Changing Gear:

Building a small-scale fisher cooperative movement in South Africa

THE long-awaited roll-out of the Policy for Small-scale Fisheries (SSF) in South Africa has gained great momentum since February of this year when DAFF started training for the establishment of cooperatives in recognised small-scale fishing communities. They started in the Northern Cape, followed shortly by Kwa Zulu Natal and it is expected that the Eastern Cape will commence in mid-April followed by the Western Cape. The establishment of these cooperatives has the potential to introduce a wave of change in over 300 hundred coastal communities along the South African coast. What role is envisaged for these cooperatives in the small-scale sector?

Developing cooperatives in the spirit of the SSF policy in South Africa

THE policy for SSF, gazetted in 2012 and now being rolled out across the country, introduces a radically new approach to the management of small-scale fisheries in the country. Some fisheries managers have called this a ‘revolution in our fisheries’. In 2015 DAFF SSF Fisheries Directorate called this “the BIG change” and invited SSF fishers to be part of the big change. The SSF policy brings with it a new spirit. In isiZulu fishers talk about ‘uMoya iSSF policy”: the spirt of the small-scale policy. What is this new spirit?
WHAT does this ‘BIG CHANGE’ to cooperatives mean for ordinary fishers? The legacy of apartheid and the individually-orientated permit and quota system that has been in place for some time means that the shift to community-based cooperatives will require careful planning and support to bring about the desired change in approach from the past. This change will impact existing relationships at many levels: the relation of fishers to each other, the relations between fishers and previous marketers and the relationship between fishing communities and government departments.

Changes in social relations are not easy, they take time and inevitably cause conflict as old patterns of power and ways of relating to one another are unsettled. The challenges that these changes are likely to bring can be anticipated to a certain degree. Careful participatory planning and the establishment of mechanisms to deal with the impacts of change can ensure that the overall objectives of the policy shift are achieved. In South Africa lessons can be drawn from other sectors such as the land sector to strengthen efforts to ensure that this change process is managed in an equitable, non-discriminatory and creative manner and brings about increased well-being for fisher communities.

A key lesson that has emerged from other sectors is that this process is not just a technical one of establishing new rules, structures and procedures. A critical part of this is the process involved in creating opportunities for members of the legal entity to discuss, share ideas and different opinions, debate different attitudes and values so that the group can work towards developing a shared frame of reference. This process component cannot be fast-tracked. It is thus very worrying that in this context it is reported from the Northern Cape and KZN Coastal Links that in the first round of Cooperative Training DAFF has played a very directive and dominant role. This has extended to DAFF circulating a template for the Constitution for cooperatives and in the majority of cases DAFF has insisted that communities sign this template in order to register as a cooperative. Coastal Links leaders report that the two day training is rushed and did not even allow them the time to read through the Constitution that they were then required to sign.

Editorial
The spirit of the SSF policy

The overall objective of this big change in SSF management outlined in the SSF Policy is to develop a small-scale fisheries model of participation, where the fishers and small-scale fishing communities are recognised, valued and are able to participate in the management of the fisheries. It aims to work towards having democratic, equitable and sustainable fisheries in each village, where local fishers care for their resources, protect them from over exploitation and the community can benefit by adding value and creating jobs along the entire value chain. This will promote food sovereignty, stimulate local economies and act as a catalyst for broader economic and social development in marginalised rural communities. But this human rights-based vision signals a big change from the past in which small-scale fishers were not able to have their own organisations managing the fisheries. Instead there was a top down approach where fishers were told what they were allowed to do and permit regulations and conditions were decided by DAFF without any meaningful co-management. This big shift comprises two aspects. Firstly, it involves a shift in values and principles, emphasising fishers' human rights and fisher communities' democratic participation and their responsibility for being actively involved in co-management. Secondly, it involves a change in the design of the rights-holding entities in fisheries. Whereas before government allocated rights to individuals or individual companies who got lucky in the rights allocation process, the big change involves setting up community-based organisations to hold and manage community fishing rights.
Cooperatives are different to any other sort of business because they are run by the people for the people.

Ja, cooperatives are cool because people can decide on their own rules for themselves. This autonomy is a key principle. If anyone interfere with the group's business, they are violating the Bill of Rights or our SA Constitution in some way.

Yebo, this issue of autonomy and independence seems big in coops hey?

The Cooperatives Act of 2005, which was amended in 2013, sets out all the principles that must form the foundation of our cooperatives. Section 1 (j) (d) requires that cooperatives must be “autonomous, self-help organisations controlled by their members and if co-operatives enter into agreements with other organisations, including governments, or raise capital from external sources, they should do so on terms that ensure democratic control by their members and maintain their cooperative autonomy;”

That’s weird then...how come the Constitution that DAFF gave us to sign in the training gives DAFF so much control over our Coop?
A fishy business? Reports from DAFF Coop Training

IN February of this year DAFF started the two-day training for the establishment of cooperatives in the Northern Cape, followed by KZN. Reports from the Coastal Links leaders in this province got SSF fishers talking. Up and down the line there is a lot of chatting going on about some fishy business when it comes to the process that DAFF is following and the template for a Cooperative Constitution that DAFF is requiring fishers to sign.

