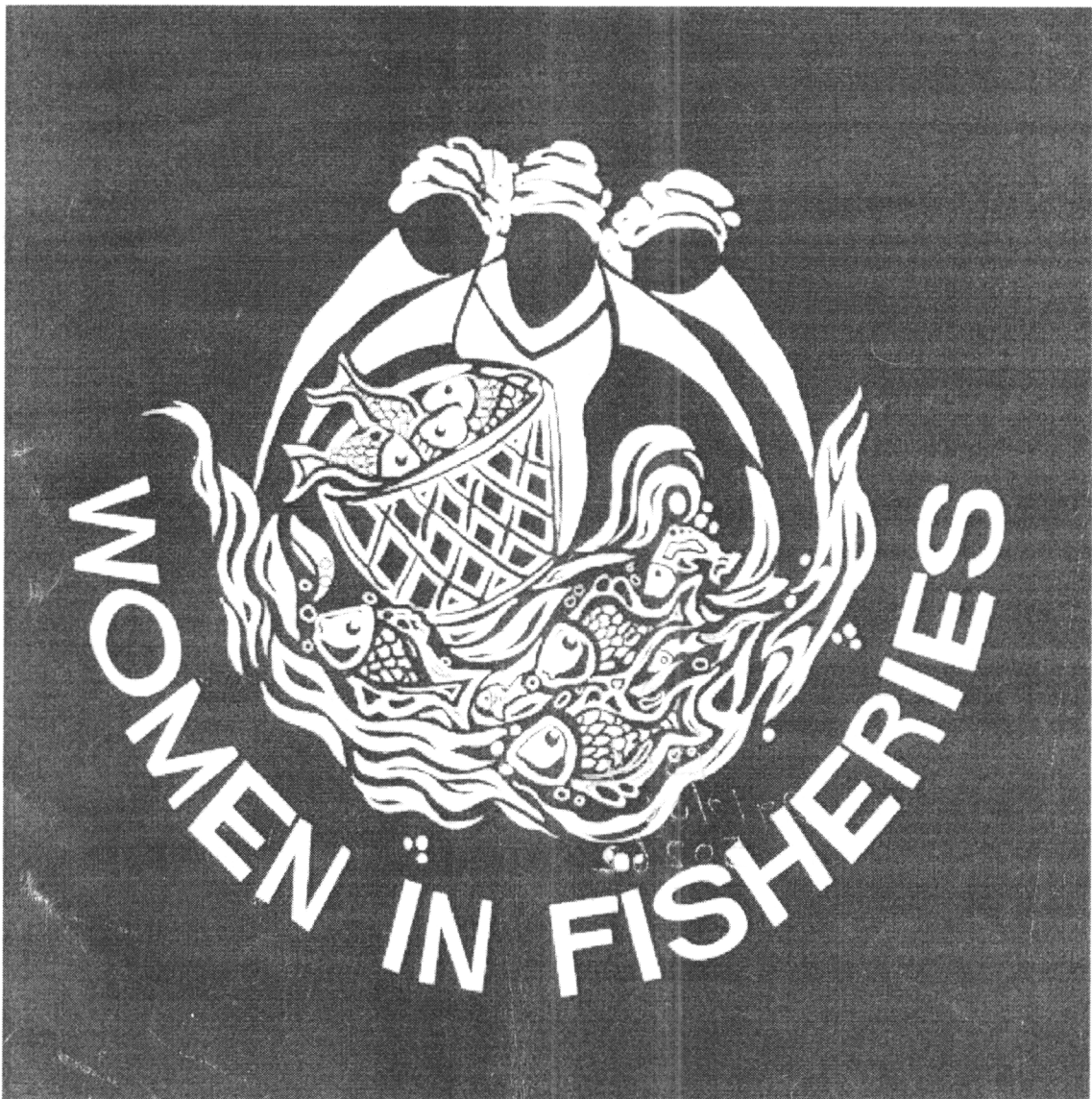


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**Developing a Gendered Framework and Methodology for
monitoring Small Scale Fisheries Policy Implementation
in South Africa: Work in Progress**

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Introduction

In implementing its capacity building and advocacy work with small scale fishing communities in South Africa, Masifundise has always attempted to adopt a 'gender sensitive' approach in theory however this approach has often been compromised in practice in the face of urgent policy and advocacy demands. Within a context of very strong patriarchal social norms, in which women from fishing communities are not organized around gender inequality and women themselves have little consciousness of the way in which discriminatory gender relations shape their marginalisation, it has been far too easy for the organization to neglect this aspect of its work. The ICSF support to Masifundise's Women in Fisheries Project during the first half of 2008 has given fresh impetus to this work. The timing of this is critical as the sector is currently developing a new policy for the small scale sector and it is imperative that this new policy addresses these gender inequities and that the opportunities for maximizing the transformatory potential of this policy are realized.

