

One Ocean Hub Coastal Justice Network
National Workshop

Anchoring small-scale fishers' rights: Our Ocean, Our Commons for a just future

WORKSHOP REPORT - SUMMARY



Gqeberha, South Africa
24-27 October 2023



NELSON MANDELA
UNIVERSITY

Centre for Integrated
Post-School Education
and Training (CIPSET)



One Ocean Hub Coastal Justice Network National SSF Workshop 25 - 26 October 2023 'Anchoring small-scale fishers' rights: Our ocean commons for a just future'

BACKGROUND

The One Ocean Hub Coastal Justice Network organised a National Workshop for small-scale fishers in Gqeberha on the 25th and 26th October 2023. This workshop aimed to support small-scale fisher leaders in engaging on issues pertaining to the Ocean Economy Master Plan (OEMP) and Marine Spatial Planning (MSP) and defending their rights as a sector in these processes. This workshop built on three Regional Workshops that were held earlier in 2023, focusing on these policy processes. This workshop was intended as a space to enable leaders to articulate a national position and speak with one voice on relevant aspects of these policy processes.

There were 35 fisher participants present, from all four coastal provinces. These fisher representatives were nominated and selected based on their previous engagement with OEMP and MSP policy processes, their participation in previous regional workshops, their ability to share the outcomes of the workshop with their wider communities and networks, and to ensure diverse geographical representation.

There were 20 civil society / researcher participants, from a range of organisations that work in support of small scale fishers, including Masifundise Development Trust, Green Connection, Legal Resources Centre, Natural Justice, Parley for the Oceans, TCOE and NMU Law Clinic.

DAY ONE

Welcome and Greetings

MamZingisa opened the meeting with a prayer. We gathered on the lawns where Dylan and Buhle welcomed the group. We acknowledged the many fishers and comrades who have passed away, calling out their names, and then had a moment of silence. It was acknowledged that all of the fishers present here have a large community standing behind them – this was a reminder and a commitment from everyone to take all that was discussed here back to the communities and organisations they represent.



Session 1 - Parallel group work on SSF Contexts

We started our work together in four parallel groups. First, we gathered together into Group A, Group B, Group C, Group D, according to geographical location. These four groups then took turns taking part in four different activities – 'Chalk Mapping'; 'Basket of SSF Challenges'; 'Gallery Walkabout' and 'Streams of Struggle'. These are summarized below:

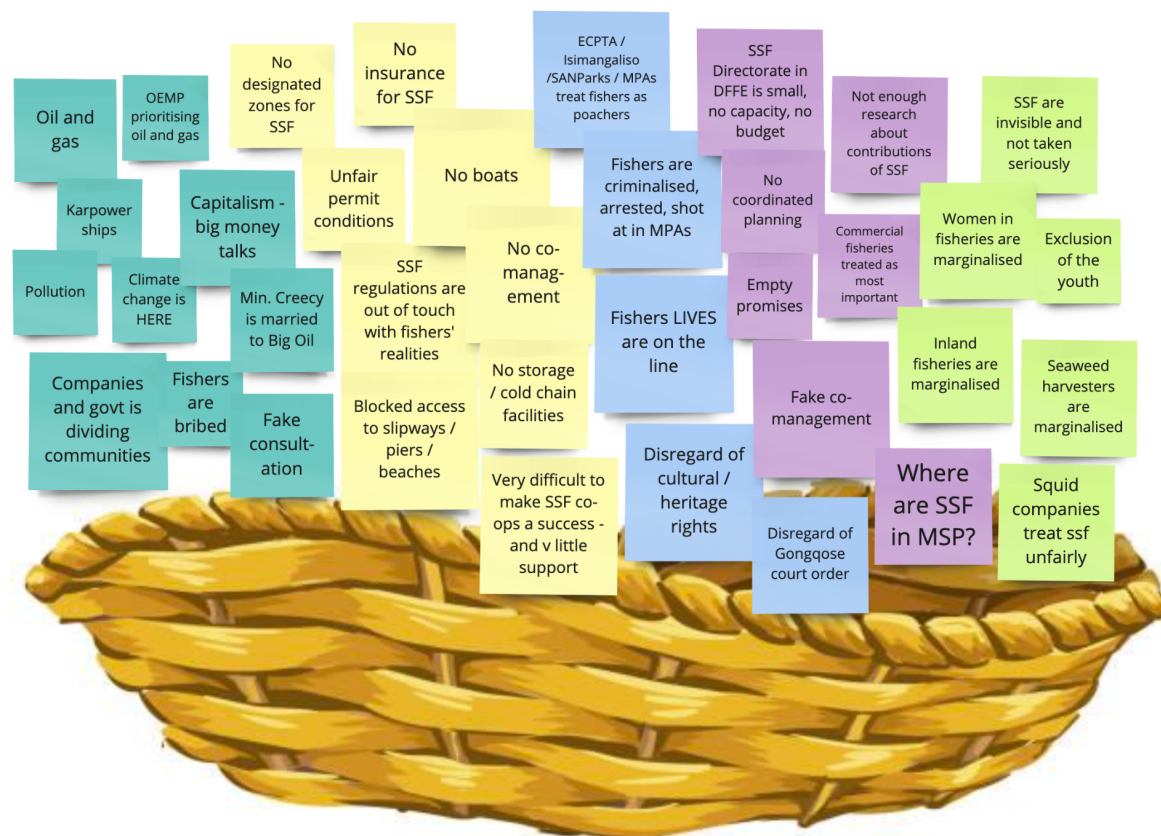
Activity 1: Chalk mapping with Dylan and Loyiso

People indicated where their communities were situated along the coastline, as well as areas of significance for their

fishing activities, cultural heritage, and other spatial priorities / concerns, which were then drawn onto the large map of the coastline.

Activity 2: Basket of SSF Challenges with Buhle and Aphiwe

For this activity, the researchers had prepared a list of SSF challenges that fishers have identified in previous workshops and engagements, and presented them as items overflowing from a basket. The participants discussed the challenges that had already been identified, and then added additional challenges, to create a comprehensive picture of the many intersecting issues that SSF face and have to respond to. The issues are grouped below:



Basket of SSF issues

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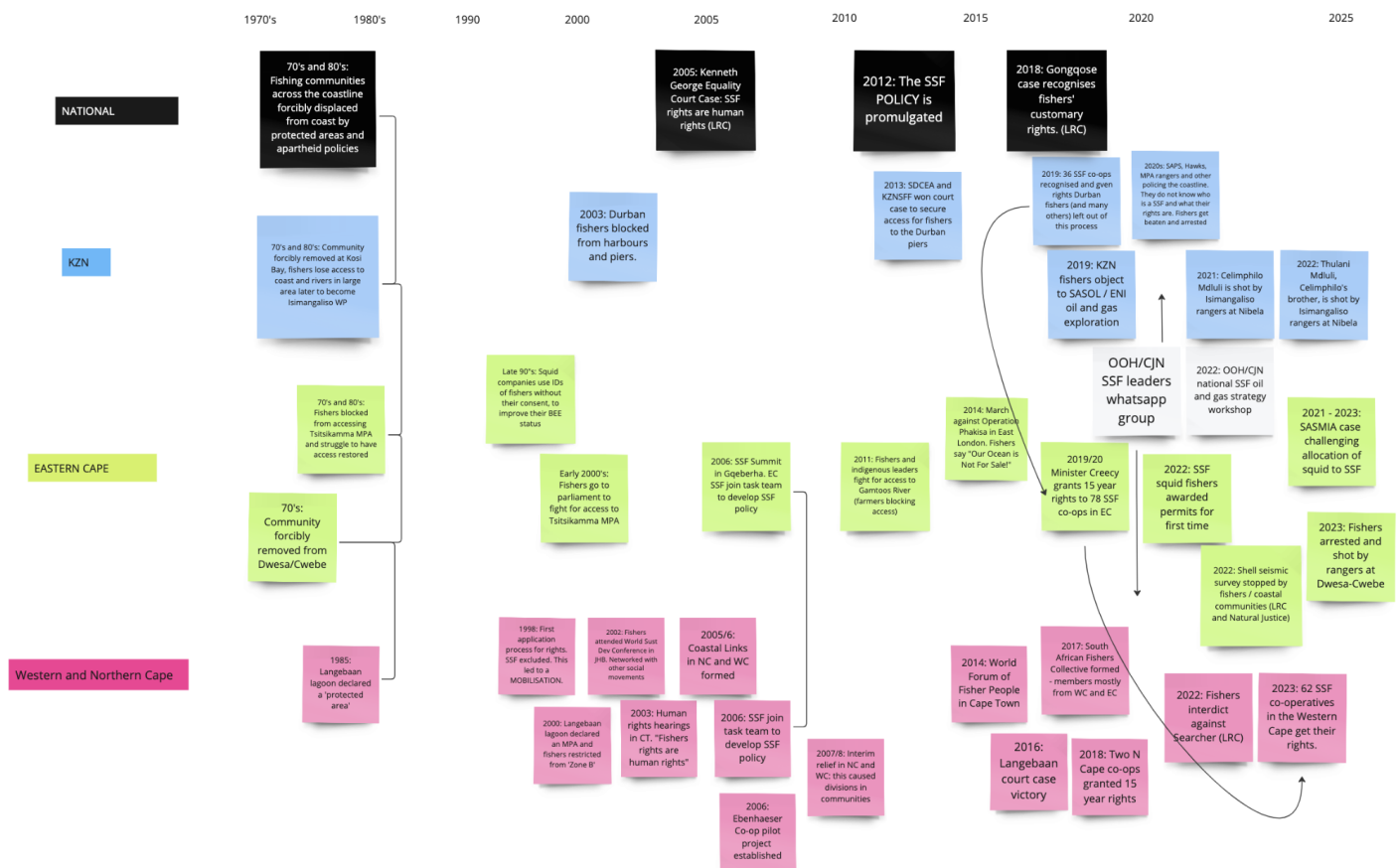
Activity 3: Gallery walkabout

On the walls of the meeting room were lots of images, maps and posters that had been developed in earlier regional SSF workshops. For this activity participants had time to walk around the room and look carefully at the different images, and talk amongst themselves about

what they saw, how the images connected to their own experiences, questions or any other responses that they might have.

Activity 4: Streams of Struggle with Taryn and Nangamso

Each group developed a time-line representing their personal and regional stories of struggle – when did they become involved in political engagement for fishers’ rights ? Who have they worked with and what different strategies have they used in their struggles? What are some important dates and milestones in their local, regional and national struggles? It is interesting to see the different ways in which different fishers have become active in different struggles, and where the points of intersection and of parallel movements have been between different groups of fishers. It is important to notice the long struggles that some fishers have been engaged in that have been less visible to other fishers and to civil society partners; and to notice the struggles that have brought diverse fishers closer together at times. The different streams of struggle have all contributed to strengthening the power and voice of small scale fishers.



Unfinished streams of SSF struggles for justice

Session 2 – Workshop objectives and focus on the Ocean Economy Master Plan and Marine Spatial Planning processes

Taryn introduced the objectives of the national workshop to participants. She highlighted the many issues facing SSFs including top-down policies such as the FRAP, Ocean Economy Master Planning process (OEMP), and Marine Spatial Planning (MSP) as well as the proposed expansion of Marine Protected Areas (MPAs) that aims to declare 30% of SA oceans protected by the year 2030. Fishers were reminded about the Small-scale Fisheries Policy and the rights and preferential access provisions for SSFs in this policy document. The intention of the workshop was to enable the SSF leaders to agree on their priorities and key messages that should inform the new policy and planning processes and develop a united approach in order to defend SSF rights.

Merle gave an overview of Operation Phakisa (OP) and the OEMP process and highlighted the fact that despite huge expectations that OP would contribute R177 million to GDP and create over a million jobs, these targets were not achieved. In 2019, DFFE was tasked with developing an OEMP to contribute to revitalising the economy. Fisheries was identified as a priority sector. SSFs were concerned that they had been left out of discussions informing the OEMP and that the needs and priorities of their sector were not included in the final OEMP submitted to the Minister in March 2022. Despite letters expressing concerns over the inadequate public participation process, there has been no further information on the status of the OEMP.

Jackie then explained the Marine Spatial Planning (MSP) process which is currently underway. MSP is a tool that is used across the world to plan ocean activities to ensure that economic development is balanced with environmental sustainability and social equity principles. Despite some criticisms about MSP as a planning tool, it does promote integrated planning and can minimise conflicts. DFFE, through the Marine Spatial Planning Act is leading this process. However, thus far, SSFs have not been properly consulted. Information about their sector was omitted in the National Data Information Report (NDIR), a baseline document used to inform the MSP process and decisions. Further, SSFs needs and priorities as well as maps on their fishing areas were not included in the draft Wild Fisheries Sector plan, one of 14 sector plans published in March 2023. Once again, SSFs have not been properly consulted. their rights, needs and priorities have not been included in the MSP process and draft sector plans. Identifying the unique contribution and characteristics of the SSF sector, as well as their needs and priorities, was thus urgently required to ensure their inclusion in the OEMP and MSP processes.

Participants then worked in groups and discussed the questions - Who are we as SSF? And what makes us unique/special? A summary of inputs from three working groups is presented below.

What makes us unique?

Although we are referred to as small-scale fishers, we make a unique and important contribution to the economy and society - we are NOT small.

