

## Power in partnerships and governance in process: reflections on university and community engagement in South Africa

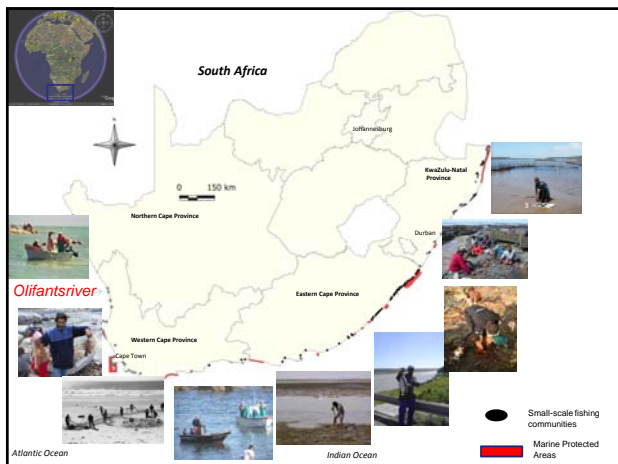
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## Olifants estuary traditional net fishery

Use Olifants traditional net fishery as a reference point

- Explore partnerships
- Examine how thinking and approaches changed
- Share lessons
- Discuss how local experience influenced broader policy and governance processes in SA
- Principles emerging



## Environmental Evaluation Unit (EEU) University of Cape Town (UCT)

Established in 1985

Long history of community engagement on environmental and coastal issues

Increasingly involved in policy-related research





### Introduction

Masifundise: NGO established in 1981

Support to black students during Apartheid

1999 Began working with traditional rural coastal communities



1994: The advent of democracy in South Africa

Traditional small-scale fishers held high hopes that legal reforms would transform governance of marine and coastal resources



## Background to fisheries management

Style of management  
**centralised, top-down governance**

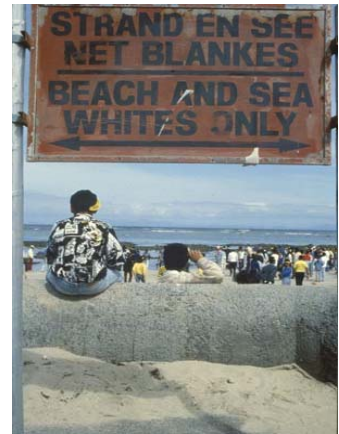
Combination of  
**conservation-orientated** approach  
and an approach that  
favoured the **large, white dominated commercial** sector.



### Spatial planning and coastal management

racially biased –  
Group Areas Act of 1966 reserved the most desirable stretches of the coast for whites only

**Piece-meal legislation** and policy for coastal management, separate from fisheries management



### 1998 Legal reform: The Marine Living Resources Act

Act had 3 primary objectives: ecological sustainability, transformation and economic efficiency



Recognised 3 categories of fishing commercial, recreational and subsistence

Geared towards the large-scale commercial sector

- Failed to recognise artisanal, small-scale fisheries
- Introduced the individual quota system in the near shore
- **Small-scale fishing communities fall through the net**– a few got access to individual rights

## Olifants estuary fishing community



Olifants estuary on the Atlantic seaboard

Indigenous Khoisan peoples - 'nomadic-fishers-pastoralists' dependant on marine and fresh water fish

1800's Khoisan leader given title deeds to land for his people by the Crown





1837 Mission station

**White agriculture**  
established itself on the  
fertile lands adjacent to  
the river

1920's **Forced removals**  
Community moved  
downstream,  
off their land but still  
able to fish

1996 community  
instituted a **land claim**



Fishing using beach-  
seine in the estuary,  
later gill-nets

Harvesting lobster and  
line-fish in the nearby  
coastal village

**Customary fishing  
rights ignored**

1970's onwards  
permitting system

Insecure tenure



### Technical 'expert' driven research

- 1993 fishers approach EEU for advice due to decline in catches
- Fishers claim:
  - presence of diamond boats
  - dredging of river mouth affecting catch rates
- Fisheries scientists and EEU undertake preliminary research
- Short term recommendations relating mesh sizes

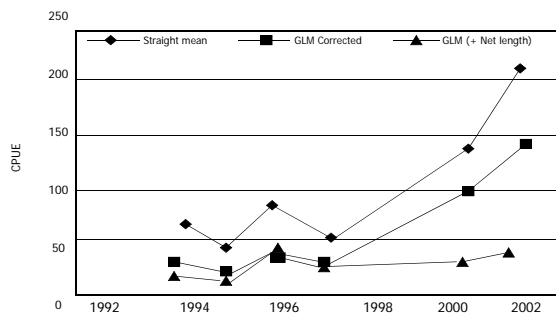


### Research project initiated

- 1994 – EEU and UWC develop research proposal - limited fisher input
- Key focus:
  - Determine sustainable harvesting levels**
  - mesh size experiment
  - set up community-based monitoring system
  - stock assessment



