

# **POWER AND DEMOCRACY: THE POLITICS OF REPRESENTATION AND PARTICIPATION IN SMALL- SCALE FISHERIES GOVERNANCE ON THE CAPE PENINSULA**

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**Thesis in submission for the degree of Doctor of Philosophy  
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## **DECLARATION**

I declare that

*“Power and democracy: the politics of representation and participation in small-scale fisheries governance on the Cape Peninsula”*

is my own work, that it has not been submitted for any degree or examination in any other university and that all sources I have used or quoted have been indicated and acknowledged by complete references.

Signed .....

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## **ABSTRACT**

The tension between power and democracy is crucial for understanding the nature and outcomes of marine and coastal fisheries governance processes. However, this thesis argues that prominent contemporary approaches to fisheries theory tend to promote a neoliberal vision of ‘politics without politics’, in which emphasis is placed on inclusive, de-centred and collaborative interaction between multiple and divergent state and non-state actors. By doing so, this perspective is likely to predispose the observer to underestimate the primacy of power as a factor determining the engagement between multiple actors in fisheries governance processes. This thesis seeks to address this apparent oversight by exploring some of the crucial power dynamics that are understated or overlooked by contemporary approaches to fisheries governance theory. It presents an ethnographic study of power and micro-politics in public participation and community-based representation among small-scale fishing communities on South Africa’s Cape Peninsula. The study is filtered through the theoretical framework of Pierre Bourdieu and other critical scholars, so as to reveal the material and symbolic forms of power and strategic practices that manifested through processes of representation and participation. This thesis demonstrates that community-based representation and public participation can serve as mechanisms for dominant actors to exercise and increase their power, while undermining rather than supporting the democratic interests and efforts of small-scale fishers. Drawing on this research on the Cape Peninsula, and on the theorising of Bourdieu and other critical scholars, this thesis concludes by suggesting how power can be brought into the analysis and theorisation of fisheries governance. In particular, this thesis proposes a *real politik* perspective as a means to understand how structural and micro-political power dynamics constrain the possibilities for democratic small-scale fisher representation and participation in fisheries governance processes.

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## **DEDICATION**

This thesis is dedicated to the people of Ocean View, Imizamo Yethu and Hangberg, and in particular, to the many artisanal fishers on the Cape Peninsula, and in South Africa more broadly, who continue to struggle for their constitutional rights to gain equitable access to the marine commons, and to participate democratically in fisheries policy and management processes.

## **LIST OF ACRONYMS AND ABBREVIATIONS**

ANC - African National Congress

AOVF - Association of Ocean View Fishers\*

AFF - Atlantic Fisherwomen's Forum\*

AFO - Atlantic Fishers Organisation\*

BEE - Black Economic Empowerment

CBNRM - community-based natural resource management

CN - Community Network (South Africa)\*

CN-HGB - Community Network (Hangberg branch)\*

CCTM - City of Cape Town Municipality

CIS - Co-operative Incentive Scheme

DA - Democratic Alliance

DAFF - Department of Agriculture, Forestry and Fisheries

DEA - Department of Environmental Affairs

DEAT - Department of Environmental Affairs and Tourism

DF - Department of Finance

DTI - Department of Trade and Industry

FCP - Fishing Cluster Project

DFO - Democratic Fishers Organisation of South Africa\*

DFO-SA - Democratic Fishers Organisation of South Africa\*

FOVF - Forum for Ocean View Fishers\*

GEAR - Growth, Employment and Redistribution Strategy

HGB - Hangberg

HFA - Hangberg Fisherwomen's Association\*

ICMA - Integrated Coastal Management Act

IGT - Interactive Governance Theory

IY - Imizamo Yethu

KBRZ - Karbonkelberg Restricted Zone

LRC - Legal Resources Centre  
MCM - Marine and Coastal Management  
MDT - Masifundise Development Trust  
MLRA - Marine Living Resources Act  
MP - Mitchells Plain  
MPA - marine protected area  
NDP - National Development Plan  
NEMA - National Environmental Management Act  
NGO - non-governmental organisation  
OV - Ocean View  
RDP - Reconstruction and Development Plan  
SACFC - South African Commercial Fishermen's Corporation  
SACFH - South African Commercial Fishermen's Holding  
SANParks - South African National Parks Agency  
SC - Southern Cape  
SSF - small-scale fishing  
TMNP - Table Mountain National Park  
TAC - total allowable catch  
UDF - United Democratic Front  
UNESCO - United Nations Educational, Scientific and Cultural Organisation  
UFA - United Fisher Association\*  
USD - United States Dollar  
WCRL - west coast rock lobster  
WFO - Witsands Fishers Organisation\*  
WWF- World Wildlife Fund (South Africa)  
ZAR - South African Rand

(\*The asterisk indicates pseudonyms which have been used for the purpose of anonymity).

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# CHAPTER ONE

## POWER AND DEMOCRACY IN FISHERIES GOVERNANCE:

### AN INTRODUCTION

*“So what we ask is: what is the value of the constitution ... where they exclude the poor fishermen, from their resources. Now is the time, since the democratically elected system, the wheel should turn ...”* (Cape Peninsula fisher, April 2012).

#### **1.1. Introduction: background and focus of research**

The idea that people have a right to influence political processes which affect their lives resonates as strongly today as it did over two millennia ago. Yet the realisation of this basic democratic principle in practice remains elusive: established regimes of power continue to exert a disproportionate influence over societal decision-making and action from the local to the global scale, fundamentally constraining the democratic efforts of those who occupy relatively disempowered positions in society<sup>1</sup>.

The tensions between power and democracy manifest with stark clarity in political processes associated with the control and use of the natural commons. Coastal and marine fisheries are particularly fraught, with a multiplicity of actors competing to access and control what is essentially an open-pool resource. In fisheries and other natural resource governance contexts, there is a strong likelihood that those actors who are more empowered will exploit this advantage when engaging with actors who are relatively disempowered, as a means to reproduce established patterns of power and benefit distribution. However, prominent theoretical approaches to fisheries governance tend to promote a vision of political engagement that emphasises inclusive, collaborative partnership between multiple and divergent state and non-state actors (see Ostrom 1990, Berkes *et al.* 2001, Pomeroy 2001, Bavinck *et al.* 2005, Jentoft *et al.* 2007, Kooiman *et al.*

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<sup>1</sup> The concept of ‘power’ can be understood in many different ways, and attempts to define this concept will inevitably be incomplete and contested. A detailed discussion of power will be presented in Chapter Two, but at this point it should suffice to indicate that I am conceiving of power broadly as: *the capacities, structures and practices through which individual and institutional actors influence the thought and action of other actors*. From this perspective, power has a ‘visible’, ‘concrete’ - or material - dimension that manifests through physical force, economic coercion and other empirically verifiable social phenomena (Wolf 1990, Isaac 1992). The material dimension of power exists in dialectical relation to the ‘invisible’, ‘intangible’ - or symbolic - dimension of power, which manifests through language, ideology, and other non-empirical social phenomena (Bourdieu 1989, Foucault 1990, Lukes 2005).

2008, Mahon *et al.* 2009, Pitcher *et al.* 2009). Yet some scholars argue that these theoretical approaches largely omit power from view (Bene and Neiland 2006, Davis and Ruddle 2012). There is therefore a need to address this lacuna by bringing power to the centre of analysis and theorising of fisheries governance.

In an attempt to address this important theoretical gap, this thesis explores the tensions between power and democracy in the context of fisheries governance in South Africa, where the post-apartheid transition has signalled the opening of democratic space for disenfranchised small-scale fishing communities to be included in, and to influence fisheries policy and management processes. In particular, this thesis focuses on the manifestations of power in this newly opened democratic space through a study of community-based political representation and public participation - two of the central, intertwined mechanisms presumed to facilitate democratic fisheries governance processes in South Africa. Based on ethnographic research conducted in three coastal communities on the Cape Peninsula, this thesis explores how community-based political representation and public participation unfold in practice, with a view to demonstrating how fisheries governance processes are shaped by asymmetrical power relations and strategic practices.

This research therefore draws attention to some of the possible tensions between power and democracy that are underestimated or concealed by contemporary approaches to fisheries governance theory. In an effort to confront this theoretical gap, the power dynamics and micro-politics of representation and participation on the Cape Peninsula will be viewed through the theoretical lens of Pierre Bourdieu (1986, 1989, 1998) and other critical scholars such as Bent Flyvbjerg (1998) and Stephen Lukes (2005), who have grappled extensively with the material and symbolic dimensions of power. By distilling the ethnographic evidence from the Cape Peninsula through this critical theoretical filter, this thesis brings power to the centre of analysis and theorisation of fisheries governance, and in so doing, seeks to contribute towards addressing the lacuna evident in prominent contemporary approaches to fisheries governance theory.

## **1.2. Politics without politics? Orthodox theoretical approaches to fisheries governance**

There has been a marked shift over the last two decades in the theorisation of how fisheries should be governed and managed. A growing number of scholars have argued for a re-configuration of the systems through which fisheries are governed - one that is better able to respond to the increasingly vast and complex anthropogenic pressures being placed upon coastal and marine fisheries species (Holling 1986, Ostrom 1990, Ludwig *et al.* 1993, Berkes and Folke 1998, Bavinck *et al.* 2005, Garcia *et al.* 2005, Pauly *et al.* 2005, Ward *et al.* 2002, Mahon *et al.* 2009). One of the guiding metaphors for this reconfiguration is that of a shift from *governing* to *governance*. In the context of fisheries, the term 'governance' has come to refer to a progression *from* centralised, state-centric fisheries policy and management processes based on scientific knowledge, *towards* polycentric horizontally-networked processes based on the knowledge and active involvement of actors beyond the state (Bavinck *et al.* 2005, Kooiman *et al.* 2008, Mahon *et al.* 2009).

Social science scholars working in the field of fisheries have tended to theorise this engagement between multiple state and non-state actors in terms of inclusive, collaboration and partnership, while de-emphasising the power dynamics that are fundamental to governance processes. These theoretical approaches within fisheries closely resemble a wider discourse disseminated by global political, economic and academic institutions. This 'new governance' discourse valorises collaborative engagement between actors from the state, private sector and civil society, while omitting crucial concepts such as "capitalism", 'class', 'exploitation', 'domination', and 'inequality'", which "are conspicuous by their absence ..." (Bourdieu and Wacquant 2001: 1). Put another way, the 'new governance' discourse posits a form of governing from which politics - understood in the broad sense of unequal power relations, strategic contestation and conflicting interests - have been effectively expunged. The 'new governance' discourse has been promoted vigorously by influential scholars of management science, public administration, international relations, development and natural resource management (Rhodes 1999, Kooiman 1999, Sowman and Wynberg 2014). This approach to societal regulation has also been advocated by global organisations such as the United Nations, multinational corporations, and the World Bank (Guhan 1998, Weiss 2000). As a result, this conception of governance has risen to the status of *orthodoxy* (Marinetti 2003).

By applying this apolitical orthodox conception of governance to the fisheries arena, contemporary theoretical approaches have the effect of predisposing the observer to underestimate the fundamental role of power dynamics in determining the nature and outcomes of representation and participation in fisheries policy and management processes. It should be noted that many leading fisheries governance theorists acknowledge explicitly the presence of competing capacities, interests and agendas among individuals and institutions in a particular regime of governance (Kooiman 1999, Rhodes, 1999, Jentoft 2007, Bavinck *et al.* 2013). Yet their theoretical approach seems to rely heavily on an apolitical assumption that contemporary modes of societal regulation have an inherent potential to foster inclusive and democratic political engagement. They recognise that “governance is often conflictive, particularly when interests collide”, yet they conclude that “in modern society, governance is mostly interactive” (Jentoft and Chuenpagdee, 2009: 554). While this statement accurately reflects the objective emergence of new structures and processes of governing, the claim that ‘governance is mostly interactive’ seems to imply that relations of power and domination have somehow decreased in significance.

However, doubts remain about the degree to which the ‘new governance’ approach to making decisions and taking action is (or could be) a break with the politics of the past - in practice, some actors benefit from the nascent institutional arrangements associated with this governance approach, while others lose out (Beck 1999, Bourdieu 1999, Weiss 2000, Bourdieu and Wacquant 2001, Marinetto 2003, McCarthy and Prudham 2004, Brand 2005, Harvey 2005, Swyngedouw 2005, Davis and Ruddle 2012). Processes of representation and participation in fisheries policy and management processes continue to be defined by contestation, negotiation and conflict between socially-stratified actors, with the multiple and divergent actors using strategies and tactics to position themselves favourably in relation to particular material and symbolic benefits. Yet, by emphasising an apolitical conception of politics, prominent contemporary theories of fisheries governance risk concealing the primacy of power in determining the nature and outcomes of fisheries governance processes. Developing a more rigorous understanding of fisheries governance requires a direct confrontation with the tensions that emerge in practice between power and democracy.

### **1.3. The democratisation of fisheries in post-apartheid South Africa: a new governance paradigm?**

The global influence of the ‘new governance’ approach is clearly evidenced in South Africa, where the engagement between multiple state and non-state actors is viewed as the basis for facilitating the post-apartheid democratisation of environmental and natural resource law, policy and management. Prior to 1994, South Africa’s natural commons were effectively controlled by, and in the interests of the white minority, while the majority of the population were formally excluded from full participation in natural resource use and management. However, the first democratic elections in 1994 signalled the opening of political space for those citizens who had been excluded during apartheid to gain access to South Africa’s natural resources, to be actively included in policy and management processes through political representation and public participation (Hersoug and Isaacs 2001, Isaacs 2006, Van Sittert 2006, Isaacs *et al.* 2007, Sowman *et al.* 2014).

Today, environmental policy and law-making in post-apartheid South Africa is guided by the national Constitution (1996), which guarantees the rights of all citizens to have equitable access, representation and participation in relation to the use and governance of the natural commons<sup>2</sup>. In the context of fisheries, post-apartheid policy and legislation requires state management agencies to engage directly with fisheries resource user groups, to ensure that include fisheries governance processes are equitable and democratic. These statutory mechanisms include the National Environmental Management Act (NEMA) (1998) (which is the overarching environmental legislation in South Africa), the Integrated Coastal Management Act (ICMA) (2009), the Marine Living Resources Act (MLRA) (1998), and the new Small-scale Fishing Policy (2012).

New theoretical approaches to fisheries governance have also been introduced which provide alternative perspectives to the top-down, exclusionary approach that defined fisheries management and policy-making in the apartheid era. Drawing on the ‘new governance’ discourse, these theoretical approaches articulate a vision of fisheries governance that emphasises collaborative partnership between small-scale fishing communities, state management agencies, and fisheries scientists. Examples of these approaches include ‘Co-management’ and ‘Interactive Governance Theory’ (IGT),

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<sup>2</sup> Republic of South Africa. 1996. Constitution of the Republic of South Africa Act No. 108 of 1996.

which have been applied to small-scale fisheries governance by social science researchers (Isaacs 2012), as well as the 'Ecosystem Approach to Fisheries' (EAF), which has been applied to large-scale commercial fisheries governance by a number of fisheries scholars working primarily in the natural sciences (Cochrane *et al.* 2004, Moloney *et al.* 2004, Paterson and Peterson 2009).

However, despite the post-apartheid reforms of South Africa's fisheries law and policy, and the introduction of alternative theoretical approaches to fisheries governance which promote collaborative engagement between multiple state and non-state actors, fisheries continue to be governed largely according to a centralised, top-down approach (Van Sittert 2006). In practice, fisheries in South Africa are characterised by profound structural inequalities of power between small-scale fishing communities, the state and industrial fishing companies. These radically unequal power relations constitute a significant barrier to the implementation of post-apartheid fisheries legal and policy reforms, and to the application of new theoretical approaches to fisheries governance.

In South Africa, the state has retained ultimate decision-making authority, and operates within a neoliberal (or free-market) macro-economic policy framework that hinders the state's ability to enact the democratic reforms mandated by the national Constitution, NEMA, the ICMA, and the MLRA (Sowman *et al.* 2014). At the same time, industrial fishing companies exercise considerable political and economic power in the governing of fisheries in South Africa. Despite post-apartheid fisheries reforms, these companies have retained a dominant position in terms of the allocation of fishing rights, and the formulation of fishing law, policy and management (Van Sittert 2006, Ponte and Van Sittert 2007). In addition, fisheries science has played a key role in providing ideological support for the dominance of the state and industry, and continues to legitimise the maintenance of existing relations of power and benefit distribution (for example, through the promotion of the of the 'tragedy of the commons' discourse) (Van Sittert 1995). There are also significant asymmetries of power within coastal communities themselves. In many communities, local elites (defined here as people who occupy positions of relative political, economic or cultural power within a specific geographic area or community) have monopolised the role of fisher representatives as a means to capture the political space and economic opportunities that have emerged for disenfranchised small-scale fishers after 1994 (Hersoug and Isaacs 2001, Isaacs 2013).

Consequently, the ability of relatively less empowered groups - such as small-scale fishing communities - to engage as collaborative partners with the state, capital and science is inhibited (Hara and Nielsen 2003, Hauck and Sowman 2003, Isaacs *et al.* 2007, Isaacs 2012). While the post-apartheid dispensation has opened political space for small-scale fishing communities to exercise their democratic rights to equitable access to fisheries resources, and to participation and representation in fisheries governance processes, these communities have been forced to pursue these rights from a position of significant disadvantage in terms of political and economic power.

Despite their position of disadvantage, it should be stressed that small-scale fishers *have* achieved some historic successes post-1994, (Sowman *et al.* 2014). In 2007, they won a court case that compelled the national state fisheries department to accommodate their interests by providing them with immediate material assistance (through the allocation of 'interim relief' fishing permits), and through the formulation of a national policy specifically for small-scale fishers<sup>3</sup>. Another significant success came in 2012 with the gazetting of the small-scale fishing policy (SSF policy), which was initiated and shaped to considerable extent by extensive fisher representation and participation<sup>4</sup>. Nevertheless, the basic balance of forces that prevailed in the fisheries arena during apartheid appears largely intact, with the state, capital and science occupying a dominant position, and small-scale fishing communities continuing to struggle to meet their basic needs.

There is thus a fundamental tension between the democratic reform of fisheries policy and law in South Africa, and the profound structural inequalities of power that shape how fisheries governance processes unfold in practice. Yet, the significance of this tension between democracy and power in South African fisheries governance appears to be obscured when viewed through the lens of contemporary theoretical perspectives such as co-management, IGT and EAF. This can be argued to the extent that these theoretical perspectives emphasise both the *possibility* and *desirability* for relatively disempowered groups such as small-scale fishers to engage as collaborative partners with more empowered groups within the state fisheries department, industrial fishing companies, and the fisheries science community. However, this apolitical perspective does not adequately confront the strategic practices and radically unequal relations of power that

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<sup>3</sup> K. George and Others versus the Minister of Environmental Affairs and Tourism 2004 (EC1/05).

<sup>4</sup> Department of Agriculture, Forestry and Fisheries (DAFF). 2012. Policy for the small-scale fisheries sector in South Africa. Pretoria: Government Gazette 2012.

continue to shape fisheries policy and management processes, and thus appears to be an insufficiently critical basis for understanding how fisheries are governed in South Africa.

#### **1.4. Rationale for studying power and democracy in fisheries governance**

Prominent international developments in fisheries governance theory (such as co-management, IGT and EAF) have tended to reflect the ‘new governance’ discourse, and in so doing, these new theoretical perspectives appear to under-emphasise the role of power dynamics in shaping the nature and outcomes of fisheries governance processes (Bene and Neiland 2006, Davis and Ruddle 2012). By emphasising apolitical notions of inclusivity, collaboration and partnership, these theoretical approaches predispose the observer to underestimate the continued primacy of asymmetrical power relations and strategic practices. In South Africa, the role of power in fisheries governance processes has not been studied as an explicit research focus, and remains largely unexplored, except for a few exceptions such as Hersoug and Isaacs (2001), Van Sittert (1995, 2002), Crosoer *et al.* (2007) and Hauck (2009). At present, there is no body of fisheries governance literature on this subject in South Africa or internationally. There is thus a limited understanding of how power dynamics actually manifest through processes such as political representation and public participation, and how these dynamics may conflict with efforts to realise more inclusive, equitable and collaborative forms of fisheries governance.

Yet power dynamics are undeniably fundamental to fisheries governance processes in South Africa. Developing a deeper understanding of the tensions between power and democracy that emerge through political representation and public participation in fisheries governance processes is therefore critical for at least two reasons. The first reason is political: the tensions between power and democracy have a direct implication for the Constitutional imperative in South Africa to ensure that small-scale fishing communities have equitable access to the marine commons, and that they are able to actively influence policy and management processes that directly affect their lives. The second reason is theoretical: there is a need to address the oversight in contemporary

theories of fisheries governance regarding how power manifests in ostensibly inclusive and equitable (or democratic) processes of engagement between the multiple and divergent actors involved in fisheries use and management.

### **1.5. Research question, aims and objectives**

The collection and analysis of field data on the Cape Peninsula was guided by the following research question, aims and objectives.

*Research question:*

How do power dynamics impact on the democratic engagement of small-scale fishers in processes of fisheries governance on the Cape Peninsula?

*Research aims:*

- a) To explore how power dynamics manifest through political representation and public participation in fisheries governance processes on the Cape Peninsula; and
- b) based on this exploration, to suggest ways of bringing power into the theorisation of fisheries governance.

*Research objectives:*

- a) Investigate how community-based political representation is practiced among small-scale fishers in three coastal communities on the Cape Peninsula;
- b) Investigate how public participation in fisheries policy and management processes unfolds in practice on the Cape Peninsula;
- c) Draw on the critical literature and theory of Pierre Bourdieu and other scholars to analyse how material and symbolic power dynamics manifest in the context of community-based representation and participation in fisheries governance processes in South Africa;
- d) Draw on the critical literature and theory of Bourdieu and other scholars to analyse community-based representation and participation within broader structures and processes of material and symbolic power in South Africa;

- e) Use the empirical research from the Cape Peninsula, and the critical scholarship of Bourdieu and others as a basis to reveal some of the crucial material and symbolic power dynamics that are overlooked by prominent theoretical approaches to fisheries governance.
- f) Contribute to strengthening the understanding and the theorisation of power in fisheries governance processes

### **1.6. Research scope and limitations**

To explore the problematic of power and democracy in fisheries governance processes, this thesis draws on research conducted from September 2010 until August 2013, in three case sites located on the Cape Peninsula. The primary case site was the coastal community of Ocean View, where the majority of research was conducted. This was supplemented by the secondary case sites of Hangberg and Imizamo Yethu, two coastal communities situated in Hout Bay (see Chapter Four). The study of community-based representation presented in this thesis is largely drawn from research conducted in the case sites with small-scale fishers, non-fisher residents, and local fisher representatives. In the case of public participation, research was conducted during participatory events held in the case sites, as well as in a range of locations throughout the broader Cape Town area. Research on participation focused on a wide range of actors, including small-scale fishers, community-based fisher representatives, high-ranking state officials, commercial fishing company representatives, fisheries scientists and conservationists.

The three case sites on the Cape Peninsula, and the participatory events that form the focus on this study can be seen as nexuses where a number of interlaced governance processes manifest and become ‘real’, thus lending themselves to empirical investigation. The key governance processes include the allocation of commercial fishing rights, the interim relief system, the SSF policy, and the formation of fishing co-operatives. It is within the context of these processes that community-based political representation and public participation were studied as a means to explore the tensions between power and democracy in fisheries governance. This research will also be situated within the broader field of coastal and fisheries governance in South Africa, and within the national and global political-economic and ideological system of capitalism, in which local processes of fisher representation and participation are embedded.

While Ocean View, Hangberg and Imizamo Yethu provide considerable insight into the manifestations of power in fisheries governance through the ostensibly democratic processes of political representation and public participation, it should be noted that these coastal communities are not representative of other communities in South Africa. Simply put, they are located in a highly urbanized environment, with relatively large populations, and multiple and diverse groupings making competing claims on the local marine commons. Consequently, the political dynamics unfolding in the case sites are particularly complex and conflicted when compared with coastal communities located in rural areas, where the populations are relatively smaller and more homogenous. For this reason, the case sites on the Cape Peninsula should be viewed as ‘extreme cases’ (see Flyvbjerg 2005). Extreme cases are not representative, but their ‘extremeness’ means that the social phenomena being studied manifest with particular intensity, making these cases valuable for generating insights into these phenomena. As extreme cases, the case sites bring into stark relief the workings of power relations and strategic practices in representation and participation, and as such they shed light on the basic antagonisms between power and democracy in fisheries governance processes.

### **1.7. Chapter outline**

This thesis will chart the following course. Having provided a basic introduction to this study of power and democracy in fisheries governance in South Africa (Chapter One), the thesis moves to Chapter Two, which situates this study within the relevant literature and theory. More specifically, Chapter Two draws on critical theories of power to argue that prominent approaches to fisheries governance appear to overlook the role of power, and present Bourdieu’s theoretical framework as a basic point of departure for exploring power in fisheries governance. Chapter Three discusses the research approach that was employed on the Cape Peninsula, and describes the field of study, the ontological orientation of this research, and the methodology and methods used to conduct fieldwork. This chapter concludes with a reflexive discussion of the research process. Chapter Four introduces the three coastal communities on the Cape Peninsula, which served as empirical case sites for exploring power dynamics among small-scale fishers.

The next two chapters present the findings of this study on the Cape Peninsula. Chapter Five describes and analyses the empirical data on power dynamics in community-based political representation among small-scale fishers in the primary case site. This is

complemented by Chapter Six, which describes and analyses the empirical research of power in participatory processes associated with coastal and fisheries governance. The thesis concludes with Chapter Seven, which discusses the power dynamics uncovered in this empirical research in relation to both the critical and orthodox literature presented in Chapter Two, including a consideration of what this research might mean for prominent contemporary theories of fisheries governance. Chapter Seven closes by proposing a critical, real politik perspective as a means to bring power into the analysis of fisheries governance processes, with the aim of contributing towards a more accurate and rigorous understanding of the tensions between power and democracy in these processes.

**CHAPTER TWO**  
**POLITICS WITHOUT POLITICS? THEORISING**  
**GOVERNANCE, PARTICIPATION, REPRESENTATION AND**  
**POWER IN FISHERIES**

**2.1. Introduction: governance, participation, representation and power in theoretical perspective**

The democratisation of fisheries governance in post-apartheid South Africa has signalled the opening of political space for disenfranchised small-scale fishing communities to be included in, and to actively influence policy and management processes via mechanisms such as political representation and public participation. Viewed through the lens of recent theoretical approaches to fisheries governance, there is an assumption that small-scale fishers can and should engage collaboratively as partners with a divergent range of actors, many of whom are relatively more politically and economically empowered than small-scale fishers are. However, this theoretical lens predisposes the observer to overlook the extent to which processes of fisheries governance in post-apartheid South Africa have been defined by strategic practices and structural inequalities of power, and that these political dynamics have constrained the democratic engagement of small-scale fishers. This suggests that recent theoretical approaches are insufficiently equipped to grapple with the tensions between democracy and power that have been seen to manifest in South Africa, and in fisheries governance contexts around the world.

This chapter will discuss the inter-related themes being explored in this research of fisheries governance on the Cape Peninsula, namely: ‘governance’, ‘public participation’, ‘political representation’, and ‘power’. The literature on each of these concepts is vast and intertwined, and for this reason, the following discussion is by no means comprehensive or definitive. Attention will be focused on ‘governance’, ‘public participation’ and ‘political representation’ as analytical concepts that describe empirical political phenomena, while at the same time addressing the genealogy of these concepts as fetishes that have emerged from specific political-economic and ideological processes, and which have specific political-economic and ideological effects - principal among

which is the concealment of power dynamics<sup>5</sup>. Drawing on wide range of disciplinary perspectives, including sociology, social anthropology, and critical geography, it will be argued that an apolitical conception of ‘governance’, ‘participation’ and ‘political representation’ has become increasingly dominant in theory and policy-making in the contemporary period. This orthodoxy promotes a form of governance without politics, in the sense that it emphasises notions of inclusive, horizontal and collaborative engagement towards shared goals, while de-emphasising the dynamics of power relations, strategic contestation and conflicting interests. Following Bourdieu and Wacquant (2001), it will be argued that the orthodox conception of politics constitutes a global ‘lingua franca’ that de-politicises the structures and processes of neoliberal capitalism<sup>6</sup>. By so doing, the orthodox view obscures the realities of power in political processes of governance, participation and political representation.

It should be noted that this critique of the apolitical assumptions and de-politicising effects of this neoliberal orthodoxy have already been convincingly made by a number of scholars working in a range of contexts (Bourdieu 1998, Jessop 1998, Brand 2005, Marinetto 2003, McCarthy and Prudham 2004, Swyngedouw 2005, Castree 2008). However, besides notable exceptions such as Bene and Neiland (2006), and Davis and Ruddle (2012), relatively few scholars have explored this critique in the context of participation and political representation in fisheries governance processes. To begin to address this gap, it will be argued in this chapter that the neoliberal vision of

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<sup>5</sup>I use the hyphenated term ‘political-economic’ to counter the modernist assumption that politics and economics are distinct spheres of social life: in practice, politics and economics are fundamentally interwoven (see Nitzan and Bichler 2009).

<sup>6</sup> ‘Neoliberalism’ is understood here as the contemporary ideological and political-economic incarnation of global capitalism, and is conceptualised as a complex, contradictory and contested social phenomenon which manifests in geographically-specific ways through the interweaving of ideological, discursive, political and economic practices and processes (Castree 2008). The term ‘neoliberalism’ means the ‘new liberalism’, with ‘liberalism’ taken from its original Western European context, in which it referred specifically to ‘free market economics’ (Harvey 2005, Harman 2008). Emerging in 1970s, the ideology of neoliberalism represents “a resurrection of the orthodox ‘laissez faire’ economic ideology that prevailed until the great slump of the 1930s”, and rests on the premise that capital should be free from “state intervention” because this is assumed to undermine the proper functioning of the economy, and consequently, the state’s role should be limited to “defending private property, national defence and ... overseeing the money supply” (Harman 2008: 7). Neoliberal ideology is supported by flawed ‘neoclassical’ economic theory, which employs a reductionist sociology and pseudo-mathematical equations to demonstrate the utopian claim that in a free market, “all labour will be employed producing goods that are all sold” (Harman 2008: 7). In practice however, the free-market operates in fundamental contradiction of neoliberal ideology - a fact most plainly illustrated by the continued reliance of capital upon state intervention in the economy (Harvey 2005, Harman 2008).

collaborative politics has penetrated the field of fisheries theory, policy and management, leading dominant approaches to fisheries governance to underestimate the role of power. This chapter brings power back into the equation by situating the contemporary discourses of governance, participation and political representation in broader political-economic context. The concept of power itself is also discussed to provide a theoretical basis for exploring its material and symbolic role in fisheries governance processes, and how power is overlooked in dominant approaches to fisheries policy and management. This chapter concludes by presenting the theoretical framework of Pierre Bourdieu, which serves as a general guide for studying both the material and symbolic manifestations of power in participation and political representation in fisheries governance processes.

## **2.2. The ‘New Governance’: collaborative governing beyond the state**

As with any field of social endeavour, coastal and fisheries management draws on powerful images and ideas to motivate, guide and justify particular forms of organisation and intervention. These images and ideas constitute a symbolic system that is shared by those working in donor agencies, non-governmental organisations (NGOs) and governmental agencies (Cohen 1976, Abrahamsen 2000). As these ideas become institutionalized, they assume a principal position in policy-making and implementation, acting as a guiding orientation (Escobar 1995; Williams 2009). We could thus view these ideas as “commonplaces -- in the Aristotelian sense of notions or theses with which one argues but over which there is no argument” (Bourdieu and Wacquant 2001: 1). ‘Governance’ is one such idea, occupying a central position in the lexicon of contemporary coastal and fisheries management, and environmental theory and policy more broadly. The voluminous and ever expanding body of literature on governance points to its rise as a dominant concept, intellectual paradigm, and political programme (Jessop 1998, Marinetto 2003, Brand 2005, Swyngedouw 2005).

What does the term ‘governance’ mean? There are different shades of meaning attached to the term ‘governance’, which partly accounts for its pervasiveness in theory and policy - as sociologist Bob Jessop (1998) argues, “it is becoming a ubiquitous ‘buzzword’ which can mean anything or nothing” (Jessop 1998: 29). However, despite this semantic malleability, the term ‘governance’, at its most basic level, refers simply to the “...formation and stewardship of the formal and informal rules that regulate the public

realm, the arena in which the state as well as economic and societal actors interact to make decisions” (Hyden *et al.* 2004: 16). In contemporary theory and policy-making, the term governance is also used in to refer more specifically to the dramatic re-configuration of the structures and processes of governing - *from* forms of governing that are state-centric, *towards* polycentric institutional structures and processes that include the active participation of non-state actors (Swyngedouw 2005). Most interpretations of ‘governance’ in the political science literature are based on the premise that the state is no longer at the centre of policy-making and decision-taking, a shift that is encapsulated by the distinction between *government* and *governance*.

The notion of ‘governing without government’ is closely associated with the ‘Anglo-governance school’ of the British political scientist Rod Rhodes. This school’s interpretation of governance exemplifies what could be described as a theoretical “orthodoxy” (Marinetto 2003: 539). The far-reaching influence of this theoretical orthodoxy is evidenced by its reflection in the policy discourse of, for example, the United Nations, the World Bank, the International Monetary Fund, and the European Union (Guhan 1998, Weiss 2000, Bourdieu and Wacquant 2001). Rhodes’ contention is that “central government is no longer supreme. The political system is increasingly differentiated. We live in a centreless society, in the polycentric state characterized by multiple centres” (Rhodes 1996: 657). There is general agreement in the literature regarding the existence of a global shift towards new forms of governing characterised by de-centred networks constituted by state and non-state actors. As Thomas Weiss (2000) observes: “economic and social policy is no longer the exclusive preserve of governments” (2000: 800). From this dominant perspective, the basic structure of governance is commonly understood through the concept of “self-organizing, inter-organisational networks that are typically interdependent while enjoying significant autonomy from the state” (Rhodes 1997: 15 in Marinetto).

Orthodox conceptions of ‘governance’ propounded in mainstream theory and policy-making emphasise a shift away from a political forms and processes that are defined by hierarchical power relations and the use of strategies and tactics; towards inclusive, collaborative political engagement, characterised by win-win scenarios, horizontal power relations, and rational deliberation – in other words, the ‘new governance’ is valorised as

a form of *politics without politics*<sup>7</sup>. Swyngedouw argues that, “the idealised normative model ... implies a common purpose, joint action ... shared values ... and the wish to achieve collective benefits that cannot be gained by acting independently ... This model ... considers the mobilisation of resources ... from actors operating outside the state system as a vital part of democratic, efficient and effective government” (Swyngedouw, 2005: 1994). The orthodox assumption of governance as a new form of ‘politics without politics’ is neatly illustrated by the idealism of the following quote: “In today’s shared power, no-one-in-charge, interdependent world, public problems and issues spill over organisational and institutional boundaries ... no one person, group or organisation has the necessary power or authority to solve these problems. ... organisations and institutions must share objectives, resources, activities, power ... in order to achieve collective gains or minimize losses” (Bryson and Crosby in Kooiman 1999: 74).

Ulrich Brand (2005) describes the assumption of a break with the old way of ‘doing politics’ as “naïve wishful thinking”, that makes it possible for the new governance approach to overlook the continued primacy of power and real politik (defined here as strategic, self-interested, zero-sum politics) (Brand 2005: 168). Through the seemingly neutral discourse of ‘stakeholders’, ‘networks’ and ‘interaction’, governance theory obscures the dynamics of power, and therefore de-politicises processes that are highly political. Indeed, part of the appeal of the term ‘governance’ is that it “avoids the unequivocally political connotations of ‘government’, ‘power’ and ‘authority’. It provides a non-emotive language in which major issues of societal rule can be deliberated by experts and officials without making explicit what is implicit ... governance is safe, balanced and neutral” (Sinclair in Brand 2005: 168). As Swyngedouw puts it: “such an idealised-normative model of horizontal, non-exclusive and participatory (stake)holder-based governance is symptomatically oblivious to the contradictory tensions in which these forms of governance are embedded. These new practices are riddled with all manner of problems, particularly with respect to their democratic content” (2005: 1993). In concert with this wider critique, I argue that the contemporary orthodox conception of ‘governance’ pre-disposes the observer to adopt an overly-optimistic conception of political relations. Yet it is this view of governance that has become increasingly dominant as a model for societal regulation.

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<sup>7</sup> Among the most notorious expositions of this flawed premise were Francis Fukuyama’s ‘The End of History’, and the ‘Third Way’ political ideology of Anthony Giddens and Tony Blair (see Rose 2000, Callinicos 2001).

### 2.2.1. Orthodox conceptions of governance in the fisheries field

The increasing ubiquity of this orthodox conception of ‘governance’ in academic and policy circles is clearly reflected by its application to the field of fisheries management. Scholars and policy-makers have “not been insensitive to, or uninfluenced by” the broader orthodoxy (Bene and Neiland 2006: 36)<sup>8</sup>. As a consequence, ‘governance’ has become established as “a prominent part of the discourse on how best to manage fisheries” (Chuenpagdee and Sumalia 2010: 234). From the perspective of leading fisheries scholars, governance is conceived in terms of the expansion of processes of rule-making and decision-taking to include actors beyond the state such as fishers, fishing companies, fisheries scientists, social researchers, NGOs and conservationists, who engage on issues relating to the use and management of marine and coastal species, with the aim of facilitating more equitable, sustainable and efficient resource management (see Ostrom 1990, Berkes *et al.* 2001, Pomeroy 2001, Bavinck *et al.* 2005, Jentoft *et al.* 2007, Kooiman *et al.* 2008, Mahon *et al.* 2009, Pitcher *et al.* 2009).

In accordance with the broader orthodox discourse on governance, a review of dominant fisheries theory and policy also reveals a tendency to overlook the primacy of power. The interactions between and among state management agencies, fishing communities, scientists and industrial fishing companies are often promoted for their potential to facilitate collaborative, win-win processes of policy-making, decision-taking, and regulatory implementation. However, while this idealised, orthodox view of fisheries governance entails the opening of political space for marginalised groups to participate in policy-making, decision-taking and implementation, it pays insufficient attention to the relations of political-economic and ideological power that structure the field of fisheries governance, and the ways in which these power relations undermine the position of marginalised groups, while empowering and reinforcing the position of elite groups.

The application of orthodox conceptions of governance to coastal and fisheries management is illustrated by the highly prominent and influential ‘Interactive Governance Theory (IGT)’ approach (Symes 2006). According to its proponents, this theoretical perspective “proceeds from the assumption that ... interacting is often a more effective way of governance than ‘doing things alone’” (Kooiman *et al.* 2008: 2). In the

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<sup>8</sup> However, Bene and Neiland emphasise how these ideas also emerged from an “internal maturation process” within the field of fisheries itself (Bene and Neiland 2006: 36).

application of IGT to the field of fisheries, it is argued that the process of ‘interaction’ allows fisheries management systems to draw on a wider and deeper body of information and experience, as Jentoft and Chuenpagdee (2009: 558) explain: the “advantage of partnership arrangements as governing interaction modes is that they widen the source of knowledge, including tapping local knowledge, and provides opportunities for interactive learning”.

The application of an IGT approach to fisheries makes the valuable contribution of extending analysis beyond the conceptual boundaries of conventional state-based scientific fisheries management. It also provides a necessary counter-narrative to modernist assumptions of the infallibility of state-based scientific environmental management by arguing for the importance of knowledge and capacity outside of specific management agencies. According to Jentoft *et al.*, (2007) governance theory constitutes a “deeper and more extensive discourse than the one usually pertaining to fisheries and coastal management”. One of the key insights of governance theory (indicated by the suffix ‘ance’) is that governing is a process. Instead of fixating on static structures of government (as embodied by departmental organograms), governance theory urges us to consider the processes whereby different societal actors interact to create, reinforce or challenge rules and norms in the public sphere. This brings attention to the dynamic nature of governing, and thus to its complexity. Another way that governance theory ‘deepens’ the analysis of social relations of governing is that it encompasses both the symbolic and material aspects of fisheries (Jentoft, et al. 2007: 612). Using the heuristic device of ‘meta-governance’, interactive governance theory points to the importance of the dialectic between values and management practice. For instance, the choice of regulatory measures in a particular fishery is underwritten by symbolic configurations (or ideologies) that are usually implicit (Jentoft & Chuenpagdee, 2009). As Jentoft and Chuenpagdee plainly state: “management tools come with ideologies, they are not value-free” (Jentoft and & Chuenpagdee 2009: 556).

These theoretical progressions are useful for our understanding of fisheries legislation, policy and management processes. However, as with the orthodox fetishization of ‘governance’ and ‘participation’ in other fields, there is an ideological and analytical oversight regarding the primacy of power. Despite its strengths, I contend that orthodox conceptions of ‘governance’ and ‘participation’ in mainstream theory and policy (such as

IGT) predispose one to underestimate the primacy of power relations by promoting what appears to be an apolitical view of new, inclusive and de-centralised forms of fisheries governance. To illustrate this claim, consider the IGT perspective on ‘co-governance’, the form of governance that most closely resembles the political and organisational principles promoted by IGT scholars. Co-governance is presented as an approach to fisheries governance in which “societal parties join hands with a common purpose in mind, and yield some of their identity and autonomy in the process” (Bavinck *et al.* 2005: 43). The morass of *real politik* does not go unnoticed by IGT scholars, who recognise explicitly the potential for “negative interactions and exclusiveness”, and the “rejection of co-operation”, and therefore, that “appropriate institutional arrangements are needed” (Bavinck *et al.* 2005: 44). However, their portrayal of co-governance could ultimately be described as normative, rather than strictly analytical, and appears to elide the issue of asymmetrical power relations, as the following quote suggests:

“A key assumption is that ... parties co-operate ... without a central or dominating governing actor ... Inclusiveness lies at the heart of co-governance. This style of governance is only effective when all actors are seen as equally represented and are transparently engaged in ... open dialogue, communication and negotiation. These then result in conflict resolution and collaboration” (Bavinck *et al.* 2005: 44).

This apparently idealised, apolitical portrayal of new forms of fisheries governance seems to echo the broader orthodox discourse on governance, which is depicted as a paradigm shift from conventional forms of self-interested political action, towards collaborative partnerships characterized by the suppression of conflict and the expression of mutual compromise, with the shared objective of responding to the increasing complexities and challenges of contemporary society. Such a view of political reality appears to predispose the observer to misjudge the role of power in small-scale fisheries governance. According to Davis and Ruddle (2012): “Failure to locate power relationships, particularly those associated with economic exploitation and appropriation, at the very centre ... means that recent governance approaches are not empowering for small-scale fisheries” (Davis and Ruddle 2012: 251).

These recent approaches to fisheries governance are clearly reflected in the South African context, where fisheries law, policy and theory promotes inclusive and equitable political engagement between state and non-state actors. In accordance with international trends in fisheries governance theory, small-scale fishing communities in South Africa are envisioned as partners who can and should collaborate with relatively more powerful

actors such as state management officials, fisheries scientists, and fishing company directors.

However, this apolitical theoretical and policy approach to fisheries governance in South Africa appears to underestimate the primacy of structural asymmetries of power, and the strategic practices which reinforce these power imbalances. The singular focus on partnership and collaboration does not allow for a sufficient consideration of the ways that small-scale fishing communities (such as those on the Cape Peninsula) are constrained in their ability to influence fisheries governance processes. In terms of theory, the apolitical orthodox approach to fisheries governance does not adequately confront the fact that small-scale fishing communities in South Africa occupy a position of radical disadvantage within local, national and global processes of capitalist production and exchange, while other social actors such as industrial fishing companies occupy a position of relative strength within this system. Yet from the perspective of this theoretical approach, small-scale fishing communities in South Africa are expected to collaborate with industrial fishing companies as social ‘partners’, regardless of profound disparities between their respective positions within the structures and processes of capitalism. Furthermore, this de-politicised orthodox theorising of fisheries governance seems to overlook the extent to which democratic engagement can be overwhelmed by strategic practices that are employed by powerful political and economic actors to reinforce and legitimise existing distributions of power and benefits.

These apparent oversights of contemporary fisheries governance theory suggest a need to focus greater attention on the manifestations of power through mechanisms and processes formally constituted to facilitate democratic fisheries governance. In South Africa, the primary mechanisms harnessed to facilitate the post-apartheid democratisation of fisheries governance are political representation and public participation. Political representation and public participation are also key mechanisms through which asymmetrical power relations and strategic practices manifest with particular vigour and clarity. Put simply, representation and participation often serve to disempower small-scale fishing communities, rather than empower them. The following two sections present a critical discussion of public participation and political representation in terms of their dual potential as a means to facilitate democratic politics, and as a means to reinforce existing imbalances of power and benefit distribution.

### **2.3. Public participation**

The concept of ‘public participation’ is central to the changing dynamics between state, capital and civil society that are symbolised by the theoretical and policy shift towards a ‘governance’ approach - as Bene and Neiland (2006) argue, “the strong support which has been given to ‘participatory approaches’ stems from the same paradigmatic shift that supported the governance shift” (Bene and Neiland 2006: 25). Public participation is seen by orthodox scholars and policy-makers as a primary means to implement a governance approach, in which “institutional arrangements of ‘governing’ ... give a much greater role in policy-making, administration and implementation to private economic actors ... and civil society” (Swyngedouw 2005: 1992). Although defined in many ways, public participation is generally understood as “a means of bringing a broader section of a given population into public decision-making processes - in a role of informing and/or controlling those processes” (Ribot 1999: 1). In practice, participation occurs in a multiplicity of forms, ranging along a continuum from: indirect and passive participation, where those involved have little ability to influence decision and action; to direct participation, where citizens are involved as active agents who initiate engagement with government officials, and who have the capacity to influence the outcomes of governance processes.

Salient in this regard is Sherry Arnstein’s (1969) classic typology of citizen participation<sup>9</sup>. She argues that there are “significant gradations of citizen participation”, according to the relative level of power that citizens are able to exercise in participatory processes. In her typology, the highest degree of participation is termed ‘citizen power’, and refers participatory processes in which citizens exercise some level of power over decision-making and action. However it is the lower degrees of participation that are of particular relevance when considering how participation can serve to reinforce unequal relations of power and benefit distribution. Arnstein uses the term ‘tokenism’ to refer to participatory processes where citizens have the space to “hear and be heard”, without having the necessary power to influence the outcomes of these processes (Arnstein 1969: 217). Token participation ranges from the unidirectional dissemination of information from

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<sup>9</sup> While Arnstein’s typology (like any typology) tends to oversimplify the complexities inherent in participation (see Connor 1988, Tritter and McCallum), it remains useful as a hermeneutic lens, not only for viewing the basic forms of participation, but also for viewing how power dynamics fundamentally determine the nature and outcomes of participation.

powerful political and economic actors to citizens ('informing'); to the "inviting of citizen's opinions" without necessarily allowing these opinions to influence outcomes ('consultation'); and the inclusion of citizen's input in planning and decision-making, subject to the authority of powerful actors who "judge the legitimacy or feasibility" of this input ('placation') (Arnstein 1969: 220). The most minimal degree of participation is 'non-participation', where powerful actors exploit participation as a "public relations vehicle" to legitimise pre-determined decisions ('manipulation') (Arnstein 1969: 218). Arnstein observes that there is:

"a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process ... participation without redistribution of power is an empty and frustrating process for the powerless. It allows the powerholders to claim that all sides were considered, but makes it possible for only some of those sides to benefit. It maintains the status quo" (Arnstein 1969: 216).

The potential for participation to either facilitate or undermine democratic practices should be kept in mind when considering the fetishization of participation in the contemporary period. While the theoretical origins of public participation can be traced to the democratic traditions of Ancient Greece, it is only over the last 30 years that participation has risen as a central mode of political practice. Today, participatory processes constitute "one of the key terrains on which battles over the form of governance and the character of regulation are currently being fought out" (Swyngedouw 2005: 1993). Public participation has become a guiding metaphor for implementing more inclusive and equitable governance processes: there is broad consensus in the critical literature that participation tends to be viewed as a *universal remedy* by funders, policy-makers, researchers and practitioners who operate from global centres of power in the North. According to Bene and Neiland (2006), participation "has become a key element in the rhetoric concerning almost every major issue ... Today, the concept has taken on the characteristics of a panacea; academic studies, policy statements, NGOs or international organization recommendations ... that promote the benefits of (good) governance, make 'participation' one, if not the core element of development" (Bene and Neiland 2006: 24). White also observes that "these days... a commitment to 'participation' ... is trumpeted by agencies right across the spectrum, from the huge multi-laterals to the smallest people's organisations. Hardly a project, it seems, is now without some 'participatory' element" (White 1996: 6). For this reason,

“No respectable project can not use this word, nor can get funded without some reference to this concept” (Michener 1998: 2105).

In their analysis of public participation, Rowe and Frewer argue that it “would be too simplistic to attribute the growth of interest in participation entirely to greater respect by institutional actors for public views on policy issues. There is undoubtedly a certain amount of pragmatism involved in endorsing public participation, with institutions recognizing that a non-consulted public is often an angry one and that involving the public may be one step toward mollifying it” (Rowe and Frewer 2004: 514). The symbolic power inherent in the concept of public participation makes it a valuable resource for those who seek to legitimise - and thus de-politicise - particular governance decisions, distributions of costs and benefits, and relations of authority and control. Bene and Neiland point to the “inherent goodness of the notion of participation”, whose symbolic potency enables it to pass as “a substitute” for the “true structural reforms needed ...” (Bene and Neiland 2006: 34). White concurs with this argument, describing the term participation as “a ‘Hurrah’ word, bringing a warm glow to its users and hearers”, and asserts that this symbolic power “blocks” the “detailed examination” of participation processes and outcomes (White 1996: 7). To the extent that participation can be used to legitimise (and thus de-politicise) decision-making and action, it can thus be argued that participatory processes serve as potential “instruments for reinforcing domination and control” (Gaventa 2004: 34). For these reasons, John and Jean Comaroff (1999) conclude that in many instances, participation is a “hollow fetish” (1999: 33).

### **2.3.1. Orthodox conceptions of participation in the fisheries field**

Public participation has become established as a guiding metaphor in the field of fisheries management (Hersoug et al. 2000, Bavinck *et al.* 2005, Bene and Neiland 2006). Participation in fisheries management is mandated by multilateral institutions and regulatory frameworks such as the Food and Agriculture Organisation (FAO) Code of Conduct on Responsible Fisheries (1995), the Convention on Biological Diversity, the Ramsar Convention (1971), the Rio Declaration (1992) (see Raemaekers and Sunde 2010). In this context, participation is generally understood as a means for non-state actors to influence decisions and actions regarding the utilisation and management of marine and coastal resources - according to Mikalsen and Jentoft (2008), participation in

fisheries management essentially refers to “the inclusion of stakeholders in policy-making and implementation ... it is generally accepted that user groups ... should be involved in management” (2008: 171).

In keeping with the wider discourse of participation, the participatory shift in the field of fisheries has a strong normative dimension - participation is perceived to facilitate collaborative, democratic, and therefore legitimate fisheries governance. For example Bavinck *et al.* (2005) argue that: “Active participation by those affected will make management systems more legitimate, in part because it provides them with *a sense of ownership of the system*” (2005: 39 - emphasis added). Kooiman *et al.* (2008) promote “an understanding that broad societal participation in governance is an expression of democracy and therefore a desirable state of affairs ... we are advocating broad participation in governance from a normative as well as from a practical standpoint” (Kooiman *et al.* 2008: 3). Mikalsen *et al.* (2007: 208) sum up the enthusiasm for participation in recent fisheries governance:

“user-group involvement has largely been justified by pointing to the benefits - in terms of legitimacy, responsibility and effectiveness ... There has been less concern for the access limitations and political biases that may result from a possible ‘mischief of factions’. The underlying premise for much of the debate has been a perception of ... some kind of formal partnership between government and user-groups ... as something unequivocally good”.

This normative conception of participation is evident in recent theoretical and policy approaches to fisheries management in post-apartheid South Africa, such as ‘co-management’ and ‘the Ecosystem Approach to Fisheries’ (EAF). These approaches have been based on a governance approach characterised by participatory engagement between divergent social actors such as fisheries resource users, state management agencies, and fisheries scientists (Ward *et al.* 2002). Both of these theoretical and policy paradigms have been endorsed by the FAO (2003), and the World Bank (2004)<sup>1011</sup>. In brief terms, the EAF paradigm proposes the idea of managing the various social and biological elements of fisheries as an integrated whole. According to proponents of an EAF: “Stakeholder participation is critical ... to the successful implementation of an EAF”

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<sup>10</sup> FAO. 2003. ‘The ecosystem approach to fisheries’. Technical Guidelines for Responsible Fisheries 4. Rome: FAO.

<sup>11</sup> World Bank. 2004. ‘Saving Fish and Fishers Toward Sustainable and Equitable Governance of the Global Fishing Sector’. Report No. 29090-GLB. May 2004.

(Paterson and Peterson 2007: 11). It is argued that participation “is beneficial for the resource, the ecosystem and society, despite the many trade-offs that are likely to be required to balance the often contrasting objectives of ecological wellbeing, human wellbeing and good governance” (Paterson *et al.* 2007: 1066). However, the EAF perspective relies on an apolitical conception of politics, and does not offer a means to grapple with the power imbalances and strategic practices that characterise fisheries governance processes in South Africa.

A similar argument can be made for the co-management approach, which also promotes an apolitical conception of participation as a means for small-scale fishing communities to share power, and work collaboratively with state management agencies in regulatory decision-making and implementation (Davis and Ruddle 2012, Isaacs 2012). Yet like the EAF approach, co-management overlooks the ways that participation by small-scale fishers is compromised by asymmetrical relations of power. In developing countries such as South Africa, the experience of co-management has demonstrated that the participatory efforts of fishers have been consistently undermined by unequal power relations, a lack of support from government management agencies, and an inequitable rights allocation system (Sowman *et al.* 1997, Hara and Nielsen 2003, Hauck and Sowman 2003, Isaacs *et al.* 2007, Isaacs 2012).

The apolitical orthodox conception of participation which is evidenced in the discourse of prominent fisheries management approaches such as EAF and co-management fit neatly into the category of ‘mutual gains’ or ‘win-win’ approaches, in which participants “are imagined as partners, working towards an optimum solution for both. Harmony is valued, while confrontation is seen as disruptive or antisocial” (Fay 2007: 83). However, Davis and Ruddle (2012) observe that this as “an ill-defined philosophical and advocacy-academic approach ... for designing ... fisheries governance” (Davis and Ruddle 2012: 245). In practice, it is often more accurate to view participation in fisheries governance, not as a form of inclusive and collaborative politics, but as a form of strategic political engagement through which fishers, fisher representatives, state officials, fisheries scientists, company directors and other actors seek to contest or reinforce established patterns of power and benefit distribution. From this perspective, participation in fisheries governance is ultimately about political processes in which “each side is aiming to get as a large a piece as possible of a fixed pie”, and participants “are imagined as

fundamentally opposed, aiming to cut their losses and maximize their gains. Conflict is part and parcel of the process as each party works towards its own interests” (Fay 2007: 83).

