

Keynote Address: Tuesday June 28<sup>th</sup>, 2011.

Iterative Learning in the Present

Speakers: Jackie Sunde; Merle Sowman

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

Chair: Marc Allain

Merle and Jackie speaking together

Jackie

- meet each other online when they were participating in a conversation between South Africa and Canada
- struck by the disposition of fishermen in each country

Merle

- decided to tell a story to share information
- focusing on the Olifants traditional net fishing industry
  - o explore partnerships, share lessons, capacity development, nature of partnerships
  - o has influenced governance processes
- olifant have a thriving small scale fishing communitie along the sout and east coast along with marine protected areas
- part of the environmental evaluation unit (eeu) with Uct university of Cape Town
  - o long history of community engagement on enviro and coastal issues
  - o involved in learning from research and informing policies

Jackie

- speak from the Masifundise: NGO established in 1981
- supported black students during apartheid
- started working in two different provinces with small scalie traditional fishing communities
- reformes from post 1994 would help to transform the fisheries.
- Management is centralised and top down governance
- Favours the large and white dominated fishery sector
- Tac is divided 80% for the large scale and 20% to small scale and recreational fishery – very uneven
- Coast was reserved for whites (beach and sea) have signs up and down the coasts
- Legal reform came from The marine Living Resources Act in 1998 – transform from apartheid time
  - o Promot economic efficiency
- small scale fishing was really not interpreted as subsistence
- small scale fishing communities fell through the cracks
- zoom into the olifants estuary on the atlantic seaboard
- indigenous Khoisan nomadic peoples were fisher pastoralists and lived in the area
- competed with the white farmers and the apartheid govt supported that and moved the indigenous population to put agriculture on that area

- in is the process of a land claim
- comprised of 1300 adults – 150 fishing households that depend on the estuary for their livelihoods
- non motorized boats, and nylon nets. Fish for mallet. Sell some locally and dry it. Known as bocoms
- migrated during the week to fish for lobster – during the apartheid were not able to do this, but recently has now gotten an insecure form of access to this area. Traditional rights have been ignored. Not a rights system that has been organized.

#### Merle

- the EEU got involved with the community approached them for help due to the decline in catches
- thought it was about the diamond recovery boats
- dispatch scientists to check it out
- need to change the mesh sizes
- we felt need for further research in the area regarding on sustainability.
- Relatively little input from the community to do another grant around sustainable catches
- Tried to understand sustainable use
- However, involved in IFM co management program – introduced it to the fishers and they were keen to look into this idea.
- Started to set up meetings with the fishers and the fisheries authority. Set up committee and identified roles and responsibilities and agree on rules. Long and slow but ended in a partnership agreements.
- One of the first partnership agreements between the fisher community and a fishing authority.
- The law was only short lived. It was at this time that there was a plethora of laws and the Marine Living Resources Act took away from this agreement. Went through the restructuring of the fishing industry and small scale was ignored. Pressure to reduce fishing at the Olifants R.
- There were tensions between the new state department and the fishers, but there was concern from the authority that there was over fishing and too many permits
- The EEU continued in the community, through training and capacity development and continued to monitor catches, had a committee, worked with fishers to understand new laws and roles and responsibilities in the new suite of legislation.
  - o Had student research and training in the Olifants – assisted with the fishers and committee meetings as well as sciencey stuff
- 2002 – got funding internationally to work on a training program about co management – we were feeling positive about this. And worked with Masifude (Jackie) to help to come up with development and implementation of this program
- The state however was rhetoric with co management, but it wasn't implemented. They determined everything from permits to the catches. Fishers could delegate permits within the community, but that was it
- Started to phase out all the estuary gillnet fishing in 2005 – state did this without any input or notification to or with anyone

