fishing areas, known geological resources, suitable areas for the anchoring of ships),
- a safe operating environment for industries (e.g. for mining, marine aquaculture, or marine tourism operations, or to avoid the historically dumped ammunition becomes a danger to other uses),
- protection, and in some cases, enhancement of the resources or features the sector or interest requires (e.g. nursery and spawning grounds, bio-diverse areas, marine species threatened by extinction, migration routes of marine species),
- sustained provision of the marine (and coastal) ecosystem services harnessed by marine users (e.g. clean water, food, cultural, spiritual, recreational).

It is against this background that each of the Marine Sector Plans will propose, where needed and sensible, zones and regulations as well as their locations. These zones will serve as the basis for developing the negotiated Marine Area Plans.

Zones are named for their respective primary uses. In a Mining Zone, mining constitutes the primary use; in a Marine Aquaculture Zone, marine aquaculture constitutes the primary use and so on. Consent and prohibited uses are specified for each zone depending on compatibilities with the primary use.

The types of zones may change with changing requirements, the development of new (co-) uses, or in line with the specific needs of a particular Marine Planning Area.

Areas not zoned (for) in Marine Planning Areas are general use areas. This means no priority is given to a specific use in such areas. Uses and activities may overlap in these areas but are not conflicting enough to warrant zoning. Re-zoning may occur in the future as Marine Area Plans are updated to accommodate changes in use necessary to meet developmental needs of the country at the time. The mechanism and timescale for revising Marine Area Plans will follow the requirements outlined in the MSP Act (Act No. 16 of 2018).

Zones are delineated and arranged in Marine Planning Areas based on:

- the natural conditions and environmental opportunities and constraints of the Marine Planning Area,
- the distribution of key resources within the Marine Planning Area (e.g. geological resources),
- existing spatial allocation and regulations within the Marine Planning Area (e.g. marine protected areas, areas closed for certain types of fishing),
- specific sectoral needs and constraints within the Marine Planning Area, and
- opportunities for co-location and synergy between uses and activities.

Developing and agreeing on a zoning scheme is an essential element in the preparation of a Marine Area Plan. As in the case of general and sector development guidelines, the zoning scheme itself – together with more detailed definitions of the primary uses (if required), as well as the consent and prohibited uses for each zone (including the conditions under which consent uses can be approved in a primary use zone) – will be developed in close collaboration with all relevant public and private stakeholders during the preparation of the Marine Sector Plans, and, eventually, the Marine Area Plans. A particular concern of the planning process is to ensure that marine activities are aligned with terrestrial activities and that this is reflected both in terrestrial and marine area plans (e.g. aligned zoning schemes).

Once a Marine Area Plan comes into force (anticipated in 2025), the zoning scheme will be binding to all sectors in line with the regulations that apply for each zone.

The knowledge baseline for all Marine Sector Plans is detailed in the National Data and Information Report (NDIR, 2021), which will inform the development of the sector development objectives and guidelines as well as the delineation and arrangement of proposed zones in the Marine Planning Areas.

The NDIR gives a description of how the different sectors are currently using the South African ocean space and how they intend to continue using the ocean space in the future in order to meet their sectoral objectives. The document draws together sectoral information in order to generate a better understanding of the current and future interests of relevant marine activities in the South African marine space. In doing so it conveys a multi-sector perspective and serves as the foundation for the development of Marine Sector Plans and, eventually, the Marine Area Plans in South Africa. It also collates all information on existing legislation as well as spatial layers that are needed to embark on spatial planning.

Part 1: Background and context

Fishing is the oldest, and most widespread use in the marine waters of South Africa. The country is a net exporter of wild capture fishery products, one of the leading capture fisheries nations in the world and the 2nd largest on the African continent. The sector has considerable social, cultural, and economic importance to the country. Importantly, it provides a renewable source of income and food.