The Women in Fisheries Project has contributed preliminary ideas to the development of a Framework that could be further developed as a tool for women leaders to use to monitor the impact of the policy on women in the coming years. This outline captures some of these ideas and should be regarded as 'work in progress.' Most critically, the Women in Fisheries Project has enabled women from fishing communities to begin to organize around their right to participate actively in the policy formulation process. At the time of writing this document this right has yet to be recognised (there are no women community representatives on Policy Task Team) however women have made a submission to the government fisheries department on this issue.

Background conceptualization: What does 'gender equity' mean in this context?

Despite hopes that the new, democratically elected government would introduce policy that would bring about radical transformation in the fishing industry, there has been minimal redistribution of wealth and certainly very little change in the power relations that predominate in this industry. The Department has pursued a market-driven programme within the existing constellation of social, economic and political relations with no apparent intention of addressing the very unequal power relations between men and women. 'Transformation' in this context has largely focused on prior racial differentiation. A limited number of 'elite' women and men have been accommodated through black empowerment schemes of companies but there have been no widespread measures to address women's marginalisation. The absence of a strong rural women's movement has meant that there have been no calls to ensure that new policy has women's increased political power and economic independence as an objective. The dearth of feminist activists and feminist academics in this sector has meant that there has

been no theorizing of the relationship between women's relative lack of access to and control over marine resources and their broader social, political and economic marginalisation in coastal fishing communities.

The Department responsible for fisheries policy, Marine and Coastal Management, does not have an explicit policy, but would appear to be working within the broad rubric of the 'gender mainstreaming' guidelines for all government departments and the Employment Equity Act. In practice, however, there appear to be very few champions of women's equality within the department and no work has been done on this within the Directorate responsible for developing the policy on Small Scale Fisheries. The government department staff expressed surprise and a degree of reluctance when a Masifundise representative on the Policy Task Team requested that there be a specific principle addressing gender equity and that this needed to be translated throughout the policy with specific objectives and a mechanism to ensure actual implementation of this principle.

Amongst women living and working in fishing communities there has been some, albeit limited debate about women's rights. Much of the work to date has focused on gender violence and the women have organized around these issues however a great deal of their focus has been on meeting the need for local support to women survivors of violence as well providing home based caring for people with HIV. In this way the work has done little to challenge government's failure to protect women adequately, provide appropriate services or address their economic and political marginalisation that in turn contributes to their vulnerability to exploitation. The Women's Network, a community based organization supported by Masifundise, has attempted to raise women's awareness of the link between the poverty and the economic marginalisation of the small scale fishing sector through the new fishing rights regime and the gender violence they experience however in this regard women and men have seen themselves as both victims of the fishing policy, and women have not problematised the unequal gender relations within their homes, their communities, the workplace and in their dealings with the State. For example, the casualisation of women's labour in the fish processing plants has not been a strong campaign issue.

During the past year Masifundise has tried more proactively to raise both men and women leaders' consciousness of the need for gender equity in the sector although this has focused more on the 'public' domain than at the level of personal, intra-household relations. This strategy is based on the perspective that if the organization can support women in gaining increased economic power; this material basis will enable them to strengthen their political power and will, in turn, shape the social relations within which they live. If they are also able to mobilize *as women* during this process, their organization will enable them to address other issues. This mobilization will be a critical factor in promoting transformation of unequal gender relations at household and community level.

Whilst having a policy that promotes gender mainstreaming is a necessary precondition for implementing gender equity in the sector, it is not sufficient in itself to achieve this and the organization of women themselves is critical. This organizing thrust will need to remain a key focus of Masifundise's work for the foreseeable future as it is highly likely that, in the context of decreasing resources and increasing poverty, women's access to and control over these resources will be contested by their male partners. It is difficult terrain however, for an externally located NGO, trying to animate local consciousness without imposing notions of 'rights' on local communities. A male fishing activist has already accused a Masifundise worker of being a 'gender fundamentalist' and imposing 'western' notions of women's rights on women in fishing communities. The challenge is to enable women from fishing communities themselves to define what 'women's rights' mean in relation to 'fisher's rights' and to determine the nexus between the two, based on their lived experience. This also involves chartering very treacherous waters as the participatory process followed by Masifundise over the past few years has tried to assist communities in 'reclaiming' their notions of 'entitlements' and 'rights' to the sea and marine resources as 'common, communally owned property' as in the days of their forbearers. It has encouraged them to articulate the commonly held assumptions about access and ownership rights that prevailed in days of old prior to the colonial or apartheid regimes yet these are far from gender equitable and are often used to reinforce unequal access to the means of production. In some parts of the country the very strong patriarchal norms and traditions, with weak local government and few democratic structures, are likely to persist under a new fishing policy for the foreseeable future. In these areas, chiefs and headmen often control access to resources and there appears to be a conflict between the department's professed commitment to co management, participation and gender equity and support for these traditional structures. The department does not want to be seen to be challenging these traditional structures; on the contrary, the House of Traditional Authorities was allocated considerable space at the National Summit on Small Scale Fisheries held in November 2007.

