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Blue Justice for Small-Scale Fishers in South Africa: Shifting From Co-Management to Co-Governance

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Abstract

This article critically examines the impact of the Policy for the Small Scale Fisheries Sector in South Africa on small-scale fishers (SSFs). It centres SSFs' lived experiences, structural barriers to participation, and opportunities for more just and sustainable ocean governance. By recognising small-scale fisheries as relational systems embedded in community, place, and tradition, the article challenges narrow economistic framings prevalent in dominant blue economy discourses. Despite the progressive aims of the Policy to redress historical marginalisation, integrate SSFs into the formal economy, and promote co-management, many fishers remain excluded from decision-making processes, legal recognition, and access to marine living systems. Drawing on in-depth interviews with SSFs over a two-year period and a comprehensive literature and legal review informed by legal pluralism and blue justice scholarship, the article demonstrates how persistent governance challenges undermine SSF livelihoods, food security, and cultural identities. These challenges include exclusion from marine protected areas, marginalisation within marine spatial planning processes, and limited recognition within blue economy initiatives. The authors call for a shift away from tokenistic forms of co-management toward community-based co-governance arrangements that recognise customary fishing rights, embed Ubuntu principles, and advance redistributive justice. We argue that integrating restorative justice and Indigenous governance systems into statutory frameworks is essential for achieving blue justice, equity, sustainability, and long-term resilience in South Africa's small-scale fisheries sector.

Keywords

artisanal fishing; blue economy; customary rights; ocean governance; ocean stewardship; restorative justice; small-scale fisheries

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1. Introduction

This morning, you set out to sea with a small-scale fisher (SSF) called Pieter. It is early in his tiny fishing village on the west coast of South Africa. Fog lies thick on the water as you step into his small ski-boat. As he starts the motor, you smell fuel, salt, fish, and kelp. By the time you reach the fishing grounds, the sun has burned the fog away. Pieter may call himself a small-scale or subsistence fisher, but ultimately, he simply wants to fish and feed his family. Since the introduction of the Policy for the Small Scale Fisheries Sector in South Africa (hereafter SSF Policy; Department of Forestry, Fisheries and the Environment [DFFE], 2012), these labels determine whether his daily fishing activities are considered legal in the eyes of the state.

Pieter inherited his ski-boat from his father, who taught him to fish. Yet, to fish legally as proposed by the SSF Policy, he had to join a fishing co-operative with others in his town, creating new challenges because many fishers were never trained to run co-operatives. Pieter worries about his children's future and the survival of his community's way of life.

The small-scale fishing sector in South Africa plays a crucial role in supporting coastal communities, providing livelihoods, sustaining cultural heritage, and ensuring food security. It is characterised by traditional, low-technology practices, with SSFs operating small row or motorised vessels or fishing from shore using hand lines, nets, and traps (Sowman & Sunde, 2021). Today, the sector is largely organised through co-operatives, but historically it consisted of individual fishers who depended on marine living systems—rather than merely "resources"—for subsistence and trade (Sowman & Sunde, 2021). The sector remains vital for local economies, cultural identity, and biodiversity stewardship. Similar dynamics are evident among small-scale fishing communities worldwide, where questions of access, recognition, and sustainable resource use raise comparable concerns about governance and justice (Chuenpagdee & Jentoft, 2015). Situating the South African case within this global small-scale fisheries literature underscores its relevance beyond the national context. According to Isaacs, Hara, et al. (2022), there are approximately 147 fishing communities, 29,233 subsistence fishers, and 28,338 fisher households in South Africa, although poor record-keeping makes exact figures difficult to confirm. SSFs are therefore not merely stakeholders, but rightsholders, knowledge holders, and agents of coastal governance.

Historically marginalised under Apartheid-era policies, SSFs faced limited access to fishing rights, forced removals from the coast, competition from industrial fisheries, and environmental pressures such as climate change and declining stocks (Norton, 2014; Sowman, 2015; Sunde & Erwin, 2020). They remained legally unrecognised until a 2007 Equality Court ruling (*Kenneth George and Others v. Minister of Environmental Affairs and Tourism*, 2005) created a legislative and policy framework that formally included them and acknowledged their socio-economic rights (Sunde & Erwin, 2020).

Following a lengthy process, the SSF Policy was published in 2012 (Sowman & Sunde, 2021). Two years later, the Marine Living Resources Act (MLRA; Republic of South Africa, 1998), which had previously ignored SSFs, was amended to the Marine Living Resources Amendment Act (MLRAA; Republic of South Africa, 2014), formally recognising them and their rights to fish (see Figure 1; Sowman & Sunde, 2021). Government-established co-operatives became the primary vehicle for allocating rights and promoting economic empowerment. However, these new legal structures also created serious constraints.

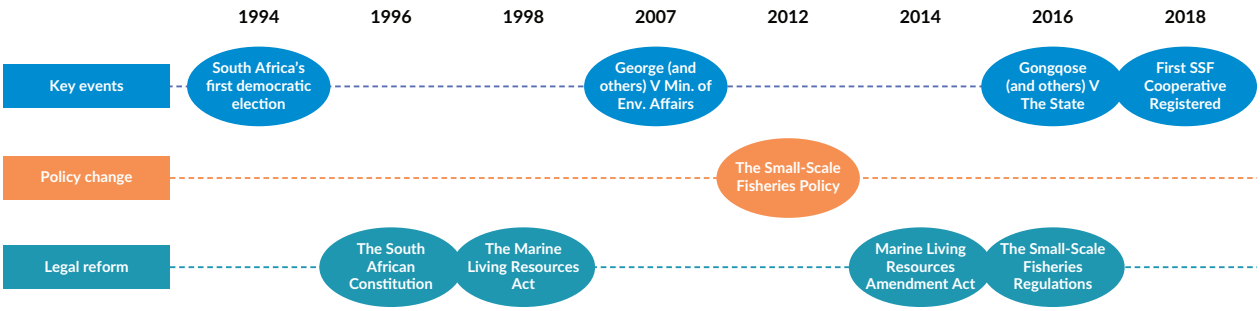


Figure 1. Important policy events related to the small-scale fisheries sector in South Africa. Source: Adapted from Moshani (2020).

