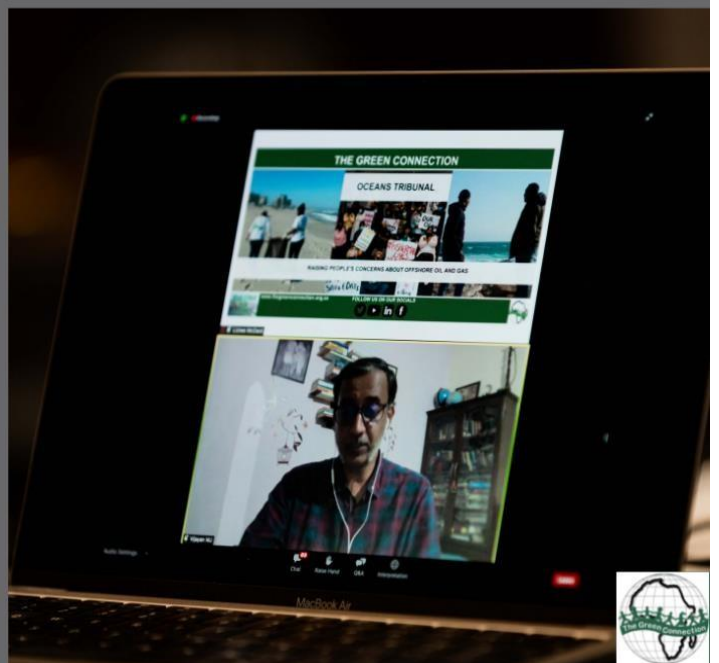




The Green Connection Oceans Tribunal Report 2021



Contents

The Green Connection Oceans Tribunal Proceedings	2
Day One	2
Why have a tribunal?.....	2
DAY TWO:	13
Nyembezi Summary of Day One	15
Ntsindiso Nongcavu: A small-scale fisher from Port st John's.....	17
Vuyiseka Mani: An environmental activist from Eastern Cape Environmental Network (ECEN). 18	
Camelita Mostert, A small-scale fisher from Saldanha.....	19
Solene Smith, A small-scale fisher from Langebaan.....	20
Research Done by The Green Connection	24
Barend Fredericks a small-scale fisher from Knysna	25
Andy Pienaar – Community leader from Kommagas	25
Danny Davidson a Legacy activist from Nieu Bethesda.....	26
Organisational Inputs.....	28
Questions and Answer Session	32
Question and Answer Session	35
Next Steps- The Green Connection Strategic Lead	38
Closing remarks by Gus Pickard The Green Connection Board Member	38
Jury Biographies.....	43

The Green Connection Oceans Tribunal Proceedings

20th and 21st September 2021

Day One

Why have a tribunal?

The oceans have been used for many years as a dumping ground for sewerage. They've been seen as the sink for carbon emissions and right now they are at the end of our ecological boundaries. The livelihoods of those that who depend on the ocean are being undermined. There seems to be a rush to take nature and commodify it, those sustainable ecological systems that keep us alive, that provide us with oxygen and food. The idea seems to be that corporations want to take these commons and turn them into money. But we have to remember that there isn't a Planet B. We have to live within the ecological limits and I think for most people who know the ocean, whether relaxation or for food, for solace or the fact that it gives us oxygen, these important aspects of the ocean must be protected, not just for this generation. We are not talking about the current generation, are talking about generations into the future to ensure we have a sustainable ocean that can feed and protect all of us.

The aim of this Tribunal is to give voice to those communities that are affected by oil and gas. Why the rush for fossils in South Africa when we have vast renewable energy. The tribunal will be held for 2 days. The 22 of September is when the community voices will be heard and people will be able to put their voices forward. But for today we have some expert panels, people who are going to give us a context for why it is important to stand up for environmental justice. As we are heading into the end of the year we know that many NGOs and civil society campaigns focused on the Department of Mineral Resources and Energy (through the uproot the DMRE campaign) because it seems that they are heading down the dark fossil and nuclear route, and we are wanting to go towards the light. And somehow we have to uproot them and pull them back.

Today we have our expert panel. Tomorrow we have our community voices. We will have our panel of the jury tomorrow who will listen to what has been said and will then come up with a statement, a verdict, which we will then produce and hand over the President and to the Presidential Commission on Climate Change because that commission is tasked with moving us on a just transition. This means that we want to move from fossil fuels, we want to move to renewable energy. We want to do it in a

way that does not create a burden on future generations and the current generation, and particularly for those affected.

We know from a climate change perspective that gas is not the game-changer that people think it is. But we also know that exploring oil and gas means that you are now further burdening a whole generation and future generations of coastal communities whose lives will then be affected by the possible oil spills and the potential for destruction. So we are hoping that as we are heading for Heritage Day on the 24th the people will reflect on what is this heritage that we are living for future generations. We should be looking at indigenous knowledge, we should be looking at different decisionmaking systems that will enable us to keep our legacy of a sustainable nation forever.

Who is the Green Connection:

Liz McDaid welcomed everyone and introduced the Green Connection. The Green Connection is an environmental justice organisation, which has been focused on community empowerment over a number of decades. Today we in a situation where have to oppose the oil and gas industry, particularly the offshore oil and gas.

The Green Connection started with climate change awareness in the Karoo and the coast as well as working with the communities on the ground for them to have a voice in decision-making over environmental issues. And that has led us to have a campaign called: Who Stole Our Oceans. This campaign builds champions all around the coast where people can not only learn about oil and gas but learn about their development and how to advocate for justice in their communities because that is the way we believe we can build our country.

Who Stole Our Oceans - Campaign highlights:

we started about a year ago and we reached out to different communities that we feel will be affected all around the coast. We have a series of champions who have now become the voices in their communities so they are starting to articulate the positions that they know about why they are opposed to fossil fuels. And this can be water scarcity, fracking, undermining of livelihoods through the destruction of ocean life. We also have a legal team that is standing by, we have prepared inputs, we have tried to ensure that legal processes which should provide for meaningful public participation, meaningful community participation, should lead to decisions that are in the public interest, that these systems work according to due processes. But where we find they are not, then we are prepared to tackle them and to review those processes because that is the way that we can get our country back on track. We cannot let these greedy corporations and individuals who want to benefit the elite at the expense of communities and the public. That is not in the national interest and everybody needs to stand up against that.

Now we go from Winter to Spring over the next day, and so we are looking into a new beginning. We have come through this winter of fossil fuels and so for our next campaign, it is not about who stole the ocean, it is going to be about getting the ocean back, reclaiming it in the interest of the people of the country.

As you know, the Green Connection has opposed the Karpowership project, which we believe has run through a flawed process. An announcement was made earlier today that NERSA has approved it and given energy-generation licenses to Karpower and at the end of today there will be space for the media to engage with ourselves and some of our community partners to hear their views. Thanks.

Panel Discussion One: What is the Operation Phakisa in South Africa and what can we learn from other countries like India? What could sustainable ocean-based governance look like?

Facilitator: Nkosikhulule Nyembezi – The Green Connection Legacy Programme Coordinator

The Legacy programme is a year-long advocacy mentoring programme that equips community activists with advocacy skills in fighting environmental injustices.

Welcome to the Oceans Tribunal hosted by The Green Connection in Cape Town, South Africa. Thank you for joining in for the next 40 minutes, my name is Nkosikhulule Nyembezi, your session facilitator.

In this panel, we have three renowned activists to share with us insights on current challenges for communities across oceans, as they strive for environmental and social justice.

First, Patrick Bond, whose work fuses political economy, political ecology and social mobilisation analysis he's also an adviser of civil society. In the early years of our democracy he advised the South African government in the Ministry of Reconstruction and Development on policy and legislation development. The topic he will be speaking on is: the extractive destruction of the blue economy and the threats it poses to the environment.

Second, Wilmien Wicomb, an attorney and leader of the land programme at the Legal Resource Centre. Over the years, she successfully represented small-scale fishing communities in several cases and continues to empower communities to choose their own paths in striving for environmental and social justice. She will be speaking on local fishing knowledge and rights.

Third, MJ Vijayan is the General Secretary of Pakistan India People's Forum for Peace and Democracy. He is a senior advisor to the National Fisherworkers Forum. He will share with us experiences on holding tribunals in his country and region and efforts to mobilize local fishing communities and what the blue economy is to India.