In summary, the concept of public participation has become a guiding metaphor for democratising fisheries governance processes (both in South Africa and internationally), and has informed some of the most prominent and influential developments in fisheries theory and management. Yet, as with the orthodox conception of governance, participation has been widely conceived by fisheries scholars and policy-makers with insufficient reference to structures and processes of power. In the context of participation in fisheries governance processes, one the most important ways in which power dynamics manifest is through political representation. Like participation, political representation is a key mechanism for facilitating inclusive and equitable fisheries governance processes, but representation also has a dark side associated with its potential to serve as a mechanism for powerful actors to reinforce unequal relations of power. The following section describes the political representation concept in the broad context of democratic political theory and practice, and then hones in on its central position in recent approaches to fisheries governance.

#### **2.4. Political representation**

Any discussion of governance and participation must inevitably confront the question of political representation. Political representation is born from the axiom that it is not practically possible for every individual citizen to participate directly in all societal decision-making processes, and therefore some form of representational mediation is necessary to facilitate the indirect participation of citizens in decisions that affect them (Hobbes 1968, Green 1993, Ribot 1999). As with public participation, the idea of political representation has a long history. Its origins are usually traced to the development of democratic theory and practice in Ancient Greece, where political representation was seen as a primary means for realising the “democratic ideal” (Petit 2009: 61).

The notion of political representation as an inherently democratic phenomenon characterises the contemporary fetishization of political representation in the discourse of orthodox theorists and policy-makers working in the political, development and

natural resource management fields. It is on the basis of this close association with democratic politics that political representation has become a guiding metaphor. The contemporary fetishization of democratic political representation has been traced to the wave of de-colonisation in Asia, Latin America and Africa after the Second World War, as well as to the Cold War, when it was used by Western countries as a symbolic weapon against the ideology of Soviet Communism. Since the fall of the Berlin Wall, democratic political representation has become increasingly synonymous with the development agenda being imposed on the South (Friedman 1999, Paley 2002). At the same time, the end of the Cold War also signalled the increasingly global association of democratic political representation with free-market capitalism (Comaroff and Comaroff 1997, Bourdieu 1998, Paley 2002). Yet, despite the symbolic association of political representation with democracy, it can be argued that “political representation is not a particularly democratic phenomenon at all” (Rehfeld 2006: 2). Rather, political representation is about the making and contesting of claims (Saward 2006). From this perspective, political representation is a practice that is essential, not only to democracy, but to *all* forms of political activity and organisation.

Political representation has been conceptualised in many different ways (Mansbridge 2011). According to Andrew Rehfeld (2006), political representation at its most basic level is constituted by: someone who is represented; and someone who represents. In the political context, the act of political representation is conventionally understood as the act of mediation by a third party, between a constituency and external actors in processes of societal decision-making (Brennan and Hamlin 1999, Rehfeld 2006)<sup>12</sup>. For centuries, Western political theory has conceptualised between the representative and their constituency in terms of the transformation of a multitude of individuals (constituency) into a single social actor (the representative) (Saward 2009)<sup>13</sup>. Yet the process of embodying a constituency is ultimately symbolic, and thus dynamic and contested - there is always the potential for misrepresentation between the representative and the individual constituents.

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<sup>12</sup> The term ‘constituency’ is used advisedly here. In practice, a constituency is not a homogeneous group who necessarily share the same views and interests, but rather, a constituency is constructed through the process of political representation (Bourdieu 1989).

<sup>13</sup> As Thomas Hobbes wrote in the 17th Century: “a multitude of men are made one person when they are by one man, or one person, represented” (Hobbes in Petit 2009: 77).

We could distil political representation into three basic relationships: constituency-representative; representative-external actors; and constituency-external actors. In the context of this research, the ‘constituencies’ were composed of various sets of actors, from industrial fishing companies, to fisheries scientists, conservationists and small-scale fishers. The ‘representative’ category was composed of individuals who acted on behalf of these constituencies based on varying forms of authorisation. This research focused specifically on small-scale fisher constituencies residing in the coastal community of Ocean View on the Cape Peninsula, and the individuals who represent them at the community level. The ‘external actors’ category was primarily composed of fisheries management officials from national fisheries authority, but also included members of parliament, fisheries scientists, conservationists, and NGO staff.

In the case of the constituency-representative relationship, there are a number of critical factors that should be considered, including the extent to which the representative is similar or different to the people they represent; and the extent to which the representative’s interests align or conflict with those of their constituency. The constituency-representative relationship is also shaped by the dynamics of power between them, which are usually framed in political science in terms of the tension between a *representative’s responsiveness* to, and *independence* from the constituency they represent (Mansbridge 2003, Rehfeld 2006). This tension brings into focus the mechanisms and procedures which determine the constituency’s authority and control over the representative, and through which the representative can be held accountable. Another key relationship is that between the representative and external actors, who can be understood as the set of people with whom the representative interacts on behalf of their constituency<sup>14</sup>. The representative-external actors relationship is also shaped fundamentally by the extent to which the representative is autonomous from, or responsive to the external actors; the ways in which the representative’s interests are aligned or in conflict with those of the external actors; and the relations of similarity or difference between them. Though the constituency and the external actors generally interact indirectly through the mediation of the representative, their relationship is fundamental to processes of political representation.

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<sup>14</sup> The term ‘audience’ is usually used to designate external actors, but I argue that the use of the term can be misleading because, in certain moments, representatives and constituencies also become audiences. For this reason, I use the term ‘external actors’ to denote “the relevant parties before whom the representative claims to stand in for the represented ...” (Rehfeld 2006: 6).

One of the most critical factors shaping political representation is the extent to which the representative is *recognised* as such. In the context of the ‘representative-constituency’ relationship, recognition can be granted through formal procedures such as elections, but recognition can also be actively generated through a number of strategies and tactics. It should be emphasised here that the constituency is not the only source of recognition - although “the represented play a role in choosing representatives”, it is equally the case that “representatives ‘choose’ their constituents” (Saward 2006: 301). There is also the matter of recognition granted by the external actors to the representative. Of particular relevance for this research is the claim that recognition from the external actors (when they are the audience) is ultimately “what matters”, because they are “the relevant parties before whom a particular case of representation needs to be accepted ...” (Rehfeld 2006: 8). In cases where there are significant power asymmetries between the external actors and the constituency, and a lack of institutional mechanisms and procedures to address these asymmetries, then it is often the case that when the external actors accept “John as the representative of some group, he is their representative” (Rehfeld 2006: 11). We could view the context of fisheries governance in South Africa as just such a case, where the recognition of relatively disempowered small-scale fisher constituencies can potentially be over-ruled by external actors such as fisheries management officials, because they hold greater political power in relation to fisheries governance processes.

From this elementary configuration of ‘representative-constituency’ and ‘representative-external actor’ relationships, we arrive at the actual activity of representation. In the formalistic conception of political representation, the representative acts as a mediator on behalf of their constituency, transferring information transparently between that constituency and external actors. According to the influential theorising of Hannah Pitkin (1967), the main “function” of political representatives is “to supply information ...” (Pitkin 1967: 83). However, it is this very process of representational mediation that has posed an eternal challenge for democratic theory and practice because the constituency, the representative and the external actors are not neutral and transparent automatons through which mediation seamlessly occurs, but rather, they are active agents operating with their own capacities, values, beliefs, interests and agendas.

In his critique of Pitkin (and the orthodox view of political representation that her work has informed), Michael Saward (2006) argues that her notion of the transparent transmission of information overlooks the extent to which representatives "... are actively engaged in constituting certain ideas or images of their constituents ... which are inevitably partial and selective ... The intentions of the maker of the symbol ... are either ignored or reduced to merely informational impulses" (2006: 300). Yet according to Saward, it is these very activities that constitute "... a central aspect of political representation - the active making (creating, offering) of symbols or images of what is to be represented" (Saward 2006: 301).

At the heart of political representation is the act of depicting, or 'representing' people and things in specific ways, in order to convince others of a particular view of reality. In the political context, the act of representing someone or something involves an element of active construction - it is thus an assertion of fact, rather than the transparent presentation of fact. From this perspective, the "world of political representation" can thus be seen as "a world of claim-making rather than fact-adducing" (Saward 2006: 302). It should be pointed out that the notion of making claims does not negate the fact that political representation can enable democratic engagement in policy processes by facilitating the communication of particular facts, views and concerns between constituencies and external actors. Instead, the notion of making claims seeks only to widen the analytical focus to include the aesthetic dimension of political representation, and the critical ways that the practice of communicating information through political representation is shaped by creativity and performance.

The process of making claims in political representation involves: i) a claim-maker; ii) someone or something that is represented; iii) the claim itself; iv) and an audience who receives a claim. An infinite number of permutations can result from this simple formulation, thus unsettling the conventional, static model of an active 'agent' (representative), and a passive 'principal' (constituency): through the claims making process, constituencies and external actors also become active agents, and concomitantly, representatives can play the passive role of an audience (Thompson 2012). This perspective also reveals the creative element which is inherent in the act of political representation: these "representations (depictions, portrayals, encapsulations) of self and others in politics do not just happen. People construct them ..." (Saward 2006:

301). However, these claims are not entirely constructed. Rather they are drawn from “familiar contextual frameworks” to be able to “create something new” (Saward 2006: 303).

The point here is that representative claims are necessarily imperfect: all claims carry within them the possibility for contestation, which is at the heart of political activity. As Saward insists, “facts may be facts, but claims are contestable ... there is no claim ... that does not leave space for its contestation” (Saward 2006: 302). This contestation between “competing significations” is “precisely what political debate and dispute is all about” (Saward 2006: 311).

The goal of any claim is to be recognised by an audience or acknowledged as being an accurate depiction of fact. Indeed, it could be argued that “claims only work, or even exist, if audiences acknowledge them in some way” (Saward 2006: 303). Audience recognition is itself constructed, contingent and contested, and is shaped by the relation between the audience and claim maker, the content of a particular claim, and the context in which it is made. Recognition also depends crucially on the ‘dramatic performance’ involved in communicating a particular claim, in which specific linguistic and bodily techniques are used to convince an audience of a particular representation of reality, as Saward argues: “to an important extent, representation is not something external to its performance ...” (Saward 2006: 302). From this perspective, we should view political representation among small-scale fishers on the Cape Peninsula in terms of the strategic communication of a partially constructed picture of reality, and not only in terms of the transmission of factual information.

#### **2.4.1. Orthodox conceptions of political representation in the fisheries field**

As with the orthodox conception of participation, political representation is widely seen in contemporary fisheries policy and theory as a means to facilitate democratic (inclusive and equitable) governance and management processes. Mikalson and Jentoft (2003) observe that “Transparency and inclusiveness are currently being hailed as core values of the ideal management process, and there are demands for broader representation in management decision-making” (Mikalson and Jentoft 2003: 397). In a clear reflection of Pitkin’s theorising on representation, this orthodox approach focuses on political

representatives as mediators of the interface between fishers, state management officials, fisheries scientists and actors from industry, providing an effective means for democratic engagement in relation to fisheries governance-related issues.

However, as Jentoft and McCay (1995) explain “in many countries user groups have ... broad representation ... in the regulatory decision-making process. How this works in practice and to what extent it has increased the proficiency of fisheries management is an interesting question ...” (Jentoft and McCay 1995: 228). Indeed, we should remain critical of the widespread promotion of political representation in fisheries as a means to facilitate democratic management and governance processes. Davis and Ruddle (2012) make a strong argument that the “... state and its cognate international bodies should not be confused with an image of benevolent ... purveyor of the public interest, fairness, and democratic representation; yet, this perspective pervades the assumptions underlying the recent approaches to fisheries governance in social science research” (Davis and Ruddle 2012: 247).

In the South African context, political representation is a central component of the democratisation of fisheries governance processes. Crucially, political representation constitutes a primary mechanism for facilitating the democratic engagement of small-scale fishing communities in fisheries policy and management processes. There has, however, been little explicit research and theorising of political representation in the context of fisheries governance in South Africa, and representation is usually subsumed implicitly within the theorisation of public participation<sup>15</sup>. As with public participation, South Africa’s statutory framework is founded on an apolitical assumption regarding the potential of political representation as a mechanism to facilitate democratic fisheries governance processes, while neglecting to account adequately for the potential of representation to undermine the democratic efforts of small-scale fishers, and to reinforce the positions of already empowered actors. It is this darker side of political representation that must be confronted when attempting to theorise the tension between power and democracy among small-scale fishers on the Cape Peninsula. However, by promoting an apolitical conception of politics, recent approaches to the theorisation of fisheries governance in South Africa (such as EAF, co-management and IGT) appear to underestimate the ways that political representation can potentially disempower small-

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<sup>15</sup> McDaid’s (2014) research on the political representation of small-scale fishers in South Africa is a notable exception.

scale fishers. This suggests a need to focus greater attention on role of political representation as an obstacle to democratic fisheries governance, rather than an instrument to facilitate it.

To understand why recent theoretical approaches to fisheries governance tend to underestimate the role of power dynamics in determining the nature and outcomes of political representation and public participation, it is necessary to situate these approaches within broader structures and processes of political-economic and ideological power in which they are embedded. In the following section, it will be argued that recent theoretical approaches to governance, representation and participation in fisheries (both South Africa and internationally) are part of the broader shift in orthodox theory and policy-making that has been driven not only by notions of democracy, but also by the exigencies of *real politik*. The case will be made that the broader promotion of inclusive and collaborative forms of politics has emerged, in part because of the potential of these new forms of politics to defuse public dissent and legitimise established regimes of political-economic power. Recent approaches to fisheries governance theory tend to pay insufficient attention to power dynamics because they are, to a significant extent, the product of this pragmatic (rather than purely democratic) shift towards inclusive and collaborative forms of politics.

### **2.5. Situating orthodox conceptions of governance, participation and political representation in the context of power and *real politik***

Theories always reflect the social conditions from which they emerge. The rising prominence of apolitical conceptions of governance, participation and political representation therefore begs the question of how these concepts came to achieve their status as guiding metaphors at this particular point in history. As Swyngedouw argues, it is crucial to interrogate the basis for the “proliferation and active encouragement (by the state and international bodies like the European Union or the World Bank) of institutional arrangements of ‘governing’ which give a much greater role in policy-making, administration and implementation to private economic actors ... and to parts of civil society ...” (Swyngedouw 2005: 1992).

From the perspective of orthodox policy and theory, there are two primary rationales for promoting greater involvement of citizens in governance processes, whether through

participation or political representation (or a combination of these). The first rationale is informed by utilitarian Public Choice theory, which presumes that governance processes can be more efficient and effective if citizens are actively involved in those processes (Bourdieu 1998, Ribot and Agrawal 2000, Gaventa 2004, Bene and Neiland 2006, Ribot *et al.* 2006, Mosse 2007). The second rationale for involving citizens in governance processes is based on democratic idealism, which aims towards “one of the central aspirations of just political governance - democratization, or the desire that humans should have a say in their own affairs” (Agrawal and Ostrom 2001: 488). When viewed through the lens of democratic idealism, political concepts such as participation and political representation have “a warm emotional pull” (Taylor in Blaikie 2006: 1943). These concepts are emotionally compelling because they symbolise political instruments through which people are empowered to influence processes that affect their lives, and through which they are able to hold those in power to account (Comaroff and Comaroff 1997, Gaventa 2004, Batterbury and Fernando 2006, Blaikie 2006, Bene and Neiland 2006, Mosse 2007).

However, it is argued here that orthodox policy and theory promotes greater citizen involvement in political processes, not only on the basis of utilitarian and democratic rationales, but also as a means to reinforce existing structures of power. In this respect, it is critical to locate the promotion of apolitical orthodox conceptions of governance, participation and political representation in the context of widespread alienation, frustration and discontent with highly-centralised and exclusionary political processes (Comaroff and Comaroff 1997, Rowe and Frewer 2004, Gaventa 2004, Mosse 2007). Rowe and Frewer point to the “declining public confidence in the processes that develop policy decisions, and to reduced trust in those whom the processes have traditionally been conferred” (Rowe and Frewer 2004: 513). The politically-conservative World Bank has even recognised that: “from the perspectives of poor people worldwide, there is a crisis in governance. While the range of institutions that play important roles in poor people’s lives is vast, poor people are excluded from participation in governance ...”<sup>16</sup> In this context, there is a strong argument to made national governments, global corporations, multi-lateral financial institutions, and development funders seek to promote ostensibly inclusive and equitable political concepts as part of a strategic response to rising levels of popular discontent and mobilisation which increasingly

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<sup>16</sup> World Bank. 2001. ‘Attacking poverty: Development Report 2000/2001’.

threaten established relations of power (Comaroff and Comaroff 1999, Bourdieu and Wacquant 2001, Jessop 2002, Gaventa 2004, Swyngedouw 2005, Mosse 2007).

Viewed from this critical perspective, it could be argued that citizen representation and participation are promoted, not only for their potential to facilitate inclusive and equitable - in other words democratic - forms of governance, but also for their potential to *defuse public dissent*, and to *legitimise the positions of powerful state and non-state actors*. According to Mosse, these ostensibly inclusive and equitable forms of governing have the potential to minimise public opposition and generate 'buy-in', thus serving to "re-affirm existing structures of power" (Mosse 2007: 33). Jean and John Comaroff (1997) concur with this guarded scepticism, and describe the rising prominence of these concepts as a response by state and corporate elites to widespread anomie among the citizenry of developed and developing countries in relation formal political processes. They argue that the fetishization of these concepts has to be understood as a *defensive reaction* by powerful actors to the "anomic bombs" that threaten to "explode everywhere" (Comaroff and Comaroff 1997: 125).

In addition to this broader defensive reaction, we should also view the rise of apolitical conceptions of politics among orthodox theorists and policy-makers as both a consequence of, and a factor contributing towards the global influence of neoliberalism (Bourdieu and Wacquant 2001, Bourdieu 2002, Lemke 2002, Harvey 2005, Kovel 2005, Swyngedouw 2005, Bene and Neiland 2006). The contemporary theoretical trend of fetishizing collaborative, decentred forms of 'governing beyond the state' can be seen as a clear articulation of two core components of the neoliberal vision, namely an ideological antipathy towards "state interference", and a valorisation of "collaboration and partnership" as "the new mantras of regulatory relations between capital and citizen ... underpinned by the discursive re-birth of capital as citizen" (McCarthy and Prudham 2004: 276). This articulation suggests that orthodox governance theory is both a reflection of, and a vehicle providing intellectual authority for the neoliberal vision promoted by global institutions and agencies of capital (such as the World Bank, IMF and WTO, as well as multi-national corporations, economic policy think-tanks and business schools). These institutions and agencies advance an apolitical conception of collaborative partnership between state, capital and citizen as a means to provide ideological legitimacy for the neoliberal project of shifting political processes beyond the

state - and thereby freeing capital and market - rather than as a means to facilitate democratic forms of political interaction (Bourdieu and Wacquant 2001, Bourdieu 2002, Lemke 2002, Peck and Tickell 2002, Harvey 2005, Kovel 2005, Bene and Neiland 2006).

A consideration of the rising prominence of new forms of ostensibly inclusive, de-centred and collaborative politics should be thus be situated within the context of neoliberal ideology, and the political-economic structures and processes of global capitalism which the proponents of this ideology seek to legitimise. Following Bourdieu and Wacquant (2001), we could argue that orthodox conceptions of governance, participation and political representation are part of a broader 'lingua franca' (including 'globalisation', 'stakeholders', and 'empowerment') that de-politicises the structures and processes of neoliberal capitalism. Within this global neoliberal language, it can be observed that "the terms 'capitalism', 'class', 'exploitation', 'domination', and 'inequality' are conspicuous by their absence, having been peremptorily dismissed under the pretext that they are obsolete and non-pertinent" (Bourdieu and Wacquant 2001: 1)<sup>17</sup>.

The intention here is not to argue against the potential value of de-centred, collaborative forms of governing beyond the state, but rather to highlight how orthodox theoretical approaches to governance, participation and representation are implicated in the reproduction of neoliberal ideology and discourse. In particular, we should interrogate the emphasis on collaborative engagement that underpins these theoretical approaches - most significantly, we should ask: what happened to power? In the field of fisheries governance, the influence of neoliberal ideology and discourse has led to a widespread oversight regarding the issue of power relations - as Davis and Ruddle (2012) assert: issues of power and domination "are ignored in the small-scale fisheries governance literature" (Davis and Ruddle 2012: 244). Davis and Ruddle argue that recent approaches to fisheries governance theory such as co-management and the human rights-based approach "appear broadly positive", however:

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<sup>17</sup> It should be noted that the glaring omission of such terms in the face of their continued presence as empirical realities has forced the hand of prominent orthodox economic scholars, who have recently begun to incorporate terms such as 'inequality' into their analysis and theorising (see Piketty 2014). However, it is contended here that the argument still holds because this recent work continues to be the exception to the rule, and politically-*incorrect* terms such as 'class', 'exploitation' and 'domination' continue to be omitted from orthodox theoretical discourse. Indeed, it could perhaps be argued that such incorporation can be seen as a reflection of the co-option and de-politicisation of radical political terms and concepts by neoliberal theory and discourse.

an unintended side effect has been the acceptance of many assumptions that have neither been well researched nor proven ... such proposals facilitate the penetration of neoliberal values and operational modes, thereby betraying the very people claimed as beneficiaries. Such key political-economic characteristics of small-scale fisheries as social class inequality, wealth appropriation, and class-based exploitation, which must be addressed to overcome poverty, inequity, and powerlessness, are ignored” (Davis and Ruddle 2012: 245).

To the extent that prominent approaches to fisheries governance theory may tend to overlook the primacy of asymmetrical relations of political, economic and ideological power, there is a need for caution when considering whether to apply these approaches in a fisheries context such as South Africa. This thesis contends that the theorisation of political representation and participation among small-scale fishers on the Cape Peninsula has to go beyond these de-politicising theoretical approaches by placing power dynamics at the centre. To begin to explore in the dynamics of power that are concealed by prominent theories of participation and political representation in fisheries governance, it is necessary to address the concept of power itself. The following section presents a theoretical discussion of this nebulous concept, and its relation to the field of democratic fisheries governance in South Africa.

## **2.6. Theories of power**

The notion of ‘power’ is the focus of increasing attention in contemporary social science. Within social anthropology for instance, “the god term ‘culture’ is being eclipsed by the new god term ‘power’” (D’Andrade 1996: 96). This has created a tendency towards functionalist reductionism, where power has become the new omnipotent concept to explain the underlying workings of all social life (Wolf 1989, Sahlins 2002). At the same time, the issue of power (however conceived), has been part of analysis and theorisation conducted by social thinkers from Plato and Thucydides, to Machiavelli, Nietzsche and Weber.

While a mammoth amount of groundwork has been laid down for contemporary scholars to explore the idea of power, it remains an “essentially contested concept” (Gallie 1955: 6). This contestation applies to the theoretical, methodological, moral and political dimensions of any study of this elusive notion. In Stephen Lukes’ classic exploration of power entitled ‘Power: a Radical View’ (2005), he argues that a fundamental reason for this analytical and political slipperiness is that to “engage in

these disputes is itself to engage in politics” (Lukes 2005: 30). For this reason we should be reflexive as to our reason for imagining power to begin with, and that we should be aware of “the relationship between one’s motivation for imagining power and the image that one ends up with” (Said in Lukes 2005: 62). At the outset, we have to recognize that choosing to study power, and the ways in which we conceptualize power, are moral and political acts in and of themselves. As Lukes observes: “how much power you see in the social world and where you locate it depends on how you conceive of it, and these disagreements are in part moral and political, and inescapably so” (Lukes 2005: 12).

There are a number of debates about how to conceptualise power. Many of these resonate with what Bourdieu (1990: 25) calls the most “fundamental” and “ruinous” dichotomy in social science: objectivism and subjectivism. A central debate emerging from this dichotomy is that between scholars who emphasize the tangible, objective material dimension of power, and those who emphasize its intangible, subjective and symbolic manifestations. These aspects of power exist in dialectical relation and do not constitute a dichotomy - the ultimate objective is to integrate these different perspectives. However, this research contends that the relatively one-dimensional view of political relations in mainstream fisheries management theory and policy requires that this thesis conceptualises power from both a material and symbolic perspective. This dual-conceptualisation foregrounds the less visible manifestations of power in coastal and fisheries management.

### **2.6.1. The material dimension of power**

The material dimension of power is conceptualised here principally in terms of the political-economic structures which constrain the agency of some actors and enable the agency of others, and which *set the conditions* for their involvement in political and economic processes. For this reason, a study of power in participation and political representation in fisheries governance is incomplete without analysing what Jeffrey Isaac (1992) calls the “enduring powers ... that are brought to bear in interaction” (Isaac 1992: 41). Eric Wolf also emphasises “structural power” as being of primary significance because it shapes “the social field of action so as to render some kinds of action possible, while making others less possible or impossible ... questions of political economy ... touch on a lot of what goes on in the real world, that constrains, inhibits or promotes what people do or cannot do” (1990: 587).

A consideration of structural power in the contemporary era focuses attention on the global political-economic system of neoliberal capitalism which Patrick Bond (2003) describes as a form of 'global apartheid' founded on the 'free market'. The prominent international investor George Soros observes that: "the global market, as it functions, is really an uneven playing field. The centre is much better situated than the periphery countries. And it is better situated not just because it is wealthy, but also because it controls the system" (Soros in Bond 2003: viii). Following Kovel (2005), the structures and processes of capitalism constitute a global 'force field' to which local and national politics are increasingly subject. Though this global force field is not monolithic, omnipotent, or unchallenged by counterforces in society (Harvey 2005, Kovel 2005, Bond 2004), it has "placed real limits on the practical potential of localised or 'bottom-up' political action... In the asymmetrical scale politics of neoliberalism ... international institutions and actors" are "gaining power without responsibility" (Peck and Tickell 2002: 386).

Within this global political-economic system, there has also been a 'scaling up' of regulatory arrangements and processes to the level of global 'multilateral' governing institutions (in concert with the trend towards de-centralisation discussed earlier) (Dryzek 1992). The term 'scaling-up' has been used to analyse emerging forms of neoliberal governance which often involve "international institutions with little to no transparency or accountability" (McCarthy and Prudham 2004: 275). A range of global compacts, conventions and summits dealing with biodiversity, sustainable development and global warming bring together actors from civil society, states, international bodies (such as the UN), and the private sector. These voluntary global governance arrangements and processes have effects on national and local environmental policy and management practice. At the same time, global financial institutions have played an increasingly central role in processes of societal regulation. The structural power of global institutions such as the International Monetary Fund (IMF), the World Trade Organisation (WTO), and the World Bank enable those who control these institutions to shape political-economic agendas on a global scale, with direct consequences for governing at the regional, national and local levels (Weiss 2000, Peck and Tickell 2002, Brand 2005). These institutions are ostensibly economic by definition - their primary role being to administer the global system of trade and production - yet they wield immense (but heavily contested) political influence over, for example, national environmental

policy arenas (Ibarra *et al.* 2000, Larner 2003, Hartwick and Peet 2003, Mansfield 2004, McCarthy and Prudham 2004, Harvey 2005, Kovel 2005, Swyngedouw 2005, Bene and Neiland 2006, Castree 2008, Hornberg 2009).

In the view of McCarthy and Prudham (2004), the “connections between neoliberalism, environmental change, and environmental politics are all deeply, if not inextricably interwoven” (McCarthy & Prudham 2004: 275). South Africa provides a stark example of how the structural power of neoliberal capitalism shapes the possible range of action for nation-states (Fine and Rustomjee 1996, Bond 2003, Bond 2004, Bond 2005, Bond 2009, Du Toit 2005). During the post-apartheid transition, the ANC-led government adopted a ‘voluntary’ structural adjustment program that has fundamentally constrained the role of the state today (Carmody 2002, Bond 2003, Bond 2004, Bond 2005). Bond (2003) observes that the process of neoliberal structural adjustment resulted in a “narrowing of national sovereignty” in South Africa (Bond 2003: viii). This was despite the ANC’s recognition in the (now-defunct) ‘Reconstruction and Development Plan’ (RDP) of 1994 that “relationships with international financial institutions such as the World Bank and International Monetary Fund must be conducted in such a way as to protect the integrity of domestic policy formulation and promote the interests of the South African population and the economy”<sup>18</sup>. Yet these relationships have undeniably resulted in a narrowing of South Africa’s national sovereignty, as Soros famously observed in 2001: “South Africa is very much in the hands of international capital” (Soros in Bond 2003: viii).

The South African government’s adoption of neoliberal macroeconomic policy was symbolised by the replacement of the redistributive-focused RDP with the ‘Growth, Employment and Redistribution Strategy’ (GEAR) in 1996, and more recently with the ‘National Development Plan’ (NDP) in 2011<sup>19</sup>. Both GEAR and now the NDP are characterised by many internal contradictions, but they share the same preference for economic growth and laissez faire principles over strong state intervention in the economy and in the provision of basic services.

While the NDP acknowledges some of the weaknesses of past neoliberal policies such as GEAR, it ultimately reproduces the same macro-economic vision, citing IMF

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<sup>18</sup> ANC. 1994. Reconstruction and Development Plan. White Paper 1994.

<sup>19</sup> Though Bond (2005) observes that neoliberalism had already begun to be “inexorably adopted as the basis for economic policy-making” by the apartheid government in the late 1980s (2005: 36).

economists to make the claim that the South African state should not seek to “replace mainstream economics or eliminate the benefits of globalisation ... rather than a policy lurch to another polar position, the call is for efficient market policies that also embrace social justice, empowerment, and the balance between rights and responsibilities” (2011: 56)<sup>20</sup>. The NDP strongly emphasises the promotion of “exports and competitiveness” (2011: 93), increasing the “rate of investment” by implementing “measures to reduce business costs and ... enhance profitability”, and developing industrial modes of production (2011: 106). It defines labour relations in terms of “buyers and sellers (2011: 111), and argues for the need to “reduce the regulatory burden in the labour market” (2011: 113), viewing the preferred role of the state as one of limited intervention, prescribing that all considerations about “direct state involvement in productive sectors should be informed by the ‘balance of evidence’, in relation to stimulating economic growth and competitiveness ...” (2011: 133). Crucially, the NDP acknowledges the importance of small-scale fisheries, but explicitly states that they “cannot be regarded as a way to boost employment. Industrial capital-intensive fisheries offer better salaries and better conditions of employment, and are more transformed than small-scale low-capital fisheries” (2011: 209).

This neoliberal macro-economic policy approach has, in turn, shaped fisheries governance in South Africa. In the 1990s, the ‘triple bottom-line’ discourse of GEAR - which legitimised the equal valuation of people, nature and profit - was reproduced in fisheries policy and legislation that ostensibly placed equal weight on the environmental sustainability, social justice, and economic growth, but in practice prioritised the profitability of capital-intensive export-driven industrial fisheries production at the expense of the sustainability and equity (Hersoug and Isaacs 2001, Van Sittert 2002, Crosoer *et al.* 2005, Van Sittert *et al.* 2006, Isaacs 2006). Another example Similarly, the Southern African Development Community (SADC) ‘Protocol on Fisheries’ (2001), the South African state is required to promote “sustainable trade and investment in fisheries and related goods and services by ... reducing barriers to trade and investment”<sup>21</sup>. The influence of neoliberal policies is also clearly reflected in the national fisheries authority’s own internal policy documents, which argue that “the foundations for equitable growth

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<sup>20</sup> National Planning Commission (NPC). 2011. ‘The National Development Plan: Vision for 2030’.

<sup>21</sup> SADC Protocol on Fisheries. 2001. Article 16.1a): pp. 18.

in agriculture, forestry and fisheries must be created and strengthened by increasing the productivity, competitiveness and profitability of the sectors”<sup>22</sup>.

Adherence to an orthodox neoliberal policy orientation, and the strictures imposed by global financial and trade institutions has constrained the scope for the South African state to enact post-apartheid fisheries reforms aimed at addressing historical inequalities inherited from colonialism and apartheid. As Van Sittert (2002: 300) has convincingly demonstrated, the outcome of fisheries reform for the state has been:

“paradoxical: simultaneously consolidating its control over the maritime commons, while restricting its scope of action in this sphere. This closely reflects the type of interventionist state preferred by capital: one able to limit access and provide capital, infrastructure and research, but disabled from determining how the benefits of public control and investment are distributed. This constraint has enabled capital to confiscate the benefits of state intervention, while denouncing any redistributive impulses as ‘state socialism’ and a threat to ‘private enterprise’”.

The re-distribution of fishing rights has been central to these post-apartheid fisheries reforms, and is a fundamental requirement for realising the Constitutional rights of disempowered coastal fishing communities’ to have equitable access to the marine commons. Yet industrial fishing companies have employed intensive and sustained political lobbying and legal campaigns to prevent any reforms that seek to significantly re-distribute fishing rights. Van Sittert (2002: 301) observes that “capital moved decisively to delimit the boundaries of state action ... the historical moment was in its favour, both nationally and internationally, with democracy and globalisation providing constitutional and ideological protection against arbitrary state action ... The market, not the state, thus became the only legitimate mechanism for allocating access rights in the fisheries”. This observation is supported by Crosoer *et al.* (2007: 7), who posit that the political-economic constraints on the state, and the power of industrial fishing companies (as the vehicles of “big capital”) were reinforced “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. This effectively neutralised the threats of nationalisation or radical redistribution on large industry”.

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<sup>22</sup> DAFF. 2010. ‘Draft Integrated Growth and Development Plan 2011-2013’: pp. 47.

We should thus be cognisant of “the links between different socially constituted geographical scales in terms of logics, processes, and outcomes ... so that one or other scale of environmental governance is not ... fixated upon as if others can be conveniently bracketed out” (Castree, 2008: 133). To understand the material dimension of power in processes of participation and political representation in South African fisheries, it is vital to consider the multi-levelled political-economic structures of neoliberal capitalism in which these processes are embedded, and which constrain and enable the agency of small-scale fishers, industrial fishing company representatives and state management officials. As Davis and Ruddle (2012) remind us:

“marine harvesters must engage in exchange relationships. This means full-time fishing demands the production of commodities for exchange or sale, and it follows that the material quality of harvesters’ lives depends on the terms of economic exchange values. That is, harvesters are impoverished by political and economic circumstances they generally cannot control. Thus, the local, regional, national, and international political economy of commodity values, wealth distribution and accumulation, power, and class are ... germane to understanding material poverty ...” (Davis and Ruddle 2012: 249).

While the material dimension of power is of central importance for analysing participation and political representation in fisheries governance, it is equally important to consider the more subtle and nebulous aspect of power, namely its symbolic dimension. The following section discusses the symbolic dimension of power, and its implications for analysing the politics of fisheries governance on the Cape Peninsula.

### **2.6.2. The symbolic dimension of power**

Power manifests not only as a material phenomenon, but also as an immaterial - or symbolic - phenomenon. The material and symbolic dimensions of power exist in dialectical relation to each other: they are distinct but co-evolving modalities of power. In simple terms, all configurations of material power imply a corresponding symbolic dimension through which that configuration of material power is both legitimised and contested. While the necessity for analysing the material dimension of power in processes of participation and political representation in fisheries governance is self-evident, this approach can lead the researcher to overlook how power operates in ways that are less empirically accessible. The symbolic dimension of power for this research brings attention to the ways that dominant ideological and discursive constructs shape interactions between those participating in fisheries governance processes, constraining

particular perspectives and courses of action, while legitimating others. As Schubert (2008) argues, “contemporary hierarchies and social inequality ... are produced and maintained, less by physical force than by symbolic domination” (2008: 183). The work of Foucault emphasizes how power can operate unconsciously through both the mind and body of a subject - what Foucault calls ‘capillary power’. From this conceptual perspective, which shares a family resemblance to Lukes’ ‘Radical View’, power permeates both the body and mind of the individual through endless processes of ritual and symbolic affirmation of the dominant institutions in society. Particular modes of being in the world become etched onto the mind of the individual, shaping their thoughts and actions from within, so that that they instinctively and unconsciously ‘know their place’ in society - they ‘govern’ themselves (Foucault 1991). This line of thinking suggests that the boundaries of what we define as the political arena should be expanded to include dynamics such as ontology, epistemology, ideology, values, symbols and narratives. These subtle dynamics are all implicated in the symbolic dimension of power relations (see Gramsci 1971, Cohen 1976, Bourdieu 1989, Foucault 1991, Chomsky 1996, Lukes 2005). In the context of fisheries, the symbolic power of particular ideological and discursive constructs is often strong enough to legitimate particular fisheries management structures and processes (see Jentoft 2007, Brockington *et al.* 2008).

One of the most insidious ways that symbolic power operates is through the modernist discourse of rationality. Rationality is presented as “the main means for making democracy work” (1998: 234). However, the axiomatic premise that “the more rationality the better” is flawed, because it neglects to confront the ways that rationality articulates with the exercise of power (Flyvbjerg 1998: 226). In his seminal work ‘Rationality and Power’ (1998), Flyvbjerg argues that the “normative emphasis on rationality leaves the modern project ignorant of how power works” (Flyvbjerg 1998: 234). Following a venerable intellectual tradition that stretches from Thucydides to Machiavelli and Nietzsche, Flyvbjerg argues that in processes of planning and management, “reasoning quickly turns to rationalisation, and that dialogue becomes persuasive rhetoric under the pressures of reality” (1998: 5). In situations of political contestation between different actors, rationality yields to power: “actions are dictated by what works most effectively to defeat the adversary” (1998: 232).

According to Flyvbjerg, powerful actors are “more concerned with *defining a specific reality*” than they are “with understanding what reality is”, and for this reason, he argues that “power produces that knowledge and that rationality which is conducive to the reality it wants” and “suppresses that knowledge and rationality for which it has no use” (1998: 36 - emphasis added). In other words, notions of rationality often correspond more closely to the interests of powerful actors than to objective facts about reality - therefore rationality is not only a means to ‘make democracy work’, but it is also a central mode for exercising symbolic power. These observations must be taken into account when exploring the symbolic dimension of power in the context of fisheries governance in South Africa, where the modernist discourse of rationality has been harnessed to legitimise state-based scientific management and commercial exploitation of fisheries. However in the post-apartheid democratisation of fisheries governance, this modernist rationality has been contested by the emergence of alternative rationalities that seek to assert a different vision of fisheries governance based on principles of community-based management, fisher knowledge, and artisanal modes of production.

The manifestation of power in South African fisheries governance processes through subtle symbolic forms (such as the discourse of rationality) reminds us that a lack of outward conflict, contestation or coercion does not necessarily equate to the absence of domination or strategic practices. It is precisely this subtle, intangible nature of symbolic forms of power that enable power to be exercised while maintaining the appearance of equitable and democratic political engagement. A critical argument made by Flyvbjerg is that “stable power relations are more typical of politics, administration and planning than antagonistic confrontations”, and that, therefore, “concentration on the most visible aspects of power ... results in an incomplete and partial picture of power relations” (1998: 231). This alludes to the view of power’s symbolic - and thus ‘invisible’ - dimension put forward by Foucault, who asserts that “power is tolerable only on condition that it masks a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms” (Foucault in Lukes 2005: 86). Schubert also argues that while the symbolic form of power “may in some ways be gentler than physical violence ...it is no less real” (Schubert 2008: 184).

The implication for this study power dynamics in the democratisation of fisheries governance in South Africa is that focusing solely on the obvious material manifestations

of power that are amenable to empirical research will miss important moments in the play of power. Drawing connections between his own analysis and that of Foucault, Lukes argues that “power shouldn’t be conceived narrowly as requiring intention ... and positive actions: the power of the powerful consists in their being capable of, and responsible for, affecting the interests of others” (Lukes 2005: 68). In this sense, conflict in fisheries isn’t necessary for the operation of power because the “most effective and insidious use of power is to prevent such conflict from arising in the first place” (2005: 27). Lukes argues that by restricting one’s study of power to conflict in formal processes of decision-making, one ignores the fact that what is being observed has - through the operation of power - been ‘allowed’ to surface in the observable political arena (2005: 38). This has direct relevance for the study of power in democratic processes of fisheries governance in South Africa, which are framed and administered in terms of notions of inclusivity, partnership and collaboration. Viewing fisheries governance processes through this de-politicised lens, the observer may be encouraged to misinterpret a lack of outward conflict or coercion as an indication that relations of power and domination have been sublimated to the point where these relations no longer play a central role in determining the nature and outcome of these processes.

As a basis to begin addressing this oversight in prominent fisheries governance theories, the following section presents Bourdieu’s conceptual and theoretical framework, which constitutes the basic theoretical lens for exploring how power dynamics manifest through participation, and political representation in fisheries governance on the Cape Peninsula.

### **2.6.3. Theoretical lens: applying the framework of Pierre Bourdieu**

Bourdieu’s theorising provides a valuable means for exploring the multi-dimensional manifestation of power in the context of fisheries governance in South Africa, and can thus serve to address the oversights regarding power that pervade contemporary fisheries governance theory. The value of Bourdieu’s work lies in the fact that he places power at the centre of his theorisation of social relations, and more specifically, that he attempts to integrate both the material and the symbolic dimensions of power. For the purposes of this research, I will therefore be utilising Bourdieu’s theoretical framework, and his concepts of field, habitus, capitals, symbolic power, doxa, and symbolic violence. First, a brief description of ‘field’. The concept of field is broad, but therein lies its utility. Bourdieu describes it as a “research tool, the function of which is to enable the scientific

construction of social objects” (Bourdieu 2005: 31). Field could be described as the specific structural context within which social relations unfold. Each agent is constrained and enabled in different ways depending on the position they occupy in the field. Fields exist hierarchically within broader fields, and have sub-fields embedded within them - they are distinct but interconnected microcosms with their own logics (Bourdieu 1989). Bourdieu provides the following “simple definition” of the concept of field:

“a field is a field of forces within which the agents occupy positions that statistically determine the positions they take with respect to the field, these position-takings being aimed at conserving or transforming the structure of relations of forces that is constitutive of the field. The field is comparable to a field of forces, but it is not reducible to a physical field - it is the site of actions and reactions performed by social agents endowed with permanent dispositions, partly acquired in their experience of these social fields. The agents react to these relations of force, to these structures ... while being, therefore, constrained by the forces inscribed in these fields and being determined by these forces ... they are able to act upon these fields” (Bourdieu 2005: 31).

Bourdieu’s field refers primarily to a “social space”, but, to varying degrees includes geography and physical resources - a field is therefore material and symbolic, in the sense that it is constituted not only by social constructions but also by concrete places and things. In the case of this research, the field is fisheries governance on the Cape Peninsula. This field brings together the peninsula’s coastline and marine resources, and the various individual and institutional actors who are involved in some way in coastal and fisheries governance processes. The field includes laws, policies, discursive and ideological constructs and assumptions, and stratified access to resources that equip actors to contest the way that the coastal zone is managed.

The significance of Bourdieu’s conceptualisation of the field for this research is the principal position he gives to power. Indeed, the structure of a particular field is, according to Bourdieu, determined by the balance of forces - or the configuration of power relations - inhering in that field. This configuration reflects the relative positions of actors within this social space. In addition, a particular field is always embedded in what Bourdieu calls the ‘field of power’, which is the encompassing realm of human relations that surrounds all other fields. The interactions between different actors within a field are structured by the relations of power between them, and their actions challenge and reinforce those relations of power that structures the field. For example, during a parliamentary hearing on fisheries governance, the nature of participation by a CEO or a

fisher is shaped by their relative positions in the field. These positions are themselves a reflection of the structure of the field, or of the relations of power that constitute it.

Bourdieu brings further nuance to this theorisation with the concept of *habitus*. This concept refers to durable but malleable dispositions, or more specifically, to particular unconscious crystallisations of perception, value, and behaviour, or an internalised way of 'seeing and being in the world' that is consonant with an actor's position in a particular field. In Bourdieu's words, habitus is "a system of schemes of perception and appreciation of practices, cognitive and evaluative structures which are acquired through the lasting experience of a social position. Habitus is both a system of schemes of production of practices and a system of perception and appreciation of practices ... a sense of one's place" and a "sense of the place of others" (Bourdieu 1989:19). Habitus could be described as the unconscious internalisation of social structures, as Bourdieu and Wacquant (1992: 127) put it: habitus is "a socialised subjectivity" or the "social embodied".

In the case of fisheries governance on the Cape Peninsula it is possible to see the various actors such as small-scale fishers, marine scientists, conservationists, ground level officials, state managers, and company executives as having particular forms of habitus. Individuals within these groupings will generally share similar dispositions, perceptions, beliefs, and behaviour which orient their thoughts and actions within fisheries governance processes, though the precise configuration of each individual's habitus is distinct. Because habitus functions at an unconscious level, the tension between different forms of habitus (or ways of seeing and being in the world) poses a fundamental challenge for contemporary approaches to fisheries governance in which divergent actors are expected to forge common understandings that lead to collaborative action.

In Bourdieu's theorising, the agents positioned within a particular field have recourse to particular capacities - or powers - that enable them to contest or reinforce the structure of that field, in order to access its specific material or symbolic resources (Bourdieu 1986, 1989). Bourdieu uses the concept of 'capital' to enable the theorising of the social, cultural and economic capacities or powers of individual agents. The value of these capitals is specific to a particular field, and their accumulation and use by an individual agent produces parallel changes in the agents' habitus, and in their position in the field.

In crude summary, the various forms of capitals include ‘economic capital’, in the sense of money or property. ‘Social capital’ refers to the social networks that an individual is able to draw from to negotiate their presence in the field. ‘Cultural capital’ is a set of knowledge and practices accumulated through the “total, early, imperceptible learning, performed within the family from the earliest days of life” (Bourdieu 1986: 47). Each agent is endowed with a specific composition of capitals from which they can draw as they contest the fields in which they operate. The notion of capital therefore allows us to see the nuances within groupings that are often aggregated and homogenized. In the context of this research, two specific forms of cultural capital are of primary significance: i) the first can be described as ‘institutional-specific’ cultural capital, which refers to knowledge and skills that are largely accumulated through formal education, including the capacities of reading, writing, and verbal communication; ii) the second form could be described as ‘fisheries-specific’ cultural capital, which refers to knowledge and skills associated with the harvesting of fisheries species, including fishing practices and local ecological dynamics.

It should be noted here that Bourdieu uses the term ‘symbolic power’ to refer specifically to the structure and relative weight of an actor’s composition of capitals (Bourdieu 1986a). However in this thesis, I use the term in a much broader sense to refer to the intangible dimension of power, as manifested through modes such as ideology and discourse, for example: the discourse of democracy has considerable symbolic power, and thus statements that are cloaked in this discourse are infused with greater political force.

For Bourdieu (1977, 1989), language is a key mechanism through which the symbolic dimension of power manifests: language enables people to constitute and order the world through symbolic classification, and thus constitute and order people within it. Some categories and classifications serve to legitimise existing regimes of political-economic power through a process of *symbolic violence* (Bourdieu 1977, 1989, 2001). Bourdieu (2001) argues that the actors caught up in the process of symbolic violence “remain unconscious of submitting to or wielding to it”, and to this extent, the process of symbolic violence “is hidden” (2001: 246). Schubert (2008) explains that symbolic violence manifests “when we misrecognise as natural, those systems of classification that are actually culturally arbitrary and historical” (Schubert 2008: 184). We could consider

the fetishization of apolitical orthodox conceptions of governance, participation and political representation as a form of symbolic violence because it attempts to present a picture of reality where real politik has given way to a form of politics without politics, thus concealing mechanisms of power while simultaneously reinforcing and perpetuating them. Symbolic violence is thus “an effective and efficient form of domination in that members of the dominant classes need exert little energy to maintain their dominance” (Schubert 2008: 184). As a phenomenon operating at the non-material level, symbolic violence can be said to be everywhere and nowhere simultaneously: “the violence is symbolic, but the suffering and the reproduction of hierarchies that result are very real” (Schubert 2008: 193). In the context of this study of fisheries in South Africa, the notion of symbolic violence is crucial for exploring how the dominance of the state, capital and science is made, through language, to appear natural and inevitable.

However, the structural inequalities of power and privilege that are legitimised and reproduced by symbolic violence do not go unchallenged. Bourdieu (1977) emphasizes that through practice, the structure of a field is open to contestation, and thus to change. At the heart of this contestation is the struggle to reinforce or challenge what Bourdieu calls *doxa* – the dominant framework of ideological and discursive constructs that maintains the configuration of power relations (or the structure) of that field (Bourdieu 1977, Bourdieu and Eagleton 1992). Bourdieu describes *doxa* as “those things that people accept without knowing” (Bourdieu and Eagleton 1992: 111) Yet there is always the presence of heterodox ideas that challenge this dominant framework by seeking to define reality in ways that undermine the structure of the field. The tension between heterodox and orthodox ideas allows for dynamism in the structure of the field, which is neither fixed nor natural, but is constantly being contested, and has to be reinforced continuously to maintain existing relations of power between the agents within the field. As this research will demonstrate, the *doxa* of South African fisheries governance includes ideological and discursive constructs that are implicit within the field, for example, the discourse of the tragedy of the commons play an important but generally unrecognized role in reinforcing particular governance and management arrangements. At the same time heterodox ideas exist that are in opposition to this *doxa*. This countervailing knowledge presents a different interpretation of the reality of fisheries in South Africa, where the value of private property and profit is secondary to notions of community fishing rights and co-management arrangements administered with the direct

involvement of local fishers. In contemporary South Africa, the struggle to restore the historical rights of artisanal fishers has brought the tension between doxa and heterodoxy to the centre of the political stage.

## **2.7. Conclusion**

This chapter has presented a theoretical and critically-reflexive discussion of the key concepts that will be explored in the following ethnographic chapters. The concepts of governance, participation, political representation, and power were discussed in terms of two perspectives: an apolitical orthodox perspective, and a critical perspective. Drawing on the work of scholars writing from a critical perspective, it was asserted that the orthodox theorisation of politics underestimates the continued primacy of asymmetrical power relations in seemingly democratic processes. Furthermore, this chapter argued that the apolitical orthodoxy has penetrated the field of fisheries theory and policy-making, with the result that many prominent approaches to fisheries governance have tended to overlook the ways that material and symbolic forms of power manifest in the utilisation and management of fisheries species. By combining the theoretical framework of Bourdieu with the contextual framing of critical geographers and political ecologists, this chapter has thus sought to make visible some of the dynamics of power that are concealed when viewing fisheries governance processes through the orthodox lens.

It is this critical perspective that will inform this study of the tensions between power and democracy in fisheries governance processes on the Cape Peninsula. However, before we explore these tensions as they manifested in the empirical context of the Cape Peninsula, it is necessary to address how this study was conducted. To this end, the following chapter presents the research approach, methodology and methods that were employed during this study, and discusses some of the important methodological and ethical issues that emerged during the research process.

## **CHAPTER 3**

### **RESEARCH APPROACH AND METHODOLOGY**

#### **3.1. Introduction: framing and conducting research on the Cape Peninsula**

Social research is shaped to a significant extent by the approach, methods and philosophy of the researcher. The purpose of this chapter is to therefore to present the general field of political ecology in which it is situated, the constructivist-structural ontology that informs this study, the ethnographic methodological approach, the methods used to gather field data, and the key ethical and reflexive considerations that emerged during the research process.

#### **3.2. Field of research: political ecology**

This study of power, participation and representation is set against the background of coastal and marine fisheries governance in South Africa, and can be broadly situated within the field of political ecology. Although the precise meaning of political ecology is contested, it is understood here as the study of “the discursive, material, social and cultural dimensions of the human-environment relation” (Escobar 1999: 2). Scholars steeped in the epistemology of natural science may argue that a study of political phenomena such as power, participation and representation has no relation to nature. These scholars may ask: “where is the ecology in political ecology?” (Walker 2005: 74). Yet, as David Harvey (1998) argues: “all ecological projects (and arguments) are simultaneously political-economic projects (and arguments) and vice versa ...” (Harvey 1998: 182). The fundamental observation that social relations with the natural environment are mediated by power and politics has been well established by pioneering studies in the field of political ecology, including work by Blaikie and Brookfield (1987), Bryant (1992), Blaikie (1995), and Dietz (1999). In line with this perspective, I adopt the position that *ecological dynamics shape the limits and possibilities of participation and representation* in fisheries governance; and, to the extent that these political processes determine patterns of resource use, management and conservation, *ecological dynamics are themselves shaped by processes of participation and representation*.

### **3.3. Ontological orientation: constructivist-structuralism**

Every researcher operates from a particular ontology, or view of the nature of reality. Following the work of Pierre Bourdieu, my ontological framework is ‘constructivist-structuralism’. In other words, I am presuming that humans ‘construct their reality’ based on the interaction between their material environment and the forces of their specific socialisation, and that this construction takes place within the constraints of particular symbolic and material structures. Bourdieu (1989: 14) defines this ontological position thus:

“by structuralism I mean that there exist, within the social world itself and not only within symbolic systems ... objective structures independent of the consciousness and will of agents, which are capable of guiding and constraining their practices or their representations. By constructivism, I mean that there is a two-fold social genesis, on the one hand of the schemes of perception, thought and action ... and on the other hand of social structures ...”

From this perspective, human experience is conceived as a mutually-constituting dialectic between subjective phenomena (perceptions and interpretations that are internal to the individual), and objective phenomena (part of a shared social world that is external to the individual), and this dialectic manifests through, and is shaped by material (political-economy, nature) and symbolic (value, discourse and ideology) structures and processes. In this way, the ontology of constructivist-structuralism charts a middle-path between strictly constructivist ontologies which negate the existence of an objectively structured external reality; and strictly positivist ontologies which ignore the extent to which our perceptions of reality are socially constructed. I am presuming that there is an objective reality ‘out there’, whose dynamics and patterns can be identified and analysed, while at the same time acknowledging that my perception, understanding and re-presentation of this objective reality is shaped fundamentally by a dialectic between this objective reality on the one hand, and my own subjective interpretations and constructions, which themselves are influenced by broader symbolic and material structures and processes.

In the context of this study of participation and representation in South African fisheries governance, a constructivist-structural ontology implies that the words and actions of fishers, fisher representatives, management officials, scientists, conservationists and industry representatives emerge from the dialectic between social construction and

objective structure. The categories, values, beliefs, and perceptions that actors express emerged from specific processes of cultural construction, which are then mediated through the innovations and interpretations of the individual actors who express these categories, values, beliefs, and perceptions. At the same time, these actors operate within an objectively structured reality composed of coastal and marine ecosystems, capitalist relations of economic production, and a state-based legislative and fisheries management system. From a constructivist-structural perspective, these are the basic structures that determine, to a significant extent, the range of possible thought and action for the fishers, fisher representatives, management officials, scientists, conservationists and industry representatives in processes of participation and political representation. It is this dialectic between construction and structure that provides the ontological orientation for this PhD study.