Fisheries contributes roughly R9bn, which equates to roughly 0.1% of the country's GDP. Fisheries is however more important for economic development in the Western Cape where 11 of the 13 proclaimed fishing harbours are situated. These contribute more than 5% to Gross Provincial Domestic Product. It is estimated that the direct employment in the industry constitutes at least 41,000 jobs, while an additional 81,000 people are indirectly (net building, bait preparing, etc.) employed in industries that are at least partially dependent on the fishing sector. In 2017, the annual value of exports exceeded imports by USD 174 million, with imports valued at USD 424 million and exports at USD 598 million.

South Africa has well-established wild capture fisheries that includes three components: commercial, recreational, and small-scale. Whereas the commercial component harvests marine species for commercial gain, the recreational component is restricted to harvesting of marine resources for leisure or sport and not for sale, barter, earnings, or gain. Although a subsistence component was originally conceived to ensure food and (limited) livelihood security this has effectively been superseded by the small-scale component which represents a towards management approaches which emphasise community orientation and establishes mechanisms and structures for community-based catching, harvesting, and managing marine living resources by the sector and to the allocation of fishing rights to small-scale fishers. The small-scale fishing sector is expected to directly benefit approximately 30 000 people from coastal communities.

the productive waters of the west coast support a variety of commercially exploited marine life, including hake, anchovy, sardine, horse mackerel, tuna, snoek, rock lobster and abalone, on the east coast, squid, linefish and a wide range of intertidal resources offer an important source of food and livelihood for coastal communities.

The commercial fishery component is well established and has 22 recognized commercial sectors. The major industrialised sectors, bottom trawl (hake), midwater trawl (horse mackerel), offshore west coast rock lobster and purse seine (sardine & anchovy), overlap marginally in waters ranging from 50m to 900m deep and their effort is relatively consistent across the area. Wide-ranging sectors such as large pelagics (tuna & swordfish) and boat-based line fishing (geelbek, snoek, kob etc.) occupy their footprint in a variable manner, dependent on weather, season, and availability of migratory stocks. The inshore sectors which are virtually coastal (shallower than 50m) have a greater degree of overlap, e.g. inshore west coast rock lobster, abalone, line fishing, recreational fishing and harvesting of intertidal

invertebrates. Except for the large pelagic sector, South Africa's fishing occurs shallower than 1000m, representing a relatively small proportion of the EEZ.

To offload and process the catch, all the fishing sector components use and depend on the country's ports and harbours around the coast, which are the necessary logistical, processing, and marketing hubs for the sectors.

In 2020, the Status of the South African Marine Fishery Resources reported on 61 fish stocks which are variously harvested by different sectors. At the time, the assessments indicated that a total of 61% of stocks were considered not to be of concern, while 39% of stocks were of concern. These figures indicate an improvement over the past eight years, with 46% of stocks being considered not to be of concern in 2012, 49% in 2014, and 52% in 2016. This stock status is the result of different pressures, such as fishing and environmental fluctuations, and past management practices. The aim of sustainable management is to have resources that are in an optimal state and that are fished at optimal levels. However, historical over-fishing may have reduced some stocks to depleted or heavily depleted levels and rebuilding these stocks could be attempted by reducing fishing pressure. Such rebuilding can take several years or even decades as the rate of recovery is dependent both on the biology of the species concerned and on natural recruitment fluctuations. Additionally, short-lived species (e.g. anchovy and squid) typically show high levels of recruitment variability that can result in substantial inter-annual fluctuations in population size; these could lead to the status of that resource changing from being depleted in one year to being optimal in the next. As such, there are also uncertainties in relation to the stock status that are underpinned by insufficient or conflicting data and data-poor resources respectively.

The main challenge in fisheries is to create a balance between maximising the social and economic potential of the fisheries industry, protecting the integrity and quality of the country's marine and coastal ecosystems and linked processes that sustain the resources harvested, and addressing transformation and social equity requirements in the sector. Additionally, climate change is leading to impacts that affect the sector such as shifts in species distribution.

South Africa is a member of several regional fisheries management organisations and related international treaties, which South Africa has ratified, whose objective is the management and conservation of shared fish stocks. These include but are not limited to the Agreement on the Conservation of Albatrosses and Petrels (ACAP), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tunas (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the International Whaling Commission (IWC), the South-East Atlantic Fisheries Organisation (SEAFO), and Southwest Indian Ocean Fisheries Commission (SWIOFC).