Patrick Bond:

I will introduce one of the background debates on the capitalist attack on the ocean and issues under contestation. There are many economic interests in the oceans all around the world and as activists, we need to connect the dots wherever these interests are. The ethics and morals of those who want to exploit the oceans through several economic activities are poor. Those capitalists who steal our ocean have no morals and have bad ethics. That should never be said of us. We have a corruption index from Transparency International, which is the gold standard for measuring corruption. We often think about states being corrupt, but I just want to correct you.

The Transparency International ratings put South Africa as 110th of the most corrupt states in the world, and they name our corporates as amongst the most corrupt in the world. PWC identifies corporate corruption in terms of companies willing to pay bribes.

Jacob Zuma made a statement that we need to be resilient to climate change, reduce emissions of carbon dioxide. A few days later the Zuma government announced Operation Phakisa tapping into our offshore oil and gas reserves. [The Green Connection wrote an economics report on how offshore oil and gas will impact impoverished communities and oceans.](#)

There are Sasol connections to the Mozambique offshore gas exploitation. There has been a militarization of the gas industry in that country culminating in the deployment of troops to fight, one could say in Mozambique.

We are getting into a dangerous situation that looks like imperialism. Big international corporations are operating everywhere, acquiring exploration rights. There we see ocean capitalism.

I want to suggest that we must be very critical when looking at the government's commitment to reduce carbon emissions. The ANC's Chancellor House involvement in fossil fuels is important to watch. We need to think through with our allies around the world of ways to punish the South African government for this kind of high carbon emissions strategy that supports dodgy multinational corporations. We have one weapon, the sanctions. We should do a self-examination of what we did to the apartheid regime. When we imagine how we could save the oceans, it may well be that we call for bigger sanctions to also focus on reparations for years of pollution by the imperialist countries.

Wilmien Wicomb

I'm going to look at why indigenous knowledge and indigenous rights continue to be ignored.

The system we inherited in 1994 is the one in which the government had a complete disdain for indigenous knowledge, the indigenous law, and the indigenous rights evolving from that law. They expressed that disdain by ignoring it and by imposing a

regime in which the state had the ultimate authority to decide who had access to natural resources including the ocean.

The state only understood individual rights for commercial purposes and built a regime that forced many communities to fit into a system that was inappropriate for them. It was a system that marginalized them and caused damage to fishing communities. The conservation of natural resources was disrupted and local communities had to bear the brunt of conservation policies imposed by the government in the old regime.

When the Constitution was introduced in 1996 it recognised customary law and indigenous law as an independent equal to common law and statutory law, unless declared otherwise. This is a strong recognition of customary rights that pre-exist in the colonial era.

There are Constitutional Court cases that affirm these customary laws and rights. Why then do we continue to see that customary law and rights for fishing communities are ignored and violated? First, the state does not like any challenge to its authority to make decisions over resources particularly land and natural resources. We have seen this in Xholobeni where the community successfully opposed mining using customary rights. The state is reluctant and refusing to implement the Xholobeni judgment and this is an ongoing struggle.

Secondly, the inverted racists conservation regime also persists in the attitude of the day towards small-scale communities persists in favour of the commercial fishing industry as if the small-scale fishers are the people destroying the ocean, which we know is not true.

Finally, the problem is this at a micro-level that to give effect and meaning to customary and localised fishing rights, fishing laws, and indigenous knowledge you need a state that has the capacity to understand these rights, with eyes and ears on the ground to understand what is happening at a local level. If the state had the political will to give effect to these rights the challenges would be different. That capacity and approach do not exist at the moment. Despite that, they want to continue to micro-manage fishing communities at a local level. You would think that recognising that the state does not have the capacity to regulate and manage at a local level that it would be happy to hand that over to indigenous customary small-scale fishing communities that built up governance systems over decades. They do not do that because seemingly they still do not trust local communities. They continue to micro-manage without any understanding of how these communities and systems should operate. This is making local fishing communities vulnerable and that is significantly important to note as we try to understand why traditional and customary rights continue to be undermined. We have to keep pushing for customary rights and indigenous knowledge systems to be respected by the government.

Most importantly the opportunity exists to draw the experiences from the land sector. The land sector has figured an entirely different system to right to the land, the ocean, and fishing rights. There shouldn't be any basis for making a distinction. Therefore, if

there is a regime to stop any development on the land it should extend to the ocean to prevent losing access and resources in the ocean.

Thank you.

MJ Vijayan:

Thank you very much to The Green Connection for inviting me to share my experiences of the tribunal as we have conducted, a total of six.

I want to share the story of a line fisher who was approached by a rich man who told him: why are you sitting with this one hook catching about seven fish a day? Do you know that if you catch more fish you can take them to the market and make more money? Why don't you take use two hooks?

The fisher asked: What happens when I use two hooks? And the rich man said, then you can catch more fish and make more money to buy a net?

The fisher asked again: What happens then after I buy a net? And the rich man said you can catch more fish and make more money to buy a boat?

The conversation went on and the fisher asked: What happens thereafter? And the rich man said you will make more money and get rich. The fisher asked: Then what? The rich man said you will be very happy at the end of the day and your son will be happy too, etc.

The fisher said I am happy now, I am more at peace now, I don't need to follow the route of using exploitation equipment and the routes you are telling me now.

I am sharing this story with you now to highlight the issues we are faced with on the over-exploitation of natural resources. The issues go a long way as you know in India we live with the legacy of Vasco da Gama the Portuguese traveller who came to our shores and started over-exploitation of our natural resources.

It is possible to understand the framework in India by looking into what is happening in South Africa. You have Operation Phakisa in South Africa, we have our own operations here known as the Blue Economy. The entire framework threatens the fish workers; ocean transport, oil and gas, aquaculture, militarisation of the ocean. There is nothing in the framework that speaks to community governance or any role as a lead ally in fight climate change and establishing climate justice.

The talk about the GDP and the economic growth is not justified because there is no community involvement and there is no community benefit from the proposed commercial activities. Instead, the framework resembles the perpetuation of colonialism because Britain ruled India and now they want to invest more in fossil fuels for the benefit of those who are not part of the local communities. Instead, coastal

communities are going to be shifted away from the coastline. Local communities in India see that there are new ports coming up and they are not included in the plans for new ports. And yet the infrastructure projects planned along the coast affect the livelihoods of fishing communities. There is now new blue colonialism, blue imperialism that we must oppose especially in South Africa as we witness the new blue apartheid.

And so, you're not so special in South Africa. We also have a Blue Economy in India, which unfortunately is now a Blue Apartheid. It's called Operational Phakisa in South Africa, and it's called by another name in India. Everywhere it is about the same thing; to exploit the ocean's natural resources in a way that is unsustainable in terms of its impact on ecology, the people, and the long-term livelihood and environmental rights.

We are subjected to the Blue Ocean colonialism and the Blue Ocean imperialism. Why is this happening to us? We have a chance to end this, as long as we speak openly about it in defence of our human rights.

Despite the social elements being different, the entire institutional framework that justifies the murders and evictions of local communities and fish workers is blue apartheid. Let us not mince our words about it. Let us openly speak out against it. Let us be that traditional fishery worker who says we need to be happy and happier in our times and not be killing the earth for profit. Thank you.

SECOND PANEL: What has the blue/ extractive economy meant for the local communities in your area? (Good or bad) What role could indigenous knowledge and governance systems have in the governance of the oceans? What would it mean to apply a feminist approach to ocean governance?

Facilitator: Neville van Rooy – The Green Connection.

Neville van Rooy is a Community Outreach Coordinator for The Green Connection and works with various environmental justice organisations and communities to promote renewable energy and environmental justice.

Welcome once again to the tribunal of The Green Connection those of you are joining us from different coastal communities and right around the world. We have an exciting and very experienced group of panelists that will be chatting to us as we already had some very interesting terms and concepts such as blue colonialism, blue imperialism, the blue apartheid as evictions are happening all around the world, not just in South Africa, not just in Africa, but all over the world. The historical context has played itself out in South Africa as we have seen there have been indigenous people all around the world and even in South Africa, we have seen how people have been dispossessed of their customary rights and heritage. As we are in the heritage month for South Africa as well, we are celebrating our heritage. In this region of Cape Town, it is a heritage-rich area as the San and the Khoi were the First Nation in this area. Today we have good panelists who have been working in this space for over 22 years and today we will be discussing what the blue extractive economy meant for local communities and

we will look closely at the role of indigenous knowledge and governance systems in the governance of the oceans where small scale fishers are active.