At the time, the SSF Policy was widely seen as progressive. It included objectives linked to poverty reduction, food security, local development, preferential access to marine living systems, and support for value addition and post-harvest activities (Cochrane et al., 2015). Yet thousands of SSFs were excluded from drafting it, and many who received rights still struggle to understand what species or areas they may legally access. Fourteen years later, the sector "is in disarray, with major implementation and definitional problems" (Sowman & Sunde, 2021, p. 1). Inadequate training, poor infrastructure, and limited support have left co-operatives struggling economically and socially (Sowman & Sunde, 2021).

These outcomes reflect more than bureaucratic inefficiency. They reveal a contradiction between the transformative promise of the policy and the neoliberal logic of its implementation. By forcing co-operatives into formal market systems without sufficient resources or recognition of customary governance institutions, the state weakened the agency of SSFs. This raises fundamental questions about whose knowledge, values, and governance systems are recognised in contemporary ocean governance.

This research aimed to support SSFs by documenting their experiences of the impact of the SSF Policy (DFFE, 2012). It examines challenges faced across 10 fishing communities along South Africa's coastline in realising fishing rights, while identifying opportunities for co-management and autonomy in stewarding food systems and the ocean and coast. This article offers a broader reflection through the lens of blue justice and co-governance, contributing to the reimagining of fisheries governance in South Africa. Specifically, the article undertakes a structured analysis of literature, policy, and place-based engagements with SSFs to ask how existing governance arrangements enable or constrain their rights, and what a shift from co-management to co-governance would require in practice.

2. Literature Review

This section presents a thematic literature review that situates the article conceptually, drawing on scholarship on SSF livelihoods, justice, and ocean governance to establish why governance and management arrangements for small-scale fisheries matter (Sections 2.1–2.4). This differs from the systematic literature and legal review described in Section 3.1, which explains how sources were identified, searched, and analysed as part of the article's methodology.

2.1. SSF Livelihoods, Well-Being, and Culture Inextricably Linked

For many fishing communities across South Africa, whether they identify as small-scale, subsistence, artisanal, traditional or customary fishers, there is an inextricable link between people, livelihoods, well-being, and culture, shaped by generations of dependence on (and interdependence with) the ocean and its creatures for survival, social cohesion, and spiritual practices (Isaacs, 2006; Mather et al., 2017; Norton, 2014; Sowman et al., 2014). For these communities, fishing is not merely an economic activity but a way of life, providing food security, income, and a sense of belonging rooted in ancestral and customary traditions (Isaacs, 2006; Sowman et al., 2014). These fishers' well-being is closely tied to their access to the ocean and their continued ability to pass on traditional and local knowledge, uphold customary practices, and engage in individual and communal forms of labour and sharing (Sunde & Erwin, 2020). SSFs have a strong connection to the natural world, and the degradation of, or loss of access to, the ocean threatens their livelihoods (Sowman, 2015).

Terminology in this field is not fixed, and the distinctions between subsistence, small-scale, artisanal, customary, and commercial fishers vary across contexts (see Chuenpagdee & Jentoft, 2015, for a global overview). In the South African context, subsistence fishers fish primarily to meet food and basic livelihood needs, with no obligation to sell their catch; SSFs fish commercially on a small scale, typically from small vessels or the shore, and are recognised under the SSF Policy as eligible to hold collective fishing rights through registered co-operatives; and commercial fishers hold individual, often larger-scale, rights allocations outside the SSF Policy framework (Sowman & Sunde, 2021); customary, artisanal, or traditional fishers are those whose claims to marine resources are grounded in long-standing, often Indigenous or ancestral, use and governance systems that may or may not be formally recognised in statutory law (Sunde & Erwin, 2020). These categories frequently overlap in practice, and, as our findings show (Section 4.3), many fishers move between them or resist being reduced to a single legal label. A fishing co-operative, as introduced under the SSF Policy, is the legal entity through which groups of SSFs must organise to be allocated and manage collective fishing rights. Co-operatives are established and registered by the DFFE; however, the state has provided limited financial or technical support to help co-operatives function as viable businesses once registered (Section 4.2).

2.2. Exclusion of SSFs From Ocean Governance and Conservation

Inequality in South Africa is "structural and systemic, created and reproduced over centuries of colonialism, Apartheid, capitalism and patriarchy, as well as heteronormativity, ableism and a host of other intersecting power relations" (Albertyn, 2018, p. 452). This lengthy legacy of inequity and injustice extends to the management of marine living systems (Sunde, 2016).

Unfortunately, many conservation efforts, including zoning initiatives within marine protected area (MPA) or marine spatial planning (MSP) processes, fail to appreciate the contributions or concerns of SSFs (Chuenpagdee & Jentoft, 2015). In some cases, conservation agencies consult the public and local fishing communities for their inputs regarding management plans or proposed developments, but these processes often fall short of meaningful change that benefits SSFs (Sowman, 2015). Disruptions to marine access—whether through restrictive policies, exclusion from rights allocation, or coastal development—threaten not only their economic stability but also their way of life and identities (Sowman & Sunde, 2018). Recognising

and protecting these linkages is vital for a truly equitable and sustainable fisheries governance system in South Africa.

SSFs in South Africa are also increasingly marginalised by the development of MSP and blue economy initiatives, which often privilege conservation, tourism, and industrial sectors over the customary and livelihood-based rights of coastal communities (Sowman & Sunde, 2024). MPA processes and ocean economy industry development such as oil and gas exploration have failed to meaningfully include SSF communities (e.g., Shell's failure to consult coastal communities when prospecting for oil and gas, *Sustaining the Wild Coast NPC and Others v. Minister of Mineral Resources and Energy and Others*, 2022), resulting in the spatial and political exclusion of fishers from traditionally accessed marine areas (Rivers et al., 2023; Sowman et al., 2023; Strand et al., 2022). These exclusionary dynamics are intensified by top-down planning, lack of free, prior, and informed consent, and the imposition of MPAs that disregard traditional fishing grounds (Sunde & Isaacs, 2008). MSP frameworks, developed with limited local engagement, often fail to recognise customary marine tenure and local ecological knowledge, leading to conflict and displacement (Strand, 2023; Strand et al., 2022). Similarly, the 30x30 Convention on Biological Diversity conservation target is increasingly implemented in African contexts with minimal interrogation of socio-political implications, including the reproduction of "fortress conservation" under new global metrics, with insufficient safeguards for customary marine tenure, food security, and cultural survival (Peer et al., 2022).