Both the sector's development objectives and guidelines are based on national policies, and on relevant legislation and respective regulations, including but not limited to the following:

- Marine Living Resources Act (Act No. 18 of 1998) and regulations promulgated
- Marine Living Resources Amendment (Act 5 of 2014)
- Policy for the Small-Scale Fisheries Sector in South Africa (2012)
- General Policy on the Allocation of Commercial Fishing Rights (2021 Gazette 45504)
- 2019 Declaration of Marine Protected Areas under Act 57 of 2003
- 2019 Regulations for the Management of Marine Protected Areas under Act 57 of 2003
- Act 87 of 1963 - Territorial Waters Act
- Act 98 of 1977 - Territorial Waters Amendment Act
- Maritime Zones Act 1994
- Convention on Biological Diversity (CBD)
- Convention on the Protection of the Underwater Cultural Heritage

The Sector development objectives and Guidelines that follow are proposed as a starting point for discussion with stakeholders.

Part 2: Sector development objectives

The Marine Living Resources Act (Act No. 18 of 1998) and Marine Living Resources Amendment (Act 5 of 2014) when read together specify the following objectives and principles:

- (a) The need to achieve optimum utilisation and ecologically sustainable development of marine living resources;
- (b) the need to conserve marine living resources for both present and future generations;
- (c) the need to apply precautionary approaches in respect of the management and development of marine living resources;
- (d) the need to utilise marine living resources to achieve economic growth, human resource development, capacity building within fisheries and mariculture branches, employment creation and a sound ecological balance consistent with the development objectives of the national government;
- (e) the need to protect the ecosystem as a whole, including species which are not targeted for exploitation;
- (f) the need to preserve marine biodiversity;
- (g) the need to minimise marine pollution;
- (h) the need to achieve to the extent practicable a broad and accountable participation in the decision-making processes provided for in this Act;
- (i) any relevant obligation of the national government or the Republic in terms of any international agreement or applicable rule of international law;
- (j) the need to restructure the fishing industry to address historical imbalances and to achieve equity within all branches of the fishing industry.
- (k) the need to promote equitable access to and involvement in all aspects of the fishing industry and, in particular, to rectify past prejudice against women, the youth and persons living with disabilities;
- (l) the need to recognise approaches to fisheries management which contribute to food security, socio-economic development and the alleviation of poverty; and
- (m) the need to recognise that fish may be allocated through a multi-species approach.

Part 3: Sector development guidelines

Fisheries: Sector development guideline no.	Guideline
F: SecDG1	In order to achieve optimum utilisation and ecologically sustainable development of marine living resources marine planners and decision makers should ensure: <ul style="list-style-type: none">● That fishing opportunities and activities are safeguarded wherever possible, especially in historically fished areas.● Protection of areas with significance to (vulnerable) stocks, particularly for juvenile and spawning stocks through introduction and continuation of area closures, and where appropriate.● Improved protection of key habitats that support fisheries and protection of healthy fish stocks for environmental and socio-economic reasons.

F: SecDG2	<p>The following key (precautionary) factors should be considered when deciding on uses of the marine environment:</p> <ul style="list-style-type: none"> ● Compare the ability of fishing in that area to achieve inclusive economic growth, employment creation, and a sound ecological balance consistent with the development objectives of the national government. ● Limit the environmental impact on fishing grounds (such as nursery, spawning areas), commercially fished species, habitats, and species more generally. ● Recognise the potential effect of displacement on fisheries, i.e. food security, use of fuel; socio-economic costs to fishers and their communities and other marine users.
F: SecDG3	<p>Departments responsible for the installation of infrastructure should seek to engage with fishing stakeholders at an early stage to discuss any changes in infrastructure that may affect them:</p> <ul style="list-style-type: none"> ● Any developments in the ports and proclaimed fishing harbours should take account of the needs of the dependent fishing fleets with a view to avoiding commercial harm where possible. ● There is a presumption in favour of maintaining the infrastructure critical to sustaining the fishing industry, provided there is an ongoing requirement for it to remain in place and that it continues to be fit for purpose. ● The need to minimise marine pollution.
F: SecDG4	<p>The national and local authorities as well as fishing and processing right holders should work together to maximise benefit to communities from the sector and its development, e.g. through creation of jobs, allocation of fishing rights, or sustained livelihoods and food security. Promoting equitable access to and involvement in all aspects of the fishing industry and, in particular, to rectify past prejudice against women, the youth and persons living with disabilities</p>