Bernedette Muthien Mainstreaming Gender Justice in the Blue Economy

Let me be realistic today. Cape Town and the Western Cape, South Africa, is not an island. It belongs to a continent, Africa, has six immediately neighbouring countries, belongs to the Southern African Development Community, the African Union, global South alliances, the BRICS collective of Brazil, Russia, India, China, each faced with enormous challenges and contradictions. South Africa is part of the United Nations. As a country, our leaders sign treaties and bureaucrats implement these legal obligations. We are part of global economic systems, which are largely capitalist and extractive, patriarchal and misogynist or woman-hating. This is the real world we live in.

Our democracy is built on the Constitution, which in its Preamble recognises the brutal legacies of colonialism, enslavement, and Apartheid and the need for healing and reconciliation, with the support of the Bill of Rights and the human rights and democratic institutions in the Constitution's Chapter Nine in particular.

We also have a National Development Plan, and a shorter-term Medium Term Strategic Framework. We have the Gender Responsive Planning, Budgeting, Monitoring, and Evaluation Framework of late 2019. As a country, we have a lot: diamonds, platinum, and gold, perlemoen en kreef, a constitution, laws, policies, institutions, we are truly rich. We are. Ask anyone from outside South Africa what they think of our country and they'll say they envy our goeters (things)

Then why are the majority of us still so poor?

Why if the majority of us are women, are women still so poor, still so violated? Because everyone has already told us that the largesse is unequally divided and controlled, and given the unholy alliance between capitalism (economic exploitation) and patriarchy (the rule of men over women and everyone else), women and girls will starve in the midst of plenty, like two oceans full of seafood, vast lands full of nutrition, but not for our benefit.

Phakisa, which means "hurry up" in SeSotho, is based on the Singapore rapid growth development model, started the Oceans Economy originally focused on Aquaculture, and has grown to six projects in the past five years.

Operation Phakisa – Oceans Economy – 6 components

1. Marine transport & False Bay and six other TVET Colleges offer boatbuilding and oceans economy skills and capacity building courses right on our marine doorsteps.
2. Offshore oil and gas exploration. They (who's they?) estimate billions of barrels of oil and even more natural gas. They're drilling 30 exploration wells in 10 years. They are unsure about the science they used in the estimation, and hence their "estimate"

is fundamentally unreliable. This fossil fuel, no pun intended on the fossil, catapulted from vague promises to Russia in the previous administration, to number two in the Oceans Economy in the current administration. Whose coasts and oceans, for whose benefit?

3. Aquaculture (the original foundation of the Oceans Phakisa—seafood farms, my favourite).
4. Marine protection and ocean governance (laws etc.).
5. Small harbours, of great importance to our harbour communities and women.
6. Coastal and marine tourism, of equal importance to our coastal communities and women.

Note that small harbours and tourism are now at the very bottom of the priority list for the Oceans Phakisa, with fossil fuels and inevitable destruction of the environment at number two. Unlike many other government departments, the Environment Department has a detailed gender mainstreaming strategy.

Vision2:

The development of a structured Framework and Strategy for women empowerment that will guide, support, facilitate and promote gender equality, thereby creating a platform to exchange and deepen the knowledge base of the sector.

There are 7 objectives we don't need to go into now.

Without irony, the Environment Department emphasizes Alternative Dispute Resolution (ADR) where conciliation, mediation, and arbitration are used to resolve disputes.

The Environment Department has had women's ministers and deputies and women DGs for many years, in part perhaps because the environment is considered "soft" like "social development" but not "finance". Perhaps in part because of its previous DG, rather than her ministers, this department became a more enabling environment for capable women, with less toxic masculinity than what is usually present in parastatals and civil society left, including environmental justice movements.

Like the BIG, should we also focus, aside from the government, on the ANC, to try to shift its policies towards the green? These political parties look for voters and their votes. Show them a mass-based movement and they'll be interested.

But again, it's about quality, not quantity. Margaret Thatcher was a right-wing antifeminist woman, not unlike some of our women leaders. Too few good women or activist public servants surrounded by extractive toxicity is not helpful for anyone either, especially the ways we mistreat whistle blowers in this country.

In essence, the government has set aside 40% of all procurement and programming for women. Not 50%, not 51%. But 40%. Every government department, even the Department of Women, Youth, and People with Disabilities will complain that they

struggle with filling this quota. They say there just aren't competent women to employ as staff and on projects, to consult on projects, to allocate budgets to.

We have an explicitly developmental state. We need to from the very start consult with women and girls, ask critical questions, e.g. this harbour, this aquaculture project, how does it serve and empower, or not, women and girls? In advertising for project participants and tenders, do we reach out to women? Do we capacitate women to be able to fully participate in projects, to scale up to manage even bigger projects? How do we think of women and girls constantly, before a project is started - in planning, in budgeting, in implementation throughout, in monitoring, and evaluation? Every time the question: how does and can this serve and empower women and girls, what do women and girls need? The left in general, and the environmental movement in particular, can well take a lesson from the government in gender mainstreaming, even if the government is only in policy while lagging in implementation.

But now if we destroy the environment through drilling for oil and gas, do women get only 40% of the destruction, or through gender inequality and the feminisation of poverty, do women as usual get a larger share of a raw deal, and I'm not talking of raw oysters, more like raw sewage and an oil slick in our oceans, earthquakes, pollution, depletion of marine life on which we depend.

So 1-2-3 women will join a local consortium partnering with a global company, maybe from Russia, and get rich, maybe, bully for them. The women in the communities are left carrying the empty rusted sardine can. What do you eat when there's no fish in the sea, can you eat oil and gas, which you anyway have to buy with the money you don't have? Who is the oil and gas for if you don't have a boat or a car? Rich people far away, people who don't care about you or your family or your community.

Given the awful mismanagement of municipalities, communities should continue owning power over their own wellbeing in their local areas. So if there's a harbour, you should be consulted and empowered through that harbour.

But teach a man to fish and he eats for a day. Teach a woman to fish and the whole village eats for a lifetime. So we must bring women back into the centre of our societies, where we belong, start with thinking of women in an empowering rather than sexual- victim way, consult women, let women take charge of development projects for the benefit of communities. And ask women about oil and gas – we will be very clear, as we were with that mega-nuclear electrification project, they now try to sneak in, like the snakes in the Garden of Eden, always trying slithering corrupting, keeping us on our toes to be vigilant and active in our communities, for our communities, with our communities.

What will we women tell them if they ask us about nuclear, about oil and gas? Get lost. Voetsek, go away!

Kudos to the organisers of this event, women, who ensure women speakers and representation, who deliberately ask for feminist analysis and gender mainstreaming from the start. May we learn from and with them. May we be like them. Because we

will only ever be free and empowered when our women are free and empowered when our women are justly again at the centre of our communities.

Discussion: Neville van Rooy and Carmen Mannarino from Coastal Links and Masifundise to talk about indigenous knowledge and customary rights

Masifundise Development Trust is a human rights organisation that works with smallscale fishers in the Western Cape who are excluded in the legislation process.

Neville van Rooy: Please tell us about your experience working around the coastal communities and more on the role of indigenous communities in the coastal communities and how the extractive blue economy has impacted on indigenous rights?

Carmen: What is clear to us is that indigenous communities along the coast have rich knowledge about the ocean. Even at times of climate change, they are able to understand what is happening in the ocean; how the fish is moving around, they are able to look at the sea and say today it is going to be a good day at sea, tomorrow it is not going to be a good sea day. It is more than just about fishing; there is cultural connection such as when a person has a bad day they say they go to the sea to relax. They possess knowledge that can preserve the ocean and the environment in terms of how do we use it. That is what is concerning about this extractive blue economy because this indigenous knowledge is not taken into account to understand how to use and preserve natural resources to advance local development and food security.

Neville van Rooy: in my experience with working with coastal communities that knowledge connects them with nature; sometimes they will know when it is the right time to move into the ocean. Sometimes the scientists come and do research saying there is no crayfish in the area and the local people know there is crayfish it is walking all over the shoreline and that information is not taken into account in the framework and legislation because they disregard indigenous knowledge. Even in oil and gas, indigenous knowledge is ignored because the plans only consider scientific knowledge disregarding people who have been living in the area all their lives. What do you see as the way forward, as a challenge to bridge that gap?

Carmen: This comes from a long history of colonialism and apartheid in South Africa. Science and knowledge systems that are based on Western culture are enforced and imposed on local communities as if that is the only knowledge system that exists. So, that is when we want to look at how to do we move forward, how can we include indigenous knowledge which is relevant like any other knowledge system. There is space for that, for example when we look at the fisheries management, we have the small-scale fishers where systems are put in place for co-management of the resources. The instruments available should ensure that local fishing communities are part of the decision-making processes in terms of the use of the available fish stock, in terms of managing open season and closed season. That same principle should be applied to the overall governance of the ocean space and it should be valid for oil and gas to protect the environment. But how can we protect the environment if the main players such as the communities are not involved? So, to move forward it is important

to bring the indigenous knowledge into the space of governance but also when we look at this we must recognise the power imbalances that exist. Recognise the players with more power and players with less power and aggregate the space.