### **3.4. Rationale for a case study approach**

The decision to conduct research in three case sites on the Cape Peninsula was informed by the case study approach, which recognises the value of grounded, context-specific knowledge. There is considerable debate within the social sciences about the merit of this approach, with some scholars arguing that case studies are fundamentally context-dependent, and therefore they do not provide a basis for generating and testing theories (Dogan and Pelassey 1990, Diamond 1996). However, this research adopts a different view of the case study approach, following the principle that “one good case may illuminate an entire world” (Comaroff and Comaroff 1997: 127). Bent Flyvbjerg (2006) makes a strong argument for the value of case study research, and challenges the claim that case studies are too specific to generate insights beyond the case study itself. He argues that “the closeness of the case study to real-life situations and its multiple wealth of details” are important “for the development of a nuanced view of reality, including the view that human behaviour cannot be meaningfully understood” in terms of “rule governed acts” (Flyvbjerg 2006: 223). Case study research focuses on concrete practices more than on formal rules, and the researcher “is not satisfied by learning about only those parts of practices that are open to public scrutiny” (Flyvbjerg 2006: 240).

Of direct relevance for this research on the Cape Peninsula is Flyvbjerg’s argument regarding the value of ‘atypical’ and ‘extreme’ case studies for providing insight into social phenomena. Flyvbjerg asserts that the “typical or average case is often not the

richest in information”, and that “extreme cases often reveal more information because they activate more actors and more basic mechanisms in the situation studied” (Flyvbjerg 2006: 229). Extreme (or ‘deviant’) cases are “unusual” in some way, and their dynamics “can be especially problematic” in terms of a particular social issue (Flyvbjerg 2006: 230). Consequently, extreme cases are potentially valuable because they make visible some of the wider dynamics that underpin the phenomena being analysed, as Flyvbjerg states: “it is often more important to clarify the deeper causes behind a given problem and its consequences than to describe the symptoms of the problem and how frequently they occur” (Flyvbjerg 2006: 229). Furthermore, the starkness with which social phenomena manifest in extreme cases makes them “well-suited for getting a point across in an especially dramatic way ...” (Flyvbjerg 2006: 229).

Briefly put, the case sites on the Cape Peninsula could be classified as atypical in relation to the majority of coastal communities in South Africa, in the sense that most coastal communities in South Africa were located in rural areas, with small, broadly homogenous populations, and relatively few actors competing to harvest local marine and coastal species; while the communities on the Cape Peninsula were situated in a highly urbanised area, with a large, heterogeneous population, and multiple groupings competing to harvest local marine and coastal species. These crucial distinctions meant that the politics of fisheries governance in the case sites on the Cape Peninsula were especially complicated and contentious, and for this reason could be referred to as ‘extreme’ cases. However, this research contends that while the case sites on the Cape Peninsula (and Ocean View in particular) may be extreme in relation to other coastal communities in South Africa, it is precisely this attribute which makes the case sites valuable for research: they provide a stark illustration of some of the ways that power dynamics manifest in processes of small-scale fisheries governance in South Africa.

### **3.5. Activist research**

A critical element of this research was my role as an ‘activist researcher’. The meaning of this term is highly contested, and is used to refer to a wide range of activities, from developing research goals and objectives in consultation with research participants, to playing a direct political role in the field of study. In the case of this PhD study, I use the term ‘activist researcher’ to refer simply to a researcher who uses their skills and

resources to provide direct practical assistance to research participants through the research process, according to the needs expressed by the participants themselves.

There has been heated debate among social anthropologists regarding the merits of this approach to ethnographic research: some have critiqued activist research by arguing that it undermines the objectivity of the ethnographic process (D'Andrade 1995), while others argue that, in situations of social injustice, ethnographers have an ethical obligation to be politically active in the field of study (Scheper-Hughes 1995). While more extreme forms of activist research (in which the researcher seeks to intervene according to a political agenda) are undoubtedly problematic, there are certain contexts where the provision of practical support to research participants can be helpful, both to the research participants and to the researcher. Given the conditions of economic and political-economic marginalisation in which much of this research was conducted, I believe there was an imperative to make some kind of practical contribution to research participants during the fieldwork process, while maintaining a critical perspective regarding the impact this approach might have on the rigour of this research.

To this end, I used my knowledge and skills during this research to assist several fishers and fisher representatives in their endeavours to exercise their democratic rights through various channels of participation. In Ocean View, I sought to assist one of the local fisher representatives (referred to as OV Veteran Fisher 5) by editing some of his formal written submissions to DAFF, providing research assistance, and informing him of current governance-related developments (principally the SSF policy process). I played the same activist researcher role (though to a much lesser degree) in the supplementary case sites of Hangberg and Imizamo Yethu. My efforts centred on one particular process in April 2012, in which members of both communities sought to obtain a meeting with a member of parliament. I also accompanied this grouping on the day of their meeting with this official (see Chapter Six).

While the benefits that research participants in the case sites may have obtained from my efforts as an activist researcher were miniscule at best, these efforts yielded considerable benefits for this study, and proved highly effective as a means to conduct participant-observation. As an activist researcher, I had privileged access to uncensored data regarding power, representation and participation at the community level. To some

extent, I was also able engage with research participants as a colleague and therefore an insider, rather than as an outsider who was merely extracting information.

### **3.6. Methodology: ethnography**

To explore how people construct their reality within particular symbolic and material structures, I employed the qualitative methodology of ethnography. Social anthropologist David Graeber (2004) describes this methodology as follows: “when one carries out an ethnography, one observes what people do, and then tries to tease out the hidden symbolic, moral, or pragmatic logics that underlie their actions; one tries to get at the way people’s habits and actions makes sense in ways that they are not themselves completely aware of” (Graeber 2004: 11). In straightforward terms, ethnography is a social research methodology that involves spending a prolonged period of time physically immersing oneself in a field site, making an intimate and detailed study of people’s speech and actions to try and reveal what is usually taken for granted by the research participants. This research was defined by the ethnographic methodology, which was employed to conduct study of what could be called the *micro-political dimension* of power, political representation and participation in South African fisheries governance – in other words, this study focused heavily on the *agency* and *practices* of individual actors (for which ethnography is particularly well-suited).

The understanding and practice of ethnography has changed significantly since this methodology first emerged at the start of the 20<sup>th</sup> Century. The early pioneering ethnographers such as Malinowski, Hadden and Rivers were informed by what philosopher Henry Lefebvre (1995) calls the “cocksure conviction” of modernist logic (1995: 2). According to this logic, ethnography was seen as a positivist scientific endeavour, in which the ethnographer produced empirical findings regarding the essential nature of a particular social group, whose structures and functions could be identified and understood with the same detachment and certainty that scientists had achieved in relation to the natural laws of physics and biology (Stocking 1992).

However, the dominance of positivist ethnography began to be challenged in the 1970s during the rise of post-modern philosophy and social theory, which catalysed a move towards an *interpretive* research paradigm (Geertz 1973, Clifford and Marcus 1986, Marcus and Fischer 1986, Stocking 1992). From this perspective, interpretive scholars

concluded that “ethnographic truths are ... inherently partial” (Clifford 1986: 7). In this view, every stage of the ethnographic enterprise is shaped by the subjectivities of the ethnographer and the research participant, and the relationship between them in terms of culture, race, gender and class (Marcus and Fischer 1986). Crucially, the interpretive approach recognised that ethnography is not a purely apolitical scholarly exercise, but a political act shaped by the relations of power between ethnographer and research participant, and the broader structures of power in which a particular ethnographic process is embedded.

Despite these insights, interpretive ethnography has been critiqued by positivist-inclined scholars who argue that interpretation is too subjective a basis to make scientific claims, and that it therefore poses fundamental challenges to traditional social science notions of verification and generalizability (Jacobson 1991). Political economists Jonathan Nitzan and Shimshon Bichler (2009) observe that post-modern scholars disparage social research aimed at discovering a semblance of objective truth, and “deny the possibility of a universal logic – which pretty much eliminates the possibility of debate. And they are hostile to scientific thinking ...” (2009: 26).

With this broad critique in mind, I sought to temper both the *uncertainty* of post-modern interpretive ethnography, and the *certainty* of positivist ethnography based on the logic of modernism: I recognise my ethnographic research reflects an amalgamation of objective reality and interpretation filtered through my own subjectivity, and the structures of power in which this ethnography was embedded.

### **3.6.1. Ethnography at the ground level and high level**

Ethnographic field research was carried out at two socio-spatial levels: the *ground level* and the *high level*. The ground level is defined broadly here as the social space of everyday practices and lived experiences, while the high level is defined as the more formalised social space of public interaction in participation meetings, consultations, hearings, workshops and other events relating to particular governance processes.

At the ground level, ethnography was conducted from January 2011 until December 2012 amongst local residents in three case sites on the Cape Peninsula: Ocean View (the primary case site), Hangberg and Imizamo Yethu (the supplementary case sites) (see Chapter Four). A relatively traditional style of ethnography was conducted in the

primary case, with research being focused on specific, geographically defined community over a pro-longed period of time. These ground level case sites served as basis for studying the practices and effects of power, participation and representation among small-scale fishers and other members of disenfranchised coastal communities in South Africa.

At the same time, a less traditional, multi-sited form of ethnographic fieldwork was conducted at the *high level*. From September 2010 until August 2013, I attended twenty one fisheries policy and management-related meetings, workshops and public consultations, that were initiated and facilitated by state agencies, and non-state organisations. The ethnographic study of these high level events, which were held at a number of locations throughout the Cape Town area, provided the empirical basis for exploring power, participation and representation in the formalised, public interaction between relatively disempowered actors (small-scale fishers and fisher representatives) on the one hand; and relatively empowered actors (government officials, fishing industry representatives, fisheries scientists and conservationists) on the other hand.

By conducting ethnographic fieldwork at the ground level provided access to the everyday lived experience of fishers and non-fishers in the three case sites, over a prolonged time period. It is at this level where the practical effects of abstract high level fisheries policy and management processes manifested and became 'real'. The ground level gave me access to the relatively uncensored articulation of beliefs, perceptions and facts by fishers and non-fishers, revealing a side of power in participation and representation that is usually concealed by official narratives (see Goffman 1963).

In contrast to the ground level, ethnographic fieldwork conducted at the high level made visible what could be termed the 'official' dimension of participation and representation. Fisheries policy and management-related participatory events were highly-stylised encounters, in which fishers, fisher representatives, government officials, fisheries scientists, industry representatives and conservationists expressed their official or public views and positions. The relative rarity with which these high level events occurred, and the restrictive time limits set for each event compelled people to speak and act strategically, so as to maximise the political opportunities that these events presented – their message had to be carefully calculated. Therefore, their speech and action in these social spaces can be seen as distilled symbolic expressions of their underlying beliefs,

interests and positions. These concentrated articulations reveal in stark clarity the essential antagonisms that define the field of fisheries governance in South Africa.

### **3.6.2. Sampling**

Research at the ground level was centred on fisher representatives and fulltime fishers who were active in the local small-scale fisheries, and who resided in one of the three case sites. It is these fishers and representatives who were the core focus of this PhD research: their perspectives and interests constituted the point of departure for conducting fieldwork in Ocean View and Hout Bay. The vast majority of the primary sample group were male crew members, skippers and vessel owners above the age of thirty five, who worked fulltime in the local small-scale fisheries. However, this sample group did include a number of women fishers participating in this research both vessel owners and crewmembers. My sample also included fishers who worked in large-scale fisheries (such as the hake and tuna long-line, offshore WCRL and pelagic sectors), as well as ‘new entrants’, defined here as individuals who have participated in fishing-related activities for less than ten years (whether by personally harvesting fisheries species, or by receiving a fishing quota or permit). Sampling for this study also entailed throwing the net wide open to non-fisher residents who had knowledge or experience of local community dynamics and fisheries governance-related processes, and who was willing to participate in this research<sup>23</sup>. Similarly, my sampling strategy at high level participatory events was to include in my research all the actors who were present, while focusing particular attention on observing key individuals who represented small-scale fishing communities, industrial fishing companies, state departments, political parties, and conservation and research organisations. Specific attention was focused on small-scale fishers, community representatives and senior DAFF officials during formal participatory events.

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<sup>23</sup> It is crucial to recognize Agrawal’s (1999) insights regarding the concept of community: this research assumes that ‘communities’ are dynamic, heterogeneous and fractured, rather than static, homogenous and harmonious.

### **3.7. Methods**

A range of qualitative methods were utilised to explore power, participation and representation in South African fisheries governance. These qualitative methods were the primary means for collecting data from the field. Quantitative surveys were used as a supplementary means of data collection in the primary case site. This section begins with a brief description of the sampling strategy employed for this PhD study, followed by a presentation and discussion of the research methods used to collect field data.

#### **3.7.1. Participant-observation**

The defining method of ethnographic research is participant-observation. Participant-observation is defined here in simple terms as a method whereby the researcher “participates in social activities with the subjects of study over an extended period of time” (Whyte, 1979: 56). In this PhD study, I attempt to chart a middle path the positivist (see Malinowski 1922) and interpretivist approaches (see Clifford and Marcus 1986, Marcus and Fischer 1986) to participant-observation by accepting the value of experiential knowledge gained through the physical immersion in, and close study of a particular social field, while at the same time recognising the central role of context and interpretation in the application of the participant-observation method.

The strength of participant-observation as a research method was affirmed during this PhD study. In particular, this method allowed me to compare what people *say* they do, and what they *actually* do in practice (see Becker and Geer 1957). Participant-observation also enabled a blurring of boundaries between me (as researcher) and research participants. In the primary case site in particular, the extended time spent in the field allowed a degree of trust and rapport to develop with many of the research participants, opening a space for my identity as a researcher to fade (to some extent) into the background. This method facilitated an atmosphere of engagement in which research participants felt more willing to speak and act in a relatively uninhibited manner. In addition, the application of participant-observation during this study also enabled me to obtain a direct and visceral sense of research participants’ lived experience. While recognising that this ‘direct’ and ‘visceral’ sense is infused with interpretation, I argue that participant-observation allowed me to view glimpses of the social field of study from the ‘emic’ perspective, at least to the extent that this might be possible.

### ***3.7.1. a) Participant-observation at the ground level: case sites on the Cape Peninsula***

In the context of this study, participant-observation was conducted at the two levels described above. At the ground level, this method was employed in the traditional manner: namely through direct participation in, and observation of daily life in a single place, over a prolonged period of time. Ground level participant-observation was conducted among fisher and non-fisher residents in three coastal communities on the Cape Peninsula: Ocean View, Hangberg and Imizamo Yethu. Essentially, this method was employed through *organic engagement*, by which I mean informal and spontaneous interaction that was not planned, directed, or motivated by a specific research agenda<sup>24</sup>. Typical participant-observation activities at the ground level included:

- ◆ sitting with people in their homes or yards, conversing about local community dynamics, fisheries-related issues, politics, economics, and life in general
- ◆ spontaneously meeting, and speaking with people on the street, or along the coastline
- ◆ participating in and observing the informal activities of local fisher representatives
- ◆ observing private meetings held in the case sites
- ◆ observing daily community life
- ◆ observing fishing practices along the coastline

During participant-observation, I documented the discursive constructs that fishers and non-fishers in the case sites articulated with regard to power, participation and political representation in fisheries governance. These discursive constructs included: claims, discourses, narratives, metaphors and images. When it was appropriate, I also recorded observations of their tone of voice, facial expressions, and body language as they articulated these constructs. The recording of these interpersonal observations were complemented by general observations of community relations, socio-economic conditions and fishing-related practices in the community and along the local shoreline. Specific attention was paid to collecting verbal and observational data relating to the strategies and tactics of fisher and non-fishers as they contested issues of access, representation and participation in processes of small-scale fisheries governance, most

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<sup>24</sup> It should be indicated that throughout this research, I was residing at my home in Kalk Bay, which was located roughly seven kilometres from Ocean View, and roughly fifteen kilometres from Hout Bay.

significantly the processes relating to interim relief and the SSF policy, the establishment of co-operatives, and the redistribution of commercial fishing rights.

The primary case site was Ocean View, where I conducted participant-observation from February 2011 until October 2013 (with intensive participant-observation being conducted from September 2011 until January 2013). I engaged in participant-observation among a number of residents active in a range of mostly small-scale fishing sectors, and who had varying levels of fisheries experience; as well as with residents who had no direct relation to fishing, or who had only become involved in fishing-related activities relatively recently. Attention was also focused on residents who were acting as representatives of small-scale fishers in Ocean View.

Most of my time was spent with one particular social network of residents composed of both fishers and non-fishers, all of whom had multi-generational ties to the local area. This social network was constellated around one particular research participant who was both a veteran fisher and a veteran fisher representative (and who will be referred to as 'OV Veteran Fisher 5'). OV Veteran Fisher 5 was my principal local expert for this research, and facilitated my entry into his extensive social network, and into the broader community of Ocean View. I spent countless hours with OV Veteran Fisher 5, and we developed a close relationship: depending on the context in which we were engaging, my identity as a researcher was often eclipsed by my identity as a fellow member of his informal social network.

Based on my own critical assessment, OV Veteran Fisher 5 could be described as an exemplary local expert. During the time I spent engaging as a participant-observer with him, I obtained access and insights into community and fisheries-related dynamics that would otherwise have taken me years to obtain, if at all. OV Veteran Fisher 5 had extensive knowledge and experience of a wide range of fishing practices, local ecological dynamics, and fisheries management and policy processes. Furthermore, his deeply-embedded position in the local community meant that he had an intimate and comprehensive understanding of the social dynamics among fisher and non-fisher residents in Ocean View. Crucially, OV Veteran Fisher 5 knew, and was known by most of the fulltime fishers I encountered in Ocean View, particularly by veteran fishers in Ocean View (who could be described as the custodians of the local fishing culture). His

relationship with these fishers was crucial for gaining access and insight during this research.

It was while spending time as a participant-observer with OV Veteran Fisher 5 that I met my research associate in Ocean View (who will be referred to here as ‘Research Associate’). The Research Associate was in his early thirties, and could be described as an observant individual with strong analytical skills and a laudable work ethic. He had personal knowledge of the local fisheries through his experiences as a WCRL and abalone diver, and as a casual employee at a local WCRL factory. As a lifelong Ocean View resident, he had a deep and comprehensive knowledge of community dynamics, and was able to provide me with rich emic insight into local history, and cultural beliefs and practices. I spent a considerable amount of time interacting with the Research Associate as a participant-observer and colleague, and we developed a close relationship over this period, in which my identity as a researcher faded into the background.

The participant-observation method was also employed to a lesser degree in the supplementary case sites of Hangberg and Imizamo Yethu, two coastal communities situated in Hout Bay on the Cape Peninsula. I conducted participant-observation in Hangberg from April 2012 until the end of May 2012, engaging primarily with a local resident, fisher and representative (‘HGB Fisher 1’). This research participant introduced me to several of his fisher colleagues, many of whom were active in the local linefish, WCRL and abalone fisheries. He also introduced me to two of his fisher colleagues who were fellow members of a forum consisting of community representatives and government officials, which was established to address housing issues in Hangberg. I spent several afternoons with HGB Fisher 1 at Hout Bay harbour, and in the homes of Hangberg fishers, conversing informally about local community dynamics, fishing practices, and the political-economy of the fishing industry. I also spent several days with a local resident, fisher, and political activist (HGB Fisher 3). During our informal interactions, HGB Fisher 3 accompanied me on guided explorations of Hangberg and Hout Bay harbour, introducing me to local fishers and non-fishers.

During this period, I also conducted participant-observation in Imizamo Yethu with a core group of fishers and fisher representatives, most of whom had lived in Imizamo Yethu for more than ten years, and who had personal experience of fishing. Participant-observation with these research participants included sitting in their homes, sharing food

and drinks, talking about local community and fisheries-related dynamics, accompanying them as they conducted various organisational and administrative activities, and using my car to provide transport for various errands. These research participants played a crucial role in assisting me to understand local community and fisheries governance-related dynamics. I also interacted to a lesser extent with two representatives and several members of a local organisation representing women in the Imizamo Yethu fishing community. Most of these research participants did not personally harvest fisheries species (though some had been allocated interim relief permits). However, they played a crucial role in supporting the fishing activities of their male spouses, as well as in the representation of their spouses, and Imizamo Yethu fishers more broadly. My informal interactions with these research participants provided a degree of insight into their lived experience as female members of the local fishing community.

### ***3.7.1. b) Participant-observation at the high level: participatory events***

Participant-observation at the ground level was complemented by the use of participant observation at the high level. As described earlier, the high level refers to fisheries governance-related participatory events that were initiated and facilitated by various state and non-state agencies, and held in various locations around Cape Town such as the chambers of parliament, community halls, churches, hotels, offices, and private conference venues. Unlike the participant-observation that was conducted at the ground level case sites, the deployment of this method at the high level was multi-sited rather than being based in a single place; and was conducted during brief moments (usually two to three hours) every few weeks or months, rather than for sustained periods of time, as was the case at the ground level. I was present at these high level events both as a participating ‘stakeholder’ (specifically, a fisheries scholar), as well as an observing researcher. From this dual position, I was able to study in intimate detail the words and actions of fishers, fisher representatives, government officials, conservationists, fisheries scientists, industry representatives, politicians, and union leaders, as they engaged with each other in formal processes of participation.

The principal focus of participant-observation at the high level was on *observing* in fine detail how these instances of formal engagement unfolded, and the political practices used by the various actors to promote or contest particular interests, agendas and

ideologies. I documented the discursive practices of the various actors as they engaged in these formal participatory spaces. At the same time, I recorded my observations of the tone of voice, facial expressions, and body language of these various actors during their participatory performances. Particular attention was paid to the performative and discursive tactics used by facilitators to control the participatory space, as well as the tactical manoeuvres that participants used to assert their views and agendas at these high level events.

### ***3.7.1. c) Tools and techniques for recording participant-observation data***

The data gathered through participant-observation were primarily recorded using a pen and notepad. Field notes from each day of participant-observation were typed up as Microsoft Word documents when I arrived home from the field. I also used a camera and voice recorder as supplementary tools to collect participant-observation data.

While I would generally have my pen and notepad in hand during participant-observation at the ground level, these tools created a sense of information being extracted, and of separation between the researcher and the research participant. For this reason, I would often put this equipment aside so that I was able to fully engage as a participant-observer with people in the case sites. Yet, even in these instances, my research antenna was rarely de-activated, and I remained alert to valuable statements and observations that might emerge when I did not have my pen and notepad. Notes from these interactions would be written down later in the day while I was still in the field, or typed out that night once I had returned home. At the ground level, I found that the camera and voice recorder were even more intrusive than the pen and notepad, and tended to undermine my attempts (as a participant-observer) to blur the boundary between me and the research participants. For this reason, I employed the camera and voice recorder judiciously, sacrificing audio-visual accuracy for the sake of creating a more informal and organic context for interaction. Though a degree of empirical accuracy was lost, I was able to engage with people in a relatively non-contrived manner, and to pay closer attention to the important subtleties of facial expression, body language and tone of voice, much of which is lost with the use of cameras and voice recorders.

To collect participant-observation data at the high level, the same research tools were used, but with slightly different techniques. The pen and notepad were my primary tools,

but unlike at the ground level, I used these tools throughout the participant-observation process, taking finely-detailed and comprehensive notes of what I saw and heard. The relatively impersonal context of high level participatory events generally enabled me to sit in the background and take notes unobtrusively throughout the event, negating to some extent the issues of separation between researcher and research participants, while allowing me to document proceedings in high resolution. These notes were typed up later that afternoon or evening upon returning home. In addition, I was also able to use a camera and voice recorder more freely at high level participatory events than during participant-observation at the ground level.

### **3.7.2 Interviews**

The interview method was the secondary means of data collection for this ethnographic research. In the positivist approach to interviewing, verbal communication provides the interviewer with unmediated access to the mental contents of the interviewee, allowing the interviewer to “find out what is in and on someone else’s mind” (Scheurich 1997: 61). Yet, as Scheurich asserts, language does not “mirror reality” in a pure and unmediated way; instead, he argues the interviewer must reconstruct the words of the interviewee through the “interpretive moments” that define the interview process (1997: 73). The outcome of an interview is also fundamentally determined by the social, political, and economic context in which it is conducted (Fabian 2001). I recognise that the interviews conducted during this PhD study were shaped by context and interpretation; while at the same time recognising that the interview method does make it possible to learn something of what is ‘inside’ the interviewee’s mind.

#### ***3.7.2. a) Interview styles: unstructured and structured***

During this PhD study, interviews and conversations were predominantly conducted at the ground level among fisher and non-fisher residents in the three case sites. The style of interviews was determined by the specific context, and ranged from informal, unstructured ‘conversations’, to formal, structured exchanges. Unstructured interviews lasted from between a few minutes to several hours, and were usually conducted in one of two basic ways. The first was a highly informal conversation, initiated and conducted organically, with the topics of discussion being primarily determined by the interviewee. As a consequence of the spontaneous manner in which these conversations were

initiated, these highly unstructured conversations would sometimes be conducted without a pen and notepad. Notes from these conversations would be written down immediately afterwards. The second form of unstructured interview was more formal and planned, with the conversation being directed according to a few broad research questions. These informal exchanges were, however, not aimless: it may be correct to argue that such interviews are at “one level ... simply conversations ... but at the same time they are also highly skilled performances” (Terre Blanche and Durrheim 1999: 128). I attempted to guide these conversations along particular channels, while also allowing the space for the interviewee to influence the line of discussion, and to articulate issues in their own idiom. This proved an effective tactic for uncovering what the participants in this research considered to be of greatest importance, and the way they perceived and re-presented these critical issues. These interviews were always recorded usually with pen and notepad.

In addition to these informal, unstructured interviews, I also conducted a series of formal, structured interviews with fishers, fisher representatives, new entrants, non-fishers in the three case sites. These structured interviews were formally arranged with the interviewee, and directed according to a set of pre-determined questions. Within this rigid framework, space was left for the interviewee and me to improvise, and address subjects that arose during our interaction. Structured interviews lasted anything from thirty minutes to three hours, and were primarily recorded by taking comprehensive and detailed notes (often supplemented with a camera and voice recorder). In this formal style of interview, the degree of control that I exercised over the discussion enabled me to obtain information specific to my research objectives, information that may have taken far longer to elicit in the context of an unstructured interview. My use of structured interviews thus allowed me to maximise the research benefits of my relatively brief time with the interviewee.

### ***3.7.2. b) Summary of interviews conducted in the field***

At high level participatory events, conversations were conducted with fishers, fisher representatives, fisheries scientists, industry representatives, NGO representatives, and DAFF officials (before, during and after these events) in a highly spontaneous and unstructured manner. These informal conversations usually lasted a few minutes, and were often conducted without the use of my pen and notepad (notes would be written

down immediately after the conversation had ended). However, as mentioned above, the focus of research at the high level was on observation, and therefore the conversations conducted at these participatory events were limited, and are not presented in this thesis.

In contrast, the interview method was employed extensively at the ground level (see table below). I focused on fishers, fisher representatives, new entrants and non-fishers who resided in the case sites, with the overwhelmingly majority of conversations and interviews being conducted in the primary case site of Ocean View. A total of 58 structured and semi-structured interviews were conducted in the three case sites, of which 24 could loosely be categorised as ‘life histories’ (to the extent that the interviewee gave a broad narration of their life in a coastal community on the Cape Peninsula). I also conducted 66 unstructured interviews and conversations, which were characterised by varying degrees of formality, including nine unstructured interviews at the Hout Bay harbour with people related in various ways to the fishing industry, including a prominent WCRL marketer, and a DAFF compliance officer. I also conducted 10 informal group discussions at the homes of local fishers. These discussions could be described as unstructured focus groups where I discussed fisheries governance-related issues with between three and nine fulltime fishers, with the line of discussion being improvised by research participants and me. The average duration was between two to three hours, during which time I took extensive and detailed notes, as well as audio recordings.

	<b>Structured and Semi Interviews</b>	<b>Unstructured Interviews and Conversations</b>	<b>Unstructured Group Discussions</b>
<b>Ocean View</b>	38	41	4
<b>Imizamo Yethu</b>	12	11	4
<b>Hangberg</b>	8	5	2
<b>Other (in Hout Bay)</b>		9	
<b><u>Total</u></b>	<b><u>58</u></b>	<b><u>66</u></b>	<b><u>10</u></b>

**Table 1: Interviews, conversations, and group discussions conducted in the case sites.**

### **3.7.3. Quantitative surveys**

The qualitative methods of participant-observation and interviewing were supplemented by conducting 82 quantitative surveys in the primary case site of Ocean View. These surveys were conducted from June 2012 until October 2012 as part of my contribution to the ‘Human Dimensions of Marine Protected Areas’ research project being carried out by the Environmental Evaluation Unit (EEU), a research unit that is based at the University of Cape Town<sup>25</sup>. The surveys conducted in Ocean View had two essential objectives: to gather baseline information on small-scale fishing communities, and to uncover critical dynamics related to marine protected areas in these communities. These surveys were based on a template that was used by other project team members in a number of other coastal communities around South Africa. The template was tailored by each researcher according to the specific communities and areas in which they were working.

The Research Associate and I began our survey process in June 2012. Our first step was to develop a list (with the assistance of OV Veteran Fisher 5) of residents who were participating in the local fisheries. The initial list had a strong focus on experienced

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<sup>25</sup> This three year research project was funded by the ‘Green Trust’, a partnership between Nedbank and the Worldwide Fund for Nature-South Africa (WWF). The Environmental Evaluation Unit’s project mandate was to conduct field and desktop research to explore the social dynamics of marine protected areas (MPAs), with the aim of informing policy and management.

fulltime fishers who were active in small-scale fisheries (most of whom happened to be above the age of forty). We also included other residents such as fishers who had been personally involved in harvesting fisheries species in the last decade, fisher representatives, marketers, and non-fisher residents who held fishing quotas and permits. This list was expanded as the survey process progressed. Surveys were arranged in person, or over the phone, as well initiated through spontaneous interaction. The Research Associate and I usually conducted the surveys at the respondent's home, but we also conducted many surveys on street corners, or in my car. Information was primarily recorded by taking detailed notes, and to a lesser extent through the use of a camera and voice recorder.

#### **3.7.4. Discourse analysis**

Discourse analysis was selected as a key method to explore the symbolic dimension of power in processes of participation and political representation on the Cape Peninsula. Academic use of the word 'discourse' generally refers to broad patterns of speech, or systems of statements (Terre Blanche and Durrheim 1999). These systems of speech construct truths about the world, which in turn make some subjectivities and actions more possible than others. By framing reality and legitimating action, discourses play a fundamental role in the symbolic exercise of power (Bourdieu & Eagleton 1972, Foucault 1991). While there is no fixed set of instructions for conducting discourse analysis, there are common tactics that provide some direction. One begins by attending to the context in which a written or verbal text was produced, and to the broader political-economic and ideological context that 'sets the setting' of textual production. Attention is also focused on the relationship between the imagined audience and the author, and the ways in which this relationship is affirmed or challenged through the use of particular discursive formations. Another important tactic for a study of discourse is the identification and analysis of binary oppositions, and recurring phrases, images and metaphors. Discourse analysis is not limited to what is represented in a text, but also involves paying close attention to that which is omitted from a text. By identifying the boundaries of acceptable discursive territory delineated by a particular discourse, one is able to make inferences about the author's basic values and presuppositions regarding the issue under discussion.

During this PhD study, discourse analysis was based on texts from primary, secondary and grey literature. In addition to a critical analysis of written texts, the discursive constructs uttered by actors participating in coastal and fisheries governance processes were also analysed. The analytical focus was on discursive themes that legitimate or challenge dominant management arrangements and processes: for example, the discourses of ‘community’, ‘democracy’, ‘human rights’, ‘the tragedy of the commons’, ‘sustainability’, and ‘economic growth’. I paid particular attention to the metaphors and narratives that were repeatedly articulated during this study, which provided insight into the beliefs and perceptions of research participants, and the relations of power between them. Significant focus was also placed on the use of discursive tactics used to police or contest the boundaries of permissible discussion during high level participatory events (see Chapter Six).

### **3.7.5. A brief word on translation**

Staying on the subject of language, it is important to indicate how I approached the matter of translation. In terms of my own language proficiencies, English is my first language, and Afrikaans my second language. Although my ability to express myself in Afrikaans is somewhat limited, my ability to understand it is excellent. In Ocean View and Hangberg, most research participants spoke Afrikaans as a first language, and English as a second language<sup>26</sup>. Though it was their second language, these research participants were sufficiently proficient in English to understand my questions and statements, and many were able to articulate their responses in English with a degree of clarity. In practice, we would generally converse in a mixture of English and Afrikaans, with me speaking English and the research participants speaking Afrikaans. This enabled us to communicate clearly with each other, thus obviating to a significant extent the language differences between us. I argue that my proficiency in Afrikaans, my familiarity with local idioms of expression, and the consistent support of local experts enabled me to understand, and accurately translate the statements of Afrikaans-speaking research participants without significantly altering their intended meaning.

The question of translation was slightly more difficult in Imizamo Yethu, where most residents spoke Xhosa and Zulu as their first languages, while Afrikaans and English

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<sup>26</sup> Statistics South Africa. 2011. National Census.

were the most common second languages<sup>27</sup>. As was the case in Ocean View and Hangberg, most research participants in Imizamo Yethu were sufficiently proficient in English to allow us to communicate with relative clarity. However, it was also the case that some research participants felt more comfortable speaking in their first language (Xhosa or Zulu). In these instances, my key local experts were on hand to provide translation. They had substantial knowledge of Xhosa, Zulu, English and Afrikaans, and were thus able to facilitate meaningful communication between me and the research participants who were not amenable to conversing in English. With the support of these local experts, most interviews and conversations were conducted with me communicating in English, and the research participants communicating in Zulu and Xhosa, English, and Afrikaans, or using a combination of these languages.

While I claim to have been able to communicate across language barriers, I also acknowledge that the act of translation always involves the loss of meaning. This is exacerbated when a language is translated by a researcher who does not have a solid grasp of that language. However, aside from the limited translations from Xhosa and Zulu to English (for which I received assistance from first language speakers), I contend that I was able to translate the statements of research participants without losing the essential meanings they intended to convey.

### **3.8. Reflections**

At this stage in the discussion, it is necessary to reflect on some of the complexities and challenges that were encountered in the field, and later during the analysis, interpretation and re-presentation of field data. The following reflections will attend to three aspects of this process: my personal equation, and the ethics of this study.

#### **3.8.1. Personal equation**

As discussed earlier in this chapter, the ethnographer studies and translates a particular social reality by interpreting it through their own subjective filter. Ethnographic writing therefore requires the researcher to provide an indication of their ‘personal equation’ (Watkins 2000). To this end, the following section briefly elucidates my personal equation, with a focus on my position as a lifelong resident of the Cape Peninsula, and on my political beliefs and positions.

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<sup>27</sup> Statistics South Africa. 2011. National Census.

The first aspect of my personal equation that should be acknowledged is that I was born and raised on the southern part of the Cape Peninsula where this research was conducted (which is colloquially referred to as ‘The Deep South’). During this time, I developed a close understanding of the local socio-cultural, political and economic milieu, and am deeply rooted in this socio-ecological setting. This raises questions about the relative advantages and disadvantages of conducting ethnography ‘at home’. From a traditional social anthropological perspective, this is considered to be a contravention of basic research protocol. While there is some merit to this perspective, it has been increasingly contested because it overlooks the extent to which ‘difference’ is constructed and embellished by the ethnographer, as some scholars have argued: “anthropology cements the exaggeration of the ‘other’ culture ... What goes on to the anthropological map is exaggerated difference” (Hastrup in Frankental 1998: 33). In the case of this research, I made sure to maintain a critical awareness of my biases and assumptions as an insider in the Deep South, and was guided by the data encountered during fieldwork.

Another factor in my personal equation that deserves reflection is my political views regarding fisheries governance in South Africa. Though social researchers may strive towards the ideals of balance and objectivity, they always occupy specific positions in the field they are studying, and these positions inevitably shape their collection and representation of data. In the case of this PhD study, my activities as a researcher were informed by the conviction that local small-scale fishing activities are potentially more equitable and sustainable than industrial approaches to fishing, and therefore that small-scale fishing should be given greater priority in national policy-making. This research was also guided by the conviction that small-scale fishing communities in South Africa have a *supra-legislative* right to access the marine commons – in other words, that small-scale fishers have a right to access that supersedes statutory legislation. As a consequence of these views, I made the decision to position this research according to the cultural, political and economic interests of small-scale fishers (as they expressed them to me, and to each other). In this sense, this PhD study is positioned in solidarity with small-scale fishing communities in South Africa, and more, and more specifically, with those on the Cape Peninsula fishers whose livelihood is dependent on personally harvesting fisheries species.

### 3.8.2. Ethics

In the process of conducting social research, the researcher constantly encounters ethical dilemmas which require cautious and delicate consideration. The researcher is guided in this regard by the primary ethical imperative to avoid or minimise the potential risks to research participants. However, ethical difficulties inevitably emerge during any social research process. To preserve the ethical integrity of this research, I adhered to basic ethical protocols when interacting with research participants by: identifying myself, providing a synopsis of the research I was conducting, explaining what I intended to do with the information being collected, and guaranteeing confidentiality and anonymity<sup>28</sup>. To ensure that I did not exploit the trust of research participants, I endeavoured to portray them as accurately, fairly and safely as possible.

A key ethical quandary emerged from my focus on issues of power and politics, which required me to speak with research participants about contentious dynamics within the context of a small community where many people knew each other, and in which news travelled quickly. This created a potential risk that this research might incriminate or jeopardise particular research participants. While the ethically contentious material presented in this thesis comes overwhelmingly from those research participants who stated explicitly that I should use their names, and that I should not censor the information they provided, I have used pseudonyms for all research participants, and have removed or alter any information that could be traced to specific individuals or organisations. However, I acknowledge that it may be “a virtually unachievable goal” to guarantee complete anonymity when conducting ethnographic research in small communities (Hoonard 2003: 141). Yet it could be argued that this ethical risk is defensible because the dynamics of power in political representation and participation uncovered during this research had implications not only for small-scale fishers’ livelihoods, but also for their ability to exercise their democratic right as citizens to meaningful participation in governance processes, and for their right to live a dignified life as envisaged in South Africa’s post-apartheid Constitution.

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<sup>28</sup> See the ethical guidelines of the Association of Social Anthropology of the UK and Commonwealth, which served as the point of departure for this research.

### **3.9. Conclusion**

This chapter has presented research process undertaken for this study of power and democracy in fisheries governance on the Cape Peninsula. The chapter began by situating this study within the field of political ecology. This was followed by a presentation of the constructivist-structural ontology which guided this research. Briefly, the constructivist-structural ontology views social phenomena in terms of the dialectic between subjective construction *and* objective structure. The chapter then moved to a discussion of the qualitative ethnographic methodology which was employed on the Cape Peninsula, and the primary methods of participant-observation, interviewing, and discourse analysis (as well as the supplementary use of quantitative surveys). After that, the discussion turned back to reflect on the research process. This included a consideration of my research methodology and personal equation. The chapter concluded with a presentation of the ethical risks that were encountered during this research, and the measures that were taken to address or mitigate these risks.

In the next chapter, the discussion turns to the empirical case sites on the Cape Peninsula, where the ethnographic methodology was utilised to study the dynamics of public participation, political representation and power in small-scale fisheries governance.

# CHAPTER FOUR

## THE CASE SITES: THREE COASTAL COMMUNITIES ON THE CAPE PENINSULA

### 4.1. Introduction: empirical research context

In this chapter, the case sites on the Cape Peninsula are introduced. The discussion begins by locating these case sites within the broader context of coastal and marine resource use and governance in South Africa. This is followed by a description of the three coastal communities on the Cape Peninsula that constituted the primary and supplementary case sites for this study of power and democracy in fisheries governance. The case sites will be presented in terms of their socio-economic and cultural characteristics; the fishing-related activities that are conducted by local residents; and the crucial fisheries governance processes that are unfolding in these case sites.



**Figure 1: Map of South Africa showing location of Cape Town.**

## **4.2. Overview of marine and coastal resource use and governance in South Africa**

The coastal and marine ecosystems that are found along South Africa's 3000km coastline are exceedingly rich and diverse. Flowing upwards along the west of South Africa is the cool Benguela current, which is high in nutrients, and supports a wide range of commercially-valuable fisheries species which occur in great abundance. Running southwards along the east coast is the warm Agulhas current, which is relatively poor in nutrients, and which supports more diverse, but less productive marine and coastal ecosystems than those found in the Benguela region (Branch and Clark 2006).

### **4.2.1. The pre-colonial, colonial and apartheid eras**

The harvesting of coastal and marine resources has been practiced throughout South Africa for thousands of years. On the semi-arid west coast, Khoi-San hunter gatherers were harvesting coastal resources at least 70 000 years ago (Volman 1978), and along the tropical coastline of northern KwaZulu-Natal, fishing practices among indigenous coastal communities dates back roughly 100 000 years (Harris *et al.* 2003). Indigenous populations harvested these resources for subsistence, economic, medicinal and spiritual purposes, using a wide range of locally-specific methods, including stone and wooden fish traps (Sunde and Raemaekers 2010).

From the 1600s onwards, successive European colonial regimes assumed control of land and natural resources, dispossessing indigenous coastal communities in the Cape region of their right to access the marine commons, and gradually integrating them into the colonial economy as low-skilled labour (Mitchell 2002, Van Sittert 1993). Around the rich temperate waters off the Cape coast, fishing began to take on a commercial dimension during the colonial period, and by the 1800s, there was a small industry using non-mechanised wooden vessels and low technology fishing gear to harvest a range of locally-occurring species (Lees 1969). A slightly different scenario unfolded along the east and northeast coastlines (what is now the Eastern Cape and KwaZulu-Natal), where the small-scale fishing activities of indigenous coastal communities were shore-based, and largely governed by African customary law, with relatively minimal interference by colonial authorities, and few commercial fishing activities when compared with the Cape region (Sunde *et al.* 2011). This was primarily because few commercially-valuable

fisheries species occurred in the sub-tropical waters along the Eastern Cape and KwaZulu-Natal coastlines, and because these coastal communities lived in extremely isolated rural locations, far from the reach of colonial authorities (Sunde *et al.* 2011).

South Africa's commercial fisheries underwent a second wave of modernisation during the Second World War, when rapid advances in fishing technologies, and a rise in international demand for the country's fisheries products led to the development of highly-mechanised, capital-intensive industrial fishing and post-harvest processing (Lees 1969, Van Sittert 1993). Local indigenous coastal communities participated in these emerging industrial fisheries as an exploited low-skill labour force (Van Sittert 1994), or continued to engage in small-scale fishing activities, with their customary access to the marine commons being either restricted or ignored by state authorities (Van Sittert 1993, Sowman *et al.* 2014).

In 1948, the system of apartheid was formally established, further reinforcing the imbalances in South Africa between the white-owned commercial fishing industry on the one hand, and small-scale fishing communities classified as 'coloured', 'black' and 'Indian' on the other<sup>29</sup>. From the 1940s until the 1980s, the apartheid regime instituted racist policies and regulations that prioritised the development of a white-owned commercial industry, and state-driven scientific fisheries management, while legally disenfranchising indigenous coloured and black coastal communities of their rights to access the marine commons (Van Sittert 2006, Sunde and Raemaekers 2010). Nevertheless, these coastal communities continued to engage in small-scale fishing activities throughout the apartheid period (Hauck and Sowman 2003, Van Sittert 2003, Raemaekers 2009, Sunde *et al.* 2011). Small-scale fishing activities played an important role in their culture and livelihoods, but they were conducted in a kind of legal limbo because small-scale fishing was "either ignored ... or addressed by law enforcement efforts that resulted in fines or imprisonment" (Hauck 2008: 638). During apartheid, the involvement of coloured and black people in the commercial fisheries remained limited

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<sup>29</sup> The apartheid system divided all South African citizens into four racial categories: 'white', 'coloured', 'black', and 'Indian'. However, it should be explicitly recognised that these categories are social constructs. Yet these racial categories continue to find expression in popular discourse, and in South Africa's policy and legislative frameworks. Perhaps the most contentious racial category is that of 'coloured', which was used by the apartheid state to refer to Afrikaans-speaking people of mixed ancestry, who resided mainly in the Western and Northern Cape provinces. The genetic and cultural lineage of people who were identified as 'coloured' was generally traced to the encounter between the indigenous Khoi-San population and European settlers, Indonesian and African slaves during the colonial period (Adhikari 2005).

to employment as crewmembers and factory workers, while they were excluded from ownership and control of the commercial fishing industry, as well as from participation in fisheries management processes (Van Sittert 2002).

#### **4.2.2. Fisheries governance in post-apartheid South Africa**

When apartheid was formally abolished in 1994, there were expectations among marginalised coastal communities that they would finally obtain equitable access to the marine commons, in accordance with the principles of the newly established democratic dispensation (Isaacs 2006, Van Sittert 2006, Isaacs *et al.* 2007, Sowman *et al.* 2014). Environmental policy and law-making in post-apartheid South Africa was reformed in accordance with the national Constitution (1996), which guaranteed equitable access to the natural commons for all citizens as a human right<sup>30</sup>. In 1998, the Department of Environmental Affairs and Tourism (DEAT) gazetted the National Environmental Management Act (NEMA), which requires that “the State must respect, protect, promote and fulfil the social, economic and environmental rights of everyone, and strive to meet the basic needs of previously disadvantaged communities”<sup>31</sup>.

In the same year, the first wave of post-apartheid fisheries reform was ushered in with the gazetting of the Marine Living Resources Act (MLRA) (1998)<sup>32</sup>. The MLRA became the overarching legislation governing fisheries in post-apartheid South Africa, and placed fisheries management under the authority of the Marine and Coastal Management (MCM) branch within the Department of Environmental Affairs and Tourism (DEAT), with ultimate responsibility being vested in Minister of DEAT. Underpinning the MLRA were three basic objectives: racial and economic equity, ecological sustainability, and economic profitability in harvesting of coastal and marine species (Branch and Clark 2006). Furthermore, the MLRA stated the importance of “broad and accountable participation in the decision-making processes”; and “the need to restructure the fishing industry to address historical imbalances and to achieve equity within all branches of the fishing industry” (DEAT 1998: 15). However the Act only provided legal recognition to three forms of fishing: ‘subsistence’, ‘commercial’, and ‘recreational’, effectively excluding the majority of small-scale fishers who harvested fisheries species both for

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<sup>30</sup> Republic of South Africa. 1996. Constitution of the Republic of South Africa Act 108 of 1996. Chapter 2, Section 25(1).

<sup>31</sup> DEAT. 1996. National Environmental Management Act 107 of 1996.

<sup>32</sup> DEAT. 1998. Marine Living Resources Act 18 of 1998.

home consumption and for sale (Isaacs and Nielson 2001, Nielson and Hara 2006, Van Sittert 2007, Sowman *et al.* 2014).

Under the auspices of the MLRA, DEAT implemented the medium term (2001) and long term (2005) commercial fishing rights allocation processes, which sought to allocate rights according to the goal of racially transforming South Africa's fisheries<sup>33,34</sup>. The number of commercial fishing rights that were allocated increased dramatically: from 400 in 1994, to 4000 in 2002 (Van Sittert 2006). However, the allocation of commercial fishing rights favoured the existing white-owned fishing industry, and local elites in coastal communities, while the majority of active fishers in these communities did not secure fishing rights through these allocation processes, despite their economic and cultural reliance on the harvesting of fisheries resources (Hersoug and Isaacs 2001, Van Sittert 2002, Sowman 2006, Sowman *et al.* 2014). The inequitable allocation of commercial fishing rights has created conflict in many coastal communities, and many fishers who had been excluded turned to illegal fishing activities to sustain their livelihoods (Hauck and Kroese 2006, Sowman *et al.* 2014).

At the same time, the implementation of the MLRA has been characterised by a marked expansion in the state's regulation of the marine and coastal environment, further constraining the access of small-scale fishers to the marine commons (Hauck and Kroese 2006, Hauck 2008, Schultz 2010). While apartheid-era fisheries management generally overlooked or criminalised the fishing activities of small-scale fishing communities, the post-apartheid reform of fisheries governance extended the scale and scope of fishing regulations and marine protected areas (MPAs) in ways that further criminalised the harvesting practices of small-scale fishers (Hauck 2008, Sowman *et al.* 2014).

From the late 1990s onwards, the commercial fishing sectors also underwent a formal process of racial transformation through the state-driven 'Black Economic Empowerment' (BEE) programme, which sought to increase the percentage of 'black' ownership and control in the fishing industry, and in the national economy more broadly (Nielson and Hara 2006, Ponte and Van Sittert 2007)<sup>35</sup>. However, industrial fishing

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<sup>33</sup> DEAT. 2001. Medium term rights allocation. Pretoria: DEAT 2001.

<sup>34</sup> DEAT. 2005. General policy on the allocation and management of long term commercial fishing rights. Pretoria: DEAT 2005.

<sup>35</sup> The BEE programme has been implemented across the South African economy (Ponte and Van Sittert 2007). According to the BEE prescriptions, the term 'black' includes those classified as 'coloured', 'black'

companies lobbied against radical reform and redistribution, arguing that these transformations threatened their economic stability, and therefore placed at risk their ability to provide employment (Nielson and Hara 2006, Van Sittert 2006). During the mid-1990s to early 2000s, a number of collective enterprises were established to facilitate the integration of black and coloured fishers into the fishing industry as owners and managers, rather than as employees - many of these enterprises were constituted with the ostensible goal of operating in a democratic and equitable manner (Hersoug and Isaacs 2001, Isaacs *et al.* 2007, Ponte and Van Sittert 2007). These companies were structured as commercial companies, and were largely based in the Western Cape. They had hundreds (and in some cases, thousands) of black and coloured member-shareholders, whose 'previously disadvantaged' status served as the basis for these enterprises to apply for commercial fishing rights (Hersoug and Isaacs 2001).

Yet the profit-driven legal structure of these enterprises, combined with authoritarian and corrupt practices by individuals at management and board level, lack of organisational capacity among fishers, and negligible support from the government meant that fishers were unable to exercise substantive control, or to benefit equitably from the profits of these companies of which they were the ostensible owners (Hersoug and Isaacs 2001, Isaacs *et al.* 2007, Ponte and Van Sittert 2007). Perhaps the most infamous example was the South African Commercial Fishermen's Corporation (SACFC), and its holding company South African Commercial Fishermen's Holding (SACFH), which saw nearly 3000 fisher-owners being excluded from benefitting equitably from the fishing rights that had been allocated to the SACFH<sup>36</sup>.

While the percentage of coloured and black people who owned shares, or who occupied managerial positions in established industrial fishing companies increased, the BEE process did not benefit the majority of fish factory workers and small-scale fishers, but instead benefitted individuals who were already in positions of political and economic advantage, many of whom were associated with the ruling political party (Hersoug and Isaacs 2001, Ponte and Van Sittert 2007). The first wave of post-apartheid fisheries reform thus reinforced the exclusion of impoverished coastal communities, who were the

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and 'Indian' South African citizens (see DTI. 2005. Code 000: Framework for the Measurement of Broad Based Black Economic Empowerment'. Pretoria: 2005).

<sup>36</sup> Inspector's Report on the South African Commercial Fishermen's Corporation (SACFC), and the South African Commercial Fishermen's Holding (SACFH). 2006.

intended beneficiaries of South Africa's new democracy (Van Sittert 2006, Sowman *et al.* 2014).

The continued political and economic marginalisation of small-scale fishing communities led to their growing frustration with the post-apartheid state's governance of fisheries, which was widely perceived by small-scale fishers to lack legitimacy (Isaacs 2006, Hauck 2009, Schultz 2010). In the early 2000s, a grass roots movement began to develop amongst small-scale fishing communities (located mostly in the Western Cape), with the objective of asserting their rights to equitable access to the marine commons (Sunde 2003). With the support of the Masifundise Development Trust (MDT) and a number of grass roots fisher organisations, small-scale fishers and local fisher representatives in more than two dozen coastal communities began organising themselves politically, and they started to articulate a collective vision of equitable and democratic fisheries governance in South Africa (Sunde 2003)<sup>37</sup>. In 2004, several small-scale fishers in the Western Cape, in partnership with MDT and the Legal Resources Centre (LRC) (a non-profit legal organisation), filed a class action suit in the Equality Court against the Minister of DEAT, arguing that small-scale fishers had a constitutional right to access the marine commons, but that this right was not recognised by the existing system of fisheries governance (Sowman *et al.* 2014)<sup>38</sup>. The Equality Court ruled in favour of the applicants in May 2007, and ordered the Minister of DEAT to initiate the development of a policy for previously excluded small-scale fishing communities, and to ensure that these communities were given 'interim relief' until the policy was in place (Sowman *et al.* 2014).

Later that year, small-scale fishers from around the country gathered at a national summit, prompting DEAT to form a National Task Team and Technical Task Team composed of community representatives, fisheries researchers, government officials, NGO representatives, and representatives of industrial fishing companies, whose mandate was to formulate a policy for small-scale fishing (Sowman *et al.* 2014). As required by the Equality Court ruling in 2007, MCM instituted a system of interim relief in coastal communities in the Western and Northern Cape Provinces. Interim relief took

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<sup>37</sup> The Masifundise Development Trust (MDT) is a non-governmental organisation whose work focuses on the empowerment of small-scale fishers, and coastal communities more broadly.

<sup>38</sup> See *Kenneth George and Others versus the Minister of Environmental Affairs and Tourism and Others 2007 (EC1/2005)*. The Equality Court is a division of the High Court, and adjudicates over cases relating to social inequality (such as gender, race and class).

the form of exemption permits that were allocated annually to between 1000 and 1500 individuals on the basis of their verification as ‘bona fide’ small-scale fishers (defined by the Equality Court order as those individuals whose livelihoods depended entirely on the small-scale harvesting of fisheries species, and who had been excluded from previous fishing rights allocation processes) (Sowman *et al.* 2014)<sup>39</sup>. However, MCM lacked the capacity to manage the interim relief system effectively: monitoring and regulatory enforcement was weak, and the annual process of verifying bona fide fishers was plagued with difficulties, with many non-fishers being allocated permits at the expense of recognised bona fide fishers (Isaacs 2011, Sowman *et al.* 2014)<sup>40</sup>. While the interim relief process made a valuable contribution to the livelihoods of many coastal residents by providing them with a degree of formal access, it also reinvigorated community tensions surrounding the allocation of fishing rights (Sowman *et al.* 2014).

From 2007 onwards, the SSF policy formulation process continued to unfold in parallel to the interim relief process, with many participatory engagements occurring between representatives of small-scale fishing communities, NGOs, industrial fishing companies and the recreational fishing sector. There was considerable contestation regarding policy proposals for the allocation of small-scale fishing rights, specifically regarding: the share of the TAC that small-scale fishers would be allocated, whether these rights would be allocated to individuals or communities, and which species would be included. In addition, there was also intense contestation regarding the most suitable institutional structures for managing small-scale fishing activities. Concern was expressed by government officials, fisheries scientists, and representatives of the recreational and industrial fishing sectors regarding the re-distribution of fishing rights to small-scale fishing communities, stating that this would jeopardise the profitability and sustainability of South Africa’s marine and coastal resources (Sowman *et al.* 2014).

It is crucial at this point to pause and consider two political factors that played an important role in shaping this process of fisheries reform. The first factor relates to the

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<sup>39</sup> It should be noted that the term ‘bona fide’ is used advisedly throughout this thesis. The concept of ‘bona fide’ fisher is partly associated with intangible phenomena such as ‘historical fishing experience’, and is thus difficult to define in a precise and categorical manner. Although the formal criteria were established in the interim relief process to identify ‘bona fide’ fishers, the act of drawing a clear boundary between who is or is not ‘bona fide’ can often involve a strong element of subjective judgement.

