CAN RIGHT-BASED FISHERIES MANAGEMENT PROTECT COASTAL SUSTAINABLE LIVELIHOODS, THE CASE OF OCEAN VIEW, SOUTH AFRICA?

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ABSTRACT

This paper intends to ascertain whether the micro-commercial initiative of Marine and Coastal Management Department (M&CM) introduced in 2001 is contributing to the sustainable livelihoods of fishers in the community of Ocean View. Ocean View is located in the greater Cape Town metropole and was created by the Group Areas Act under the Apartheid regime. The enduring social economic effects of disenfranchisement and displacement are still present in the community with the current unemployment figure over 40%. In an attempt to address the unemployment in the coastal settlements such as Ocean View, M&CM introduced a pilot subsistence initiative in 2000. This initiative allowed fishers to catch minimal catch of four West Coast rock lobster (WCRL) per day and the same for abalone. The main goal with this initiative was to increase the income of the subsistence permits holders in Ocean View, but due to the high-value of the species it opened up a space for many outsiders with no relation to the fishing operations to enter the fishing industry. The local organisational capacities and institutional structures were not ready for such an initiative, neither did the fishers possess the infra-structure to harvest, process and market their fishing rights. For the artisanal (professional) fishers to be placed in the subsistence category or micro-commercial enterprises was an affront to their skills and a blow to their prospects of becoming commercial fishing enterprises. With the new medium term allocations, the subsistence permits changed to limited-commercial and many small companies were formed to apply for this sector, whilst the artisanal fishers maintained that they are career fishers and aimed the full commercial quotas allocated mainly to the established industry and new entrant companies from 1995-2000. The research questions that governed this paper include: What is the background to the current fisheries policy? Who are the main beneficiaries of the limited commercial enterprises? What are the constraints of the limited commercial enterprises? What are the opportunities of the limited commercial enterprises? How has the limited commercial enterprises worked in practice? Why are there still so many bonafide fishermen outside the formal allocation system? What are the spin offs effects in the community in terms of job creation, etc.? What happened to the large number of unsuccessful applicants? What are the unintended consequences of converting subsistence fishers to micro-commercial enterprises without the necessary organisational capacities and infrastructure?

Keywords: Subsistence fishers, sustainable livelihoods, and limited commercial enterprises

Introduction

“South Africa has always been hard to classify, in part because it represents a microcosm of the world capitalist system. There exists on its territory zones that correspond to all four constituent ‘worlds’ that make up the world system. There is the overwhelmingly White section of the population whose popular culture and standard of living seem to belong to the ‘first’ (advanced capitalist) world. A humorist would note, however, that the ‘statist’ policies of the former rulers put the country in a category that used to include the so-called socialist countries of the ‘second’ world. Much of the urban Black population belongs to the modern, industrialising ‘third’ world, while rural Africans do not differ much from their counterparts in the ‘fourth’ world Africa” (Samir Amin, Dakar, June 1997 – source: Marias, 2001, foreword).

In 1994, a transformation programme was implemented which fundamentally changed the country’s political, economic and social landscape. It firmly entrenched the values of equality and freedom, laying the foundations for the country to chart a new path to economic development (Adedeji, 1996). The African National Congress (ANC) with its election manifesto called the Reconstruction and Development Programme (RDP), the institution of the Government of National Unity (GNU), the new constitution, and the Bill of Rights all paved the way to the new democracy in South Africa. The new democracy created an action space for the marginalised poor fishers to challenge their conditions and to create alternatives.

Soon after the new democracy was institutionalised, established interests (internal economic forces) in South Africa argued that in order not to scare off international investors, South Africa’s political economy should
remain untouched. The Government gave in to the pressure from internal economic forces by shifting the macro-economic policy from the home-grown reconstruction and development programme (RDP) to that of the home-grown structural adjustment programme – GEAR (Growth, Employment and Redistribution). The South African reform agenda thus included privatisation, subsidy removal, downsizing of the public sector, and some encouragement of small Black entrepreneurs. All efforts would be concentrated on achieving growth and equity, which would result in the trickle down effect of creating jobs (Bond, 2000).

South Africa, according to Bond (2000), emphasised the importance of internal forces through the home-grown structural adjustment, as opposed to externally imposed structural adjustment policies in African countries. Thus, home-grown structural adjustment was the political response of the South African state to deliver effectively social wealth in the form of land, education, social services, transportation, electricity, water, roads and more importantly the possibility to decide autonomously over their management and distribution in communities. Thus, South Africa remains strongly indebted internally to major corporate powers, which mean that they have a strong influence on the formulation and implementation of new policies.