Moreover, the development of South Africa's blue economy strategy (DFFE, 2022) has exacerbated the marginalisation of SSFs by favouring large-scale industries such as offshore oil and gas, port expansion, and industrial aquaculture, often without adequate environmental or social safeguards (Isaacs, Ginindza, & Mhlanga, 2022). Framing the ocean as an "untapped economic frontier," as blue economy plans, strategies, and policies in both global and South African contexts often do (Cohen et al., 2019), has encouraged the reductionist narrative of the ocean as a space purely for capitalist extraction, often sidelining fishers' cultural and livelihood connections to the sea. Despite rhetoric of inclusion, SSF communities are rarely beneficiaries and/or decision-makers in these processes and receive little recognition of their contributions to sustainable resource use (Boswell & Thornton, 2021; Isaacs, Ginindza, & Mhlanga, 2022). This approach reinforces historical injustices by reproducing patterns of exclusion and marginalisation rooted in Apartheid-era ocean and fisheries management (Sowman, 2006). The cumulative impact of these processes undermines the socio-economic rights of SSFs and threatens the resilience of coastal communities (Sowman et al., 2023).

2.3. Need for Restorative Justice

To adequately consider the historical dimensions of injustices and inequalities faced by SSFs in South Africa and pursue blue justice as a contextual and dynamic goal that adequately considers dimensions of equity, we need to centre restorative justice.

Restorative justice, as distinct from purely retributive or distributive approaches, is concerned with repairing harm, restoring relationships, and enabling healing between those affected by historical wrongdoing and the systems or actors responsible for it (Forsyth et al., 2021). Within environmental and natural resource governance, restorative justice has been applied to questions of land restitution, reparations for conservation-induced displacement, and the recognition of customary rights curtailed under colonial and Apartheid-era law (Besthorn, 2004; Forsyth et al., 2021). In small-scale fisheries research specifically,

restorative justice is increasingly discussed alongside related justice framings, including distributive justice (the fair allocation of access and benefits), procedural justice (fair and inclusive decision-making), and recognitional justice (respect for diverse identities, values and knowledge systems; Chuenpagdee & Jentoft, 2015). This article draws primarily on restorative and recognitional justice framings, given their relevance to the historical dispossession described below, while remaining attentive to the procedural and distributive dimensions of justice that recur throughout our findings (Section 4).

The realities of displaced coastal communities under colonial and Apartheid rule were marked by economic disenfranchisement, loss of cultural identities, and marginalisation. Towards the late 1980s, Black and Coloured communities along the coastline represented some of the poorest, politically and socio-economically marginalised communities in South Africa (Isaacs, 2013). The variety of racist spatial and conservation laws displaced communities from Indigenous land, denied communities the right to access marine spaces and resources, and tore the cultural fabric of coastal societies across South Africa (Isaacs, 2019; Mbatha, 2018; Ntuli, 2019). Coastal communities, particularly those in the Eastern Cape and KwaZulu-Natal, have deep spiritual and ancestral connections to the ocean, viewing it as a source of sustenance, spiritual connection, and cultural heritage (Pereira & Erwin, 2023; Strand et al., 2022). Forced removals severed these ties, leading not only to mistrust by marginalised coastal communities toward conservationists and authorities, but also deepening intergenerational trauma and the erosion of local fishing livelihoods and Indigenous knowledge systems related to sustainable ocean governance. Restorative justice argues that the long-lasting impacts of injustices should not continue or contribute to other forms of injustice and involves assessing "how to hear the voice of and foster healing for those harmed without creating a disabling and harmful situation for another" (Besthorn, 2004, p. 34).

Restorative justice is not only enshrined in South Africa's Constitution but also informs the SSF Policy, which proposes a community-based approach to managing marine living resources, including co-management that requires the devolution of some decision-making authority to SSFs (DFFE, 2012). Unfortunately, this essential tool lacks implementation and is considered only an option in other relevant legislative instruments like the MLRA (Republic of South Africa, 1998) and the Regulations Relating to Small-Scale Fishing (Republic of South Africa, 2016).

2.4. Conceptual Framework: Blue Justice, Co-Management, and Co-Governance

This article is guided by three interrelated concepts: blue justice, co-management, and co-governance. Blue justice emerged from SSF movements and scholarship concerned that blue economy and ocean conservation agendas were reproducing, rather than resolving, historical injustices experienced by small-scale fishing communities (Isaacs, 2019). It calls for the recognition of SSFs as rights-holders, the redistribution of access and benefits, and the inclusion of fishers' knowledge and voices in decisions that affect their livelihoods and territories (Isaacs, 2019). We use blue justice as an overarching lens through which to interpret the governance challenges documented in this article, understood as encompassing the distributive, procedural, recognitional, and restorative dimensions of justice introduced above (Section 2.3).

Within this justice lens, we distinguish between co-management and co-governance—concepts often used interchangeably in policy documents but carrying distinct implications for where authority sits. Co-management refers to arrangements of joint responsibility, typically involving consultation and the

collaborative implementation of decisions that remain ultimately vested in the state (Baron-Aguilar et al., 2025; Paul, 2022). Co-governance, by contrast, refers to joint authority, in which communities and government share not only implementation but also the making of strategic decisions, and hold shared ownership and stewardship over ocean and coastal areas (Baron-Aguilar et al., 2025; Paul, 2022). In essence, co-governance is concerned with who decides, while co-management is concerned with who implements (Baron-Aguilar et al., 2025). South Africa's SSF Policy (DFFE, 2012) and its supporting legislation reference co-management, but, as our results (Section 4) and discussion (Section 5) show, do not extend to co-governance. We use this distinction throughout the article to analyse the extent to which current governance arrangements devolve authority, rather than merely responsibility, to SSFs.

3. Methods

3.1. Literature Review

A systematic approach to identifying, analysing, and synthesising South Africa's ocean governance during and after Apartheid was employed, focusing on experiences of SSF communities. Engaging with African and South African scholarship, guided by a Pan-African and decolonial lens, we critically interrogated historical and contemporary injustices embedded in ocean governance structures.