Part 4: Proposed marine zones and spatial regulations

Type of zone	Spatial regulations	Justification
Proposed Priority Fishing Zone	<p>The Proposed Priority Fisheries Zones (see part 5, Figure 1) is composed of four Areas:</p> <p>I: Fisheries Intensive Areas II: Fisheries High Use Areas III: Fisheries Moderate Use Areas IV: Fisheries Limited Use Areas</p> <p><u>I & II: Fisheries Intensive & High Use Areas</u> In the Fisheries Intensive and High Use Areas (see part 5), priority is given to harvesting of marine organisms by multiple fishing sectors.</p>	<p>The four Areas which comprise the Proposed Priority Fisheries Zones have been calculated using the 19 pressure maps created for the National Biodiversity Assessment (NBA) in 2018. This single layer represents all fishing activities from Subsistence harvesting to Pelagic longlining.</p>

	<p>The following uses are prohibited in the area as they would impede the primary use and conflict with the sector’s management objectives:</p> <ul style="list-style-type: none"> ● Anchoring ● Ballast water exchanges ● Dumping at sea ● Mineral and petroleum resources exploration and exploitation ● Mining ● Naval training ● Navigational dredging or dumping of dredged materials ● Sewage and other industrial coastal discharge that may impact food safety <p>The following activities are regulated in the area as they could impede the primary use. They can be approved as consent use:</p> <ul style="list-style-type: none"> ● Marine Aquaculture ● Recreational Diving <p><u>III: Fisheries Moderate & Limited Use Areas</u></p> <p>The following uses in the area would require consent as they would impede the primary use and conflict with the sector’s management objectives:</p> <ul style="list-style-type: none"> ● Dumping at sea ● Mineral and petroleum resources exploration and exploitation ● Mining ● Navigational dredging or dumping of dredged materials ● Sewage and other industrial coastal discharge that may impact food safety <p>All other activities not specified above are allowed in this zone given their principal compatibility with the primary use, provided that relevant sector regulations are complied with by users and safe navigation is adhered to.</p> <p>Passage through fishing areas by marine tourism operators or other recreational users is allowed under the condition that a minimum safe distance (to be specified site-specific during the forthcoming marine area plan development) is kept with respect to any fishing activities.</p>	<p>The layers were accumulated as for the NBA and represent a comprehensive and established method of spatially representing fishing.</p>
<p>Fisheries Support Zones</p>	<p>This zone is comprised of existing areas which are closed either permanently or seasonally to one or more fishing sector, as specified in permit conditions. Some of these areas overlap with longstanding coastal Marine Protected Areas. The offshore Marine Protected Areas are not shown here. The map (Figure 2) presented in part 5 is not considered exhaustive.</p>	<p>These zones ensure habitats that support fisheries, spawning aggregation, and nursery grounds.</p>