- Masifundise realized that the fishers needed to be organized. Worked intensively with coastal communities
- Political consciousness was low in this because fishers had been excluded from the anti-apartheid movement
- Protested their exclusion through the new policy
- The river and community had organized around the fishery and the land claims. Women have played an active part
- Lined to international fisher groups and took fishers to the WSSD – were inspired with their contact to other organizations and fishers. Recognized the value and importance of international solidarity. Came back fired up and committed.
- Started to use different language – used small scale fishers instead of subsistence fishers
- Shifts in community strategy – human rights hearings on the east and west coast to give testimonials. Fishers rights = human rights
- On the first set of hearings – the government put pressure on M and J to cancel and call off the hearings – silence people
- Coastal Links org joined the towns and groups on the western cape
- MDT in partnership with Legal resources center and launched legal action against the minister
  - o Fishers were being discriminated against to practice their occupation. Identify as a distinct class of artisanal fishers.
  - o Demand rights to resources and participation in governance
  - o The LRC approached Cdn Prof Percival Copes.
- shift in power towards the community – coastal links reps came together and told the state they were starting a defiance campaign and went to sea illegally to highlight their discrimination
- the equality court ordered the minister to include these fishers. Ordered them to come up with a new policy, and while it was being developed had to come up with a relief policy to make sure fishers could put food on the table
- 2007 – govt had to come to the table and at a National Summit elected a national policy task team
- Took this to the international scale for solidarity

Merle – EEU and MDT were invited to serve on the national Task Team (NTT) to develop the new small scale fishers policy

- despite the positive development – equality court ruling and new policy with an effective task team
  - o but also adopted a conservation approach with limited consultation with local fishers
  - o fishers regarded as one stakeholder, but vision focused on wildlife and visitors instead of fishers.
  - o An estuary plan was developed for the fishers estuary
  - o Lots of conservationists who looked at the estuary as a bio hotspot that needed to be protected
  - o Proposed 18 km as no take – not for fishers – massive implications for the local communities

- everyone was really outraged, but the EEU was trying to facilitate an agreement – but everyone was obviously supporting this protection plan, and we decided to change our approach
- became research and advocacy – consolidate partnership and develop a joint strategy to challenge MPA proposal
- the threat of legal action has been powerful tool for the fishers
- supporting documentation collected and submitted in a letter to the ministry
- wanted to try and have a hold off on the declaration of this protected area.
- Fishers were the primary stakeholders not just ONE of many stakeholders
- Developed a shared understanding of importance of oral evidence to support customary claims
- Transdisciplinary approach and incorporation of different knowledges – critical importance
  - o Site of learning and the starting point is the community and learning about the community
  - o Emphasis on oral info and understanding fisher knowledge and gathering history
  - o LRC brings lessons from the customary land law cases for minging and land claims
  - o Mapping – links between the migration of fishing and patterns and processes
- new form of governance emerging – fishers are asserting rights and claims along the coast in general, not just olifant
- challenge the conservation agenda – fishers saying no to the draft plan, no to stakeholder forum, demanding representation.
  - o Demanding appropriate rights and acknowledgement of their status
- Reflection on the achievements of the partnerships
  - o Fishers are still fishing!! (legally) estuary is not closed
  - o Harvesting on a sustainable basis
  - o Re-establishing old patterns of migration and thus easing the pressure on the river
  - o Recognition of the soci economic rights – through the equality court ruling
  - o Assert these customary rights
  - o Empowerment among the fishers along the coast; the meetings are happening in the community not just in the largely adjacent white area
  - o Transfer the lessons from this context to other fishery contexts in s. Africa
  - o Changes in strategies over time as the partnerships have evolved
    - Began with technical and expert academic approach, to research to training to partnership and now to governance from below (taking cues from the community)
- partnerships are very valuable and can influence policy
- action research can change the dominant approach to governance
- need governance from below
- changed the academic program and university engagement to enrich teaching and research. Links theory to local societal problems
- informed broader policy process and ideas about governance

## Jackie – principles emerging

- recognition of rights, restitution, good governance
  - o linked to international orgs that stressed rights and put it on the table
  - o learning from the community about customary laws that changed the rights talk – allowing local values to emerge as opposed to relying on the traditional rights talk of the international sphere
  - o distil principals in new ways from the bottom up
  - o these principles are old principles, but we are understanding them in new ways that are informed by the local
  - o importance of integrating statutory rights with customary rights
    - how benefits of management strategies are shared
  - o the notion of stakeholder is very problematic and we must look at the imbalance of power that exists between stakeholders
  - o partnerships must be responsive to the local context and take direction from them
- transdisciplinarity, integration and participation
  - o co-production and integration across sectors to value and deal with knowledge
  - o free and informed consent that come from ‘indigenous’ communities has to be extended to all communities
    - how they participate and share benefits especially in conservation initiatives
- Challenges
  - o Tensions between international law and policy
    - o Local communities have to suffer but its for the greater good
    - o In our context global contexts should not force local communities to bear unequitable repercussions for problems like climate change
  - o international instruments have to be informed from below.