The Northern Cape fishers complained that the Constitution was not in their home language, Afrikaans. They did not have sufficient time to sit and reach consensus on the values and approach that they wanted to lay as the foundation for their coops. However, they were pressurised to fast-track the process and elect an interim Board in order to proceed with registration. At the end of the two days the fishers were very confused as to where they were in the process. Had they signed onto a Constitution or had they merely signed an attendance register? Would they have the right to amend the Constitution in whatever way they wanted to? How do the by-laws relate to the rest of the Constitution if they decide to adopt by-laws that contradict other clauses? These questions remained unanswered as the focus shifted along the coastline to KZN.

THE experiences of the Northern Cape fishers spread like wild fire to KZN. The leaders here discussed the template of the Constitution that had been given to the Northern Cape fishers. They were extremely concerned that the customary rights of many SSF fishers would be undermined by the very directive role that DAFF was playing and the fact that rights could not be transferred on the death of a member. They were also very frustrated by the process that DAFF was following when informing communities about the final outcome of appeals and notice for the training. They took a unanimous decision to write to DAFF and voice their concerns as well as approaching the Legal Resources Centre(LRC) for legal advice.
The way forward

COASTAL Links fishers support the establishment of co-operatives and eagerly await the registration of their co-operatives but they feel that the process that the training followed and the content of the Constitution does not fit with the spirit of the SSF policy. In line with the lessons from community-based fisheries and cooperatives in other countries, communities now need to spend time building trust and a shared vision amongst members of each cooperative. They need to identify the skills and training needed in order to ensure that they develop democratic, transparent and accountable systems of decision-making. Most importantly, they need to assume responsibility for the development of their own cooperatives and to assert their rights to participate fully and effectively in the governance of all aspects of the small-scale fisheries.

Co-operatives and co-management

FISHERS have turned to the principle of co-management in the SSF policy in supporting their claims that DAFF needs to consult them in each and every step of the process of SSF fisheries governance and management.

Voices from the Coast:

Philile Mtshali “We were divided into groups to discuss what we wanted to see in the Constitution. Abongile said that we could only change the constitution after 3 months. He said they would type up all the issues on the board onto a sheet of paper. It was not clear if what we suggested were then amended to the Constitution that we were forced to sign. I cannot say if our suggestions were accepted or not”.

Eric Mbhanseni “I asked if we could get someone LegalWise to go over the Constitution with us but they said no”. There were only 33 out of 57 present. I challenged them about the way that they gave people notice about this training. Even DAFF officials apologised for only using cell phones. They acknowledged that this was not the only way to inform people and that they had only used one of six means of contacting them.

Mr Gumede “I did not understand what we had to sign”. Daff said we could read it overnight. But as we were not each given a copy this was impossible as we live far away from each other. Here in Mazambane not all fishers have been to school and so it was very difficult for them as some people need someone who can read it to them. When one fisher tried to share it with his children who attend school they said to him they give up as even they could not understand the isiZulu that was used in the document. They said that it sounded like isiXhosa to them.

Legal Resources Centre represents Coastal Links KZN

ON the 5th March ahead of the start of the training in KZN, Legal Resource Centre Attorney Wilmien Wicomb wrote to Mr Craig Smith, Director of DAFF SSF Directorate informing DAFF that the KZN leaders would go ahead with the training as they are eager for SSF implementation but they requested copies of the Constitution in their own language and that they be given the right to consult their lawyers and not to sign any documents unless they and their lawyers were satisfied with the contents of the document.

However, despite the LRC’s letter to DAFF, KZN Coastal Links members from 8 communities report numerous problems with the process and the content of the training.
Facts and Figures

About **800 million** people are members of cooperatives globally, in an estimated 85 countries. It is estimated that **100 million** people are employed by cooperatives. More people are employed globally by cooperatives than by all the multi-national companies combined.
## A summary of Coastal Links concerns with the Co – op training

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<tr>
<th>Process</th>
<th>Content</th>
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<tr>
<td>Communities were treated unequally in terms of notice of the meeting announcing the final lists and the training. The final lists have not been published in popular media as required by the SSF Regulations.</td>
<td>DAFF developed a Constitution that was given to the fishers rather than enabling them to develop their own ‘bottom-up’. The fishers feel the autonomy of the cooperatives is compromised.</td>
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<td>Participants did not receive their own copy of the training manual and Constitution. In some instances they had to share amongst 3 persons.</td>
<td>The content of the Constitution does not accommodate the customary rights of SSF, with particular reference to the clauses on membership.</td>
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<td>Daff officials did not go through the Constitution line by line so in most instances participants were not fully aware of its contents by the time they had to sign it.</td>
<td>DAFF officials were not clear as to whether this Constitution could be amended. Some communities were told it can and others told it cannot.</td>
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<td>DAFF officials refused to give participants time to discuss the Constitution on their own before signing.</td>
<td>It was not clear if the by-laws can alter clauses in the Constitution.</td>
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<td>Daff officials refused participants the right to show the Constitution to their lawyers before signing it.</td>
<td>Community members were left feeling confused as to what exactly they had signed.</td>
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<td>In at least 2 communities DAFF forced 2 communities to join and form one cooperative against their will.</td>
<td>Some communities were informed that they were electing an interim committee whilst others were told they were electing an interim Board of Directors. Content and information varied across training events</td>
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