South Africa’s fisheries management system was based of allocation of rights to own established companies, with the transformation process, the rights based management system had to include the large number of coastal communities, fishers, into an already fully utilised system. Coastal sustainable livelihoods or any form of poverty alleviation during the Apartheid era was mainly focused in the Western Cape (west coast) and in White and Coloured coastal settlements. It was thus regionalised and ethnicised (Van Sittert, 2002a). Despite the importance of the subsistence sector, most Coloured and Black fishers were never formally recognised and fell under the category of recreational fishers where they were supposed to harvest limited amounts for personal consumption only. Although it was illegal to sell under the recreational permits, most of them made a living through selling their catches (Branch et al, 2002). During the Apartheid era and still now, recreational permits were used as a form of livelihood to many poor coastal fishers and also as a supplementary income for the white boatowners and skippers who were formally employed in the civil service.

Since 1992 the discourse on South African subsistence fishing has changed dramatically primarily through the social surveys of the Human Science Research Council-HSRC (1993) initiated by the National Party Government and the Subsistence Fishers Task Group-SFTG (2000), and thereafter initiated by the ANC Government (Van Sittert, 2002). The first survey focused on the Western Cape, whilst the SFTG (2000) expanded the poverty alleviation focus to incorporate subsistence fishers on the south coast, Eastern Cape and KwaZulu-Natal. In the Western Cape province, those falling into the subsistence fisher category were harvesting commercially important species, such as WCRL and abalone. These fishers were normally described as poachers or if their activities were half-heartedly accepted, as informal fishers. However, they wanted to be recognised as small-scale commercial fishers. The National Party, informed by the social survey of the HRSC headed by Schutte (1994), sparked off the first initiative to create community quotas (in hake) in order to provide some type of poverty relief. This National Party initiative was mainly a political manoeuvre to maintain the support of the Coloured groups dominating the West Coast communities. According to Van Sittert:

“The ANC Government’s fisheries reforms have long been interpreted by its opponents as an attempt to secure the ANC majority in the Western Cape province by redistributing access rights. In the run-up to the 1994 election, the ANC certainly attempted to counter the NP’s doling out of ‘community quotas’, by convening a ‘fishing forum’ under the auspices of the ANC provincial leader Allan Boesak’s Foundation for Peace and Justice to plan for redistribution” (Van Sittert, 2002a: 57).

However, it is important to note that the community quota under this set-up was primarily a social security measure and was never intended for local development. Hake, and to a lesser degree anchovies, were fished by large vessels which required heavy capital investment as well as competence for running the operations - and the poor local communities lacked infrastructure, business skills and start-up capital. The whole community trust system was based on selling the quotas back to the established operators for a (relatively low) price, and using the income as relief support to poor fishers within their respective fishing communities. In addition, the implementation of community quotas disregarded the class structures within the community, which meant that money channelled through the community was more likely to be paid to the community elite, which resulted in limited trickle-down effects to the real poor fishers.

The impetus to develop a new fisheries policy after the 1994 elections also came from the West Coast, this time with a broader agenda. It was during the deliberations of the FPDC that the idea of establishing subsistence as a separate category of fishers, occurred for the first time. This was largely based on the idea that fishing was an entitlement of many poor communities. Other representatives saw it primarily as a means to keep people alive, on
condition that they were not allowed to sell their catches. However, the representatives of the informal fishers on the Committee argued firmly in favour of bringing the informal fishers into the mainstream of fisheries policy, giving them guaranteed rights just like other commercial operators. Whatever the position of the members, the important step was that this group (or rather these groups) were finally put on the agenda.

Legislative Background
The history of subsistence fishing dates back to the coastal indigenous strandloper people of South Africa. Later, limited amounts of subsistence fishing were allowed under provincial Government control (Boyd, et al. 2000). The situation changed during the FPDC process where there was consistent talk of subsistence fishers, but in the context of catching for immediate consumption and normally, in reference to certain areas, characterised by extreme poverty. In spite of rather different notions of who could qualify as a subsistence fisher, the concept survived as one of the three categories of fishers throughout the whole policy-making process and is defined in the MLRA as:

“Subsistence fisher means a natural person who regularly catches fish for personal consumption or for the consumption of his or her dependants, including one who engages from time to time in the local sale or barter of excess catch, but does not include a person who engages on a substantial scale in the sale of fish on a commercial basis” (MLRA 18 of 1998: 12).

The definition of subsistence fisher was not applicable to many fishing communities, as their main intention was to acquire fishing rights and sell their catches. Many fishers in coastal communities on the West, South and East Coast of South Africa strive to access commercial fishing rights, with the exception of the subsistence fishers in KwaZulu-Natal. For administrative purposes, the definition was a nightmare, as there was no data available on the number of fishers and which species would be suitable for subsistence fishing. During the policy formulation process, political and administrative efforts mainly concentrated on commercial reallocation as subsistence fishing was still considered to be a marginal problem. But as the transformation of the commercial sector created litigations, bad publicity, and corruption charges regarding the reallocation, the subsistence fishing option reappeared on the political agenda. This also meant an upturn in the action space for poor people after their disappointment with the allocation process of commercial fishing rights.