An enormous amount of work remains to be done in empowering women to participate actively in the development and implementation of the new fishing rights regime as well as to articulate what equitable access to the benefits of this regime actually means in their particular context. At the moment it would appear that the answer lies in developing a small scale fishing policy that addresses all aspects and activities in the fish supply chain, so that the work that women do can be valued, and value can be added to this chain, thereby increasing the potential for women to benefit. This is a new approach for South Africa, where in the past policy has focused on the allocation of actual harvesting rights, with little attention paid to how a policy can be used to create the necessary enabling conditions to ensure that value can be added through post harvest inputs and redistributive and equity benefits maximized.

The links between women's socio-economic rights and development on the one hand, and the promotion of sustainable, responsible fisheries, highlighted in recent FAO and other international work on small scale fisheries¹ has yet to be explored in the South African context. Nonetheless, Masifundise and the community based network of fishing communities, Coastal Links, have argued strongly the links between fishers' rights and human rights, and the need for the state to address these rights as a critical precondition for securing a sustainable fishery. The link between poaching and over-dependency on marine resources in a context of poverty and food insecurity is most apparent. The Women in Fisheries workshop highlighted the link between poaching, poverty and increased gender violence however this relationship has yet to be made visible in the public domain. The Women in Fisheries work also illuminates the multiple dimensions of poverty most clearly and offers a basis for developing the conceptual links between the development and implementation of an enabling fisheries policy and the contribution that the sector can make to poverty alleviation and food security. The centrality of women's roles in the care and feeding of their families and in engaging with institutions of the state for basic services in order to fulfill these tasks, locates women and their development at the heart of sustainable, responsible fisheries management.

Addressing women's oppression and exploitation and hence their rights in the context of fisheries is a radically ambitious project. It demands a new way of thinking, one that is truly transformatory and far reaching. It requires a policy that does not stop on the doorstep of the private domain but addresses deeply entrenched ideas about men's preferential access to and control over marine resources, as well as over women's labour, women's bodies and women's lives and livelihoods in coastal fishing communities. There is an urgent need to critically evaluate the donor driven 'gender mainstreaming' policies of the 1990's and undertake a fresh appraisal of the strategic needs of women living in coastal fishing communities. Few other departments in post Apartheid South Africa have been up to this challenge of tackling the unequal gender relations that shape women's ability to fully enjoy the de jure rights that they have achieved however some, like the Department of Land Affairs, have made gains in understanding the importance of addressing both the de jure and de facto aspects of women's equality. They have attempted to design policy mechanism that will address the de facto ways in which women are discriminated against, for example, in assumptions about the 'head of the household' and to ensure that women are able to gain access and control of assets in their own right, not merely as dependants of their male partners.

¹ (FAO 2007. Increasing the contribution of small-scale fisheries to poverty alleviation and food security. FAO, 2005: Gender Policy Brief, 2005).

The Draft Small Scale Fisheries Policy – Gender Equity Indicators

(This draft framework uses the existing draft framework developed by the MCM hosted National Policy Task Team in May 2008 as a basis for the structure of this document).

1. Introduction

This section needs to acknowledge the role that women have played, and continue to play in the history of the development of the fishing industry in South Africa and in the livelihoods and well being of fishing communities. The policy needs to note that gender discriminatory practices continue to operate at the household, community, market and governmental level and to restrict women's equal access to marine resources even when these practices might be outlawed. The need to correct past gender injustices and discrimination against women in policy **and practice** needs to be cited as a key aim of the new policy.

2. Background

Profile

In profiling the small scale fisheries in South Africa the policy document needs to pay particular attention to the labour that women undertake along the fish chain, including the work that is often regarded as 'reproductive' labour as well as the often unremunerated work that they do preparing bait, cleaning the fish, mending nets etc.

Any statistics included in this section must be disaggregated along gender lines. Where statistics refer to women who may have been allocated fishing rights in the medium or long term aspects such as their access to and control over other assets such as gear and vessels must be explored.