Neville van Rooy: In the current times we find ourselves in the space of capitalism, and we know we make noise about system change as one of the demands made worldwide; what do we want as indigenous communities?

Carmen: We can leave that for the communities themselves but the coming crisis of climate change and the threat to food sovereignty places food and nutrition at the centre of the system change debate. It is about localising food sources and ensuring sustainability. Communities must be at the centre of decision-making. It is about working with nature. We see that as the pathway for moving forward.

Neville van Rooy: What are some of the key messages that you would want to send to those in power?

Carmen: People in South Africa have human rights and they must be respected, protected, and promoted.

As an organisation, we focus on opposing oil and gas and fighting against the abuse of the ocean.

Nkosikhulule Nyembezi vote of thanks.

Thank you again to the panelists for sharing the information with us, and for making yourself available to participate as we start this Tribunal today. We are grateful to you. We want everyone to be aware that the discussion has just started today and it carries on. Thank you from the inside from India and Pakistan for how the communities in that part of the world are grappling with these challenges of protecting the environment and how they are asserting their environmental rights. Thank you for sharing your experience on the extractive blue economy and for the new terminology you have introduced us to, the blue apartheid. You help us to comprehend what is going on around us. We usually refer to the fact that the process to realise these environmental rights is the one that demands from us that we make a concerted effort to make the circle bigger by inviting and involving those partners who are not ordinarily engaged in environmental and social justice space to join in.

DAY TWO:

Facilitator: Nandipha Masango Media Coordinator for The Green Connection

Yachika Reddy welcomed everyone to the second day of the tribunal and wished everyone constructive deliberations for the day.

Opening Statements of the Jury Panelists

Jesu Rethinam: I'm happy to be here as a panelist and as a jury member. And I have been working with fishing communities for more than 40 years. I am here to learn more about the work of the Green Connection and what is happening in South Africa. Thanks for giving me this opportunity.

Loretta Ferris: Good morning everyone and thank you very much for the Green Connection for this opportunity. When the Green Connection approached me I immediately wanted to say yes because I know that the livelihoods and the long-term security of small-scale fishers around the world, but also in South Africa are under threat.

We know that they are under threat as a result of climate change in particular and increasingly over the last few decades, but also as a result of overfishing by multinationals who are supported in their countries by massive trade subsidies. And we know certainly that in the South African context that fisheries living within certain areas, and that marine resources as a whole have been poorly managed and we have poor governance of marine resources.

We know that every time that there is an allocation of resources such as in October last year announced by the then minister, we know that the small-scale fishers are last in the line. And we know that small-scale fishers had no other option in the past but to approach the courts to find some form of equity when it comes to the allocation of marine living resources.

So, within this context where there is already distress, where there is poor management the notion that through this midst we are going to add oil and gas, we know that this is a story that is not going to end well for the small-scale fishing communities.

And so I think this conversation that we are having, the testimonies that we are going to hear from small-scale fishers are going to be vital. And I think that it is important that beyond this group there is a broader message that has to go out to the Presidential Commission. And so I want to thank the Green Connection for taking this initiative. Thank you so much.

Alison Tilley: Good morning everybody. I am very pleased to be able to join you. It's a very interesting area of work. I have been involved with these issues from a different angle, looking at transparency and environmental issues as we have learned in the struggle in South Africa that access to information and transparency are the key weapons we have in fighting both corrupt and other problems. The right of access to information is a leverage right to use to access other rights. The members of the regulator have PAIA to facilitate requests for information also from members of

environmental groups. I hope that a lot will change. Thank you very much for your attention.

Nnimmo Bassey: It is my great pleasure to be with you today. I joined part of the proceedings yesterday, and it was very stimulating. We do agree that the fishers are not only the defenders of our oceans, they are the true defenders of our cultures, defenders of our livelihoods. I am worried by the positions of our politicians who see our oceans as limitless. That is a very bad way to look at the oceans because it means they believe that they can use the oceans as dumping sites, that they can take all the resources from the ocean, and that nothing would harm the ocean. But there is destruction from the oil companies that harm those who attempt to make a living. We need to defend the oceans; we need to defend those who depend on the oceans. I want to thank the Green Connection for the awesome initiative to ensure that nobody will steal our ocean because the oceans are our life, our spirituality. We have a duty to defend our ocean.

Nyembezi Summary of Day One

We had a wonderful session yesterday opened by Liz McDaid who gave an overview of why we are here, how the process started to organise and implement the work of the Green Connection. She said it started with climate change awareness in the Karoo, climate change awareness on the coast, and working with communities on the ground so that they can have a voice in decision-making over environmental issues. That led to a campaign called: Who Stole Our Oceans campaign, building champions all around the coast where people can learn how to advocate for justice in their communities.

She said that the rush to take nature and commodify it and take the sustainable ecological systems that keep us alive, that provide us with oxygen and food. It seems that corporations want to take these commons and turn them into money.

We had eminent panelists. In the first panel, Patrick Bond provided an overview of what is happening in an intersection between energy, water, and fisheries and how the involvement of politicians results in corruption. He talked about many economic interests in the oceans all around the world and the need for activists to connect the dots wherever these interests are. He said we have one weapon, which is sanctions, and we need to think through with our allies around the world of ways to punish the South African government for the high carbon emissions strategy that supports dodgy multinational corporations.

Wilmien Wicomb spoke about how conservation of natural resources was disrupted and local communities had to bear the brunt of conservation policies imposed by the government in the old regime. She said that the government continues to

micromanage fishing communities at a local level and does not want to recognise that the state does not have the capacity to regulate and manage at a local level. It does not want to hand over management responsibilities to indigenous customary small-scale fishing communities that built up governance systems over decades.

MJ Vijayan spoke about experiences of the tribunals conducted in his country, a total of six, and how they helped to give a voice to local fishermen. He talked about commonalities everywhere to exploit the ocean's natural resources in a way that is unsustainable in terms of its impact on ecology, the people, and the long-term livelihood and environmental rights.

The second panel focused on bringing women voices and the feminist approach to environmental and social justice. It is important to understand the challenges facing fishing communities not just in terms of men with fishing licenses but the whole value chain that involves women and other family members supported by fishing. All these groups must be consulted before decisions affecting their lives are taken. The background information we received yesterday providing national and international context tells us and shows in a demonstrable way that the oceans connect us across continents and the struggle for environmental rights, the struggle to assert environmental justice should also unite us. There is new terminology such as the Blue Apartheid, talking about how the faces of human beings affected by these decisions taken to pursue oil and gas are enduring misery.

Our leaders sign treaties without consulting the people and bureaucrats implement these legal obligations also without consulting the affected people. We are part of global economic systems, which are largely capitalist and extractive, patriarchal and misogynist or woman-hating. This is the real world we live in. - Bernedette Muthien

You're not so special in South Africa. We also have a Blue Economy in India, which unfortunately is now a Blue Apartheid. It's called Operational Phakisa in South Africa, and it's called by another name in India. Everywhere it is about the same thing; to exploit the ocean's natural resources in a way that is unsustainable in terms of its impact on ecology, the people, and the long-term livelihood and environmental rights. – MJ Vijayan

Community inputs

Neville provided some introductory comments and introduced the communities: Good morning everyone and once again Welcome to this very exciting session today We will be hearing from different communities, I am the Community Outreach Coordinator from the Green Connection. I have been visiting these communities and talking to them and hearing what is the experience on the ground, and how they feel about these oil and gas companies coming to tamper with their living space, the ocean. I have heard about they are connected to the ocean. There is a strong heritage connection to the

ocean, we are in the heritage month as well, as the 24th is the Heritage Day, and we do connect and see the ocean as part of our heritage.

That is a very strong connection for most of these communities we work with. I am working from the two ports, from the Northern Cape side from Alexander Bay to Port St Johns in the Eastern Cape. I work through these three provinces; Northern Cape, Western Cape, and the Eastern Cape where I work with these communities and hear their fight, what they are experiencing daily, and how the ocean which is the commons has now been taken away from them, dragged under their feet, and now they have to compete with multinational companies who want to extract oil and gas out of the ocean, and so the ocean is getting stolen from right under us.