Structured literature searches were conducted using databases, including Google Scholar, Primo search, and university repositories. Search terms included keywords such as "South Africa," "ocean governance," "small-scale fisheries," "marine protected areas," "colonialism," "Apartheid," "decolonisation," "blue justice," "Ubuntu," "locally managed marine areas," and "fisheries management." Peer-reviewed journal articles, book chapters, government reports, and civil society publications addressing the intersection of governance regimes and histories in South Africa's coastal and marine sectors were prioritised, as were publications by South African scholars and scholars affiliated with South African institutions.

Literature interrogating South Africa's colonial and Apartheid histories and their entrenchment in ocean governance policies was examined, with attention to how historical injustices in land and resource dispossession translated into systemic exclusions in marine governance structures, manifesting in restrictive MPAs and exclusive fisheries management systems disproportionately affecting SSF communities. Literature reflecting the ways in which post-Apartheid governance reforms have either perpetuated or attempted to redress these exclusions was analysed to establish patterns of continuity and change. Themes identified through this literature and legal review directly informed the coding framework applied to our place-based engagements and interview data (Section 3.4), ensuring that the analysis of primary data was grounded in, and could speak back to, the conceptual and legal literature.

3.2. Legal and Policy Review

The SSF Policy (DFFE, 2012) provided for recognition and integration of the fisheries governance framework, emphasising equitable access, poverty alleviation, and community-based resource management. Following its adoption, the MLRAA (Republic of South Africa, 2014) formally recognised the rights and roles of SSFs in sustainable resource use and management.

A legal review of the rationale for the amendment of the MLRA, the subsequent adoption of the SSF Regulations (Republic of South Africa, 2016), and an assessment of the translation of SSF Policy objectives into enforceable legal measures was conducted, including the allocation of fishing rights and the designation of fishing zones. The review also considered how the National Environmental Management: Protected Areas Act (Republic of South Africa, 2003) affects SSFs' access to areas where traditional fishing grounds intersect with MPAs.

The review's objective was informed by the shared experiences and perspectives of SSFs and an understanding of what the law means for them in practice. Those insights and the legal framework analysis have shaped this article's recommendations.

3.3. Place-Based Engagements

The research informing this article, the historical, legal and policy review was informed by over six years of direct engagement with SSFs and coastal communities in South Africa's four coastal provinces (KwaZulu-Natal, Eastern Cape, Western Cape, and Northern Cape) in multiple capacities, including as researchers, members of civil society participating in state-led fisheries management and blue economy national public engagements.

Furthermore, this research was informed by more than a year's engagement in 2024/2025 with 159 SSFs across 10 fishing communities—Sokhulu and Nqutshini (KwaZulu-Natal), Coffee Bay, Alexandria, and Humansdorp (Eastern Cape), Vredenburg, Arniston, and Kleinmond (Western Cape), and Hondeklipbaai and Port Nolloth (Northern Cape; Figure 2)—with feedback sessions to validate and refine the findings and recommendations (Strand et al., 2025).

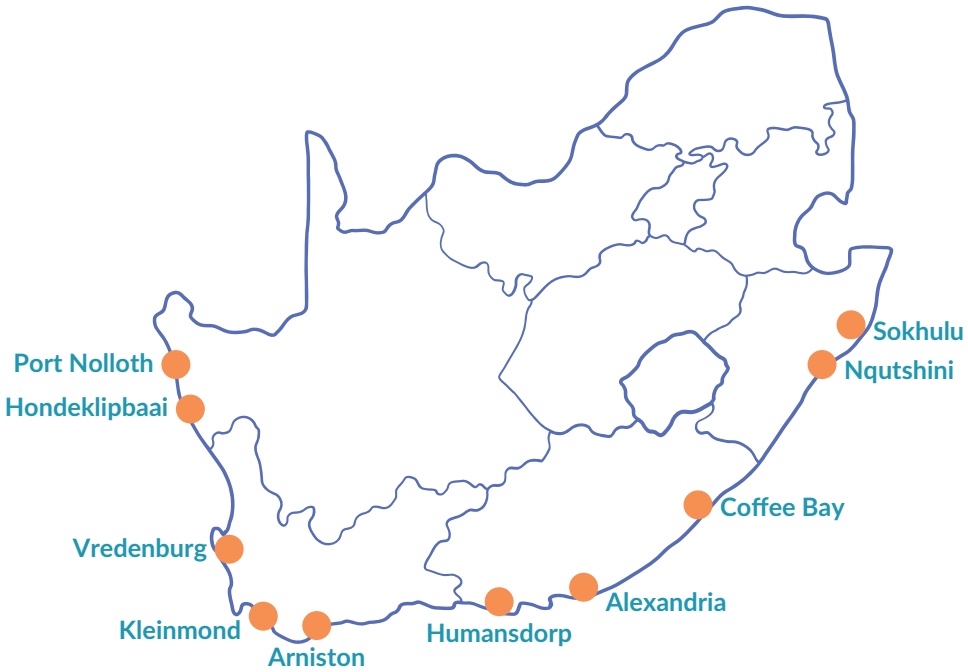


Figure 2. The 10 fishing communities engaged in 2024 and 2025.

3.4. Interview Sampling, Data Collection, and Analysis

Within the 10 fishing communities described above, in-depth, semi-structured interviews were conducted with SSFs, community leaders, and key informants (including co-operative chairpersons and, where relevant, DFFE officials) using a general interview guide developed collaboratively by the author team and refined through the authors' long-term engagement with these communities (Section 3.3). The guide covered fishers' experiences of the SSF Policy (DFFE, 2012) and its implementation, access to and exclusion from marine spaces, the functioning of fishing co-operatives, market access, and fishers' own understandings of co-management and self-governance.

Given the size and diversity of South Africa's small-scale fisheries sector, our sample was not intended to be statistically representative of all SSFs nationally or within each province; rather, communities and participants were purposively selected to capture meaningful variation across the four coastal provinces (Northern Cape, Western Cape, Eastern Cape, and KwaZulu-Natal) and across different fisher identities (subsistence, small-scale, and customary/traditional/artisanal), consistent with a qualitative, place-based research design. Further information about the demographics of people involved in this research can be found in a comprehensive report (Strand et al., 2025).

Interview data were transcribed and analysed thematically, using a coding framework derived from the themes identified in the literature and legal review (Sections 2 and 3.1–3.2) and refined inductively as new themes emerged from the data (Figure 3).

