

South Africa



UK seafood industry imports from South Africa 2018*		
	Value, £	Weight, tonnes
Hake	4,652,451	1150
Squid	460,690	81
Other Fish	86,672	15
Tuna	27,000	11
Warm Water Shrimps & Prawns	22,457	11
Lobster	53,740	4
Monkfish	29,888	4

*Source: Her Majesty's Revenue and Customs (HMRC).

Introduction

This report is part of a series of country risk profiles that are designed to provide an understanding of the social risks associated with source countries that play a key role in the UK's seafood industry. Each report covers risks related to the production and processing of wild catch and aquaculture seafood products.

This report covers issues such as forced and child labour, working conditions, and impacts of the industry on local communities; and the mitigation efforts and regulatory frameworks put in place to address these issues.

This country risk profile has been compiled by Verisk Maplecroft on behalf of Seafish. Information on issues has been collated from publicly available sources, varying from international rankings and ratings, research by academics and other organisations, through to media articles. It has been prepared for general information only. You should not rely solely on its contents; always verify information from your own suppliers in your own supply chain. References for all information sources are provided.

Overview

Although South Africa is considered a relatively small producer of seafood compared to other major exporting countries, it is the third largest seafood exporter in Africa.¹ Government figures indicate that total fisheries production is approximately 680,000 tonnes per year, with the hake industry accounting for more than half of that figure. Major seafood exports from South Africa to the UK include hake, squid and tuna.

Social Risks

A shortage and persistent underfunding of labour inspectors raise occupational health and safety (OHS) risks.

The ILO has repeatedly raised concerns about the capacity and funding of the labour inspectorate in South Africa – the country boasts one-sixth of the ILO's recommended number of inspectors.² The employment and labour minister announced in July 2019 that he would add 200 inspectors to the force, but to focus on the implementation of the national minimum wage, rather than OHS violations. Moreover, President Ramaphosa has reoriented the labour ministry's aims towards job creation, rather than the protection of existing workers. These two facts suggest that UK companies sourcing from South Africa will continue to be exposed to OHS concerns in their supply chains over the medium term.

At-sea and onshore fish processing workers are exposed to hazardous working conditions. Health problems among fish processing workers have been attributed mainly to safety risks, excessive noise levels and low temperatures, and bacterial and parasitic infections. These commonly result in fatal or non-fatal injuries, noise-induced hearing loss, skin infection and sepsis, as well as allergic respiratory diseases. Unions protect the right to a safe environment for sea-going employees, who benefit from their own Bargaining Council and ensuring the industry complies with the South African Maritime Safety Authority (SAMSA) health and safety regulations.³ Onshore fish processing workers are less protected, however. Similarly, the issue is compounded by a dearth in labour rights investigation officers.

A new framework to address issues of forced labour is unlikely to be robust enough to combat foreign-perpetrated trafficking in persons. Foreign male forced labour victims have been discovered in fishing vessels in South Africa's territorial waters. Local NGOs estimate 10 to 15 victims of labour trafficking disembark each month in Cape Town.⁴ Equally, the 2019 US Department of State's Trafficking in Persons report listed South Africa as in the Tier 2 watch list.⁵

In response, on 2 May 2019, the South African Department of Justice, alongside the United Nations Office on Drugs and Crime (UNODC), launched a national policy framework to prevent and combat the trafficking of persons. The framework is intended to bolster existing anti-trafficking legislation and improve responses to trafficking.⁶ However, it is unlikely to focus explicitly on the fishing industry, given there are reports of labour trafficking across multiple sectors in South Africa, many of which are easier to police than the offshore fishing industry.

