**Call for Input – Violence and the Right to Food[[1]](#footnote-1)**

**Please describe the nature and degree of violence prevalent in different parts of a food system in your country or community based**

* 1. Traditional small-scale fishers[[2]](#footnote-2) in South Africa play a crucial role and are integral in local food systems: Aside from fishing, they are engaged in pre- and post-harvesting activities (mostly conducted by women), such as net-making and repair, making bait, and the processing of fish and other value-adding activities as well as marketing. Much of the fish caught is sold and consumed locally, providing an important source of nutrient for coastal communities. Fisheries resources and related activities are essential for traditional small-scale fishers’ lives and livelihoods, and for the realisation of an array of their human rights, such as the right to food and nutrition (RTFN), to health, to work, etc.
	2. Violence in local food systems faced by traditional fisherfolk is intrinsically linked to the complex history of access to marine resources and its governance along the coast in South Africa. The questions on who has access, for how long, and for what purpose, etc. to marine resources have been determined by pre-colonial, colonial, apartheid and today’s post-apartheid legal and social relations within the imposed racial, class, patriarchal, and capitalist structures.[[3]](#footnote-3) Industrial fishing and recreational fishing, and later conservation sectors dominated by White South Africans have exercised power and influence over marine resources and responsible fishing authorities. This has resulted in loss of fishing rights, land expropriation and exclusion of resources for many coloured traditional fishers. This historical development has led to a contradictory set of governance relations regarding the management and conservation of the ocean and coast. Non-inclusion and non-recognition of small-scale fishers is the main driver of criminalisation of small-scale fishers and conflicts with other resource users, especially recreational fishers and their associations and others such as lodge owners and private boat clubs, when fishers access marine resources which is essential for ensuring their RTFN.
	3. Traditional small-scale fishers face several forms of violence in the entire cycle of the local food systems. In Masifundise’s work with local fishers, violence has been significant, in particular, during production of food through accessing marine resources. Concrete cases are exemplified below.
	4. Situated in the Amathole District (Eastern Cape), the Dwesa-Cwebe region is known for the Dwesa-Cwebe Nature Reserve, which comprises two state forest reserves (Dwesa Nature Reserve and Cwebe Nature Reserve) and a national marine reserve (Dwesa-Cwebe Marine Protected Area). The fishing communities surrounding the Dwesa-Cwebe Marine Protected Area (MPA) continue to be criminalized and harassed for securing their livelihoods in their traditional fishing grounds. On February 1, 2022, three young local fishers were attacked by the Eastern Cape Parks and Tourism Agency (ECPTA) rangers.[[4]](#footnote-4) The rangers who were patrolling witnessed the young fishers and approached them. The rangers fired three warning shots and asked the young fishers to hand over their bags and to be searched. When the young fishers refused, the rangers assaulted the fishers, tied them up with reeds and suffocated them with their clothes.
	5. Members of the fishing communities in Dwesa-Cwebe area have indicated that this is not a single case but one of many incidences of harassment and victimisation of their community members. Often when communities are caught, their catch is confiscated or dumped back into the sea. They are either detained at a local police station and released on bail or are formally charged by the public prosecutor. To our knowledge, there is no single case where a ranger has been charged for their violence. Instead, often rangers are simply relocated to other reserves.
	6. Fishers seldomly report these cases of harassment perpetrated by the ECPTA rangers to the South African Police Service (SAPS). There are several reasons for this, one being that many people in the communities do not have access to transport to go to their nearest police station, which can take approximately an hour’s drive. There is also a lack of trust between the communities and SAPS. This is in part due to the lack of recognition from law enforcement authorities of the customary law that applies to the communities of Dwesa Cwebe. According to customary law, before police are called by rangers, whoever is arrested or caught should be taken to the village to clarify his or her act.[[5]](#footnote-5) However, this is not done. Moreover, communities are of the view that the police are biased towards the rangers, especially considering that the historically driven perceptions of traditional fishers as trespassers or poachers persist.
	7. It is evident that there is a lack of clear and coordinated communication between relevant state authorities (e.g. Department of Forestry, Fisheries and Environment (DFFE), ECPTA and local authorities) regarding the access of small-scale fishers to traditional fishing grounds has left perpetuated fishing communities’ vulnerability towards violence from authorities. The intimidation of fishers by law enforcement is particularly jarring as rural communities usually have little to no recourse for the actions meted against them.
	8. For traditional fishers of Dwesa-Cwebe, denial of access to their traditional fishing grounds constitute ecological violence because it makes them difficult to nurture their cultural and spiritual connection to the sea and its surrounding environment. Moreover, it brings on great difficulties in maintaining culturally and spiritual healing practices that makes use of seawater and culturally valued plant materials situated within the reserve.
	9. Another form of violence is the manner in which Small-scale Fisheries Policy/SSFP (2012) is currently being implemented. Although the policy has been a massive step forward for small-scale fishers and resulted in increased recognition of small-scale fishers across South Africa, the actual implementation of the policy has undermined and deviated from the human rights principles of the policy. In particular, the imposition of cooperatives constitutes a violence. The SSFP enforces SSF to belong to a community-based legal entity to be granted a small-scale fishing right. Cooperatives as the vehicle for rights acquisition under the SSFP was developed by the DFFE with no input from the affected fisher communities. Small-scale fishers, with little to no knowledge of running a cooperative, and no support/mentorship from the DFFE are being set up for failure, and risk losing their fishing rights. Additionally, although the SSFP addresses the inclusion of women and youth, many of them were excluded in the verification process. This means that unless the cooperatives employ women and youth from the communities, there is no direct benefit for these vulnerable groups.