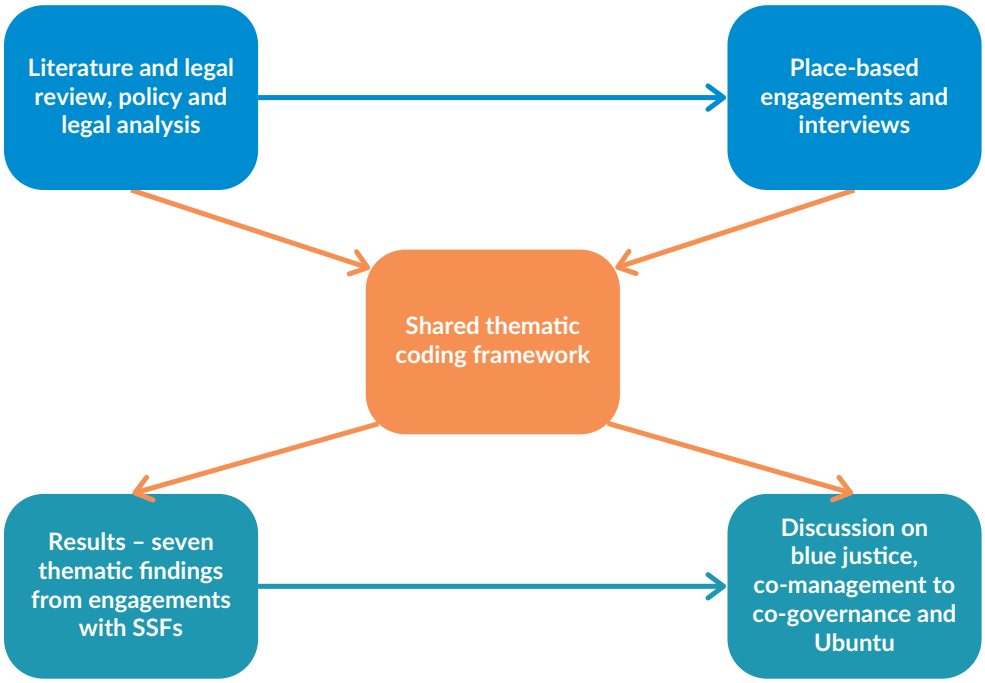


Figure 3. Overview of the mixed-methods approach, showing how the literature and legal review and the place-based engagements/interviews were combined, coded, and analysed to generate the results (Section 4) and discussion (Section 5).

4. Results

The results below draw primarily on our place-based engagements and in-depth interviews (Section 3.4); where findings are instead drawn from, or corroborated by, our literature and legal review (Sections 3.1–3.2), this is indicated explicitly in the text.

4.1. Continued Lack of Access to Coast

SSFs we engaged with continue to navigate the enduring legacies of Apartheid and colonialism, which manifest in various forms of structural and direct discrimination. Many communities face harassment from law enforcement and commercial fishing interests, reinforcing historical patterns of exclusion. Racism persists in the allocation of fishing rights, access to resources, and regulatory enforcement, and often disproportionately disadvantages Indigenous and historically marginalised fishers. Forced removals, once a hallmark of Apartheid spatial planning, still echo in present-day coastal development, conservation initiatives, and restrictive governance frameworks that displace fishing communities.

Fishers along the coast reported difficulty in accessing the ocean and coast due to conservation measures and mining operations, which limit their ability to fish. For many fishers, a lack of access to the ocean and coast is directly related to how MPAs and conservation areas have been designated and implemented over the decades. Many fishing communities in South Africa living adjacent to or within designated conservation areas were excluded from the consultation processes, or the processes did not take into consideration what communities were saying (Sowman & Sunde, 2018; Strand et al., 2026). As a result, many fisher communities feel that the way MPAs have been implemented in South Africa disregards the rights and needs of local communities. This was particularly the case in Sokhulu (iSimangaliso MPA), Nqutshini (uThukela MPA), Alexandria (Addo Elephant National Park MPA), and Hondeklipbaai (Namaqua National Park MPA). For fishing communities in the Northern Cape and KwaZulu-Natal, mining activities limit access to the ocean and coast.

4.2. Challenges With the Co-Operative System

The co-operative system poses many frustrations and challenges to SSFs, some of which have divisive and negative economic impacts on their communities. Instead of granting individual fishing rights (as in the commercial and subsistence sectors), the policy promotes a collective approach, where SSFs must form a community-based entity through which fishing rights would be received and collectively managed. The SSF Regulations (Republic of South Africa, 2016) subsequently identified a co-operative model (primary and secondary co-operatives) as the appropriate institutional form for such an entity, drawing on established practices in the agriculture and small-business sectors. The co-operative model therefore was intended to enhance economic sustainability, improve bargaining power, and enable community-based resource management.

However, most SSFs we engaged with felt that the co-operative system is exclusionary, is misaligned with locally established norms, and causes division within fishing communities. In Port Nolloth, Arniston, and Vredenburg, for example, SSFs shared that in order to form their co-operatives they were forced together, with little regard for their different views, preferences, or goals.

Fishers also explained that the co-operative system is indirectly increasing poverty. They explain that when members are added to co-operatives, basket limits are not increased and the money people earn from the co-operatives diminishes because the same amount of profit is spread across more people. This also causes conflict within communities when co-operative members refuse to let others join, for fear of earning less for their efforts. In Hondeklipbaai, where fishing is the main income and livelihood, this has resulted in conflict. In addition, many fishers feel they were set up to fail because they received little to no training from the government in establishing or running successful co-operatives.

While the SSF Policy (DFFE, 2012) was designed to be inclusive and explicitly recognises the roles of women and youth in small-scale fisheries, in practice, there are significant challenges that have led to their exclusion. The allocation of rights favours active fishers, and although some women do go to sea, many in the communities are involved in indirect fishing activities such as processing and marketing fish catches and supporting roles rather than directly fishing. With co-operatives requiring fishing history for registration as well as showing 10 years of fishing experience, many young people also find it difficult to enter the sector, even if they come from established fishing families.