This said, the Global Slavery Index in 2018 established a list of the seven countries most at risk from modern slavery in their fishing industries, and South Africa did not feature. This implies that globally, South Africa does not rate as highly as other fishing locations.⁷

There is a high risk of industrial action in the fishing industry. Fishing unions are very active in South Africa, reinforced by strong freedom of association rights. Industrial action for companies sourcing from South Africa could result in profit losses, contractual disputes and delayed deliveries. According to the South Africa Deep-Sea Trawling Industry Association (SADSTIA), the deep-sea hake trawling sector, South Africa's largest fishery, and the predominant export fish to the UK market, employs 7,300 fully unionised workers out of a total of 30,000. Others are part-unionised.⁸

High levels of unionisation in other private sectors has resulted in production stoppages. A recent five-month strike in the mining sector at Sibanye-Stillwater's gold mines cost the company up to USD100 million in lost production.⁹ A concentration of employees in the Western Cape province – around 90% of the people directly employed in the commercial fisheries sector in South Africa are located within the Western Cape province – raises the stakes for potential industrial action.¹⁰ The reallocation of long-term rights for 12 commercial fisheries, scheduled for 2020, could provoke strike action if rights are altered for large employers.

The government is committed to reforming the lacklustre economy through job creation, particularly in the marine economy. A likely target for development is the hake fishery. One of their focus points is the sustainable development of the 'oceans economy', through Operation Phakisa. According to the government, the ocean's economy has the potential to contribute up to R177 billion (GBP9.27 billion) to gross domestic product (GDP) and create just over one million jobs by 2033.¹¹

South Africa's economy is highly reliant on commercial hake fishing. According to the industry body, SADSTIA, fishing companies that catch hake for local and international markets contribute R6.7 billion (GBP365 million) to the South African economy annually.¹² Additionally, just under 12,000 of the 30,000 workers are involved in some way in hake fishing, and the hake industry accounts for more than half of the value of South Africa's commercial fisheries.¹³

Regulations and risk mitigation

Further amendments to the Maritime Labour Convention (MLC) improve crew safety and welfare for South African seafarers. In addition to the numerous health and safety matters that the MLC requires should be considered, there are added 'problems arising from harassment and bullying'. These changes are not mandatory, although flag states must give thought to implementing them.

The South African government has not comprehensively investigated human trafficking in the fishing sector. Traffickers exploit foreign male victims from countries such as Cambodia, Thailand and Indonesia aboard fishing vessels in South Africa's waters. Each month, NGOs estimate that 10-15 victims of labour trafficking disembark in the capital city.¹⁴

ILO Fishing Convention showing its worth in Cape Town after the first fishing vessel was detained due to poor working conditions. The provisions were ratified and came into force in 2017 and in June 2018, the owner of the 380-ton vessel was forced to revise the working conditions, following a series of complaints by the crew.¹⁵

International conventions and rankings

The following tables indicate which international labour conventions South Africa has ratified. The ratification of these conventions is a good indicator of a source country's commitment to enforcing internationally accepted best practices in the seafood industry when combined with thorough national legislation and well-resourced enforcement mechanisms. While these lists are not exhaustive, they cover major conventions that are most relevant to the seafood industry.

International Labour Organization (ILO) Conventions	Ratification
Freedom of Association and Protection of the Right to Organise (No. 87)	Yes
Right to Organise and Collective Bargaining (No. 98)	Yes
Forced Labour (No. 29)	Yes
Abolition of Forced Labour (No. 105)	Yes
Equal Remuneration (No. 100)	Yes
Discrimination (Employment and Occupation) (No. 111)	Yes
Minimum Age (No. 138)	Yes
Worst Forms of Child Labour (No. 182)	Yes
Hours of Work (Industry) (No.1)	No
Weekly Rest (Industry) (No.14)	No
Protection of Wages (No. 95)	No
Minimum Wage Fixing (No.131)	No
Occupational Safety and Health (No. 155)	Yes
Occupational Health Services (No. 161)	No
Labour Inspection (No. 81)	No
Private Employment Agencies (No. 181)	No
Maritime Labour Convention (No. 186)	Yes
Work in Fishing Convention (No. 188)	Yes

United Nations (UN) Conventions	Ratification
Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Yes
Convention against Transnational Organized Crime	Yes
Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others	Yes
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No
Convention to Suppress the Slave Trade and Slavery	Yes
Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery	No

Other Conventions	Ratification
FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	No

