

A Giant Leap

This is a response to an article on South Africa's fisheries policy, carried in the last issue of *SAMUDRA Report*

At the World Summit on Sustainable Development (WSSD) in 2002, a group of South African small-scale fisher people gathered to discuss fishing policy. While at that time the political impact of this gathering in Johannesburg was minimal—if any at all—it was a crucial gathering in that it triggered an unprecedented civil society process to address small-scale fishing in South Africa. To discuss the 2010 draft small-scale fishing policy adequately, we must give due recognition to the 10 years of civil society action as well as governmental change processes. The article titled “Mere Window Dressing” by Oliver Schultz in the last issue of this journal (*SAMUDRA Report* No. 59, July 2011) does not examine this history and, therefore, leaves the reader with an incomplete story about the movement towards human-rights-based fisheries in South Africa.

As a key civil society stakeholder in a 10-year long process of working closely with fishing communities and lobbying government, we want to present our view on the policy and the process behind it. Before we begin, we must acknowledge that, as civil society, we play a very different role to that of academia. Everything we do concerns the rights of fisher people, which has required that we navigate the complex political and economic environment to find the best possible route to a new fishing policy that, for the first time in South African history, recognizes the rights of small-scale fishing communities. Poverty, violence, and devastation are part of daily life for thousands of fisher people, and the need for change is, therefore, immediate. This reality

places a time pressure on civil society that is quite simply not felt by academia, and our only option in contemporary South Africa is to push for the best possible reform, with the knowledge that the fight will continue after the policy is endorsed.

The draft small-scale fishing policy was released for public comments by the government in December 2010 and it is expected to be revised somewhat and endorsed by the minister within the next six months. The draft policy is built on the

To discuss the 2010 draft small-scale fishing policy adequately, we must give due recognition to the 10 years of civil society action as well.

inclusion of civil society and, in particular, fisher people, with a level of participation that is unprecedented in South African policymaking over the last 10 years. In a democracy as young as South Africa's (democracy was introduced in 1994 after the fall of Apartheid), it is important to acknowledge this as a victory, a victory which gives us hope and belief in an even better future, and galvanizes us in the fight for social, environmental and economic justice in our country.

Fishing policy

The 2002 WSSD took place just after the medium-term fishing policy had been implemented, and, given the injustices of that policy, it naturally became a topic of discussion. With limited knowledge and capacity on

*This response has been written by **Naseegh Jaffer** (naseegh@masifundise.org.za) and **Carsten Pedersen** (carsten@masifundise.org.za) of the Masifundise Development Trust, Cape Town, South Africa*

PAUL GRENON



A scene from Struisbaai Harbour, Western Cape, South Africa. The small-scale fishing sector was left high and dry in the implementation of the long-term fisheries policy

and took to the streets, approaching the minister for fisheries and senior officials within the department time and again, with no response. For about two years, the government successfully ignored the call from the small-scale fishing sector, which was left high and dry in the implementation of the long-term policy, and only when we took the minister to court was he finally forced to respond. This first interaction with the government, late in 2005, was an exchange of affidavits and meetings in the halls of the equality court.

It would take almost two years of litigation before the minister signed an out-of-court agreement in May 2007, made as an 'order of court' with us, the Artisanal Fishers Association of South Africa (AFASA), and the fishers themselves. The equality court order obliged the government to develop a new national policy specifically for the small-scale fishing sector and to provide 'interim relief' permits to 1,000 of the most destitute fishers until the policy was finalized and implemented. This was yet another turning point as the fisher people—now organized under their own organization, Coastal Links—began to take an active part in a three-year long process of conferences, workshops, and meetings with the government. Coastal Links formed an alliance with AFASA and, together with Masifundise, built a formidable grouping to drive a civil society quest for the new small-scale fishing policy.

The first significant participatory event was a conference hosted by the national Minister of Environmental Affairs in November 2007 with almost 100 participants from the fishing communities of all four coastal provinces. At this crucial event, a task team, with representatives from government, universities and fishing communities from the four coastal provinces, was officially appointed and given the responsibility to develop and propose policy inputs.

Fishing communities

Numerous meetings were held and while it was often a case of "two steps forward and one step back", it was, nevertheless, a process that sensitized

this policy area, we, as civil society, decided to shed more light on the consequences of the policy by hosting a Fisher Peoples' Human Rights Hearing in 2003. Heartbreaking stories filled the hall, and statements like "Our fishermen have always been able to look after our children...but, that main responsibility is now... taken away from us" were heard throughout the two days of the hearing.

Early in 2005, the government released the draft long-term fishing policy that was designed on the principle of individual quota allocations. In the mildest terms, this policy was devastating for the vast majority of the approximately 30,000 small-scale fisher people in the country, and, despite comprehensive inputs from civil society, including the fishing communities themselves, the government stood firm on the basic principles. Up to 90 per cent of fisher people had their rights taken away the moment the minister signed off the long-term policy.