Part 5: Maps

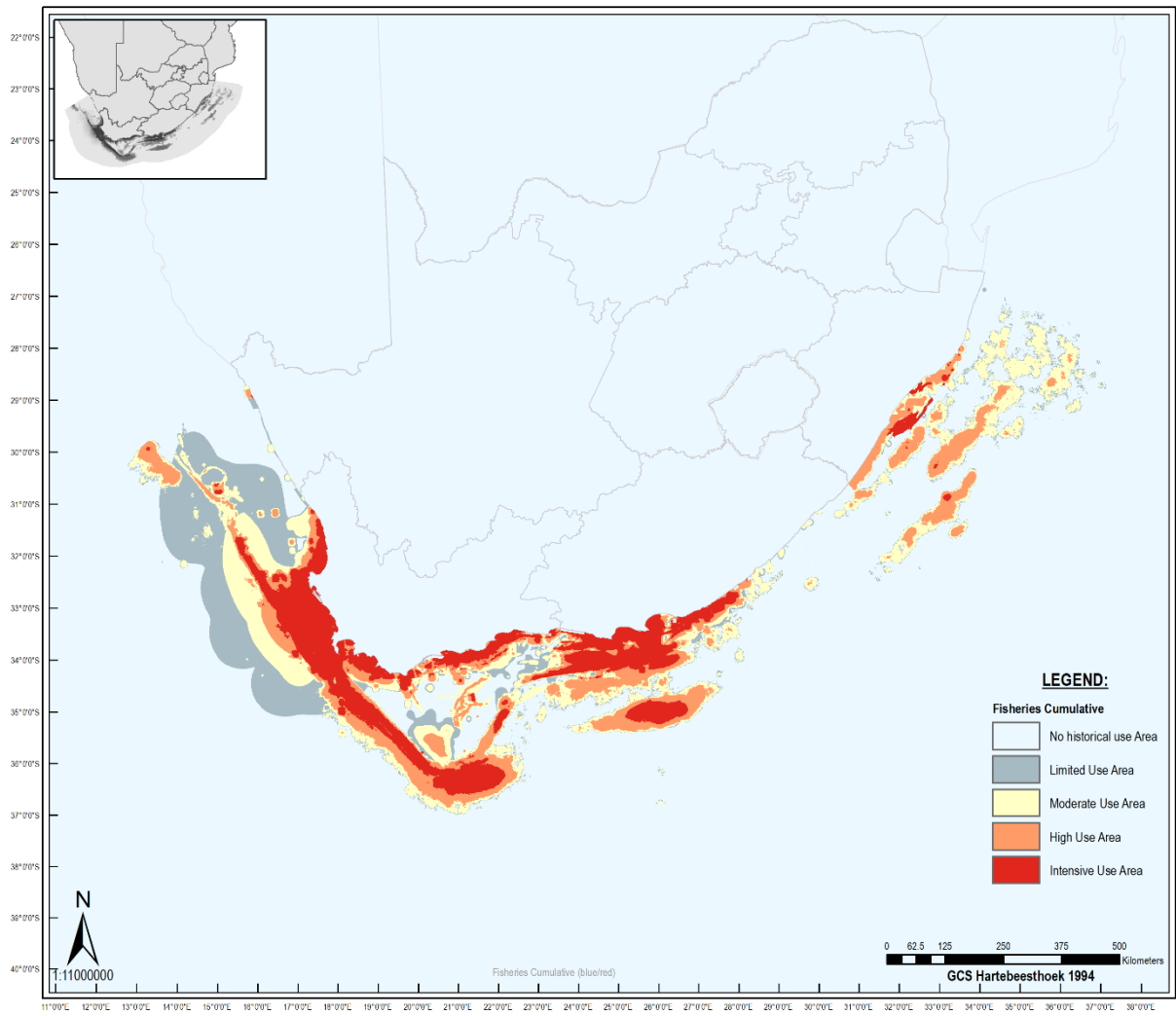


Figure 1: Map of proposed Fishing Priority Zone with different Use Areas.