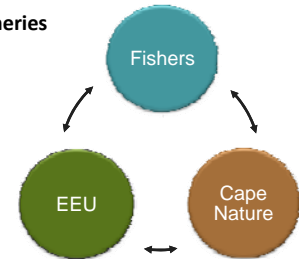
## CPUE – 1994 -2002



## EEU facilitates co-management

### 2. Facilitate meetings with fisheries authority and fishers

- identify problem areas
- development of local fisher committee
- identify roles and responsibilities of partners
- agree on rules



Long, slow process but culminates in partnership agreement in 1998

## DRAFT PARTNERSHIP AGREEMENT BETWEEN CAPE NATURE CONSERVATION AND OLIFANTS RIVER 'VISSERS VEREENIGING'

### PREAMBLE

Following a series of consultative workshops since 1995, Cape Nature Conservation (CNC), as **the statutory authority** for the Olifants River estuary harder fishery (in terms of Ordinance 19 of 1975), and the Olifants River Vissers Vereeniging (ORVV) constituted as a Voluntary Association representing the interests of the broader fishing community, **have expressed their intention to enter into an agreement to share responsibility and competence for managing the Olifants River Estuary Harder Fishery.**

## 1998 – Impact of new fisheries law

- Promulgation of the Marine Living Resources Act, 1998
- Restructuring of fish governance
- Transformation of large commercial sector
- Small-scale fishers marginalised
- Pressure to reduce fishing at Olifants estuary
- Breakdown of co-management arrangements



## Training and Capacity development (1998 – 2004)

### Monitors

- species identification, record catches, measuring

### Fisher committee

- Committee procedures and portfolios, finances

### Fishers

- Understanding new laws
- Co-management
- Roles and responsibilities
- Safety at sea



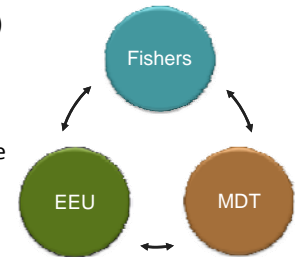


### Student research and training



### Co-management training and capacity development

- EEU receives funding (2002) to implement training program
- EEU approaches Masifundise (MDT) to assist with development of training materials



### Co-management rhetoric but not implemented

- State driven co- management
- Rights not allocated – only exemption permits
- Fisheries authority makes rules
- Fishers determine criteria for access
- Policy to Phase out gillnet fishing on estuary - 2005
- UCT supports fishers to challenge unfair decisions



2002 Masifundise started **organizing small-scale fishers**

Protesting their exclusion through the new policy



### International interactions and influences

Links with international fisher groups and organisations at WSSD

Fishers came back inspired: recognised the need to build alliances and to organize

Start using different language – 'Small-scale Fishers' as opposed to 'subsistence fishers'



### Shifts in community strategy...

2003 Fishers' Human Rights Hearings

**'Fishers' Rights = Human Rights'**

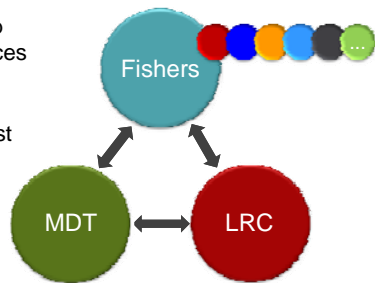
Govt officials tried to use EEU to put pressure on community to cancel the Hearings

2004 Launched Coastal Links, community-based organisation in each coastal village in Western Cape



### Legal action initiated

MDT in partnership with Legal Resources Centre (LRC) launches Equality Court action against the Minister



### Basis for legal action

Discrimination in terms of their human rights

Fishers identify as a distinct class of artisanal fishers, included Olifants fishers

Demand their rights to resources and to participate in governance

Expert witnesses: Prof. Parcival Copes



### Shifting the power towards the community ...



2006 Coastal Links leaders embarked on a defiance campaign and went to sea illegally

2007 Government comes to the negotiating table resulting in a Court Order ordering the Minister to 'accommodate the social and economic rights' of the fishers

2007 Small-scale Fisheries National Summit elects a National Policy Task Team (NTT) with representatives of fishing communities

2008 Preparatory process leading to Bangkok Conference on Small-scale fisheries and the Bangkok Statement

### Shifting Power cont

EEU continues to facilitate meetings and discuss strategies with fishers

MDT, EEU and fisher reps invited to serve on **National Task Team (NTT)** to develop a **new Small-scale Fishers Policy for SA**

Local experience at Olifants and other communities and engagement in international arena informs discussions at NTT