<sup>40</sup> The industrial WCRL sector filed a case against the Minister of DEAT to oppose the interim relief fishery, with which it was competing for the WCRL allocations - see *West Coast Rock Lobster Association and Others versus the Minister of Environmental Affairs and Tourism and Others* 2010 (532/09) ZASCA 114.

ANC government's re-structuring of state departments in 2010, in which DEAT was divided into two new ministries: the Department of Environmental Affairs (DEA) and the Department of Agriculture, Forestry and Fisheries (DAFF). The mandate of DEA is primarily focused on environmental conservation, and its responsibilities include MPA management and policy-making<sup>41</sup>. DAFF became the new national authority governing fisheries, whose responsibilities include allocating fishing rights and export permits, regulating large and small-scale fishing activities, conducting scientific research, and formulating fisheries policy. In contrast to the former fisheries authority under DEAT, DAFF's mandate has a strong emphasis on economic development and poverty alleviation, which allows greater latitude for the department to pursue the economic and racial transformation of South Africa's fisheries.

It could be argued that this institutional re-structuring was closely linked to party politics, and the agenda of the ruling African National Congress (ANC) to use fisheries reform (and the SSF policy in particular) as part of the party's campaign to gain voter support in the Western Cape. In crude summary, the ANC controls eight of the nine provinces in the country, with the only exception being the Western Cape, which has been governed by the Democratic Alliance (DA) since 2009. As the second most economically-important province in South Africa, and the only province controlled by an opposition party, the Western Cape is of considerable strategic significance, and the ANC is engaged in an intensive political campaign to win this province<sup>42,43,44,45</sup>. During the 2009 provincial elections, President Jacob Zuma told attendees at a rally in Cape Town that: "We must use this election to send a clear message to those in this province who disregard the wishes of the people that no longer can they stand in the way of transformation. We must mobilise for a resounding ANC victory in the Western Cape"<sup>46</sup>. Media reporting also observed the extensive efforts that "the party is putting

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<sup>41</sup> At the time of this research there was uncertainty regarding which department had principal jurisdiction over MPAs because DAFF was mandated to declare new MPAs under the MLRA, and to regulate fishing practices within MPAs.

<sup>42</sup> Marrs D. 2014. 'Relief for traditional fishermen still far off'. *Business Day*. 4 March.

<sup>43</sup> 'South Africa Updates'. 2014. Electoral Institute for Sustainable Democracy in Africa (EISA).

<sup>44</sup> 'Address by the ANC Treasurer General, Dr Mathews Phosa, to the ANC Provincial General Council in the Western Cape'. 2012. *ANC Western Cape Provincial Branch*. 9 June.

<sup>45</sup> 'Zuma joins drive to regain Western Cape'. 2014. *South African Broadcasting Corporation (SABC)*. 17 February.

<sup>46</sup> 'Address by ANC President Jacob Zuma to ANC Western Cape rally'. 2009. *ANC Western Cape Provincial Branch*. 4 May.

into campaigning in the Western Cape in the hope of regaining some of the ground it has lost to the Democratic Alliance in recent years”<sup>47</sup>.

Central to this campaign has been the targeting of what is known in local political discourse as ‘the coloured vote’<sup>48</sup>. Demographically, coloured people constitute a significant percentage of the Western Cape population, and obtaining their support is a pre-requisite for winning provincial elections in this province. Given that many coloured people in the Western Cape reside in coastal communities and participate in small-scale fishing activities, the ANC has identified small-scale fishing as an important element in its campaign to win back the Western Cape. The national broadcaster reported: “The ANC is ... targeting the fishing community ... to increase its popularity amongst the Western Cape's key constituencies”<sup>49</sup>. This strategy was evidenced by the series of visits by senior ANC politicians and government officials to coastal communities in the Western Cape: President Zuma visited a number of fishing communities along the Cape coast in 2009 and 2012, while the DAFF Minister Tina Joemat-Peterson met with local fishing communities on the Cape Peninsula in 2013<sup>50</sup>. In the context of the ANC’s political campaign to win the Western Cape, there is a strong argument to be made that the SSF policy and the broader reform of fisheries governance (through the amendment of the MLRA, and the new round of commercial fishing rights) were being viewed by the ANC as an opportunity for obtaining the votes of mostly coloured small-scale fishers in the province<sup>51</sup>.

In 2011, with DAFF as the new fisheries authority, and the ANC seeking to use fisheries reform as means to gain votes in the Western Cape, a draft of the SSF policy was debated at the National Economic Development and Labour Council (NEDLAC), where representatives from the fishing industry, labour unions, small-scale fishing communities and government agencies engaged in a series of meetings to reach consensus on the policy<sup>52</sup>. After the NEDLAC process, the revised policy draft was

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<sup>47</sup> Marrs. 2014. ‘Relief for traditional fishermen still far off’. *Business Day*. 4 March.

<sup>48</sup> EISA. 2014. ‘South Africa Updates’.

<sup>49</sup> ‘Zuma joins drive to regain Western Cape’. 2014. *South African Broadcasting Corporation (SABC)*. 17 February.

<sup>50</sup> Mokomele P. 2014. ‘Minister embarks on listening campaign in fishing communities ahead of appeals’. *South Africa Government Online*. 20 February.

<sup>51</sup> See ‘Terrible twins: Tina and Iqbal all at sea’. 2012. *Nosweek* 156. 1 October.

<sup>52</sup> Prospective laws and policies that have national economic implications are required to be negotiated at NEDLAC, a formal structure for “social dialogue” between representatives from the private sector, labour

subjected to another six months of intensive political reviews and public participation processes (Sowman *et al.* 2014). The SSF policy was finally gazetted in June 2012 under the authority of DAFF<sup>53</sup>. This represented a significant moment in the governance of South Africa's fisheries, and promised to bring about a more equitable form of fisheries governance that more closely resembled the vision set out by the national constitution (Sowman *et al.* 2014).. Not only did the policy give legal recognition to the rights of small-scale fishing communities, but it also proposed a “paradigm shift” in the state's approach to the governance of small-scale fisheries (DAFF 2012: 17).

The nature of the policy's ambition is articulated in the first line of its introduction: “This policy aims to provide redress and recognition to the rights of small-scale fisher communities in South Africa ... to fulfil the constitutional promise of substantive equality” (DAFF 2012: 1). To realise the desired ‘paradigm shift’, the policy proposes a range of new measures centred on a community-based approach to small-scale fisheries governance, including the allocation of collective, multi-species fishing rights to legal entities in those communities recognised by the Minister as ‘small-scale fishing communities’. These legal entities are to be controlled by residents within these communities, whose will have the authority to decide how to distribute and utilise these fishing rights amongst themselves. The policy also proposes that small-scale fishers should have active representation and participation in fisheries policy processes, and in the management of their own fishing activities.

In the policy, ‘small-scale fishers’ are defined as “persons that fish to meet basic livelihood needs or are directly involved in harvesting/processing or marketing of fish, traditionally operate on/near the fishing grounds, predominantly employ traditional low technology or passive fishing gear, usually undertake single day fishing trips and are engaged in the sale or barter or involved in commercial activity (sic)” (DAFF 2012: 6). To identify ‘bona fide’ small-scale fishers who were eligible for inclusion in the community-based legal entities, the policy designated a set of criteria for determining eligibility, which included those who “harvest marine living resources directly”, or “those involved on a daily basis in operations such as processing or marketing ...”, and those with “historical involvement” in small-scale fisheries-related activities (at least ten

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unions, and the government ([www.nedlac.org.za](http://www.nedlac.org.za)). The SSF policy was unique in that small-scale fishers were added as a fourth stakeholder group, under the title of ‘community’.

<sup>53</sup> DAFF. 2012. Policy for the small-scale fisheries sector in South Africa. Pretoria: Government Gazette 2012.

years of experience) (DAFF 2012: 38). The policy states that individuals who meet these bona fide small-scale fisher criteria should be identified through a community-based verification process - according to the policy, it is “the responsibility of the small-scale fishing community to identify the small-scale fishers within that community ...” (DAFF 2012: 40). People identified as bona fide fishers are required to establish what the policy describes as a ‘community-based legal entity’ - a formal, commercial structure to which small-scale fishing rights are to be allocated (DAFF 2012).

While bona fide small-scale fishers are the primary focus of the SSF policy, there is also a broader developmental aim of using small-scale fisheries as a basis for poverty alleviation and economic development in coastal communities (DAFF 2012: 4). This includes government support for the development of landing sites, transport and post-harvest facilities. Another fundamental element in the policy’s paradigm shift is “the principle of preferential access to small-scale fishing communities who have traditionally depended on marine living resources for their livelihood”, which legally mandated the prioritisation of the rights of small-scale fishing communities to access fisheries species for the first time in South Africa’s history (DAFF 2012: 10). The policy also recognises the customary rights and practices of small-scale fishing communities (DAFF 2012: 14)<sup>54</sup>. This is especially important for communities along in the Eastern Cape and KwaZulu-Natal, where small-scale fishing is conducted under the authority of tribal leadership, and according to traditional, locally-specific rules (Sunde *et al.* 2011).

At the time of this research, a plan to implement the SSF policy was formulated by a legal consulting firm on behalf of DAFF. The implementation plan was opened for public comment in August 2013, and a number of public consultation meetings were held in coastal communities throughout the country. However, as late as August 2014, the policy had not yet been implemented, and the interim relief system remained in place, with many small-scale fishers continuing to rely on interim relief permits to sustain themselves and their families. Nevertheless, the impact of the policy was already evident in coastal communities on the Cape Peninsula, where the policy process had converged with a number of other fisheries governance processes.

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<sup>54</sup> Customary rights are recognised in Section 211 (3) of the South African Constitution, and have been affirmed by legal precedent in a number of cases, including *Alexkor Ltd. versus The Richtersveld Community* 2004(5) SA 460 (CC).

To begin with, the policy's inclusion of co-operatives as one possible form of community-based legal entity, was converging with the Department of Trade and Industry's (DTI) Co-operative Incentive Scheme (CIS) and Fishing Cluster Project (FCP). This convergence has fuelled the formation of dozens of small-scale fishing co-operatives throughout the Northern and Western Cape Provinces (including on the Cape Peninsula)<sup>55</sup>. Through the FCP, the CIS offered up to ZAR350 000 for residents in coastal communities to form small-scale fishing co-operatives, creating a significant incentive in the context of widespread poverty and unemployment. The expected allocation of small-scale fishing rights to community-based legal entities under the SSF policy has created further incentive for the formation of fishing co-operatives. However, at the time of this research, the legal standing of these co-operatives in relation to fishing rights allocations was unclear as the SSF policy had not yet been implemented.

The SSF policy, and the rapid development of co-operatives were also converging with the expiration of medium and long term commercial fishing rights, including those for economically-valuable species (such as WCRL and abalone) which are targeted by both the large and small-scale fishing sectors (Sowman *et al.* 2014). The expiration of commercial fishing rights has created the political and administrative opportunity for DAFF to re-distribute a percentage of commercial fishing rights from the large to the small-scale fishing sector. After a series of public participation processes, a general policy for the allocation of commercial fishing rights was gazetted in July 2013, making provision for the re-distribution of fishing rights in accordance with the SSF policy<sup>56</sup>. There is widespread expectation in coastal communities that DAFF will do so, and this has prompted many residents of these communities to establish co-operatives in anticipation of the new commercial fishing rights allocation process<sup>57</sup>. In order to accommodate small-scale fishing communities in the new round of commercial fishing rights allocations, a parallel process to amend the MLRA was initiated, which saw public hearings being held at parliament buildings in Cape Town in October 2013. The political stage was thus set for a rapid shift in the governance of small-scale fisheries in South Africa.

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<sup>55</sup> See DTI. 2013. '2012-13 Incentive Performance Report'. The Industrial Development Incentive Administration Division.

<sup>56</sup> DAFF. 2013. General policy on the allocation and management of fishing rights. Pretoria: DAFF.

<sup>57</sup>'DTI supports small-scale fisheries'. 2013. *South African Government News Agency*. 24 March.

Having provided a broad overview of the fisheries governance context in South Africa, the discussion hones in on the Cape Peninsula, and introduces the three case sites that constituted the empirical focus of this research.

### **4.3. Empirical case sites on the Cape Peninsula**

The Cape Peninsula is defined by its narrow jagged form, bound on both sides by the ocean. Dramatic mountains form the spine of the peninsula, and tower above the sandy and rocky shoreline, creating the vistas that characterise Cape Town's natural beauty. The Cape Peninsula is located within the boundaries of the Table Mountain National Park (TMNP), a protected area that is interwoven with an urban environment, and which seeks to protect and showcase this distinctive coastal ecosystem. The Peninsula also forms part of the Cape Floristic Region, a floral 'biosphere' that has been designated by UNESCO as a World Heritage Site of global significance<sup>58</sup>. The flora (known as *fynbos*) is exceptionally diverse - there are 8200 documented plant species, 85% of which are unique to the Cape region, many of these species can only be found along the Cape Peninsula. (Fowkes and Younge 2002: 1). The coastal waters of the peninsula are also rich with biodiversity, and form part of the TMNP's MPA. Located near the confluence between the Agulhas and Benguela Current systems, these waters provide an abundant environment for hundreds of different marine and coastal species (Branch and Clark 2006).

In the midst of this natural splendour is the City of Cape Town, a densely populated urban environment. The city centre is located on the northern boundaries of the TMNP, but the municipality itself is spread along the length of the Peninsula, and into the heart of this national park. There are significant anthropogenic pressures associated with this metropolitan area of over 3 million people. Dozens of residential and industrial areas produce large amounts of pollution that has a direct impact on the natural environment (Clark 2002). The Cape Peninsula is also the site of intense pressure from the harvesting of marine and coastal resources for recreational, small-scale and commercial purposes (Clark 2001). Small-scale and industrial fisheries are highly active in this area. The former is mainly constituted by a small fleet of skiboats and bakkies that target marine

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<sup>58</sup> United Nations Educational, Scientific and Cultural Organisation (UNESCO) (<http://whc.unesco.org/en/list/>)

species such as snoek, yellowtail, WCRL, abalone and hottentot<sup>59</sup>. The industrial fisheries - defined here as capital and technology-intensive fishing activities conducted on a large commercial scale - consist predominantly of pelagic trawlers, hake trawl and longliners, tuna pole and WCRL trap vessels. Although the industrial and small-scale fisheries generally target different species, there is a significant degree of overlap with regard to the harvesting of WCRL, which is targeted by both small-scale and industrial vessels. Despite the regulatory distinction between ‘nearshore’ (small-scale) and ‘offshore’ (industrial) WCRL sectors, they often operate at sea in close proximity to each other, and are direct competition with regard to the allocation of WCRL quotas<sup>60</sup>.

Anthropogenic pressures on the Cape Peninsula’s coastal environment are currently managed by a palimpsest of interweaving institutional jurisdiction and responsibilities. Fisheries-related activities are governed by DAFF, which has an enforcement presence in and around the main harbours and landing sites. DEA is responsible for setting policies for MPA governance and management, which has a direct bearing on coastal and marine resource access and use within the TMNP MPA. At the same time, SANParks is responsible for day-to-day management of terrestrial and marine activities within the TMNP and its adjacent MPA. The City of Cape Town Municipality (CCTM) is responsible for activities such as land use, water and waste management. The legal and policy framework governing the Peninsula’s coastline is as complex as the range of resource users and management agencies. To begin with, all activities that have environmental impacts are subject to the National Environmental Management Act of 1998 (NEMA). Governance of the TMNP is also guided by the NEM: Protected Areas Act (2003), as well as the NEM: Biodiversity Act (2004). Fishing activities are governed by the MLRA, as well as the recently gazetted SSF policy (2012). The ICMA (2008), which aims for the holistic management of the coastal space, also contains provisions

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<sup>59</sup> ‘Skiboats’ were introduced in South Africa in the 1970s, and have become widely used in the linefishery because they can be easily towed, and can launch in a range of conditions. They are made of fibreglass, are between 10 and 15metres in length, and are propelled by two powerful outboard engines. ‘Bakkies’ are traditional wooden and fibre-glass vessels, averaging five to seven metres in length. Most are now propelled by small outboard motors, but in some places on the west coast, bakkies are still propelled using traditional rowing oars. Bakkies have gradually been replaced by the larger and more powerful skiboat.

<sup>60</sup> The WCRL fishery is divided into two sectors: ‘nearshore’ and ‘offshore’ (see DEAT’s 2001 medium term and 2005 long term commercial fishing rights allocation policies). Around the Cape Peninsula, the nearshore WCRL sector could be described as a small-scale fishery which operates within one nautical mile from shore using small (<10m) motorised vessels, and which is characterised by the use of hoop-nets which are lowered and raised by hand. The ‘offshore’ WCRL sector operates on a much larger scale, using industrial (>10m) vessels that range from 500 metres to 5 nautical miles from shore, utilising steel traps that are lowered and raised with powerful onboard machinery.

relevant to the management of the TMNP. To complicate matters, the draft Coastal Protection Zone by-law places restrictions on activities in the coastal zone between the high water mark and the coastal edge line within the jurisdiction of the CCTM.

As one moves south along the Cape Peninsula, the environment changes from urban to peri-urban. There are a number of small towns and villages nestled in coves between the mountains and the sea. It is along the southwestern portion of the Peninsula that field research was conducted. The following section introduces the three case sites, namely the coastal communities of Ocean View (primary case site), and Hangberg and Imizamo Yethu in Hout Bay (supplementary case sites), with a particular focus on the primary case site of Ocean View.



**Figure 2: Map of Cape Peninsula indicating location of case sites.**

### 4.3.1. Ocean View: the primary case site

Ocean View was the primary case site. This relatively isolated peri-urban coastal town has a population of roughly 41 000 people, and is located on the southwestern portion of the Cape Peninsula, where it borders the TMNP, with spectacular views of the Atlantic Ocean, Noordhoek beach, and the surrounding mountains. Ocean View was established in 1968 under the apartheid-era Group Areas Act (1950), which mandated the forced relocation of coloured communities from surrounding areas like Noordhoek, Fish Hoek, Simonstown, Red Hill, Kommetjie and Witsands<sup>61</sup>.



**Figure 3: Map of southern Cape Peninsula, indicating location of primary case site of Ocean View, and key areas mentioned in relation to the primary case site.**

<sup>61</sup> The Group Areas Act (1950) was the principal legal mechanism for implementing racially-segregated spatial development during apartheid. More specifically, the Group Areas Act mandated the forced removal of ‘non-white’ people away from residential areas designated for ‘white’ people, and into residential areas specially designated for ‘non-white’ people. Between 1960 and 1983, more than 3 million people were forcibly relocated.

#### *4.3.1. a) Socio-economic conditions*

Socio-economic conditions are typical of coloured and black coastal townships along South Africa's coastline, with poverty and marginalisation characterising the lives of a significant percentage of the local population<sup>62</sup>. These conditions have their foundation in the structural inequalities of the past, and have been reinforced through the structural inequalities of the present. The alignment between class and race that was initiated by colonialism, and refined by apartheid, has largely been reproduced by the free market economic policy orientation of the post-apartheid state (Bond 2004). As was argued in Chapter Two, the post-apartheid state has sought to act as a developmental state within the strictures of a macro-economic policy approach that is averse to the kind of radical state intervention in the economy (such as the re-distribution of wealth) that is required to address the structural inequality of colonialism and apartheid (Bond 2005). With few exceptions, most coloured and black people living in coastal communities - such as Ocean View - who were poor before 1994 are still poor (DEAT 2000, Sowman 2006, Isaacs 2007)<sup>63</sup>.

The level of formal education among Ocean View residents is relatively low. Though there are two primary schools and one high school in Ocean View, national census figures from 2011 indicate that only 15 % of residents surveyed above the age of 18 have completed high school<sup>64</sup>. Again, in keeping with the trend in coloured and black coastal townships, there are few economic opportunities in Ocean View, and unemployment levels are high. The national census found that only 31% of residents were employed. Many of these residents are employed in surrounding areas, working in skilled sectors (such as office administration, electrical, plumbing, carpentry, and brick-laying), and 'unskilled' sectors (such as domestic work, garden maintenance, and manual labour) (Battersby 2011: 7). Income levels in Ocean View are generally low - according to the 2011 national census, 31% of households in Ocean View had an annual income of between ZAR38 200 and ZAR76 400 per year. The census also indicated that 35% of

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<sup>62</sup> 'Poverty' is loosely defined here as 'living on less than USD1.25 per day', following the United Nations Development Programme's classification (UNDP 2013). In the South African context (with current exchange rates of roughly ZAR10 to USD1), this equates to less than ZAR10 per day, or less than ZAR3650 per year. The UNDP definition is included here to provide comparative perspective. However, it should be noted that this measurement is misleading when applied to the South African context, because many people live in conditions of considerable material deprivation and insecurity, even though they survive on *more* than ZAR10 per day.

<sup>63</sup> See DEAT. 2000. Subsistence Fisheries Task Group, Final Report 2.

<sup>64</sup> Statistics South Africa. 2011. National Census. The Census surveyed 13569 Ocean View residents.

individual respondents in Ocean View had no income, while 32% only earned between ZAR801 and ZAR6400 per month.

As is the case in many other coastal communities in South Africa, the high levels of unemployment and economic insecurity among Ocean View residents contribute towards a widespread dependence on social grants from the government. These social grants are designated for pensioners, disabled people, and children, and are often the only source of income for entire households. Although they provide critical relief to disadvantaged Ocean View residents, the contribution of social grants is limited by their relatively small monetary value (ZAR300 per month for a child grant, and ZAR1200 per month for pensioners). A significant percentage of Ocean View residents are registered as grant recipients, and the number of people who benefit is much higher if we consider the number of household and family members who depend on each grant (Battersby 2011).

Most Ocean View residents live in free-standing and semi-detached brick homes, and in multi-storey apartment blocks. These formal dwellings are connected to the municipal water and electricity grid, and are provided with waste removal services, though it was often observed during this research that these services were erratic; in particular, there were many occasions when the supply of water to resident's homes was shut off for many hours at a time. The demand for housing in Ocean View exceeds supply, and residents are often forced to live in overcrowded conditions, with many residents living in small wooden structures erected in backyards. This research identified several distinct but interwoven neighbourhoods in Ocean View. The original part of Ocean View is located to the west, and consists of small free-standing brick and mortar houses. By local standards, the majority of residents who live in this part of Ocean View could be described as low to middle-income. However, most of the other neighbourhoods in Ocean View could be described as low income, and were characterised by small free-standing dwellings, densely-arranged apartment blocks, and informal structures (usually constructed from wood). These neighbourhoods included Lapland, Mountain View, and 'Ghost Town' (located next to the local cemetery). At the foot of the mountains behind Ocean View is a small informal settlement composed of roughly 30 wooden shack-dwellings. This informal settlement does not receive electricity and other basic service provision from the municipality, and exists in legal limbo because it encroaches on the boundaries of the TMNP.

In this context of poverty, it is common for people in Ocean View to suffer from ill health (Isaacs 2013). There are high levels of Tuberculosis, HIV/AIDS, and cardiovascular disease. It was evident from this research that the economic insecurities of life in Ocean View also contributed to high levels of anxiety and depression. With few resources to address this psychological pressure, many residents opt to self-medicate using psychoactive substances. The excessive use of alcohol and methamphetamine (known locally as 'tik') is widespread in Ocean View (see Kapp 2008). The growing use of tik in particular, has had a devastating impact on the community. Besides the health risks involved, tik can produce extremely unpredictable and anti-social behaviour in users - an effect that is captured by the colloquial term 'tik monster'.

The cumulative effect of these economic and social conditions is a sense among many local residents that 'life was better in apartheid' (OV Veteran Fisher 5, pers comm 21/01/11; OV Veteran Fisher 13, 14, 15, pers comm 13/07/12; OV Fisher 6, pers comm 24/10/12; OV Veteran Fisher 1, pers comm 02/01/12). Even if we account for the way that nostalgia can omit negative aspects of the past, this controversial claim that economic and social conditions has deteriorated during the post-apartheid period appears to reflect a general perception among Ocean View's coloured residents that they have been overlooked in the post-apartheid dispensation (see Battersby 2011).

Having said this, it is critical to emphasise that life in Ocean View is not entirely defined by economic insecurity and social tribulation. Without wishing to idealise the situation (because Ocean View experienced the same tensions and uneven power relations that prevail in all community settings), this research encountered a clear sense of 'conviviality' and 'community' among most local residents. It is this sense of 'conviviality' and 'community' which enables people in Ocean View (as well as in Imizamo Yethu and Hangberg) to negotiate through life together on a day-to-day basis (see Ross 2010). In the context of broader structural inequalities, this sense of conviviality and community - which was also observed in the supplementary case sites - is crucial, not only as a means to facilitate daily social interaction, but also a means to ensure material survival. Many residents would likely have nothing to eat and nowhere to live if not for the material support of social networks among family, neighbours and

friends<sup>65</sup>. It is thus evident from this research that the hardships that many Ocean View residents face are, to some extent, made bearable by the empathy and solidarity that is displayed as a matter of daily practice.

#### *4.3.1. b) History and socio-cultural dynamics*

Though Ocean View was only established in 1968, the area's history goes back more than a century. During this period, the southern peninsula was predominantly farm land and wilderness. Before Ocean View was established, there were small rural communities in Kommetjie, Witsands, and Slangkop (what is now Ocean View). These communities lived from the land and sea - growing vegetables, husbanding animals, and harvesting marine and coastal resources. They were multi-racial, with white people living (and sometimes intermarrying) with the mainly coloured residents. During the 1960s, these small rural communities were broken up, and their coloured residents relocated to Ocean View under the Group Areas Act (1950).

Many people in Ocean View still remember what life was like before the township was formally established. Two fishers and lifelong residents spoke of how they lived in Slangkop without electricity. They recounted their childhood observations of fishers using homemade animal fat lamps to light the way on their pre-dawn walks to Witsands (OV Fisher 3 and OV Fisher 4, pers comm 23/10/12). One of these fishers explained that his father used to go into the mountain to collect medicinal plants for the family to consume as a preventative healthcare measure (OV Fisher 3, pers comm 23/10/12).

The most senior female fisher in Ocean View (OV Veteran Fisher 4) was in her early eighties during this research, and was the matriarch of a local family of fishers. She was born at Buffelsbaai (located in what is now the Cape of Good Hope National Park), and later moved to Witsands, and finally settled in Ocean View when it was established in the late 1960s. Her late husband was a fulltime fisher, and her mother used to work in the 'trek' fishery in Simonstown, where she also 'flekke' fish (mostly snoek and yellowtail)<sup>66</sup>. OV Veteran Fisher 4 explained that before the 1980s, she worked on shore,

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<sup>65</sup> It should be noted that this form of 'social capital' is unevenly distributed, and is not equally available to all. Rather, it is the relations of power in the community which determine who has access to which resources, and the nature of that access (see Du Toit 2005).

<sup>66</sup> 'Trek' is an Afrikaans term that literally means 'pull'. It used to refer to local beach seine fishing activities where a net is dropped around a shoal of fish using a row boat, and then the net is pulled ashore by a crew standing on the beach. 'Flekking' is a local Afrikaans term for the act of de-scaling and gutting fish by hand using a knife.

flekking fish, and supporting her husband's fishing activities. When her husband passed away in 1982, she was forced to become the breadwinner in the household. This compelled her to go to sea - despite the physical risk of injury and drowning, and the social risk of breaking gender-based taboos. She went to sea on a regular basis from 1982 until 2007 as a professional small-scale fisher, primarily catching WCRL and linefish (OV Veteran Fisher 4, pers comm 26/06/12).

OV Veteran Fisher 4 described the transformation of the area from a rural idyll to a bustling peri-urban township, and spoke fondly of "the old days" growing up at Witsands (located less than a kilometre south of Ocean View), where a community of about twelve coloured and white families lived (OV Veteran Fisher 4, pers comm 26/06/12). This settlement was established before the 1900s, and existed until the mid-1960s. She recounted that the Witsands community lived in wooden and aluminium shacks. There was only one formal brick structure, and this was demolished when the community was re-located, leaving no trace of the people who lived here (OV Veteran Fisher 4, pers comm 26/06/12).

As this veteran fisher explained, the Witsands community lived from the land and sea. There were vegetable gardens radiating out from the community homes, providing food for the community. Residents would take their surplus produce to markets in surrounding areas such as Fish Hoek, Noordhoek and Simonstown. According to her, they had about 40 chickens, as well as several ducks, geese, goats, donkeys, sheep, cows, and a bull. She explained that when food supplies were low, her father would walk up into the mountains behind the community to hunt for 'dassie' (a small furry mammal), 'klipspringers' (a small antelope), or even tortoise. The community members would also collect shellfish (such as limpets, white mussels, abalone, WCRL) along the coastline by hand. Subsistence fishing from the shore with nets and rods was a common practice among male community members, as was the use of traditional rowboats to fish in nearshore waters. According to this veteran fisher, the Witsands community did not overfish, even though there were virtually no fishing restrictions (OV Veteran Fisher 4, pers comm 26/06/12). The knowledge and experience of maritime and fishing-related practices among local people such as those residing in the Witsands community can be seen as a form of cultural legacy which has been passed down among social and kin networks through the generations. This cultural legacy includes detailed empirical

knowledge about local ecological dynamics, based on generations of rigorous and sustained observation. For example, veteran fishers in Ocean View have considerable insight into the interactions between meteorology and fish behaviour, observing that linefish such as hottentot will change their feeding behaviour (by ceasing to bite the fishers' lines) in early anticipation of storms that are usually heralded by easterly winds. This observation is captured in their colloquial phrase: "the fish has the east wind on its mind" (OV Veteran Fisher 5, pers comm 03/05/12).

Although local fisheries-related practices and social relations have changed over time, many veteran fishers continue to identify with this cultural legacy (OV Veteran Fisher 5, pers comm 03/10/11; OV Veteran Fisher 3, 4, pers comm 26/06/12).

#### ***4.3.1. c) Fishing: people and practices***

The practices and economics of fishing among Ocean View residents are complex. There is significant diversity and dynamism regarding the economic conditions of those who participate in fisheries-related activities, the extent of their personal involvement in the actual harvesting of fisheries species, and the degree to which their livelihood and income is dependent upon fishing. This research indicates that there are roughly between 1000 and 1500 Ocean View residents participating in fisheries-related activities, and of these residents, about 700 are personally involved in the harvesting of marine and coastal resources. The vast majority of fishing activities are small-scale. Veteran fishers estimated that perhaps only 200 Ocean View residents were 'bona fide' fishers whose livelihoods were solely dependent on personally harvesting fisheries species fishing, and who were embedded in the local fishing culture (OV Veteran Fisher 5, pers comm 21/01/11; OV Veteran Fisher 3, pers comm 26/06/12; OV Fisher 6, pers comm 24/10/12; OV Veteran Fisher 1, pers comm 02/11/12). There was consensus among these research participants that bona fide fishers in Ocean View were increasingly being outnumbered by new entrants (OV Veteran Fisher 5, pers comm 21/01/11; OV Veteran Fisher 3, pers comm 26/06/12; OV Fisher 6, pers comm 24/10/12; OV Veteran Fisher 1, pers comm 02/11/12).

Fishing used to have a relatively low social status among most Ocean View residents, some of whom he argued perceived fishing to be "a dirty job" (OV Veteran Fisher 5, pers comm 03/05/12). However, veteran fishers in Ocean View argued that the social status

of fishing has risen over the last 15 years, as fisheries reform created new economic opportunities, and attracted many newcomers who previously perceived fishing to be a lowly endeavour, but who increasingly perceived it as a source of income (OV Veteran Fisher 5, pers comm 21/01/11; OV Veteran Fisher 3, pers comm 26/06/12; OV Fisher 6, pers comm 24/10/12; OV Veteran Fisher 1, pers comm 02/11/12). This reflects the broader commercialisation, commodification and individualisation of small-scale fishing practices, both locally and internationally, that have resulted from the introduction of individual fishing rights under market-based macro-economic policy frameworks (see Mansfield 2004, St Martin 2007). However, despite the perception that fishing represents a potentially valuable source of income, it was evident from this research that many local fishers were struggling to meet their basic material needs. While a small minority of residents involved in the local fisheries own double-storey homes, motor vehicles, and fishing vessels, and by Ocean View's standards could be described as middle-income; this research indicated that a significant number of local fishers lived in conditions of material deprivation and insecurity. According to the surveys conducted among local fishers during this research:

- ◆ 27% of respondents lived in informal shack dwellings;
- ◆ more than half of all respondents (55%) were compelled by economic pressure to harvest marine and coastal resources to survive, regardless of whether they were in possession of a fishing quota or permit;
- ◆ 30% of respondents stated that they skipped meals one or more times per week;
- ◆ 39% of respondents lived in households which depended to some extent on social grants;
- ◆ only 25% of the respondents had completed high school.

For many fisher residents, this economic insecurity is significant, and is a primary factor influencing their livelihood decision-making processes. To grasp the extent of the economic security experienced by so many fishers in in Ocean View, it is worth considering a few brief examples. One relatively young but experienced fisher observed that his income from fishing was limited and erratic, forcing him to either fish illegally, or to go out in search of food or work in the local area: “as you can see, you get me walking ... because I’m looking for something” (OV Fisher 1, pers comm 03/07/12). He

described his intermittent routine of hitchhiking to Kalk Bay harbour to obtain fish bones, which he took home to mix with potato and onion to make fish cakes and other dishes: “fish bones ... that’s good food” (OV Fisher 1, pers comm 03/07/12).

One of the most esteemed veteran fishers in Ocean View lived in a small informal dwelling constructed from corrugated metal, wood and plastic. He shared his home with eight other people, including his three adult children, his step-sister, and their four young children. They relied primarily on this veteran fisher’s government pension of R1200 per month, and it was a daily struggle for him and his family to secure basic material necessities. When asked if there were ever days when there was no food in his house, he replied: “there are many such days, do you see? Like today for instance” (OV Veteran Fisher 13, pers comm 13/07/12).

In spite of these stark socio-economic conditions, the fact that many Ocean View residents were already living in a context of poverty and unemployment meant that fishing was a relatively attractive option, if only as a supplementary source of food and income. The economic positions of research participants in Ocean View were determined to a significant extent by the fishing sectors in which they participated (see discussion of fishing activities below). Those who worked in industrial sectors generally earned more than those who worked in small-scale fisheries. And within the small-scale fisheries, boat owners usually earned more than their crew members.

The allocation of fishing permits and quotas played an important role in determining the socio-economic conditions of residents who participated in fisheries-related activities. At the time of this research, Ocean View residents had been allocated roughly 300 interim relief permits (OV Veteran Fisher 5, pers comm 03/05/12) and six line fish permits (Isaacs 2013). Ten of the survey respondents (12%) had nearshore WCRL quotas. With a permit or quota, residents were able to legally harvest specific fisheries species, and could earn an income from the sale of their catches. Nearshore WCRL quotas were prized because of the economic value of WCRL, and the relative ease of harvesting this species: a nearshore quota allocation (averaging roughly 600kg) could be harvested in a few days, and could earn the quota holder between ZAR80 000 per annum, and ZAR100 000 per annum for their catches. Commercial linefish permits were also prized, though these were generally less lucrative than WCRL quotas. Ocean View residents who had been allocated interim relief permits were able to catch both WCRL and linefish. However the

amount of WCRL allocated per season (an average of 120kg) was relatively small, so the total income from this permit was only about ZAR17 000 per annum (OV Veteran Fisher 3, pers comm 25/01/11; OV Veteran Fisher 5, pers comm 15/02/11).

Those who had not received a fishing quota or permit were forced to catch other people's allocations, or to fish illegally as a means to access food and money. Many of these fishers opted to use recreational permits to access specific fisheries species. These permits were available to any South African citizen at a cost of between roughly ZAR200 per permit. 35% of survey respondents had one or more recreational permits (mainly for WCRL, and various intertidal shellfish and linefish species). It was a common practice for local fishers to use recreational permits to harvest marine species to be sold illegally to meet their basic subsistence needs (OV Fisher 1, pers comm 03/07/12).

Ocean View residents engage in a wide variety of overlapping fishing sectors that targeted many different species using a variety of gear and vessels. Some of these residents participate in industrial fishing activities such as WCRL trapping, pelagic trawling, tuna pole fishing, and hake trawl and long-lining (where they work mostly as crew members). These residents often participate in small-scale fishing activities on a part-time basis when not working in the industrial sector. The vast majority of Ocean View fishers were engaged in small-scale fishing activities that include fishing for snoek, yellowtail and hottentot with hand-held lines, and crayfishing with hoop nets (working as crew, skippers and boat owners). Local fishers estimated that in Ocean View, only eleven small-scale fishing vessels went to sea throughout the year, with most of these vessels registered to operate within the interim relief system, while about twenty other small-scale vessels were registered to operate within the nearshore WCRL fishery, and only went to sea during the WCRL season, after which they remained in on dry ground until the following season (OV Veteran Fisher 5, pers comm 03/05/12; OV Veteran Fisher 3, pers comm 14/07/12). Most small-scale boat-based fishing activities conducted by Ocean View residents were centred around the Witsands and Kommetjie area, where two slipways served as the primary landing sites. The slipway at Witsands is located next to a post-harvest facility which was the centre of the local commercial WCRL fishery from the 1960s. In 1994, the factory was sold and re-structured, and many of the employees were retrenched (OV Veteran Fisher 5, pers comm 03/10/11; OV Veteran Fisher 12, pers comm 24/06/12; OV Veteran Fisher 15, pers comm 13/07/12).

Many fishers in Ocean View also engaged in the illegal harvesting of fisheries species (TMNP Ranger, pers comm 15/11/12; Former DAFF Compliance Officer 09/04/12; Private Fisheries Monitor 15/11/12; OV Veteran Fisher 5, pers comm 03/05/12). According to most local fishers, illegal fishing played a significant role in the local fisheries economy, and was practiced both by fishers who had been allocated permits or quotas, and by those who had not (OV Focus Group, pers comm 09/02/12; OV Veteran Fisher 5, pers comm 03/04/12). Some research participants harvested marine resources illegally for subsistence purposes, with small amounts of WCRL, linefish, and inter-tidal molluscs being sold or consumed at home (OV Veteran Fisher 13, pers comm 13/07/12; OV Fisher 1, pers comm 03/07/12). However, the majority of illegal fishing practices were conducted on a more professional basis, usually by younger fishers from Ocean View, many of whom resided in Ocean View's small informal settlement. This form of illegal fishing activities was generally well-organised, and mainly targeted WCRL (though abalone was increasingly being targeted), which were harvested in large amounts, and then laundered through criminal networks (TMNP Ranger, pers comm 15/11/12; Former DAFF Compliance Officer 09/04/12; Private Fisheries Monitor 15/11/12; OV Veteran Fisher 5, pers comm 03/05/12).

In addition to boat-based fishing activities, many Ocean View residents also engaged in shore-based harvesting of coastal fisheries species. These harvesting activities tended to utilise low-technology methods, and included shellfish harvesting in the rocky intertidal zone using, the use of rods and 'trek' nets from beaches to catch a wide range of fish species, as well as the use of homemade bamboo rod and line to harvest WCRL. Shore-based resource harvesting made an important contribution to the local food economy. This happened in a number of important ways. For example, personal access to the marine and coastal environment served as a 'safety-net' for poorer Ocean View residents when they have no money to purchase food. One local fisher in his thirties observed that when he had no money or food for his family, he would collect white mussels, primarily because these were locally accessible, and because white mussels were included in his interim relief permit (OV Fisher 5, pers comm 23/10/12).

It was often observed that fishers would distribute some of their linefish catch (mainly snoek, and hottentot) through their social networks for free, or to the local community at affordable prices. One of Ocean View's most experienced and respected fishers stated

that this practice “makes it cheaper for the community ... for the poor in our community ... to buy straight from us, than via the fish merchants, you know?” (OV Veteran Fisher 2, pers comm 02/11/12)<sup>67</sup>. Yet, many fishers argued that the increasing regulation of fishing, the commodification of fishing, and increasing economic hardship have changed the value and meaning of fish. The majority of research participants in Ocean View observed that the flow of cheap fish into the local food economy has been reduced, with fishers opting to sell all of their catch to professional buyers, rather than selling it cheaply, or giving some of it away in the community.

The relationship of Ocean View residents to the local coastal environment is not only about livelihoods, but also about recreation and enjoyment. For example, in the early 1990s, there was a popular pastime among Ocean View residents of frequenting the ‘Soetwater’ area during the summer. Dozens of people would camp on the beach, spending their days swimming, drinking, eating and generally having a pleasurable time. During this period there were very few regulations, and people were effectively free to harvest small amounts of abalone and WCRL along the intertidal rock shelves. This fresh catch would be cooked on the fire, or even eaten raw (TMNP Ranger, pers comm 15/11/12, OV Veteran Fisher 5, pers comm 03/05/12).

However, local residents pointed to the gradual erosion of the cultural practice of shore-based harvesting, which they attribute to a number of factors, principally the rapid expansion of fishing regulations. Older fishers in Ocean View observe that there were very few formal regulations until the 1960s, when fishers were suddenly prohibited from going to sea between 4pm and 8am. These new regulations also included limitations on the daily amount that fishers were permitted to harvest. In addition, it was during this period that fisheries inspectors began to monitor landing sites. Local fishers explained that during the 1980s, quotas were introduced, which further excluded local fishers from access. They argued that since the implementation of the MLRA, and the establishment of the TMNP MPA (which included the Cape of Good Hope Restricted Zone to the south of Witsands), the regulatory regime governing their access to marine resources have increased, and become more onerous (OV Veteran Fisher 4, pers comm 26/06/12; OV Veteran Fisher 13, pers comm 13/07/12; OV Veteran Fisher 1, pers comm

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<sup>67</sup> The ‘fish merchants’ referred to here are known by the colloquial Afrikaans term ‘langaanas’. Langaanas purchase fish directly from local fishers at the landing site. They use their vehicles to transport this fish around the Cape Town region, most in the poorer coloured communities on the Cape Flats, selling most of it along the road side (Isaacs 2013).

02/11/12). The perception and experience of a regulatory explosion that was increasingly constraining the fishing practices of local residents was regularly articulated by veteran fishers in Ocean View. According to one veteran fisher in his late sixties:

“... we lived much better during apartheid because I could go and catch anything that is in the sea ... but now I must have a piece of paper to go and collect something from the sea ... and it's not only me who suffers as a result, but my whole family suffers ... the other day during apartheid ... when the sea was rough, I could walk to the beach and collect some limpets .... or mussels ... I went to the beach the other day ... to harvest some mussels ... when I turned around there were two inspectors standing behind me - 'do you have a permit?' I said 'no'. Then I said to them 'I've only removed six mussels'. So they told me 'you can take those, but just go'. Now what can I do with only six mussels? So I just threw them away, and haven't been back since” (OV Veteran Fisher 13, pers comm 13/07/12).

#### **4.3.2. Hangberg**

The discussion now moves from the primary case site of Ocean View, to the supplementary case site of Hangberg in Hout Bay, a major fishing centre located roughly ten kilometres to the north of Ocean View along the Peninsula's coastline. The township of Hangberg has a population of roughly 15 000 people<sup>68</sup>. It clings to the slopes of the Sentinel Peak in the southwestern corner of Hout Bay, overlooking the harbour. Like Ocean View, Hangberg is surrounded by the TMNP. The village now known as Hangberg was originally established in 1956 under the Group Areas Act (1950), when the apartheid authorities created a new residential area to house the coloured population of Hout Bay, many of whom were working for the fishing companies at the harbour (Witte 2010, Fieuw 2011). The socio-cultural context is broadly similar to that found in Ocean View: most of the residents are coloured, and speak Afrikaans as a first language, and English as a second language<sup>69</sup>.

##### **4.3.2. a) Socio-economic conditions**

At the time of this research, the levels of poverty and unemployment in Hangberg were broadly similar, if not higher than they were in Ocean View. The nostalgia for apartheid articulated by some research participants in Ocean View was also encountered among some research participants in Hangberg (see below). According to the 2011 national census, formal education levels are relatively low - although there is a primary and a high

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<sup>68</sup> Statistics South Africa. 2011. National Census.

<sup>69</sup> Statistics South Africa. 2011. National Census.

school located in Hangberg, only 12.5% of census respondents had completed high school. Only 29% of Hangberg residents had some form of employment, and roughly 37% of residents had no source of income<sup>70</sup>. Consequently, there is a considerable reliance upon government grants in Hangberg (Hauck 2009). Housing is in even shorter supply than in Ocean View. In Hangberg, approximately 22% of residents live in informal housing (mostly wooden shack-dwellings)<sup>71</sup>. From 1994 onwards, a small informal settlement has also developed along Hangberg's perimeter at the base of the Sentinel Mountain (Fieuw 2011). Severe housing shortages in Hangberg, compounded by unresolved questions of land ownership, eventually led to violent clashes between residents and police in 2010. Police and military forces were called in, and several residents were seriously injured (Fieuw 2011).

The high levels of poverty and unemployment in Hangberg can be partly attributed to the decline of the fishing industry in Hout Bay in the 1990s. From the 1950s until the 1980s, industrial fishing and processing activities were the foundation of the local economy, and a significant proportion of the Hangberg population worked on industrial fishing vessels, and in the fish factories which operated from the harbour. However, from 1990s, these companies began to restructure their operations in response to the post-apartheid transformation of fisheries, the pressures of declining resources, and the formal re-integration of South Africa's industrial fisheries into the global economy (see Crosoer *et al.* 2006). This restructuring process led to widespread retrenchments of Hangberg residents (Hauck 2009). At the time of this research, the number of commercial fishing vessels on the harbour had declined, and some factories stood empty. In 2010, there were only 127 Hangberg residents employed (many on a seasonal basis) at the eight fish processing and storage facilities, and three fish shops operating on Hout Bay harbour (Witte 2010). At the same time, a gentrification process has steadily unfolded at the harbour, where the economic focus has shifted from fishing to tourism (reflecting the experience of other fishing harbours in South Africa).

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<sup>70</sup> Statistics South Africa. 2011. National Census.

<sup>71</sup> Statistics South Africa. 2011. National Census.

#### ***4.3.2. b) History and socio-cultural dynamics***

As is the case in Ocean View, many Hangberg residents have a long history of harvesting fisheries species along the local coastline, one which pre-dated the formal establishment of Hangberg itself. At the time of this research there was an emerging discourse among some Hangberg residents which positioned them as direct living descendants of the Khoi-San people - the original inhabitants and fishers of the Cape Peninsula (HGB Fisher 4, 9, pers comm 12/04/12). Fishing practices are thus deeply rooted into the history and culture of the Hangberg community (see Hauck 2009, Sowman *et al.* 2011). Some of the community elders explained that during apartheid, they lived in informal structures amongst the milkwoods behind Hout Bay beach, and recalled these days with fondness (HGB Veteran Fisher 1, 2, 3, 4, pers comm 09/04/12). Describing life during this period, one of these elders explained that her family had experienced “the hard times of apartheid”, yet she maintained that, in many ways, life had become more difficult since that time. According to this research participant, the inherent injustices of apartheid were mitigated to some degree by the fact that “there was work for everyone”, and people came from relatively distant places including Ocean View and Grassy Park to work on the harbour (HGB Veteran Fisher 2, pers comm 09/04/12).

Several Hangberg residents observed that local people used to enjoy a relative degree of freedom with regard to the small-scale harvesting of local fisheries species (HGB Fisher 3, pers comm 09/04/12; HGB Fisher 7, 8, pers comm 12/04/12). They explained that, until the 1990s, small-scale fishing activities provided a basic safety-net for local people, who had the option of walking to the beach and participating in trek-net fishing activities, or harvesting fish and shellfish along the rocky shoreline (HGB Fisher 3, pers comm 09/04/12; HGB Fisher 7, 8, pers comm 12/04/12). Despite the presence of exclusionary marine protected areas from the 1930s onwards (see below), these small-scale fishing activities provided a dependable source of food and income, not only for fishers, but also for others in the broader Hout Bay community (Hauck 2009).

#### *4.3.2. c) Fishing: people and practices*

Hangberg residents engage in the same broad continuum of interrelated fishing activities as people in Ocean View. The continuum ranges from subsistence foraging for shellfish to crewing on industrial vessels. There are roughly 400 residents who personally harvest fisheries resources (though the exact figures were unavailable) (Witte 2010). Though many Hangberg residents are employed in more than one sector, most concentrate on small-scale fishing activities, principally the harvesting of WCRL using hoop nets, catching snoek, yellowtail and hottentot with handlines, and diving for WCRL and abalone. Witte (2010) documented 45 people in Hangberg catching traditional linefish, 12 people catching WCRL, and 85 catching a variety of species under interim relief permits. Small-scale fishing activities play a central role in the livelihoods of Hangberg residents.

Many of Hangberg's small-scale fishers share the same basic conditions of economic insecurity as Hangberg's non-fisher residents (Hauck 2009). These conditions contribute to increased levels of participation among local fishers in Hangberg's booming informal WCRL and abalone fisheries which operates largely outside of legal regulation (Hauck 2009, Witte 2010, Greef 2013). A significant number of residents have direct or indirect ties to these fisheries, which are crucial to the Hangberg economy (Hauck 2009, Greef 2013). Local fishers point to the decline of the fishing industry at the harbour as a reason for increased prevalence of illegal fishing practices in Hangberg, as one fisher observed:

“what’s going to happen, if you close all the factories? My mother isn’t working, my father isn’t working, I’m at home. No income is coming in. What am I going to do? You see I’m going to go to the rocks. I’m going to go make a living for myself and my family. And when I start doing that, they [the fisheries authority] classify me as a poacher ... as a criminal” (HGB Fisher 2, pers comm 12/04/12).

Regulatory defiance has also been fuelled by the exclusion of many local fishers in Hangberg from the medium term (2001) and long term (2005) fishing rights allocation processes, as one Hangberg fisher representative explained: “after they gave the quotas to the doctors and teachers and all that, so the real fisher was standing outside in the cold. So what he did is, the next day ... he take the row boat around the corner to get a few rand to feed his family. And then the police come and say he’s a poacher?! He didn’t even know what is a poacher!” (HGB Fisher 1, pers comm 12/04/12). The practice of fishing outside of the law in Hangberg is also fuelled by the exclusionary spatial

management of the waters adjacent to Hangberg - an area where residents and their ancestors have fished for over a century, but which has been subjected to successive waves of enclosure that have excluded local people from access to the marine commons (Hauck 2009, Sowman *et al.* 2011, Greef 2013). The Table Bay WCRL Sanctuary has prohibited the harvesting of WCRL since 1934 (Sowman *et al.* 2010). And in 2004, the TMNP MPA was established, with the Karbonkelberg Restricted Zone (KBRZ) adding another layer of exclusion by prohibiting all fishing activities along Hangberg's coastline.

#### **4.3.3. Imizamo Yethu**

The second case site in Hout Bay is Imizamo Yethu, situated across the valley to the northeast of Hangberg. The township sprawls up the steep mountainside, tucked almost out of site from the surrounding affluent white neighbourhoods. It is markedly different to both Ocean View and Hangberg because the majority of the population of roughly 50 000 people are black. Imizamo Yethu was formally established in 1991 to house the black residents of five small informal settlements located around Hout Bay, many of whom had a history of working on farms in the area, or in the local fishing industry (Sowman and Gawith 1994, Oelofse and Dodson 1997). From the end of apartheid onwards, Imizamo Yethu's population grew rapidly as black economic migrants moved to the township from other provinces in South Africa, and from the rest of the African continent, many of whom were seeking employment in the local fishing industry (see below).

##### **4.3.3. a) Socio-economic conditions**

Imizamo Yethu has higher levels of poverty and unemployment than the coloured townships of Ocean View and Hangberg. National census figures indicate that 39% of working age residents had some form of employment<sup>72</sup>. Most of these residents worked in low-skill jobs in the white neighbourhoods and retail centres, and earn minimal wages<sup>73</sup>. In 2010 there were 73 Imizamo Yethu residents working in the fish shops and processing facilities at the harbour. According to the same census figures, most individuals (41%) earned a monthly income of between ZAR1 and ZAR6400, while 39% of individuals had no income<sup>74</sup>. As was the case in Ocean View and Hangberg, Imizamo

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<sup>72</sup> Statistics South Africa. 2011. National Census.

<sup>73</sup> Development Action Group. 2003

<sup>74</sup> Statistics South Africa. 2011. National Census.

Yethu residents depend to a significant degree upon government grants as a means to survive.

There are two schools located in the township, but only 20% of residents over the age of 18 had completed high school<sup>75</sup>. The competition for scarce resources is exacerbated by the increased level of economic migration to Imizamo Yethu of people in search of employment in Hout Bay. A 2003 survey conducted by a local NGO found that 95% of respondents were born in South Africa, with the other 5% of respondents had moved to Imizamo Yethu from other African countries such as Angola, Mozambique and Namibia, and the Democratic Republic of Congo<sup>76</sup>. However, only 17% of respondents who were originally from South Africa were born in the Western Cape, with most of these respondents (79%) having been born in the Eastern Cape. This survey also indicates that 55% of those who had migrated to Imizamo Yethu had done for the purpose of seeking employment, particularly in the local fishing industry<sup>77</sup>.

Imizamo Yethu has a combination of formal and informal housing. The majority of residents (62%) lived in informal dwellings, while roughly 20% of residents lived in brick and mortar structures<sup>78</sup>, of which roughly 70 were RDP houses, while nearly 500 houses have been built with funding support from an Irish philanthropist<sup>79</sup>. Many people suffer from ill health, with high levels of TB and HIV/AIDS (Shortt and Hammett 2013). Levels of substance abuse are also high, and continue to increase because of the marginalisation and economic insecurity faced by many Imizamo Yethu residents (Kapp 2008). Affirming the views expressed by several research participants in Ocean View and Hangberg, some Imizamo Yethu residents articulated a sense that life had, in some ways, become more difficult since the end of apartheid. One research participant explained that “when the white government was in power”, there was less unemployment, and it was very rare to see people in Hout Bay rummaging through rubbish bins for food, or being permanently homeless, but he argued that this kind of

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<sup>75</sup> Statistics South Africa. 2011. National Census.

<sup>76</sup> Development Action Group. 2003.

<sup>77</sup> Development Action Group. 2003. It must be noted that the facts on the ground are highly dynamic, and these DAG figures may have changed since they were documented in 2003. However, the general pattern of in-migration indicated here is broadly congruent with the observations conducted during this research.

<sup>78</sup> Statistics South Africa. 2011. National Census.

<sup>79</sup> Niall Mellon Township Trust. 2007. ‘Summary Report 2007’.

extreme poverty has become more common in the post-apartheid period (IY Fisher 5, pers comm 10/04/12).