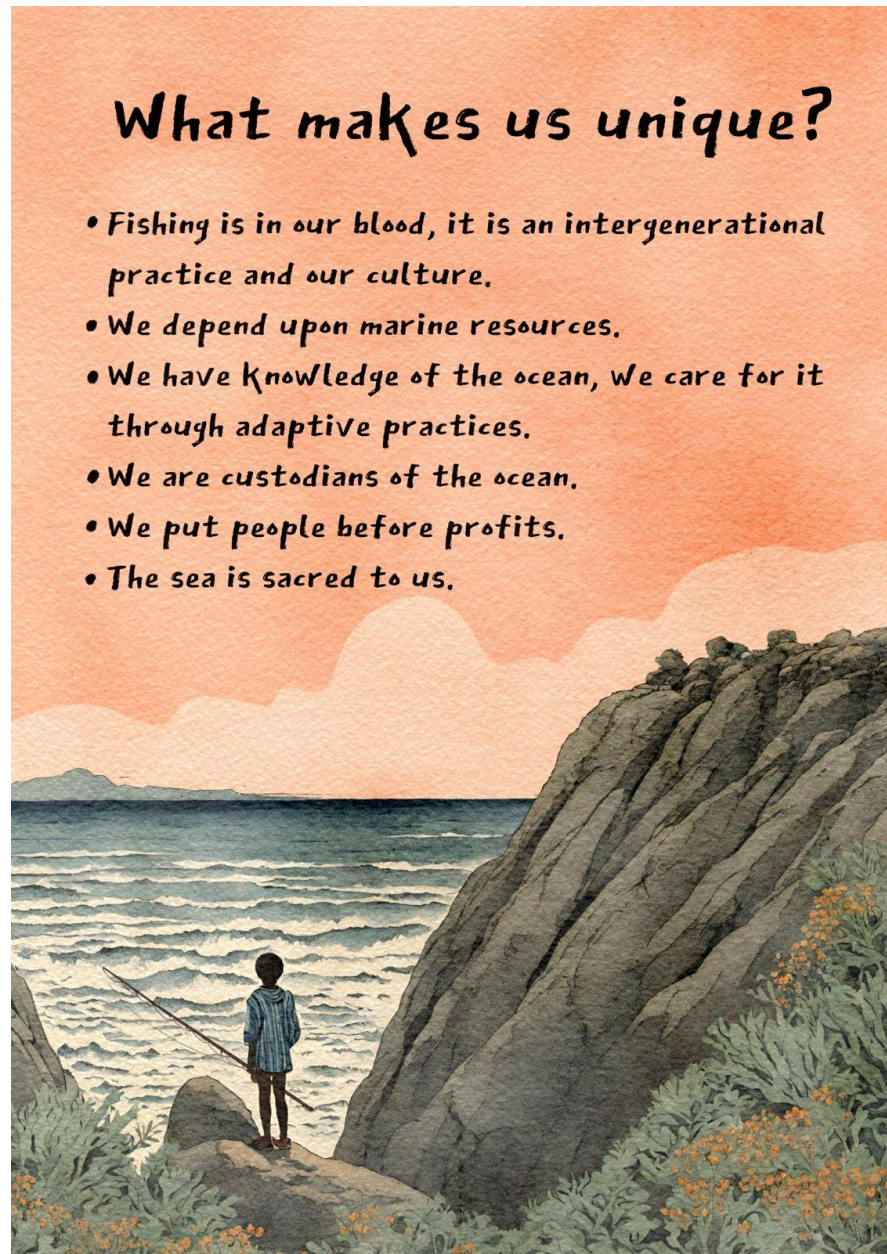
- We are traditional fishers. Fishing is in our blood, its an intergenerational practice.
- We are custodians of the ocean. We respect the ocean. We put people before profits.

SMALL SCALE FISHERS

**We are NOT small in importance,
significance or value.**

**We are BIG in ocean defence
We are BIG in cultural identity,
We are Big in providing food & jobs
to our communities,
We are BIG in solidarity**

- We are the people that work the ocean and know it.
- We were born fishing, we grew up with fishing, it is part of our culture.
- The sea is sacred; and it also has spiritual importance to us.
- We are dependent on marine resources for food and livelihoods – for our survival.
- We know when and where to fish and how to manage resources. This knowledge is unique to us.
- We are activists and we have our own rules to ensure sustainable practices.
- We are able to adapt to a changing ocean context, our practices are adaptive.



What Special Rights do we have/require?

We are rights holders, not just stakeholders.

We have rights to a clean and healthy environment, and to practice our culture.

We have a right to work (to pursue our livelihoods), and to food security.

We have rights to specific areas where we may fish but the Minister needs to declare them.

We want no commercial fishing in traditional SSF zones.

We have rights to be consulted.

There must be no decisions for us without us.

We have a right to co-management and it must be fast-tracked.

We are citizen scientists and should contribute to management and decision-making.

We demand restitution of our rights to land and marine resources.

We need development that is good for fishers and the environment.

The diverse traditional beliefs and values of fishers must be accommodated.

We want preferential access to marine resources

MPAs must be accessible to SSFs and we must be part of MPA expansion processes.

We need flexibility in terms of fishing areas especially because of climate change.

We want our customary rights, we want our fishing rights, we want our human rights!



DAY TWO

Session 1: What do we want, priorities and vision

What do we want?

Recognition: We want to be recognized as fishers from communities and government, as customary and indigenous knowledge holders and custodians of the ocean. This would translate into the possibility of transferring our rights to our children.

Representation: We want an organised collective to represent us at provincial level and national level and we want to be considered in municipal planning. This must emerge from self-governed cooperatives. We also want a fisher advisory to DFFE scientists, which recognizes our indigenous knowledge as legitimate.

Co-management: We want the ocean to be managed for life and not profit and we want to be actively involved to ensure a responsive relationship between policy and regulation and

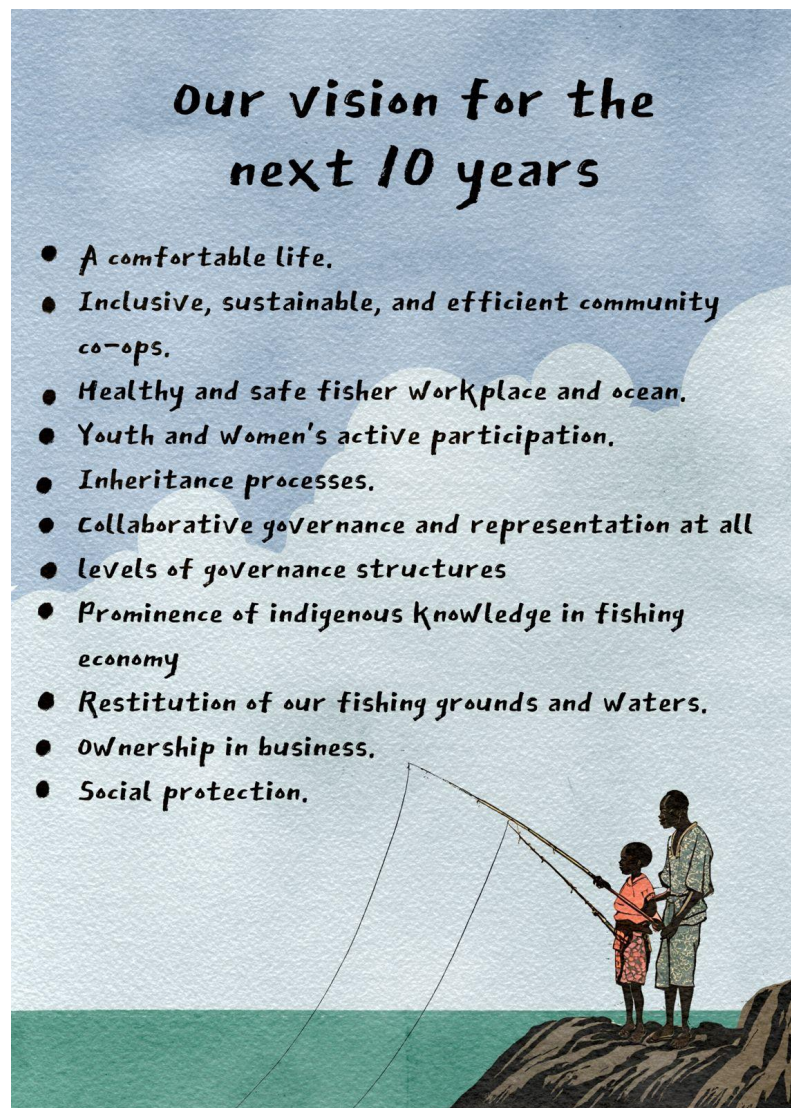
implementation honours intention expressed by coastal users. We want co-management that involves us in the management of MPAs and considers our exclusive fishing grounds as integrated with marine protection. If we are involved in management it would mean that our fishing rights align with the species we catch and the seasons we fish. It would also mean that research is answering our questions such as “what is happening to the snoek?”. Co-management would mean the end to fisher brutality and killing and the end of remaining apartheid legislation. For this we would want to be capacitated to run effectively as cooperatives and we would ensure that coastal jobs created benefit the communities we are living in.