In December 1998, the Chief Director of M&CM appointed a Subsistence Fisheries Task Group (SFTG) to provide advice on this matter. While waiting for their commercial applications to be processed, many fishers either applied for recreational quotas, which allowed them to catch four lobsters a day in the season, after paying the licence fee of R50 and selling their catch locally, or/and continued to fish illegally.

The SFTG consisted of two groups, the core group of 17 members with divergent areas of expertise, and the consultative group of 20 members who provided information and support to the core group. According to the detailed survey of the SFTG, there were 143 fishing communities along the entire coast, comprising of approximately 20 000 households with some 30 000 subsistence fishers. Of these, only 30 communities were located in the Western Cape, with the majority in KwaZulu Natal and Eastern Cape. However, the most contentious resources were mainly found in Western Cape waters, in particular WCRL and abalone, in which both the commercial and the recreational sectors were heavily involved. According to the SFTG:

“Subsistence fishers are poor people who personally harvest marine resources as a source of food or sell them to meet the basic needs of food security; they operate on or near to the shore or estuaries, live in close proximity to the resource, consume or sell the resources locally, use low-technology gear (often as part of long-standing community-based or cultural practice) and the kinds of resources they harvest generate only sufficient returns to meet the needs of food security” (SFTG 2000: III).

In operationalising this more general definition, the SFTG came up with detailed requirements. To qualify as a subsistence fisher, he or she must collect the fish personally (although immediate family members may collect on their behalf, but not on the same day); they must not employ staff to undertake the harvesting, processing or selling; all the resources used must be categorised as suitable for subsistence fishing; and only low-technology gear must be used in the actual harvesting operation. Specifically excluded would be motorised boats, electronic equipment, and hookah and scuba gear. Subsistence fishers must live within 20 km of the resource, and in allocating rights, preference should be given to those practising fishing as a long-standing cultural and traditional role that is, transmitted through at least three generations or 50 years. To qualify for consideration, fishers should be poor and have no other income sufficient to generate their basic food requirements. Finally, subsistence fishers should be
allowed to sell or barter their catches, provided that the sale is by the fisher personally and the catch is consumed in the very same area, that is, within 20 km from the landing site. The selling of subsistence catches was an important shift from the definition of the MFWP and was welcomed by local fishers. The vagueness of classifying the subsistence fishers opened a space for the unemployed to apply. This scheme incorporated many of the unemployed and women.

Consequently, the SFTG had created a new control problem for the already understaffed M&CM. SFTG had also figured out a complete management set-up to take care of the subsistence sector. It consisted of a Subsistence Fisheries Management Unit with at least three staff members, established within the M&CM, a provincial management delegation, regional extension officers and, finally, local management committees. In addition, an advisory group for Subsistence Fisheries Management was to replace the SFTG and act as a permanent advisory body to the Director-General. The principle of co-management was strongly encouraged, and “the few established successful co-management structures should be used as models for local fisheries management structures” (SFTG 2000: 47).

At this stage it was clear that not all small-scale fishers fitted into the rather strict interpretation of the SFTG. The Task Group readily admitted, “it excludes an important group of people who might previously have been considered subsistence fishers or artisanal fishers, but who would prefer to gain commercial rights” (SFTG 2000: 21). For this reason, it was recommended that a separate subcategory should be established, to accommodate small-scale commercial fishers. The arguments in favour of such an arrangement were also macro-economic. Considering the value of resources such as abalone and WCRL, it would be (economically) more beneficial to sell and export these resources, rather than using them in the subsistence sector. Finally, there was a strong argument in favour of giving subsistence fishers the opportunity to graduate to commercial fishers. In the words of the SFTG:

“Small-scale fisheries should be seen as a specific opportunity of uplifting poor people who already have the skills and experience required for fishing, simply as another way of allowing well-to-do investors entrance into the fishing industry” (SFTG 2000: 21).

An interesting observation of Van Sittert regarding the role of this survey of the SFTG is that the report

“served to silence and exclude their subjects of their investigation from further participation in the reform process...the peculiarity of the local was also sacrificed to the need to homogenise and synthesise the experiential data. Once recast and filtered in these ways, the data embodied in the published reports came to stand in place of its subjects in official discourse about the fisheries which was henceforth the exclusive terrain of technocrats and politicians” (Van Sittert, 2002b: 299).

The pilot subsistence initiative

During the 1999/2000 season it was decided to pilot the subsistence initiative in six impoverished communities for the WCRL. Ocean View was part of this pilot programme. Piloting the subsistence initiative in the WCRL species went against the recommendations of the SFTG. Due to the commercial value of the species it was recommended that this species was suitable for small-scale commercial harvesting. After a quick screening process, permits were allocated for the last two weeks of the 1999/2000 fishing season in Ocean View. Before the permits were allocated to the subsistence recipients, the ANC local branch together with an M&CM official took the initiative to reach an agreement with various established industries Oceana Fishing Company, Premier Pty.Ltd, Komics Pty.Ltd etc. to process and market the catches of the fishers.