From Johannesburg to the long-term policy, was a time of anger and sorrow in the communities, but also a time when people got together and discussed politics and tactics. Our role was to deepen the analysis and debate around this new policy, together with the fisher people, and, as the nature and consequences of the policy became clearer, so the foundations for action were laid. People wrote letters

officials to the needs and wishes of small-scale fishing communities and thus better equipped the government to address the challenges. It was a period where the fisher peoples' struggle was laced with a delicate co-operation with the government. This proved to be something of a balancing act, and strategies and tactics had to be carefully evaluated and reformulated as ground was alternately gained and lost.

In addition to this participation in the process, many workshops at local community and national levels were hosted by us, and others, to discuss the contents of the new policy. This process helped forge an improved, common understanding on the ingredients of a successful small-scale fishing policy. Coastal Links, with almost 2,000 members in more than 20 fishing communities in the Western and Northern Cape Provinces, together with AFASA, took a strong stand against the current quota system, and instead proposed 'community rights' as a new hybrid system for fishery management. This position was pushed by the Coastal Links leaders who were appointed as part of the national task team, and today the principle of community rights is reflected in the draft policy, as a direct result of the participatory nature of the policy-making process. Other key areas identified by the fisher people and included in the policy relate to ancillary jobs in the fishing sector and control of the marketing of fish products.

In his article, Oliver Schultz narrows the extent of public participation in the policy-making process to a couple of government road show meetings in the Cape Town metropolitan area, and thereby fails to mention the processes highlighted above. Ours is by no means a full description of the process but, without it, the reader might be left with the impression that the contents of the draft policy are out of touch with the needs and wishes of the fisher people, which would be an inaccurate deduction. The voices of the few individuals Oliver Schultz refers to do not carry

the weight and agency of the voice of the Coastal Links and AFASA leaders who represent thousands of fisher people.

Now, from the issue of participation, to the challenges of policy implementation. A policy that builds on 'new' management principles requires adaptation and new capacity on all sides as well as a solid implementation plan. In the critique given by Oliver Shultz, he argues that the policy builds on a "flawed conception of community" and, as a result, policy implementation becomes a practical challenge. Shultz's more academic discussion on spatial and social boundaries of a fishing community is in itself flawed as it does not add detail to the different layers and complexity within fishing communities. Furthermore, it is an argument partially based on conversations with a few individuals. In contrast, having advocated for this new policy for years, we have all along been cognisant of the layers and complexity of a community, a point that has, in particular, been carried forward by the community leaders who have been key agents in the entire policy process. The problem is, therefore, not one of a "flawed conception of community", but rather that the layers of complexity in fishing communities across the

A policy that builds on 'new' management principles requires adaptation and new capacity on all sides as well as a solid implementation plan.

country call for a careful approach and a gradual implementation.

This brings us to another important aspect of policy implementation, which Schultz also makes reference to. Will we see a plan for policy implementation and will government have the capacity and resources required to ensure effective implementation? The short answer to these questions is: "We believe so". To find out why, we must, once again, look back. Ten years ago,

PAUL GRENDON



Trompie, a Struisbaai netfisher, protesting outside the Department of Agriculture, Forestry and Fisheries offices, demanding his netfish permit

framework and governance system for South African small-scale fisheries, we have taken a giant leap towards a human-rights-based fishery system. 3

30

small-scale fisheries was not recognized by the government, a fact reflected in fishery legislation. Only subsistence fishers were recognized. But, since the subsistence economy has more or less vanished in its purest form, the small-scale fishers do not fit into that category. It took 10 years before the minister signed the order of court, which was the first official recognition of the small-scale fishing sector. Since then, progress has been made, and today we have to acknowledge that we have a government with whom we work together in a constructive manner, albeit with relative caution and trepidation. Through this process, we have also succeeded in supporting the government to build its knowledge and capacity, and this is certainly paving the way for both the finalization and the implementation of the new small-scale fishing policy.

In Oliver Schultz's article, these important and deeper reflections are not considered, which allows for the impression that yet another opportunity for a successful development and management of small-scale fisheries has failed. Not so. Rather, it is a moment of a new beginning of practice, reflection and further analysis of small-scale fisheries in South Africa, and it is one of the most positive examples in an African context. While there is still a long way yet to a perfect institutional

For more

icsf.net/icsf2006/uploads/publications/samudra/pdf/english/issue_59/art04.pdf
Fisheries Policy: New Window Dressing, SAMUDRA Report 59, July 2011-09-30

www.tcoe.org.za/component/content/article/39-featured-articles/80-draft-small-scale-fishing-policy.html
Trust for Community Outreach and Education

masifundise.org.za/?p=246
Masifundise Development Trust