

When truth is stranger than a fly fisher's tale

More on NEMBA

By Ian Cox

I wrote in last month's Bobbin (March 2016) that I hoped to tell you more on what I said was good news coming out of a meeting between Trout SA FOSAF and the Director's generals of the Department of Environmental Affairs (DEA) and the Department of Agriculture, Forestry and Fisheries (DAFF). Well I was half right!

There is good news in that the meeting confirmed that the win-win agreement that was reached at Phakisa and later confirmed by the political heads of the relevant government departments at what is known as a MINMEC (meeting of Ministers and MEC's). This means that trout won't be declared invasive in those areas (outside certain nature reserves) where trout already occur. The development of the trout value chain will be encouraged in areas where trout are not declared invasive the intention being that NEMBA regulation in those areas will be limited to a self-regulatory regime where trout are regulated insofar this is reasonably necessary to prevent trout from being stocked into waters where they do not already occur.

This necessitates a mapping exercise aimed at determining where trout are. This exercise which started in October 2014 was stalled for over a year due to what I would call the shenanigans of provincial and national environmental officials who do not appear like this arrangement and seem to be doing their level best to derail it. There attempts to do so were assisted by partiality of the facilitator who started well but as time went by found it increasingly difficult to divorce his invasion ecology beliefs from the requirements of job in hand.

Trout SA and FOSAF complained to the Director Generals of both DEA and DAFF and those complaints did not fall on deaf ears, hence the meeting referred to above. We have just received notice (click [here](#) to read it) that the process is to resume under a new facilitator, also an invasion ecologist, but we are told of who is made of sterner stuff than his predecessor. Sadly, however, it seems that environmental officials are still up to their old tricks of trying to subvert the agreement that has been reached.

The range and scope of this round of shenanigans are too much to detail in this article. Some examples are:

- The failure to notify key stakeholders about a proposed meeting between stakeholders or to make the mapping files available to key stakeholders despite numerous requests that they do so. DEA seem to want to be able to choose who they must consult with.
- The failure to make the MIMMEC minute available despite being instructed to do so.
- The failure to properly brief provincial authorities about the terms of what was agreed thus creating confusion amongst those officials regarding the purpose of the process. This is why I think the MINMEC minute is not being made available.

- The failure to accept that the process of mapping where trout which is required by this process are is totally separate from any concerns environmental authorities may have about where they think trout should not be and repeated efforts by said authorities to pollute the process with the other.
 - This failure means that environmental officials have mapped areas saying that trout are not there when in fact they are.
 - The failure to make the data (shp) files that inform these maps available makes it very difficult to correlate the points of difference between the mapping exercise that Trout SA and FOSAF have undertaken and that which has been published by DEA. (Click [here](#) for the DEA map)
- The failure to acknowledge that it was agreed that the mapping process and the regulatory process would be conducted as separate exercises and in that context:
 - A further failure to accept that the regulation of trout where they already occur insofar this is necessary should be self-regulated by the trout value chain.
 - The concomitant irrational belief that the same outcomes that would be achieved by listing trout as invasive can be achieved by managing trout as aliens.
- The failure to recognise that a facilitated process must be facilitated by the facilitator rather than dictated by one of the parties, in this case Dr Guy Preston of the DEA.

It is extraordinary given what has happened these past two or so years but the officials ostensibly responsible for implementing these processes have not shifted ground. All they have done is try to adopt different means to achieve the same objectives. While it would be a mistake to think this is due to the actions of a single individual it is becoming increasingly apparent that the efforts to frustrate the implementation of the agreement that has been reached is being orchestrated by Dr Guy Preston. He is a deputy director general in the DE and is responsible inter alia for what is known as bio security. He is also leading the DEA team on the regulation of trout.

Trout SA, FOSAF and now Aquaculture SA as well have gone back to the DG in DEA and asked her to intervene once again. This time they are calling for the removal of Dr Preston from the process saying that his lack of bona fides is proving an insurmountable impediment to the process.

This all begs the question; why are these officials behaving in this way? Why are they ignoring the instructions of their political bosses?