International legal and policy instruments

In addition to citing the key legal instruments that promote and protect the rights of small scale fishers in general, such as the FAO Code of Conduct and the SADC Protocol, the policy needs to specifically acknowledge that there are a number of international, regional and national gender equity imperatives that must be taken into consideration. These include amongst others the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Beijing Platform for Action, Agenda 21, Millennium Development Goals, the Protocol on the Rights of Women in Africa, a supplementary protocol to the African Charter on Human and Peoples' Rights, SADC Declaration on Gender and Development, SA Constitution Equality Clause and the Employment Equity Act of 1998.

3. Vision

The vision should include a specific reference to gender justice or gender equity. The term 'gender justice' is increasing being regarded as more powerful in that the term 'gender equity' has been associated with the more technical, instrumental approach in gender mainstreaming and, in some contexts, appears to have lost the weight it should hold. Gender justice invokes reference to the language of rights and citizenship and "It foregrounds the reality of power relations, reminds us of the political nature of the project and draws attention to the sites where struggles for equality are being waged."²

4. Small scale fisheries resources

It will be important to include the inter-tidal resources that women used to harvest but are no longer permitted to do, such as sea grass, alikreukal, perdevoet etc. This will be important when determining access to the full range of resources available in the community 'basket' as well as in exploring ways of creating alternative livelihood options for women. Women also hold very broad indigenous knowledge of the traditional medicinal uses of certain marine resources that should be included.

5. Definition of small scale fisher

The current definition of a small scale fisher, while seemingly 'gender neutral', excludes women who are involved in land based activities that are an integral part of the fish supply chain. The draft definition is very orientated towards the person who is directly involved in the harvesting. In order to broaden this definition, organizations like ICSF have used the word 'fish worker'. In South Africa there has tended to be a distinction (albeit often a false one) between a worker who works in a fish processing plant and the fishers who are personally involved in the harvesting of their catch. Women are often involved with both activities, working as seasonal and casual 'workers' in the fish processing plants as well as preparing bait, cleaning fish, drying fish and assisting with the marketing of the fish their male partners or relatives have caught. It is proposed that this discussion needs to happen in SA and the definition should be expanded to include those persons from traditional fishing communities who are directly involved in activities in the fish supply chain. This will then include a significant number of women fish workers and will alter the commonly held perception that only a man can be a 'fisher'.

This expanded definition will then be in line with the proposed definition of the fisheries which includes the full range of harvesting and post harvesting and processing activities.

² (Gender Justice, Citizenship and Development, International Development Research Centre, IDRC, 2007:6).

This expanded definition of the small scale fisheries is most usefully presented by the FAO (2004b)³.

6. Principles

In addition to the proposed principles in the draft, it is recommended that there should be a specific principle that relates to 'the commitment to promote women's equal participation in and equitable beneficiation from the small scale fisheries sector'.

This will enhance the legitimacy given to policy measures that aim to promote gender equity, rather than it just being an 'add on' to a list of issues such as race, disability and age.

To strengthen this specific gender equity principle, the presence of other principles that act as enabling principles and contribute towards the implementation of a gender just framework should be incorporated. These might include amongst others:

- The promotion of a community rights based approach that emphasizes equity and a communally owned, caring approach to resource management.
- The recognition of labour rights, safe and fair working conditions for small scale fishers, including those involved in land based work and the adoption of an integrated approach that ensures inter-governmental policy co-ordination for the implementation of these protective measures. This should include recognition of the particular risks faced by small scale fishers and the provision of a basic social security system for workers in this sector.
- The provision of targeted post-harvest, processing and marketing policy support to small scale fisheries. This might take the form of preferential processing, trade and marketing policy mechanisms that encourage and facilitate local investment in infrastructure, public and private investment in marketing initiatives and support for local, labour intensive processing of marine products.
- Devolution of power and decision-making but with clear checks and balances in place to ensure the process is not controlled by local elites.
- Provision of targeted access to credit and loans to small scale fishers who wish to diversify their livelihood strategies.
- A commitment to promoting inter-governmental co-ordination on small scale fisheries issues in order to ensure that issues related to poverty relief, education and training and access to other basic human rights are addressed in an integrated, developmental way.

³ See FAO Technical Guidelines 481, pages 7-8).