Furthermore, there are several key policy and regulatory mismatches affecting SSF co-operatives. First, baskets, permits, total allowable catch, and total allowed effort are set without adequate engagement with fishers, undermining their ability to influence decisions that directly impact their livelihoods. Additionally, SSF co-operatives are often structured as businesses without sufficient financial resources or training, limiting their effectiveness. The vague commercial nature of co-operatives also often causes conflicts, disrupting existing community structures. Current co-operative structures also fail to recognise the diversity of organisations within the fishing community. Finally, licence conditions often contradict traditional fishing practices, creating regulatory barriers that do not align with realities on the ground.

4.3. The Need for Contextual Approaches

The current national-level, one-size-fits-all approach to small-scale fisheries management, both in the SSF Policy and the Regulations, is detrimental to all SSFs. Several context-specific experiences should be recognised in the Policy and Regulations. Firstly, particular attention must be paid to whether fishers identify as subsistence (i.e., Sokhulu), small-scale (i.e., Port Nolloth), traditional, or customary fishers, and adapt the implementation and regulations accordingly, as this has implications for fisher livelihoods, identities, and practices. Furthermore, fishers have had varying degrees of engagement with the DFFE concerning their rights, highlighting irregularities in implementation. We found that fishers from all provinces expressed challenges with adding people to co-operatives, delays from DFFE, and being issued permits that do not consider the local context regarding species and fishing methods. This, in addition to other impacts on fishing rights and practices, such as contextual challenges to access, needs to be considered in future policy, regulations, or implementation amendments.

4.4. Mismatch Between Policy, Regulations, and Realities

The SSF Policy reflects the State's constitutional mandate to achieve substantive equality and to transform the fishing sector. The policy provides a blueprint to ensure that SSFs' rights are recognised and upheld as the sector and its resources are developed and protected (DFFE, 2012, Section 1). The policy sets out

"a mechanism for the allocation of fishing rights to SSF communities and promotes equitable access to marine living resources for these communities" (DFFE, 2012, Section 2).

Essentially, the SSF Policy provides that, under an ecosystem approach, SSF resources must be managed "in terms of a community-based co-management approach that must ensure that harvesting and utilisation of the resource occurs sustainably" (DFFE, 2012, Section 1.3). To that end, it sets out decision-making principles, including, inter alia, recognising customary rights and promoting effective participation in policy development, management, and decision-making. Indeed, the policy's aims include improving access to marine living resources through mechanisms that allow preferential access for SSFs, including, where appropriate, designating strips of land as coastal access land to secure access, and informing the process of amending the MLRA (DFFE, 2012, Section 3.2).

Through the 2014 amendment to the MLRA (MLRAA, Republic of South Africa, 2014), SSFs were legally recognised as a sector entitled to fishing rights in line with the SSF Policy. This marked an essential milestone as far as implementation is concerned. The MLRAA (Republic of South Africa, 2014, Section 1) defines an SSF as follows:

> 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[s] in nearshore fishing grounds; (b) predominantly employ[s] traditional low-technology or passive fishing gear; (c) undertake[s] 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.

The SSF Regulations (Republic of South Africa, 2016), adopted in terms of the MLRAA, further lay out, inter alia, the process and procedure for the allocation of fishing rights (see Reg 2); the criteria for SSFs and SSF communities fishing rights allocations (Reg 4), which includes the problematic requirement that one who claims to be an SSF must have been involved in traditional fishing for at least 10 years (Reg 4(1)(c)); importantly, they also lay down procedures for the establishment of small-scale fishing areas and zones (Reg 5), and management of rights of access to resources (Reg 6). Essentially, the Regulations require, amongst other things, that the DFFE engage and consult with the SSFs before arriving at relevant determinations; and that the SSF communities "have representation at national, regional and local management structures as part of a co-management approach" (see Regs 6(1) & (7), respectively). Conspicuously absent from the Regulations is any obligation on the DFFE to facilitate economic development or provide financial assistance. In spite of significant policy and legislative recognition, the SSF sector is still grappling with implementation dilemmas.

Fishers also argued that the permitting system established in terms of the MLRAA (Republic of South Africa, 2014) and SSF Regulations (Republic of South Africa, 2016) is misaligned with fishing practices. The species that SSFs are allocated are often not viable for them to harvest or catch, either because the species are found too far offshore, fishing timeframes are too strict, or they lack the appropriate equipment (e.g., motorised boats). Fishers opined that government officials who set the regulations have no real-life experience as fishers and therefore do not understand what fishing requires. SSFs would like their knowledge and experiences to inform permit allocations for fishing co-operatives, especially as far as fishing contexts, fishing times, species, and access to fishing grounds are concerned. Indeed, SSFs in Hondeklipbaai, Nqutshini, Mandeni, and Coffee

Bay all reported facing significant barriers to fully benefiting from their fishing permits. While they are granted the right to fish, a lack of boats and access to launch sites severely limits their ability to operate independently with offshore fishing permits. Many fishers are also forced into exploitative arrangements with boat owners where they must give up 50% of their earnings, while fuel costs take another percentage, leaving them with only a fraction of their earnings.

The rigid working hours imposed on SSFs (typically from 8 am to 4 pm) fail to align with traditional fishing practices and the natural rhythms of the ocean. Fishers historically go out to sea as early as 3 am, timing their efforts with sunrise and tides when conditions are optimal. Regulations now force them to miss crucial fishing windows, reducing their overall catch. Additionally, these fixed hours often do not align with tidal patterns, making it impossible to harvest species like *kreef* (West Coast Rock Lobster).

4.5. Challenges in Accessing Markets

Fishers argue that the current lack of market access hinders the realisation of the rights afforded to SSFs under the SSF Policy. When the co-operative system commenced in 2019, the government assured fishers it would facilitate the process by putting marketers in place and helping with infrastructure, but fishers say this never happened. Practical challenges include a lack of processing, packing, and freezing facilities for fishers, as well as difficulties in finding and accessing markets for their products.

Corruption and lack of transparency compound the issues. Fishers report losses when selling their catch and note that their activities are tightly policed while commercial marketers seemingly do not face the same level of scrutiny. The fishers believe that it would be helpful if the government could get involved in ensuring SSFs have access to markets by building on the approach and work of organisations such as Abalobi—a South African social enterprise that provides a digital marketplace and traceability application connecting SSFs directly with buyers—that help SSFs build sustainable and successful businesses.

Fishers also highlighted structural flaws in the fish-products market. They note that farmers receive tax returns, subsidies, and compensation for crop losses, but fishers receive none of these financial safety nets, which they very much need.