#### **4.3.3. b) History and socio-cultural dynamics**

As a black township in Hout Bay (which is largely populated by white and coloured people), Imizamo Yethu is socially isolated. There is a popular narrative among white residents which positions black people as ‘outsiders’ who have only come to the Hout Bay after 1994 (Dixon *et al.* 1997, Saff 2001). However, this narrative is contradicted by the historical record: while it is true that the number of black people living in Imizamo Yethu increased considerably since 1994 as a result of economic migration, there has been a black population living and working in Hout Bay since at least to the 1940s (Lees 1969). While Imizamo Yethu was only established in the early 1990s, many of its original residents had already been living in Hout Bay for several decades before moving there, mostly working in the local industrial fisheries, and on local farms (Sowman and Gawith 1994, Oelofse and Dodson 1997). However, during this PhD research, several Imizamo Yethu residents argued that the historical presence of black people in Hout Bay had been negated by the broader Hout Bay community (IY Veteran Fisher 1, 2, pers comm 06/04/12; IY Fisher 5, pers comm 10/04/12).

#### **4.3.3. c) Fisheries: people and practices**

A relatively small minority of Imizamo Yethu residents (roughly 250, though the precise number is unknown) participate in local fisheries-related activities at the time of this research (see Witte 2010). Most of the fishers encountered during this research shared the same basic conditions of economic insecurity as those experienced by other Imizamo Yethu residents: these fishers lived in informal structures and small RDP houses, struggled to meet their basic material needs, and had low relatively levels of formal education. The racialised notion of ‘black people as outsiders’ in Hout Bay (as perceived by many coloured and white residents) had also filtered down into the local field of fishing. Several coloured research participants in Hangberg expressed the view that black people do not have an affinity for the ocean in the same way that coloured people do (HGB Fisher 2, 8, 9, pers comm 12/04/12; HGB Fisher 3, pers comm 09/08/12).

In support of this claim, these research participants pointed to the fact that black fishers in the Western Cape have predominantly been involved in industrial fishing sectors,

rather than in small-scale sectors (Witte 2010). In their home provinces of the Eastern Cape and KwaZulu-Natal, small-scale fishing activities are mostly restricted to subsistence harvesting of shellfish and other species from the shore (Sowman *et al.* 2014). However, in the Western Cape small-scale fishing tends to be practiced in terms of boat-based activities that have a stronger commercial component. There was thus a tension because Imizamo Yethu fishers do not fit the dominant conception of bona fide small-scale fishers as conceived in the context of the Western Cape (Witte 2010; HGB Fisher 2, 8, 9, pers comm 12/04/12). This research suggests that the perception among many Hangberg fishers that Imizamo Yethu residents are not bona fide fishers is also sustained by a legacy of racial prejudice stemming from apartheid and colonial history - a legacy that appears to have been re-invigorated by increasing levels of economic insecurity and competition for material opportunities and resources.

However, despite many coloured fishers' perceptions regarding the 'non-bona fide' status of Imizamo Yethu residents, the fact is that a number of residents have a history of personally harvesting fisheries resources. For a small percentage of people in Imizamo Yethu, fishing is an important part of their lives, and though their experience is largely based in the industrial sectors, they could be classed as bona fide fishers according to the interim relief and SSF Policy criteria. In 2010, there were approximately 23 Imizamo Yethu residents working in the small-scale fishing sector (Witte 2010). Most fishers in Imizamo Yethu encountered during this research were older than 35, with some retired veterans who were in their sixties and older. A number of these fishers began their fishing careers catching 'chokka' (squid) in the Port Elizabeth area, moving to Cape Town during the 1980s when the chokka became scarce and working conditions began to deteriorate (IY Fisher 5, pers comm, 10/04/12; IY Fisher 4, 6, pers comm 11/04/12; IY Veteran Fisher 1, 2, 5, pers comm 11/04/12). They generally work, or used to work as crew in the large-scale commercial sector which operated from Hout Bay harbour. As was observed in Ocean View and Hangberg, there has also been a shift in the meaning and class status of fishing in Imizamo Yethu, with an increasing number of people becoming involved in small-scale fishing, mostly through the interim relief process (IY Veteran Fisher 2, pers comm 06/04/12).

#### **4.3.4. Fisheries governance context in Ocean View, Imizamo Yethu and Hangberg**

Perhaps the most prominent and contentious fisheries governance issue in the case sites on the Cape Peninsula at the time of this research was the allocation of fishing rights. Indeed, for fishers it appeared that all of their concerns about fisheries governance in South Africa were crystallized in the issue of fishing rights allocations - as one local fisher explained: “at the end of the day, first of all, you have to deal with rights!” (OV Veteran Fisher 5, pers comm 21/01/11). There was consensus among the majority of small-scale fishers encountered during this research (including those with commercial quotas and permits) that fishing rights at a national level have not been granted in an equitable manner. They pointed to the fact that the total allowable catch (TAC) distribution for commercially valuable species is dominated by industrial companies, while the larger group of small-scale fishers were left with a disproportionately small percentage of the total allocation. Based on this research, it could be argued that small-scale fishers on the Cape Peninsula perceived the inequitable distribution of fishing rights as symbolic of the balance of power in South African fisheries governance. The allocation of fishing rights at the community was also viewed as unjust. This perception of injustice has been fuelled by successive post-apartheid fishing rights allocation processes - while fishing rights have been allocated to a number of legitimate fishers in the case sites, they have also been allocated to several non-fisher residents, effectively excluding many bona fide fishers on the Cape Peninsula. The question of who has, or has not received rights is a critical point of friction among in Ocean View, Hangberg and Imizamo Yethu.

The tensions catalysed by the competition for post-apartheid fishing rights have been given new impetus by the interim relief exemption system, which has created competition and conflict amongst residents in the case sites who wish to access the marine commons. Much of this tension has centred on the interim relief permit allocation process, and in particular, the process of verifying permit applicants, which has opened a space for strategic manoeuvring, as people compete for a limited number of permits by making claims to being ‘bona fide’. Some local fisher representatives appear to be exploiting the interim relief verification process by facilitating access to permits on the condition that they are granted authority to market the permit holder’s catch (for a

percentage of the sale price). This has created an incentive to indiscriminately endorse the verification of as many permit holders as possible. In addition, DAFF has been unable to manage the verification process effectively, creating conditions conducive for exploiting the verification process. As a consequence, the inequitable pattern of the medium and long term fishing rights allocation processes has been repeated: while interim relief permits have been granted to bona fide fishers in the case sites, many bona fide fishers have not received these permits, while dozens of permits have been granted to residents in the case sites who have little or no involvement in fisheries-related activities prior to the implementation of the interim relief system - several permits were even allocated to individuals who were deceased but whose names had been included on application lists (OV Veteran Fisher 5, pers comm 08/12/11). By relying on the category of 'bona fide fisher' as a unit of governance, the interim relief verification process has reinvigorated contestation in the case sites regarding the question: who is a 'genuine fisher', and therefore deserving of inclusion?

During this research, it became clear that the SSF policy has exacerbated the existing tensions regarding the allocation of fishing rights and interim relief exemption permits. The collective nature of the right-holding arrangement proposed in the policy was the focus of concern among many fishers encountered in the case sites. These fishers expressed concern regarding who would be included and excluded from the community-based legal entity, particularly because the policy linked fishing rights to the category of bona fide fishers. The SSF policy has also fuelled this anxiety and conflict because it does not specify which species will be included within the small-scale fishing right, or the quanta that would be allocated. There was also a lack of clarity among most research participants regarding whether rights will be allocated to more than one community-based legal entity in each 'small-scale fishing community', and whether these structures can be *economically viable*. Nevertheless, many residents in the case sites have been manoeuvring to position themselves favourably in anticipation of the allocation of community-based small-scale fishing rights.

The fundamental uncertainties regarding the entry of non-fishers, and the form of rights allocations contributed to the reluctance of many fishers on the Cape Peninsula (and in Ocean View in particular) to support a community-based model whose implementation was imminent. For these fishers, the community-based form of right-holding was

juxtaposed against the individual form of right-holding. Because of the entry of high numbers of non-fishers into the local small-scale fisheries through previous commercial fishing rights and interim relief permit allocation processes, and the conflict that this had generated within the case sites, many local fishers expressed a preference for individual allocations, arguing that this would enable them to have more control of their own fishing activities. Scepticism of a collective model of fishing rights among senior fishers in the case sites could also be traced back to their negative experience as members of community trusts, and collective fishing enterprises such as the SACFC/SACFH during the late 1990s and early 2000s, where commercial fishing rights were allocated to the enterprise and not to the individual fisher-members (see Hersoug and Isaacs 2001)<sup>80</sup>.

The negative view of collective forms of fishing rights that was expressed by these local fishers was also informed by the rapid establishment of between 20 and 30 small-scale fishing co-operatives in case sites (though the exact number is unknown). These co-operatives are being established through the DTI Co-operative Incentive Scheme (CIS), in anticipation of the implementation of the SSF policy (and the attendant allocation of community-based rights), as well as the new round of rights allocation in the commercial sectors. In November 2012, six vessels were delivered to six co-operatives in Imizamo Yethu as part of the DTI's CIS, and in March 2013, the DTI delivered six vessels to six co-operatives in Ocean View. The Imizamo Yethu co-operative members caught their own interim relief and nearshore WCRL allocations, as well as the allocations of non-members who mostly resided in Imizamo Yethu (IY Fisher 5, pers comm 06/03/13).

#### **4.4. Conclusion**

This chapter sketched the general context of fisheries resource use and governance in South Africa, and introduced the primary case site of Ocean View, and the supplementary case sites of Hangberg and Imizamo Yethu on the Cape Peninsula (which constitute the community level focus for this exploration of the politics of small-scale fisheries governance in South Africa). This chapter indicated that there are high levels of poverty and unemployment among residents in these coastal communities, with many residents asserting that economic insecurity had worsened since 1994. Consequently, fisher and non-fisher residents in the three case sites are increasingly competing to access the local marine commons, which presented a potential source of food and income. The

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<sup>80</sup> Many veteran fishers in the case sites are still in possession of their SACFC/SACFH share certificates.

competition to access the marine commons is intertwined with a number of small-scale fisheries governance processes, including the interim relief permit system, the SSF policy, and the formation of co-operatives. These processes have created possibilities for residents in the case sites to obtain greater access to, and benefits from the marine commons, while at the same time exacerbating existing tensions within these communities.

The following chapter explores how power and strategic practices manifest through the political representation of small-scale fishers on the Cape Peninsula. In particular, it presents a study of the primary case site of Ocean View, and the micro-politics of 'community-based' political representation.

**CHAPTER FIVE**  
**A STUDY OF THE POWER DYNAMICS AND MICRO-**  
**POLITICS OF COMMUNITY-BASED REPRESENTATION IN**  
**SMALL-SCALE FISHERIES GOVERNANCE: THE CASE OF**  
**OCEAN VIEW**

**5.1. Introduction: political representation as a potential instrument of, and barrier to democratic fisheries governance**

In the field of fisheries governance in South Africa, political representation is harnessed, to varying effect, by a range of actors who seek to influence fisheries governance processes, including small-scale fishers, commercial fishing companies, fisheries scientists, conservation organisations, and state agencies. Their political representatives have the dual task of promoting their specific interests, while also contributing more broadly towards equitable and sustainable fisheries management. As described in Chapter One, the opening of political space for small-scale fishers in the governance of South Africa's fisheries has placed political representation at centre stage. Political representation stands as the primary mechanism to facilitate the access of small-scale fishers to participatory processes, and the benefits associated with South Africa's marine resources.

Yet, as this chapter will demonstrate, the political representation of small-scale fishers in some coastal communities on the Cape Peninsula has been fraught with difficulties. It was evident during this research that there was competition within these communities to represent local small-scale fishers because of the political and economic opportunities associated with this role, and consequently, claims to represent small-scale fishers were the subject of considerable contestation. In this context, it appeared that community-based representation served both as a democratic mechanism to work towards equity and sustainability, and as a means to pursue hidden agendas. To explore these dynamics further, this chapter will focus on small-scale fisher representation in the coastal community of Ocean View. In particular, this chapter will present the micro-political strategies and tactics employed by a one particular grouping to occupy the position of legitimate fisher representatives, and the ways in they used this position to gain and exercise power, and to capture economic benefits in the local field of small-scale

fisheries. This chapter seeks to demonstrate that while some small-scale fishers in Ocean View were empowered through community-based political representation, others were disempowered.

## **5.2. Overview of political representation of small-scale fishers in South Africa**

The political representation of small-scale fishers in South Africa is highly diverse and dynamic, and it is therefore difficult to present a definitive typology of the kinds of representatives, constituencies, and representational activity that were observed during this research. In broad terms, small-scale fisher constituencies are usually delineated according to geographically defined communities, and differed significantly with regard to their fishing practices, cultural identity, and levels of social and organisational cohesion. Regional representation of small-scale fishers is uneven, with fishers in the Western Cape Province being more politically organised than fishers in the Kwazulu-Natal and Eastern Cape Provinces (McDaid 2014).

The people and groupings representing small-scale fishers in South Africa are equally diverse. This research identified three basic categories: i) ‘community-based representatives’ who represent a single community or area in which they resided, and in which they were, to some extent socially embedded ii) ‘roving community-based representatives’ who represent several communities or areas simultaneously iii) high level representatives (such as NGO staff) who represent small-scale fishers at the regional and national level, what Mansbridge (2003) terms ‘surrogate’ representation, or “representation by a representative with whom one has no electoral relationship” (Mansbridge 2003: 522) . In the South African context, the most prominent NGO representing small-scale fishers at the regional and national level is the Masifundise Development Trust (MDT), whose surrogate representation has been central to securing legislative recognition for small-scale fishing communities (Sowman *et al.* 2014, McDaid 2014). While ‘roving’ and ‘high level’ representatives have played a crucial role in the representation of small-scale fishing communities, this chapter will focus specifically on the category of ‘community-based representatives’.

Within the complex and dynamic political field of fisheries governance in South Africa, the representatives who are generally positioned closest to small-scale fishers on the

ground level are the *community-based representatives*. The role of community representatives is to assert the views of their constituency in fisheries management and governance processes (most critically interim relief, and the SSF policy), communicating information regarding these and other processes back to their constituency; and promoting their constituency's interests by securing access to fishing rights, capital, and equitable marketing arrangements. Many community representatives also provide administrative and marketing support to their constituency. Although these representatives are highly diverse, they share the following basic characteristics:

- ◆ they represent specific coastal communities, or groupings within those communities;
- ◆ they reside permanently in the communities they represent;
- ◆ they were, or claim to be similar to, or analogous with those whom they represent.

### **5.3. Community-based political representation on the Cape Peninsula**

Having given a brief overview of small-scale fisher representation in South Africa, the discussion moves to the empirical case of community-based political representation on the Cape Peninsula. Political representation in this urban stretch of coastline could be described as particularly complex and challenging when compared with rural coastal areas in South Africa, where fishing communities are relatively smaller and more clearly defined. There are many individuals and groupings claiming to represent small-scale fishers in various coastal communities on the Cape Peninsula. The representational relationship between these community-based representatives and their fisher constituencies in the case sites varies considerably, with some representatives appearing to operate according to clearly defined institutional rules and procedures, while others appear to operate within a loose institutional framework, without clearly defined rules and procedures regarding election, authority and control. In some cases, the legitimacy of community-based representatives and organisations is intensely contested. This has created a number of difficulties for fishers and government officials alike. As a senior DAFF official explained during a multi-stakeholder workshop, the management of small-scale fisheries would be much easier “if we could have a single representative association or organisation ... we should do away with all of these organisations”

(DAFF Director 6, pers comm 04/11/11). This perception was expressed by a representative of the Imizamo Yethu fishing community: “the leaders, they say they’re working for the community, they’re not fishermen. They sit with the government, and tell them what they should provide to us. We have our own mouths, we can tell the government what is should provide. They get big quotas, and the fishermen ... they sit with fuck-all ...” (IY Fisher 2, pers comm 09/04/12).

In the primary case site of Ocean View, there are a number of community-based groupings claiming to represent residents who were involved in some way in fishing-related activities, as one local veteran fisher put it: “there’s too many!” At the time of this research, there were at least six community-based representative groupings in Ocean View (see Isaacs 2013), of which three were particularly prominent in the local fishing community. These will be referred to here as the Forum for Ocean View Fishers (FOVF), the Democratic Fishers Organisation (DFO), and the Association of Ocean View Fishers (AOVF)<sup>81</sup>. Their primary role is ostensibly to represent the views and interests of small-scale fishers in governance and management processes, though some also conduct other important tasks on behalf of their membership, such as marketing, facilitating rights applications, and providing general administrative support.

These groupings are largely driven by a few individuals, who have a loosely identifiable constituency within Ocean View’s small-scale fishing community. The relation between these representatives, and those they claimed to represent varies considerably, in terms of the formality of the relationship, autonomy and responsiveness exercised by each representative, the representative’s knowledge of their constituency, the representative’s personal fishing experience, the alignment or conflict between their interests, and the relations of power between them. Given the relatively small number of fishers in Ocean View, it is perhaps unsurprising that there is competition between these organisations. This competition has been increasingly driven by the economic opportunities associated with interim relief and the SSF policy. Representation in Ocean View is also shaped by the influence of party politics: ANC members were observed to be active as representatives in Ocean View’s small-scale fisheries arena. It is widely perceived by local fishers that these representatives were using their party connections to position

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<sup>81</sup> The name of organisations and individuals in the case sites have been changed for the purpose of ensuring anonymity.

themselves as legitimate representatives of local fishers, and to promote wider party political agendas.

In Hangberg, the most prominent and formally organised grouping is the Community Network (Hangberg) (CN-HGB), a recently formed local branch a national body of community-based representative organisations, referred to here as the Community Network (CN). The Hangberg branch of CN constellates around two community-based representatives who are lifelong Hangberg residents with direct family links to the local fishing culture, but who do not personally harvest marine resources on a fulltime basis. There are also a number of less organised groupings in Hangberg, who have recently begun to speak on behalf of local small-scale fishers. These included the Hangberg Fisherwomen's Association (HFA), a relatively small (perhaps 20 members), loosely structured grouping of local women which appears to be driven by a lifelong resident who does not personally harvest marine resources. There is also an informal grouping of Hangberg residents which constellates around a local resident and fisher representative who has played a role in various community organisations, and who personally harvests fisheries resources. There is also a party political dimension to political representation in Hangberg, with some prominent ANC members leading several community-driven economic development initiatives at the harbour on behalf of the local small-scale fishing community.

In Imizamo Yethu there are two main community-based groupings claiming to represent small-scale fishers. The first was the local branch of the United Fisher Association (UFA), a network of black fishers residing in Cape Town's various townships such as Gugulethu, Langa and Khayelitsha. The UFA has been operating in Imizamo Yethu for over 15 years, and is well established. Its membership includes experienced fishing veterans in Imizamo Yethu, most of whom who are over forty years of age, and work (or had worked) in the industrial fishing sectors. Three of these veteran fishers have previously occupied leadership positions in the association. At the time of this research, the most active UFA representative in Imizamo Yethu was a young resident in his early thirties, who occasionally participated in small-scale fishing activities. The second organisation representing the fishing community in Imizamo Yethu is the relatively less established Atlantic Fisherwomen's Forum (AFF). Membership of the AFF is mostly composed of the wives and widows of local fishers, and constellates around three

women who lead the grouping. The members of the AFF generally do not personally harvest marine resources, though some have interim relief permits. Both UFA and AFF members alleged that there are community leaders in Imizamo Yethu (and Hout Bay more broadly) who have claim to represent local fishers and their families without sufficient experience of fishing or the lives of the local fishing community. They alleged that these individuals are involved in party politics, and have financial interests in the fishing industry: “in Hout Bay, the fishing industry is run politically” (IY Fisher 5, pers comm 09/04/12).

### **5.3.1. Key dynamics of political representation in the case sites**

A dominant theme among fishers encountered on the Cape Peninsula was the view that a community-based representative’s legitimacy was directly proportional to their knowledge, experience, and skills in fishing, and the extent to which the representative was similar (or analogous) to, or different from the fishers they represented. The majority of the fulltime fishers articulated this view by arguing that *fishers should be represented by fishers*. From Bourdieu’s perspective, the degree to which community-based representatives are analogous to their fisher constituency could be described in terms of the extent to which they share a ‘habitus’ (internalised schema of perception, value and behaviour), and capitals (set of knowledge, skills and resources which correspond to a specific field position). One fisher from Imizamo Yethu expressed frustration regarding those community representatives who do not personally harvest marine resources, and who “only know how to read and write ... we need only fishermen to represent us!” (IY Fisher 9, pers comm 11/04/12). A veteran fisher and representative from Ocean View also argued strongly that: “If you don’t use a handline to feed yourself, you can’t represent me ... You must live in my shoes ... You need to feel what I feel ... A fisher can only be truly represented by another fisher because they have the same interests as you” (OV Veteran Fisher 5, pers comm 23/09/12).

Most of the community-based representatives I encountered in the case sites were not fishers themselves, in the sense that they did not participate personally in the harvesting of fisheries species as livelihood. Instead their involvement was restricted to shore-based activities relating to representation, administration and marketing. Though most of these non-fisher representatives had long-term ties to the fishing communities whom they represented, it was often the case that they had only entered the local fisheries relatively

recently, and had limited personal experience, knowledge and skills with regard to local fishing-related practices and social dynamics. These ‘non-fisher’ representatives could be said to have relatively low levels of cultural capital in the fisheries field, when compared with fulltime fishers on the Cape Peninsula who harvest marine species for their livelihood, and who have a vast body of internalised knowledge and skills relating to local fishing practices and ecological dynamics, which was developed through extensive direct personal experience, and through inculcation by family and immediate social networks.

However, when compared with their fisher constituency, these non-fishing representatives generally possessed more cultural capital in the institutional or bureaucratic field. It was observed during this research on the Cape Peninsula that non-fisher representatives generally had higher levels of formal education, stronger reading, writing, and verbal articulation skills, and a better grasp of the English language (as the *lingua franca* of democratic participation), than the fishers they represented, and were thus more equipped to navigate the world of officialdom. Many of the small-scale fishers encountered during this research referred to these non-fisher community-based representatives using the ironic terms ‘literate’ or ‘clever people’. Yet this research suggested that it was possession of this ‘institutional’ form of cultural capital that appeared to be a primary reason why community-based representatives were selected by a fisher constituency - it was a set of knowledge and skills which they did not themselves possess, but whose value they recognised.

The relative lack of cultural capital in its institutional form among many small-scale fishers in the case sites was regularly evidenced, for example, during structured interviews, and was particularly evident among the senior generation of fishers. After one interview conducted in Ocean View with a veteran fisher, my research associate described what he perceived to be the lack of self-assurance evidenced by many local fishers during the formal interview process: “I just picked up something from him now, where, they feel sort of ... like they’re not qualified ... it’s like they feel inferior” (Research Associate, pers comm 26/06/12). These fishers were in a potentially vulnerable position because of their lack of formal education, and the attendant lack of confidence regarding the world of pen and paper. Throughout this research, it was evident that many of the fishers in the case sites (particularly the older fishers) found

written documents intimidating, and were reluctant to attempt to decipher their contents on their own - as a Hangberg fisher observed a DAFF road show in July 2012: “people think ‘no, this is too high for me’” (HGB Fisher 9, pers comm 19/0/7/12). Yet, in a context of structural poverty, local fishers are “sitting with the hope”, as the Research Associate put it, that their interaction with an external party who is ‘literate’ and ‘clever’ might bring some kind of material opportunity (Research Associate, pers comm 26/06/12). Cultural capital in the institutional field thus provides community-based representatives with considerable strategic advantage in relation to their fisher constituencies, effectively placing representatives in a position of power. According to one veteran small-scale fisher in Ocean View, this relative advantage in institutional-specific cultural capital meant that, in practice: “anyone can claim to speak for fishers” (OV Veteran Fisher 3, pers comm 21/01/11).

In addition to the asymmetries in cultural capital between small-scale fishers and their representatives, this research also identified asymmetries in terms of economic capital. For instance, a common view expressed by fishers in Ocean View was that certain community-based representatives have greater access to economic capital than their constituency. According to these fishers, this economic capital is constituted by their own financial resources, as well as being sourced from marketing agents outside of the community who working for large fishing companies (OV Veteran Fisher 5, pers comm 20/02/12; OV Veteran Fisher 13, pers comm 13/07/12; OV Fisher 6, pers comm 24/10/12)<sup>82</sup>. In the context of structural poverty in the case sites, access to economic capital places these community-based representatives in a position of advantage, empowering them to exert greater influence and control over their constituency, most particularly through the provision of monetary loans (see below). Economic capital also enables them to discharge their representative duties more effectively because they have access to telephones, faxes, the internet, and transport. In contrast, I encountered several community-based representatives on the Cape Peninsula whose access to economic capital was as limited as the fishers they represented, and whose activities as a representative were severely undermined by their own financial insecurity and lack of material resources.

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<sup>82</sup> It should be emphasised here the term ‘wealth’ is relative to the socio-economic context in the case sites, which is characterised by high levels of poverty (see Chapter Four).

To explore how power dynamics and strategic practices operate in fisher representation on the Cape Peninsula, the following section presents a study of the micro-politics of community-based fisher representation in the primary case site of Ocean View.

#### **5.4. The micro-politics of community-based fisher representation in Ocean View**

This discussion will focus on the leadership of two community-based representative groupings in Ocean View: the Democratic Fishers Organisation (DFO), and the Association of Ocean View Fishers (AOVF), whose respective activities can be said to symbolise two opposing styles of political representation - the one style being democratic, and the other undemocratic<sup>83</sup>. The DFO, and its principal leader are presented first, and are described in detail so as to provide a comparative juxtaposition of their style of representation with that of the AOVF leadership. In particular, the discussion will focus on the strategic practices of the AOVF leadership, whose activities illustrate how community-based political representation can serve as a mechanism for empowered actors to gain and exercise power, while undermining the democratic rights and practices of local small-scale fishers.

##### **5.4.1 The Democratic Fishers Organisation**

The most established grouping representing fishers in Ocean View was the Democratic Fishers Organisation (DFO). However, this organisation was largely rendered inactive in 2010, when it is alleged to have been captured by a local elite grouping who deposed its elected leadership (see case study below). The DFO was founded on the basis of an earlier structure called the Witsands Fishers Organisation (WFO), which was formally established in August 1993, prior to the end of apartheid. The WFO was founded by a small group of local bona fide fishers, in partnership with a highly prominent 'roving representative'<sup>84</sup>. One of the first actions taken by the members of WFO was to write a letter to the office of President Nelson Mandela, calling for political action to address the marginalisation of local small-scale fishing communities. They also delivered this letter to Alan Boesak, a prominent ANC leader who "gave ... his assurance that

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<sup>83</sup> The names of these organisations have been changed for the purpose of anonymity.

<sup>84</sup> This information was drawn from an affidavit submitted by one the founding members for the Equality Court case, as well as from conversations with four of the founding members. It should be noted that two of these members were applicants in this historic court case.

transformation of the fishing industry would enjoy priority as soon as the ANC takes government ...”<sup>85</sup> Two years later, these fishers established Democratic Fisher Organisation of South Africa (DFO-SA)<sup>86</sup>. At this point, WFO began to operate under the name DFO banner.

According to the local founding members, the DFO started out as a non-racial organisational and representational nexus for local fishers from Ocean View and the surrounding neighbourhoods on the South Peninsula, including Simonstown, Fish Hoek, Kommetjie, and small, predominantly black townships of Masiphumelele and Red Hill (OV Veteran Fisher 5, pers comm 15/02/11; OV Veteran Fisher 16, 17, pers comm 09/02/12; OV Veteran Fisher 3, pers comm 26/06/12). The DFO membership included a cross section of fulltime fishers who made their living by harvesting marine resources as crew, skippers and boat owners in the traditional linefish, nearshore WCRL and treknet fisheries, as well working as divers in the abalone sectors. Members of DFO also included fishers who worked in large-scale sectors such as tuna and hake longlining, pelagic trawling, and offshore WCRL fishing. Some of DFO members had formal fishing rights, but the majority of members (who were mostly coloured and black) did not. The principal aim of DFO was thus to secure equitable access to marine resources for local fishers, in line with South Africa’s post-apartheid transition to democracy (OV Veteran Fisher 5, pers comm 15/02/11; OV Veteran Fisher 16, 17, pers comm 09/02/12; OV Veteran Fisher 3, pers comm 26/06/12). According to two of the founding members, DFO was perhaps the only organisation for coloured and black fishers on the southern peninsula during the 1990s (OV Veteran Fisher 3, 5, pers comm 21/01/11). From the official record, and statements from various research participants, it was evident that the leadership of DFO had, for almost twenty years played an active role in the representation of local fishers, including participating in the formulation of the Marine Living Resources Act (from 1996 to 1997), the proceedings of Equality Court case (from 2004 to 2007).

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<sup>85</sup> Equality Court Affidavit (2005).

<sup>86</sup> By the late 1990s, DFO-SA had become one of the most prominent and influential representative groupings in the field of small-scale fishing in South Africa. Though it was largely based in the Western Cape region, DFO-SA went on to establish twenty four local branches in coastal communities stretching from Doring Bay in the Northern Cape Province, to Port Elizabeth in the Eastern Cape Province (Equality Court Affidavit 2005).

From the accounts of research participants who were present at the time, OV Veteran Fisher 5 played an important role in the founding of WFO in the early 1990s, and in its subsequent transformation into DFO in 1995. Since that time until late 2010, OV Veteran Fisher 5 had been the driving force behind the DFO, serving as executive chairperson from the organisation's inception. Although he plays the role of political representative, OV Veteran Fisher 5 is also a fulltime fisher who has been going to sea since the late 1970s. His personal experience of fishing spans a wide range of sectors, from traditional and commercial linefishing, to the nearshore and offshore WCRL trap fisheries. OV Veteran Fisher 5 worked at the Witsands factory from the early 1980s until 1994, catching WCRL on the factory's vessels. He also has experience diving WCRL and abalone on a recreational and commercial basis. During the period of this research, OV Veteran Fisher 5 had an interim relief permit, and was catching WCRL and linefish (usually hottentot and snoek) for his livelihood<sup>87</sup>. He usually skips one of his close colleague's small motorised vessels. During some of these fishing trips, OV Veteran Fisher 5 also catches linefish and WCRL on behalf other interim relief permit holders, as well as landing the commercial allocations of nearshore WCRL quota holders. Based on the views expressed by research participants in Ocean View, it is clear that OV Veteran Fisher 5's credentials as an experienced fulltime fisher are well recognised (OV Veteran Fisher 16, 17, pers comm 09/02/12; OV Veteran Fisher 15, pers comm 13/07/12). This was evident in the demand for his skills among boat owners operating in the local small-scale fisheries - I often observed OV Veteran Fisher 5 being requested by various boat owners to work as a skipper on their vessels.

In addition to his extensive cultural capital in the fisheries field, OV Veteran Fisher 5 also has extensive cultural capital in the institutional field, as is evident in his high level of reading, writing and verbal communication skills, and his command of the English language. OV Veteran Fisher 5 also has considerable experience, knowledge and skills as a political activist and community leader. He was actively involved in the anti-apartheid struggle, and was a member of the local United Democratic Front (UDF) branch<sup>88</sup>. And from 1993, he helped to found the WFO, (and subsequently the DFO), becoming deeply

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<sup>87</sup> At the time of writing this thesis in 2014, he had recently been denied an interim relief permit.

<sup>88</sup> The UDF was a political organisation which played a prominent role in the anti-apartheid struggle, effectively operating as an extension the ANC (which was banned at the time) (Bridgland 1997). Its grass roots political activities were focused on protest and civil disobedience campaigns against the apartheid state, with the aim of establishing a non-racial democracy in South Africa.

involved in the struggle to secure equitable access to marine resources for local fishers. As a representative of small-scale fishers, OV Veteran Fisher 5 has been actively involved in a wide range of formal participatory structures and processes relating to fisheries governance. These included his involvement in:

- ◆ the Western Cape Fishing Forum, whose objective was to facilitate negotiation between fishing communities, the government and fishing companies during the post-apartheid policy reform process (1994);
- ◆ the Fisheries Policy Development Committee (the ‘Mandla Commission’), where OV Veteran Fisher 5 represented the small-scale fishing sector (1995-1998);
- ◆ a conference in Johannesburg held by the ANC Fishing Desk to discuss the fisheries policy reform process (1996);
- ◆ meetings with the Food and Allied Workers Union in Gugulethu, Cape Town, where the focus was again on the policy reform process (1996);
- ◆ the Trytsman Commission of Inquiry which reviewed and assessed South Africa’s fishing industry, in which OV Veteran Fisher 5 gave a verbal testimony, and submitted written statements (1999);
- ◆ assisting MCM to assist their verification unit with the identification of fishing rights applicants who met the necessary criteria (1999);
- ◆ the national Subsistence Fisheries Task Group, whose role was to establish a baseline picture of coastal fishing communities in South Africa, and whom OV Veteran Fisher 5 assisted by arranging meetings and field research in the Ocean View area (1999-2000); and
- ◆ as a member of the delegation of fishers from the Cape Peninsula who represented the small-scale fishing sector at the World Summit on Sustainable Development hosted by the government in Johannesburg (2000)<sup>89</sup>.

As chairperson of DFO, OV Veteran Fisher 5 represented local small-scale fishers during the formulation of the Marine Living Resources Bill, the design of the Table Mountain

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<sup>89</sup> This list of participatory activities is drawn from OV Veteran Fisher 5’s affidavit for the Equality Court case.

National Park marine protected area, as well as a number of sector-specific processes such as the Interim Relief Co-Management Committee, where he served as one of the designated representatives of interim relief fishers in Ocean View. Among OV Veteran Fisher 5's most noteworthy contributions as a fisher representative was his participation as an applicant in the Equality Court case, in which his affidavit and verbal testimony contributed to securing this historic legal victory for small-scale fishers in South Africa. His credentials as a representative of fishers are thus established and well-recognised.

As a representative of DFO, OV Veteran Fisher 5 found his greatest support in those fishers who had the longest experience, and who had been most directly involved in Ocean View's fisheries. In the view of one veteran fisher in his seventies: "he only speaks the truth ... he is never unfair. He fights for you, because he knows about you" (OV Veteran Fisher 13, pers comm 13/07/12). Another local veteran fisher affirmed this assessment, exclaiming proudly that "we will always be DFO!" (OV Veteran Fisher 13, pers comm 24/06/12). One veteran fisher who has known and fished alongside OV Veteran Fisher 5 since the late 1970s, told me that OV Veteran Fisher 5 had been at the forefront of the local small-scale fisher struggle "from the beginning" (OV Veteran Fisher 16, pers comm 09/02/12). He also described OV Veteran Fisher 5 as a person of integrity, and pointed to the 2005 long term fishing rights application process, in which OV Veteran Fisher 5 apparently refused to 'distort' a particular piece of information in his WCRL quota application to improve his chances of success: "He knew this would be a disadvantage for his application, but he refused to budge" (OV Veteran Fisher 16, pers comm 09/02/12). A younger nearshore WCRL quota holder and lifelong Ocean View resident affirmed this claim, arguing that OV Veteran Fisher 5 "refused to bend" to the pressures of submitting distorted information (as many other applicants had done) (OV Fisher 13, pers comm 09/02/12). One of the most senior fisher in Ocean View (who was in his seventies and participated in the linefish and trek fisheries), also expressed a similar view of OV Veteran Fisher 5: "he is the man who ... works for fishermen ... he battles, for fishermen. That's what I like about him ... ask him, he was one of my crewmembers ... I was the skipper of the boat ... and he and my two partners worked together on one boat, that's why I appreciate him, because he works for us [as a representative]" (OV Veteran Fisher 15, pers comm 13/07/12).

Led by people such as OV Fisher 5 - who was both a knowledgeable and experienced representatives *and* fulltime fisher - the DFO provides a stark contrast with the Association of Ocean View Fishers, a newer grouping of community-based representatives that had come to play an increasingly prominent role in the representation of small-scale fishers in Ocean View.

#### **5.4.2. The Association of Ocean View Fishers**

The Association of Ocean View Fishers (AOVF) was formally established in 2005 by three closely linked residents. It is one of the main groupings representing local small-scale fishers in Ocean View, and its leadership claims to represent over 100 members (AOVF Rep 2, pers comm 28/09/12). Most members are interim relief permit holders, but a number of members also have commercial fishing rights for linefish, WCRL and abalone. The chairperson (referred to here as AOVF Rep 1) is the most prominent of the AOVF leadership, and does most of the daily work of running the organisation. AOVF Rep 1 is supported by AOVF Rep 2, who plays an influential but less conspicuous role; and by AOVF Rep 3, who provides organisational support, and also attends meetings and speaks for the AOVF.

The AOVF leadership symbolically positions themselves as being *of* the small-scale fishing community in Ocean View, and thus as legitimate representatives of this fishing community. AOVF Rep 2 explained that he was born and raised in Simonstown, and stated that he'd been involved in fisheries since the age of sixteen<sup>90</sup>. He described that his late mother was born in Buffelsbaai (before it was incorporated into the former Cape Peninsula National Park), and that she participated in trek fishing at Smitswinkelbaai; while his late father had also been involved in local fishing activities, working as a skipper and crew member on various traditional and commercial vessels. AOVF Rep 2 explained that he had lived in Ocean for 44 years. He also claimed that AOVF Rep 1 was deeply embedded in the local small-scale fishing community, pointing to the fact that she moved into one the first houses to be built in Ocean View, and that she had “a passion for the industry” (AOVF Rep 2, pers comm 28/09/12). By her own estimation, AOVF Rep 1 had been involved in fisheries for thirteen years<sup>91</sup>. AOVF Rep 3 also made

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<sup>90</sup> This claim of having been involved in fisheries since the age of sixteen was made in response to one of our survey questions.

<sup>91</sup> Local weekly community newspaper. 2013. The name of this publication, and its date of issue have been withheld to preserve anonymity of research participants.

claims to be deeply rooted in the local fishing community of Ocean View, asserting that “I’m coming from a fishing community, I have lived there all my life” (AOVF Rep 3, pers comm, 29/03/11).

The AOVF leadership each had a commercial fishing right, and owned several small vessels which were rented out to AOVF members. (AOVF Rep 2, pers comm 28/09/12). AOVF Rep 2 sometimes skippered on his vessels, but it was observed during this research that the participation of the AOVF leadership in small-scale fishing activities was both relatively recent, and overwhelmingly land-based. It was only after 2004 that they became involved in the local field of fisheries as means to generate an income, and this involvement excluded direct participation in the harvesting of marine resources. Both AOVF Rep 2 and AOVF Rep 1 worked in government employment on a fulltime basis for nearly thirty years, until they retired in 2004.

According to AOVF Rep 1’s formal written submission to the DAFF Portfolio Committee during public hearings in 2013, “The Association of Ocean View Fishers is a registered NPO that has been involved in the socio-economic development and represents fishers from the surrounding community of Masiphumelele, Ocean View, Red Hill who solely derive their livelihoods from the sea”<sup>92</sup>. The AOVF leadership conducts a number of activities in their role as representatives of local small-scale fishers. These activities include political representation in fisheries governance processes such as interim relief and the SSF policy, as well as more practical services such as facilitating access to, and administering fishing rights; facilitating access to their own vessels and gear; negotiating marketing agreements; assisting with the formation of co-operatives; providing loans; and delivering general administrative support to AOVF members.

AOVF Rep 2 explained that the AOVF was originally established to meet the demand among local fishers for consultants who could provide assistance to navigate the increasingly complicated bureaucratic maze associated with commercial fishing rights application processes (AOVF Rep 2, pers comm 28/09/12). At the time of this research, the AOVF leadership had also become actively involved in the interim relief process: AOVF Rep 1 and AOVF Rep 2 were among the (between two and four) formally recognised representatives of interim relief fishers in Ocean View on DAFF’s Interim Relief Co-Management Committee. According to AOVF Rep 2, AOVF Rep 1 attended

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<sup>92</sup> AOVF Rep 1. Letter (i). 2013.

meetings at DAFF's offices in Cape Town every Friday, and reported back to AOVF members every Monday. AOVF Rep 2 explained that the AOVF leadership is closely involved with the relevant agencies managing the development of these co-operatives, claiming that "we sit down with government, DTI, and StratConsult" (AOVF Rep 2, pers comm 28/09/12). According to AOVF Rep 2, the AOVF leadership has close working relationships with high level officials, and explained that these relationships were crucial to the grouping's success in representing their members<sup>93</sup>. At this point is necessary to indicate that the AOVF leadership are members of the ANC, and one of the representatives has close ties to a prominent individual in the ruling party's provincial branch. There is a high probability that the AOVF leadership's alignment to the ANC is not unrelated to their ability to foster a close working relationship with government officials. AOVF Rep 2 was overwhelmingly positive about the ANC government's role in supporting coastal communities, arguing that the government had created many opportunities for fishers to better their own lives, citing the allocation of limited commercial fishing rights, the SSF Policy, and the DTI's Co-operative Incentive Scheme (CIS) as evidence of this positive role (AOVF Rep 2, pers comm 28/09/12).

AOVF Rep 2 emphasized that the AOVF leadership's relationships with government officials has enabled them to access considerably more information about fisheries governance processes than other representatives in Ocean View. He claimed that fishers "have a right" to this information, and explained that AOVF Rep 1 honoured this obligation to her constituency by transmitting relevant information to AOVF members in a regular and transparent manner: "the right information is being passed down". He also explained that the AOVF leadership had started sharing information with fishers outside of their constituency, stating that "we used to have closed meetings, but now we have more open meetings" (AOVF Rep 2, pers comm 28/09/12).

According to AOVF Rep 2, AOVF Rep 1's efficacy as a fisher representative is based on the knowledge and skills she developed in her previous profession. Compared to most of the fishers she represented, AOVF Rep 1 had higher levels of cultural capital in the institutional field in terms of the reading, writing, communication and administrative knowledge and skills, according to AOVF Rep 2: "because of the work she used to do ...

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<sup>93</sup> During this research, a rapport and familiarity was clearly observed in the interactions between AOVF Rep 1, AOVF Rep 2, and particular DAFF officials such as DAFF Director 6 (for example body language, tone of voice, and electing to sit next to each other during meetings).

she's a bit more ... brainy". AOVF Rep 2 also explained that AOVF Rep 1's work experience had equipped her with the skills needed to control a room full of fishers group of loud, uncooperative and unfocused people. As a result of AOVF Rep 1's approach, AOVF Rep 2 asserted that "the fishermen respect her", adding proudly that most of the AOVF membership addressed AOVF Rep 1 as "Ma'am". He made the claim that AOVF Rep 1 used to advise fishers to ask questions during AOVF meetings, but because they trusted and respected her so much, they would reply: "Ma'am, we don't want to ask questions" (AOVF Rep 2, pers comm 28/09/12).

AOVF Rep 2 asserted that this trust and loyalty was partly based on the AOVF leadership's ability to provide tangible results for their members, most specifically by facilitating access to commercial and interim relief permit, and by negotiating favourable marketing arrangements. He explained that many fishers were exploited when they tried to market their WCRL to buyers on their own, claiming that some received as little as ZAR60per/kg; but according to AOVF Rep 2, AOVF Rep 1 is able secure better prices, usually between ZAR150-160per/kg. He also claimed that we "always get a 100% success rate" when applying for fishing rights on behalf of AOVF members. When asked if the applications they submitted were ever unsuccessful, AOVF Rep 2 immediately replied – "nooit, never!" In addition to securing fishing rights, the AOVF leadership is also 'producing results' for local people in Ocean View by assisting them to form fishing co-operatives. He explained that AOVF had been working directly with StratConsult, the DTI and DAFF, and claimed that the DTI Minister said 'you must get rich!'. AOVF Rep 2 stated that the AOVF leadership had assisted 120 people to formally register twelve co-ops in Ocean View<sup>94</sup>, and explained that he and AOVF Rep 1 had each formed a co-operative with other commercial rights holders in Ocean View in anticipation of the implementation of the SSF Policy, exclaiming that "we are very hyped about this!" (AOVF Rep 2, pers comm 28/09/12). At a DAFF road show in August 2013, AOVF Rep 1 claimed that the members of these co-operative were positive about their prospects: "this is their choice ... and they feel good" (AOVF Rep 1, pers comm 19/08/13). A young fisher and AOVF member affirmed this claim during an interview, where he told me that "It can work for us ... If you have the [fishing] right then no-one can stand in your way" (OV Fisher 9, pers comm 27/09/12).

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<sup>94</sup> Six vessels were delivered to six of these co-operatives in early 2013 (see Chapter Four).

As AOVF Rep 2 described, this proven track record is what made the AOVF particularly successful in relation to other representative groups in Ocean View. He argued that residents of Ocean View were awakening to the fact that the AOVF produces results, and supported this by pointing to the fact that the AOVF gained twenty new members at the recent interim relief representative elections held in September 2012. AOVF Rep 2 argued that, despite this realisation of the AOVF's efficacy, some fishers in Ocean View remained with other groups (specifically DFO) out of stubborn loyalty. He asserted that the loyalty of these fishers was to their own detriment, because these representative groups could not provide tangible results for their members in the way that the AOVF could. According to AOVF Rep 2, these fishers were being negatively affected by their continued alliance with "the same people that make them dead at the department". AOVF Rep 2 contrasted this with the benefits of being a member of the AOVF, exclaiming that "our fishers are empowered!" (AOVF Rep 2, pers comm 28/09/12).

Describing his vision for the AOVF leadership, AOVF Rep 2 explained that their plan was to slowly move away from participating directly in fishing activities, and to expand to become general "service providers for my community", supplying all of the local fishing community's people's fisheries needs, including the provision of fishing gear, vessel maintenance and repair, assistance to apply for fishing rights, marketing and general administrative support, as well as assisting fishers with new structures being introduced by the government such as co-operatives and community-based fishing rights (AOVF Rep 2, pers comm 28/09/12). He expressed the belief that the implementation of the SSF policy would facilitate the conditions for local people to develop their fishing operations, and that this would in turn generate an increased need for reliable access to the 'tools of the trade' (AOVF Rep 2, pers comm 28/09/12).

#### **5.4.3. The AOVF from the perspective of non-members**

The AOVF leadership portrayed the AOVF as a community organisation with effective, dedicated and legitimate leaders, and which was run democratically, and in the interests of its members and the broader fishing community in Ocean View. However, this portrayal was strongly contested by non-AOVF affiliated fishers encountered in this research - a group which constitutes the majority of bona fide fishers in Ocean View. In particular, it was the respected fishing veterans who most stridently contested the AOVF leadership's claim to be legitimate fisher representatives. These counter-claims were so

prevalent during this research that the collection of data was quickly and inexorably 'saturated' with the view that the AOVF leadership were not legitimate representatives of local fishers. In Ocean View, the AOVF was widely described by research participants as a 'household forum', or 'kitchen committee', the local terms for an organisation run by, and in the interests of a small group of tightly-connected individuals (often kin relations). The common perception expressed by local non-AOVF fishers during this research was that the AOVF was a vehicle for the AOVF leadership to pursue their own agendas and interests, rather than those of its members. In one of his email letters, OV Veteran Fisher 5 described the AOVF leadership as: "self-styled fisher leaders" who "masquerade as 'friends' and 'voices' of the fishers ..."<sup>95</sup>

From the perspective of research participants who were not affiliated to the AOVF, but who had been personally involved in fishing activities on a fulltime basis for most of their lives, there appeared to be unanimous consensus that the AOVF leadership were not as deeply rooted in the local fishing community they claimed to be. Most of these fishers, who would be considered 'bona fide' by even the most stringent criteria, argued that the AOVF leadership did not personally harvest marine resources, and did not have a history of 'getting their hands wet', yet, according to these fishers, these relative newcomers had managed to occupy a central position in the representation of local fishers through a number of strategies and tactics (see discussion below). According to one veteran fisher, AOVF Rep 1 and AOVF Rep 2 "were working for all these years for the government ... then when this thing came in [post-apartheid commercial fishing rights] then they left all of that ... now they're the main ... they're the fish forum - everything" (OV Veteran Fisher 13, pers comm 13/07/12). Another veteran fisher who was in his early eighties during the time of this research, argued in relation to the AOVF leadership: "they don't know the fishers! AOVF Rep 2 ... comes out of [government employment] ... now he thinks he's the boss of the beach! He's not a fisherman!" (OV Veteran Fisher 1, pers comm 02/11/12). The claims of the AOVF leadership to be part of the local fishing community were also questioned by a skipper at the Smitswinkelbaai trek site who has been fishing and diving for most of his life: "How can you represent me, and you don't know my background?" (OV Fisher 1, pers comm 03/07/12). OV Veteran Fisher 5 confirmed this commonly-held perception in one his regular letters to

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<sup>95</sup> OV Veteran Fisher 5. Letter (i). 18/09/2011.

fisheries stakeholders: “I ask myself, where were these long-term commercial fishing right holders. The answer is very simple - they were in their cushy government jobs ...”<sup>96</sup>

During this research, there was also strong contestation regarding AOVF Rep 3’s credentials as an individual who was deeply rooted in the local fishing community, and who had knowledge, skills and experience of harvesting marine resources. Many research participants questioned how she had obtained an abalone quota given her lack of participation in abalone diving. The Research Associate, who as a teenager used to dive abalone on a legal and illegal basis, described his surprise upon learning of AOVF Rep 3’s abalone quota. He explained that he had never seen her swim, dive, or go fishing, and expressed doubt that she could have legitimately obtained an abalone quota (Research Associate, pers comm 22/06/12). This claim was affirmed by a local fisher who pointed to the local rumour that AOVF Rep 2 had used his social connections to help AOVF Rep 3 obtain a scuba diving licence (a pre-requisite for obtaining an abalone quota) because she was unable to pass the test due to her lack of diving skills (OV Fisher 1, pers comm 03/07/12).

The self-depiction of the AOVF leadership as committed community leaders who served their fisher constituency was at odds with the depiction of them put forward by a wide cross-section of fishers encountered in Ocean View, who belonged to various representative groups (including the AOVF), or who were not affiliated to a particular group. My own observations seemed to confirm the claims of AOVF by non-members, which depicted the AOVF leadership’s approach to their constituency as undemocratic. During an interview and survey with one AOVF member, AOVF Rep 2 answered many of the questions for him, while the latter sat silently. Significantly, when I asked this member about his views on the AOVF, AOVF Rep 2 quickly interrupted before he could answer, and re-interpreted the question for him, asking: “do you think that Ma’am has done good things for you?” (AOVF Rep 2, pers comm 08/09/12). To which the AOVF member silently nodded in the affirmative.

This seemed to reflect the way the AOVF leadership perceived and interacted with their fisher constituency. As was indicated earlier by AOVF Rep 2 himself, the AOVF leadership appeared to have a strategically paternalistic approach to the fishers they represented. In this approach, fishers were infantilised - they were perceived to be unable

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<sup>96</sup> OV Veteran Fisher 5. Letter (ii). 26/09/11.

to help themselves, as well as lacking adequate knowledge of their own best interests; therefore, they required the guidance and support of suitably capable representatives. As AOVF Rep 1 stated at a DAFF road show in August 2013: “they’re not business people ... they need to move with people they can trust” (AOVF Rep 1, pers comm 19/08/13). However, for critics of the AOVF leadership, this strategically paternalistic approach undermined the democratic rights of AOVF members, and opened the way for their economic exploitation by the AOVF leadership. One of the most esteemed veteran fishers on the Cape Peninsula at the time of this research, and an Applicant in the Equality Court case, described how AOVF Rep 1 once told him in a meeting that “You [fishers] must just go to sea, and let us talk, because you don’t have the right mind-set for this sort of thing”. According to him, AOVF Rep 1’s implied reasoning behind this statement was “because you are incompetent” (OV Veteran Fisher 17, pers comm 09/02/12).

The claim that the AOVF leadership viewed fishers in a patronising way was illustrated by an infamous story about AOVF Rep 1, which was recounted by on numerous occasions during this research. On one of these occasions, a young diver (who harvested abalone illegally) told me that during the early 1990s he observed AOVF Rep 1 admonishing one of his friends for underperforming in their schooling. According to this research participant - AOVF Rep 1 apparently warned his friend that “you better pull up your socks, or else you’ll end up as a fisherman!” (OV Fisher 11, pers comm 14/05/12).

#### **5.4.4. Strategies and tactics of the AOVF: elite capture of Ocean View’s small-scale fisheries through community-based representation**

For the majority of non-AOVF members encountered during this research, the AOVF leadership was perceived as a local elite grouping who employed various strategies and tactics in order to capture opportunities emerging in the local field of small-scale fisheries, such as those associated with the interim relief and SSF policy processes. One veteran fisher (who had been excluded from interim relief because of his age), argued that: “those people are just out for themselves ... they’re stirring Ocean View up ... how did they come into their position? And they’re people who received thousands of rands ... they’re stirring Ocean View up now” (OV Veteran Fisher 13, pers comm 13/07/12). Another veteran fisher who held a nearshore WCRL quota, explained knowingly that “they’re like sharks ... they just eat you up” (OV Veteran Fisher 7, pers comm

02/07/12). These claims were affirmed by a young fisher who worked in the tuna pole and linefish sectors, noted in relation to the AOVF leadership's representative activities: "The wrong people, they're always a step ahead" (OV Fisher 4, pers comm 23/10/12). Another veteran fisher who shared this view expressed concern about being openly critical of the AOVF leadership: "We used to belong to them [AOVF] ... but as I said ... the criminality that went on there ... now someone else sits with the bread! But anyway ... I don't want to talk too much ... in case they eat me up" (OV Veteran Fisher 1, pers comm 02/11/12).

It was evident from this research in Ocean View that the AOVF leadership had employed a number of strategies to generate legitimacy for themselves, and to capture a central position in the local fisheries field. These strategies included: i) the accumulation and exploitation of cultural and social capital in fisheries and civic engagement; ii) the building of a large constituency of 'bona fide' and thus legitimate fishers; iii) and facilitating the entry of non-fishers into ocean view's small-scale fishery.

#### ***5.4.4. a) Accumulating and exploiting cultural and social capital***

Speaking at a public event held in Ocean View during March 2013, AOVF Rep 1 explained that: "Fishing is a tradition, an inheritance" (AOVF Rep 1, pers comm 22/03/13)<sup>97</sup>. In the context of small-scale fisheries governance in South Africa, it was often observed during this research that representatives would make claims to this 'tradition' or 'inheritance' as a means to legitimise their role as a representative of small-scale fishers (see Chapter Six). To this end, the AOVF leadership seem to have employed the strategy of accumulating fisheries-specific cultural capital to bolster their claims to be rooted in the local culture and practices of fishing, and thus to be legitimate representatives. This strategy involves interacting with those who were embedded in the local fishing community, with the purpose of extracting information about local fishing-related practices, beliefs, values, history, social relations, and discursive patterns. Through this strategy, the AOVF leadership was able to accumulate, and thus demonstrate to outsiders the requisite amount of fisheries-specific cultural capital, creating the impression that they were deeply embedded members of the local fishing community whom they represented.

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<sup>97</sup>Local weekly community newspaper. 2013.