That is where the noise is coming from. I will be giving each of them a time to speak to tell us what their experience was like, what they have been experiencing daily, how there are sometimes restrictions, having to go to jail because they cannot go over there to fish, they have been experiencing all kinds of restrictions and limitations in terms of them being limited in areas where they have been fishing for decades as part of their heritage to be able to fish in the way they used to fish these waters for many years.

First I would like to call two representatives from the Eastern Cape, Ntsindiso Nongcavu a small-scale fisher who is part of Coastal Links from Port St Johns where they experienced many restrictions in the area but they managed to have meetings with those in power and voice out their issues.

Ntsindiso Nongcavu: A small-scale fisher from Port st John's

The appetite to explore and exploit oil and gas is destroying the livelihoods of local communities. The people of Port St Johns live along the coast and have used the coast from time immemorial to provide for their livelihoods. But in their view, they are seeing how politicians seem to be colluding with commercial interests to exploit the natural resources in that part of the country.

Community consultations are not taking place. Instead, what communities have seen is that they were made to apply and get licenses to be able to fish and exploit what is in the sea. Instead of those licenses being enablers to promote sustainable livelihoods as communities know it from time immemorial, the same licensing scheme is used as a hurdle to local communities deny access to their natural resources. The community believes that the government is supposed to promote tourism, agriculture, and access to natural resources in the way and the traditional manner in which communities are used to, not the permit system.

The community does not believe that the exploration of oil and gas and the opening of mines is going to benefit them because they have seen in other parts of the country where livelihoods and nature have been irreparably damaged because of this appetite for exploration and exploitation of oil and gas and so the community has decided to come together, unite to speak with one voice in opposition to oil and gas, opposition to fossil fuels. The community is talking the message to decision-makers, to politicians to say stop colluding with commercial interests to exploit our natural resources in a manner that is threatening our livelihoods.

Vuyiseka Mani: An environmental activist from Eastern Cape Environmental Network (ECEN)

In my presentation, I am giving you a picture of how my community is serving and how it is making money for the survival of their families. In my community, some people are fishing, young and old, male and female. Some are educated but cannot get jobs because in government departments applicants are required to have work experience, yet for graduates coming from university or TVET Colleges where are they going to get work experience? They want the private sector to take employ them to get work experience.

Yet the government does not seem to provide internships fairly. For anyone to get an internship it seems that they must have connections, they must know someone in the government departments. If you are not known and have no connections, tough luck.

On the 29 November 2018, we feel that our community was sold to the highest bidder because Govt leadership said they were willing to give the oil and gas corporations licenses to mine in our coastal areas. Govt did not take into consideration that most of our people in South Africa do not have the skills required when establishing and operating a nuclear power station or those big machines for the Karpowerships/ oil and gas. Was someone thinking about fattening their pocket or the government pocket but not I think, of us as local communities.

The impact of the negative oil and gas can be huge if will lose our livelihoods. The fish in the ocean will relocate and some will die. Tell me, if in Gqeberha we allow Karpowerships to continue this is what I think could happen –

Our ocean will be dirty, the small scale fishing communities will not have fish, and the family that depends on the fishing value chain such as the ladies that sell fish in the stands and kiosks will have nothing to sell and no livelihood. Members of the community will have no food.

Tour guides and the tourism industry as a whole will be negatively affected. There will be no tourists to come and enjoy the ocean because the ocean will be dirty and polluted and there will be nothing to enjoy.

Fourthly, those that are founded through the NDA and other funding schemes have become business people and they sell fish and chips in their restaurants. If we allow the Karpowerships, and more oil and gas projects, we could see those local people who are contributing to the local economic development of Gqeberha, we could see their families lose their means of survival. History will repeat itself, as Ntsindiso said his grandfather was a fisherman, his father was a fisherman, and himself today he is a fisherman.

Our message to the president: Mr President, please listen to voters, please consult us before any decisions are taken that affect our livelihoods and our environmental rights. We want the government to take us as voters as a priority. Take the mandate from us before making any decisions that affect our environmental rights. We demand that the government revisits the decision by government to invite oil and gas corporates.

At whose expense exactly is that decision taken? We know very well that it is at our expense squarely because we would never allow the Karpowerships where they are residing. It is us the local communities along the coast who must bear the burden and suffer the consequences. Even the companies coming to South Africa with Karpowerships, I don't think that they will ever do that in their countries. But we have to suffer because our government is greedy and is violating our environmental rights and other constitutional rights. Thank you.

Camelita Mostert, A small-scale fisher from Saldanha

The fight for our environmental rights does not stop. We thought that we were getting somewhere and then now the new fight is starting with Karpowership deal. Saldhana Bay is a small fishing town that has now been turned into an industrial hub to the detriment of local fishermen and local fishing communities at large. The government has no idea how the ocean works. We have informed the government so many times about how the ocean works and how much we depend on it for our survival, and yet the government has not listened as it continues to threaten our environment, our wellbeing, our health, and our delicate ocean ecosystem.

Our concern is that we are very angry about this as Saldanha was turned into a Cool fishing town and now is being turned again into an Industrial Town. We are very disappointed about the approval of the Karpowership deal because fishers were not meaningfully consulted.

It seems like the only people who were consulted were some businesses which do not obviously, represent everyone in Saldanha and its surroundings. I believe that these businesses who supported the Karpowerships license application were only concerned about filling their own pockets, and seem to have no care for the local fishermen and their families whose only economic activity is in fishing.

I think that the effects of Karpowership deal will be huge on the small-scale fishing community. Already, there interests trying to divide our community even to the extent

of interfering with the naming of the Peppers Bay harbour. We wonder about the story of the whale, which was apparently disturbed by the noise caused by vessels. . The question that remains in our minds is: If the noise level of the Karpowership can disturb a huge fish like a whale, how much more and what will it do to the small fish? That is concerning to us.

We use to fish at a specific rate, the question remains, how will the Karpowership deal affect the amount of fish we get from the ocean for us to survive? Do we have to adapt or die of hunger in Saldanha?

The government has no idea how the ocean works from an indigenous knowledge point of view The government has not learned anything from us.

If the President can come to us, he must speak with us not about us. The main question remains,

- If we cannot fish anymore who will pay for our school children books and school fee?
- Who will pay for our food?
- Who will pay for our Municipality bills?

When our environment, our fish, and our livelihoods are destroyed, who will pay for the school fees and the food? A hungry man or woman is an angry man/woman. We say away with Karpoweships! We say away with greedy politicians and businesses!

Solene Smith, A small-scale fisher from Langebaan

I am an activist. I have been doing activist work for many, many years now. As coastal communities, we have always looked after our natural resources coming out of the ocean by practicing sustainable fishing methods to prevent overfishing and to protect the delicate ecosystems of the ocean, until the government came up with many pieces of legislation that negatively affect our health and wellbeing by forcing us to go out at sea to fish during unsuitable times and to the detriment of the environment.

September is Heritage Month and we have a public holiday on September 24. What do we have to show for it as fishing communities living on the coast, because what we had in the form of a life-giving ocean has been stolen from us!

The extractive commercial activities drilling for oil and gas could destroy our livelihoods.

My husband has been a fisherman for his whole life, he was born a fisherman, **unlike** those who have been granted fishing licenses by corrupt politicians and sent out to the sea to fish. The laws introduced by the government negate our cultural connection to the ocean and constantly deprive us of our sense of belonging. At this stage, I feel a lot of emotional pain and suffering because of the violation of my environmental rights by the government. I don't have any respect left for the government except to plea with them that they must stop cutting small-scale fishers and coastal communities from the ocean. How do you explain that today, under the current licensing regime, recreational

fishers harvest more fish from the ocean than the small-scale fishers whose livelihood depends on fishing? The word that comes to mind is injustice, maybe corrupt!

The ocean from time to time takes a lot from our lives but it also provides a lot for our families and a lot of people.

It is emotionally depressing because the ocean belongs to us and we will not give up.

The Ocean Tribunal participants viewed a video to stimulate discussion on relevant issues that were the subject of discussion. The *Lalela uLwandle* project, which produced the video, is described by its champions as first and foremost a method of making visible stories of living with the ocean, stories that are seldom heard in the public domain. *Lalela uLwandle* is isiZulu for “Listen to the Sea”, and works towards surfacing the narratives, world views and complex lived realities of people involved directly and indirectly with the social, economic, scientific, cultural, and political engagement of the ocean. In the public and political domain stories about environmental contests such as those over coastal mining are often constructed as activist versus government or community activists versus mining companies.