4.6. SSF Policy Inadequately Implemented

Despite many believing that the SSF Policy reflects global best practice, many fishers and key informants argue that its implementation has fallen short of its promise. They identified practical shortcomings linked to lack of training, lack of information about SSF rights, lack of funding and guidance to support co-operatives in operating as commercial entities, lack of access to markets, and delays in accessing permits.

Furthermore, fishers note they do not get enough support from DFFE in terms of training on rights, permits, and how to establish and run fishing co-operatives. Moreover, highlighting inadequacies in implementation, and linked to uncertainty around permits, is the delay in issuing permits to SSFs. In addition, some fishing communities have experienced delays in their co-operatives' registration processes. Some communities, like Alexandria, say they have been waiting since 2016 to be registered as a co-operative. In 2019, they gave their co-operative a name and signed papers but have heard nothing from DFFE since then.

4.7. Call for Collaborative Governance

SSFs desire co-management approaches to fisheries. Despite the promising framework set out in the SSF Policy, co-management has not been implemented, particularly due to conflicting knowledge systems and different perceptions of what constitutes co-management.

In several places and regions (i.e., Sokhulu, Arniston, Port Nolloth, Coffee Bay), SSF communities expressed that the current approach to ocean and fisheries management does not align with Indigenous and traditional knowledge systems, which see the ocean and coast as integral to their way of life. Although customary law has remained resilient in parts of KwaZulu-Natal and the Eastern Cape (Feris, 2013; Mbatha, 2022), these often conflict with current national legislation and laws that perpetuate the idea that nature is something that needs to be protected from people through various approaches to fortress conservation.

Our engagement with key knowledge holders and fishers revealed a clear difference between how fishers and the government understand what "co-management" means. For most government agencies, conservation authorities, NGOs, and researchers, co-management is a process that ensures fishers have a seat at the table to contribute to processes that concern a specific area or place. Co-management is therefore curtailed to very specific processes, instead of any real, transformative, and meaningful management by fishers. For most fishers, on the other hand, co-management is understood as a process that facilitates their genuine leadership and ownership in decision-making processes, ensuring that the process is built on collaborative management with sharing of power and influence.

5. Discussion

To ensure that blue growth agendas do not replicate past inequalities but instead contribute to equitable and thriving coastal futures in South Africa, small-scale fisheries need to be understood and centred as relational systems embedded in community, place, and tradition. In line with this, we propose a shift from co-management to community-based co-governance arrangements that enable fishers to define their own operational models, which are embedded in Ubuntu principles, recognise customary fishing rights, and advance redistributive justice.

5.1. Fishers to Define Their Own Operational Models

The SSF Policy and the SSF Regulations specify that to be allocated fishing rights, fishers must organise into fishing co-operatives. One key recommendation is therefore to provide fishers the right to define their own operational models, including those who form part of the fishing community and how it is established. As shown above, the current regulations are exclusionary and anti-community.

5.2. Shifting Focus From Co-Management to Co-Governance

Due to the different, and sometimes conflicting, understandings of what constitutes co-management and the lack of opportunities for fishers to exercise their rights as stewards and custodians of the ocean and coast, one of the core recommendations emerging from this work is to ensure opportunities for community-based co-governance of ocean areas.

Under the SSF Regulations, the government is required to implement co-management structures for SSFs. However, this duty must be read in relation to other relevant legal instruments operating in the same environment. For instance, co-management with local communities is merely optional under the National Environmental Management: Protected Areas Act (Republic of South Africa, 2003). Interpretation and implementation of the provisions of these instruments need to be based on a shared understanding of what is meant by co-management, and may look different from one context to another. Such differences should be considered in legal frameworks. Ideally, co-management should be co-developed with fishers and local fishing communities.

However, to better realise the rights of SSFs and coastal communities and to move towards restorative justice, the focus should be on co-governance rather than co-management. Co-governance denotes joint authority over strategic decision-making, whereas co-management denotes joint responsibility for implementation only. The authors acknowledge that, given that co-management is not currently being implemented effectively, if at all, it may seem idealistic or premature to propose a further shift to co-governance, but we nevertheless argue this approach is needed if restorative justice is to be achieved.

5.3. Community-Based Co-Governance

Ideally, the conceptualisation of co-governance should be embedded in community-based co-governance structures. Variations of community-based co-management structures are proposed as recommendations involving partnerships between governments, local communities, fishing co-operatives, and other stakeholders toward sharing responsibility and authority for resources and space management and community well-being (d'Armengol et al., 2018). For instance, in the Philippines and Chile, community-based fisheries management has demonstrated success where governance structures recognise customary rights, ensure equitable participation, and provide legal security for resource users (Gelcich et al., 2009; Pomeroy et al., 2010). As it stands, co-management with local communities in some key South African legislative instruments is merely an option (terms such as "may" versus "must" in the legislation allows for ambiguity), one which is contingent only on the State finding it necessary (National Environmental Management: Protected Areas Act; Republic of South Africa, 2003). This is exacerbated in instances where historical SSF fishing grounds now fall within MPAs, limiting access and fishing rights.

At the heart of the SSF Policy is the notion that SSF resources should be managed "in terms of a community-based co-management approach that must ensure that harvesting and utilisation of the resource occurs in a sustainable manner in line with the ecosystems approach" (DFFE, 2012, Section 1.3). Certainly, and in principle, the DFFE is in favour of a co-management approach that requires the devolution of some management decisions to the fishing communities and the inclusion of provincial and local government (DFFE, 2012). Nevertheless, to give effect to co-management, DFFE needs to establish co-management agreements with SSF co-operatives.

Furthermore, the SSF Policy's co-management requirement is not clearly and adequately articulated in national legislation. Instead, the Policy makes a central recommendation towards the establishment of a community-based structure, which has largely been interpreted through the co-operative model (DFFE, 2012). This interpretation is rooted in the notion that co-operatives can provide collective ownership and benefit-sharing mechanisms among SSFs. However, the findings in this article illustrate that the practical

application of this model has often encouraged a capitalistic and neoliberal approach that inadvertently aligns small-scale fisheries with the operational aspirations of the larger industrial sector. While co-operatives are theoretically structured to enable communal participation and community-based economic empowerment, in practice, they have functioned primarily as small businesses that lack genuine community-driven impact and governance structures. This has led to an emphasis on market-driven strategies, individual economic success, and competition—elements more aligned with neoliberal economic models in industrial fisheries than with traditional community-based practices of shared resources, care, and collective well-being.

