

## Africa/ South Africa

### “Small fry”

*A report of the Fisher People’s Human Rights Hearings in Western Cape, South Africa held in August 2003.*

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Over the past ten years, since the first free and democratic elections were held in South Africa, considerable changes have been made to the policy and legislation governing people’s access to, and use of, marine resources. Prior to this, large, white commercial fishing interests had dominated the fishing industry and marine economy. Living on the edge of this highly capitalized, export-oriented fishing industry, and trying to make a livelihood, were thousands of black and coloured small-scale, traditional fishers, some of whom fished for subsistence, but most of whom fished in order to make a very modest income, in addition to putting fish, their staple food, on the family dining table. Most of the fishers were men; however, women played a central role in the pre- and post- production processes. Some of the fishers worked alone as independent contractors—working on a share basis on other people’s boats. A very limited number owned their own small boats. Many of them traditionally harvested a number of different species in order to supplement their livelihoods throughout the seasons.

Common to all of these was the fact that in 1994, they were ‘small fry’ in a very competitive sea and that prior to this period, there had been no fisheries management system that regulated their fishing activities or promoted their development. However, because of the racially discriminatory laws of the time, they were not allocated fishing quotas for high-value species although some of them were able to obtain permits for line-fishing and beach-nets. Consequently, many of them who did catch the more valuable species such as rock lobster and abalone, were often harassed and prosecuted for fishing illegally.

When Masifundise Development Organization, an independent non-governmental organization (NGO), began working in the coastal towns and villages on the western coast of South Africa in 1999, it was these groups of artisanal and subsistence fishers who came

to the organization’s attention. Despite the introduction by that time of new legislation to promote equity and transformation in the industry, these fishing communities appeared to be experiencing increasing difficulties in accessing fishing rights, resulting in deepening poverty. In the subsequent four years, Masifundise received numerous reports of fisher’s being excluded from the new rights regime. In some cases, they were denied access to the historical rights that they had previously enjoyed and they reported a lack of access to information and justice.



From the anecdotal evidence given to field workers during their weekly visits to these villages, coupled with the presentations made by many fisher people at the Fisher Forum at the World Summit on Sustainable Development in 2002, it appeared that the new fishing rights allocation policy, whilst undoubtedly bringing about a degree of transformation in certain aspects of the industry, was continuing to prioritize the access rights of medium- and large-scale commercial interests at the expense of small-scale fishers, many of whom are traditional, *bona fide* fishers.

In order to document these allegations and to provide an opportunity for fisher people to voice their concerns, Masifundise, together with the South African Artisanal Fisher Association, a voluntary community-based fishing association, decided to host *Fisher People’s Human Rights Hearings* in the Western Cape on 13 and 14 August 2003. The hearings aimed to gather information about the situation facing small-scale,

traditional fishers, to document alleged violations of their human rights, and to use this information to lobby for the rights of these fishers and the introduction of a just and appropriate policy. Central to the objectives was the intention of understanding how the situation had an impact on the social circumstances of these communities.

For support the organization approached the South African Human Rights Commission, a statutory body, as well as the Anglican Church. Both of these institutions, together with several other NGOs, pledged their support for the Hearings. Masifundise fieldworkers embarked on a preparatory process, travelling from village to village, inviting communities to select a spokesperson to come and speak out at the Hearings. The Hearings were held over two days—the first took place in the city of Cape Town, adjacent to a historically significant fishing harbour and the second, 130 km along the south coast, in the heart of the area where a considerable amount of poaching of abalone has taken place. A press conference was held two days prior to the event, which elicited considerable press coverage. In addition to the 22 community speakers, staff transcribed individual stories of fishers throughout the day. Communities were encouraged to send male and female representatives—however, only five of the speakers were women.

Three keynote speakers were invited to provide background information and to ‘set the scene’ for the hearings. These included Andy Johnston, a fishing activist who participated in the policy development process, Nick de Villiers, a lawyer from the Legal Resources Centre, who has undertaken research into the rights protecting subsistence and artisanal fishers and Moenieba Isaacs, a researcher who grew up in a fishing village and has recently completed her doctoral thesis on transformation in the South African fishing industry. The input on the international and national legal instruments that provide protection for small-scale fishers was most important in raising awareness about the number of legislation as well as policies that can be used to defend rights of fishers to access marine resources, to sustainable livelihoods and to food security.