7. Objectives

The objectives section needs to operationalise and thereby give effect to the principles defined above. This needs to include statements such as the following, amongst others:

- To recognize women's equal rights to access marine resources and to participate in and benefit from the small scale fisheries;
- To elaborate on the mechanisms for promoting women's equal participation in and benefits from the small scale fisheries in accordance with international, regional and national gender equity policy and legal instruments;
- To increase the value added to the small scale sector and maximize the income generating and redistributive benefits of this sector for all those involved, particularly women;
- To ensure active and effective participation of men and women in fisheries management at local level;

8. Management Framework

The management approach that will be adopted will be based on a **community rights** approach that recognizes the full spectrum of activities in the fish supply chain and hence acknowledges women's roles within the fisheries. Further, it will adopt a caring, responsible approach that aims to promote a sense of communal ownership and protection of the resources, linking the well being of the community to the well being of its marine resources.

The traditional, socially ascribed activities of 'caring' 'nursing' and 'nurturing' need to be recognised as activities that can be embraced by all in the community.

It is anticipated that the policy mechanism that will give effect to the commitment to this community based approach will be a communal right that is allocated by the Minister to a community based legal entity, operating within a given 'turf'. This legal entity might take the form of a co-operative, an association or a community based Trust. By shifting from a policy that utilizes the individual quota system as the policy tool for the allocation of rights, the new policy will enhance the opportunities for promoting equity at community level. Clear Policy guidelines must be given to these community based legal entities on issues pertaining to women's effective participation and equal access to the benefits that flow from the allocation of the access right to the community. This could be in the form of a Code of Conduct or Technical Guidelines for the legal entity that address issues such as gender representivity, decision-making, transparency and accountability. This might not necessarily mean equal representation of

women and men as the members of the co-operative or legal entity will derive from those involved in the fisheries and this might include more men than women. The emphasis should be on effective participation of women.

Management responsibilities need to be devolved to local level institutions. The legal entities will elect representatives to a co management committee. These institutions require training and capacity building on a range of management responsibilities and processes. Provision must be made to ensure that women get access to this training and participate actively in management and decision-making. Specific methodologies for promoting women's participation should be utilized, especially in contexts where powerful traditional ideologies around men and women's roles prevail.

Strategies for increasing women's effective participation in management and decision-making structures might include:

Clear policy and procedural guidelines for the legal entities and co management structures on gender representivity, procedures for election of office bearers, documenting and maintaining records, reaching consensus, conflict resolution, ensuring transparency and accountability etc.

Specific training for women participants and the use of methodologies that enhance equal participation and accommodate different levels of experience and knowledge,

Institutionalization of processes for regular evaluation and on-going monitoring of the gender equity components of fisheries management;

Women from fishing communities should be represented on other provincial and national statutory structures such as the Provincial Steering Committees, Consultative Advisory Forum in Fisheries (CAF) as well as in the strategic management committees.

The labour rights, working conditions and health and safety requirements of the fishers must be made explicit and steps taken to ensure that community members are aware of their rights in this regard, and have the ability to enforce these rights. Mechanisms for addressing non-compliance with these legal requirements must be put in place at the level of the co management committees and the legal entities. Where full compliance with certain regulations is not possible immediately a clearly defined plan of action with explicit time frames and deadlines must be implemented and closely monitored. Codes of Conduct can be used to promote 'best practice' and to raise awareness of optimal working conditions but these should not replace statutory obligations on basic conditions of employment and safety. Awareness of issues such as sexual harassment and gender violence should be addressed in these codes.

Provision must be made to secure social security for all those working in the sector. This needs to address the needs of women who might lose male breadwinners at sea but who themselves are not members of the local fishers co-operative.

The rights allocation procedures and criteria must be transparent and understood by all community members. Criteria for becoming a member of the legal entity that will hold the community right on behalf of the community must be explicit. This membership should be limited to those who have a history of traditionally harvesting or working directly with marine resources. The issue of equitable access to this means of production requires further investigation and clarification. There exists a danger that if the list of eligible members only includes those who have harvested directly, then most women will be excluded in the Western and Northern Cape. If there is only one legal entity that holds the right of access to the resources one risks reinforcing men's control over the means of production. Alternatively, if the legal harvesting of certain inter-tidal resources becomes part of the 'basket' in these provinces then women will be able to be part of the legal entity that 'holds' the right. An additional option would be to support the formation of several legal entities, one for those who fish or harvest, one for those who will process the catch, and possibly a marketing entity as well. Overlapping or simultaneous membership of these will need to be clarified.

The rights allocation procedures should ensure that those women who do want to personally go to sea should be supported in doing so. Women who have previously held 'paper quotas' but have never personally been involved in harvesting should not be allowed to get access via the community right but should be supported in becoming involved in another, alternative means of adding value or diversifying her livelihood.

The rights of young women and girl children involved in assisting in harvesting of inter-tidal resources must be recognised whilst measures are also put in place to protect these young women and children and promote their right to education and food security for these families is ensured.