Access to the market: The market access we want is based on the promotion of local harvesting and traditionally prepared seafood. We want engagement between the fisher and consumer without a middle man taking large profits.

Social protection: We require a sea accident fund that would enable our families to continue in the event of loss of life or disability. As we see how climate change is affecting our fishing practices, our social protection should include compensation for climate impacts.

Vision for 10 years:

- A comfortable life.
- inclusive, sustainable, and efficient community coops that have rights and access for food security.
- Healthy and safe fisher workplace and ocean
- Youth and women involvement: youth to get involved in fishing and marketing.
- Inheritance processes: better management to allow our children to transfer and inherit these rights and for outsiders to not get the rights. (i.e. those who are putting too much pressure on the ocean).
- Collaborative governance and representation at all levels of governance structures
- Prominence of indigenous knowledge in fishing economy: for women to use indigenous knowledge in processing goods, products that you find along the coast, pickling and preserves – the potential here must be realized. exporting and selling.



- Restitution of our fishing grounds and waters
- Ownership in business
- Social protection, life insurance and benefits

Day 2 Session 2: Strategy for Getting what we need and want

Building solidarity and organisation

Input and Discussion

This session looked at the issue of SSF's power to develop strategies around key demands/issues in their struggle for social, economic, and ocean justice.

A short input session explored the issue of power from three perspectives:

- Power over...
- Power to...
- Power with...

It was noted that holding power is not a given. It is always contested by other power holders in society, like big business or government. Small scale fishers' power emerges from their struggles for social justice and from their defence of the ocean. It also comes from relationships of exchange and solidarity with local communities. Small scale fishers feed their communities.

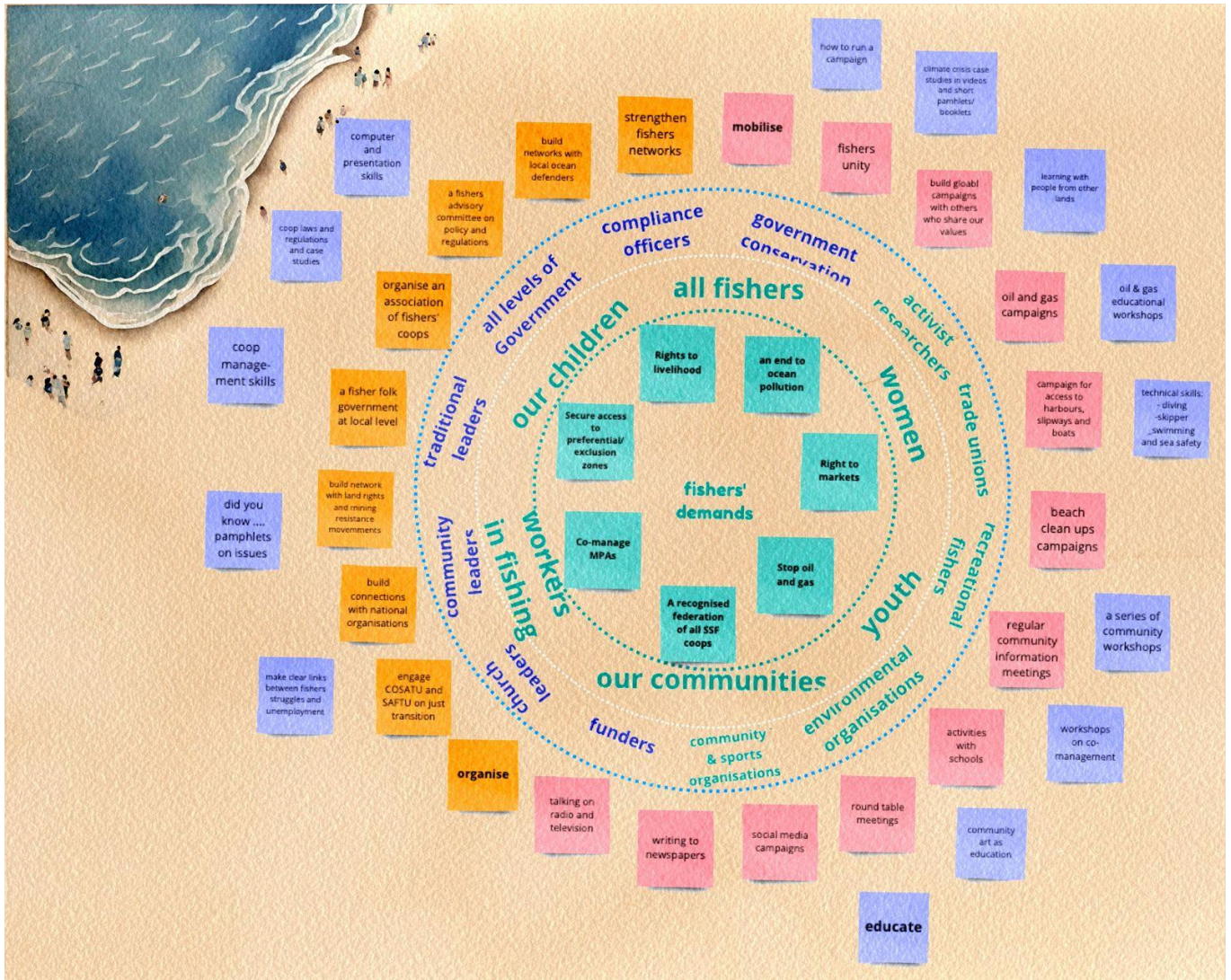
Examples of each of these ways of looking at power were explored. For example, "Power to..." can be the power to exclude groups of people. It can also be the power to unite groups of people.

POWER to... used to oppress	POWER TO... used to build community
exclude	unite
enforce	make own decisions
decide for others	create
STOP	protect
	build shared understanding
	feed our families

How fishers use power will depend on the future fishers imagine and are working towards. This idea of the future that fishers want can be expressed as demands. Demands are often directed at other power holders that influence how the world works in the present. To achieve demands involves building strategies to organise as small scale fishers and to mobilise support from other groups. Strategies to organise and to mobilise have their roots in the ways fishers learn with one another and how they share their learning with others in the community. This is what the slogan "Organise! Mobilise! Educate!" means in practice.

Three groups (KwaZuluNatal, Eastern Cape and Western and Northern Cape) were formed to discuss the following questions:

- What are we demanding?
- Organising: Who should stand with us?
How will we persuade them?
- Mobilising? What campaigns do we need?
What campaigns shall we join?
- Educating? What do we need understand better?
What can we teach others?