## Question Period

- Marc Allain - imposition of a neo liberal socio economic agenda. Allocation of individual property rights under the guise of a conservation agenda. Happened with the collusion of ENGOs. In Canada, we have been able to resist that because of the strength and history of our organizations on the East coast but not as well on the West Coast. Have done it without partnership with academic institutions
- Don Hall
  - o How do we challenge this agenda? You have had a 15 year fight to change something. IN Washington state they have been fighting this for 30 years, and they told us its always a fight with government. We need to turn this around and convince governments that dealing with artisanal fisheries is not that difficult and doesn't require such a big fight
- Jackie – period of 4 years – certain amount of pride in communities and organization, that bringing this to the table was important in challenging the top down approach

- Not sure how in Canada has spanned this collective action, which is what helped us in S Africa. The help of humans rights lawyers to take up some of the litigation was key for us
- Merle – the background of legal threat led us to the government departments. That has helped us to get some of our scientists and managers to engage in this. On going meetings every 6 weeks had a day long meeting. The talking helped to eventually shift the resistance and attitude. The political changes and agendas have played into our struggle. And at this moment helped with giving power to officials
- what role did elected officials play in this story?
  - Many of our govt officials have ‘close links’ to the industry
  - Lots of vested interests in the large scale fishery
  - Contradictory rule
  - Interests of the ruling party has helped with the demands of the communities
  - But before they did not get involved in the struggles of the fishery directly
- Were the govt invited to participate?
  - parliamentarians and senior members of govt were invited to the meetings. Following the court case there was a shift, but parliamentarians did stay away. They were not a part of the processes
- Funding?
  - University (Merle) – constrained in some activities – driving to communities, spending time in the field, there were times when we wanted to continue on catch management and couldn’t collect data for a few years
    - but we have a strong commitment from me and the university to continue.
  - NGO side (Jackie) only recently it has been a difficulty. Have had funding from CIDA for many of the rights activities.
    - We were in a privileged position because we are the only ngo doing this and a small one at that. We also had strong international presence and attracted notice
- difference between larger ngo oppose community involvement but also small ngos in the communities working with them. Same for you?
  - Jackie - Same for us as well, and a new movement to wards community groups. Have a layer of community groups, then slightly bigger ones, then the big BINGOS.
- strength coming from your story is the partnership between academics and communities. In the academic realm the working and advocating for communities is not well accepted.
  - Merle - In S Af., it has been different experience. We actively maintained a mutual position even though we didn’t agree with the government – NGO was doing more advocacy, but it was only later that we really shifted. The involvement of the NGO grouping has been very important. The links to other community groups and coastal areas was key.

the MPA – you're in one room neg with some govt groups, but other depts. Were going ahead and neg a different agreement

- Merle - there have been positive developments especially in the Olifants between the conservation aspect and with the fishers and the recognition of rights.
- Jackie – it was not benign error, but it has been a learning process for everyone, to recognize customary rights within the greater system. They just don't have a clue. They also don't want to hear it. Have advocated long term rights to the commercial sector. What we are proposing is daunting and huge for the govt depts. They are trying to steer the agenda in a conservation direction.
- Merle – the conservation plans are being driven by international funding. Under tight time frames with these plans. We are short circuiting those plans.
- Fisher from S.A. – we also are confused because the 2005 decision to close the estuary, it was Environmental Affairs and Tourism. After the election 2009 they split the dept. The dept of fishery is saying you can't take livelihood away, but the other dept is telling a different story. Together they have one story, but how do they decide this?
  - Influenced by the
- Apartheid is over, but it still very much exists in a social economic sense. If govt was providing further capacity, would your role change?
  - Jackie – need for reconciliation continues, and the communities need to put this issue of redress on the table. But there is a long fight ahead, because this will need to look at the history and take away some of the fish from the commercial sector and retituting the injustice to the small scale fishers. But the invested interests are huge and the resistance to redistributing the wealth is massive.