Several research participants in Ocean View observed this vicarious accumulation of cultural capital. During one interview, a lifelong resident in his early sixties whose son had an abalone quota, described how “clever people” like the AOVF leaders had visited fisher households in Ocean View “to take people’s histories” for their own opportunistic purposes (OV Non-Fisher 1, pers comm 02/07/12). One of the established women fishers in Ocean View also described how AOVF Rep 1 had exploited the identity and heritage of veteran fishers in Ocean View, exclaiming that: “she’s gliding over our legacy!”(OV Fisher 2, pers comm 22/10/12). On another occasion, one of the founding members of DFO observed that the local fishing culture was increasingly being viewed as a strategic resource: “it’s only now” that non-fishers are desire to claim this heritage:

“now there’s new people coming in, they want to give people the impression that they knew all these things from the past. And what happens is ... they come to my mother, they come to people, and they ask questions, they start talking, she wants to share. And then they use that *same information* for their applications, as the knowledge she had ... What gets you normally is, when they say the amount years they’ve been involved in the industry. And which you know it’s not the truth, because you know where the person comes from ... how can you have been for 25 years in the industry, but you were 20 years in another industry?!” (OV Veteran Fisher 3, pers comm 22/06/12).

It was also apparent that the AOVF leadership had employed the strategy of accumulating cultural capital (knowledge and skills) and developing social capital (relationships) in the broader field of civic engagement. Several research participants in Ocean View indicated that the AOVF leadership were involved in a number of local civic structures related to community development: as OV Veteran Fisher 5 put it: “Whatever you start, people like them latch onto it” (OV Veteran Fisher 5, pers comm 03/02/12). He explained that the AOVF leadership’s civic engagement has enabled them to accumulate knowledge about community representation, to establish their identity as ‘community leaders’, and to build their social networks within the field of civic engagement - all vital resources to reinforce claims to be legitimate representatives of the local fishing community. Through this process, their position as representatives has become institutionalised, giving them a veneer of legitimacy to those without detailed knowledge of Ocean View’s community dynamics.

#### **5.4.4. b) Building a large constituency of 'bona fide' fishers**

Claiming to represent a large constituency of bona fide fishers was another key strategy observed during this research. It was apparent that many representatives made the claim to represent a large number of bona fide fishers as a means to support their own claims to legitimacy. Recognition of this claim by external actors (such as DAFF management officials) provides a rich resource for representatives, potentially facilitating their inclusion in fisheries governance processes, and enabling them to exercise a degree of political leverage in those processes. In the case of community-based representation in Ocean View, one veteran trek fisher explained in relation to AOVF Rep 2's use of this strategy: "the more people he can send to the department, the stronger he is" (OV Veteran Fisher 14, pers comm 13/07/12). There are also financial opportunities that emerged from representing a large number of people. The AOVF leadership were known to charge a fee for securing interim relief permits and commercial fishing rights for members, negotiating marketing arrangements, and for conducting general administrative services on their behalf for these members - as one veteran fisher argued: "It's about money" (OV Veteran Fisher 16, pers comm 09/02/12).

The AOVF leadership employed a number of tactics to build the size of their 'constituency'. The first was the tactical use of *information*. In their role as mediators of the flow of information between their constituency and external actors (government officials, industry representatives, NGOs and fisheries scientists), the AOVF leadership were in a potentially powerful position from which they were able to mediate this flow of information in accordance with their interests and agendas. This advantage was multiplied in a context of information scarcity - as OV Veteran Fisher 5 noted: "There's no direction coming from DAFF, and this is sowing confusion in communities" (OV Veteran Fisher 5, pers comm 15/06/12). Given that this research was conducted during a period of rapid and dramatic change in the governance of South African fisheries, the lack of communication from DAFF officials had contributed to deep and widespread uncertainty among fishers in Ocean View regarding processes that fundamentally affected their lives. In the words of one fisher: "information is very important! If you don't get the information, you don't know what's going on" (OV Fisher 1, pers comm 03/07/12).

In this context, information was a valuable commodity, and a powerful political tool. With their formal and informal access to government officials (through their political relationships), the AOVF leadership was able to obtain information which they used to increase their constituency, and to build, exercise, and reinforce power over them. It was often observed by research participants in Ocean View that fishers would gravitate towards those representatives who had more information - as OV Veteran Fisher 5 put it, “Fishers migrate according to which community organisation has information. Even if that information is incorrect or distorted ... just as long as that organisation has something to tell” (OV Veteran Fisher 5, pers comm 09/04/12). One fulltime linefisher (aligned to DFO) argued that it was common knowledge among Ocean View fishers that the AOVF leadership had the most information regarding the formation of co-operatives. However, he described his unsuccessful attempt to obtain some of this information from them, exclaiming in frustration: “they’re holding it tight!” (OV Fisher 3, pers comm 23/10/12). Two veteran fishers in their late fifties (who were affiliated to DFO) also noted that on several occasions during 2011 and 2012, they had attempted to attend AOVF meetings to seek information about co-operatives, interim relief, and the SSF policy, but were told that non-members were not allowed to attend (OV Veteran Fisher 11, 12, pers comm 24/06/12).

As discussed earlier, the AOVF leadership’s ability to attract members was largely based on producing tangible results. In the context of widespread economic insecurity among many Ocean View residents, the ability to produce results was particularly valuable as a means of expanding the ranks of the AOVF. According to several non-members, one of the main tactics employed by the AOVF leadership to build their constituency was that of the monetary advance, which was referred to locally by the Afrikaans term ‘voorskot’ (OV Veteran Fisher 5, pers comm 23/09/11; OV Fisher 1, pers comm 03/07/12; OV Veteran Fisher 3, pers comm 14/07/12). A ‘voorskot’ usually takes the form of an advance on the money a fisher expects to earn from their commercial fishing right or interim relief permit, and is usually paid during the off-season, when many fishers are financially desperate, and thus vulnerable. The Research Associate described his perception of the power of the voorskot as employed by the AOVF leadership: “It’s like they’ve brought this fast track ... they are able to bail people out ... to bring quick solutions to people’s immediate needs ... And that’s what people in our situation need now in South Africa” (Research Associate, pers comm 22/06/12). The use of the

voorskot tactic appears to have contributed to the AOVF's strategy of building their constituency, while simultaneously establishing a debtor-creditor relationship through which to impose obligations of loyalty, and to defend against dissent. As one veteran fisher explained in relation to the AOVF leadership's use of the voorskot: "Yes ... it's money that talks" (OV Veteran Fisher 14, pers comm 13/07/12).

As discussed earlier, the AOVF leadership was had a proven ability to produce tangible results by securing commercial fishing rights and interim relief permits. Since the Equality Court case in 2007, they had focused their efforts on interim relief - both AOVF members and non-members encountered during this research expressed the view that if you desired an interim relief permit, your chances were significantly improved if you sought the AOVF leadership's assistance. One veteran fisher observed how AOVF Rep 2 had gathered people into the AOVF fold with the promise of securing interim relief permits for them: "Yes ...then he walks with books ... he drives around the area, then he goes to the homes ... 'man, you can get something' [a fishing permit]" (OV Veteran Fisher 13, pers comm 13/0/712). Another veteran fisher described similar observations: "they're just scratching [people] together. They drive around the area, they've got lots of money to buy petrol, and all that ... Ocean View, Site Five, and there at the back, Red Hill, all those places that he drives ... to go collect people" (OV Veteran Fisher 1, 02/11/12).

There was a perception among many non-AOVF members that the AOVF leadership have also been using the development of fishing co-operatives to build their membership, while simultaneously securing personal economic gains. According to these research participants, the AOVF had been approaching residents (both fishers and non-fishers) in Ocean View and surrounding areas, promoting the idea of co-operatives as a viable economic opportunity, and offering administrative support and organisational guidance to assist with co-operative formation. One AOVF member and fulltime fisher was being assisted by the AOVF leadership to form a co-operative with several of his colleagues. He acknowledged that the AOVF leadership were playing a lead role in this process, and noted that he and his fellow co-operative members: "still haven't seen the constitution" (OV Fisher 9, pers comm 27/09/12).

Two veteran fishers described being courted by the AOVF leadership, who tried (unsuccessfully) to convince them to form co-operatives. According to these fishers,

AOVF Rep 1 and AOVF Rep 2 told them they needed a minimum of ten people to register the co-operative, and that each co-operative member would be required to pay ZAR60 to AOVF Rep 1 and AOVF Rep 2 for them to register the co-operative on the members' behalf, following which, the members would be required to pay ZAR120 for AOVF Rep 1 and AOVF Rep 2 to apply for a commercial fishing right on behalf of the co-operative (OV Veteran Fisher 11, 12, pers comm 24/06/12). This tactic was also observed by a young linefisher, who added that the AOVF leadership exploited the emotive discourses of 'community' and 'empowerment' in their efforts to convince fishers of the potential of co-operatives: "they promise you through the heart, and through the mouth" (OV Fisher 4, pers comm 23/10/12).

This research encountered considerable uncertainty and scepticism among non-AOVF members in Ocean View, regarding the claims being made by the AOVF leadership regarding the potential of co-operatives as vehicles for economic empowerment, as one veteran fisher exclaimed: "co-ops won't work, they didn't work in the past" (OV Veteran Fisher 7, pers comm 02/07/12). While the scepticism of these fishers appeared to be informed by experiences of unsuccessful collective fishing enterprises that were established in the late 1990s, it was also based on their assessment of conditions in Ocean View at the time of this research. Several fishers (including some AOVF members who were in the process of establishing co-operatives) expressed concern because of the lack of clarity regarding: the possibilities for these co-operatives to secure fishing rights; the form these rights would take; the species to be included; and the quantum of these allocations. As one fisher explained, if there was greater clarity on these issues, then at least "you know you're safe" (OV Fisher 3, pers comm 23/10/12).

These fishers also expressed apprehension in relation to the issue of co-operative membership. They argued that there were many non-fishers in Ocean View who were joining co-operatives despite having little or no experience of fishing, and without having shed "the same blood, sweat and tears" as fulltime fishers had shed - yet they would potentially stand as colleagues of those who had "paid their dues" (OV Fisher 3, pers comm 23/10/12). These fishers articulated a concern that 'bona fide' fishers might have to carry the burden of the inexperienced members by catching the bulk of the fish, as well as taking the time to train the newcomers (OV Fisher 3, 4, pers comm 23/10/12). Without greater certainty, these fishers were sceptical of the claims being made by the

AOVF leadership regarding the desirability and viability of co-operatives. Yet the AOVF leadership's claims have found a more sympathetic audience in the form of non-fisher residents in Ocean View who are attracted by the economic opportunities emerging in relation to co-operatives, interim relief, and the SSF policy. By formally assisting non-fisher residents to pursue these opportunities, the AOVF leadership has been able, not only to enlarge their constituency, but also to secure private economic gains for themselves.

#### ***5.4.4. c) Facilitating the entry of non-fishers into Ocean View's small-scale fishery***

At a DAFF road show in August 2013, AOVF Rep 1 argued strongly that "we must prioritise bona fide fishers!" (AOVF Rep 1, pers comm 19/08/13). However, in their effort to expand their constituency, and to capture greater benefits from their position as representatives, the AOVF leadership appear not to have discriminated between those people who were fully dependent on personally harvesting marine resources for a living, and those who had little or no personal history in fisheries. By securing commercial fishing rights and interim relief permits for people who did not fish, the AOVF leadership are alleged to have secured economic benefits for themselves, while facilitating the entry of non-fishers into the local field of small-scale fisheries at the expense of many bona fide fishers in Ocean View.

In the context of interim relief, the entry point for non-fishers is the *verification* process, whereby prospective permit applicants were required to 'prove' their credentials as 'bona fide fishers', in accordance with the government's policy focus on restoring the rights of small-scale fishers who had been excluded by the MLRA and apartheid era fisheries policies (see Chapter Four). As one DAFF management official explained during a road show to discuss the implementation of the SSF policy:

"We will have to look very closely at who is a small-scale fisher ... Let me be very clear, we intend to target fisher folk, who've made a living from the sea", this is "not for the lawyers, doctors, teachers ... Because of the financial benefits people have been seeing in these processes, people are infiltrating and causing chaos ... and only for their own benefit" (DAFF Director 1, pers comm 19/08/13).

One fisher explained that representatives who resided in the community - and thus participated in verification - had an incentive to endorse their own members in verification meetings, because they would later take a percentage of the price per kilogram which they arrange on behalf of those members: "the more people you can

control, the better for you” (OV Fisher 13, pers comm 09/02/12)<sup>98</sup>. Another fisher alleged that the AOVF Rep 1 and AOVF Rep 2 had been submitting verification lists composed largely of non-fishers: “they just want to go for the numbers ... you want to run as many people as possible” (OV Veteran Fisher 16, pers comm 09/02/12). Echoing the views of fishers who did not belong to the AOVF, one fisher described the AOVF leadership’s *modus operandi*: “they want your vote, they want your name, and then they take it from there ...”, however, he stressed that “it’s only a fisherman who can identify a fisherman ... we all know each other ... we know ‘he is catching fish’” (OV Fisher 1, pers comm 03/07/12).

The indiscriminate facilitation of access to commercial fishing rights and interim relief permits by the AOVF leadership had contributed towards the broader trend in Ocean View, in which fishing has become an increasingly attractive option as a source of income in a context of widespread poverty and unemployment (see Chapter Four). As one veteran fisher explained: “Look, like here in Ocean View, here there’s almost 2000 fishermen who aren’t fishermen, where do they come from? ... The whole of Ocean View is now full ... just fishermen ... but they’re not fishermen!” (OV Veteran Fisher 13, pers comm 13/07/12). Another veteran fisher argued that “the department, the government just gives to everybody, it’s not, in a sense, just purely for fishermen ...” (OV Veteran Fisher 3, pers comm 22/06/12). A local trek fisher also observed that “nowadays, everyone wants to be a fisher ... The department made one mistake, by giving the wrong people permits. Now the clever people come in ... it’s not [supposed to be] about literacy, it’s about giving people a fair chance” (OV Fisher 1, pers comm 03/07/12). This claim was affirmed by a veteran fisher, who claimed that: “Now they’re smuggling themselves in ... now that they hear about the quotas, they comes, everybody comes ... They apply for quotas, and they get it ... and my friend here [OV Veteran Fisher 2] sits with nothing ...” (OV Veteran Fisher 1, pers comm 02/11/12).

There was consensus among the non-AOVF members encountered during this research the majority of the AOVF’s membership was composed of non-fishers. Some veteran fishers mentioned going on several occasions to AOVF meetings, only to be told that non-members were not allowed. From the doorway, they claimed to have observed a

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<sup>98</sup> Based on OV Veteran Fisher 5’s sources in the fishing industry, he asserted that they received a commission of about ZAR300 per permit holder per month from fishing companies who are seeking raw product (mainly WCRL) (OV Veteran Fisher 5, pers comm 13/09/11).

significant percentage of non-fishers at these meetings (OV Veteran Fisher 11, 12, pers comm 24/06/12). It was also alleged that the AOVF leadership “say they’re representing fishers, but who are the fishers they’re representing?” (OV Fisher 1, pers comm 03/07/12). One veteran fisher explained that, as a highly knowledgeable and experienced fisher, he was not recognised or taken seriously at AOVF meetings: “Yes, I was already at the meetings. But those meetings of the AOVF, I don’t worry about them anymore ... what will I do with myself sitting there? You don’t even get seen” (OV Veteran Fisher 15, pers comm 13/07/12).

To mitigate against the claim that their constituency was largely composed of people who were not legitimate fishers, the AOVF leadership employed a manoeuvre sometimes referred to as the ‘poster-fisher’ tactic. In simple terms, the ‘poster-fisher’ tactic involved the presentation to external actors, of people who were, or appeared to be ‘bona fide’ veteran fishers, and portraying these people as though they were a reflection or sample of the broader AOVF membership (OV Veteran Fisher 5, pers comm 15/06/12; OV Veteran Fisher 3, pers comm 22/06/12; OV Veteran Fisher 13, pers comm 13/07/12). The apparent legitimacy of these veteran fishers was thus used to create the perception that the broader constituency was also legitimate. Crucially, this tactic had the instrumental effect of communicating an implied claim that the AOVF leadership were also legitimate. This research suggested that the reasons why these and other fisher-members did not challenge the exploitation of their identities and status are related to their relatively vulnerable position in relation to the AOVF leadership, specifically their disadvantage in terms of cultural capital in the institutional field (as discussed earlier), as well as their insecure economic position. It is also likely that they may have had a lack of faith in the formal mechanisms of accountability within the AOVF, and more broadly within DAFF, and other non-fisheries bodies such as the Parliamentary Portfolio Committee and the Human Rights Commission.

The claims being made by non-AOVF members regarding the AOVF leadership’s activities as community-based representatives can be well illustrated by two case studies. These case studies describe two of the key moments in the institutionalisation of the AOVF’s leadership in the local field of small-scale fisheries. They also indicate some of the AOVF’s strategies and tactics in practice.

#### 5.4.5. The capture of the Atlantic Fishers Organisation

The story of the Atlantic Fishers Organisation (AFO) illuminates the kind of strategies and tactics pursued by the AOVF leadership in their bid to control the field of small-scale fisheries in Ocean View, and to intercept the benefits intended for the fishers they claim to represent. There are two conflicting narratives of the AFO's history. According to a generic sponsorship letter signed by AOVF Rep 1 in 2005 (and featuring the AFO letterhead):

“The AFO is a non-profit organisation whose main purpose is to uplift and alleviate poverty amongst fishermen in the Ocean View community. A group of poverty stricken fishermen and fisherwoman (sic) were given some hope when I successfully managed to obtain funding from [Company X], and that was the birth of one of the greatest organisations in Ocean View ... Thanking you - AFO Chairperson”<sup>99</sup>.

Despite AOVF Rep 1's positive portrayal of her own role as AFO chairperson, this portrayal was contested by the original chairperson (OV Fisher 2). OV Fisher 2 was one of about a dozen recognised women fishers in Ocean View who personally caught fish. She explained that she had been fishing since the age of thirteen (1990), and had worked in both the linefish and WCRL fisheries (at the time of this research she had an interim relief permit). OV Fisher 2's late husband had also been a fulltime fisher, but he had drowned while fishing near Scarborough in 2001. She observed that from that time, she and her daughters had depended on her fishing activities and child grants as their means of survival. During an interview in October 2012, OV Fisher 2 described her version of the AFO's history, and her understanding of AOVF Rep 1's role in this now-defunct organisation (using a variety of documentation to illustrate and support her claims). The following narrative is drawn from this interview, as well as from various letters written by OV Fisher 2 and AOVF Rep 1.

According to OV Fisher 2, the AFO was born from the initiative of a group of local fishers, who sought to create a legal structure to represent the interests of fishers in Ocean View, to facilitate their access to fishing rights, and to provide organisational support for their fishing activities. As OV Fisher 2 explained, the AOVF leadership initially made contact with this group of fishers in November 2000, and provided assistance in the formal establishment of the AFO, and in the application for commercial fishing rights. In 2001, the AFO was registered as a non-profit organisation, with OV

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<sup>99</sup> AOVF Rep 1. Letter (ii). Undated. 'Company X' is a pseudonym used for the purpose of anonymity.

Fisher 2 as its first chairperson. OV Fisher 2 observed that AOVF Rep 1 was initially very friendly, and seemed sincere in her desire to help - in a letter written to AOVF Rep 1, she explained that: “In good faith we trusted you ... where you came in ... by using your knowledge ... you made yourself available ... for 70% of fishers cannot write or read, and that was in your advantage ...”<sup>100</sup>. OV Fisher 2 contended that several months after the establishment of the AFO, AOVF Rep 1 declared themselves chairperson of the AFO, and began to involve AOVF Rep 2 and AOVF Rep 3 in the management of the organisation. OV Fisher 2 exclaimed in one her letters that:

“You claim you ease our poverty ... How did you manage to obtain funding? Answer - you used us disadvantaged fishermen and fisherwomen’s historical background and legacy, our poverty livelihood, and draft sponsorship letters to ... established companies ... you manage the money ... boats and equipment. What Company X gave on behalf of us fishermen and fisherwomen you took everything for yourself and left us with nothing ... you ... used us fishermen and fisherwomen for your success in life”<sup>101</sup>.

OV Fisher 2 alleged that AOVF Rep 1 had not acted transparently (OV Fisher 2, pers comm 22/10/12). For example AOVF Rep 1 had apparently refused to grant AFO members’ requests regarding the price at which their catches were sold: “we never saw documents or price agreements of crayfish marketing”<sup>102</sup>. According to OV Fisher 2, the buyers would pay AOVF Rep 1 on behalf of the AFO members, but deposited the money directly, thus preventing OV Fisher 2 from determining how much was actually being paid (OV Fisher 2, pers comm 22/10/12). As OV Fisher 2 explained, AOVF Rep 1: “kept all the receipts and invoices ... we never saw our company’s code of conduct ... mostly I had to sign blank cheques, I only cashed once a cheque of R80 000 for advance loans to members ... we never got a chance to read what we signing!”<sup>103</sup> Once again, it should be noted that AOVF Rep 2 was able to achieve this without serious resistance from the AFO membership was likely a result of the empowered position that this representative held in relation the membership in terms of cultural and economic capital.

According to OV Fisher 2, AOVF Rep 1 made another unilateral decision in 2005 to formally dissolve the AFO. OV Fisher 2 alleged that no shares were paid to the members, though money still remained in the AFO’s bank account. OV Fisher 2 also explained that the AFO’s assets (which included office equipment, fishing gear, and

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<sup>100</sup> OV Fisher 2. Letter (i). Undated.

<sup>101</sup> OV Fisher 2. Letter (i). Undated.

<sup>102</sup> OV Fisher 2. Letter (iii). Undated.

<sup>103</sup> OV Fisher 2. Letter (iii). Undated.

several small vessels) were moved to the AOVF leadership's home, and eventually absorbed into their current fishing and organisational operations. OV Fisher 2 alleged that when she started asking for information, AOVF Rep 1 became hostile towards her, and initiated a campaign to silence and discredit her. This apparently included a veiled threat in a letter formally addressed to MCM, but which also appeared to be directed at OV Fisher 2 personally. This letter featured the AFO letterhead and was apparently written and signed by AOVF Rep 1 as AFO chairperson in 2006<sup>104</sup>.

During this period, the AOVF was formally established, and registered as a non-profit organisation, having apparently cannibalised the AFO as a means to its own development, hijacking the identities, histories, finances and assets of its fisher members. For the next six years, the AOVF continued to expand its constituency, and to reinforce its position in the local field of small-scale fisheries, eventually emerging as one of main groupings representing fishers in Ocean View. OV Fisher 2 asserted that the AOVF leadership continued to operate without accountability: "for 12 years they have been getting away with this ... since 2001 ...", but they "walk freely" in Ocean View (OV Fisher 2, pers comm 22/10/12).

#### **5.4.6. The Capture of the Democratic Fishers Organisation**

This case study describes how the AOVF leadership employed similar strategies and tactics to capture the DFO. The material presented here was drawn from numerous discussions with fishers affiliated to DFO, including the former chairperson (OV Veteran Fisher 5) and former vice chairperson of DFO (OV Veteran Fisher 3), as well as from various letters written by the former chairperson. As already described above, the DFO was the most established grouping representing fishers in Ocean View. Since its inception in the early 1990s until 2011, DFO held annual general meetings at which OV Veteran Fisher 5 was elected chairperson by the association's membership, as stipulated by the DFO constitution. According to fishers encountered during this research, these elections corresponded with the preferences of DFO's membership, and reflected their confidence in OV Veteran Fisher 5's credentials as a fulltime fisher, and as a representative (OV Veteran Fisher 16, 17, pers comm 08/03/12; OV Veteran Fisher 11, 12, pers comm 24/06/12; OV Veteran Fisher 13, 14, 15, pers comm 13/07/12).

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<sup>104</sup> AOVF Rep 1. Letter (iii), 4/05/2006. It is significant that AOVF Rep 1 was, by this time, also the chairperson of the AOVF.

However in late 2010, OV Veteran Fisher 5 and the vice chairperson (who was also a fulltime fisher) were unilaterally deposed, and their positions occupied by AOVF Rep 1 and AOVF Rep 3 respectively. The nature of this coup d'état was shrouded in secrecy, but according to OV Veteran Fisher 5:

“I was arbitrarily removed, as the ... legitimately elected fishers’ representative of the DFO. I had to learn through outside sources that I was no longer representing artisanal fishers in Ocean View, and that the post ... of representative ... had been awarded to a group with close connections to the ANC ... and with interests in the off-shore and the near-shore sectors ... like, for example quotas, tenders and permits”<sup>105</sup>.

In a June 2013 letter to the Minister of DAFF, OV Veteran Fisher 5 described “the DFO-SA chairperson’s official ‘election’ as well as his personal ‘endorsement’” of the AOVF leadership<sup>106</sup>. According to OV Veteran Fisher 5 and OV Veteran Fisher 3, when they asked the AOVF leadership about their election to leadership positions in the DFO, the AOVF leadership explained that they were elected at a meeting convened by the DFO-SA chairperson and general secretary (OV Veteran Fisher 5, pers comm 08/12/11; OV Veteran Fisher 3, pers comm 26/06/11)<sup>107</sup>. According to OV Veteran Fisher 5, these “so-called elections were in total contempt of the DFO constitution because when they ‘held’ in secret, outside of the membership’s area ... and the registered DFO members were un-informed ... absent ... and not notified of the ‘election’ process ... and the existing AGM was still in force”<sup>108</sup>. In addition, the AOVF were already leading their own organisation at the time (AOVF) - their election was thus illegitimate according to DFO’s constitution, as well as placing them in an egregious conflict interest. As OV Veteran Fisher 5 explained: “democratic processes are being over-ruled!” (OV Veteran Fisher 5, pers comm 24/01/12).

OV Veteran Fisher 5 alleged that when he confronted the DFO-SA chairperson in early 2011, the chairperson acknowledged that the ‘election’ was conducted in a telephone conversation between himself and AOVF Rep 1. OV Veteran Fisher 5 claims that when questioned further, the DFO-SA chairperson began “accusing OV Veteran Fisher 3 for

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<sup>105</sup> OV Veteran Fisher 5. Letter (i). 18/09/11.

<sup>106</sup> OV Veteran Fisher 5. Letter (i). 18/09/11.

<sup>107</sup> I observed AOVF Rep 1 and AOVF Rep 3 opting to sit next to the DFO-SA general secretary at a WCRL Data Management Workshop (4/11/11); and over three days of public hearings on the amendment of the MLRA held at the national parliament in Cape Town (October 2013). There was a clearly observable familiarity in the way the AOVF leadership interacted with the DFO-SA general secretary.

<sup>108</sup> OV Veteran Fisher 5. Letter (i). 18/09/11.

having introduced the AOVF leadership to him as legitimate fisher leaders”<sup>109</sup>. OV Veteran Fisher 3 categorically denied this, and explained that, in the context of his knowledge and experience of the AOVF leadership, this would have amounted to a wilful abdication of his and OV Veteran Fisher 5’s leadership of DFO, and the abandonment of their obligations to the fishers they represented (OV Veteran Fisher 3, pers comm 14/07/12). OV Veteran Fisher 5 also pointed to the documented fact that “while chairperson of the AOVF lodged objections on behalf of near shore commercial fishing right holders, against the Equality Court Applicants” - the very people the AOVF leadership were now seeking to represent. According to OV Veteran Fisher 5, his continued efforts to obtain information from the DFO-SA chairperson regarding his ousting as DFO chairperson were met, first with silence, and then with a threat of legal action (OV Veteran Fisher 5, pers comm, 17/12/12).

After these ‘elections’, the AOVF leadership began to operate under the banner of the DFO, while still acting in leadership positions in the AOVF. However soon after having hijacked - and thus neutralised - the DFO, they began to operate exclusively as the AOVF. During the time of this research, the formal status of the DFO was unclear, and OV Veteran Fisher 5 reverted back to working under the banner of the WFO. However, having been deposed from his formal position as DFO chairperson, OV Veteran Fisher 5 had been increasingly excluded from participation in fisheries governance process. This exclusion directly undermined the democratic rights of the fishers whom he represented. OV Veteran Fisher 5’s ostracisation was attested to by many DFO and non-DFO fishers in Ocean View encountered during this research. According to one veteran fisher and DFO member, OV Veteran Fisher 5 “was kicked out. He almost can’t even attend a meeting ... since this thing started” (OV Veteran Fisher 13, pers comm 13/07/12).

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<sup>109</sup> OV Veteran Fisher 5. Letter (ii). 26/06/11.

## **5.5. Conclusion: power and disempowerment in community-based political representation**

This chapter has presented an ethnographic study of community-based political representation among small-scale fishers in Ocean View. It began by sketching the broad context of political representation in the field of fisheries governance in post-apartheid South Africa. This was followed by a brief discussion of some of the key dynamics between community-based political representatives and their small-scale fisher constituencies on the Cape Peninsula.

Having provided a broad overview of small-scale fisher representation, the chapter honed in on the micro-politics of community-based political representation of small-scale fishers in Ocean View. It provided a detailed depiction of the real-life practices through which some individuals come to occupy the position of representatives, and through which they construct an appearance of legitimacy for themselves. Although community-based political representation in Ocean View is an extreme case (see Chapter Three), it provides insights that have implications for the broader field of small-scale fisheries governance in South Africa. This study of Ocean View reveals how the political space for democratic representation that has recently emerged for small-scale fishers can be captured by local elites in the community. From this empirically-grounded depiction, we gain a clear view of how community-based representation can potentially serve as a mechanism for empowered local actors to gain and exercise power, while undermining (rather than supporting) the democratic rights of bona fide small-scale fishers.

## CHAPTER SIX

### A STUDY OF THE POWER DYNAMICS AND MICRO-POLITICS OF PUBLIC PARTICIPATION IN SMALL-SCALE FISHERIES GOVERNANCE ON THE CAPE PENINSULA

#### 6.1. Introduction: participation as a potential instrument of, and barrier to democratic fisheries governance

In this chapter, the focus shifts from community-based political representation to public participation, another central element of democratic fisheries governance in post-apartheid South Africa. Participation is framed in national policy and legal discourse as the primary means to facilitate the equitable inclusion of both marginalised fishers and fisher representatives in policy and management processes. However, like political representation, participation also constitutes an arena of fisheries governance where power and strategic practices manifest with stark intensity. As this chapter will demonstrate, there is a dark side to participation in fisheries governance processes: like political representation, participation can potentially serve to undermine the democratic efforts of small-scale fishers and community-based fisher representatives, and thus reinforce existing inequalities of power and benefit distribution.

To explore how the politics of participation unfold in practice, this chapter discusses participation in the context of fisheries governance in post-apartheid South Africa. Here the focus of the chapter shifts from community-based fisher representation as practiced by a few individual representatives (see Chapter Five), to participatory processes which are open to the active involvement of multiple actors, including not only representatives but also fishers themselves. Drawing on ethnographic research conducted on the Cape Peninsula, this chapter describes some of the ways that power manifested in direct, formal participatory encounters between a range of different actors, including small-scale fishers, community-based fisher representatives (both those perceived to be legitimate such as OV Veteran Fisher 5, and those perceived to be illegitimate), state officials, fisheries scientists, commercial fishing company representatives, and NGO representatives involved in conservation and small-scale fisher advocacy. In particular, this chapter describes the micro-political practices that these divergent actors employed as they engaged with each other during these participatory encounters. Primary attention is

placed on the strategic manoeuvres of powerful political and economic actors during participatory events, and how these manoeuvres undermined the democratic participation of citizens such as fishers and community-based representatives, thus having the effect of reinforcing existing asymmetries of power and benefit distribution.

## **6.2. A general overview of public participation in South African fisheries governance**

The notion that citizens should participate directly in political processes goes back at least as far as the democratic theory and practice Ancient Athens. However, it is only in the last thirty years that ‘public participation’ become a highly prominent concept among policy-makers, researchers, and development practitioners, many of whom view participation as a panacea for the failures of conventional models of governance to improve the lives of people living in poverty (Comaroff and Comaroff 1997, Rowe and Frewer 2004, Gaventa 2004, Mosse 2007). From the orthodox perspective, participation is a primary means for implementing inclusive and collaborative forms of governance. Yet the practical value of participation for those who are disempowered is unclear. It is widely acknowledged that participatory processes often create the appearance of equitable and collaborative political engagement, while simultaneously serving to legitimise and reinforce existing imbalances of power. In other words, participatory processes can potentially disempower the disempowered, while empowering the empowered (Arnstein 1969, Comaroff and Comaroff 1997, Rowe and Frewer 2004, Gaventa 2004, Bene and Neiland 2006, Mosse 2007).

In the South African context, participation is a fundamental component of fisheries governance in the post-apartheid dispensation. Participation is mandated by the Constitution, the NEMA, the ICMA, the MLRA, the SSF policy, and a range of multi-lateral environmental and fisheries agreements such as the FAO Code of Conduct for Responsible Fisheries, and the Southern African Development Community (SADC) Protocol on Fisheries. For instance, Article 12 of the SADC Protocol requires that member states “shall facilitate broad based and equitable participatory processes to involve artisanal and subsistence fishers in the control and management of their fishing and related activities”<sup>110</sup>.

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<sup>110</sup> SADC Protocol on Fisheries. 2001. Article 12.6.

All of these statutory mechanisms require state agencies to include marine resource users in governance processes that affect their lives, with the ostensible aim of achieving sustainability, equity and economic growth (Hauck and Sowman 2003, Branch and Clarke 2006, Van Sittert *et al.* 2006, Isaacs 2012). Yet in the discourse of these laws, policies, and multilateral agreements, participation in fisheries governance is framed in apolitical terms that reflect the broader orthodox conception of political practice. In this apolitical discourse, participation facilitates inclusive and equitable fisheries governance by serving as the means through which relatively disempowered actors such as small-scale fishing communities and their representatives are able to engage directly with state management agencies, fishing companies, civil society organisations, conservation lobby groups, and the scientific research fraternity. It is presumed that fishing communities and their representatives are able to actively shape fisheries governance processes through this participatory engagement, and that their direct involvement leads inexorably towards more democratic and sustainable fisheries governance. However, this ‘mutual gains’ or ‘win-win’ approach to participation in fisheries governance tends to conceal significant conflicts and asymmetries of power, and may “not always the best one for all involved ... a situation that preserves the appearance of harmony can nevertheless have clear winners and losers” (Fay 2007: 83).

This is particularly the case when we consider that participation in fisheries governance is subject to the political, economic and ideological power of the state, capital and science, which has shaped the governance of marine resource utilisation in South Africa since at least 1895 (Van Sittert 1995). The interests and agendas of state-based management agencies, large-scale fishing companies, and fisheries scientists in South Africa are intertwined, and converge largely around economics: the state seeks to extract resource rent while ensuring equitable and sustainable resource use; fishing companies seek to ensure the maximisation of profit; and fisheries scientists seek to ensure maximum sustainable yield (Van Sittert 2002, Ponte and Van Sittert 2007). This trinity continues to exercise considerable power in the field of fisheries governance in South Africa, and influences to a significant degree, the nature and outcome of participation processes.

However, the unity and dominance of the alliance between state officials, company directors and fisheries scientists has been unsettled to a certain extent since 1994, as a consequence of the post-apartheid state’s pursuit of a ‘transformation’ agenda. The dawn

of a democratic dispensation in South Africa signalled the opening of political space for previously marginalised people - such as small-scale fishers and fisher representatives in impoverished coastal communities - *to obtain equitable access to fisheries resources, and to partake in, and influence fisheries governance processes* (Hauck and Sowman 2003, Branch and Clarke 2006, Van Sittert et al. 2006, Isaacs 2012). This newly-opened political space is characterised by the principles of democracy, racial transformation, human rights, equity, and justice, all of which support the efforts of small-scale fishing communities in processes of participation. As people who were oppressed by the apartheid regime, and who continue to be excluded from accessing and benefitting from the country's marine resources on an equitable basis, this set of principles grants considerable symbolic power to fishing communities, which they are able to utilise as a means to access and influence participatory processes. The efficacy of this symbolic power was most strikingly evidenced in the victory of small-scale fishers and fisher representatives in the Equality Court case. Although the status quo was still intact at the time of this research, the Equality Court victory has tilted the balance of forces in the field of fisheries governance, towards small-scale fishing communities and away from the large-scale fishing companies - David has gained strength at the expense of Goliath<sup>111</sup>. The unprecedented participation of small-scale fishers and fisher representatives in the formulation of the SSF policy exemplified their newfound potential to influence fisheries governance processes (Sowman *et al.* 2014).

Participation in the field of South African fisheries governance is not only shaped by internal dynamics such as the political contest between the industrial and small-scale fishing sectors, but also by the broader material and symbolic structures and processes in which this field is itself embedded. This broader field of power is arranged concentrically at multiple scales, and determines to a significant degree the limits of possible action for both state and non-state actors participating in South African fisheries governance. Of greatest significance is the global system of capitalism. As was discussed in Chapter Two, the driving force of this system is capital, which constitutes a global force field, ordering the way societies conduct their political and economic affairs; shaping ontologies, epistemologies, beliefs and practices; and thus determining the ways that people relate to each other, to themselves, and to the natural world (Kovel 2005). The structures and

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<sup>111</sup> David and Goliath is the analogy commonly used to refer to the small-scale and large-scale fishing sectors respectively.

processes of capitalism compel an adherence to a particular mode of economic production and political organisation - the institutional emphasis in South African fisheries policy and management on capital intensive, export-driven fisheries is a direct corollary of the country's location within the global system of capitalism (Crosoer *et al.* 2005). In participation processes pertaining to fisheries governance, the boundaries of acceptable thought and discussion correspond to the cosmology and imperatives of capitalism (Norton 2014). Powerful global discourses provide the words, images, concepts and narratives - or discursive ammunition - that participants use when engaging in these processes. These discourses serve as discursive 'trump cards' that are invested with significant symbolic power (Bourdieu and Wacquant 2001). They include: 'sustainability', 'gender equity', 'economic efficiency' and 'economic growth', 'authority of science', 'community', 'governance', 'participation', 'democracy', and 'empowerment'.

The central issues being contested in the participatory processes observed during this research were related to *access, use and management of coastal and marine resources*. As described in Chapter One and Chapter Four, the opening of political space at the end of apartheid catalysed expectations that the regime of access would be 'transformed' in line with the new democratic dispensation. From that time onward, there have been conflicting political pressures to retain the current distribution of fishing rights, and to re-distribute fishing rights from industrial fishing companies to small-scale fishers. Since 2007, participatory processes associated with interim relief and the SSF policy have been heavily contested by both small-scale fishers, fisher representatives and industrial fishing companies, who have sought, through participation, to influence the distribution of fishing rights.

This research focused on two basic forms of participation. The first will be referred to as 'citizen-initiated' participation, where small-scale fishers and community-based fisher representatives attempted (for democratic or strategic reasons) to engage directly with government officials at the ground level, usually in the form of face-to-face meetings. Citizen-initiated participation is a primary means for fishers and community-based fisher representatives to communicate with DAFF officials, though obtaining such access was generally observed to be difficult for these citizens, and was therefore a relatively rare occurrence. This research also focused on participation as it manifested in the form of

‘invited participatory events’, which were characterised by formal meetings, public consultations (‘road shows’), roundtable debates, and parliamentary hearings, and were hosted variously by government officials, as well as fisher organisations and conservation organisations. These events (or encounters) featured the direct participation of multiple actors, including residents of coastal communities, fulltime fishers, community-based fisher representatives (legitimate or otherwise), state management officials, ministers of parliament, fishing company directors, fisheries scientists and conservationists. We could conceptualise these formal ‘invited events’ as *symbolic crystallisations in space and time*, which dramatise with particular clarity the competing ontologies, epistemologies, interests, and agendas that define fisheries governance in South Africa. It is these processes that constitute the focus of the empirical basis for this discussion of the politics of participatory encounters at the high level.

### **6.3. Participation in fisheries governance on the Cape Peninsula: dynamics of power at the ground level**

The experiences and perceptions of small-scale fishers and community-based representatives provide the starting point for this discussion of participation in fisheries governance on the Cape Peninsula. Some representative groupings (such as AOVF) claimed to have been empowered through participatory engagement. However, a significant number of fishers and community-based representatives expressed a sense of alienation, frustration and disempowerment in relation to participatory processes. These perceptions and experiences are described below, and will be illustrated by the presentation of two case studies of participatory engagement initiated by fishers and community-based fisher representatives.

#### **6.3.1. Perceptions and experiences of participation among small-scale fishers and community-based fisher representatives in the case sites**

Contrary to the positive depiction of participation expressed by relatively empowered community-based representatives such as the AOVF leadership, many small-scale fishers and community-based fisher representatives on the Cape Peninsula expressed a feeling of disempowerment when attempting to participate in fisheries governance processes. They articulated a critical analysis of the basic structures of power that encompass these processes, and the way these structures undermined their ability to influence fisheries

governance through democratic participation. One female fisher argued that “the government always makes the rules ... they just want to control us, but we make their money ...” (OV Fisher 2, pers comm 22/10/12). This sense of disempowerment was also described by OV Veteran Fisher 5, who argued that “decisions are made by a few and imposed on us without genuine consultation” (OV Veteran Fisher 5, pers comm 15/02/11). According to him, fishers were sometimes given an opportunity to communicate with DAFF through formal participatory processes, but he argued that their views are not integrated into the final decisions taken. This perception was affirmed by another Ocean View fisher, who argued that the outcomes of these processes were predetermined by DAFF officials, whose task was to guide their plan safely through the gauntlet of participation: “Officials shouldn’t come to the community with notes, they must come and take notes ... then we can come to a solution” (OV Fisher 6, pers comm 24/10/12).

This sense of disempowerment was fuelled by perceptions that government officials - who were mandated to engage with citizens - exhibited a lack of responsiveness. During a late night discussion in Ocean View with OV Veteran Fisher 5, he expressed the common view that fisheries department officials were unresponsive when fishers attempt to engage directly with them on critical issues: “If we had to depend on them to breathe we would have suffocated long ago!” (OV Veteran Fisher 5, pers comm 08/12/11). On another occasion, during a focus group with some veteran fishers in Imizamo Yethu, they described their long struggle to engage democratically with government officials, to seek re-dress for their exploitation by third parties, and to lobby for equitable access to fishing rights (IY Focus Group, pers comm 06/04/12). These fishers, most of whom were over forty years of age, asserted that they had communicated with many high level officials over the past fifteen years, but that this had yielded no meaningful results. One of the veteran fishers and representatives explained that “we have been to the government so many times ... to claim our fishing right ... since Mbeki” (IY Veteran Fisher 1, pers comm 06/04/12). At this point, his colleague interrupted, “no ... from the time of Mandela!” (IY Veteran Fisher 4, pers comm 06/04/12). After a brief discussion of how DAFF officials were subject to higher authority, and the way this undermined their ability to be responsive to fishers in Imizamo Yethu, one of the fishers interjected: “but that’s no excuse! They should stand up for fishers” (IY Veteran Fisher 1, pers comm 06/04/12).

The lack of responsiveness of government officials has contributed to a sense of disconnection, and thus alienation from these officials and the formal channels of participation which they administered. Fishers and community-based representatives on the Cape Peninsula regularly expressed a desire for high level officials to come into their communities to see the conditions they live in first-hand, and to allow fishers to express their views directly to these officials. As one fisher and representative from Imizamo Yethu exclaimed: “you can’t feel our pain through the phone!” (IY Veteran Fisher 2, pers comm 06/04/12). Another fisher from Hangberg explained that many local fishers have attempted to participate meaningfully in processes relating to the establishment of the Karbonkelberg Restricted Zone, commercial fishing rights allocation processes, and other governance decisions that have impacted on the lives of local fishers (HGB Fisher 3, pers comm 01/08/12). He argued that the government makes, and implements its decisions unilaterally: “They just tell you: ‘It’s the law’ ... what can you do?” (HGB Fisher 3, pers comm 01/08/12).

This sense of disconnection and alienation among fishers and community-based representatives was exacerbated by the perceived ineffectiveness of participatory processes to ensure accountability. Though these processes were ostensibly established with accountability as a central principle, many fishers and representatives expressed the view that formal channels of participation were ill-equipped to realise this principle. These research participants held little hope that direct interaction with government officials offered a means to ensure accountable fisheries governance, as one Ocean View fisher put it, “the government ... doesn’t like the truth!” (OV Veteran Fisher 1, pers comm 02/11/12). Affirming this view, OV Veteran Fisher 5 explained that his attempts over the years to hold particular actors accountable through rational engagement with government officials, journalists, and civil society organisations had yielded little success: “we enjoy no audience ... what hurts most is that there's nowhere to turn to ... we are literally being thrown to the wolves” (OV Veteran Fisher 5, pers comm 21/01/11).

For the majority of fishers and community-based representatives encountered in the case sites, these experiences and perceptions culminated in a profound sense of frustration with participatory processes. During a private meeting in Hangberg, a female fisher representative from Imizamo Yethu observed that she was “tired of going to meetings, meetings, meetings, with no outcome” (IY Fisher 3, pers comm 09/04/12). On another

occasion, two veteran fishers in Ocean View observed that they had participated in innumerable surveys, interviews, meetings, workshops and stakeholder dialogues, but all to no avail, as one of these fishers explained: “We are tired of meetings and filling in papers and that kind of thing!” (OV Veteran Fisher 12, pers comm 24/06/12). They both expressed a lack of faith in the formal channels of participation to facilitate their democratic involvement in fisheries governance, or to enable them to obtain more equitable access to marine resources (OV Veteran Fisher 11, 12, pers comm 24/06/12). With profound frustration, the one fisher exclaimed that “the government is very unjust ... Does the government hate the fishers or what?” (OV Veteran Fisher 12, pers comm 24/06/12).

### **6.3.2. Citizen-initiated participation: two case studies**

On the Cape Peninsula, there are many fishers and community-based fisher representatives who are endeavouring - as citizens - to arrange face-to-face meetings with senior DAFF officials, where they could express their views and concerns directly to high-ranking government officials, rather than waiting for these officials to visit them in their community. By definition, public participation is effectively open fishers and to community-based representatives who are perceived by fishers as illegitimate, as well as to representatives who are perceived by fishers to be legitimate. In the case of community-based fisher representatives such as AOVF, it was apparent that ‘citizen-initiated’ participation offered a means to promote their own private interests by gaining privileged access to information, and by creating the perception of being an active - and therefore legitimate representative. However, it was also clear that other fishers and community-based fisher representatives pursued ‘citizen-initiated’ participation as a potential means to promote the interests and those of their fellow fishing community members, to obtain accountability by presenting allegations and evidence of transgressions, and more broadly, to contribute towards more equitable and sustainable fisheries governance and management. These fishers and representatives often encountered considerable obstacles when seeking to initiate direct engagement with senior DAFF officials, and expressed a desire for greater engagement with these officials, though they also expressed some doubt regarding the potential of citizen-initiated participatory moments to produce practical results.

The experiences of several of these fishers and community-based fisher representatives are illustrated below by presenting two ethnographic case studies of citizen-initiated participation on the Cape Peninsula. These case studies describe instances of participation in practice - they detail the attempts of fishers and representatives to exercise their democratic rights by engaging directly with government officials, and illustrate the bureaucratic barriers that repelled and diverted their participatory efforts.

***6.3.2. a) A meeting between Hout Bay fishers and community-based representatives and a member of parliament***

The first case study is based on participant-observation conducted with members of the Hout Bay fishing community (five people from Hangberg, including three female fishing community members, and two male fishers who also acted as community-based representatives; as well as thirteen male fishers from Imizamo Yethu, three of whom were community-based representatives). It describes their attempt to obtain face-to-face engagement with a DAFF Portfolio Committee member, with the purpose of communicating their views and needs regarding equitable access to marine resources. After repeated attempts by members of United Fishermen's Association (UFA), and the Atlantic Fisherwomen's Forum (AFF) to obtain an audience with a member of the DAFF Parliamentary Portfolio Committee, a meeting was finally arranged to be held on the 13<sup>th</sup> of April 2012 at the Portfolio Committee's offices at parliament. At the request of these research participants, my role as activist-researcher was to: gather testimonies from these individuals, take their photographs (if possible), compile these testimonies into a document, print several copies to be submitted to the Portfolio Committee member, provide a lift to some of the fishers from Hout Bay to the parliamentary buildings and back, and to accompany them into the meeting as a witness. The process of organising for this engagement was exhausting for all involved, with fishers holding several gatherings to plan their strategy, and I worked hurriedly with the support of a few of the Imizamo Yethu fishers to gather testimonies, compiling them late into the night in the days leading up to the meeting. It was hoped that these strenuous efforts would yield tangible results. What follows is an ethnographic description of events on the morning of this particular instance of citizen-initiated participatory endeavour:

*The meeting was scheduled for 10:30am. After some final preparations that morning, our group (two fishers, three UFA representatives, and two AFF representatives from Imizamo Yethu, and one representative from Hangberg) set off from Hout Bay. Arriving at the parliamentary buildings just in time, we were met by a pastor, and about six UFA members from the townships of Khayelitsha and Gugulethu. The group of about a dozen people gathered in the main reception area of parliament, and after passing through an x-ray machine, we presented ourselves to an official working behind the reception counter. She informed us that the Portfolio Committee member who was to meet the group was in Tshwane, and was thus unavailable to speak with the fishers, despite having confirmed their attendance a few days prior<sup>112</sup>. This caused the fishers and their representatives to become visibly agitated. However, they soon regained their composure, and demanded an audience with a representative of the Portfolio Committee member's office. The receptionist finally relented, and began to pursue their demand. Over two hours passed, while the official made several phone calls, and gave intermittent feedback on the progress of her efforts.*

*While they waited for a response from the official at reception, one of the fishers asked aloud how this confusion regarding the absence of the Portfolio Committee member could have occurred, and who might be responsible. Instead of placing all the blame on the official in question (as I expected they would do), another of the fishers speculated that two of the AFF representatives were involved. Accusations were made that one of these representatives had information the others did not. It was claimed that a few days prior, this representative had said the meeting would be cancelled, and that this indicated that she had knowledge which she was not sharing with the others.*

*Later, while standing outside the entrance to parliament and awaiting a response from the Minister's office, one of the young UFA representatives expressed his frustrations regarding the absence of the Portfolio Committee member. He explained that if they did not achieve satisfactory progress before leaving parliament today, "we will go to the streets and toyi-toyi" (IY Fisher 5, pers comm 13/04/12). A few moments later, this representative received a phone call from the Portfolio Committee member's personal assistant, instructing him, and a few others to go to DAFF Portfolio Committee offices. The fishers gathered again in the reception area, where a thirty minute negotiation ensued as with the official behind the desk to decide who would be permitted to go up to the office, and under what conditions. This was a disempowering experience - despite being a relatively low-level government official, she appeared to hold the democratic possibilities of the moment in her hand. Based on her body language, facial expressions and tone of voice, this official's*

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<sup>112</sup> Tshwane (formerly named Pretoria) is the national administrative capital, and is located in Gauteng Province.

*manner could justifiably be described as intimidating and capricious, forcing the fishers to increase the volume and vigour with which they made their demands.*

*There was much negotiation about who and how many people would be allowed in. The official at reception demonstrated her power in this regard: in a grave tone, she told us that it was vital that whoever went inside had a “contribution to make” (Parliamentary Official 1, pers comm 13/04/12). A sticking point was whether I should be allowed in - three of the UFA representatives, and a representative from Hangberg wanted me to accompany them, but the official was reluctant. She sternly instructed us that only three people would be permitted entry, but eventually let four of us in. We were given the name and number of an employee in the Portfolio Committee office, with whom we were to meet. After thanking her with overt politeness, we made our way to the office. Although we were buoyed by this small victory, I also felt a sense of having been bullied by this official. From their body language and facial expressions it was apparent that some of the fisher representatives shared this feeling.*

*The fisher representatives and I made our way via the main security checkpoint into the disorienting vastness of the parliamentary building complex. We passed through many doors, checkpoints and passageways, until we were thoroughly insulated from the outside world. Upon entering the DAFF Portfolio Committee office corridor, we were greeted by large framed photographs of the various DEAT and DAFF Ministers: Pieter Mulder, Martinus Van Schalkwyk, and Tina Joemat-Peterson. We found the official’s office went inside. It was slightly dishevelled, with piles of paper-filled boxes opposite his desk where chairs for visitors would ordinarily be positioned. As we stood in front of his desk and introduced ourselves to the employee, we discovered that the person with whom we had been granted a meeting was a junior office administrator, who was effectively standing in temporary substitution for the Portfolio Committee member. The administrator explained that most of the officials from the DAFF Portfolio Committee office were in Pretoria, but that they would be returning the following month. Two of the representatives began to explain who they were, and why they wanted to meet the Portfolio Committee member. The administrator stood and listened, but clearly had no knowledge of their scheduled meeting with the Portfolio Committee member, and appeared to have very limited knowledge of local fisheries governance issues. He also had no power to influence the Minister, or the Portfolio Committee member, and had no authority to make decisions, yet the representatives continued to put their case to him with sincere determination. The representatives expressed their desire to pursue their meeting with the Portfolio Committee member, and requested that he ensure delivery of the testimony document, and their contact details to the relevant person. They also requested the name and contact details of someone with whom they could*

*communicate in this regard. The administrator obliged, and made a solemn guarantee that he would deliver the information, and give them feedback the following Monday. With that, we thanked him enthusiastically and left.*

*After almost three hours, the fishers walked away with the name and details of the DAFF office administrator, and one of the Portfolio Committee member's personal assistants, backed by a guarantee that the administrator would pass on their request for an audience. When we walked out of the office, the representatives seemed encouraged - at least they were able to get into the offices and speak to someone who represented the DAFF Portfolio Committee office, and they could take something back to their constituencies in Imizamo Yethu and Hangberg. The rest of the group also seemed positive when they heard what occurred in the meeting. I was intrigued as to why the group seemed so positive, after all, they had been 'stood up' after an exhausting week of preparation. Whatever my own subjective reservations, the progress achieved on this morning were sufficient for the group to agree to return home, and wait patiently within the confines of the formal process of participation, rather than organise protest marches. In this sense, the bureaucratic wall of thorns served its 'repel and diversion' role effectively<sup>113</sup>.*

### ***6.3.2. b) A meeting between Ocean View fishers and community-based representatives and a fisheries management official***

The second case study of citizen-initiated participation is based on the efforts of the fulltime fisher and DFO representative (OV Veteran Fisher 5), in his bid to meet with senior DAFF official (DAFF Director 4). It is drawn from this representative's own reports of the chain events as they unfolded over a period of several months, and my own observations of his preparation process. My small role was to support OV Veteran Fisher 5 by editing a document that would serve as the basis for his submission to Director 4, as well by assisting him with the formulation of a strategy for the meeting:

*After attempting to engage with a range of government and non-government agencies with the purpose of addressing some of the critical challenges faced by fishers in Ocean View, OV Veteran Fisher 5 made a decision in early 2013 to contact DAFF Director 4, in the hope that she would be more responsive than other actors whom he had already sought for support. A meeting between OV*

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<sup>113</sup> Post-script – One of the Imizamo Yethu representatives received a call from the Minister's office on the 19<sup>th</sup> of April, informing him that the junior administrator had forwarded their information. He and the other representatives from Hout Bay met with the Portfolio Committee member a month later. The committee member gave assurances that previously disadvantaged fishers in Cape Town would be supported in their efforts to gain equitable access to marine resources (IY Fisher 5, pers comm 20/05/12).

