

Doing the right thing

By Ian Cox

Apathy is a terrible thing. It disempowers good people and creates space in which bad people can do terrible things. Just look at what is happening at our universities where the lie that is the so called peaceful protests and the apathetic response of many vice chancellors and their management teams is destroying the future of our children and grandchildren.

But it need not be like that. One must not underestimate the power of ordinary people saying “No, I will not stand back and watch what I care about being destroyed; I will stop you”. As the saying goes “The only thing necessary for the triumph of evil is for good men to do nothing” is countered by the truth that good people can move mountains when they put their minds to it.

The trout fight is a marvellous example of this.

Good people have for some thirty years countered the rising tide of invasion ecology driven eco fascism by simply saying no. The story of that fight is a very interesting one that will find its way into a book one day. It is in some ways a vignette (admittedly of the leafy suburbs variety) of the broader canvass that is our journey to nationhood.

Thus we see trout being brought to this country, not as some have suggested as a colonial fish but rather as an economic enabler that encourages tourism and increases property values. The success of those early ventures which coincidentally underpinned the formation of many of the provincial conservation agencies led to concerted efforts after the Second World War to boost recreational fishing especially for white South Africans.

Into this mix arrives grand apartheid with its embedded notions of racial superiority. Paradoxically, though grand apartheid was justified by invoking ideas of racial superiority based on the pseudoscience that is scientific racism, it was also driven by the fear that black people, if left unhindered, would out-compete white people, especially poor whites.

Grand apartheid is an important part of the story of trout because of the impact it had on environmental thinking in this country. And no, it is not just because some scientists and environmental officials were also Afrikaner nationalists who saw trout as “engelse vis”.

The story is much more nuanced than that. So please forgive me while I depart from the main theme of my narrative and take some time to unpack the development of what scientists call invasion ecology but which could equally be called environmental nationalism or as one African post doc researcher described it to me, green apartheid.

The uncomfortable truth is that the link between modern day environmentalism and racism is a close one, sometimes so close that it is hard not to make comparisons.

It is not just that Ernst Haeckel who is the founder of modern ecology was a racist who believed that so called woolly headed races as being less evolved specimens of Homo sapiens than their Caucasian counterparts. One cannot ignore the importance of assumptions about a coming apocalypse to

much of modern day environmental thinking or that this thinking tends to encourage extreme examples of them and us thinking.

This is not new. Hitler's vision of a German master race and the need for lebensraum was driven by the idea that Germany could not sustain its increasing population and must accordingly take more land while weeding out lesser humans in order to protect the future of the master race.

Ernest Haeckel's writings were foundational to Nazi party ideology. His thinking was material in the formulation of Nazi ideology and the death of tens of millions of people through war famine and genocide.

Hitler may be dead. The idea of race as being anything more than a matter of appearance may also be thoroughly discredited, but one would be a fool to think that ideas of racial superiority do not still occupy mainstream thinking, even in the most technologically advanced countries. It would also be a mistake to think that notions of a superior right to existence no longer exist in science.

The fact is that a great deal of environmental thinking is based on the idea that some species have a superior right to existence over other species. This idea lies at the foundation of the environmental science that we today call invasion ecology.

The idea that species that occur naturally in an area have a superior right to existence over species that were introduced by humans was first mooted by Charles Elton after the Second World War. It is perhaps not surprising therefore that his was an apocalyptic vision of alien species building bridgeheads from which they would invade the natural balance that existed before.

His writings did not find favour at first. Mainstream environmental thinking after World War 2 was less apocalyptic, less anti human and more focused at finding ways of developing sustainably. However Elton's siege mentality did find fertile grounds in the minds of South African environmental scientists who were quick to champion his cause.

Fear sells as Hitler and other demagogues have demonstrated time and time again. It should not come as a surprise, therefore, that invasion ecology quickly gained ground as fears that the end might be nigh took root in the 60's and 70's and began to invade the global consciousness thereafter.

Charles Elton may have given birth to invasion ecology but the child was raised through its formative years in South Africa at the height of grand apartheid. Indeed the ground rules that manage invasion ecology thinking around the world were largely written by South African scientists working in the 1970's and early 80's.

