

Ocean, time and value: speaking about the sea in Kassiesbaai

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This article looks at the manner in which different parties engage with the issue of fishing rights on the inter-personal and public levels over the issue of fishing rights allocation in South Africa. Taking the historic fishing village of Kassiesbaai on the Cape's south coast as the case-site, this article outlines the profound effect that implementation of the Marine Living Resources Act of 1998 (MLRA) has had on the residents and how the debate over who has the right to fish is structured around different understandings of the core concepts of 'ocean', 'time', and 'value'. A general lack of trust between involved parties is both exacerbated by and serves to perpetuate the miscommunication that hampers the conversation between the residents of Kassiesbaai and role-players in government and the marine fisheries research community. This paper identifies particular nodes of discrepancy and argues that they constitute significant obstacles to communication.

Key Words: Marine Living Resources Act, Kassiesbaai, transformation, socio-ecology, discourse, understanding, trust

Introduction: The marine living resources Act of 1998

In the process of creating a new South Africa, various sectors of industry were identified as focus points for the process of transformation, not only because of their discriminatory nature but also because of the high levels of capital generated by them. The fisheries sector was one such industry, a highly lucrative economic endeavour that exploits the diverse marine commons of South Africa (Crosoer *et al.* 2006:24). It was also greatly discriminatory, where only "0.75 per cent of the sum of the commercial TAC (Total Allowable Catch) of all species was allocated to 'black' ethnic groups" (Hauck and Sowman 2003: 41).

The process of 'transformation' was officially initiated in October 1994. In August 1998, then Minister of Environmental Affairs and Tourism, Dr Z. Pallo Jordan, presented the Marine Living Resources Act.¹ In his introduction to the Act, the Minister explained that it was developed within the context of two overarching realities: rising expectations of the historically excluded that desired access to marine resources, and the wider context of free trade and deregulated markets, "the dominant ethos of international relations". Van Sittert states that the post-1994 government had "the daunting challenge of re-legitimising the state and appeasing the popular demand for redistribution *within a market framework*" (2003: 200; my emphasis). Thus the state is fundamentally concerned with the economic value of the resource, and only lip-service is paid to environmental concerns for their own sake – the stability sought is not that of ecology so much as of industry.

Van Sittert (2002: 296) points out the contradiction between these two realities. The level of government intervention required to transform the industry was incompatible with the neo-liberal ideals of deregulation and free trade that call for increased removal of government from the mechanics

of economy, implying that the commercial sector and specifically export will be ensured security and remain relatively free of government intervention. As Van Sittert (*ibid*) notes, the legislation aimed to "grant the 'historically disadvantaged' access to marine resources without destabilising the established industry". The effect of the legislation has been to "confirm and even strengthen big capital's monopoly over the marine commons, contrary to stated aims and popular expectations" (Van Sittert 2002: 296). More explicitly:

Big capital's post-apartheid dividend was further enhanced by the embrace of neo-liberalism in domestic economic policy, which severely circumscribed forms of state intervention and emphasised competition in the global market place as the most important criterion for judging industry. (Crosoer, Van Sittert and Ponte 2006: 21).

Groups such as Masifundise, representing small-scale fishermen, have levelled criticism in the same vein against the Department of Environmental Affairs and Tourism (DEAT) and the relevant legislation. According to Andy Johnston (chairman of the Artisanal Fishermen's Association), in his presentation at the May 2007 Fishing Industry Transformation Public Hearings, the policy implementation was having "a disastrous effect". In his understanding, the interests of the government and scientific community are being met over and above the consideration of South Africa's coastal fishing communities. "If the disadvantaged peoples and the oppressed majority have to take their place in a better South Africa then we should start weeding out the control of these ruthless greedy racist haves starting with the Science fraternity, MCM, Environmentalists and Government [sic]" (Johnston 2007: 4). At the same hearing, the South African United Fishing Front (SAUFF) expressed "extreme dissatisfaction with the pro-

1. In the government publications the reform of the fisheries industry is called the "transformation of the fisheries industry". Statement from the Minister of Environmental Affairs and Tourism on the Marine Living Resources Act 1998. Also, the public meetings regarding the issue were held under the title "Transformation of South Africa's Fisheries Industry".

cesses that were followed in the allocation of long-term fishing rights", calling its impact "devastating" (SAUFF, 2006:1).²

The transformation process is considered by many to be change along racial, but not socio-economic, lines. This means, as discussed by Van Sittert (2002: 295-296), that the transformative intention of the legislative reform was not fully met. A reason for this, implied by Hersoug (1998) and the SAUFF memorandum, is that the process of developing the new policies was not sufficiently participatory, with some sectors of the industry enjoying much better-funded representation than others. Among those who did not enjoy the well-funded backing behind many of the larger commercial groups were fishermen such as those of the village of Kassiesbaai, who operate on a much smaller and short-term scale.