*Veteran Fisher 5, two of his fisher colleagues and DAFF Director 4 was arranged for the 13<sup>th</sup> of March 2012. This was rare opportunity to engage face-to-face with a potentially sympathetic high level DAFF official, and so it was vital to make it count. In the weeks leading up to the meeting, OV Veteran Fisher 5 spent many long days and nights at his computer in preparation, trying to distil an enormous amount of information into a single page of key points that could be addressed within the time constraints of this meeting. Upon arrival at DAFF's office on the 13<sup>th</sup> of March, the director's personal assistant informed him of its postponement until the 20<sup>th</sup> of March, so he and his colleagues drove the 40km back to Ocean View. When they returned to DAFF's offices on the 20<sup>th</sup>, they were again informed that the meeting was postponed, this time until the 3<sup>rd</sup> of April. Yet again, upon their arrival on the 3<sup>rd</sup>, they informed by an employee substituting for the director's assistant, that the meeting would not transpire. Unable to explain the reasons for this, she was forced by OV Veteran Fisher 5 to check her computer, where she subsequently found an email from DAFF Director 4, which stated that she had to attend an urgent meeting with Minister Tina Joemat-Peterson. And so OV Veteran Fisher 5 and his fisher colleagues drove home again for the third time without having met with the director. During this period, OV Veteran Fisher 5 expressed measured scepticism regarding the potential results that this meeting might yield, and argued that DAFF Director 4 was ultimately constrained by actors with greater political authority than her own.*

*Finally, on the fourth attempt, the meeting took place in early May 2012. Yet OV Veteran Fisher 5 explained to me that, even in the last moments leading up to the meeting, there were some strange 'coincidences' that threatened to sabotage it. When they arrived at DAFF's offices on this occasion, OV Veteran Fisher 5 and his fisher colleagues were sent to the teleconference room which had been agreed as venue for the meeting. After an hour of waiting, one of the director's associates happened to walk past, and the fisher representative approached her. After which, she managed to reunite the estranged meeting participants. It later emerged that DAFF Director 4 had also been waiting for the past hour in another room. OV Veteran Fisher 5 expressed suspicion at this confusion, and explained to me that it could have been a simple clerical mistake, but given the context, the timing of this confusion could easily been seen as a conscious tactic of evasion by someone within DAFF.*

*According to this fisher representative, when they eventually got to sit down in the same room, DAFF Director 4 engaged with the fishers in a "reasonable" manner (OV Veteran Fisher 5, pers comm 14/05/13). He noted that the director was the only government official in the meeting, and that this was conducive for frank engagement, with the fishers being able to discuss sensitive political dynamics. He also observed that the director asked intelligent questions, and gave the impression that she was making a sincere effort understand the information presented to her. During the*

meeting, OV Veteran Fisher 5 submitted a 43 page document to the director, which described in detail the most critical issues facing small-scale fishers in Ocean View. He explained to the director some of the problems relating to community-based representation in Ocean View, and emphasized that unresolved issues relating to interim relief should be prioritised because winter was approaching fast, and fishers would soon have few opportunities to go to sea. OV Veteran Fisher 5 also pointed to the lack of communication between DAFF and small-scale fishing communities, and suggested to the director that there should be a structure within DAFF dedicated to liaising with small-scale fishing communities. According to him, the director expressed a degree of recognition of some of these issues, and agreed to pursue these issues, but she also stressed that there were no immediate solutions, and that a delicate strategy was needed on her part. OV Veteran Fisher 5 also recounted the director's instruction by that he should forward all relevant information directly to her, and interpreted this to be a reference to political interference at DAFF. Nevertheless, his assessment was that there was meaningful communication at this meeting.

From his observations, this fisher representative argued that the director was “under the pressures” (OV Veteran Fisher 5, pers comm 14/05/13). During their meeting, DAFF Director 4 was receiving calls from people who were meant to have a meeting with her, and OV Veteran Fisher 5 recounted that it was clear she had an excessive workload for one individual, and that this had obvious implications for her ability to execute her functions effectively. He acknowledged the difficult position she was in - caught between fishing communities, and her superiors in DAFF and the higher levels of government.

Ten days later, DAFF Director 4 was suspended under peculiar circumstances<sup>114</sup>. OV Veteran Fisher 5 suspected this is because she was trying to hold some of her colleagues to account. This would mean having to repeat this process with another official - the progress made with this director was erased.

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<sup>114</sup> DAFF brought a case against this official to the General Public Service Sector Bargaining Council, where charges were made that the official was guilty of various technical transgressions. However these charges were found to have no merit, and the case was thrown out (with costs awarded to the official). The official was re-instated in April 2013 (see ‘Statement by the Department of Agriculture, Forestry and Fisheries, on [official’s name removed] arbitration award’. 16 April 2013. [www.polity.org.co.za](http://www.polity.org.co.za).)

### ***6.3.2. c) Strategies and tactics for citizen-initiated participation: evasion and co-option***

These case studies also suggest some of the strategies and tactics that were employed by government officials, in their direct engagement with fishers and fisher representatives. Primary among these was the *strategy of evasion*, which involved a set of manoeuvres employed to delay or avoid having to engage directly with fishers and fisher representatives. The analogy of a game of ‘cat and mouse’ is apt in this regard: officials appeared to walk a fine line between being ‘captured’ by, and ‘escaping’ from fishers and their representatives. Through the tactics of arranging ambiguous meeting times and durations, and regularly postponing meetings, officials were able to achieve two strategic outcomes simultaneously. The first was that the officials avoided having to meet with these citizens. The second is that the officials were not seen to be formally rejecting their requests to engage, but merely delaying them until a later date. In this way, the fishers and their representatives were given just enough hope to maintain their engagement with formal channels of participation. The strategy of evasion can thus be seen to have had a co-opting effect on fishers and their representatives. This strategy also had an instrumental effect that could be described as ‘*wearing down the civic energy*’: the participatory vigour of fishers and their representatives is gradually worn out by having to regularly repeat what is for them a financially, physically, and emotionally exhausting process.

Another tactic was that of ‘musical chairs’. This refers to the regular replacement of high level DAFF officials – a phenomenon observed several times during this research it (directors and deputy directors DAFF generally occupied their positions in a temporary, or ‘acting’ capacity). Fishers and their representatives often spent considerable time and effort engaging with a particular ‘acting’ official, informing them of their specific issues, and building a relationship of trust and rapport. When such an official was replaced, all of this time and energy was effectively wasted, and citizens were forced to begin their efforts anew with the next official, patiently re-explaining their views and concerns, and re-establishing trust and rapport. As with the tactics employed in the strategy of evasion, the tactic of ‘musical chairs’ appeared to have an instrumental effect that could be described as ‘*wearing down the civic energy*’. This tactic also allowed officials to evade direct engagement with citizens without having to formally decline such engagement,

thus reinforcing the impression that officials remain steadfast in their desire to meet with them.

The case studies of citizen-initiated participation discussed above suggest some the reasons for widespread sense of frustration and disempowerment among many small-scale fishers and their representatives on the Cape Peninsula in relation to formal processes of participation. They illustrate some of the challenges faced by small-scale fishers and their representatives when trying to initiate direct engagement with government officials.

At the same time, the democratic participation of fishers and community-based representatives was constrained by a range of strategies and tactics employed by empowered actors during high level participatory events initiated by government agencies, NGOs, and commercial companies. The following section draws on participant-observation conducted in a wide range of 'invited' participatory encounters to illustrate the micro-politics of participation in small-scale fisheries governance on the Cape Peninsula.

#### **6.4. Participation in fisheries governance on the Cape Peninsula: dynamics of power at the high level**

A wide range of participatory encounters (21) were studied from September 2010 until August 2013. These included workshops, meetings, road shows, stakeholder consultations, and roundtable discussions relating to the SSF Policy, interim relief, and the allocation of fishing rights, which were organised and facilitated by various governmental and non-governmental agencies, such as DAFF, the DAFF Parliamentary Portfolio Committee, DEA, SANParks, the WCRL Association, WWF and Masifundise. As argued earlier in this chapter, these participatory encounters are *crystallisations in space and time, of broader political, economic and ideological contestations regarding the utilisation of fisheries species*. For this reason these participatory moments illuminate the fundamental political underpinnings of South African fisheries governance. The results of participant-observation conducted at a number of these encounters are discussed below, with particular attention paid to events that were initiated and facilitated by DAFF and other state agencies.

#### **6.4.1. Basic architecture of invited participatory events**

The discussion of invited participatory events on the Cape Peninsula begins with a sketch of the people who participated in various ways at these events, and spaces in which these events were held. A wide range of actors engage in formal processes of participation. Their interests and agendas exist in varying degrees of alignment and conflict. They also operate with divergent, often conflicting cosmologies. These cosmologies determine the values and beliefs of these actors, and inform their engagement in participatory processes unfolding in the field of fisheries governance. In the processes studied during this research, these actors included:

- ◆ residents of coastal communities, particularly small-scale fishers from various areas in Cape Town, including Ocean View, Hangberg, and Imizamo Yethu (such as interim relief permit holders, nearshore WCRL right holders, traditional linefish right holders)
- ◆ small-scale fishing community representatives
- ◆ NGO representatives
- ◆ officials of varying rank within DAFF, DEA and SANParks
- ◆ DAFF Portfolio Committee members
- ◆ marine and fisheries scientists
- ◆ industrial fishing company representatives
- ◆ labour union representatives

The various participants all hold a different composition of capitals, and are located in different positions in the field of fisheries governance in South Africa. Government officials and industry representatives draw on vast reserves of economic, social, and institutional-specific cultural capital, and wield political power from their position in the field. Others, such as small-scale fishers, have less economic, social and institutional-specific cultural capital, but they have considerable fisheries-specific cultural capital, and thus symbolic power in the field of fisheries governance. Invited participatory spaces are shaped fundamentally by the political dynamics at the national level, such as the ‘transformation’ agenda, the longstanding domination of the fishing industry; and the

‘sustainability agenda’. These invited spaces are also shaped by the multi-scale structures and processes of capitalism, which constrain and enable the participatory efforts of industrial fishing companies, government departments, fisheries scientists small-scale fishing communities and their representatives.

Invited participatory spaces observed during this research usually manifested in the form of meetings, which were held at range of venues from small community halls to parliamentary chambers and luxurious hotels. Venue location had a significant influence on the participatory space: fishers and community-based representatives generally appeared to feel emboldened when venues are situated on their ‘home turf’; forcing government officials and other external actors to adjust their approach accordingly. When participatory spaces were located in more formal venues, such as parliament, the advantage shifted in favour of government officials and other actors such as scientists and fishing company representatives, who generally feel more comfortable in such spaces.

The ways in which these spaces were arranged was also a key factor shaping the experience of participation. For example, DAFF road shows held in community halls were usually adorned with an array of props that gave the appearance of a grand democratic event. Large glossy posters emblazoned with progressive rhetoric formed the backdrop in front of which officials were seated, often on a raised platform (thus symbolising their hierarchical relation to participants). Hired photographers and videographers were present to document ‘democracy in action’, and were often supported at larger events by journalists from the popular media. Sound systems were operated by technicians seated behind complicated mixing boards, while others roamed around handing microphones to members of the audience when they stand to speak. And there was usually a projector machine casting a sequence of digital slides onto a screen or wall in the venue. All of these props created the impression of an important formal event. As attendees at such an event, the participants were themselves inclined to feel a sense of importance, and that they were being taken seriously in the democratic process. However, as will be discussed below, some of these props also served to disempower and alienate attendees from small-scale fishing communities.

#### **6.4.2. Strategic themes: the play of power in participation**

From the stage upon which high level participatory encounters played out, the discussion now shifts to the drama itself. Here the focus is placed on the activities that constitute these participatory encounters. Three critical activities are discussed in turn: i) facilitation; ii) symbolic performance; iii) and the contest to 'define reality'. These activities are central to the politics of participation in fisheries governance. In particular, they offer a strategic means for people to reinforce or contest particular relations of power, and associated patterns of benefit distribution.

##### ***6.4.2. a) Facilitation: arbitrating discussion in the participatory space***

The role of facilitating, or 'chairing' these participatory events was one of considerable power. Within the space and time of the participatory event, *all participants were required to submit to the authority of those who facilitate*, and this placed facilitators in a position to guide and control the proceedings in accordance with particular interests and agendas. They arbitrated discussion in the participatory space, and were formally empowered to have 'the final say'. The general result was a clear hierarchy between participants and those who facilitated.

The identity and characteristics of those who facilitated the event was also inevitably of great import to the nature of invited participatory spaces, and the engagements that unfold within them. Facilitators exhibited varying levels of knowledge regarding the local context of participants, the general context of fisheries governance in the province, and South Africa more broadly, as well as the subject matter of the participatory event. The level of knowledge held by facilitators had direct implications for their ability to engage substantively with participants. In the case of DAFF road shows for example, it was observed that many officials had limited knowledge of these three dimensions, and were often unable to provide satisfactory responses to the inquiries of participants. At a road show in Imizamo Yethu in July 2012 to discuss the review of the MLRA, facilitation was conducted by a senior DAFF official responsible for aquaculture management ('DAFF Director 3'). As such, this official was not equipped to engage meaningfully with participants, who were concerned with wild-capture fisheries, and not aquaculture. The result was that he often said things like "that is as much as I can say", "I believe that", and "as far as I know ... but I stand to be corrected" (DAFF Director 3, pers comm

19/07/12) While some DAFF facilitators exhibited greater knowledge of the general context of fisheries governance in South Africa, and the subject of the participatory event itself, there were few who seemed to have detailed knowledge regarding the local contexts of those who were participating, making it difficult to engage substantively within the time constraints of the road show.

The formal authority held by facilitators was also a critical dynamic shaping these participatory spaces. In this research, it was observed that some facilitating government officials had low-ranking authority, and thus lacked the capacity to give definitive responses to participant's inquiries, or to influence governance decisions on the participant's behalf. On other occasions, the facilitators held high degrees of authority, and were able to respond in more categorical manner, as well as having the ability to potentially influence decisions that affected the lives of participants. The formal authority of facilitators related directly to the relations of power between them and fisher participants. When the facilitator had a high degree of formal authority, they were more likely to retain control of a participatory space throughout the duration of the proceedings. Conversely, when the facilitator had a low level of formal authority, the participatory space is more vulnerable to being 'captured' by participants.

The manner and style of facilitation also shaped the participatory spaces observed during this research. The ways in which facilitation was enacted depended largely on the knowledge, authority and personality of the individual facilitator, as well as the context of a particular participatory process. In cases where the facilitator was a low-ranking official who lacked the requisite knowledge, the participatory space often took on the form of an 'information session', where the facilitator spent most the time reading to the participants from a 'script' (in this case a digital slide presentation). For example, the DAFF SSF policy road shows in Hangberg and Ocean View were facilitated by two middle-level officials (referred to here as DAFF Official 1 and DAFF Official 2). DAFF Official 1 (a fisheries scientist), presented the policy information, while DAFF Official 2 (an administrative official) managed the participants, and intermittently summarised and translated this information into Afrikaans for them. DAFF Official 1 spent most of the time conveying information regarding the policy - there was limited time for discussion, prompting one of the fishers at the Ocean View road show to ask: "Is this an information session or a public participation session?" (OV Fisher 14, pers comm 29/09/10). At the

Kalk Bay road show, DAFF Official 1 explained that “we are not here to defend this policy, I am a government employee and it’s my job to present this to you” (DAFF Official 1, pers comm 01/10/10).

Yet even on these terms, the facilitation of the road shows was found wanting. The information was mostly presented in English (though the first language of most of the participants was Afrikaans), and was characterised by a preponderance of academic and policy jargon, featuring terms and concepts that were unfamiliar to a large proportion of participants. This jargon included: ‘holistic’; ‘bold paradigm shift’; ‘implementation’; ‘pillars’; ‘suite’; ‘empowerment’; ‘progressive realisation of livelihood rights’; ‘co-management’; and ‘integrity of ecosystems’. Despite DAFF Official 2’s best efforts to interpret for participants, much of the information being conveyed was lost in translation.

At the SSF policy road shows, fishers were also alienated by the style of DAFF Official 1’s presentation. This presentation consisted of roughly two dozen slides, all packed with policy-related text. DAFF Official 1 essentially read through all of the slides, pausing between each section so that DAFF Official 2 could summarise the information into a few sentences. The result was a long presentation whose monotony exhausted the patience and attention of the participants. The general sense of alienation among participants was further exacerbated by the use of digital slides as the medium for conveying information. For most of the small-scale fishers (who lacked cultural capital in the institutional field), digital slides were an intimidating artefact that represented a social world in which they felt disempowered. Their lack of engagement with the digital presentation was clearly evidenced at the Ocean View road show: projected high onto a wall, the slides were unintelligible to all but those seated in the front row, and yet none of the participants requested for this to be rectified. At the Hangberg road show, a local community-based representative gave an assessment of how the style, discourses, and medium of communication used at the road show had the effect of alienating participants: “this nice stuff keeps the people in bondage. Our people don’t understand this nice stuff - you must speak low like us” (HGB Fisher 13, pers comm 27/09/10).

Yet it is also the case that facilitators with higher levels of knowledge and authority are able to break from their script, and engage more directly with fisher participants. These facilitators are usually skilled at managing large, antagonistic groups. Two such

facilitators were DAFF Director 1 and DAFF Director 2<sup>115</sup>. For example, DAFF Director 2 demonstrated considerable charisma, which enabled him to defuse dissent at a number of participatory events observed during this research. As the chairperson, he was lively and charming, and spoke in a style reminiscent of an evangelical preacher, or a politician on the campaign trail. DAFF Director 2 also peppered his statements to black people and coloured people with appropriate colloquial phrases - a practice that was well-received by these participants. His approach seemed to infuse participatory events with a sense of conviviality, informality, and frankness which appeared to soothe the high tensions that were bubbling away in the audience. Based on these observations, it could be argued that DAFF Director 2's role as chairperson was partly one of public relations.

The primary strategy employed by facilitators of invited participatory spaces was that of *policing the boundaries of acceptable discussion*. 'Acceptable discussion' in this context refers simply to the values, images, concepts and theories that conform to the logic and interests of powerful actors. This ideological framework could be described as the 'doxa' (or 'orthodoxy') of the field of fisheries governance. Using their authority to direct proceedings, facilitators ensure that participants are constrained from pursuing avenues of inquiry that stray outside the boundaries of acceptable discussion. Failure to shepherd the discussion within safe ideological territory often resulted in the participatory space being 'claimed' by participants, who seized on the opportunity to assert ideas that were usually suppressed.

A few brief ethnographic examples will be presented to illustrate the strategy of policing the boundaries of acceptable discussion. In July 2011, a series of 'Nearshore WCRL Right Holder Consultations' were held in various coastal communities along the Cape Peninsula. Their purpose was to enable discussion between DAFF and nearshore WCRL right holders regarding the past fishing season, and how to improve the management of the following season. These consultations were facilitated with a mixture of charm and sternness by DAFF Director 1. At the consultation in Hangberg, one of the fishers brought up the issue of over-fishing by the offshore WCRL sector. DAFF Director 1 quickly responded: "OK, let's leave that for now" (DAFF Director 1, pers comm 06/07/11). However, by the time the proceedings had concluded, he had not addressed this fisher's concern. The following day, the consultations moved to Ocean View, where

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<sup>115</sup> It is worth noting that both these senior DAFF officials were members of the ANC.

one of the fishers asked DAFF Director 1 about the possibility of being permitted to harvest an outstanding quantum (126kg) of his allocation; to which the director smiled and replied with gentle sarcasm: “we can talk about that later” (DAFF Director 1, pers comm 07/07/11). The participants in the hall erupted in laughter - they recognised from his tone that that DAFF Director 1 was joking, and had no serious intention of considering this request (by the close of proceedings, he had not addressed this fisher’s concern).

The strategy of policing the boundaries of acceptable discussion was also evidenced in April 2013 during a DAFF road show in Cape Town to discuss the ‘General Policy for the Allocation of Commercial Fishing Rights’. This event was facilitated by DAFF Director 2. At one point in the proceedings, a community-based fisher representative from Ocean View asked DAFF Director 2 a series of critical questions about maladministration within DAFF. The protocol was that the facilitator should wait until the next four participants from the floor had spoken, before responding to their questions and comments. However, the director broke the protocol and responded directly to the representative, deftly preventing the representative from further pursuing this line of inquiry, while pre-empting any accusations that they were censoring discussion by referring to a prior meeting with the representative (which the latter asserted had yielded no conclusive outcome). In a beseeching tone, DAFF Director 2 exclaimed:

“please ... help us, focus on this matter at hand ... You know we’ve had many meetings, on those others matters you’ve raised ... but we’ll try to isolate those ones that are ... really relevant to this conversation ... not to suppress the other matters ... so please ... I don’t want to be unpopular, you know, that is ... stifling debate ... but I want, also for all of us, let’s try to be focused ... and make this thing constructive. We note your comments, thank you very much ...” (DAFF Director 2, pers comm 23/04/13).

On a more mundane level, the *unilateral declaration of time limits* for a participatory event served as a procedural mechanism that enabled facilitators to control the participatory space, and to police the boundaries of acceptable discussion, thus undermining the ability of participants to engage rigorously with government officials. Participants are instructed to restrict their communication to one or two short points, and facilitators had a very brief opportunity to respond to them. It was often the case that heated discussions were cut short by a facilitator because of considerations of time. These limitations were reinforced by the ‘problem of concision’ - participants faced the obstacle of condensing an

often vast amount of complex information into a few sentences<sup>116</sup>. For small-scale fishers, the need to be ‘concise’ was particularly challenging because the information they wished to convey had implications for their livelihoods, and was thus filled with strong emotion.

Another prosaic, but nonetheless critical tactic that served to de-limit the boundaries of acceptable discussion was the *imposition of pre-determined agendas*. Government officials unilaterally determined the subjects permitted for debate, and thus by implication, the subjects that were prohibited. In this way, the agenda set the boundaries of acceptable discussion, providing the facilitator with a seemingly neutral procedural mechanism to keep debate within safe ideological territory. For example, at the nearshore WCRL right holder consultations, DAFF Director 1 made it clear to participants that the agenda was limited to the fishing activities and bureaucratic technicalities of the previous commercial WCRL season. Throughout the three consultations observed on the Cape Peninsula in July 2012, DAFF Director 1 repeatedly drew on this restrictive agenda to police the boundaries of acceptable discussion. At the Ocean View consultation, one of the fishers asked the director about the relation between the offshore and nearshore WCRL sectors. The director responded immediately, arguing forcefully that this question was “not on the agenda” (DAFF Director 1, pers comm 07/07/11).

In addition to the tactics for ‘policing boundaries’ described above, facilitators also utilised what could be called the tactic of *selective amnesia* to navigate safely through the participatory space. This tactic involved government officials - as facilitators - expressing unfamiliarity or ignorance regarding a particular question or comment, despite there being a high likelihood that they did in fact have knowledge of that issue. In this sense, the official appeared to be misrepresenting the true state of their knowledge as a means to manipulate the discussion - they were seen to acknowledge a particular issue, while at the same time avoiding a direct engagement with it. The tactic of selective amnesia was clearly evidenced by DAFF Director 1 at the nearshore WCRL right holder consultations. For example, he inquired why participants relied upon third parties to complete quota application and performance review forms on their behalf, noting at the Ocean View consultation that “I have picked up that problems arise with the involvement of third parties” (DAFF Director 1, pers comm 07/07/11). At the Hangberg consultation, he asked in a tone of disbelief: “are the forms too ... complicated?” (DAFF

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<sup>116</sup> See ‘Noam Chomsky: Activism, Anarchy and Power’. 2002. Conversations with History. 24 June. Interview, *University of California Television (UCTV)*.

Director 1, pers comm 06/07/11). The vast majority of participants responded loudly in the affirmative. One of the fishers explained his reason for relying on consultants: “I cannot read and write very well” (HGB Fisher 12, pers comm 06/07/11). That the director was genuinely unaware of the bureaucratic difficulties faced by these fishers seemed highly improbable - it was common knowledge that a significant proportion of fishers struggle with bureaucratic processes, a fact that had been well documented (see Hersoug and Isaacs 2001). A reasonable observer is thus forced to conclude that the ignorance reflected by his question was in fact a calculated use of the tactic of selective amnesia.

Selective amnesia is closely related to the tactic of *deflection*, where facilitators avoided engaging on a particular issue by indicating that this issue was outside of their jurisdiction, and could only be addressed by another official who was not present at the event. For example, at the DAFF road show in Imizamo Yethu, DAFF Director 3 repeatedly deflected questions regarding small-scale fisheries to DAFF Director 6, exclaiming at one point that: “I wish DAFF Director 6 was here to respond to your question!” (DAFF Director 3, pers comm 19/07/12). At the nearshore WCRL right holder consultation in Ocean View, many participants asked DAFF Director 1 questions about interim relief. Although these questions had direct relevance for the nearshore WCRL fishery, DAFF Director 1 cited the technical fact that interim relief was not within his jurisdiction, and that such questions should be directed towards the relevant official: “I’m not the person to speak to about interim relief, that person is DAFF Director 6” (DAFF Director 1, pers comm 07/07/11).

One of the most powerful and ubiquitous manoeuvres used by facilitators to navigate safely through the participatory space was the *tactic of deferment*. In this tactical manoeuvre, participants who raised challenging questions or comments were instructed to submit further information in writing to relevant government officials. This instruction was accompanied by the explicit or implicit assurance to participants that their comments will be seriously considered by the relevant officials subsequent to the conclusion of the participatory event. The tactic of deferment allowed a facilitator to postpone their response to the participant’s question or comment to another time and place, while leaving indeterminate the matter of how and when the participant’s comments would be responded to. We can see the *tactic of deferment* in action in the following examples. At

the DAFF road show for the general re-allocation of commercial fishing rights in April 2013, DAFF Director 4 responded to a question asked by a community-based representative from Imizamo Yethu regarding the allocation of community-based rights: “please send us your comments, to assist us with what could be a controversial decision” (DAFF Director 4, pers comm 23/04/13).

That most participants recognised the strategic nature of the injunction to ‘write us a letter’ was poignantly illustrated during the rights allocation road show. One fisher representative from Mitchells Plain on the Cape Flats made the argument that his group of forty members should be allocated fishing rights to the value of “maybe 10 million [ZAR] ... we need something real for Mitchells Plain” (MP Fisher 1, pers comm 23/04/13). DAFF Director 2 laughed in a friendly manner, congratulating the representative for his forthright approach, and explained to him with heavy irony: “write down your comments” (DAFF Director 2, pers comm 23/04/13). This sparked much hilarity among the participants - from the director’s tone it was clear to them that he was joking, and did not seriously intend to engage further on this request.

Aside from disempowering fishers and fisher representatives within the participatory moment by enabling a facilitator to avoid responding directly to difficult questions or comments, the tactic of deferment also disempowered them after the event has concluded. Submitting written comments required fisher participants to exercise a degree of reading and writing skills which many do not possess. It also required access to administrative resources which many fishers lack, such as faxes, computers and internet connections. But most of all, the tactic of deferment required fishers to *trust* that officials would engage seriously with their questions and comments after the participatory event had ended, and the officials were ensconced in the seclusion of their offices. In the participatory moment, fishers had little choice but to accept on faith, the assurances given by officials that their written submissions would be considered. This was illustrated in April 2013 during the DAFF road show to discuss the allocation of commercial fishing rights, when a senior DAFF official assured participants that “we will consider your comments ...” (DAFF Director 5, pers comm 23/04/13). And at the nearshore WCRL consultation in Kalk Bay, DAFF Director 1 explained to one of the participants: “look, the department will consider your comments, and once we have understood the issue, we will decide whether there is sufficient reason” (DAFF Director 1, pers comm 08/07/11).

Later, when one of the fishers alleged that his permit was always issued late, the director told him: “Give me your details, let me follow this up” (DAFF Director 1, pers comm 08/07/11).

However, despite these assurances, there was a perception among many fishers and community-based representatives encountered during this research that officials tended not to consider questions and comments raised in participatory spaces. Speaking to me just after the conclusion of the nearshore WCRL consultation in Hangberg, a local fisher explained that he had been monitoring the junior officials when DAFF Director 1 periodically instructed them to record questions and comments from participants. This fisher claimed that there were several occasions where these junior officials neglected to write these submissions down, and argued that these kinds of omissions were routine, and that fishers’ inquiries are rarely followed up (even if written down) (HGB Fisher 3, pers comm 06/07/11).

The discussion so far has largely focused on DAFF officials in their role as facilitators of participatory spaces. However, the focus is now expanded to include the role of other actors such as parliamentary portfolio committee members, small-scale fishers, fisher representatives, scientists, conservationists, labour unionists, as well as high level representatives of industrial fishing companies. Specifically, the following discussion will explore their strategic use of symbolic performance, of which the tactics of ‘symbolic positioning’, and ‘symbolic demonstrations of power’ are central.

#### ***6.4.3. b) Symbolic performance: positioning and demonstrations of power***

The activity of participation involves a degree of symbolic performance. During the participatory events observed during this research, participants and facilitators used specific discourses, accents, tones of voice and body language to project themselves in a particular light, thus making implicit claims about their legitimacy and position in the field, what Bourdieu (1989) calls ‘strategies of condescension’. Many community-based scale fisher representatives appeared to consciously use these participatory moments to present themselves as being deeply rooted in the fishing communities they were representing. Through this performative manoeuvre, they were infused with the symbolic power - in this case the moral legitimacy - of ‘previously disadvantaged’, ‘bona fide’

small-scale fishers. Once infused with this symbolic power, their claims became proportionately more potent and compelling.

In their symbolic performances, community-based representatives used the rich and vividly expressive linguistic style popularly associated with Afrikaans-speaking fishers along the Cape coast. This unique, culturally-specific linguistic style is characterised by the merging of metaphor, humour and pathos, and can be sophisticated and profoundly poetic in its form and content. Many community-based representatives exploited this linguistic style as a central feature of their symbolic performance, effectively positioning themselves as being firmly rooted in the culture and relationships of their local fishing communities. Speaking in this way, these community-based representatives were often seen to articulate clichés such as ‘the lament of the fisher’ (a discourse based on the tactical recitation of their own impoverishment as a means to establish their credentials as legitimate members of a small-scale fishing community). The following example illustrates this tactic in action. During parliamentary hearings in October 2013, the DAFF Portfolio Committee, DAFF officials, and a wide range of representatives from coastal communities and fishing companies submitted their views regarding the review of the MLRA. One community-based representative from a southern Cape coastal village introduced herself as deeply embedded in the fishing community she formally represented, explaining that her father was a fisher who died at sea, leaving his wife and eight children behind, and exclaimed that “I was born in poverty, I don’t want to die in poverty!” (SC Rep 1, pers comm date 16/10/13). She described herself as “a leader in this industry”, and asserted that “We are traditional fishing people”, adding in a knowing tone that she had this tradition “in my head ... that’s what makes me clever!” (SC Rep 1, pers comm 16/10/13). Critical observation suggested that this representative was giving a strategic symbolic performance, carefully calculated to position herself as a legitimate community-based representative of small-scale fishers.

It was not only community-based fisher representatives who used the tactic of symbolic positioning to make implicit claims about their legitimacy. Several actors in high-ranking positions within the government and industrial fishing companies also positioned themselves as being ‘of the fisher folk’. In March 2011, during a roundtable discussion co-hosted by WWF and MDT, a DAFF Parliamentary Portfolio Committee member exclaimed with pride that: “I come from a fishing community. God bless us, that some of

us are now in parliament” (DAFF PC Member 1, pers comm 29/03/11). On another occasion, at the parliamentary hearings in June 2011 to discuss the transformation of the fishing industry, the founder and director of a controversial industrial fishing company, positioned herself symbolically as a “community-worker” in Kalk Bay, and a progressive businesswoman<sup>117</sup> (Company Director 1, pers comm 14/06/11). Two years later at the parliamentary hearings regarding the amendment of the MLRA, she began her submission by fervently stating that she was “a 4<sup>th</sup> generation fisher woman ... The history is there ... if you want to check my history” (Company Director 1, pers comm 15/10/13).

It was also common for members of parliament and labour unionists to demonstrate, at the symbolic level, that they are positioned closer to small-scale fishing communities, than to DAFF or industrial fishing companies and fisheries scientists. At the WWF-MDT roundtable discussion mentioned above, the DAFF Portfolio Committee member decried the domination of industrial fishing companies, and called for economic and racial reform, exclaiming: “There will be no ‘business as usual’ ... Why are they still giving out large tonnages to the commercial companies, to the capitalist monopolies? ... We are talking about transformation without apologising ...” (DAF PC Member 1, pers comm 29/03/11). Labour unionists were also observed employing the tactic of symbolic positioning for the purpose of appearing ‘on the side’ of disenfranchised coastal communities. During a speech at a small-scale fisher rally hosted by Masifundise and Coastal Links in March 2011, the provincial leader of the Congress of South African Trade Unions (COSATU) made unabashed use of populist rhetoric, decrying the excesses of industrial fishing companies, and the racial oppression of coloured and black fishing communities by the “boere”<sup>118</sup> (Union Rep 1, pers comm 23/03/11). He repeatedly employed the words “our”, and “we”, to locate himself close to the position of fishers and fish workers: “NO! We must change everything ... We must take away from those who have no place in the industry” (Union Rep 1, pers comm 23/03/11).

Participatory events also featured the use of symbolic performance to demonstrate particular relations of power. As discussed earlier, it is usually the case that facilitators

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<sup>117</sup> This company had an infamous reputation according to several research participants in Imizamo Yethu (IY Veteran Fisher 1, 2, pers comm 06/04/12; IY Veteran Fisher 3, pers comm 10/04/12; IY Veteran Fisher 5, pers comm 11/04/12).

<sup>118</sup> ‘Boere’ is the Afrikaans word for ‘farmers’. However, in contexts such as the example described here, this word carries a racially derogatory meaning.

(or chairpersons) play a dominant role. When it appears that an invited participatory space is under threat of being 'claimed' by participants, the facilitator will reinforce their authority over the space by symbolically asserting their power in relation to these participants, thus reminding them who is in control. During the nearshore WCRL consultation in Kalk Bay, DAFF Director 1 was explaining to participants the reasons for his department's reluctance to extend the WCRL season. At one point in his explanation he adopted a stern tone, and asked fishers: "are you going to jeopardise the chances for future generations. Or are you going to make the most of the opportunities we have given you?" (DAFF Director 1, pers comm 08/07/11). Later during the proceedings, a young fisher asked the director when the proposed allocation of snoek to nearshore WCRL right holders was to be implemented. To which the director firmly replied: "I can't give you a time-line, it will take its course" (DAFF Director 1, pers comm 08/07/11).

The symbolic demonstration of power was also evidenced at the SSF policy road shows, when DAFF Director 5 attempted to convince a fisher participant that it was not possible to consult every individual fisher when formulating the policy. When the fisher continued to protest his exclusion from the policy process, the director adopted a tone of thinly veiled sarcasm: "I am sorry we never consulted you personally ..." (DAFF Director 5, pers comm 01/10/11). There was very little that the fisher could say in response to such a statement - the director had made it clear that this particular line of inquiry would no longer be pursued - and so the fisher became silent and returned to his seat.

During this research, it was clear that the symbolic demonstration of power in participatory spaces always depended on who the facilitators were, and who the participants were. In the examples cited above, the facilitators were DAFF officials, and the participants were small-scale fishers. However, it was also the case that members of parliament gave symbolic demonstration of power in relation to representatives from large commercial fishing companies. During the public hearings held at parliament in June 2011, the chairperson of the DAFF Parliamentary Portfolio Committee admonished the director of one of these companies for breaking procedural protocol by speaking out of turn, and advised him to "raise your hand not your mouth" (DAFF PC Chair, pers comm 15/06/11). Later the director emphasised the contribution that his company made to employment in coastal communities, and that radical reform the

fishing industry would undermine the company's ability to provide these jobs (Company Director 2, pers comm 15/06/11). The chairperson responded to the director by chastising him in a sarcastic tone: "OK OK, there is no need to repeat that point to re-motivate your existence" (DAFF PC Chair, pers comm 15/06/11). Once again, the chairperson symbolically demonstrated to all present that, within the parliamentary chamber, the chair held power over the director.

The symbolic demonstration of power was also evidenced during a meeting between small-scale fisher representatives and representatives from one of South Africa's largest industrial fishing companies, who had gathered together to discuss the SSF policy. This meeting was facilitated by the company's director, who explained in to the representatives that "my concern is that there needs to be much more clarity before I can sign off on this document", adding in an authoritative tone that if the term 'traditional' was included in the definition of small-scale fishing: "I will sign off on it" (Company Director 2, pers comm 02/03/11). The company director had no formal authority to 'sign off' on government policies, fisheries-related or otherwise, but by making this statement in the manner in which he did, he was making a thinly-veiled allusion, demonstrating symbolically the considerable political-economic power of his company in relation to the fisher representatives, not only within the space of the meeting, but more broadly in relation to fisheries governance in South Africa.

#### ***6.4.3. c) The contest to define reality: rationality and power***

As discussed in Chapter Two, the principal aspect of political engagement is the act of depicting - or representing - particular people, things and relationships. This aesthetic act can best be viewed in terms of 'making claims' (Saward 2006). These claims do not correspond perfectly to the 'objective reality' or 'truth' of that which they represent - they are an approximation and not the fact itself. A particular claim is thus subject to contestation by those who choose not to recognise it, and who put forward their own counter-claims. Actors in participatory spaces compete to gain recognition for their claims as the definitive rendering of reality - the way 'things really are'. Their aim is to provide symbolic support for material action (or inaction): defining the perception of a societal issue is necessary to influence the course of action (or inaction) in relation to that issue (Bourdieu 1977, Flyvbjerg 1998).

From the perspective of political philosophy founded in the western Enlightenment, the basis for making and contesting claims is 'rationality' - the assumption is 'the more rationality the better' (Flyvbjerg 1998). In participatory processes, rationality is valued because it is seen as the best means to achieve effective and efficient solutions. But more importantly, it is also valued as *the basis for facilitating open democratic engagement*: rationality is seen as the opposite of politics, power, strategy and tactics - it is neutral, objective, and thus apolitical. Therefore, the notion of rationality carries considerable symbolic power in the participatory space. Claims that *appear* rational are thus infused with this symbolic power, and tend to be recognised as a definitive rendering, and therefore legitimate or authoritative. At the same time, a claim can be contested, and potentially dismissed as 'illegitimate' on the grounds that it is 'irrational'.

Yet, the competition to declare some claims as rational is itself irrational. As Foucault (1977, 1991) has argued, 'rational' or 'true' knowledge, though seemingly about than objective facts outside of politics, is very often implicated in the discursive imposition of dominant values and beliefs, serving as a symbolic form of power that exerts political force while being 'invisible' in its operation. Applying Foucault's theoretical perspective to fisheries governance context, Jentoft (2007: 443) highlights the fact that the discursive contestation between different claims is fundamentally shaped by asymmetrical relations of power, and can itself reinforce and extend those asymmetries, stating that: "the outcome, who wins, and whose perception of reality becomes valid, are not so much questions of which of the communicating parties 'is right', but who at the end of the day 'gets right' ... The best argument does not always win". In the participatory events observed during this research, it was apparent that rationality was not necessarily about apolitical reason, but rather, it was a matter of power relations, hidden interests and agendas, strategies and tactics; in other words, of politics. The recognition of claims as rational or irrational seemed to correlate closely with the logic, interests and agendas of powerful actors, rather than with those of less powerful groupings - there appeared to be an alignment between the dominant version of what is 'rational', and the doxa of the field.

Through a process of what Bourdieu calls 'symbolic violence', alternative visions were suppressed by facilitators, and the doxa of the field made to appear rational, natural, inevitable, and thus legitimate. Claims appeared more likely to be recognised as objective

fact if the claim-maker gave a compelling performance. This was achieved through for example, symbolic self-positioning, and the use of technical discourses, graphs and statistics. These performative tactics created the impression of a rational and thus apolitical claim. In the context of the participatory events observed during this research, people made competing claims to define, for example, the objective possibilities of particular management interventions, the abundance or scarcity of fisheries stocks, and the value of a specific event to those who participated. Some of these claims and counter-claims are presented below.

It was common for particular representations of reality to be supported or dismissed on the basis that were 'realistic' or 'unrealistic'. This tactic was usually used by government officials, fisheries scientists, conservationists, and representatives of industrial fishing companies, who assumed the role of 'rational' actors in opposition to small-scale fishers, who they deemed 'irrational'. Words such as 'objective', 'facts', 'responsible', 'realistic' and 'reality' served to categorise particular claims as 'rational' or 'irrational', and thus worthy of consideration or not.

This tactic was observed at the nearshore WCRL consultations, where one of the fisher participants claimed that he had not been able to catch his quota allocation before the end of the season because DAFF had issued his permit late. DAFF Director 1 explained to him that his allegation would be rationally assessed to determine whether it was an accurate rendering of reality: "we will look at the facts of the story objectively" (DAFF Director 1, pers comm 08/07/11). When the discussion turned to the decision to protect nearshore right holders from decreases in the WCRL TAC, the director explained that, because of this decision, these right holders could not expect larger quotas if the TAC was increased, because this would require DAFF to decrease the size of the quotas allocated to the industrial offshore sector – and "that would be irresponsible" (DAFF Director 1, pers comm 08/07/11).

At a January 2011 workshop between SAN Parks, DEA, DAFF and fishers from Hangberg to discuss Karbonkelberg Restricted Zone, the fisher participants argued that the hoop nets used by small-scale fishers to catch WCRL were less harmful than the traps used by the offshore vessels. In response, a DAFF fisheries scientist stated that both forms of gear have an impact on the ecosystem, asserting that it was vital to "deal with the facts" (DAFF Scientist 1, pers comm 28/01/11). On another occasion, during a

meeting between small-scale fisher representatives and an industrial fishing company, the company's director asserted with authority that the demands of fishers for fishing rights re-distribution should be "practical" and "realistic", and argued that they should "take a pragmatic view ... We need to be realistic, not idealistic" (Company Director 2, pers comm 02/03/11). Later during this meeting, a lawyer for the fisher representatives claimed that: "We are approaching a level of rationality here!" (Lawyer 1, pers comm 02/03/11).

During participatory events observed during this research, there was intense competition to define the status of fisheries resources. Claims and counter-claims were made regarding the abundance or scarcity of these resources, and the knowledge that supported these claims. It was apparent that DAFF officials, fisheries scientists, and conservationists used the symbolic authority of scientific knowledge to portray the reality of fisheries resources as one of scarcity, and used this to justify a conservative approach to determining the TAC, and the allocation of fishing rights. On the other hand, small-scale fishers drew on their experiential knowledge to contest these claims, and the scientific knowledge upon which they were based. The following ethnographic examples serve to illustrate this contest.

At the Karbonkelberg Restricted Zone workshop in January 2011, DAFF Fisheries Scientist 1 gave a digital presentation to participants that outlined the status of WCRL stocks. He showed graphs and statistics to make the claim that WCRL stocks levels were highly threatened, and stated that this commercially valuable species was "estimated at 3.2% of pristine" (DAFF Fisheries Scientist 1, pers comm 28/01/11). The portrayal of WCRL as a highly overfished species was affirmed at a DAFF workshop to discuss WCRL data management in November 2011, which was attended by fisheries scientists and managers from DAFF, as well as scientists from independent consultancies, small-scale fishers and their representatives. One of the independent fisheries scientists presented a series of graphs representing the abundance of WCRL around Port Nolloth in the Northern Cape. From this data, he concluded that WCRL in this area had declined by 95% over the last century (Fisheries Scientist 1, pers comm 04/11/11). DAFF Director 1 used this scientific picture as his point of departure when engaging with fishers at the nearshore WCRL consultations in 2011. In response to calls by participants in Hangberg for the nearshore WCRL season to be extended, the director drew on the bleak

scientific portrayal of WCRL decline to assert that an extension would negatively affect the TAC for the following season. He emphasised that “this isn’t me making these decisions because I feel like it, there are biological reasons” (DAFF Director 1, pers comm 06/07/11). Affirming this point at the Kalk Bay consultation, he declared that “socio-economics can never be the only consideration ... we [DAFF] will be guided by the interests of the resource” (DAFF Director 1, pers comm 08/07/11).

The scientifically-based representation of fisheries stock levels was regularly contested by small-scale fishers, who challenged the methods and theories used to support the claim that these species were highly threatened - an epistemological contestation that has been extensively documented in a many fisheries governance contexts around the world (Berkes 1977, Johannes 1978, Hauck and Sowman 2003). During the small-scale fisher rally in Kalk Bay in March 2011, a prominent fisher representative declared to the attendees that fishers know the limits of the resource because they are on the sea every day: “the scientists say there is not enough fish - nonsense!” (Roving Rep 1, pers comm 23/03/11). On another occasion, at the workshop to discuss the management of WCRL fisheries data, a skipper in the offshore sector noted during the previous season, average catches had increased from 300kg to 500kg per trip: “things are not as bad as some are saying” (HGB Fisher 1, pers comm 04/11/11). Later during this workshop, a young Community Network (CN) representative questioned the reliance of fisheries scientists on mathematical models and equations. He stated that scientists should spend more time in the field to gain a more accurate understanding of WCRL dynamics, arguing that they should “stop estimating!” (CN Rep 1, pers comm 04/11/11).

On numerous occasions during high level participatory events, government officials and industry representatives sought to depict a specific participatory process as something of value to participants. These claims were usually made at the end of proceedings, at which point they appeared as the ‘final assessment’ of that particular participatory event. Of significance in this regard was the notion of ‘synergy’, which was sometimes used to define the event as one in which actors with divergent views and interests had found common cause through constructive engagement with each other. The purpose of this tactic appeared to be the *co-option* of participants through the symbolic legitimisation of formal processes of participation. Fishers encountered during this research would often

use the Afrikaans phrase ‘smeer jam op jou mond’ (to ‘spread jam on your lips’) to refer to this co-opting effect.

The tactic of positive portrayal was observed at the conclusion of the aforementioned meeting between representatives of small-scale fishers and an industrial fishing company, (where the topic of discussion was the SSF policy). Enthused by the outcome of the meeting, and the possibilities of engaging directly with a sector whose interests were generally seen to be in conflict with those of established industry, the company director asserted that: “we can provide an example for other companies – the Holy Grail!” (Company Director 1, pers comm 02/03/11). At the WWF-MDT roundtable discussion, a lawyer for the same industrial fishing company made the claim that there was “synergy between big business and community” (Company Lawyer 1, pers comm 29/03/11).

The tactic of positive portrayal was also clearly discernible at the WCRL consultations. A pattern was observed at the close of each consultation on the Cape peninsula, where DAFF Director 1 and an industry association representative made an effort to represent these events in favourable light. The director would conclude with the claim that the consultation had been worthwhile for all involved: “Thank you to the rights holders who attended, I think this has been a valuable and successful meeting” (DAFF Director 1, pers comm 07/07/11). After he had formally closed proceedings, the industry representative would start clapping, while nodding at the participants to join in. Only a few participants started to clap with him, but the sound of the clapping created a vague impression that the event had been meaningful in some way.

The notion of synergy was closely related to the metaphors of ‘inside’ and ‘outside’, which referred to the exercise of democratic rights *within* formal channels of participation (such as invited participatory spaces’), and *outside* of these channels (for example through street protests). This research suggested that when fishers and their representatives remained ‘inside’, it was easier their antagonisms and dissent to be managed by powerful actors in government and industry. Conversely, this containment appeared more difficult when fishers decide to exercise their democratic rights outside the formal channels of participation. This alludes to the co-opting effect which appeared to be at the heart of the participatory processes observed during this research. The importance of keeping fishers ‘inside’ was illustrated with particular clarity during the Karbonkelberg Restricted Zone workshop in January 2011. Paddy Gordon, head of the TMNP, vigorously expressed his

appreciation to the fishers from Hangberg for their attendance, and his relief that fishers were engaging in this participatory process, and that they were “not outside toyi-toying ... Though you’d be justified in doing so ... Just because something is hard to do, it doesn’t mean we shouldn’t do it” (TMNP Manager 1, pers comm 28/01/11).

### **6.5. Conclusion: power and disempowerment in participation**

Drawing on ethnographic data from the micro-politics of citizen-initiated and invited participatory processes in the context of small-scale fisheries governance on the Cape Peninsula, this chapter demonstrated how the democratic efforts of small-scale fishers were compromised by the dynamics of *real politik*: when fishers and their representatives attempted to initiate direct engagement with powerful state and non-state actors, they were disempowered through the use of evasive and co-opting strategic practices. At the same time, the engagement of fishers and their representatives in invited spaces of participation was undermined by strategic manoeuvres employed to legitimise - and thus - de-politicise existing relations of power and benefit distribution.

In consequence, many small-scale fishers and fisher representatives encountered during this research on the Cape Peninsula expressed a profound sense of disempowerment and frustration in relation to formal modes of participation. They articulated a keen awareness of the power dynamics that constrain their ability to influence fisheries governance through participation. From their experience, participation is often used as a means to disempower them through co-option and legitimation - to ‘spread jam on your lips’. This sense of disempowerment and frustration has contributed to a widespread scepticism among many small-scale fishers and community-based representatives on the Cape Peninsula regarding the value of formal participation, and its potential to ensure accountability.

## **CHAPTER SEVEN**

### **POWER VERSUS DEMOCRACY IN FISHERIES GOVERNANCE: DISCUSSION AND CONCLUSION**

*“Whatever you do ... you'll have to take politics with it”* (Cape Peninsula fisher, September 2011)

#### **7.1. Introduction: orthodox and *real politik* perspectives on power and democracy in fisheries governance**

This study of fisheries governance on the Cape Peninsula highlights the tensions between power and democracy that are fundamental not only to the democratisation of fisheries policy and management processes in post-apartheid South Africa, but also to the broader policy and theory shift towards new forms of de-centred, inclusive and equitable political engagement. By exploring how unequal power relations and strategic practices manifest in processes of political representation and public participation on the Cape Peninsula, this study demonstrates that while processes such as representation and participation have the potential to facilitate democratic forms of fisheries governance, they also have the potential to facilitate the maintenance and extension of existing regimes of power and benefit distribution.

Consequently, this research raises questions regarding the apolitical conception of governance which informs fisheries law and policy discourse in South Africa, and which is promoted by prominent theoretical approaches to fisheries governance such as co-management, Interactive Governance Theory (IGT) and the Ecosystem Approach to Fisheries (EAF). In this conception, representation and participation are viewed primarily as democratic mechanisms to facilitate inclusive and collaborative partnership between those who are relatively disempowered (such as small-scale fishers and community representatives), and those who are relatively more empowered (such as local elites, state officials, fisheries scientists, and industry representatives). Yet as the ethnographic research presented in the previous two chapters suggests, this apolitical conception of the politics of governance does not account sufficiently for the ways that strategic practices and asymmetrical power relations served to undermine the role of representation and participation as mechanisms for facilitating democratic fisheries governance processes. Chapter Five described the micro-politics of community-based

small-scale fisher representation among a specific group of residents in the coastal community of Ocean View (the ground level), and suggested that community-based political representation served as a mechanism for local elites to gain and exercise power, while undermining the democratic rights and practices of small-scale fishers in their community. Chapter Six explored public participation as another element of democratic fisheries governance processes on the Cape Peninsula. It described the micro-politics of formal participatory encounters (the high level) between a wide range of actors, including small-scale fishers, community-based fisher representatives, state management officials, fishing industry representatives, fisheries scientists, and politicians, revealing the potential of participation to be serve as a means to defuse popular dissent, and legitimise existing imbalances of power.

To consider the implications of this research for the theorisation of power and democracy in fisheries governance, this final chapter will analyse and discuss the ethnographic material presented in Chapter Five and Chapter Six in relation to the literature presented in Chapter Two. The chapter begins by revisiting the orthodox approach to fisheries governance theory (see Ostrom 1990, Berkes *et al.* 2001, Pomeroy 2001, Bavinck *et al.* 2005, Jentoft *et al.* 2007, Kooiman *et al.* 2008, Mahon *et al.* 2009). This is followed by a theoretical discussion of the power dynamics and strategic practices of small-scale fisher representation and participation on the Cape Peninsula, drawing on the work of Bourdieu (1986, 1989, 1998), and other critical scholars such as Flyvbjerg (1998), Lukes (2005), Swyngedouw (2005) and Saward (2006, 2009), as well as the work of fisheries scholars such as Bene and Neiland (2006) and Davis and Ruddle (2012). The chapter concludes by offering some suggestions for incorporating power dynamics into the analysis and theorisation of fisheries governance by adopting a ‘real politik perspective’.

## **7.2. The apolitical orthodoxy: politics without politics?**

This study of power in representation and participation on the Cape Peninsula calls into question the orthodox conception of politics that informs new approaches to fisheries governance theory and policy in South Africa, and internationally. To briefly revisit the basic argument laid out in Chapter Two: this orthodox conception of is advocated by international funding agencies, development practitioners, policy-makers and academics operating from global centres of power in the North, whose neoliberal policies and

theories promote a break with the antagonistic, zero-sum political models of the past. This orthodox perspective posits the advent of a form of governance without unequal power relations and strategic contestation, in other words, a form of *politics without politics* defined by inclusive, de-centred and collaborative engagement between state and non-state actors. The orthodoxy promotes an apolitical vision of a “shared power, no-one-in-charge, interdependent world”, in which “no one person, group or organisation has the necessary power or authority” to address societal problems, and therefore “organisations and institutions must share objectives, resources, activities, power, or some of their authority in order to achieve collective gains or minimize losses” (Bryson and Crosby in Kooiman, 1999: 74).

This apolitical conception of the politics of governance has become increasingly prevalent in a wide range of social fields, including the field of fisheries theory and policy (Davis and Ruddle 2012). As was argued in Chapter Two, policy-makers at institutions such as the World Bank and FAO, as well as prominent international fisheries scholars promote an apolitical view of political processes associated with fisheries management and policy-making. They assert that equitable and sustainable fisheries governance *can*, and *should* be pursued through inclusive, non-hierarchical and collaborative engagement between state management agencies, scientists, small-scale fishers, fisher representatives, large-scale fishing company representatives, and conservationists. From this view: “A key assumption is that ... interactions are horizontal ... There is a certain degree of equality in how participating entities relate to each other ... parties co-operate, co-ordinate and communicate ... without a central or dominating governing actor” (Bavinck *et al.* 2005: 44).

Despite the value of this perspective as a normative ideal in the context of fisheries governance (and processes of societal regulation more broadly), the recent trend towards promoting inclusive, de-centred and collaborative political engagement has been critiqued for its apolitical conception of politics (Bene and Neiland 2006, Davis and Ruddle 2012). As discussed in Chapter Two, this conception of politics effectively conceals the continued role of power dynamics in determining the nature and outcome of political engagements between multiple and divergent social actors. In the discourse of this apolitical orthodoxy, the terms ‘governance’, ‘public participation’ and ‘political representation’ have been emptied of their political meaning, and infused with apolitical

notions such as interaction, collaboration, and partnership, while remaining silent on the realities of capitalism, class, domination and inequality (Bourdieu and Wacquant 2001). The orthodox conception of politics therefore serves to de-politicise social processes that are intrinsically political, and in so doing, overlooks the fundamental tensions between power and democracy.