Moreover, while the Policy references co-management, in practice, its regulatory framework has facilitated the establishment of co-operatives while excluding pre-existing local governance institutions, such as subsistence linefish and mussel-harvesting committees in coastal communities like Sokhulu and KwaZulu-Natal (Moshani, 2020). The incorrect assumption that fishers identifying as "bona fide" SSFs are the only local and Indigenous fisher groups in a community erases the experiences and legitimacy of subsistence fishers and those who were not included in the Policy verification process.

5.4. Co-Governance Rooted in Ubuntu

The philosophy of Ubuntu, an ideology rooted in African societies signifying "I am because we are," provides a foundational perspective for approaching environmental management that highlights the inseparability of humans and the environment and, as such, their equal coexistence (Gade, 2011). While Ubuntu cannot be directly translated, this term rejects individualistic tendencies, acknowledges the value of every participant's contribution, and promotes shared anti-capitalistic stewardship of resources by advocating for a participatory governance structure where decisions are rooted in collective well-being rather than individualistic economic gain (Topidi, 2022).

Embedding Ubuntu in marine governance frameworks offers a model that balances statutory governance with customary systems, ensuring more inclusive and culturally relevant decision-making processes (Chipango & To, 2024). Additionally, Mbatha (2022) argues that it is essential to emphasise the role of Ubuntu and include it as a model, especially where it is embodied in local customary systems that govern access to and use of marine resources for livelihoods. This is particularly crucial in ensuring collective accountability in the context of plural governance systems, i.e., multi-level statutory governance and traditional authorities, which are governance frameworks leveraged by colonial and Apartheid systems historically in provinces such as KwaZulu-Natal and Eastern Cape (Mbatha, 2022; Zululand Land Delimitation Commission, 1903).

Although limited literature exists on its implementation, Ubuntu has been proposed as a foundational principle for South Africa's environmental law and governance, emphasising humaneness and interconnectedness with nature (Dube, 2023). This suggests that the principles of Ubuntu could be applied to a transformative framework for environmental and resource co-governance in coastal areas. In addition, this approach can not only create a spirit of collaboration toward a common good, but it also challenges the dominant neoliberal paradigm that prioritises economic gain through the commodification of natural spaces over social justice.

Read together with our conceptual framework (Section 2.4), these findings show why blue justice for South Africa's SSFs cannot be reduced to a single dimension. The exclusionary effects of mining and MPA proclamations documented in our results (Section 4.1) are as much a matter of blue (in)justice as the more widely discussed conservation exclusions, since both curtail fishers' access without free, prior, and informed consent. Future blue economy and MSP processes should therefore be assessed against the same justice criteria regardless of whether the driver is conservation, mining, or industrial development. Similarly, the conflict between statutory and Indigenous or customary knowledge systems documented in our results (Section 4.7) is itself a recognitional justice concern: Co-management arrangements that do not recognise fishers' knowledge systems as legitimate cannot deliver blue justice, however participatory their consultation processes appear. Ubuntu, restorative justice, and co-governance approaches are therefore best understood not as separate recommendations but as complementary elements of a single blue justice agenda: Ubuntu supplies the ethical orientation towards interdependence and collective well-being, restorative justice supplies the historical and reparative lens, and co-governance supplies the institutional mechanism through which redistributed authority could be exercised in practice.

6. Conclusion

Fourteen years after the adoption of South Africa's SSF Policy (DFFE, 2012), the promise of justice, recognition, and inclusion for coastal fishing communities remains only partially fulfilled. While the Policy marked an important legal and political shift by formally recognising SSFs as rights-holders, its implementation has too often reproduced historical patterns of exclusion through bureaucratic delays, rigid regulations, inadequate support, and governance systems poorly aligned with the realities of fishing communities. For many SSFs, rights on paper have not translated into meaningful access to marine living systems, secure livelihoods, or decision-making power.

Our findings demonstrate that the challenges facing SSFs are not isolated administrative failures, but symptoms of deeper structural tensions in South Africa's ocean governance. Colonial and Apartheid legacies continue to shape access to coastlines, resource allocation, and governance processes. At the same time, newer agendas such as MSP, biodiversity conservation targets, and blue economy strategies risk intensifying marginalisation when pursued without meaningful participation, restorative justice, or protection of customary tenure and livelihoods.

The compulsory co-operative model illustrates this contradiction clearly. Intended as a vehicle for empowerment, it has frequently generated conflict, exclusion, and economic insecurity where communities lacked training, infrastructure, and freedom to determine their own organisational forms. A one-size-fits-all model cannot adequately respond to the diverse identities, histories, and ecological contexts of fishing communities along South Africa's coastline.

This article, therefore, argues for a shift from symbolic inclusion to substantive power-sharing. Co-management, as currently interpreted, has often meant consultation without authority. What is needed instead is community-based co-governance in which fishers share real decision-making power over marine spaces, fisheries management, and local development pathways. Such an approach should recognise plural legal systems, customary institutions, and the lived expertise of those who have stewarded coastal ecosystems for generations.

Ubuntu offers a powerful normative foundation for this transformation. By centring interdependence, dignity, reciprocity, and collective well-being, Ubuntu challenges extractive and market-driven models that treat the ocean solely as an economic frontier. A just and sustainable ocean future for South Africa depends on reimagining governance not around control of communities, but in partnership with them. If SSFs are recognised not as obstacles to development, but as custodians of food systems, culture, and biodiversity, fisheries governance can move closer to equity, resilience, and healing. While grounded in the specificities of South Africa's history and legal framework, these findings speak to a wider global conversation about justice in small-scale fisheries and ocean governance. As coastal states worldwide pursue blue economic growth and marine conservation targets such as 30x30, the South African case offers a cautionary illustration of how co-management can remain symbolic without a genuine transfer of authority—and a set of principles, rooted in blue justice, restorative justice, and Ubuntu, that may be adapted by small-scale fishing communities and policymakers elsewhere.

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Conflict of Interests

The authors declare no conflict of interests.

Data Availability

The broader research report on which this study is based can be found at https://zenodo.org/records/22963401

LLMs Disclosure

The free version of Claude was used only to reduce word count.

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