Day 2 Session 3: Making posters and videos to share Key Messages

Fishers wrote the messages they wished to share with decision makers and others, on posters. Photos of some of these posters are shared below. Videos were recorded of some fishers sharing their messages - link to video here: <https://youtu.be/-6tOj49x1bc>.







Group Photo, SSF National workshop, Gqeberha, 26 October 2023

Partner organisations present:

Coastal Justice Network, One Ocean Hub: The One Ocean Hub is a global research network funded by the UKRI to implement a five year (2019 - 2024) research project in SA, and other global South countries, looking at fair and inclusive ocean decision making. Through this project, collaboration has been built between a group of researchers from 4 different research institutions in South Africa with a focus on co-developing research with small -scale fishers to support their struggles for recognition and inclusion in ocean governance. This group of activist researchers work together under the banner of the Coastal Justice Network. The Coastal Justice Network practices participatory research in support of small scale fishing communities, focussing on how to promote inclusive ocean governance as well as capacity building and advocacy support in defending SSF rights to resources, to access to marine species and spaces, and to participate and be consulted in decision-making about fisheries and ocean governance, as well as facilitating creative and arts based approaches to knowledge co-production with small scale fishers, often in partnership with Empatheatre.

www.oneoceanhub.org

<https://coastaljusticenetwork.co.za/>

www.empatheatre.com

Legal Resources Centre: The Legal Resources Centre is an independent public interest law centre with offices throughout South Africa. They work with partners and marginalised communities to harness the power of the law to promote social justice, fight for equality and realise the human rights enshrined in the South African Constitution. The LRC has represented small scale fishers in many important cases, including the Kenneth George case, the Langebaan Coastal Links case, the David Gongqose case, the Shell Wild Coast seismic survey case and the Searcher West Coast seismic survey case; as well as supporting SSF with advice and capacity building on a wide range of human rights issues.

<https://lrc.org.za/>

Natural Justice - Natural Justice is a non-profit organization whose vision is conservation and sustainable use of biodiversity through the self-determination of indigenous peoples and local communities. Our mission is to facilitate the full and effective participation of Indigenous peoples and local communities in the development and implementation of laws and policies that relate to the conservation and customary uses of biodiversity and the protection of associated cultural heritage.

For more specific assistance this is the main focus of their work:

- Assisting communities in compiling objections to EIA's
- Assisting communities attend public hearings in their area and participate in the law making process
- Assisting communities with BCPs (biocultural protocols) and access and benefit sharing agreements
- Defending the rights of communities through court processes

<https://naturaljustice.org>

Masifundise Development Trust -Masifundise is a civil society organisation with a long track record in the small-scale fishing sector. Its aim is to promote and advance human rights and Food Sovereignty in small-scale fishing communities in South Africa, and globally.

Masifundise empowers fishers and community-based activists to become agents of change within their own communities, organisations, and social movements, as well as facilitating and strengthening participatory governance, enabling fishing communities to secure their social, economic, and political rights and promoting principles of social, economic and environmental justice.

<https://www.masifundise.org/>

Green Connection - The Green Connection is a civil society organisation that promotes environmental justice. The Green Connection believes that empowering people to participate in decision making about their environment is the only way that truly sustainable development can take place. Their organisation aims to provide practical support to both the government and non-government and civil society sectors, which are an integral part of sustainable development. Through their 'Who Stole Our Oceans' campaign, the Green Connection has worked closely with small scale fishers and their partners to oppose offshore oil and gas.

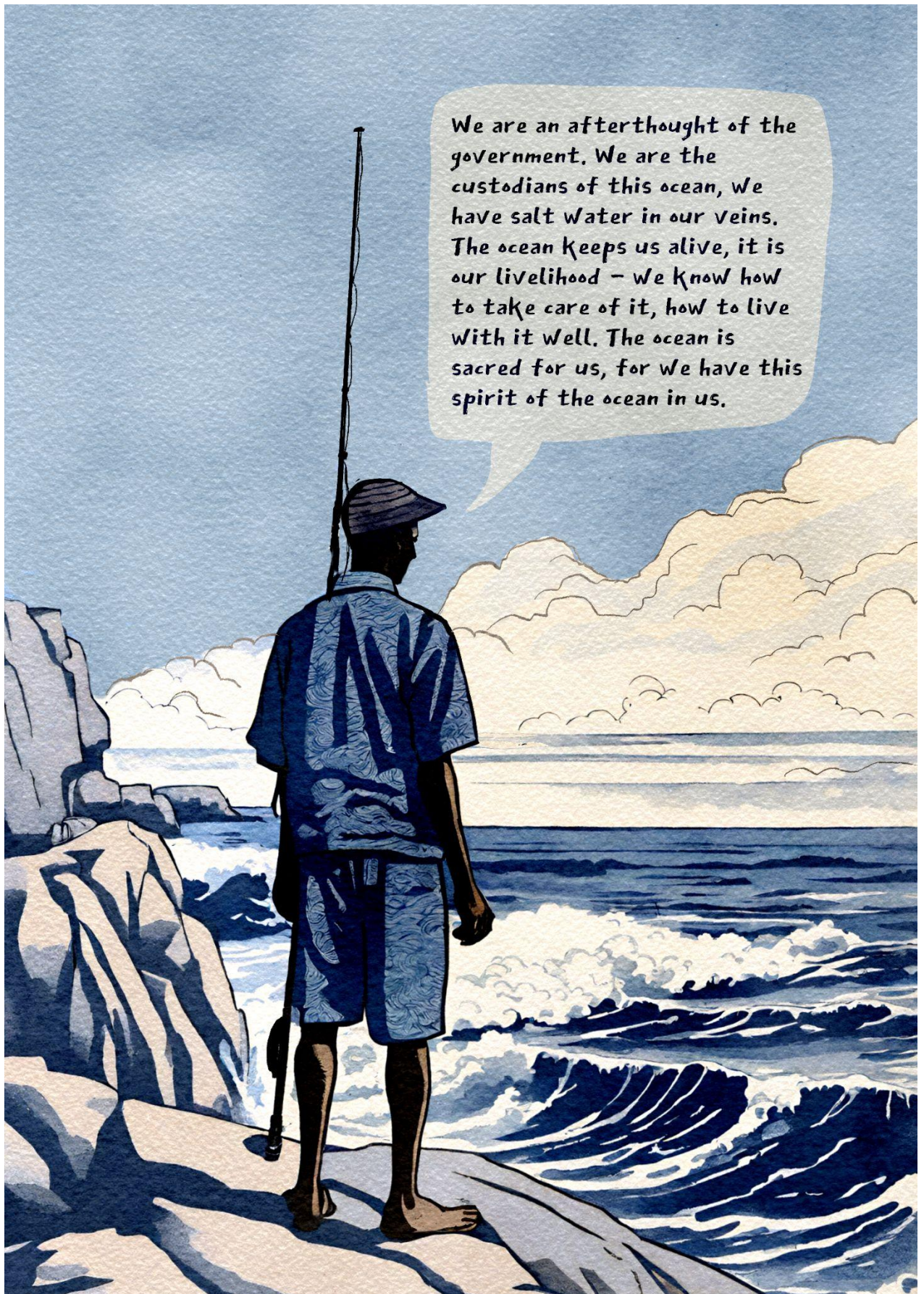
<https://thegreenconnection.org.za/>

Nelson Mandela Law Clinic - The Nelson Mandela University Law Clinic is based at the Missionvale campus of NMU. The aim of the Law Clinic is to provide free legal services to those in need. In providing these free legal services that are required by the indigent it offers an opportunity to train law students that will become future legal practitioners. The NMU Law Clinic provides SSF from the Eastern Cape with legal advice related to the running of their co-operatives.