### One sea, many issues

The information presented by men and women fishers from coastal communities confirmed the allegations that the current fishing rights allocation policy has a negative impact on the social, economic, cultural and ecological integrity of the small-scale sector and the communities that depend on it. The following complaints were voiced regarding the new policy and its implementation process:

- Lack of adequate access to information on how to apply for fishing rights and the exorbitant cost of the application for fishing rights
- The exclusion of many *bona fide* fishers in the rights allocation process and the allocation of economically unsustainable quotas
- Lack of clear criteria for promoting equitable transformation in the allocation of quotas to previously disadvantaged persons
- Inappropriateness of the Individual Transferable Quota (ITQ) system as a policy mechanism for accessing rights within the small-scale sector and for the types of fishing undertaken by this constituency
- Failure of the government to consult traditional fishers and to acknowledge the value of indigenous knowledge when making decisions about stocks and allowable catches
- Failure to recognize that traditional methods and gears used by the small-scale sector are, in most instances, more sustainable than those used by large fishing companies
- Overfishing and dumping by big trawlers and government failure to monitor and control this
- Poor labour conditions and the fact that there are no provisions for protecting the small-scale fishing sector in national labour legislation
- Lack of alternative livelihood options for traditional fisher communities, even where setting of Total Allowable Catch (TACs) has limited their access to resources
- Lack of integrated coastal development planning and the marginalization of small, rural and historically disadvantaged coastal communities from many political, economic and social initiatives.

From the stories told, it appears that the impact of the new policy is mediated by numerous factors, including

race, gender, education level, the sectors in which fishers have worked, geographical location and their prior access to resources and information. Rural coastal communities, with more limited resources, experience enormous difficulties in accessing information as well as in resisting the dominance of local elites, who might control the financing, processing and marketing opportunities.

### **The gendered identity of a ‘fisher’**

Whilst many of the problems identified affect both men and women small-scale fishers, irrespective of the exact nature of their engagement in the industry, the particular gender relations operating in most of these communities means that women bear the burden of this impact in very specific ways. The historical gendered division of labour and resultant exclusion of women from many aspects of this industry was most apparent at the Fishing Hearings. Whilst it was recognized that women play a significant role in the organization of communities and in the post-harvest processes, men have dominated this industry, and gendered stereotypes regarding the typical ‘fisherman’ prevailed in the discourse. Although there were men and women speakers, men predominated and tended to talk about ‘fishermen’ and the impact of the policy on women remained largely hidden. Despite this, notable exceptions were heard:

“We must actually speak about the ‘fisherfolk’, because the fisherman goes and catches the fish, but the woman still has to work that fish. She’s got to clean it, and cut it up, or whatever. In my mum’s days, they didn’t wear gumboots. They, they didn’t even have aprons in those days. They didn’t wear gloves or anything. If you could just realize to stand on your feet from two o’clock in the morning right through till eight o’clock, behind the belt, it has an impact on your legs. Our old people... raised the industry, the fishing industry to what it is today. They used to stand in their own clothing and their own shoes tonight and they get home. The shoes have to dry out. I remember my mum had one petticoat. You may laugh but she’s my mum, the one and only. She’s got to wash her dress, her one and only dress, and it’s got to get dry after fourteen, fifteen, sixteen, seventeen hours of standing behind that belt. We’ve got to recognize the women as well” (Mr. Salie Cyster, Stanford).

Women’s reproductive labour was indirectly acknowledged through several references to the fact

that it is often women who have to deal with the consequences of not having sufficient income to feed and clothe their families and to pay for their children’s schooling. In fishing communities the burden of food insecurity is carried largely by the women.

### **The economic impact on women**

Over and over again, speakers from each community emphasized the enormous economic impact that the lack of adequate access to the sea was having on their economic circumstances. “The government slogan is a better life for all, but, at this stage, we are just poorer and poorer” (Speaker, St Helena Bay).

As many of the women work in the fish processing plants, the allocation of rights to particular communities is critical to the promotion of women’s economic survival as well as to maintaining the viability of entire communities. As noted by Ernest from Struisbaai:

“We are creating jobs for people working in the factory. If we don’t catch fish, (the factory owner) can close his factory, because there is no fish. So if we go out to sea the people can start working from half past seven in the morning until the evening”.

The number of people in a local community who benefit from access rights was also highlighted by Joao Simoes from Kalk Bay:

“When we go to sea and get fish, we come to the harbour to sell it. At the harbour the fish gets thrown from the boat onto the quay; then that’s when other people employed come in. You get the people that bid a fish for you, then you get the bidders themselves that buy the fish, then you get the fish cleaners that clean the fish for the people that are buying the fish, and then we get the money ...50 per cent must go to the boat and 50 per cent comes to us...”