Rankings in global indices

US Department of State Trafficking in Persons (TIP) Report

The TIP report is released annually by the US Department of State and offers a summary of the laws and enforcement efforts of various countries with respect to human trafficking. Specifically, it ranks countries based on a '3P paradigm' of prosecuting traffickers, protecting victims and preventing crime. Scoring on these elements is then collated to give each country a ranking. The rankings range from Tier 1 which indicates governments of countries that fully comply with the Trafficking Victims Prevention Act (TVPA) minimum standards for the elimination of trafficking to Tier 3 for the governments of countries that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

[Rating: Tier 2 Watch List](#)

According to the US Department of State's 2019 Trafficking in Person's report, South Africa does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These included increased prosecution rates, police training, NGO funding, and international cooperation to implement a new National Policy Framework on Trafficking in Persons.¹⁶

Global Slavery Index

The 2018 Global Slavery Index measures the extent of modern slavery country by country, and the steps governments are taking to respond to this issue, to objectively measure progress toward ending modern slavery.

There are two rankings:

1. Rankings of countries by prevalence of the population in modern slavery. Rankings range from 1 to 167 – with 1 the worst and 167 the best, in terms of the prevalence of slavery.
2. Rank of countries in terms of Government response to the issue. This is an indication of how governments are tackling modern slavery. This ranking ranges from AAA at the top to D at the bottom, with AAA denoting the most effective and comprehensive Government response.

For prevalence South Africa ranks: 110/167 (where a ranking of 1 indicates highest risk).

Overall, South Africa is one of the lower risk countries scored on the index. According to the special report on the fishing sector, it is considered a low risk for Wealth and Institutional Capacity, but medium risk for National Fisheries Policy which addresses catch outside EEZ, distant water fishing, and subsidies.¹⁷

In terms of Government response South Africa ranks B. This indicates the government has introduced a response to modern slavery with limited victim support services, a criminal justice framework that criminalises some forms of modern slavery or has recently amended inadequate legislation and policies), a body or mechanisms that coordinate the response, and has policies that provide some protection for those vulnerable to modern slavery. There is evidence that some government policies and practices may criminalise and/or deport victims and/or facilitate slavery. Services may be provided by the International Organisations (IOs)/NGOs with international funding, sometimes with government monetary or in-kind support.

EU Illegal, Unreported and Unregulated Fishing Carding Process/Watch List

Under the IUU Regulation, non-EU countries identified as having inadequate measures in place to prevent and deter this activity may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card) among other measures.

South Africa is not on the EU IUU Watch List.

Endnotes

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- 4 US Department of State, 2019 Trafficking in Persons Report - South Africa, 19 June 2019, <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>
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- 8 SADSTIA, Economic Study of the Hake Deep-Sea Trawl Fishery and the Implications for FRAP, 1 December 2018, <http://www.sadstia.co.za/publication/economic-study-of-the-hake-deep-sea-trawl-fishery-and-the-implications-for-frap/>
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- 10 Western Cape Provincial Government, State of the Coast Report 2019, <https://www.westerncape.gov.za/eadp/state-coast-report>
- 11 Department of Environmental Affairs, Operation Phakisa – Oceans Economy, 1 August 2017, <https://www.environment.gov.za/projectsprogrammes/operationphakisa/oceanseconomy>
- 12 SADSTIA, Economic Study of the Hake Deep-Sea Trawl Fishery and the Implications for FRAP, 1 December 2018, <http://www.sadstia.co.za/publication/economic-study-of-the-hake-deep-sea-trawl-fishery-and-the-implications-for-frap/>
- 13 Marine Stewardship Council, South African Hake, Undated, <http://south-african-hake-stories.msc.org/>
- 14 Seafish Insight: Fishing references by country in 2019 Tracking in Persons (TIP) report, August 2019, https://seafish.org/media/Publications/SeafishInsight_TIP2019_FishingReferences.pdf
- 15 First fishing vessel detained under ILO Fishing Convention, 17 July 2018, https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_634680/lang-en/index.htm
- 16 US Department of State, p424, 2019 Trafficking in Persons Report - South Africa, 19 June 2019, <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>
- 17 The Global Slavery Index, Findings – Importing Risk – Fishing, 2018, <https://www.globallslaveryindex.org/2018/findings/importing-risk/fishing/>

For further information see the Seafish ethics in Seafood web page.
Available at: <https://www.seafish.org/article/ethics-in-seafood>