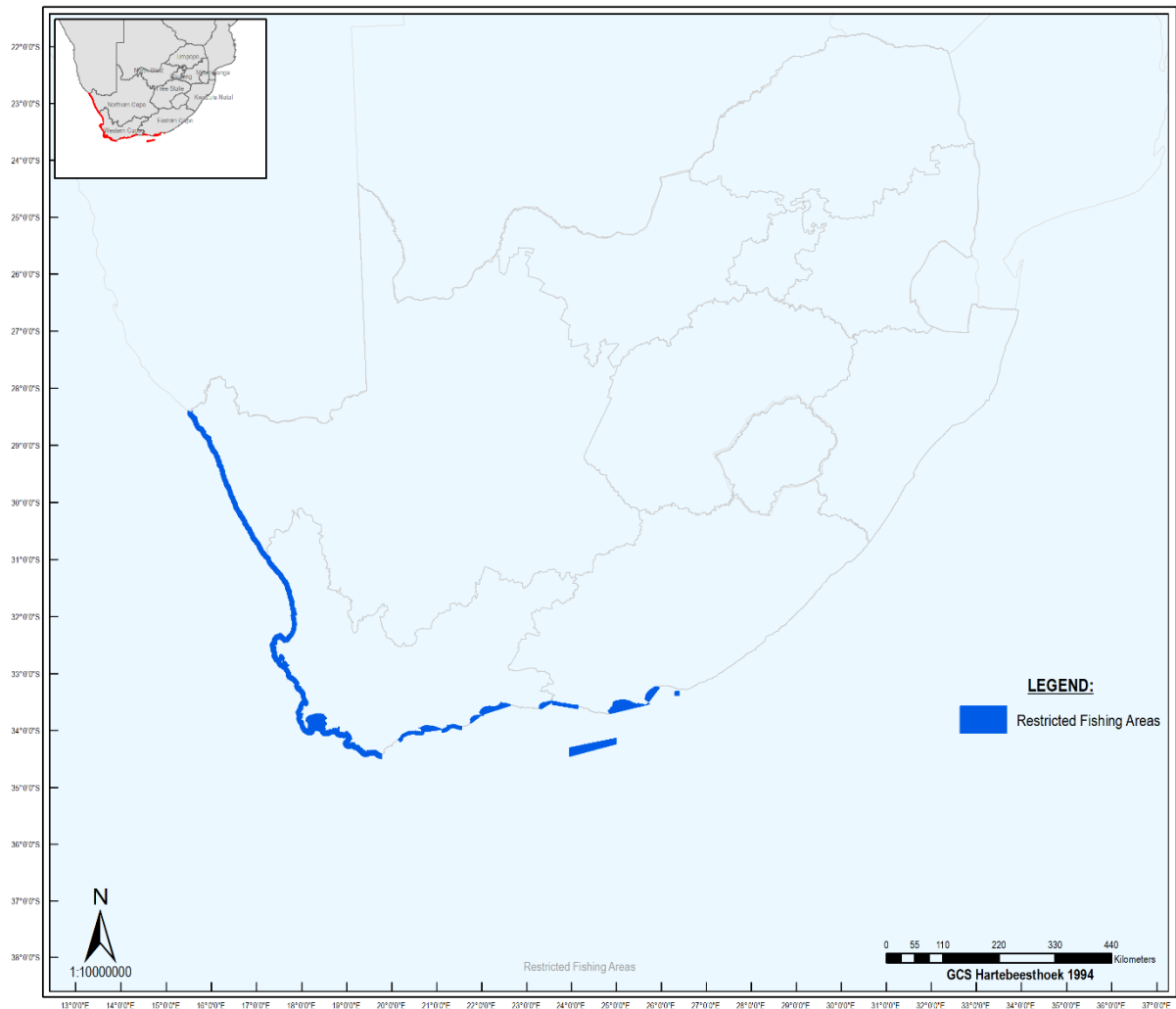


Figure 2: Map of proposed Fisheries Support Zone

Part 6: Future outlook

Fishing will continue to be a widespread user of South Africa's marine living resources and ocean space. Its critical role for the social, cultural, and economic development of the country will persist.

National, regional, and global demand for safe, healthy, and sustainable food from the sea will likely increase with population growth. The government will continue to support the fishing industry to optimise fish quota opportunities and to increase value, both in landings and the processed product through improved marketing and supply chain efficiency. The sustainable utilisation of fisheries will continue to have an impact on marine ecosystems, habitats, biodiversity, protein production and the historic environment. However, the government will continue to strive towards an ecosystem approach to fisheries, with sustainable and resilient fish stocks, minimised damage to fragile habitats, and strengthen synergies with environmental protection interests over coming years. These may lead to changes in spatial fishing patterns and entail significant developments in the scientific evidence base for managing fisheries.

It is also likely that the fishing industry will have increasing interactions with other marine users, especially the marine mining sector. The challenge will be to maintain fish stocks for future generations and provide an environment which enables harmonious co-existence between fishing and other users and activities.