The lack of access to the sea, either through the permit system or the quota system has left many communities facing food shortages and a real lack of food security. For many of the subsistence fishers this means no food on the table at night.

The link between poverty and lack of access to other services such as housing and clinic services in many rural coastal villages was emphasized. Several

speakers noted that growth in the tourism industry often had a negative impact on the fishing community. The benefits of the growing tourism industry along the coast are not necessarily being passed on to the small-scale fishers.

“Langebaan, is now a holiday resort. Fisher people are dying a slow death. We used to pull nets in the past, but that was taken away from us. Now, the holidaymaker comes. You don’t even know whether that person has a permit or not, but he is catching so much fish that he is selling the fish to the fish shop so that I go and buy his fish from the shop, whereas I used do it myself” (Norton Dowries).

### The social impact on women

“I’ve been hurt twice in my life time. The first time was in the sixties when District Six was declared a whites-only area, and the second heartache has just arrived now with the fishing industry...” (Stan Dickson, Gansbaai)

For many of these coloured and black fishers who were discriminated against during the apartheid regime in South Africa, the introduction of the new rights allocation system feels like a second dispossession. The social impact has been very extensive and it has hit men, women and children, albeit differently. The social impact is inextricably linked to the economic impact. Facing rent arrears and electricity cut-offs and unable to feed their children, fishermen and women and their families are facing enormous pressures. Given their roles as the primary caregivers in the household, women often carry an additional responsibility in this regard.

“It is a big worry for me that when you walk down the street or you drive down the street, I see many of our people’s homes are dark and it really hurts our hearts. Many people have small children and they have to go and look for candles or a little bit of oil ...so that they can have some form of light” (Daphne Coraizen, Paternoster).

These social pressures have impacted on the psychological health of fishers. One fisher said: “I am a fisherman, but we have been destroyed...everything has been taken from us. We have been sitting at home for four or five weeks...my problems are so big, I cannot take it anymore.” (Ernerst Hammer, Struisbaai).

Another said: “It’s not right...I have had enough...Do they want us to commit suicide? Do they want us to shoot ourselves?” (Stan Dickson, Gansbaai).

The impact on women, of having a male partner at home for a long period of time, suffering from stress, cannot be underestimated. This was most aptly reflected by Minnie Blauw, who comes from a fishing family:

“When a father loses his right to make a living, such a right being given to the rich companies, that man is being legislatively abused, and such abuse filters through to the wife and children. In the end, women and children are being economically abused ...and that is a contradiction in the strong principles of government.”



Fishers reported an increase in conflict amongst their communities, often arising as a result of the tensions over the allocation of quotas. Responsibility for managing the conflict often rests on the shoulders of community leaders and members of the fishing committees, who feel ill equipped to deal with it.

“People are asking, ‘Why is it that those of us who live right by the river or the sea can’t catch fish like we did in the past?’ and the committee has to explain to these people exactly what the situation is and what the government is expecting from the people about how they are managing that resource. People become difficult. They become angry, and they become angry at the committee members. We are just trying to explain the policies and we don’t always have the necessary capacities to explain these policies to the ordinary persons out there.” (Speaker from Papendorp).

In most communities, women are actively involved in the committees. The pressures placed on the leaders raise important questions regarding the viability of a co-management approach, being insisted on by the fisheries authorities, in a context such as this, where the policy itself and the exclusion of many of these communities from adequate access lead to increased conflict at the community level.

Many of the fishers made reference to the fact that the current policy has forced them to become poachers or that they may have to poach in future. This has critical implications for the sustainability of the resources as well as for the social and economic life of a community. As one fisher said:

“Of course, we have to poach. We have to steal crayfish to stay alive. What else are we supposed to do? We’ve got no rights. They’ve been taken away from us but we still have to put bread on the table, and we take part in crime to put food on our table for our families. We are, actually, forced to do that.” (West Coast).

In some communities, the poachers use children as runners and lookouts. The increase in poaching has attracted outside crime syndicates and, in some areas, there is a close link between poaching, gangsterism, drugs and violence.

The Fisher People’s Human Rights Hearings provided an opportunity for men and women fishers from coastal communities to voice their frustrations and to highlight the negative impact of the current fishing policy on their social and economic circumstances. The Hearings have enabled Masifundise to document the specific nature of this impact and this information will now be used for a number of advocacy activities, including launching a legal challenge against the Minister of Environmental Affairs and lobbying the Parliamentary Portfolio Committee responsible for Environmental Affairs.

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