Most of these fishers were not involved in the actual fishing of the lobster, being happy that they would get a wage at the end of the week for doing absolutely nothing. Most of these fishers were not involved in the actual fishing of the lobster, being happy that they would get a wage at the end of the week for doing absolutely nothing.

In the meantime, pressure was put on the M&CM to increase the size of the scheme for the unemployed, who were not necessarily fishers. It was then decided to extend the rights of the experimental group to the next season (2000/2001), pending the implementation of a new and more permanent system. When M&CM’s newly created special unit started its information campaign in September 2000, the road show visited 49 fishing communities along the West Coast and South Coast. The meetings were open to all members of the community and all stakeholders in the fishing industry. The meetings were intended to provide a solution for unsuccessful applicants, giving them a minimum catch of four per day.

At the same time, M&CM saw the possibility of trading access in exchange for better compliance, asking each of the participating communities to nominate a committee containing at least three experienced fishers, to liaise
with M&CM. One of the main goals of this committee was to get their house in order, that is, to clean up local corruption, illegal catching and selling. Another task was to collect copies of the identity documents of persons in the community who qualified according to the criteria set up by M&CM. One outcome of this process was the establishment of local Fishing Forums, setting the arena for the possibility of community management structures in future. At this time there was also speculation that the Fishing Forums would be allocated community quotas but as this issue raised the questions of possible corruption and mismanagement, very little attention was given to this option.

In a newspaper report (*Weekend Argus* 14/15 October 2000), attention was drawn to the monopoly of two leading fishing companies in catching, marketing and processing the subsistence fishers’ permits. “Many of the permits specify that the holders were only to sell their catch to certain companies” (*Weekend Argus* 14/15 October 2000). The fishermen felt that they would rather side with the established industry than with the new entrants as the latter had used their names and identity numbers to acquire quotas and when they were successful, the fishers no longer formed part of the company. Furthermore in an article in the paper the fishers viewed the subsistence initiative as follows:

“We see these subsistence permits as a compromise. We think that sooner or later they’ll take them away from us too. We hear the scientist saying the stock is under threat and must be conserved. Why should we conserve stock we’re not allowed to share?” (*Weekend Argus* (14/15 October 2000).

As Van Sittert mentioned above, introducing social surveys could imply the exclusion of the marginalised poor from participating in the reform process. Furthermore, there was not sufficient time for constructive feedback from the community groups between the pilot programme and the implementation of the full programme. As indicated above, the action space was wide open for outsiders, including the already established companies. They could capitalise on the lack of infrastructure, skills and credit among the new micro-commercial entrepreneurs.
Community Profile of Ocean View:
Ocean View is located in the greater Cape Town area of the Western Cape of South Africa. It was created for a coloured through the Group Area Act under the Apartheid regime in 1968. The lingering economic effects of the disenfranchisement and displacement are still present in the community. With the population size of 35 000 people the current problems facing this community are unemployment rate which is at 46%, overcrowding and poverty leads to the high incidences of Tuberculosis, increasing levels of HIV/AIDS.

Fishing has played an important part in the livelihoods of many of the poor and the unemployed. Many of the unemployed or use the recreational fishing permits during open seasons (November – April) to create an alternative income. During closed season (May-October) they would work as semi-skilled, unskilled labour in the area (domestic help, gardening, etc.) There are many that use the recreational permits are also used as a supplementary income for many who are permanently employed during the open season. They represent the few that are professionally trained teachers and tradesmen for the civil service. This group possess the networks of clients and yield much higher prices than the poor who use it as their primary source of income.

In Ocean View in 1993 a community trust was established but due to mismanagement allegations resulted in this system disbandlement in 1994. The fishers had to reorganised their organisations to apply for commercial fishing rights. A co-operative system was established in Ocean View in 1996 and by 1997 it comprised of 24 co-operatives along the coast representing 3000 fishermen. Most of the fishers in Ocean View formed part of this co-operative system whilst in many other communities, section 21 companies, Closed Corporations, Private Companies were established to apply for full commercial fishing rights. SACFC in 1998/1999 became the biggest new entrant in the fishing industry whilst the smaller groups received much smaller allocations but they were less members. In house conflicts and chaos within the SACFC structure led to many fishers resorting to form new organisations (CCs and private companies). For many of the new organisations it was too late since the 11 000 applicants only few succeeded and in Ocean it was mainly individuals who were fishing all their lives. Soon after the subsistence permits were introduced and M&CM was unable to separate who are the real fishers from the unemployed or from the retrenched or retired individuals. It was also an opportunity for those outsiders with necessary skills in organisation and lobbying but moreover for women. For the first time women were going out to sea. Many women’s groups were successful with the subsistence permits and were ready for the conversion to micro commercial enterprises for 2002.

