## **The Right to Food and Securing Sustainable Small-Scale Fisheries**

**Submission to the United Nations Special Rapporteur on the Right to Food**

**Submitted by the KwaZulu-Natal Subsistence Fisherfolk Forum**

**Issues and concerns:**

Our rights are placed at risk due to a weak participation and a lack of meaningful consultation by the government, and by large industries in coastal and ocean developments. We are not brought into planning processes by government at an early enough stage to ensure that our right to food security, our right to a healthy environment and indeed the rights afford to us in the Small-Scale Fisheries policy are protected. In regards to the Ocean Economy Master Plan, Wild Fisheries Sector Plans, Marine Spatial Planning or even the planning of Marine Protected Areas we are never consulted with for early input into planning processes, we are only invited (with short notice) to meetings where government officials present already formulated plans and maps. These decisions directly impact our livelihoods and the food security of our families and communities. There is seldom room to ask questions or indeed change these plans in these ‘consultation meetings’ leaving us marginalised and feeling under threat.

We have concerns around the governments approach to the balance of fisheries in South Africa. The experience amongst small-scale and subsistence fishers is that commercial fisheries are favoured by government, and we the small-scale and subsistence fishers are more tightly monitored and policed on the ground.

One of the biggest concerns we have as fishers is how our government is enabling oil and gas companies to explore and exploit our oceans for fossil fuel. Fishers across the coastline have been vocal in our opposition to this[[1]](#footnote-1). These activities bring huge risks to our marine species and ecosystems. In addition, Fossil Fuel is a major contributor to global warming, which contributes to the destruction of our marine life[[2]](#footnote-2).In 2022 fishers in Durban experienced devastating floods with over 400 people killed in a few days. Fishers lost houses and loved ones and were then prohibited from fishing for months afterwards as the estuaries and beaches were contaminated with raw sewage from flood related infrastructure damage[[3]](#footnote-3). This decimated many fishers’ livelihoods and threatened food security for families. There was no compensation given to fishers. The scientists and activists tell us that we can expect more severe floods in the near future due to climate change[[4]](#footnote-4). How can our government support Oil and Gas exploration in our oceans knowing the devastating impact it has on our livelihoods and on our ability to provide food security for many families in our communities?

What concerns us is how the impoverished fisher has to carry the burden of ensuring and protecting our rights through countless emails and letters to government officials, protesting peacefully against exclusions, and taking the government and big corporations to court[[5]](#footnote-5). Fishers are committed to protecting marine life and the food security this offers our country. These struggles and legal processes places an additional burden on already impoverished small-scale and subsistence fishers in terms of time, energy and earnings lost.

South Africa has a progressive constitution and policies like the Small-Scale Fisheries Policy that aligns well with the FAO small-scale fisheries guidelines. For example co-management for fishers as per the SSF Policy should be implemented to ensure our right to food security. However, the failure to implement these policies and ill-fitting regulations for SSFs continue to marginalise and exclude us.

The government has not assisted us in developing national structures that can represent fishers needs in policy forums. However, small-scale and subsistence fishers have organise and come together to share their experiences. This has helped us to plan collectively on what we need as a sector and how government should support us. Fishers have worked well across provinces with civil society partners such as Masifundise, the South Durban Community Environmental Alliance, and the Coast Justice Network. We have worked in partnership with researchers at the One Ocean Hub so that we can document and research the issues we know need to be addressed[[6]](#footnote-6). Lastly, we feel that there is an increasing awareness, especially as the public become aware of our protests against Oil and Gas of how much fishing is a part of our heritage and cultural practices.

1. <https://risingsunnewspapers.co.za/211183/small-scale-fishers-in-sa-say-no-to-oil-and-gas-development-on-oceans/> [↑](#footnote-ref-1)
2. <https://groundwork.org.za/joint-statement-on-oil-and-gas-mining-in-south-africa/> [↑](#footnote-ref-2)
3. <https://www.iol.co.za/news/south-africa/kwazulu-natal/durbans-fisher-folk-left-financially-stricken-after-beaches-get-contaminated-b562c80d-f18b-49be-ab89-87fb173647d0> [↑](#footnote-ref-3)
4. <https://www.downtoearth.org.in/news/africa/2022-durban-floods-were-most-catastrophic-natural-disaster-yet-recorded-in-south-african-province-89047> [↑](#footnote-ref-4)
5. Recently there have been 3 High Court Judgements addressing the right to meaningful consultation, and other rights, such as customary rights, for small-scale fishers in relation to oil and gas developments in South Africa. See (*Sustaining the Wild Coast NPO and Others vs the Minister and Others 2021 (*3491/2021), *Christian Adams and Others versus the Minister and Others (1306/2022), Sustaining the Wild Coast and Others ZAECMKHC 2022).* three High Court Judgements handed down in the past 18 months address the right to adequate consultation, recognition of customary rights and the impact of Oil and Gas exploration on the human rights of small-scale fishers, including the right to food (*Sustaining the Wild Coast NPO and Others vs the Minister and Others 2021 (*3491/2021), *Christian Adams and Others versus the Minister and Others (1306/2022), Sustaining the Wild Coast and Others ZAECMKHC 2022).* [↑](#footnote-ref-5)
6. https://sdcea.co.za/download/cast-out-the-systematic-exclusion-of-the-kwa-zulu-natal-subsistence-fishers-from-the-fishing-rights-regime-in-south-africa/ [↑](#footnote-ref-6)