Whilst these contested political spaces are critical democratic engagements, necessary in shaping and protecting coastal livelihoods, they can also inadvertently mask the everyday stories of resistance, meaning-making, and the livelihood strategies of diverse coastal people. Such contested spaces also fail to comprehensively understand the complexities of critically vulnerable ecological habitats and marine resources, which exist independently (but vulnerable to) sociopolitical processes.

LALEA ULWANDLE EXTRACT - COPYRIGHT © EMPATHEATRE 2019

Nolwandle: All these words they keep using to try and confuse us? GDP...Economy... Project Phakisa what, (*click's tongue*), eish... (*pause*) what are these words eh? They speak all the time about ‘valuing’ things, about giving the ocean value, but whose values are they talking about here? “How can you try put a value on something that sustains life...and because of that, is priceless? Do you know what this word Phakisa means? It means ‘hurry up’ but what good I ask you - ever comes from rushing? No - the sea is telling us the opposite; it’s telling us to slow down.

Niren: When I read that this exploration was going ahead, I wondered, what my old man Kanna Mariemuthoo would have made of PASA’s “environmental impact assessment” report. He would have called their bullshit straight away... “Seriously, my boy”, he would have said.... “How can you drill, scrape and explode more than 4,600 square kilometres of our coastline, 60 kilometres from our shore, and expect it to not have any “detrimental risks”? And you know what their defence will be, they’ll tell us this mining will enrich us all, the poorest of the poor will benefit. But tell me one thing, how many poor people have benefited after all these hundreds of years of land-based

mining eh? Who are they trying to bluff here? These ou's...they think you and I were born yesterday."

Nolwandle: We came together to show them that the communities that make up this coastline are not a single group.... or a voice ... we all have special relationships with our mother Nolwandle, different cultural beliefs, and concerns. Our stories must be heard.

Niren: ... Back in the day, it was said there were more fish in that sea than there were grains of sand on the Durban beaches. Some days it would all get too much and he would throw down his rod.... kick his chair across the beach.

He kicks the camping chair across the stage and paces the middle of the circle.

"What's the bloody point of me sitting here with this measly rod and waiting for my Prodigal to bite when everything's been taken already! First, it was the trawlers and now every day it's something new. The government selling our coastlines for mining, dumping their waste and shit in the water, and thinking us fisherfolk don't notice. The sea remembers my boy, it doesn't keep secrets....in the end it throws everything back at us (2) and it's suffering now. (beat) So now we can crack coconuts till our heart's content, we can light camphor's and candles and send them out to sea ... but it doesn't make a difference. (beat) And it's not that the Gods aren't listening... they aren't the ones failing us here. It's the bloody people who are the problem. (beat) You see this beach we are sitting on Niren.... It's called the Bay of Plenty (3) right? Back in my father's day it might have been the case, but now...now we should just write it off as the Bay of empty.

My Dad would always interrupt his storytelling to rant about how little had changed in his lifetime...

"You know what my favourite part is, it's how the economists and the government *laanies* (4) like to keep calling the way we work 'invisible economies' – informal economies, things like that – but you know what that is Niren? That's just a polite way of saying 'We are not important'.

"The truth is the only thing these people care about; is how much money they can make from us. We are twenty-something years into democracy, and we're still being governed by apartheid fishing laws (5), the same laws our ancestors suffered under. (beat) Look here, say you are given a car license right, and the price of it goes up every year, and so you pay the monies like the good citizen you are - but then they turn around and tell you...you only allowed to use it to drive up and down your bloody driveway!"

Nolwandle: In the final years of Gogo's life, she had begun to suffer from terrible nightmares. This was during the time many of the communities around us were being relocated from living beside the ocean to areas inland. The apartheid government arrived and told our grandparents that they would need to be moved away so they could "stabilize" the sand dunes and that when they were we finished we would be moved back to the land (6).

But it was all a lie, there was nothing wrong with our sand dunes. Later we learned that these companies had bribed the chiefs to keep the truth from us. They had known all along. By the time we had all realised what was happening the mining trucks were already lined up along our beaches... and with them, came the curse of *inkosazana* (7).

(2. Research Note: *"We see what's happening, we see the tides regurgitating our waste, the factories turning our beach sands black"* - Environmental racism in Durban is still of particular concern among the Durban South Indian communities – under the Group Areas Act in South Africa, many Indian communities were relocated to areas next to factories and oil refineries. Social and Environmental justice organisations such as the South Durban Community Environmental Alliance (SDCEA) and GroundWork are constantly fighting for the rights of local people, whose health, wellbeing, and livelihoods have been significantly compromised due to the legacy of Apartheid which still has very real contemporary impacts on communities. SDCEA and GroundWork played a significant role in supporting and hosting many of the focus groups and public engagements during our research for this production.

3. Research Note: *The Bay of Plenty, is one of the few sites where fisherfolk are allowed to fish along the whole Durban coastline.*

4. Translation: *A colloquial Durban Indian slang for "rich people" – "VIP's"*

5. Research Note: *One of the most significant concerns from focus groups with local fisherfolk, was the increasing conservative top-down approach the government is taking with policing local subsistence fishers. A general anger and frustration are that they see their subsistence activities, which have a significantly low impact compared to large-scale industrial fishing operations, are policed more strictly and tightly than those of commercial fishing operations. This inequality has emerged not only in this Pilot but also in conversations with co-researchers conducting pilot studies in Ghana. As one fisher puts it: "What they don't understand is that if this isn't a weekend hobby for us, this isn't a sport or a game... it's a matter of life and death."*

6. Research Note: *Another Apartheid legacy of structural environmental racism is the relocation of communities under the group areas act to create national parks or for mineral exploration and extraction. Again, this legacy continues to impact communities, with communities being relocated for development in many sites along our coast.*

1. Research note: *A concerning common narrative surfacing in our exploratory research is the perception that local communities have done something to upset their ancestors or god to explain climate change impacts, such as reduced fish stocks, droughts, floods, etc. A tragic irony as these vulnerable communities have the least impact on the dying environment but have to suffer some of the greatest impacts. A similar narrative was expressed in*

the oral history of the Zionist woman who believed that Climate Change and other environmental degradation was God's way of punishing those who have behaved badly; and that if they pray hard enough or carry out the correct rituals, God will clean the sea and reverse environmental degradation. This does raise critical questions for ideas of mobilisation, accountability and agency.)

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Research Done by The Green Connection

Liz McDaid introduced the results of the research that GC has done and gave an overview. Gill [promises of money and local economic development](#). The locals do not get any development and the economic impact as such goes to the elite if anything is gained and people are left with empty promises. So far we have been able to present some of those findings to some government departments. We are trying to change the narrative that gas is a transition fuel. We are changing that narrative that says if you invest and attract oil investment in the country you are doing a good thing. The next step for us is to potentially turn it into a movie or different media. These are the things that our community champions will be able to work with.

Then we move to the other aspect of the research, which is about the social effects. So what we know is that when you have a big extractive mine, lots of people come from outside to work, there is no place to stay, and most people do not have the skills to tackle up available jobs. People who arrive to work in these oil and gas commercial operations are mostly males, and women in local communities are then impacted, because of major social ills that have huge impacts on the local communities.

The other aspect is that we have looked at what should we do with our energy futures? What should that look like? So the critical factor is that we are moving from fossil fuels to renewable energy. What should that look like? South Africa's White Paper comes from 1998. So life has changed and we should not be relying on something from 1998. We need to ask the government to update the energy policies.

[The fourth focus of our research is climate change](#). Government has put forward the notion that gas is a game-changer, gas is a transition fuel. There are several reasons why gas powered ships such as Karpowerships are a bad idea, and one of them is because of the gas emissions. There is something called fugitive emissions. Gas is not a game-changer. It is as bad as coal. **And the impacts can impact significantly on the environment. For example,** Think of the eye of fire in the Gulf of Mexico where an oil pipe burst and caught fire.

The audience watched a PowerPoint presentation showing the research results of [The Green Connection team](#).

Neville van Rooy facilitating:

Barend Fredericks a small-scale fisher from Knysna

People want to return to their ancestral land to benefit from natural resources. The government must not prevent them from doing so by introducing laws and regulations that are barriers. The KhoiKhoi lived a simple life as Hunters and Gatherers. They also grazed their livestock in areas such as Knoetzie, Salt River, Goukamma, Wood Bourne. The proposed exploration for oil and gas is threatening the environment and will deny indigenous people their rights and access to their land and the ocean.

The fishing industry used to thrive in Knysna and the Bigai indigenous community derived their livelihoods from the mussels, oysters, abalone, and other fish. However, fish farms have all but a few ceased operations. We urge the government to allow local communities to fish. The laws and regulations are now denying indigenous people cultural rights of access to the ocean.