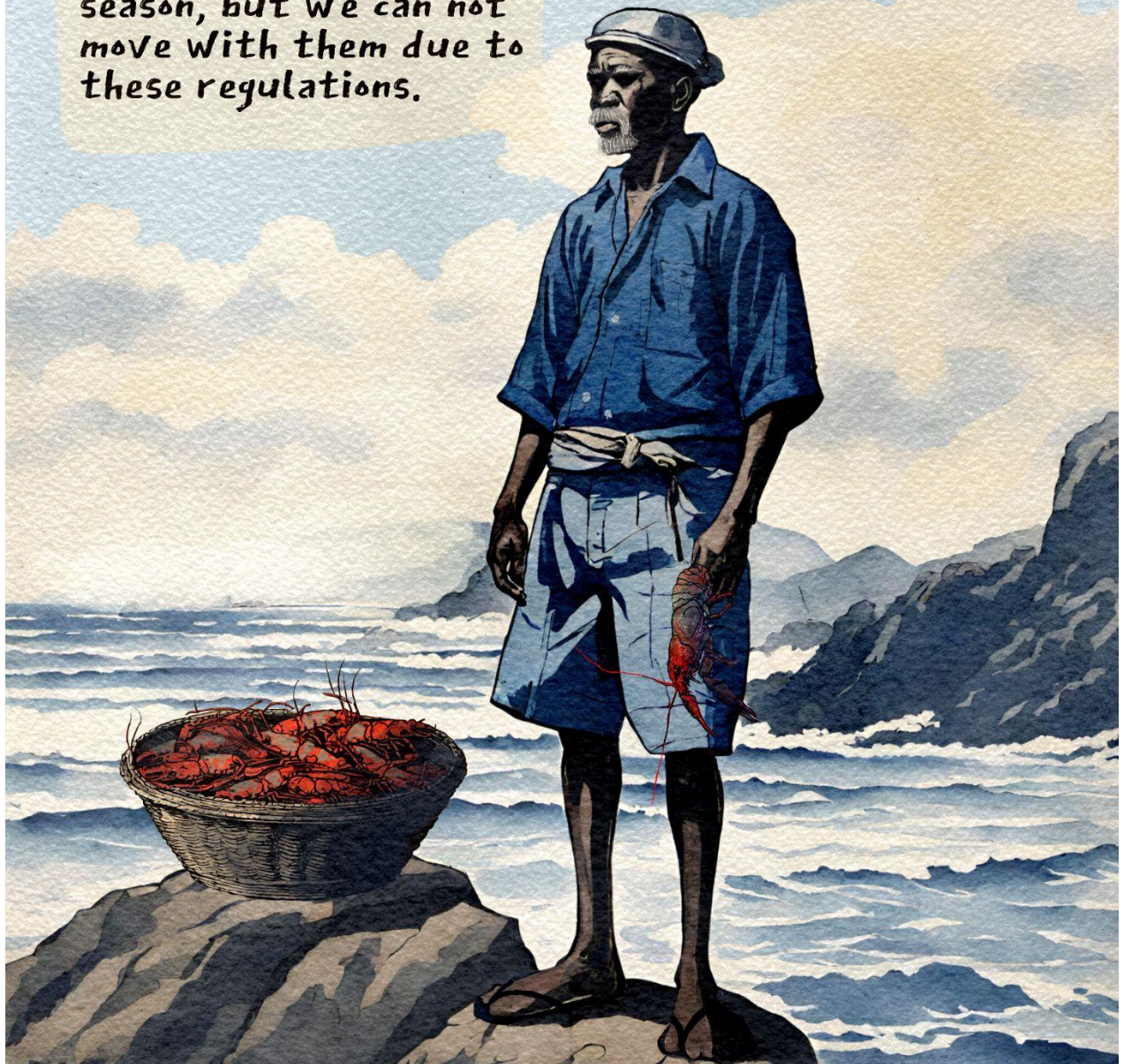
<https://law.mandela.ac.za/Engagement-Entities/Law-Clinic>

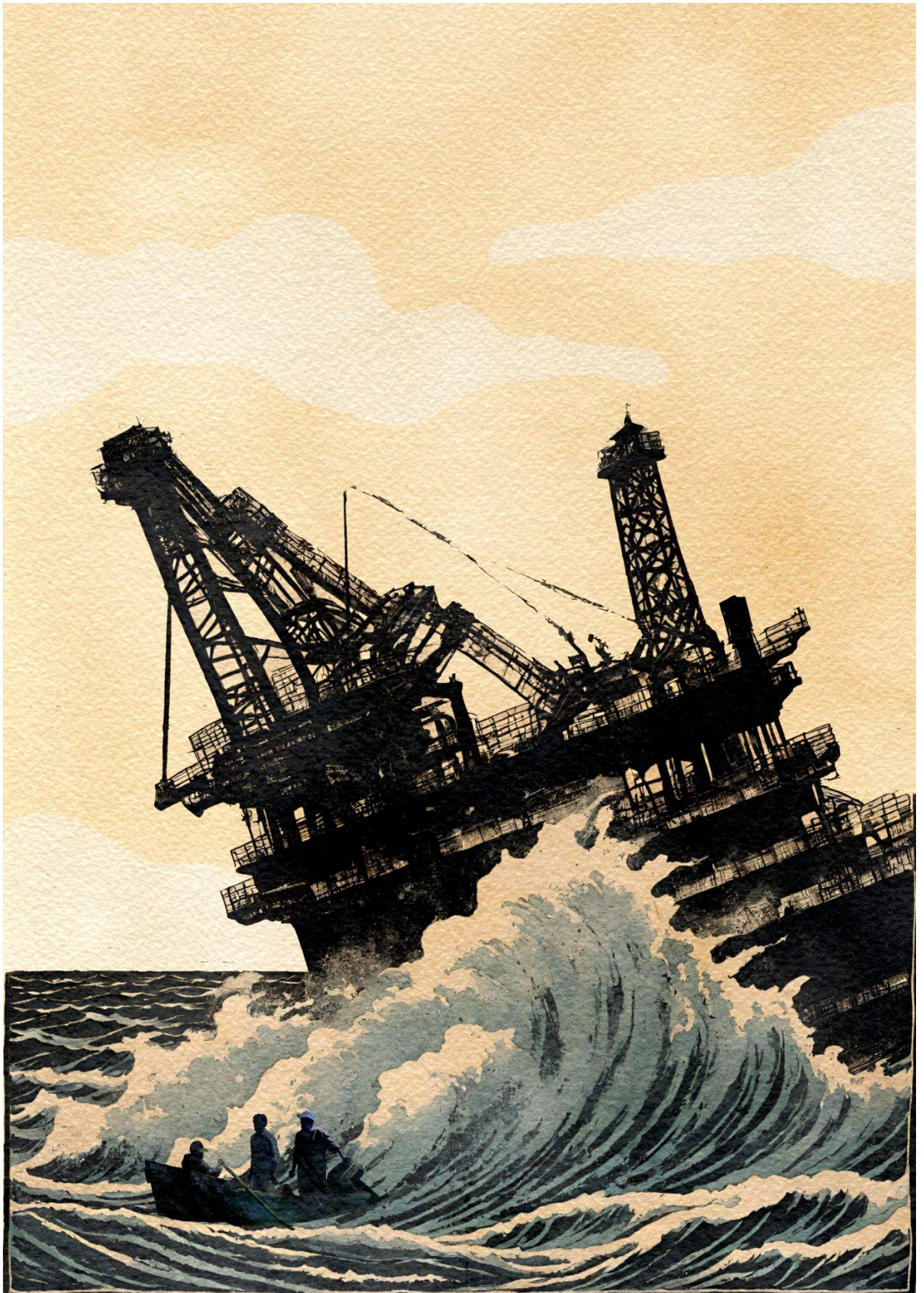
The following images were created by Dylan McGarry, based on the contributions and stories of fishers during the workshop:

We are an afterthought of the government. We are the custodians of this ocean, we have salt water in our veins. The ocean keeps us alive, it is our livelihood – we know how to take care of it, how to live with it well. The ocean is sacred for us, for we have this spirit of the ocean in us.



We demand our customary right to sea is recognized and prioritised. In Centane there is still a policy that does not allow us along 1,5km off the coast. If we go there we will be arrested. Fish move with the season, but we can not move with them due to these regulations.





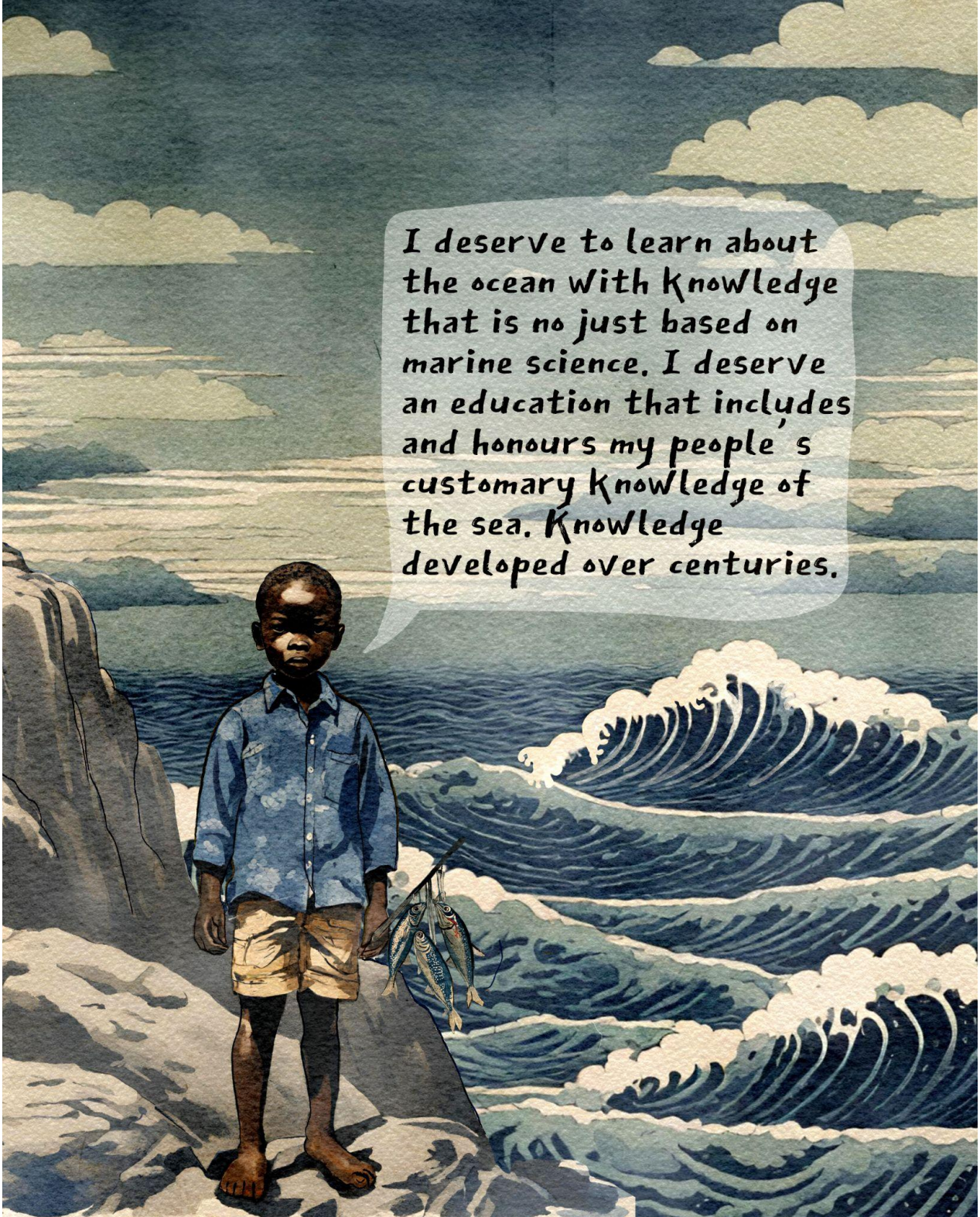
*I want to continue to live with
the ocean, with my ancestors. I
want to practice my customary
rights to the highest benefit of
my family and community.*