Contrary to the apolitical orthodox conception of politics, political processes which appear on the surface to be democratic (such as participation and political representation) can potentially undermine democratic practices, and reinforce asymmetrical relations of power and benefit distribution. Yet contemporary theories of fisheries governance strongly reflect the orthodox model, leading some scholars to conclude that the “[f]ailure to locate power relationships, particularly those associated with economic exploitation and appropriation, at the very centre ... means that recent governance approaches are not empowering for small-scale fisheries” (Davis and Ruddle 2012: 251). The research presented in this thesis demonstrates that many small-scale fishers on the Cape Peninsula were disempowered by the micro-politics of community-based representation and formal participatory encounters. Representation and participation were defined by strategic practices rather than collaboration, and instead of there being no single ‘dominating actor’, there were in fact multiple actors who exercised some form of domination. Furthermore, these micro-political processes unfolded in a context of national and global structures of political-economic power.

Developing a rigorous analysis of how power dynamics manifest through potentially democratic processes of representation and participation on the Cape Peninsula is thus crucial for gaining a deeper understanding of the tensions between power and democracy that define fisheries governance, and political engagement more broadly. The following section discusses how multiple scale political-economic contexts shape the politics of fisheries governance that were studied on the Cape Peninsula. It describes some of the structural mechanisms of power that determine, to a significant extent, the range of possible action of small-scale fishers and fisher representatives, and thereby undermining their ability to democratically influence fisheries law, policy and management.

### **7.3. Small-scale fisher representation and participation within broader fields of power**

The micro-politics of community-based fisher representation and participation on the Cape Peninsula that were presented in this thesis did not occur in a vacuum, but rather, they were embedded in, and shaped by broader fields of power (see Bourdieu 1989). Analysing the role of power in processes of representation and participation therefore requires that these processes are situated within the broader fields of power, namely those of fisheries governance in post-apartheid South Africa, national macro-economic policy frameworks, and the global structures and processes of neoliberal capitalism.

The post-apartheid transition signalled the start of a process to democratise fisheries governance in South Africa, opening political space for previously marginalised fishing communities to assert their right to access the marine commons, and to influence how the marine commons are governed (see Chapter Four). However this space has been constrained by the relations of power through which fisheries governance in South Africa is structured. In terms of fisheries legislation and policy, both the MLRA and the SSF policy affirm the state's authority over the marine commons by vesting final decision-making power with the Minister. Consequently, the democratic engagement of small-scale fishing communities in fisheries governance processes is ultimately subject to the Minister's authority. The ability of small-scale fishers and their community-based representatives on the Cape Peninsula to assert their political and economic rights through participatory processes is also constrained by the political-economic power of industrial fishing companies, whose *de facto* monopoly over South Africa's fisheries is well documented (Hersoug and Isaacs 2001, Van Sittert 2002, Ponte and Van Sittert 2007). Relative to small-scale fishing communities, these companies have considerable economic power, which they use to exert disproportionate political influence on the state in fisheries governance processes. The power of the state and industry in relation to small-scale fishing communities is bolstered by fisheries science, whose ideological power serves as a strategic means to protect the existing structural inequalities of fisheries governance in South Africa (Van Sittert 1995, 2003).

These asymmetries of political-economic and ideological power constrain the efforts of small-scale fishing communities on the Cape Peninsula to engage collaboratively with more empowered state and industry actors during fisheries policy and management-

related processes. Despite the Constitutional imperative to democratise fisheries governance processes, small-scale fishers and community-based representatives engage with state officials and industry representatives from a position of significant disadvantage.

The field of fisheries governance in South Africa - which is configured according to the power of the state and capital - is itself embedded in, and shaped by the broader national political economy (see Chapter Two). In particular, the South African government's neoliberal macro-economic policy approach has had the effect of securing the dominance of the industrial fisheries sectors, while fundamentally undermining the political and economic rights of small-scale fishing communities (see Van Sittert 2006, Crosoer *et al.* 2006, Ponte and Van Sittert 2007, Sowman *et al.* 2014). This tension is epitomised by South Africa's overarching macro-economic policy, the National Development Plan (NDP) of 2011, which has consolidated the basic structure of the field of fisheries governance in South Africa by prioritising capital intensive, export-oriented industrial fisheries production, while largely ignoring the small-scale fisheries which sustain the livelihoods of tens of thousands of coastal residents.

The Constitutional rights of small-scale fishing communities on the Cape Peninsula to obtain equitable access to fishing rights, and to have democratic representation and participation in fisheries governance processes are thus compromised by the government's neoliberal macro-economic policy framework. While the Minister of DAFF has ultimate authority within the field of fisheries governance, they are themselves subject to broader macro-economic imperatives that constrain their ability to fully accommodate marginalised small-scale fishing communities as required by the Equality Court Order and the SSF policy (Sowman *et al.* 2014).

Ultimately, the tension between power and democracy that was observed in the context of community-based fisher representation and participation on the Cape Peninsula is located within the global field of power, which is constituted by the political-economic and ideological system of neoliberal capitalism (see Chapter Two). While South Africa's fisheries are officially governed by the state, whose responsibility is ensure equitable access for small-scale fishers to the marine commons, and to democratic inclusion in policy and management processes, the power of state institutions to pursue this mandate is subject to the material and symbolic power of global organisations such as the

International Monetary Fund (IMF), the World Bank, and the World Trade Organisation (WTO), as well as the power of international banks and corporations. These entities administer and control the global web of production, trade, and debt in which South Africa is entrapped, and they directly and indirectly influence the policies of the state while operating beyond the reach of public accountability (Fine and Rustonjee 1996, Bond 2003, 2005, 2009, Carmody 2002, Du Toit 2005).

This has led to a “narrowing of national sovereignty” in South Africa with regard to natural resource and environmental law, policy-making and management (Bond 2003: viii). Local political processes are thus increasingly subject to the “disciplinary force” of the ideological and political-economic structures of neoliberal capitalism, which place “real limits on the practical potential of localised or ‘bottom-up’ political action...” (Peck and Tickell 2002: 386). To the extent that the autonomy of the South African state is constrained by this global field of power, small-scale fishing communities on the Cape Peninsula are proportionately disempowered in their capacity to use democratic processes such as representation and participation to influence how the state governs the marine commons.

The democratic efforts of local fishers and fisher representatives are therefore disempowered, not only by the national fields of fisheries governance and macro-economic policy, but also by the global field of capitalist production, exchange and regulation. As Davis and Ruddle (2012) observe, small-scale fishers are disempowered “by political and economic circumstances they generally cannot control”, and therefore our understanding of power in fisheries governance processes must account for the “international political economy of commodity values, wealth distribution and accumulation, power, and class ...” (Davis and Ruddle 2012: 249). Yet, as was argued in Chapter Two, contemporary theories of fisheries governance appear to overlook the position of structural disadvantage that small-scale fishing communities occupy within the national fields of fisheries governance and macro-economic policy, and within the global field of capitalism. These contemporary theories of fisheries governance leave little space for theorising the effects of broader fields of political-economic and ideological power within which these new forms of political engagement unfold, and which are fundamental to the tensions between power and democracy in fisheries governance processes. Suggestions of how to address this oversight will be proposed at

the end of the chapter. But first, a discussion of the power dynamics and micro-politics of fisheries governance on the Cape Peninsula will be presented below, drawing on the literature presented in Chapter Two in order to gain insight into the role of power as a fundamental factor shaping the nature and outcomes of fisheries governance processes.

#### **7.4. The power dynamics and micro-politics of small-scale fisheries governance on the Cape Peninsula: community-based representation and public participation**

The democratic practices of small-scale fishing communities in South Africa are constrained, not only by broader fields of political-economic and ideological power, but also by the strategic practices of individual actors. This was demonstrated in the micro-political study of fisheries governance on the Cape Peninsula that was presented in Chapter Five and Chapter Six. These chapters revealed some of the practices through which the potentially democratic mechanisms of public participation and community-based representation were harnessed to protect and extend inequitable relations of power and benefit distribution in the field of fisheries. The micro-politics of participation and political representation in coastal communities on the Cape Peninsula foreground the tensions that can exist between power and democracy in fisheries governance, affirming Fay's (2007) argument that supposedly inclusive, de-centred and collaborative political engagement in post-apartheid South Africa "is not always the best one for all involved ... a situation that preserves the appearance of harmony can nevertheless have clear winners and losers" (Fay 2007: 83). The following section will discuss and analyse the micro-politics of community-based representation and public participation on the Cape Peninsula that were presented in Chapter Five and Chapter Six.

##### **7.4.1. Community-based political representation in Ocean View: a mechanism for elite capture?**

Community-based political representation can be seen as a primary mechanism for facilitating the democratic engagement of small-scale fishers in fisheries governance processes. However, the case of Ocean View suggests that political representation can also undermine democracy by serving as a mechanism to reinforce and extend unequal relations of power. In this section, the micro-political dynamics of community-based fisher representation in Ocean View will be analysed in greater detail using Bourdieu's

notion of field and capitals, and Saward's notion of representation as 'the making of claims', in order to better understand the tensions between democracy and power that appeared to define process of political representation in this empirical context.

The ethnographic research on community-based fisher representation in Ocean View revealed a highly contested political field, with different groupings competing intensely to represent local fishers. Among these various groupings, the leadership of the AOVF (who could be described as a local elite) played a prominent role in this competition to represent fishers in Ocean View. The AOVF leadership had managed to occupy a dominant position in the local small-scale fisheries arena as ostensibly legitimate fisher representatives. From this position, they were able to intercept economic opportunities emerging in post-apartheid fisheries governance, such as the allocation of commercial fishing rights and interim relief permits, the formation of co-operatives, and the anticipated allocation of small-scale fishing rights under the SSF policy. In short, this research affirmed Rehfeld's (2006) view that political representation is not an intrinsically "democratic phenomenon" (2006: 2). It demonstrated that community-based political representation in Ocean View served as a means for a local elite grouping to gain and exercise power, rather than as a democratic medium to express the views, and promote the interests of local small-scale fishers in fisheries governance processes.

To understand how the AOVF leadership was able to use political representation as an instrument for elite capture, let us begin by considering their relationship with the AOVF constituency. From a political science perspective, this representational relationship could be theorised as one in which the AOVF leadership operated with significant *autonomy* in relation to their constituency, who appeared to have limited capacity to hold this leadership accountable through formal procedures of election or censure (Mansbridge 2003, Rehfeld 2006, Petit 2009). This local elite grouping managed to operate with such a high degree of autonomy as a result of i) the set of powers that this elite grouping held in relation to other actors in the local field of fisheries; ii) and the strategic practices that this grouping employed in their role as representatives.

To capture the position of fisher representatives (and the economic benefits that attended this position), this local elite grouping harnessed their particular set of capacities - or powers. Bourdieu conceptualises these powers as 'capitals', which are scarce material and symbolic resources that can be utilised, accumulated or lost, and which correspond

to a specific social field (Bourdieu 1986). In the case of the AOVF leadership, this local elite grouping had a relatively high degree of economic capital (for example money and physical assets) when compared with their fisher constituency and other representative groupings in Ocean View. Another component of the AOVF leadership's set of powers was social capital in the form of a network of relationships with DAFF and DTI officials, and individuals within the ANC Provincial Branch. The leadership of AOVF also had considerable cultural capital in the bureaucratic or institutional field, when compared with most fisher (and non-fisher) residents in Ocean View. The set of symbolic and material capitals (or powers) held by the AOVF leadership provided them with considerable strategic advantage in relation to AOVF members, non-members, and competing community-based representatives in Ocean View.

This elite grouping drew on their capitals to employ a range of strategic practices aimed at occupying the position of dominant community-based fisher representatives in Ocean View, and from this position to capture economic benefits associated with the emerging post-apartheid transformation of fisheries governance in South Africa. It was observed that the strategic practices of the AOVF leadership were centred on what Saward (2006, 2009) argues to be the central activity of political representation, namely the 'making of claims'. Saward (2006) conceptualises the act of 'making claims' as the depiction, portrayal - or representation - of people, things and relationships, in which these depictions are presented as definitive renderings of objective fact, with the strategic aim of influencing the thought and action of others. The act of depicting or representing someone or something involves an element of construction and performance, and is an assertion of fact, rather than a transparent presentation of fact (Saward 2006, 2009). As such, all claims can potentially be contested, and it is this contestation between "competing significations" that is "precisely what political debate and dispute is all about" (Saward 2006: 311).

In the case of the AOVF leadership, it was observed that their strategic practices were centred on establishing and defending their claim to be 'legitimate' community-based representatives of Ocean View fishers. Precisely what is meant by 'legitimate' is a matter for debate, but from the perspective of fulltime fishers encountered during this research, a legitimate community-based fisher representative is an individual who is 'indicative' of, or analogous with their fisher constituency (Rehfeld 2006, Petit 2009). According to

these fishers, legitimacy is fundamentally tied to the premise that: “a fisher can only be truly represented by another fisher ...” (OV Veteran Fisher 5, pers comm 23/09/12). Viewed through Bourdieu’s theoretical lens, these fishers articulated a view of legitimacy in which the fisher representative shares the same position in the field as their fisher constituency (in terms of their capitals and habitus).

The AOVF leadership did not, however, share the same field position as their fisher constituents, in the sense that they were not deeply-embedded in the local fishing community, and did not have a personal history of harvesting fisheries resources for a living. Consequently, their claims to be legitimate representatives were strongly contested by many fishers in Ocean View. To mitigate this deficit, this local elite grouping had to expend considerable strategic effort to bolster their claims to be rooted in the local culture and practices of fishing, and thus to be legitimate community-based fisher representatives. This included the strategy of vicariously accumulating cultural capital in the fisheries field, and subsequently demonstrating this cultural capital to external actors (such as DAFF officials), creating the impression that they were deeply embedded members of the local fishing community whom they represented. The second strategy employed by the AOVF leadership to bolster their claims of legitimacy was the building a large constituency of bona fide fishers (generally seen by DAFF officials, industry representatives and fishers as an important criterion for assessing a representative’s claims to be legitimate). To increase the size of their constituency, the AOVF leadership made strategic use of their access to fisheries policy and management-related information, and their ability to produce material results for their members, primarily by securing commercial fishing rights and interim relief permits on behalf of AOVF members, and by providing monetary advances, which both attracted new members, while also serving as a mechanism to impose obligations of loyalty, and to defend against dissent (see Mosse 2007).

Through the accumulation of cultural capital (if only superficially) in the local field of fisheries, and the establishment of a large constituency of bona fide fisher members, the AOVF leadership was able to construct a foundation to make the strategic claim to be legitimate community-based fisher representatives. Yet, as Saward observes: “facts may be facts, but claims are contestable ... there is no claim ... that does not leave space for its contestation” (Saward 2006: 302). In the case of Ocean View, the AOVF leadership’s

claim to be legitimate representatives was strongly contested by the overwhelming majority of experienced fulltime fishers in Ocean View, who made the counter-claim that this local elite were in fact illegitimate. The AOVF leadership was, however, able to overcome these counter-claims, in part by gaining formal recognition for their claim to legitimacy from their constituency and external actors such as DAFF officials.

This highlights the importance of Rehfeld's (2006) observation that an individual is only a political representative to the extent that they are *recognised* as such by a particular audience (whether constituency or external actors). Rehfeld (2006) argues that this recognition can be granted for different reasons, including on the basis of an assessment of the individual's democratic credentials (however conceived), or for reasons of strategic expediency. He also argues that where there are radical imbalances of power, and a lack of effective procedures for accountability, the recognition granted to a representative by powerful external actors can often supersede the recognition that is granted or withheld by a disempowered constituency (Rehfeld 2006). Saward also argues for the significance of recognition in processes of claim-making associated with political representation, noting that "claims only work, or even exist, if audiences acknowledge them in some way" (Saward 2006: 303). According to Saward, the recognition of claims is itself constructed, contested, and contingent upon the relation between the audience (who receives the claim) and the claim maker, the content of a particular claim, and the context in which it is made.

In the context of this research, there appeared to be a strong element of expediency or pragmatism informing the recognition granted to the AOVF leadership by their constituency and key external actors (such as DAFF officials). This research suggests that many of the fisher and non-fisher members of the AOVF had decided to grant recognition to the AOVF leadership because this elite grouping could produce tangible results for them (for example by providing monetary advances, or securing commercial fishing rights and interim relief permits). It therefore seems that pragmatism was a primary consideration for AOVF constituents when granting recognition to the leadership of AOVF, rather than an assessment of this elite grouping's democratic credentials, or their knowledge and experience of fisheries. The same could be said for DAFF officials, who, despite being repeatedly presented with evidence of misrepresentation by the AOVF leadership, continued to formally recognise this elite

grouping's claims to be legitimate representatives. This suggests that DAFF officials granted this recognition for reasons of political expediency, rather than an assessment of this local elite grouping's democratic credentials. The recognition granted by external actors such as DAFF management officials (and other empowered external actors) was of particular importance, providing this local elite grouping with a rich political resource that facilitated their inclusion as representatives in fisheries governance processes. Recognition from these while also reinforcing their position of advantage in relation to AOVF members, non-members, and other representatives in Ocean View. Recognition was thus fundamental for empowering this local elite in their endeavour to capture the local field of fisheries.

The micro-political dynamics of community-based fisher representation in Ocean View described in Chapter Five reveal the 'dark side' of political representation, namely the potential for representation to serve as a mechanism to gain and exercise power, rather than to facilitate democratic political processes. This research demonstrates the salience of Bourdieu's (1991) argument that the intrinsic danger of political representation is *the act of delegation*, to the extent that this act opens the space for representatives to potentially exploit their position as brokers to further their private interests, and to compete with other representatives. As Wacquant (2004) (following Bourdieu) observes, the act of delegation "is always pregnant with the possibility of dispossession and even usurpation, and all the more so as the group represented is more deprived of economic and cultural capital" (2004: 6). This research thus confirms the argument that in a context of structural inequalities of power and a lack of effective procedures of accountability, there is a considerable risk that community-based representation can serve as a mechanism for elite capture (Ribot 1999, Ribot and Agrawal 2000, Bene and Neiland 2006, Mosse 2007). In the case of Ocean View, the AOVF leadership captured the position of dominant representatives through a process of "competition and strategic efforts to maximise the acquisition of power", rather than through processes that are necessarily democratic (Mosse 2007: 22). And as this research demonstrated, once an individual or a grouping within the community (such as the AOVF leadership) has managed to occupy the position of representative, they are often able to exploit that position to intercept a disproportionate amount of the benefits intended for those whom they represent (Ribot and Agrawal 2000, Bene and Neiland 2006, Mosse 2007, Gaventa and Barrett 2010).

#### **7.4.2. Participation in fisheries governance on the Cape Peninsula: a mechanism for disempowerment?**

The study of the micro-politics of community-based political representation in Ocean View was complemented by a study of the micro-politics of public participation in small-scale fisheries governance processes on the Cape Peninsula, as they unfolded in the context of the post-apartheid democratisation of fisheries in South Africa (see Chapter 6). Here the focus shifted from the activities of a small number of representatives, to the activities of the full spectrum of actors involved in some way in fisheries governance processes on the Cape Peninsula. Ethnographic research was conducted during direct participatory encounters between fishers, fisher representatives, government officials, industrial fishing company representatives, fisheries scientists and conservationists. The aim of these encounters was to engage on various fisheries policy and management-related issues, including the small-scale fishing policy, interim relief, and the allocation of commercial fishing rights.

Despite the progress that small-scale fishers and fisher representatives in South Africa have made through democratic participation in fisheries governance processes, the research on 'citizen-initiated' and 'invited' participatory encounters presented in Chapter Six demonstrates how the participation of small-scale fishers and community-based fisher representatives was at times compromised by unequal power relations and strategic practices. This research therefore affirms the established critique of public participation made by a wide range of scholars, who argue that participation often disempowers marginalised groups of citizens, while reinforcing, rather than transforming existing inequalities of power and benefit distribution (Arnstein 1969, Fraser 1990, Comaroff and Comaroff 1999, Fung and Wright 2003, Gaventa 2004, Rowe and Frewer 2004, Pithouse 2006, Fay 2007, Mosse 2007, Taylor 2007). The following section will describe and analyse the findings from Chapter Six in relation to the literature presented in Chapter Two.

#### ***7.4.2. a) Power dynamics and strategic practices in citizen-initiated participation***

Chapter Six presented the experiences of ‘citizen-initiated’ participation among fishers and community-based fisher representatives on the Cape Peninsula, who were endeavouring to arrange face-to-face meetings with senior state officials. For most of these fishers and representatives, the basic aim of ‘citizen-initiated’ participation was to express their views and concerns directly to high-ranking state officials (though it was apparent that some community-based fisher representatives pursued ‘citizen-initiated’ participation to promote their own interests).

The micro-politics of citizen-initiated participation were illustrated by two ethnographic case studies, which demonstrated how fishers and community-based fisher representatives on the Cape Peninsula were disempowered through these participatory processes. This research showed how these instances of participation were defined by the unequal relations of power between citizens (fishers and fisher representatives) and senior state officials, affirming the axiom that “spaces for participation are not neutral, but are themselves shaped by power relations that both surround and enter them” (Gaventa 2004: 34). Empowered by their formal position within the field of fisheries governance, state officials had the political power to decide whether or not to meet with fishers and fisher representatives, when to meet them, for how long, and the issues to be excluded from discussion. In other words, state officials had the power to determine the “terms of engagement” during these participatory interactions (Gaventa 2004: 35). Furthermore, because there were no agreed procedures of accountability, state officials had the power to determine, to a significant extent, the *outcomes* of their engagement with fishers and community-based fisher representatives. Bene and Neiland (2006) describe this as “the fundamental flaw” of limited forms of participation, namely that that disempowered citizens have a formal right to participation without “a right to determine outcomes” (2006: 32).

The case studies also demonstrated the seemingly neutral procedural manoeuvres (such as the repeated postponement of meetings) employed by state officials to delay or avoid direct interaction with fishers and fisher representatives, without being seen to formally reject their efforts to secure a meeting. These procedural manoeuvres had the instrumental effect of exhausting the resources and energy of fishers and representatives, and thus weakening the vigour of their participatory efforts, affirming Fung and Wright’s

(2003) recognition that active participatory engagement can “demand unrealistically high levels of popular commitment” (2003: 33). At the same time, the evasive manoeuvres of state officials had the effect of maintaining the engagement of fishers and fisher representatives within the bounds of formal channels of participation - whose conditions were largely controlled by state officials - rather than through ‘informal’ channels of participation such as street protests. This particular effect illustrates the well-established argument regarding the potential of participation as an instrument for *co-opting* the dissent of disempowered citizens (Arnstein 1969, Kohn 2000, Pithouse 2006, Taylor 2007, Gaventa and Barrett 2010). In the case of this research, it therefore appears that citizen-initiated participation served to disempower, rather than empower fishers and community-based representatives in their attempts to engage directly with senior state officials.

#### ***7.4.2. b) Power dynamics and strategic practices in invited participatory events***

The second mode of participation explored in Chapter Six was that of formal ‘invited’ participatory events, where a wide range of actors came together in one place to engage on fisheries policy and management-related issues. Here the focus was placed on participatory events initiated and facilitated by state agencies, with specific attention given to DAFF road shows and stakeholder consultations.

Political engagement in these participatory events was fundamentally shaped by the significant asymmetries of power between the multiple actors involved, supporting Swyngedouw’s (2005: 1998) assertion that “participation is invariably mediated by power”. Viewed through the theoretical lens of Bourdieu (1977, 1986), we see that government officials, fisheries scientists and industry representatives drew on considerable reserves of economic, social, and institutional-specific cultural capital, and wielded political power from their position in the field. In contrast, small-scale fishers and community-based fisher representatives had relatively less economic, social and institutional-specific cultural capital (though they were usually well-endowed with cultural capital in the field of fisheries). These asymmetries of power reflect the balance of forces in the broader field of fisheries governance in South Africa, affirming Taylor’s (2007: 302) observation that “the existing distribution of power is inscribed” in emerging spaces of participatory engagement.

The physical space of invited participatory events was also crucial in shaping the engagement between the multiple actors. Reflecting Gaventa's (2004) argument regarding the critical relationship between place and power in participation, this research found that small-scale fishers and community-based fisher representatives were proportionately disempowered according to the location and formality of the venue where the participatory event was held. In addition, these spaces were ornamented with physical props that symbolised a grand democratic event in which the participation of fishers and fisher representatives was valued by formal political authorities, providing a clear illustration of what Arnstein (1969) describes as "the distortion of participation into a public relations vehicle" (Arnstein 1969: 218).

It is within this basic architecture that the micro-political practices of invited participatory events unfolded. Chapter Six focused particular attention on the strategic activities employed by those in powerful positions within the field of fisheries governance. Three critical activities were observed in this regard: i) the facilitation (or chairing) of participatory events, ii) symbolic performance, iii) and the contest to define 'reality'.

The facilitation or 'chairing' of participatory events proved to be a key mechanism for exercising power during these encounters between multiple and divergent actors. All participants were obliged to submit to the authority of the facilitator, who was formally empowered to arbitrate discussion in the participatory space. The general result was a hierarchical relationship between participants such as small-scale fishers and community-based representatives, and those who facilitated. A crucial dynamic of facilitation was the use of academic and policy jargon by facilitators, which served to exacerbate the alienation of participants from small-scale fishing communities, while de-politicising the fundamentally political governance issues being discussed. In this way, language served to reinforce relations of dominance within formal participatory spaces, rather than serving as a neutral medium for democratic communication (Fraser 1990, Kohn 2000). This finding highlights Bourdieu's (1991) conception of language as a type of symbolic power through which elite groupings are able to reproduce their positions of advantage during processes of political engagement.

Language was the basis for the primary strategic practice employed by facilitators during invited participatory events, namely *policing the boundaries of acceptable discussion*. These boundaries conformed to the logic, beliefs, values and discourse of powerful state and industry actors - or in Bourdieu's (1994) terms, the 'doxa' of the field: the dominant framework of ideological and discursive constructs. Facilitators used their position to control the discussion within the participatory space, and more specifically, to prevent participants from leading the discussion into ideological territory which they deemed 'unacceptable'. They used a range of tactics to police the boundaries of acceptable discussion, including 'selective amnesia', 'deflection', and 'deferment'. The process of policing of the boundaries of discussion tactics illustrates Gaventa's (2004: 34) argument that dominant actors use their power "to shape the boundaries of participatory spaces, what is possible within them, and who may enter, with which ... discourses".

In addition to facilitation, another critical activity observed during invited participatory events was that of *symbolic performance*. Participants and facilitators consciously used specific discourses, accents, tones of voice and body language to project themselves and their claims in a particular light, alluding to "the role of the political field as theatre for the performative representation of the social world" (Wacquant 2004: 6). Relatively empowered participants and facilitators were often seen to use the strategy of 'symbolic positioning', in which they articulated statements using particular phrases and accents generally associated with small-scale fishing communities, thus locating themselves closer to these communities than to other groups in the field of fisheries governance. The strategy of symbolic positioning reflects a set of practices that Bourdieu (1989) calls 'strategies of condescension': "those strategies by which agents who occupy a higher position in one of the hierarchies of objective space symbolically deny the social distance between themselves and others ... thus reaping the profits of the recognition granted to a purely symbolic denegation of distance" (Bourdieu 1989: 16).

It was also observed during participatory events that relatively empowered actors (usually but not always facilitators) symbolically demonstrated their power in relation to other actors. Senior DAFF officials, members of parliament, and fishing company directors used authoritative, patronising, or sarcastic tones of voice and body language, through which they articulated statements of chastisement, command, or dismissal. These symbolic demonstrations of power were generally directed towards less powerful

actors, as was the case when senior DAFF officials were seen to give categorical instructions towards small-scale fishers and community-based representatives during road shows and consultations. Following Bourdieu (1991: 235), we can conceptualise these symbolic demonstrations of power as a form of performative enactment that “contributes to making what existed in a practical state, tacitly or implicitly, exist fully, that is, in the objectified state, in a form directly visible to all, public, published, official, and thus authorized”.

Finally, the third critical activity observed during invited participatory events on the Cape Peninsula was *the contest to define reality*. As with political representation, a defining feature of political engagement during these participatory events was the practice of depicting - or making claims about - particular people, things and relationships. Different actors competed to gain recognition for their claims as the rational and definitive rendering of reality, with the aim of providing symbolic support for material action (or inaction) in relation to the specific issues being discussed. The act of defining reality is thus fundamentally political, as Bourdieu (1977) argues: “the specifically symbolic power to impose the principles of construction of reality...is a major dimension of political power” (Bourdieu 1977: 165). Flyvbjerg (1998) also asserts that during participatory encounters between empowered and disempowered groups, those in positions of power are “more concerned with defining a specific reality than it is with understanding what reality is” (1998: 36).

The notion of ‘rationality’ was central in the contest to define reality in these participatory processes. From the liberal democratic perspective, rationality is seen as the basis for facilitating open democratic engagement (Fraser 1990, Kohn 2000, Flyvbjerg 1998). Flyvbjerg (1998: 234) notes that rationality is assumed to be “the main means for making democracy work”, and thus “the more rationality the better” (1998: 216). Consequently, the notion of rationality carried considerable symbolic power in invited participatory events observed during this research. It was apparent that ‘rationality’ was a pre-requisite for a specific claim to be formally recognised as a definitive rendering of reality, and therefore ‘legitimate’. At the same time, claims were dismissed as ‘illegitimate’ on the grounds that they were ‘irrational’.

Yet during these participatory events, the process of recognising claims as rational was, itself, irrational. Firstly, formal recognition was determined by the dominant actors (state officials, fisheries scientists, industry representatives); and secondly, the boundaries of rationality conformed to the doxa of the field of fisheries governance in South Africa. As a result, claims were recognised as rational or irrational depending on the extent to which they correlated with the logic and interests of these dominant actors, rather than with the logic and interests of less powerful groupings. This affirms Flyvbjerg's (1998) argument that in arenas of political contestation, "power produces that knowledge and that rationality which is conducive to the reality it wants" and "suppresses that knowledge and rationality for which it has no use" (1998: 36).

During invited participatory events, the knowledge and rationality of dominant actors was imposed through a process that Bourdieu (1977, 2001) describes as 'symbolic violence'. In this process, the view of reality held by dominant actors - in which the existing relations of power and benefit distribution are 'rational', 'natural', 'inevitable' and thus 'legitimate' - is imposed on less powerful actors, whose heterodox knowledge and rationality is suppressed (Bourdieu 1977, Bourdieu and Eagleton 1992, Bourdieu 2001, Topper 2001). The symbolic violence that attends the imposition and suppression of particular definitions of reality is largely unseen and implicit, to the extent that it unfolds on a symbolic level. As Bourdieu (1997) puts it, symbolic violence is "a gentle, invisible violence" that is "unrecognised as such" (1977: 127). For this reason, symbolic violence is particularly "effective" means of domination (Bourdieu and Eagleton 1992: 111).

In the case of this research, DAFF officials, fisheries scientists, and industry representatives imposed their definitions of reality upon the participatory space, while suppressing the heterodox rationality, knowledge and perceptions of small-scale fisher participants. This was particularly apparent in relation to critical fisheries governance issues such as the re-distribution of fishing rights, and the abundance of fisheries resources. Dominant actors asserted a view of reality in which fisheries resources were highly endangered, and thus the radical redistribution of fishing rights was 'irrational', 'irresponsible', and 'unrealistic'. At the same time they promoted a vision of reality in which the existing structures of governance, power and benefit distribution were 'rational', 'objective', 'responsible' and 'realistic'. Crucially, state officials, industry

representatives and fisheries scientists presented a positive depiction of specific participatory events as instances of successful democratic engagement that were of value to all present, especially fishers and fisher representatives. The imposition of this positive depiction of participation provided symbolic legitimacy to formal processes of participation, and thus contributed towards the broader co-opting effects of these participatory events.

Ultimately, this research from the Cape Peninsula suggests that, while participatory encounters occurred within a democratic legal and policy framework, and were officially framed in terms of democratic engagement, the pervasive manifestation of power and strategic practices often served to undermine the democratic rights of small-scale fishers and fisher representatives. When the micro-politics of participation are viewed in the light of the literature presented in Chapter Two, we see a close alignment between this ethnographic research and the critical literature which argues that participation has the potential to undermine democracy, rather than facilitate it.

If we go back to the Arnstein's (1969) typology of participation, it is clear that the participatory encounters described in Chapter Six reflected the categories of 'token participation' and 'non-participation'. Fishers and community-based representatives on the Cape Peninsula generally had the opportunity to "hear and be heard" without necessarily having the power to influence these processes (1969: 217). In the case of invited participatory events, these ranged from the unidirectional communication of information by state officials, to the inviting of fishing community views and opinions without allowing their input to shape policy and management decisions and actions. It was also the case that some participatory encounters fell into the 'non-participation' category, as these encounters appeared to be more focused on legitimising existing imbalances of power (Arnstein 1969).

This research of participatory process on the Cape Peninsula therefore affirms the broader critique of participation as a mechanism that can undermine democratic practice, and reinforce existing imbalances of power and benefit distribution. The participatory encounters explored in this research provide support for Arnstein's (1969) contention that participation can enable "the powerholders to claim that all sides were considered", while making it "possible for only some of those sides to benefit", and in this way, participation "maintains the status quo" (1969: 216). As Rowe and Frewer (2004) argue: "a non-

consulted public is often an angry one”, and so “involving the public may be one step toward mollifying it” (2004: 514). To the extent that participation in fisheries policy and management processes on the Cape Peninsula served to legitimise and de-politicise decision-making and action, it can thus be argued that participatory processes served as potential “instruments for reinforcing domination and control” (Gaventa 2004: 34). Despite the real successes of public participation for small-scale fishing communities at a regional and national level, this research on the Cape Peninsula demonstrated that in practice, participation was often reduced to a “hollow fetish” (Comaroff and Comaroff 1999: 33).

### **7.5. Disempowered in democracy: the view from small-scale fishers on the Cape Peninsula**

The people who were best positioned to confirm the practical effects of these tensions between power and democracy in South African fisheries governance were small-scale fishers themselves. Many of the small-scale fishers encountered during this research on the Cape Peninsula expressed a sense of frustration regarding their experience of ostensibly inclusive and de-centred political processes such as community-based representation and participation, and articulated a critical analysis of the broader, hierarchically-ordered fields of power. Based on their experiences, they also described their scepticism with regard to the potential of these processes to facilitate equitable and democratic fisheries governance in accordance with the principles of South Africa’s Constitution (see Chapter Six). These commonly-expressed views were themselves affirmed by the lack of substantial improvement in the material conditions of many small-scale fishers encountered during this research, most of whom continued to live in poverty despite their efforts to utilise the democratic opportunities of post-apartheid fisheries (see Chapter Four). For many of these fishers, the fact that they were still economically insecure after almost two decades of democratic engagement was the ultimate symbol of how that engagement had failed to facilitate their equitable access to the marine commons. The following statements by a fisher in Hangberg provide a poignant illustration of how many small-scale fishers on the Cape Peninsula perceived the nature of democracy and power in post-apartheid fisheries governance:

“It’s a heavy question ... The Constitution says that every ... citizen that lives in this country, has a right to the resources of this land, to sustain their families. But at this very moment, we have no right ... So

where do we stand in terms of the constitution, where it says: 'you have got the right to sustain your family'? Fishing is in the blood of our fishermen ... It is ... our way of life, for us to catch fish ... Now is the time, since the democratically elected system, the wheel should turn ... There's an imbalance, in the fishing industry! So what we ask is: what is the value of the constitution, if you say the one thing, but they do other thing. So which means, it means nothing, the constitution, where they exclude the poor fishermen from their resources" (HGB Fisher 4, pers comm 12/04/12).

While recognising the crucial democratic victories that small-scale fishers in South Africa have won (such as the gazetting of the SSF policy), the sense of frustration expressed by this fisher affirms the claim that the post-apartheid political space which has emerged for small-scale fishers on the Cape Peninsula has been significantly constrained by strategic practices and asymmetrical relations of power.

### **7.6. Power versus democracy on the Cape Peninsula: implications for the orthodox perspective in fisheries governance theory**

The processes of community-based representation and public participation that have been presented in this thesis conflict starkly with the apolitical orthodox conception of governance (and political engagement more broadly) that appears to underpin contemporary theories of fisheries governance. As the case of Ocean View illustrated, community-based representation served as a means for an elite grouping in the community to reinforce and extend their position of power. In this way, community-based representation had the effect of undermining, rather than supporting the democratic rights of local small-scale fishers. Similarly, this thesis demonstrated how government officials and industrial fishing company representatives utilised formal participatory encounters to minimise the concerns and criticisms expressed by small-scale fishers, and to legitimise relations of power that structured the field of fisheries governance in South Africa. This study of community-based representation and public participation conflicts even more starkly with the orthodox conception of politics when these processes are located within broader fields of power. The micro-politics of small-scale fisheries governance on the Cape Peninsula that were observed during this research were embedded in national and global structures of capitalism, and in this context, the political space for inclusive, non-hierarchical and collaborative political engagement - as promoted by the de-politicising orthodoxy - was fundamentally constrained.

This research therefore affirms the critique of the recent trend towards apolitical conceptions of inclusive, de-centred and collaborative political engagement. It is clear from this research that “no amount of ‘trust’, ‘clever institutional design’ ... or ‘epistemic consensus’ ... can compensate for major asymmetries in the interests and powers of the different actors” (Lélé 1998: 253). Yet it is these asymmetries which appear to be evaded by many prominent contemporary theories of fisheries governance.

Based on the research presented in this thesis, it therefore seems appropriate to take a measured view of fisheries governance theories which emphasise inclusive and collaborative political engagement, particularly when seeking to apply such theories to fisheries governance contexts that are defined by structural inequality, such as that of post-apartheid South Africa. This research suggests that the orthodox approach to governance without politics does not provide sufficient analytical tools for grappling with the specific ways in which extreme power imbalances and strategic practices operate through fisher participation and community-based representation. The radical imbalances of power, and the ubiquity of strategic practices observed during this research suggests that we can better understand these processes by adopting a real politik conception of politics.

### **7.7. Bringing power into the study of participation and community-based in fisheries governance: suggestions for a *real politik* analysis**

The previous section has argued that the orthodox perspective of fisheries governance underestimates the fundamental tensions between power and democracy that were observed in small-scale fisheries governance on the Cape Peninsula, and as such, this perspective does not provide a sound basis for rigorous analysis. This thesis therefore proposes a *real politik perspective* as the principal means to *bring power into the analysis* of community-based representation and participatory engagement in small-scale fisheries governance. Drawing on the critical theories of power presented in Chapter Three, and the ethnographic material described in Chapters Five and Six, the following discussion suggests that the politics of participation and community-based representation in fisheries governance should be analysed in relation to: i) broader fields of power ii) and micro-political dynamics.

### **7.7.1. Broader fields of power**

When analysing a particular fisheries governance process, it is vital to consider the broader national and global fields of power in which that process is embedded. To begin with, the researcher must situate the local field of fisheries governance within the national field of fisheries governance. This requires a focus on the power relations that structure this field. The researcher should consider which actors occupy positions of power, and should seek to identify the basis of this power. In particular, the researcher should attend to the regimes of ownership and control that characterise a particular fisheries context. The relative political-economic power of the state and industry should be a primary consideration when analysing local processes of small-scale fisher participation and community-based representation in the national fisheries governance context. The role of science is also crucial here, requiring the researcher to consider how scientific knowledge and discourse is used to support particular fisheries governance decisions, and to oppose others. At a more formalistic level, the researcher should consider the formal institutional framework, and the ways in which this framework may reinforce or challenge particular relations of power within the national and local field of fisheries governance.

The national field of fisheries governance should also be situated within the broader national political economy. A principal consideration should be the state's macro-economic policy approach, which is fundamental in determining the nature of fisheries governance from the national to the local level. Macro-economic policy effectively supersedes fisheries law and policy, and as such, sets the political limits of possibility in a particular fisheries governance context. Specific attention should be focused on the extent to which macro-economic policy favours particular modes of fisheries production, as is the case in South Africa, where economic policy favours centralised, capital-intensive, export-driven production, and the place it accords to community-based, small-scale forms of production. The analysis of participation and community-based representation in small-scale fisheries governance processes has to include the specific priorities and parameters of the state's macro-economic policy approach if it is to grapple with the role of power in these governance processes.

A real politik analysis of participation and community-based representation in small-scale fisheries governance also requires that the field of study be located within the global

system of capitalism. It is vital that the researcher considers how global structures and processes of capitalism shape the macro-economic policies of a particular state, and the national and local fields of fisheries governance that are being analysed. In particular, the researcher should focus on the extent to which the state's autonomy is constrained or enabled by its position within this global system. This will enable the researcher to gain a critical understanding of the nature and possibilities of participation and community-based representation in fisheries governance at the local and national level, and the ability of small-scale fishers to utilise democratic practices to assert their rights to equitable access.

### **7.7.2. Micro-political dynamics**

To bring power into the analysis of participation and community-based representation in small-scale fisheries governance processes, it is crucial that the researcher pays heed to micro-political dynamics. Even in apparently inclusive, non-hierarchical and collaborative engagement, the various actors continue to employ strategic practices to reinforce or contest the distribution of power and benefits in a particular field of fisheries governance – the researcher can uncover how power manifests in practice by attending to these micro-political dynamics. To begin with, the researcher should consider *the specific set of material and symbolic powers - or capitals - that each individual actor possesses*. As discussed in Chapter Two, each actor draws on a specific composition of knowledge, skills and resources as the basis for their engagement in fisheries governance processes. A real politik analysis of participation and community-based representation requires that the researcher attends to the composition of each actor's set of powers, and how their set of powers relate to the powers of other actors.

It is therefore crucial that the researcher considers how community-based representatives and community-based representative organisations are positioned in relation to their 'constituency'. In particular, the researcher should consider the extent to which the representative is analogous with the fishers they claim to represent. This requires that the researcher investigates the community-based representative's composition of powers or capitals, for example, their cultural capital (knowledge, skills and experience) in the fisheries field. In small-scale fisheries contexts that resemble that of Ocean View, key questions might include: does the representative personally catch fish, how long have they been involved in fisheries-related activities, and to what extent does their livelihood

depend on these activities? The researcher should also attend to the representative's level of cultural capital in the bureaucratic field, in terms of formal education, literacy and verbal communication skills, and how this set of knowledge and skills compares with that of their small-scale fisher constituents. Another critical aspect is the level of economic resources that the representative has access to, relative to the fishers they claim to represent. And finally, the researcher should consider the network of social relationships - or social capital - that the representative can draw on in their engagement in fisheries governance processes, specifically in terms of relationships with government officials, party political actors, and industrial fishing company representatives. Determining the extent to which the representative shares a similar composition of capitals (powers) as their fisher constituency is critical because this will enable the researcher to uncover the extent to which the representative's interests and agendas may be aligned or in conflict with those of their constituency.

In the context of participation, it is equally important to consider the relative powers that each actor possesses. Contrary to the orthodox perspective, which assumes that the various actors 'leave their weapons at the door' before engaging in participatory encounters, a real politik analysis of participation in fisheries governance requires the researcher to identify the specific set of material and symbolic powers (or capitals) possessed by state fisheries managers, fisheries scientists, industrial fishing company representatives, conservationists, fishers, and fisher representatives. A real politik analysis also calls for the researcher to consider how the powers of each actor support or undermine the powers of other actors during participatory encounters. Though participation often presents the appearance of a momentary flattening of power relations, the researcher must look behind this appearance to uncover the ways in which participatory processes are shaped by power asymmetries.

A real politik analysis of power in participation and community-based representation in small-scale fisheries governance also requires a close focus on the *micro-political practices through which the various actors gain and exercise their differential powers*. It is through these practices that power manifests, and in a sense, becomes visible to the researcher. In the context of community-based representation, the researcher should interrogate a particular representative's claims to legitimacy. This requires the researcher to consider how a particular individual came to occupy the position of representative: was this the

result of a democratic process, or did the representative capture their position through strategic manoeuvring.

The strategic exploitation of information and economic relationships are crucial in this regard, and can potentially serve as a means for a community-based representative to gain and exercise power in the local field of small-scale fisheries governance. In terms of information, the researcher should determine how the representative has accumulated information about the history and culture of the local fishing community: does it appear that the representative has internalised this information through years of personal experience; or has representative amassed this information vicariously, as a strategic means to bolster their claims to be embedded in, and knowledgeable of the fishers they claim to represent? Another key aspect regarding the strategic use of information relates to the community-based representative's position as a mediator between their fisher constituency and government officials, fishing company agents, NGOs and other external actors. A real politik analysis requires the researcher to consider the degree of access that a particular representative has to fisheries policy and management-related information, relative to their fisher constituents, and to other representatives in the community. Having identified those representatives who appear to have privileged access to fisheries policy and management-related information, the researcher must determine how these representatives obtained this access, and how they use this information; in particular the researcher should ask: to whom do the representatives disseminate information to, and how do they use selective emphasis and omission in this process?

The exploitation of economic relationships is another micro-political practice that must be included in the real politik analysis of community-based representation. It is crucial that the researcher pays attention to the economic relationship (if any) between the representative and their fisher constituents. If the representative's role includes, for example, negotiating and administering marketing arrangements with commercial fish buyers, or obtaining fishing quotas and permits on behalf of their constituents, then the researcher should investigate whether the representative exploits this relationship to secure obligations of loyalty and compliance, or to intercept the benefits associated with the provision of marketing and administrative services. The researcher should also be cognisant of the strategic use of monetary loans as a means to enlarge their constituency,

to establish obligations of loyalty, and to minimise dissent among their fisher constituents. In those cases where fisher constituents owe money to their community-based representative, the researcher is compelled to investigate how this debtor-creditor relationship is, or is not exploited by the representative.

In the context of participation, it is equally important to consider the micro-political practices that pervade these ostensibly democratic encounters. With regard to formal participatory events, a real politik analysis requires first and foremost that the researcher considers which actors determine the terms of the participatory process, and what those terms are. For example, in the case of invited participatory events, the researcher has to attend to the official agenda for the event, who devised the agenda, and what its parameters are (in relation to the issues that are included or excluded). Another critical dynamic to consider is the micro-political practices of facilitation. The researcher must pay close attention to the questions of who facilitates the participatory event, and the manner in which facilitation is conducted. It is especially important that the researcher observes how the facilitator polices the boundaries of acceptable discussion (as determined by the parameters of the official agenda): which lines of discussion do the facilitators terminate, which lines of discussion do they allow, and how do facilitators police these boundaries without being seen by participants to be silencing democratic and rational engagement?

Another aspect of the micro-political practices of formal participatory processes is that of symbolic performance. In this regard, the researcher can gain insight into the manifestation of power in participatory processes by focusing on the dramatic performances that are enacted by actors in the participatory space. To this end, the researcher must pay particular attention to the discourse, body language, and tone of voice through which these dramatic performances are enacted, and how these performances are used to symbolically reinforce or contest the relations of power in the participatory space, and in the broader field of fisheries governance. The researcher cannot assume that participatory encounters are exclusively based on the rational exchange of information, but rather, they must confront the subtle performative aspect of these encounters.

Intertwined with the micro-political practices of symbolic performance, are the micro-political practices associated with the discursive contest to define reality. During

participatory encounters, the researcher must pay close attention to the ways that actors put forward different depictions of the same objective phenomena (for example the status of fisheries resources, or the distribution of fishing rights), and how the different actors compete to have their specific depiction recognised by the other actors as being a rational and definitive representation of the factual reality of the issues under discussion. Particular focus should be placed on analysing: how these different depictions of reality conflict or correspond with each other; the course of action implied by specific depictions of reality; and how these depictions of reality reinforce or undermine the interests of the various actors in the participatory space.

In the context of participation and community-based representation in small-scale fisheries governance, a real politik perspective can contribute towards bringing power to the centre of the analysis. From this perspective, political, economic and ideological forms of power, and the strategic practices through which these forms of power manifest, are fundamental in determining the nature and outcome of fisheries governance processes. By attending to micro-political dynamics, and the broader fields of power in which these dynamics are embedded, the researcher is better equipped to grapple with the tensions between power and democracy that characterise fisheries governance processes, and societal attempts to distribute access and benefits associated with the marine commons.

## **7.8. Conclusion**

This thesis has sought to confront an oversight in prominent contemporary theories of fisheries governance with regard to the issue of power. In a reflection of the broader discourse of neoliberalism, these theoretical approaches appear to pay insufficient attention to the workings and effects of power, while promoting an apolitical vision of politics that emphasises collaborative, synergistic engagement between multiple and divergent actors. Viewing fisheries governance processes through this apolitical lens, the observer is pre-disposed to underestimate the extent to which these processes are determined by hierarchical power relations and micro-political strategic practices.

While this critique of the ‘new governance’ approach has been made extensively in other fields of social endeavour, the contribution of this research has been to apply this critique to the field of fisheries governance. In an attempt to address this oversight in recent

approaches to fisheries governance theory, this thesis has explored the role of power in political processes associated with the democratisation of fisheries governance processes in post-apartheid South Africa. Through a study of small-scale fisher participation and community-based representation on the Cape Peninsula, this thesis has revealed some of the material dimensions of power which receive minimal attention in contemporary theoretical approaches to fisheries governance, as well as the more subtle symbolic dimensions of power, which appear to receive even less attention in these theoretical approaches. The case of small-scale fisher participation and representation on the Cape Peninsula illuminates how structural power relations and micro-political practices can fundamentally shape the nature and outcomes of fisheries governance processes.

Drawing on this research of small-scale fisher participation and community-based representation on the Cape Peninsula, and the theorising of Bourdieu and other critical scholars, this thesis has offered a *real politik* perspective as a means to bring power firmly into the analysis and theorising of fisheries governance, and ultimately, to contribute towards more equitable and effective policy making and management processes. From a *real politik* perspective, the observer is compelled to retain a critical position regarding the potential for ostensibly democratic mechanisms such as political representation and public participation to confront radically unequal power relations and the strategic practices that buttress these power relations. This is a necessary step on the path towards more equitable and sustainable utilisation and management of the marine commons.

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## APPENDICES

### Appendix 1 - Coastal and marine fauna on the Cape Peninsula: species featured in text

- ◆ abalone (*Haliotis midae*)
- ◆ alikreukal (*Turbo sarmaticus*)
- ◆ black mussels (*Mytilus galloprovincialis*)
- ◆ chokka (*Loligo vulgaris reynaudi*)
- ◆ dassie (*Procavia capensis*)
- ◆ hottentot (*Pachymetopon blochii*)
- ◆ klipspringer (*Oreotragus oreotragus*)
- ◆ limpets (*Patella* spp.)
- ◆ mullet (*Liza richardsonii*)
- ◆ snoek (*Thyrsites atun*)
- ◆ tortoise (*Homopus areolatus*)
- ◆ west coast rock lobster (*Jasus lalandii*)
- ◆ white mussels (*Donax serra*)
- ◆ yellowtail (*Seriola lalandi*)

## **Appendix 2 - Participatory and other fisheries-related events**

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## **Appendix 3 - List of group discussions and structured interviews**

### **Ocean View**

*Structured interviews = 38*

1. AOVF Rep 2 (28/09/12)\*
2. OV Fisher 1 (03/07/12)\*
3. OV Fisher 2 (22/10/12)\*
4. OV Fisher 3 (23/10/12)
5. OV Fisher 4 (23/10/12)
6. OV Fisher 5 (23/10/12)
7. OV Fisher 6 (24/10/12)\*
8. OV Fisher 7 (24/06/12)
9. OV Fisher 8 (24/06/12)
10. OV Fisher 9 (27/09/12) \*
11. OV Fisher 10 (27/09/12)
12. OV Fisher 11 (14/05/12)
13. OV Fisher14 (26/06/12)
14. OV Fisher 15 (8/03/12)
15. OV Veteran Fisher 1(02/11/12) \*
16. OV Veteran Fisher 2 (02/11/12)
17. OV Veteran Fisher 3 (21/01/11)
18. OV Veteran Fisher 3 (26/06/12)\*
19. OV Veteran Fisher 4 (26/06/12)\*
20. OV Veteran Fisher 5 (21/01/11)
21. OV Veteran Fisher 5 (15/02/11)
22. OV Veteran Fisher 5 (8/12/11)\*
23. OV Veteran Fisher 5 (24/01/12)
24. OV Veteran Fisher 5 (03/02/12)
25. OV Veteran Fisher 5 (03/04/12)
26. OV Veteran Fisher 5 (03/05/12)
27. OV Veteran Fisher 6 (02/07/12)
28. OV Veteran Fisher 7 (02/07/12)
29. OV Veteran Fisher 8 (22/10/12)

30. OV Veteran Fisher 9 (23/10/12)
31. OV Veteran Fisher 10 (23/10/12)
32. OV Veteran Fisher 11 (24/06/12)
33. OV Veteran Fisher 12 (24/06/12)
34. OV Veteran Fisher 13 (13/07/12) \*
35. OV Veteran Fisher 14 (13/07/12)\*
36. OV Veteran Fisher 15 (13/07/12)\*
37. OV Non-Fisher 1 (02/07/12)
38. Roving Rep 2 (8/03/12)\* (Life histories\*)

*Group Discussions = 4*

1. Ocean View (09/02/12): OV Fisher 12, 13; OV Veteran Fisher 7, 16, 17, 18.
2. Ocean View (8/03/12): OV Fisher 15, 16, Roving Rep 2.
3. Ocean View (23/10/12): OV Fisher 3, 4, 5.
4. Ocean View (28/09/12): OV Fisher 9 and five other fishers.

## **Hangberg**

*Structured interviews = 8*

1. HGB Veteran Fisher 1 (09/04/12)\*
2. HGB Veteran Fisher 2 (09/04/12)\*
3. HGB Veteran Fisher 3 (09/04/12)\*
4. HGB Veteran Fisher 4 (09/04/12)\*
5. HGB Fisher 1(06/04/12)\*
6. HGB Fisher 2 (12/04/12)
7. HGB Fisher 3 (01/08/12)
8. HGB Fisher 3 (09/08/12)

*Group Discussions = 2*

- Hangberg (09/04/12): HGB Veteran Fisher 1, 2, 3, 4, 5.  
 Hangberg (12/04/12): HGB Fisher 1, 2, 4, 5.

## **Imizamo Yethu**

*Structured interviews = 12*

1. IY Fisher 1 (09/04/12)
2. IY Fisher 2 (09/04/12)
3. IY Fisher 3 (09/04/12)
4. IY Fisher 4 (11/04/12)\*
5. IY Fisher 5 (06/04/12)\*
6. IY Fisher 5 (10/04/12)
7. IY Fisher 6 (11/04/12)\*
8. IY Veteran Fisher 1 (06/04/12)\*
9. IY Veteran Fisher 2 (06/04/12)\*
10. IY Veteran Fisher 3 (10/04/12)\*
11. IY Veteran Fisher 4 (11/04/12)
12. IY Veteran Fisher 5 (11/04/12)

*Group Discussions = 4*

1. Imizamo Yethu (06/04/12): IY Veteran Fisher 1, 2, 4; IY Fisher 5, 9.
2. Imizamo Yethu (07/04/12): IY Veteran Fisher 1, 2, 3, 4; IY Fisher 5, 9.
3. Imizamo Yethu (11/04/12): IY Veteran Fisher 1, 2, 4; IY Fisher 5.
4. Imizamo Yethu (12/04/12): IY Veteran Fisher 1, 2, 4.