A plead to the Minister of Environmental Affairs to bring back local aquaculture and oyster farms in the area. The fishing rights are taken without consultation with affected communities. Please stop that. The negative effects of the oil and gas could have devastating consequences for the people of Knysna especially those dependent on the sea to make a living. To the local municipality: please stop violating the rights of the community of Knysna. Please consult us.

Andy Pienaar – Community leader from Kommagas

In the Northern Cape, mining companies came and took from us our mineral resources, destroyed our environment, and left us with a skeleton. We cannot afford to have oil and gas mining, and further violation of our environmental rights, further destruction of our health, our well-being, and our natural resources.

The mining company is refusing to transfer the land and mining rights back to the local communities so that we can make a living out of the abandoned mines. Instead, they are dumping toxic chemicals into the mine shafts. They do not want to even afford us the crumbs from the table now that they are no longer mining in the area. Instead, they have applied for a license to dump toxic waste on the land.

Danny Davidson a Legacy activist from Nieu Bethesda

The government and industries want to come and do fracking in the Karoo, consultations were limited to few areas and people don't have knowledge about fracking. The government is promising job creation yet research shows that in other parts of the world fracking does not bring any job creation only death, pollution of the land and water systems. The Karoo is already a scarce water area where we are dependent on underground water. What will happen if our water bodies get contaminated?

Our heritage as South Africans, is known for farming the best lamb, what if animals are exposed to contaminated water? Farm workers will lose their jobs as we already facing consequences of climate change. We say no to Shale gas extraction in our area.

Mr President, please listen to voters, please consult us before any decisions are taken that affect our livelihoods and our environmental rights.

Vuyiseka Mani, Gqeberha

People want to return to their ancestral land to benefit from natural resources. The government must not prevent them from doing so by introducing laws and regulations that are barriers.

Barend Fredericks, Knysna

In the Karoo, mining companies came and took from us our mineral resources, destroyed our environment, and left us with a skeleton. We cannot afford to have oil and gas mining, and further violation of our environmental rights, further destruction of our health, our well-being, and our natural resources.

Andy Pienaar, Kommegas

Question and Answer Session

Barend Fredricks from Knysna: Restrictions kill our access to fishing, how can the fishing community survive such strict limitations?

van Rooy: The restrictions are limiting fishermen in the Knysna and Plettenberg Bay area where the fishermen are taxed at the gates of one of the conservation parks. There is a security guard asking them to pay R100 to go and fish in an area where they were fishing for many decades. These restrictions, there need to be a discussion with the conservation authorities and we want to reach out to them to have a dialogue around these restrictions so that the local fishermen can access those areas where they have been fishing for decades without the need to pay.

Fredericks: We as the indigenous people of South Africa, making use of the customary law has been in existence for over 5000 years. To enter the fishing areas to catch fish and stock fish is a right protected by customary law. Nobody, no institution, no country can prohibit us from entering areas to fish to make our livelihoods out of it. Thank you.

Fredricks: Access to public land is manipulated by big businesses and retired rich people. What can be done with regard to communities having access to public land?

van Rooy: Our Green Connection Legacy Programme capacitated community activists with resources to use to advocate for issues such as ocean economy and access to the ocean. We have given them the framework so that they can be empowered to say this is what the legislation saying for us to have access and why are the rich people building high fences to prevent us from accessing the ocean and public spaces. There are documents in place to advocate for such issues;

Fredericks: The laws and regulations used to keep us outside are becoming widespread. You can find fences and boards written this is private property but they ignore the fact that the indigenous people living in the area for decades have a right of access to flora and fauna with health properties to heal illness in the community. We want them to open the areas for us to make a living so that we can have food in our stomachs and send our children to school. But feel that our voices are not heard. Even when we attended public participation meetings, we feel that the decisions have already been taken and that the government is only coming to tell us about decisions already taken.

Smith: How will the environmental issue be balanced with the economic development of the ocean? We need jobs, but how can we balance economic development with protecting the environment and environmental rights?

van Rooy: It is important for the environment to be balanced with economic development. The land is there to feed us, and the local communities are there to use whatever the land gives. And they have been doing so for decades. So, when they are fishing they drive the economy. Fishing is part of an economy that needs to be respected. Barend was speaking about indigenous knowledge and indigenous rights. There is also an indigenous economy. There was an indigenous economy before colonisers came here. Our plea is that that economy needs to be respected.

Natalie-Jane: How will small-scale fishers' voices be heard if we are forced to be in one sector with big fishing companies?

Neville van Rooy: We play an important role in facilitating that voices of communities such as small-scale fishers come out and they have a right to voice their opinions. We work with the Coastal Links to amplify the voices so that the concerns can be addressed by people in power. We help fishers to organise themselves to take that message forward.

Northern Area Fishers Group: We have a concern about the treatment of fishers by SANParks and law enforcement officials. How can this be addressed?

Neville van Rooy: It is important to have a dialogue between the fishers and the authorities so that they do not work against one another. Number one, indigenous people have been conservation people for all their lives. Now they are pushed to the side and the conservation authorities are taking the credit for being the only body championing conservation while the local community has been protecting and conserving nature for all these years. We want indigenous conservation to be respected and taken into account.

Organisational Inputs

What will the impact of oil and gas development mean for organisations work?

Maia Nangle from Masifundise: Our organisation works towards the empowerment of small-scale fishing communities across South Africa to advocate for their rights. Based on a principle of food sovereignty and with a vision of a just society. Empowering members of fishing communities to become agents of change.

In light of the work that we do, the way that oil and gas development will impact our work, it is the damages that these developments cause to the small-scale fishing community that is of concern.

Small-scale fishing communities rely on the ocean and marine resources for their allies and livelihoods. Small-scale fishing communities are impacted by oil and gas in the following ways: food and nutrition security, local economies.

Impacts on access to traditional fishing grounds, infringements on fishing zones. Fishers are turned into criminals and are harassed by law enforcement authorities.

The delicate ecosystems water quality is affected, this impacts on species composition and is affected by the degradation of the environment.

There is little or no public participation or consultation with local fishing communities. The language used by consultants during consultation meetings is English and they are no translations or interpretations to allow communities to understand the content of the discussion. There is no sign language interpretation and that further excludes people with hearing and speech impediments. Sometimes documents for discussion are translated into local languages. Sometimes only the presentations are translated into local languages. Sometimes the presenters only summarise what they consider to be important points and leave out controversial points that must be the subject of discussions by local communities being consulted.

Small-scale features are consistently squeezed out by other actors in the ocean space.

Local communities are not those who would benefit from these developments (not in terms of job creation, local economic growth, or even the provision of reliable power).

Hampering the development work that we do in communities is what we experience as these oil and gas exploration matters take up valuable time and resources that could be spent in the development of individuals and groups on matters that could enhance their livelihoods.

There is a risk of leaks and spillages. It is important to consider the massive impact this would have on local ecosystems and community lives. Oil and gas exploration and exploitation is a risky business that could seriously threaten the livelihoods and environmental rights of local fishing communities.

We find ourselves and our partners having to constantly fight against new oil and gas development initiatives along the coastline, to protect the rights of small-scale fishers, and to support them in securing their livelihoods and supporting local food and nutrition security.

There are so many battles to fight in terms of protecting and respecting the rights of these communities, the weight of oil and gas development is another heavy one on our shoulders. Our call on the government is that we must focus on renewable and sustainable energy sources rather than focusing on fossil fuels that are dirty and are polluting our environment.

***Please government, focus on renewable energy, rather than fossil fuels.
Masifundise***

Sherelee Odayar from SDCEA (South Durban Community Environmental Alliance)

SDCEA is an environmental organisation that is based in Durban that strives for clean air, water and soil and alleviation of environmental racism.

We have been working in the sector since 2018. We have been focusing on Block B and other blocks as per Operation Phakisa. The consultants hired and developers hired to do the Environmental Impact Assessment do not do a proper job when it comes to public participation. Their processes are not inclusive of all the affected communities and stakeholders. They just pick specifics and do the minimum. Most often they pick the audience that will not engage with issues presented before them and will agree with the proposals shown to them. There's a number of issues that will affect fishers such as oil spills & pollution if oil and gas exploration is pursued as we almost 12 000 of them who depend on the ocean for a living. Sometimes they ignore marginalised affected communities. We feel that is the problem because so many people affected by this oil and gas drilling do not have a say in the decisions affecting them and most often are not consulted in a manner that allows them to influence

decisions. We need to create awareness and inform people about what comes their way and what comes into their homes.