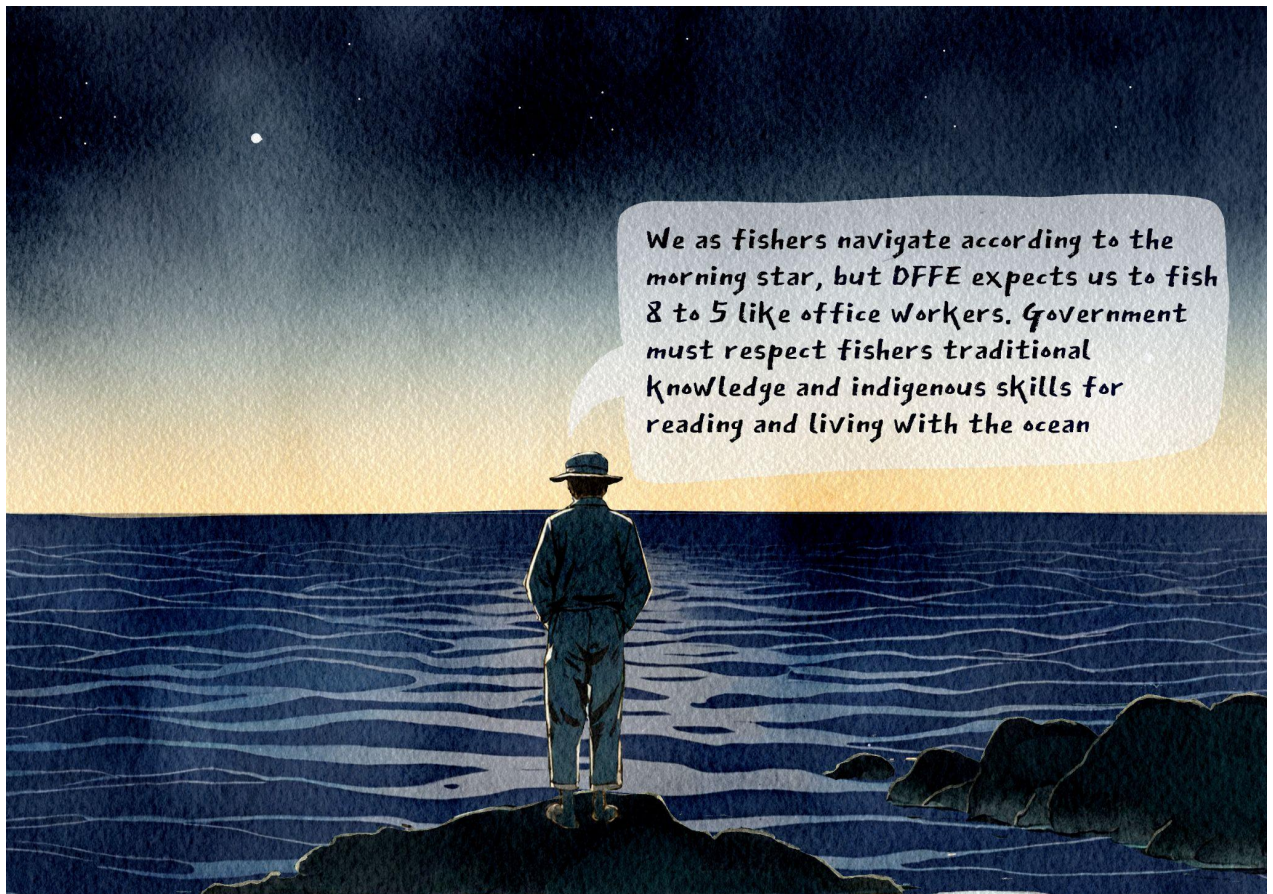
I hope you become a scientist that acknowledges your own people's knowledge. Mntwana Wam, our Government only listens to scientists, but they do not know what we have learned through generations. Don't become a scientist who ignores or silences our knowledge. Don't become a scientist who doesn't fight with us to protect our ocean from oil and gas and other threats

Mama - I love the ocean - I want to be a marine scientist when I grow up

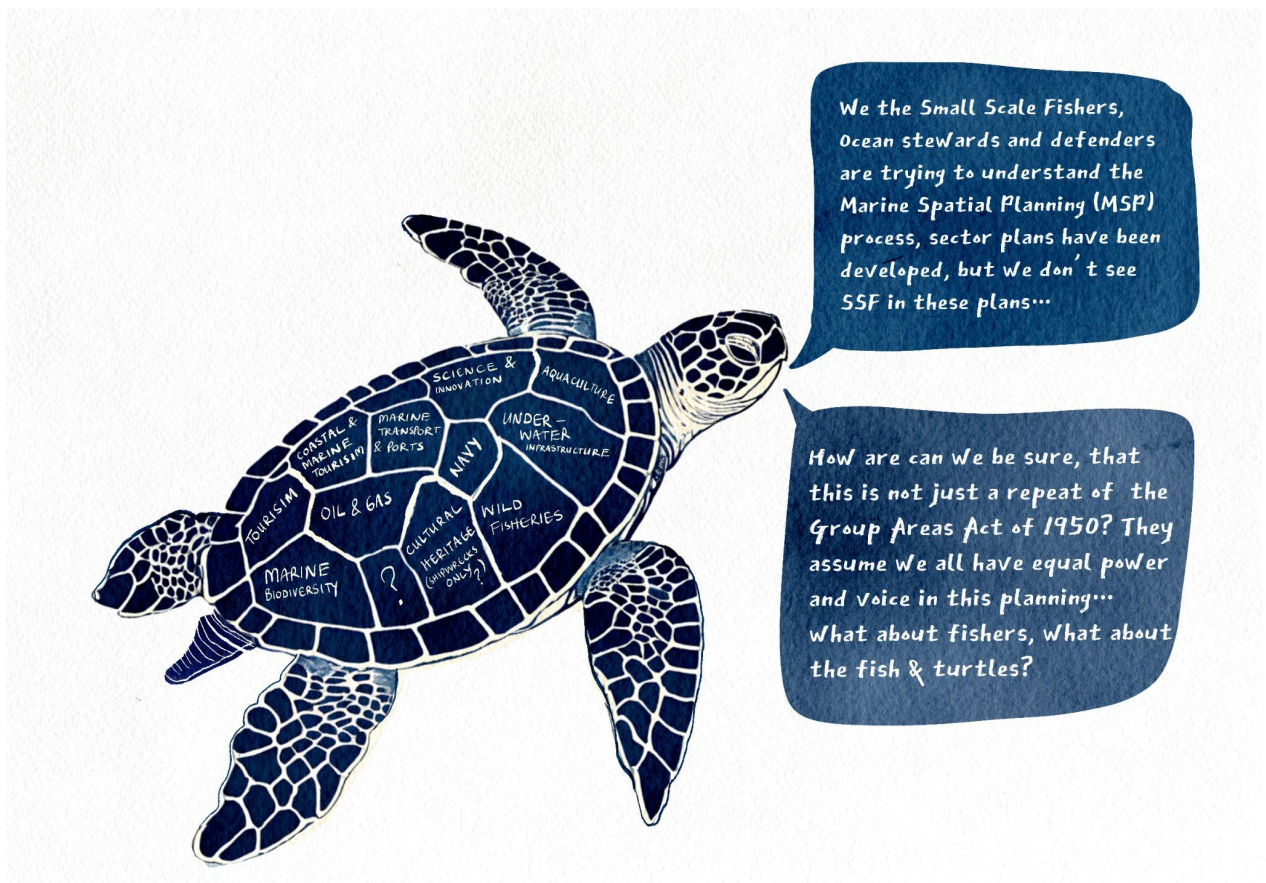


An illustration of a young boy with dark skin and short hair, wearing a blue button-down shirt and tan shorts, standing barefoot on a grey rock. He is holding a fishing rod with several fish hanging from it. The background features a turbulent ocean with large, white-capped waves under a dark, cloudy sky. A speech bubble is positioned in the upper right, containing text.

I deserve to learn about the ocean with knowledge that is not just based on marine science. I deserve an education that includes and honours my people's customary knowledge of the sea. Knowledge developed over centuries.



We as fishers navigate according to the morning star, but DFFE expects us to fish 8 to 5 like office workers. Government must respect fishers traditional knowledge and indigenous skills for reading and living with the ocean



We the Small Scale Fishers, Ocean stewards and defenders are trying to understand the Marine Spatial Planning (MSP) process, sector plans have been developed, but we don't see SSF in these plans...

How are can we be sure, that this is not just a repeat of the Group Areas Act of 1950? They assume we all have equal power and voice in this planning... What about fishers, what about the fish & turtles?

When times are rough at home,
and the government offer us
nothing. When we wait and
wait to hear from DFFE, the
only solution I can find is with
the ocean. I know where my
strength is coming from, and it
is from the sea