With the benefit of hindsight it should not come as a surprise therefore that South African environmental officials and scientists turned publically against trout in the 1980s. But it did come as a huge surprise. The relationship between trout anglers and environmental authorities had been downright cosy up until then. As I mentioned earlier, many provincial environmental authorities grew out of the need to propagate and protect trout. Grand apartheid was seen as means to protect trout from poaching by Africans not to eradicate them. The sudden ascendancy of the idea of trout as a dangerous invading alien was an incomprehensible betrayal. It was akin in many ways to waking up one morning after many years of marriage to discover that your wife is trying to poison you.

Emotions are conflicted at times like these and thinking becomes confused. There is a tendency to deny the obvious, to say that this cannot be. It is a confusion that your antagonist plays upon, to lull you into a sense of complacency while they set about the business of destroying you or what you care about. As I said earlier, apathy is a terrible thing.

I was a 26 year old articled clerk back in 1986 when the trout wars started. Though I was not fishing much at the time, I did count myself as a trout angler. I was also very much part of the apathetic mass of trout anglers who thought that this could never happen.

It also has to be said that the country was in a death spiral at the time and that we did not have a legal system based on the idea that people had rights. Parliament reigned supreme. The country was isolated and unloved. The urge for affirmation was a powerful one.

So opportunities to defend trout were limited. South African invasion ecologists were not only being recognised abroad, they were hailed as the pathfinders of a new science. The science was also popular amongst white South Africans who having being rejected internationally were looking for ways to connect to Africa. Indigenous gardening and nature conservation was a way of doing this.

The nationalist government strongly supported these initiatives. Remember we did not have rights back then. Rights such as they were reposed in things like property race and parliament rather than people. The state was sovereign and supreme.

Thus only way to defend trout was to try and persuade those in power that getting rid of trout was a very bad idea. I was not inclined to persuade the government of the time about anything, my view being that they were racists, killers and thieves who should be locked up. On the other hand I did not like communist thinking either, so finding balance in an unbalanced world bereft of any anchors of human decency was not easy. It was a difficult time.

Thankfully there were some trout anglers who did take up the cudgels and who were prepared take on the Herculean task of persuading a morally bankrupt government to do the right thing. So FOSAF (The Federation of Southern African Fly Fishers) was born.

For a while FOSAF did great things. But the trouble with engagement is that one has to compromise with the thinking of those you are dealing with. This is not a bad thing in itself. As Churchill said "jaw jaw is always better than war war". But it is equally true that one should use a long spoon to sup with the devil.

Getting that balance right has not been easy. So, on the one hand FOSAF can be justly proud in developing fly fishing for yellowfish. This is directly as a result FOSAF trying to find common ground with environmental authorities. On the other hand trying to find common ground with environmental authorities has resulted in FOSAF becoming disconnected with its angling base. Engagement resulted in a perception at least of FOSAF taking on the colouring of the very thing it was created to oppose. This perception has been exacerbated with some environmental officials joining FOSAF intent on capturing the organisation rather than furthering its aims.

I see the intervention of Ilan Lax as timely counter to this internal destruction of the organisation and the future of trout. Ilan is a human rights lawyer and was part of what we now call "the struggle". He introduced rights based approach into FOSAF's thinking and with Bill Bainbridge

crafted a set of principles which would guide FOSAF's thinking and actions. This gave rise to FOSAF's policy document and position paper on trout.

One can with the benefit of hindsight find a lot wrong with the FOSAF trout position paper but the FOSAF policy document is a remarkable document of which FOSAF can justifiably be proud.

But FOSAF had a problem. Its whole ethos was built on positive engagement with environmental authorities. This was appropriate but only if the environmental authorities were acting lawfully. As our university vice chancellors are learning to our cost, strategies based upon positive engagement only work when both parties agree to abide by the rules. They fail when this is not the case. And let's face it FOSAF and the cause of trout anglers was failing a few years ago.

My contribution to defending trout was to point out that the environmental authorities were acting unlawfully and to persuade FOSAF and others to engage with environmental authorities on the unlawfulness of their actions. I had the tremendous advantage in all of this of being a newcomer both to the oxymoron we call environmental law and the trout fight. This gave me a fresh perspective that had been lost in the hurly burley of trying to engage with environmental authorities.

Thus I was able to ask what should have been the obvious question - that is how on earth government can be promoting oppressive permit-based systems aimed at enforcing pejorative notions of alienness under a constitution that celebrates the rights of a nation united in its diversity?