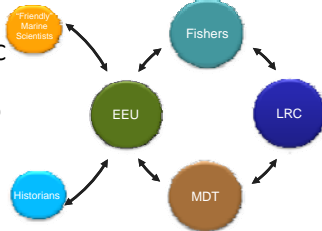


### Turning point - Proposed MPA

- Despite positive developments consultants appointed to develop an Estuary Management Plan (EMP) – ICMA
- Consultants adopt a conservation approach
- Limited consultation with local fishers
- Fishers regarded as one stakeholder
- Vision focuses on "wildlife and visitors"
- Propose 18km of estuary as a "no take" MPA

### Turning point – broadening partnerships

- Fishers and social partners are outraged
- EEU and MDT approach LRC for legal assistance
- EEU shifts its position to research and advocacy
- Fishers, EEU, MDT and LRC consolidate partnership & develop a joint strategy to challenge MPA proposal



### Broadening partnerships and Claiming rights

- LRC submits letter to Minister demanding recognition of customary rights
- Partners hold going meetings with fisheries agency
- Partners participate in oral history workshops
- Develop a shared understanding of importance of oral evidence to support customary claims



### Shifts to trans-disciplinary approach and incorporation of different knowledges

- Community research and engagement leads to recognition of the need for transdisciplinarity and co-production of knowledge
- Partners embark on action-research with emphasis on fishers knowledge
- LRC brings lessons and insights from other customary law cases in land and mining sector
- Currently involved in archival research, oral history interviews re customary practices and institutions, mapping historic fishing practices

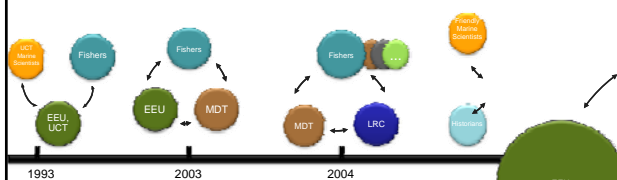
### New forms of governance emerging

- Fishers assert their rights and claims
- Challenge conservation-driven agendas
- Fishers say:
  - NO to draft plan
  - NO to stakeholder forum
  - Demand proper representation on forum
  - Prepare new TOR

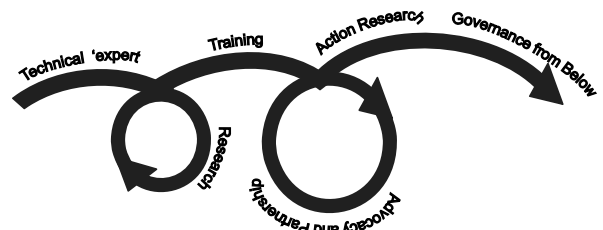


### What has been achieved by the partnerships?

- Fishers are still fishing
- Resources still harvested sustainably
- Recognition of the socio-economic rights
- Fishers begin to assert their customary rights
- Empowerment - meetings occur in community
- Moving towards a shared understanding of the fishery system
- Transferability of lessons to other fisheries



### Changes in strategies over time



### Lessons learnt

- Need to build governance from below - learning from history, local practices and knowledge
- Partnerships are powerful and can effect change and shift thinking and attitudes and influence **policy**
- Thro action research and co-production of knowldge we are turning the dominant approach to governance on its head
- Community - university engagement enriches teaching and research and links theory to local societal problems
- Lessons from Olifants and community processes have informed broader policy processes and ideas about governance

### Principles emerging

- **Recognition of rights.** Importance of ascertaining prior existence of different rights and tenure systems and exploring how to integrate customary and statutory rights.
- **Restitution.** Historical Inequities of the past demand redress – in terms of above-mentioned rights and processes. Address power inequities within stakeholder engagement and planning processes
- **“Good governance”.** Legitimate governance emerges from local relations and context . It is an assertion of governance from below not merely devolution of power. Partnerships must be responsive to this local context and take direction and shape from local governing processes

### Principles emerging cont...

- **Transdisciplinarity.** Need to adopt a transdisciplinary approach - recognise the value of the co-production of knowledges
- **Integration** across sectors
- **Participation.** The principle of free and informed prior consent from ‘indigenous’ communities must be extended to all communities.

### On-going challenges...

- To negotiate the tensions between international law and policy on responsible fisheries, the SA Constitutional imperatives to protect and promote socio-economic rights, including the right to the environment and yet remain responsive to living law and needs at the local level.
- Local communities should not bear an unreasonable burden for conservation
- These insights and principles emerging from local processes need to inform broader international processes

### Questions

1. What are the challenges to building alliances with local communities when working across diverse disciplines, political perspectives and sector interests ?
2. As individuals, whether activists or researchers, how do we remain open and receptive to change and alternative perspectives and strategies when working with a range of partners ?
3. How do we address the barriers to integrating different knowledges in such partnerships?
4. How can we ensure that social responsiveness is valued equally with other academic outputs at universities?