Medium Term allocations 2002-2006 WCRL

<table>
<thead>
<tr>
<th>Full commercial</th>
<th>Limited commercial</th>
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<tr>
<td>Africa’s Best = 2tons</td>
<td>Kalli van Sittert = 9tons</td>
</tr>
<tr>
<td>Herbert Levendal = 2 tons</td>
<td>Cheryl Wyngaard = 16 tons</td>
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<tr>
<td>Kay Adams = 3 tons</td>
<td>Safwa (Sarah Luyt) = 28 tons</td>
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<td>Ikwezi = 2 tons</td>
<td>Allan Hendricks = 8 tons</td>
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<td>Komics Pty. Ltd factory = 5 tons</td>
<td>Independent = 6 tons</td>
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<tr>
<td>Lighthouse Fishing WCRL factory</td>
<td>Juliet Grove group = 9 tons</td>
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In the first year of the medium term rights allocation the total to 60 tons of WCRL were allocated in Ocean View that was worth R9 million rand. On the one side there was a definite increase in the livelihoods of women headed families who were involved in fishing set-ups in the community. They immediately looked at buying assets for their house, payment of their children school fees. There were also some in their group that used the money mainly on drug and alcohol abuse. On the other side most of the R 9 million rand went into self-enrichment schemes of those heading the organisation and to the agents who sell the catches to established companies or internationally directly. During this time the rand weakened against the dollar, which favoured the export nature of the WCRL specie. In 2003, the rand strengthen of such a nature that their income dropped to less than have of what they received in 2002, added to this the right holders had to pay their taxes. The money derived from fishing rights were on self-enrichment schemes than on community development initiatives. Due to the drop in income and extra burden of tax payments many of the members of the bottom scale of the organisations are resorting to poaching.

Poaching in Ocean View can be classified into two categories, poaching for a livelihood and poaching to supplement income. Due to the high unemployment rate, many of the unemployed take out extra or during closed season for a livelihood. Those in the category that poach for supplementary income are either in a quota (medium term rights), use the recreational permit to gain access and then take out more than what they are suppose too. Other factors that contribute to the people poaching are the disappointment with the rights allocation system, the strengthening of the South African currency, tax payments, etc. This creates a MCS nightmare since few groups are legal rights holders (limited commercial) since a large percentage of the recreational right holders, unsuccessful applicants and some legal right holders continue to poach.
Implementing West Coast rock lobster as a subsistence fishing category

Applications for subsistence fishing rights for WCRL commenced in November 2000 for the 2000/2001 seasons. This time M&CM together with members of various communities went through a verification process. In December 2000, M&CM received 3 431 applications from 49 coastal communities and Fishing Forums along the West and South Coast, but mainly within the province of Western Cape. This large number of applicants and the verification process resulted in delaying the allocation of subsistence rights. In the interim, the fishers were fishing on recreational permits every day until the end of January 2000. At this time the fishing forums placed pressure on M&CM by saying that if rights were not allocated by the beginning of February, they would resort to poaching. Due to this pressure M&CM decided to extend the right of all applicants to catch until the end of February 2000. During this month, fishers were allowed to catch four lobsters per day, according to the prescribed fishing regulations (minimum size, sex, area, etc.). By March 2000, M&CM had sufficient time to verify all the 3 431 applicants and only 1 700 met their requirements, i.e. being at least 18 years of age; having no other means of employment and no other (commercial) access to marine resources. But while the criteria were strict and there were good reasons to turn down a number of more opportunistic applicants (who had other means of income such as retirement packages), the last requirement, that the fisher should do the harvesting personally, was impossible to control.

For eight weeks (March and April 2001) the new system also opened up creative ways of avoiding the prescribed rules. The rates per kilogram WCRL in the fishing communities were ranging from R80 to R115 and by subtracting the fuel costs, the permit holder could earn up to R500 per week. Many of them were not actively involved in fishing activities, as agreements were made with the skippers to just pick them up and take them for a ride to show the fisheries inspector that they were catching the lobster while most of the fishing had been done already. The lobster was then sold to one of the specially designed companies taking care of the further processing and marketing, at a substantial profit.

Whilst most of the subsistence permit holders were sitting back and receiving payments every week, others from the Fishing Forums were more creative as the running of a successful business venture in the subsistence category could possibly pave the way for more fishing rights in the medium-term allocations.

The subsistence allocation of four WCRL per day had the potential for improving the livelihoods of the many desperately poor in the coastal communities on the West Coast. Over time it was also likely that the scheme could be extended to cover other inshore species, such as oysters, white mussels, small-net fishing and traditional hand-line fisheries. Thus, subsistence fishing could yield a sustainable living, although at only on the absolutely marginal level. According to M&CM’s strategy, this scheme could also serve to reduce illegal fishing and illegal selling, provided that the fishers involved saw the logic of keeping catches within sustainable limits.