It is incredible when you think about it that environmental thinking based around invasion ecology, thinking forged in South Africa at the height of grand apartheid could survive into the constitutional era. But it has not only survived, it has flourished. I identified this fact and its inherent incompatibility with the Constitution as the underbelly of environmental law and policy making in South Africa.

Now it has to be said that raising constitutional arguments in present day South Africa, especially on matters dear to what is a largely white and largely privileged trout fishing elite is easier said than done. While it is encouraging that South Africans generally support the Constitution it is also true that many South African's including those in our educated elites, haven't a clue what the Constitution stands for or how to defend their rights under the Constitution. The idea of citizenship is still a novel one.

I hope our future will follow a path that will allow us to recognise the heroic role played by our post-apartheid Chief Justices and their brother judges on the Constitutional Court. If we have a future founded on equality, human dignity and celebration diversity it will be due in no small measure to their wisdom and foresight.

I mention this because for once in my life I got lucky. Not only was I selling an idea at the same time as the Constitutional court started elaborating on them, I was also selling those ideas to a community of trout anglers who had already been sensitised to what it means to have rights. I was particularly fortunate that FOSAF was led by a fellow attorney who, while not in complete agreement with everything I was saying, quickly got the point and was prepared to throw his weight in behind it. There are many champions of the trout cause but Ilan Lax stands out for me as one of the greatest of the greats.

So I was speaking to receptive ears when I asked the question; If the environmental right is a human right and the environment is defined in terms of human health and wellbeing, how can alien species be bad and how is it that trout and many other species can be declared invasive?

Ilan's influence in putting promoting the trout story is as a space that can be defended, cannot be underestimated. The truth is that recreational fishing is in a bad space at the moment with many anglers assuming as of a right privileges that were in truth won by ignoring the rights of others often on the basis of race. Ilan confronted the trout leadership nearly two decades ago with what were at the time unpleasant truths and they were decent enough to acknowledge the truth in what he was saying and start taking steps to address this.

This was not true elsewhere in recreational fishing where these ideas were met with derision and disbelief. I am happy to say this is beginning to change.

So Ilan and I changed FOSAF's strategy from one of trying to find common ground with environmental authorities to attacking the legality of what environmental authorities are doing. We hit them hard and lo and behold what seemed to be the impregnable walls of Jericho began to crumble and fall.

This is because it turns out we were not fighting alone. Happily most South Africans are decent people even most of those working within government. It turns out all you have to do to bring about change is to uncompromisingly plug away at doing the right thing. You do not have to be powerful or rich or even that clever. If you do the right thing the rich and powerful and clever who also want to see the right thing being done will find you.

You just can't give in. The trout fishing community has not given in.

The rest as they say is history. Trout were not declared invasive back in October 2014 when 559 other species suffered that fate. Happily it does not look like this will happen any time soon. This does not mean that the fight is over. Far from it. Invasion ecology thinking is a hardy invader that has captured the hearts and minds of our environmental authorities. They are still trying to do bad ill by trout. The trouble is the systems they have created are inherently unlawful, a fact that is becoming increasingly apparent as people challenge environmental authorities. The truth is that it is often so that environmental authorities are the real law breakers rather than the people they accuse of breaking the law.

This is not a god thing. Authorities who act in contempt of the law will inevitably undermine the law. As we are seeing more and more that leaves anarchy and what is an oppressive application of State power as the only regulators of our day to day health and wellbeing. Any university student will tell you that this is a horrible way to live.

It is also true that racism is on the increase internationally. This is despite science proving that there is no such thing as race and that appearances can indeed be deceiving. The idea of species evolving from a primitive state to an advanced one is not a universal truth. Evolution is pretty chaotic in truth and natural selection or survival of the fittest is not its be all and end all.

Sadly despite a lot of real science that point the other way, invasion ecology thinking of the kind practised by our environment authorities is a beneficiary of this rising tide of anti-alien sentiment

built on hierarchical notions of superiority and an inherent right to belong. The idea that people have rights is increasingly under attack. Indeed the idea that people are aliens and as such do not have rights, lies at the heart of this thinking.

South Africa and South Africans should not be praise singers of this dark and dirty past. The reality is that racism is bad for civilisation but it is particularly bad for Africa. Our future as a country, as a continent and the future of human civilisation requires us to go another way. It depends on us doing the right thing.
