

Update on the future of trout

By Ian Cox

The horns of the continuing attack against trout are beginning to form.

On the one flank we have the continuing debate about how aquaculture should be developed. On the other is the whole mapping exercise and DEA's idea that they can regulate trout by permitting restricted activities on the basis that trout are alien. In the centre we find the veterans of the anti-trout lobby who believe trout as invasive dirty diseased and dangerous invasive.

The trout value chain are securely laagered to meet this onslaught behind a barricade built on the economic value of the trout value chain and the contribution this value chain makes to ecosystem services and the law which gainsays the assumptions and tactics on which the anti-trout lobby's onslaught is based. The anti-trout lobby will fail if the Constitution, the rule of law and constitutionalism survives in this country. If this fails then trout and pretty much everything else that makes a country successful will be swept away in the ensuing mayhem.

This is not a bad place to be. However it is also not a particularly good place either. The position adopted by the trout value chain is essentially a defensive one. Defensive positions useful in the short to medium term but cannot be sustained in the longer term. I say so because the sustainability of value chains is dependent on growth and defensive strategies are liable to preserve the existing status quo at the expense of growth. This reality and the collateral damage that is the inevitable result of adopting a defensive position can slowly bleed the lifeblood out of what we are trying to defend.

The trout value chain is not immune to this threat. The risk of a slow but fatal bleed is already evident in two areas.

- The first is the antipathy environmental authorities have for fresh water aquaculture and what is a very real likelihood that fresh water aquaculture will not survive in this country.
- The second is the culture of lawlessness that prevails amongst South Africa's environmental authorities.

Both realities are playing out at the present time.

The aquaculture space is a fascinating place if Alice in Wonderland is your alternative guide to reality. It is a space which government has identified as a necessary strategic growth area. Trout based aquaculture has been identified a key to this growth. However in the parallel reality that is government in South Africa a call to grow business is also an invitation for every parasitic trophic feeder to come to the party. Aquaculture is no exception. The resultant feeding frenzy is something to behold. You have never seen such a rabble of scientists, environmental consultants, bureaucrats and other trophic feeders all intent on adding there little bit to the burden which the business that is aquaculture will be obliged to bear. In fact if aquaculture was a donkey the SPCA would be complaining loudly about cruelty to animals.

Unfortunately it is not all farce and fancy. There is a sinister twist to what is playing out. You see government wants to subject the right to engage in aquaculture to a licence on the basis that it claims to be the custodian of South Africa's resources. The effect is to reduce South Africa's farmers to the state of tenant farmers subject to the whims of government reprising in the role of feudal overlord. This is the reality of the African Renaissance Zuma style. It is a reality that environmentalists have completely bought into.

Hence the lawlessness of DEA and other environmental authorities. Their legislative program is inherently unlawful. It is built on the assumption that the Constitution, the rule of law and constitutionalism will not survive and that South Africa will soon revert to the status of a police state. This was confirmed to me the other day when I took issue with DEA on the constitutionality of provisions in NEMA which property to give environmental officials the right to search property without a search warrant. DEA would have taken steps to amend this law if it was committed to lawful action under the Constitution. I was not surprised that DEA went the other way, choosing to defend the constitutionality of the law despite Constitutional Court and other case law that says that the provision must be unconstitutional. The arguments that DEA used to support this notion are the legal equivalent of One plus one equalling three.

And that is the present status quo. The mapping process is up for discussion again in mid-January. I have asked for details of what is to be proposed before the meeting so we have time to consider the proposal and respond. That request has been ignored. DEA does not like consulting with South Africans on equal terms. The victim in this case is in principle of participatory government. Two South African courts have told DEA that what they are doing is wrong but these warnings have been ignored. The issue is now awaiting a decision of the Constitutional Court. It is likely that the DEA's proposed regulation of trout will be unlawful. It is also likely that DEA will go ahead and try and legislate it anyway. After all, the Invasive Species Regulations are unlawful but that has not stopped DEA from trying to implement them.

That brings me back to aquaculture. The growth of aquaculture depends on private investors putting capital into governments proposed scheme. However as matters presently stand that is about as attractive as dropping your kids off at a party held by a known paedophile. It is not something sensible money would want to do. Unfortunately it is not only new investment that is at risk. Most of aquaculture is a low margin business. Trout based aquaculture is no exception to this.

The regulatory burden and increased risk which government is promising to enable aquaculture is already resulting in the closure or curtailment of existing aquaculture businesses. We can see this in KZN. Bushman's Trout no longer supplies fish for stocking. Peak trout still does so but the business is on the market and its owner Simon Bunn is spending more and more of his time in Eastern Europe. The time may soon come where Wolf Avni's Giant's cup is the only largish commercial hatchery supplying live trout left in KZN.

This requires anglers in KZN at least to start thinking of a plan B. We need to be alive to the fact that greed in pursuit of the greater good is a massively destructive force which trout farms may not survive.

We need to start thinking about how we will stock our waters if the businesses that currently supply us with trout no longer exist.