Converting subsistence permits to right based permits

The pilot programme was initiated in 2000 when M&CM, after two weeks of piloting this initiative, decided to take it on a road show to 49 coastal communities in the Western Cape province. From September 2000 - December 2000 the coastal communities had the opportunity to form Fishing Forums to apply for subsistence fishing permits in December 2000. In March 2001, of the 3 431 applications submitted by the 49 coastal communities, only 1 700 received permits. This resulted in a split in organisations, as not all who applied for subsistence permits were successful. Almost immediately, new organisations were established comprising only successful applicants. There were also many fishers associated with the Fishing Forums that held the leaders accountable for the misappropriation of funds within the organisations. In just over a year the subsistence permit system was converted to limited-commercial fishing quotas.

M&CM’s shift from the social development or poverty alleviation focus of the subsistence permits to that of market-oriented limited-commercial rights based on individual quotas, with catches sold on the commercial market, was a shift in policy that did not necessarily benefit the poorest of the bona fide fishers. Just like the ordinary commercial sector, M&CM again focused on how much of the TAC was now in the hands of historically disadvantaged individuals. As shown in Isaacs (2004), a large number of the new commercial entrants were again selling off (leasing) their rights to the established companies. They did not have the resources or the capacity to operate independently of the established companies and where training schemes and credit schemes were seriously lacking, many of the new entrants were forced back to the established companies. Since the real profits are in processing and marketing, the established companies still took a lion’s share of the profit margin.
The same applies to the subsistence fishing operators who relied heavily on the infrastructure of the established companies. The subsistence fishers’ lack of infrastructure, business skills, and start-up capital opened the space for many outsiders to take advantage of them. These outsiders include the new entrants, recreational boat owners and established companies. If this trend continues, a substantial part of the rights will slip back into the hands of the established companies, leaving transformation in the hands of the commercial industry, old and new. In this case it is imperative that Government increases its efforts in training (especially in business skills), providing credit facilities and assisting in organising the fishers. Whether this will result in community upliftment remains to be seen. But those formerly known as informal fishers have at least been seen and partly accepted and to some extent accommodated, although most of them are not happy to be labelled as subsistence fishers or limited-commercial fishers but want to be classified as full commercial fishers. The future of the subsistence fishing enterprises in WCRL and abalone depended on their ability to run a successful enterprise. Juliet Grove was relatively optimistic regarding the subsistence permit allocation and with the limited-commercial sector:

“The quest for the acquisition of subsistence fishing rights has been long, tedious and complex with many unnecessary delays with processes and procedures and the marked inability of the Department of Marine and Coastal Management to utilise effectively the resources at their disposal. However, the project has a great potential and if managed correctly has all the ingredients for a viable business enterprise with sustainable long term returns for the fishermen and women who depend on the sea for their survival” (Grove 2001).

More research is needed within this sector to establish how new organisations are working and how they function in economic terms (consumption versus investment). There are indications of mismanagements of funds by directors in some organisations and many fishers are dissatisfied with the distribution of dividends. It is still an open question whether the leaders in this sub-sector are more honest and better controlled by the members than the organisational entrepreneurs in the ordinary commercial sector described in Isaacs (2004).

Many artisanal fishermen refused to apply for limited-commercial rights as they viewed themselves as professional fishers and wanted to from part of the full commercial and not the limited-commercial/subsistence sector. Since the numbers in the full commercial were already oversubscribed, the logical choice for them was to apply for limited-commercial rights. As was the case with the first allocation process (1998-2000) as well as the new allocation process, many of the fishers failed to meet the stringent technical requirements. In addition, it is difficult to assess precisely how many bona fide fishers that failed to obtain a legal quota. This is because the new entrants may be individuals, CC with up to ten participants, co-operatives with hundreds of members, and shareholding companies with many shareholders. The limited-commercial scheme created room for many new entrants, who were not previously actively involved in fisheries. Here, one would argue that the commercialisation of the subsistence permits and the streamlining of numbers led to the same problem as described earlier: that unskilled, illiterate fishers, with no organisational and business skills tended to fall out of the system. The inability of the system to incorporate the bona fide fishers had contributed to the characterisation of the limited-commercial system as illegitimate, favouring those who are not active fishers and mainly women.

The disbanding of the Fishing Forums established for the 2000/2001 limited-commercial enterprises signified a lost opportunity for the M&CM, with regard to building organisational capacity for the much needed community management. With the move to limited-commercial rights, only individuals, co-operatives, CCs and companies could apply, not the more loosely organised forums. Furthermore, when only half the members received a quota, the other half rapidly lost interest. As a result, one of the few community arenas for handling common management problems disappeared.

The hopes of many of the marginalised poor were dashed when the Director- General of M&CM declared that the new medium-term rights allocation was a business and not charity. While clear criteria and an application process with strict verification were no doubt required in the commercial sector, the very same procedure is more problematic in the subsistence sector. The stricter requirements, in terms of the complicated application forms and business plans etc., resulted in many of the largely illiterate bona fide fishers being left out of the system. As was the case of the new entrants in the commercial category, the marginalised poor faced similar problems with the application process. With the new market-oriented medium-term allocations, action space shaped by the MLRA was again limited by the strict, formal rules imposed on the application process. A former director of one of the larger fishing companies, now turned activist, who is trying to assist the locals, Mr De Silva claimed that:

“we believed ordinary people should own these rights but they had to be empowered to manage the process, complete the application forms and acquire the business skills to manage a business, but it was
difficult because these communities had never submitted an application form before and there were all sorts of advisers and consultants who were exploiting the situation. “One has to find an equitable basis so that they can be in charge of their own future. Over the next four years they will have to build up their skills” (Fishing Supplement, Mail & Guardian, 18 September 2001).

