

Title: **An appraisal of fisheries science and management after 14 years of democracy in South Africa**

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Abstract: The Constitutional imperative in South Africa after 1994 was to build a just and equitable order that would benefit its entire people's after centuries of social and legal privilege benefited ruling minorities. In 1998 new era fisheries legislation aimed to redistribute fishing access rights and reform the sector. The challenge was to take away from some and to give to others, such that fish stocks should not be compromised, social equity would be better served and yet to achieve this via democratic principles and upholding of the rule of law. Legal and social conflict was an inevitable consequence. False starts, administrative incapacity and new inequalities were given rise to. Inadequate political support, court challenges, including to the highest Constitutional court, followed from those who felt too little had been allocated their way and from those who felt too much had been taken from them. By 2008 the conflict was still not settled. How can monopolistic features of a modern, high investment industry, able to maximize the value of its product be maintained in part but at the same time meet fishing community expectations and return historic rights in a new dispensation, but one that enshrines capitalist principles. We examine the effect of the allocation of long term rights in South Africa and the state of marine science and marine resources fourteen years into the new dispensation. The paper is a first attempt to draw a dispassionate environmental balance sheet in this complex set of competing factors. Are marine resources the inevitable loser in battlefield field of human accommodations?