There is no straightforward answer to this question. Politics in South Africa is increasingly a game of rackets where state capture, ideological agendas, factionalism, corruption and plane ego increasing direct government action. Everything is not as it seems and it is common to find elements in government working against one another while apparent enemies sit in the same camp.

That said I do not think the political leadership are lying when they tell the trout value chain that they recognise the importance of the trout value chain and the contribution it is and can make to uplifting rural communities. I think the political support for trout is genuine. There is a significant community of political and official support for what I would call genuine development. However this community is not dominant. Dominance reposes in what I call the coalition between the communists and the crooks.

- The communists believe believes that state control of resources including the trout value chain is necessary both politically and ideologically in order to bring about transformation. This community believes that development is important but believes that pursuing the transformational agenda of the national democratic revolution is more important than development or the economy.
- There is also an allied grouping of corrupt politicians and officials (the crooks) in government who see state control of resources as a wonderful opportunity to corruptly engage in self-enrichment or gratification as it is called in law.
- These two factions are increasingly at war with one another as their mutual depredations reduce the pie to the point where there is no longer enough to go around.

I do not place the environmental officials who are threatening the trout value chain in the cabal of crooks and communist that is described above though some of them are clearly ideologically communist. They are in my opinion part of a different movement that exists outside government. I see their support for one cabal or the other as largely opportunistic.

Ilan Lax describes this movement as a body of environmental purists. Some call them eco- fascists. While both terms fit (provided you interpret “purist” pejoratively) I see it differently. I think they are follows of the religion that is mischaracterised as the science of invasion ecology.

Invasion ecologists see human beings as alien interlopers who arrival on the planet has upset the balance of nature that existed before human beings existed. They especially dislike species that were introduced into an area by man. They call these aliens and regard them as inherently inferior to species that are native or indigenous. These pejorative notions of alienness and the concomitant belief that humans are alien to nature are profoundly misaligned with the Constitution which places human rights and needs uppermost. It is also dismissive of other rights based systems such as the rule of law.

The capture of the DEA and provincial environmental departments by this religion means that much of their anti alien zealotry is now finding its way into government practice if not policy. This explains the dictatorial stance adopted by environmental authorities as well as their propensity for propaganda rather than truth. It is also corrupting scientific study around issues such as biodiversity and sustainable development which is increasingly being perverted to attempt the oxymoron of trying through science to establish the credentials of the religion that is invasion ecology.

The trout value chain was the first in South Africa to challenge the central tenants of this religion head on though as recent judgements of our courts are showing, other value chains are also being affected by its pernicious anti rights anti rule of law influence and are beginning to kick back.

This may sound extreme but the actions of Dr Preston and other officials like him are inexplicable given the official stance of government. They make total sense when seen in the light of a religion member defending his beliefs.

One of the reasons the trout value chain has been able to anticipate the next move it is because we accepted that these officials are not following orders but are instead pursuing another agenda. We have accepted that these officials and the departments within government that they control have effectively gone rogue. This has proved very effective thus far.

This is what we are up against when trying to protect the trout value chain. Happily we have support both within government amongst officials and politicians who don't like what is going on and recognise the contribution that the trout value chain is making and also the courts whose recent judgements display an increasing exasperation at environmental officials' refusal to embrace post constitutional values and practices.

We are succeeding, albeit slowly. While a legal challenge is that last thing we want to do, the merits of that challenge get stronger every time environmental officials behave badly. Sadly while there are some truly good people in the environmental space doing inspiring work, behaving badly has become the norm especially as the illegitimacy of the structure officials like Dr Preston are trying to build becomes increasingly apparent.

The tragedy is that the activities of this religion especially in the realm of environmental authorisations have had an enormous impact on economic growth. The contribution this has made to falling in tax revenues has resulted budget cuts especially in environmental departments. The real harm that is being done in these departments is that an increasingly large proportion of the environmental budget is consequently being allocated to maintaining what is increasingly an unworkable and illegitimate edifice of environmental laws. It is only a matter of time before this house of cards collapses. In the meantime good and necessary work by these departments is being compromised as a result.

So it is a case of holding ones ground, placing ones faith in the Constitution, human decency and the rule of law. It is not easy but it is working. The support we have had from fly fishers in defending trout is the bedrock on which our resolve is built. It is hugely appreciated.