The first phase of the subsistence pilot programme and the experimental season of 2000/2001, were in conflict with the recommendations of the SFTG. In turn, the SFTG was in conflict with the highly politicised road shows of M&CM that increased the expectations of many poor and unsuccessful fishers. The conflict arose over the lucrative species of WCRL and abalone, as these species would be best suited for micro-commercial, rather than subsistence fishing. After evaluating the experiences of the 2000/2001 season, M&CM decided to change the subsistence permit system to the original proposal of the SFTG. Abalone and WCRL were considered as too valuable to be allocated to subsistence fishing. M&CM then decided to split the TAC for WCRL and abalone into two categories, full commercial and limited-commercial for the 2001/2002 season. The applicants of the subsistence permits now had to comply with the following criteria for small-scale WCRL:

- Only hoop nets from small boats less than 6 m, that could be rowed or powered by outboard engines, were allowed.
- Applicant had to reside within 25 km of the landing point.
- Only landing sites with official mass meters were permitted.
- A quota of one ton was fixed.
- An application fee of R500 was set.
- Rights were not transferable or saleable during rights allocation period.
- All other regulations pertaining to the commercial sector applied (size limits and seasons, business plans, establishment of legal entities, experience and capability to participate in the fishing industry (DEAT, 2002).

The new group of limited-commercial entrants applied for 850 kg of abalone and 1500 kg of lobster. All applicants had to pay an application fee of R500 for limited-commercial rights, and R6 000 if they to applied for a full-commercial quota. The market value of the species resulted in greater interest from urban fishing communities to harvest these species, thereby claiming their right of entitlement. Upgrading subsistence fishing to micro-commercial meant that subsistence fishers had to organise themselves into CCs and private companies and provide business plans, harvesting, processing and marketing agreements with an established company. In Ocean View the upgrading of subsistence to micro-commercial fishers again created room for consultants and lawyers, local teachers or anyone with some form of tertiary education, to assist communities in establishing these legal entities and drawing up business plans.

This action space also created room for political parties to participate or compete in supporting poor fishing communities who were benefiting from the scheme of limited-commercial fishing rights. Van Sittert (2002a) reminds us that politics played a role in reforming the fishing industry in the 1940s through the National Party, and once again with the community quotas in 1993. The hand of politics in the allocation of fishing rights was also evident in the mass redistribution in 1998/99, as well as with the subsistence permits in 2000. In 1993 and 2000, both the NP and the ANC implemented poverty alleviation initiatives to sway the Coloured vote in their favour in the Western Cape province.

The Democratic Alliance (National Party and Democratic Party alliance) victory over the ANC during the December 2000 local elections was largely based on the allegation that the ANC was only assisting their own elite Blacks in Johannesburg, and not the poor Coloured fishing communities of the Western Cape. The Coloured community also played a key role in voting the Democratic Alliance into power in December 2000. The Democratic Alliance, together with a retired businessman, formed a partnership to assist poor fishing communities in the Western Cape. Consequently, during mid-2001 a previous Managing Director of an established company (Premier Fishing), Tony de Silva, and a Democratic Alliance Member of Parliament, Antoinette Versfeld, set out to assist 16 fishing companies to complete applications for fishing quotas in the micro-commercial sector. Versfeld and De Silva, the political-business duo, focused on subsistence fishing and refused to work with any closed corporations and commercial companies.

The broader reform agenda of the national Government’s redistribution of access rights in the fishing industry encompasses the promotion of Black Economic Empowerment, shareholding schemes for employees as
well as creating local entrepreneurs. These strategies limited the action for the marginalised poor fishers and shifted the fishing rights away from the target audience.

**What are the unintended consequences of converting subsistence fishers to micro-commercial enterprises without the necessary organisational capacities and infrastructure?**

According to the works of Scott (1985,1990) and Webster and Engberg-Pedersen (2002) marginalised groups do not possess many assets to really influence politics, while current dominant discourses favour the more affluent groups with the necessary skills. The facilitatory role of local organisations in promoting the political agency of the poor is also not very clear. The action space created by the MLRA for marginalised poor can, according to Scott, be reflected on two levels, the onstage arena and the offstage arena. On the onstage arena there would be those that would publicly accept the new allocation of fishing quotas, as they were included in the process. There would also be those that would publically defy the new allocation process through public protest. In the offstage arena there would be some that would show their acts of defiance through poaching. There would also be those who did not receive any fishing rights who would be discontent with the new allocation regime, but they would disguise their acts of defiance through gossip, euphemisms, etc. Through the open and disguised forms of resistance, the marginalised poor declare their agency from below. Scott’s hidden transcripts (onstage and offstage discourse) help us to understand why the discrepancy did not result in massive demands for reallocation. There were certainly protest groups and a few of them succeeded. The established industry, together with the successful new entrants, had gained ideological domination by claiming that fishing was a business and not a charity! The unsuccessful remained negative about the whole process, but their protest made little impact on the reform process, with one important exception, namely poaching.