Kassiesbaai

Kassiesbaai is adjacent to the small holiday town known as both Arniston and Waenhuiskrans.³ Arniston consists of the holiday homes of mainly white owners. On the other side, on communally-owned land, is the village of Kassiesbaai, inhabited by the descendants of families who have lived there for over 150 years. Situated on the coast of the Overberg, Kassiesbaai lies 24 km from the town of Bredasdorp and about 40 km from the southernmost point of Africa, Cape Agulhas. It lies on Marcus Bay, flanked by established government nature reserves.

Though collectivised in many respects, Kassiesbaai is fraught with internal alliances and competition, managed via particular socialities, notably configured in relation to gender and age; men and elder relations are usually deferred to. There are various political dynamics at play in the village, invigorated by inter- and intra-family conflicts amongst the extended kinship networks and various religious allegiances held by members of the different congregations. The result is that the male heads of the largest families with claim to *Visserie*-land enjoy a certain elevated status in the town's internal dynamics, getting elected to committees or being the most vocal and deferred to at meetings. As fishing is the domain of men, it is largely their view that is represented in the following discussions. However, where the observations deal with more general questions, views of non-fishing residents are represented.

The long-term residents of Kassiesbaai are invested in the ocean in ways both material and spiritual. The material sense is clear enough – their primary economic activity is fishing and other related endeavours (collecting and selling shells for example), and shellfish is often collected for either the plate or door-to-door sale. The more spiritual investment was indicated to me when Willeen, an imposing matriarch who was

born and raised there, said "*die see is sterk in hul borste ... dis in hulle*" [the sea is strong in people's breasts...it's in them], while touching her hand to her chest. Asking a man named Errol, about 45, if he was looking for more permanent work (whatever that may be), he replied "*Hoekom? Ek's 'n visserman*" [Why? I'm a fisherman]. Despite the many obstacles to fishing, both environmental and legislative, here is an incredulous response to the suggestion of alternatives. Fishing is not a job; it is a core identity present throughout the village. Oom John, retired from fishing for years, still refers to himself as a fisherman, although he has not personally caught a fish in over a decade.

In the past, Kassiesbaai's boats would go out every day, weather permitting. With the new quota system and costliness of applying for permits, there are now intervals of several days between phases of activity in the harbour. Crews of up to about ten men used to work on these 10-metre line-fish boats. In recent years, the legislation has limited crew size to eight. Jerome, the local Marine and Coastal Management (MCM) official at the slipway, reminded me that each boat represents the livelihood of not only eight men, but eight '*huisgesinne*' (households). Jerome also pointed out that four of the nine boats in the harbour at that time were without permits, representing thirty-two families without an income. A further source of frustration is the policy that permits are only granted to boat-owners if they are present on the boat during the fishing activities governed by the permit. The boats without permits were owned by women, inherited from late husbands. But as women in Kassiesbaai do not fish, they could not receive permits, an example of conflict between policy and local gender roles. In January 2007, when the permits had to be renewed, a permit cost R2000 but together with the costs entailed in lodging the application, this often amounted to quite a bit more. As had happened with legal processes pertaining to the changing legislation in fishing, the paperwork was so convoluted that many paid legal consultants to help them fill in, lodge and track the progress of the application. This can double the cost of applying, putting it far beyond the financial reach of many.⁴

In contrast to this current reality of changing lifestyles, Kassiesbaai is still lauded as the only surviving fishing village of its kind left in South Africa, one where the descendants still live in the same place as their forebears and rely on fishing as their primary economic activity. A South African Heritage Resources Agency (SAHRA) report on the Waenhuiskrans Cultural Landscape states that this landscape "is an extremely significant living heritage resource of national importance and grade I status" (Crouts-Knipe 2006).⁵ The report also states that the village and area are unique in the fact that, unlike

2. Copies of both submissions (Johnston and SAUFF) accessed on <http://www.pmg.org.za/minutes/20070507-fishing-industry-transformation-public-hearings>

3. The village's population is estimated at between 1400 and 1600.

4. The dramatic decrease in fishing activity has meant an exponential increase in poverty. Many residents of Kassiesbaai, as a result of limited employment skills or opportunities, have been lured by the lucrative opportunities posed by abalone poaching. The poaching industry of the Southern Cape is heavily gang-related and has led to an influx of drugs into the community as the local poachers are often only partly paid in cash for the abalone, with the remainder paid in drugs (see Hauck 2001 and Steinberg 2005).

The Overberg District Municipality's Integrated Development plan for 2007-2010 (page 15) indicates that there has been a 74.7% increase in drug-related crime in the Cape Agulhas ward from 2002 to 2005.