**Please also provide examples of laws, policies, or campaigns that have successfully prevented or reduced violence in a food system, held perpetrators accountable, or provided reparation**

* 1. Traditional small-scale fishers have been demanding for their recognition and access to marine resources, which is a sin-qua-non for violence prevention and reduction in the food systems. In 2004, they, together with ally organisations, representing some 5000 fishers from various fishing communities, filed a class case action at the Equality Court for unfair discrimination and exclusion of small-scale fishers in the existing national fisheries legal framework. The victory of small-scale fishers in this case pushed for the elaboration of the aforementioned SSFP in 2012. 4 years later, the same fishers were also successful in bringing their case – this time against the Minister of Agriculture, Forestry, and Fisheries. This case recognized the customary fishing rights of the small-scale fishers in question, who were arrested for fishing in a marine protected area. The recognition of customary rights, under the Constitution is an important form of their recognition, and an example of overcoming the violence of exclusion and criminalization of small-scale fishers for practicing traditional activities.
	2. However, recognition alone is not enough as the exemplary case shows. The struggle of small-scale fishers will continue, while they continue to face harassment and denial of access to waters.

**How have authorities and people created spaces of sanctuary or protection from violence within food systems?**

* 1. The relevant authority (DFFE) has not created any space of sanctuary/protection from violence within the small-scale fisheries food system. Protection of those operating within the small-scale fisheries food system exists at the level of community and civil society, where there is support and assistance within the communities, and between people. South Africa’s focus on the development and expansion of the Blue Economy through implementing Operation Phakisa[[6]](#footnote-6), and through the development of marine protected areas, oil and gas exploration projects, etc., means that small-scale fishers face constant erasure and discrimination. Their rights to access traditional marine resources are also inhibited.
	2. In February 2022, small-scale fishing communities with the support of CSO and NGOs won a case against the fossil fuel giant Shell who had proposed seismic surveying on the Wild Cost – East Coast of South Africa. The fishers appealed the environmental authorization obtained by Shell.
	3. The manner in which civil society stood together in order to ensure that the recognition of coastal communities was maintained, is indicative of what can be achieved through solidarity.
1. This input is submitted by Masifundise Development Trust, in collaboration with FIAN International. [Masifundise Development Trust](https://www.masifundise.org/) is an organisation working towards the empowerment and capacity building of small-scale fishing communities in South Africa. [FIAN International](http://www.fian.org) is a human rights organisation for the right to food and nutrition. [↑](#footnote-ref-1)
2. Today, there are around 136 coastal communities residing along South Africa’s 3000+ Km coastline, equalling to some 30,000 subsistence fishers and 28 000 households who depend on harvesting near-shore marine resources for sustaining their livelihoods. These figures are based on the information provided by the Department of Agriculture, Forestry and Fisheries. Also see Isaacs, Moenieba and Hara, Mafaniso (2015). Backing Small-Scale Fishers: Opportunities and Challenges in Transforming the Fish Sector. Available at: <https://cer.org.za/wp-content/uploads/2016/08/Backing-Small-scale-Fishers_PLAAS.pdf> [↑](#footnote-ref-2)
3. Jackie Sunde and Kira Erwin (2020). Cast out: The systematic exclusion of the KwaZulu Natal Subsistence Fishers from the fishing rights regime in South Africa Policy Research Report. Available at: <https://static.pmg.org.za/201027Cast_Out-_Policy_Document-2020.pdf> [↑](#footnote-ref-3)
4. The Eastern Cape Parks and Tourism Agency (ECPTA) is the management authority for provincially declared protected areas. Its mandate is to develop and manage protected areas. This agency is overseen by the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism. [↑](#footnote-ref-4)
5. There is an agreement between the local communities, Community Property Association (CPA) and the reserve management that before a ranger or anz other ECPTA official hands someone over to SAPS for breaking the law within the bounds of the reserve, they need to be brought to the village and a community meeting should be called. If the person is not a fisher, it means that rangers have a valid reason, but if it is a fisher, then the fisher has to explain the reasons for fishing without following permit standards. This agreement is meant to bring community involved in any decision making process around the nature reserve. [↑](#footnote-ref-5)
6. This is the official website of the Operational Phakisa: <https://www.operationphakisa.gov.za/Pages/Home.aspx> [↑](#footnote-ref-6)