Poaching may be seen as one form of weapon or tool by the fishers who had tried to go the prescribed legal way, but who had lost out. Added to this perspective of offstage discourse could be the fact that even among the poor fishers there would be different interests. Not all were similarly dependent on fishing and not all were equally poor. As indicated in Isaacs (2004), the unsuccessful group was also very diverse. By adding these elements to the more technical explanations of implementation, we start to get a picture of why the realities on the ground turned out to be different from the first optimistic visions of improving the lot of the poor fishers in the coastal communities. In short, policy goals were unclear, the administrative apparatus weak, the conditions unstable, the opposing forces strong and the potential beneficiaries weak. Due to the agency of all groups involved, the power relations and hence the action space would change over time, so that a policy script with the best intentions could end up with a number of unintended consequences.

**REFERENCES**


ENDNOTES

i South African realities unfortunately force a resort to racial categories. Thus “African” refers to indigenous inhabitants whose ancestors’ presence in the region pre-dated the arrival of European and other settlers; ‘Coloured’ refers to people of mixed race origins; “Indian” refers to descendants from South Asia; “White” refers to descendants of European settlers; “Black” refers inclusively, in the manner of Black consciousness (BC), to all South Africans who are not “White”. The researcher falls into the category of descendants from South Asia but classified as “Coloured”, however, she classifies herself as Black in the same manner of the BC.

ii Peter Grove presented the idea of action space in May 1997 as a response to the limited options available to the poor people in a democratic South Africa. He viewed the idea of action space “as to what poor people can and must do for themselves and how others can assist” (Barberton et al. 1998: 1). In their book Creating an Action Space Barberton et al. (1998) place their understanding of action space in the broader political context and use the notion of action space as a metaphor for the reform process in South Africa that symbolises new possibilities and new opportunities for the poor through the new democracy. This thesis views the notion of action space as a metaphor for a new arena created through implementation of the Marine Living Resources (MLRA) 18 of 1998.

iii In the mid-1930s the issue of poverty in fisheries was ethnicised as the national Carnegie investigation into White poverty and the liberals in the United Party and the Coloured Development Council investigated the effects of Coloured poverty (Van Sittert, 2002).
As shown in Chapter 7 many of the new entrants, especially the paper quota holders, tend to spend a lot of their money on conspicuous consumption and very little on projects related to education, health or improved infrastructure.

The position of the representatives of the informal sector remained unclear throughout the whole policy process, as the main argument was in favour of a fixed TAC, registration of bona fide fishers and then a system of catch as catch can, that is, with no individual quotas as such.

The other two groups are recreational and commercial fishers.

The fishers were paid R45 per kg, as 3-4 crayfish equals a kilogram. The fishermen in turn had to pay a R5 levy for the use of the company boats. For the last two weeks of the season the fishers – all 147 permit holders - were paid the amounts of R192 and R169.

Interview with Cyril Walker, this time as a subsistence permit holder in Elands Bay on 16 August 2000.

This initiative was marketed by Noel Williams, Director Special Projects of M&CM together with a consultant Marine Biologist, Tracy Phillips of Eco-Africa along the West and part of the South Coast of South Africa.

According to Mr Oppelt of Algemene Vissers in Hout Bay on 2 November 2000.

Premier Fishing owned by the empowerment group Sekunjalo and Oceana Fishing owned by Tiger Oats and Real Africa.

At this stage there was a frenzy for subsistence permits and with everyone in the respective communities being unemployed, retired teachers and civil servants, people looked to supplementing their income by applying for the subsistence permit (sitting on the board in Ocean View to select who are the real bona fide fishermen in January 2001).

In addition, the following fisheries were designed for limited-commercial quotas: white mussel for bait, traditional line fishing (with no more than four crew members), the collection of oysters, and fishing with beach seine for mixed shoal fish (SFTGRSA 2001).

For the medium-term rights allocation the WCRL would be allocated for a period of four years and for abalone a period of only two years. This period started in the 2001/2002 fishing season.

Tony de Silva, prominent figure in the fishing industry, has been managing director of Premier Fishing, part of Bato Star and Sekunjalo.

Antoinette Versfeld a New National Party senior member, defected to the Democratic Party in January 1999. She has since taken her Sea Fisheries portfolio seriously, especially the plight of the West Coast fishing communities, which forms part of her electorate.

This is not to say that all these fishers poach, as there is a large group of professional poachers who have never intended to take the legal route.