5. It is ironic that the phrase 'living resource' is used to indicate both the community and the marine resources it is currently barred from exploiting.

other fishing villages on the western and southern Cape coasts, Kassiesbaai was not built by larger fishing companies to house labourers, but established by the original settlers to support themselves on a subsistence basis (2006: 2-3). The issue of subsistence is important, implied in historical and contemporary representations of Kassiesbaai, and particularly contentious in the broader debate on fishing rights. Looking at the establishment of settlements along the West Coast, Van Sittert (2003) argues against the creation of an 'artisanal' fisherman category in the fishing legislation since the presence of such 'traditional' fishermen along South Africa's west and south coasts⁶ does not point to a long history of subsistence fishing, but rather to the establishment of an industry in a relatively short period of time from the mid-1800s onwards. He writes that these communities were "the modern creation of fishery and factory owner's seeking to counter the centrifugal pull on labour of mining-led industrialisation and immobilise it permanently on the coast" (Van Sittert 2003: 199-219). The fishermen of Kassiesbaai, therefore, can be regarded as subsistent as opposed to commercial, and, in light of such an historical perspective are in a unique position. In the new legislation "subsistence fishermen" is a specific category, intended to be applicable to a large and dispersed population of small-scale fishermen. This is problematic for a number of reasons.

The definition offered for a subsistence fisherman by the MLRA is 'someone who fishes for survival.' The term subsistence connotes 'living off the land', or the idea of self-sufficiency, but there is not a community on the South African coast that is without the needs or desires of the market economy. The activist groups Masifundise and the Artisanal Fishers Association vehemently oppose the label 'subsistence' specifically because it does not allow for this aspect.

The Minister is permitted to declare a community that is dependent on fishing for its survival as a subsistence fishing zone, with specific conditions. Kassiesbaai is an ideal candidate to be declared a subsistence fishing zone, but the conditions stipulate that the fish caught may not be sold outside of the zone in which it was caught, complicating matters for the fishermen of Kassiesbaai. During busy seasons there are plenty of buyers for extra fish, but during the winter or other lulls in tourism, it is not always possible to off-load the fish in Arniston itself. The regulation is a problem as such rights grant the fishermen stability of access, but not stability of income.

The new legislation is a positive improvement over the past situation, but despite the creation of the previously non-existent subsistence category, the identification of such persons and the granting of such rights have not yet occurred. According to Hauck and Sowman, this category has been neglected due to the "excessive attention given to developing legally robust permit applications and allocations procedures in the commercial sector" (2003:50-52). These delays prompted discussions and meetings between subsistence fisher groups and the DEAT in 2007, resulting in the introduction of the interim relief measures. In the words of the Minis-

ter's press statement:

... Masifundise will identify not more than 1000 bona fide traditional artisanal fishers ... who can demonstrate both historical dependence and reliance on fishing along the Cape west and south coast between Port Nolloth in the north and Arniston in the south ...⁷

The phrase 'bona fide traditional artisanal fishers' is as problematic as 'subsistent', as the parameters for deciding such cases are not given in the legislation but are left to the discretion of those with the decision-making powers. In such a situation it is too easy to develop the criteria for judgement in an essentialist framework – especially since only a thousand fishers are to be identified within the large geographical area specified. This, together with the fact that the applicants must 'demonstrate' their status, set the scene for intra-community conflict, where fishers must compete with their peers in a test of their authenticity. After all this, it is still only an interim measure, which means that the rights are not guaranteed to be long-term, and so offer little durable security to those who do benefit.

The fishermen of Kassiesbaai currently occupy a position of uncertainty as they try to find ways and means of appealing the changes within policy frameworks. This is not always possible, leading to a volatile situation within which various interests are conflicted. These instances of conflict, as illustrated by variant discursive trends, are the focus of further discussion.

Man versus Nature

Underlying many of the concepts that will be discussed is the separation in thought and theory of the two ideal entities of Man and Nature. The ubiquitous Nature/Culture dichotomy divorces humankind from the environment, simultaneously asserting mankind's dominion over nature and his separateness from it – man is unworthy, but nonetheless in charge (Igoe 2004: 76). The result is the idea of Nature as a separate, bounded entity that can be thought of and managed as if unconnected to man and all aspects of human life. This is not an objective idea, but one that fuels and is fuelled by highly subjective processes: "Nature, as we now know, does not refer to a domain of reality, but to ... a hidden procedure for apportioning speech and authority, for dividing up facts and values" (Latour 2004: 133). Political ecology seeks to undermine this divide and theorise the interconnections between 'the environment' and 'human social life'. As Latour (1998: 222) states: "...everything is interrelated ... humankind and nature are one and the same thing and [it] is now necessary to manage a single system of nature and society in order to avoid a moral, economic and ecological disaster."

This is echoed by Ingold (2000: 20), when he says that the notion of the environment "should in no way be confused with the concept of nature". What he means is that the environment is the all-encompassing system of which humanity is

6. Here I am explicitly talking about the south and west coast, and not the east coast where there were and are levels of subsistence that have persisted since the pre-colonial era.

7. Statement from the office of Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, 3rd May 2007. "Minister announces interim relief measures for fishers." http://www.mcm-deat.gov.za/public_notices_archive/2007/03052007.html