One of the other problems is the threat to livelihoods as there are hundreds of fishermen who can be affected by an oil spillage or other pollutants that can chase away or kill the fish they depend on for their living. In KZN there are almost 5000 smallscale fishers. And we don't know what is going to happen when it comes to restrictions, as fishermen are always marginalised and facing restrictions. How much more restrictions will they face when oil and gas mining is introduced?

The scoping and EIA processes are what we appealed to block authorisations. There is no guarantee of a positive outcome preventing oil and gas exploration and exploitation. Another appeal was dismissed and we are now taking the matter to court.

Annabela Lemos JA (Justica Ambiental) from Mozambique

Justica Ambiental is a non-governmental organisation that is based in Mozambique which was developed by a group of people that were concerned about unregulated economy.

Do you know I start by showing you the northern part of Mozambique an area where they are extremists fighting? But that is not the end of the story. Poverty and socioeconomic issues are the main reason driving the conflict in the area and there is a link to, leads gas exploitation in the area. We should not simplify issues by naming them without seeing the causes of the problem. It is the intersection of corrupt political networks that increase hopelessness poverty and social strife in the area. A history of criminal networks in the area also leads to the problem. Issues of food shortages economic instability and unfavourable weather patterns all contribute to refugees but there are killings that lead to family members disappearing family is being split and endless suffering. We have one of the nature reserves that are recognised by the United Nations where local communities live in harmony with nature; they are dependent on the sea, they are dependent on the plants, they are dependent on tourism.

The gas scheme, and when the gas came they lost everything. One of the important things to note is that when communities are moved away from the land there is compensation paid even though most communities who are moved away from land are poor because they were not given all that was promised. When it comes to the sea, there is no compensation at all even though communities have lost their livelihoods. They have been forced into poverty because of displacement that was undertaken without them being provided with compensation or alternative sustainable livelihoods.

The interesting thing is that the installation of the commercial gas activities made Mozambique become the focal point for the international community. Before the gas

pipes even started operating there was a scandal caused by politicians exploiting local communities they are supposed to be protecting, a big scandal because of corruption. Today this month is a court case on that scandal and yet people continue to suffer because of the irresponsible actions of politicians. The most concerning thing is that where the gas pipelines are, is where we have the most prestigious insensitive delegate ecosystem that we have treasured for many years as local communities. In those ecosystems are important to the local community is entered the country is a role they have been protected over many years.

One of the challenges facing people in Mozambique is that of climate change, that is not of our making at all. We already have natural disasters such as cyclones battering our coast and our communities. How much more when we have oil and gas pipelines running through our land? What is left of our livelihoods that would continue to depend on is going to be destroyed completely in front of our eyes. Now that we have oil and gas we have also seen the militarisation of the commodity because their London government and our government signed an agreement for the deployment of troops into our country to look after oil and gas offshore interests.

Andy Pienaar – Kobush

Our organisation is made up of two communities in two different municipalities connected by cultural and historical connections. And this new dispensation, we have come up with more challenges than opportunities, available opportunities have already been taken up by capitalists. So we have chosen to focus on the opportunity is still available rather than being preoccupied with challenges and obstacles. Mining companies have been sitting with mining concessions for over 100 years.

They have done little or no social investment in any of the communities that I have mentioned where we come from. Now that they have stopped mining in the area they still refuse to transfer the land in mining rights to local communities, instead, they are coming up with new strategies to prevent local communities from benefiting from the land. They seem to be now following a new strategy to dump toxic waste and toxic substances in the mineshaft, which means they are denying us even the crumbs falling off the table now that they are no longer actively mining in the area and now that we want the land.

So they think that they would rather bring these toxic chemicals into our area rather than allow us access to land in mining rights. They have even applied for licenses to bring nuclear waste into the disused mines to make it taboo for us to go near the mines. Distilling bush mafia guys who is our view have collaborated with the government and others to register companies fake companies and after a while declare insolvency and find a vehicle to dispose of assets so it is to circumvent local people from benefiting from the land in the mining rights. They keep transferring the mining rights from one company to the other they even set up a company which they apparently use for these greedy corrupt activities. They use these companies to sidestep the responsibility to rehabilitate the land to rehabilitate good minds and other legal obligations they are supposed to discharge.

Our organisation is a start-up company and we are trying to work through these challenges to create a better life for the communities we come from. We want to bring self-ownership and self-dependence to the people in our community is using the available natural resources we still have. We are looking out for partners in organisations that assist us in the work that we do, and as I have said we are a diehard community and we are prepared to fight for our rights and to work with partners who can assist us to take forward our cause in terms of training and awareness to unmask the challenges the government is throwing at us in the name of job creation.

Questions and Answer Session

Masifundise: Conservation bodies should be making a distinction between local community members who need to access the ocean to make a living and tourists who need to access the ocean for fun and recreation.

Norton Dowries: Let us unite and fight for human rights. Phantsi nge-Operation Phakisa phantsi!

Northern Area Fishers Group: What does the government have in place to elevate poverty-stricken individuals and poverty-stricken fishers?

Norton Dowries Coastal Links: Section 22 and Section 24 of the Constitution. What do these sections mean to us?

Ntsindiso Nongcavu: Section 22 is here to assist us but the way the government is doing things is as though Section 22 does not exist. The government decides on its own, on our behalf. For example, as we derive our livelihoods from fishing, we cannot decide which markets to sell to. The government brings and imposes companies to buy from us, deciding on our behalf. We have no say on the price of the fish we sell. As we now have fishing permits and fishing rights, we are told by the government not to keep our fish in a storage facility. We are told not to sell our fish outside the 20 km radius. What that means is that I am not free to trade. All these things happen as though these rights are not protected in the constitution, as if the constitutional court has not pronounced the scope and content of these rights.

Coming to Section 24 that states the environment must be protected. As communities living along the coast, we are told that there are restrictions on where we can go and what we can do in the area. But people are interfering with the environment who have built houses in the protected areas. For example, there are departments responsible for environmental protection, but when politicians and rich people come to our area, they do as they wish, they infringe on our environmental rights, they degrade our environment. All these things happen without any consultation with local communities affected by the development on the land.

There is Khoisan and Traditional Leadership Bill that has now been gazetted, it is dangerous because it gives all the powers to traditional leaders to sign agreements with private developers without consulting the affected local communities whose environment and livelihoods are negatively affected by the decisions taken. That means the government has different ways to undermine our constitutional rights; the right to choose free trade, the right to the environment, the right to be consulted, the right to public participation and to influence decisions affecting our lives.

Yet we know that the constitutional court has pronounced on these issues, what needs to happen when we are consulted, and what must not happen when we are consulted. What we see is that the government is twisting what is supposed to be respected, protected, and promote our constitutional rights, including environmental rights. The government is using traditional leaders to bulldoze local communities and our constitutional rights. Whereas the Constitution says we must keep the environment protected, the government is working against that. Thank you.

Owen Ndidi, Eastern Cape Environmental Network (ECEN)

How do you explain the decision by the National Energy Regulator to go ahead with the licensing of Karpowerships - the three controversial floating power plants in Richards Bay, Ngqurha, and Saldanha Bay - despite the public opposition during the Environmental Impact Assessment public consultation meetings except that there is corruption in government? The public 'has a right to know why these decisions are made and who benefits from them. It is high time that we pull up our socks and soldier on with the fight for environmental rights. We must work to get her to advance the cause for environmental justice and engage the masses in the struggle.

Khosa Sesevani a Legacy activist from Soweto

We are fighting illegal dumping, pollution, and degradation of the environment in our community. Plastic and other solid waste must be recycled to create jobs instead of polluting our environment. All the items people think are valueless and they throw away, they are causing pollution. We encourage them to recycle. Through Green Connection mentorship, monitoring and partnership, I was able to initiate a programme that fights the illegal dumping, pollution, and degradation in my community. We are mobilising communities to participate and to be active in the protection of our environment and in fighting for our environmental rights.

Taitum-Lee Manuel a Legacy activist from Langebaan

We oppose oil and gas exploration and exploitation and we thank organisations such as the Green Connection and the Coastal Links for assisting us with community mobilisation and public awareness. Without your support, we would not have been aware of the public participation meetings scheduled, the proposals of the license

applicants, the impact of the decisions to be taken has on us as local communities, and how to meaningfully engage with public consultation processes.

Natalie-Jane van Wyk a Legacy activist from Saldhana

We have been engaged in environmental justice advocacy work to oppose the Karpowerships by writing letters to elected public representatives, making formal submissions at the public consultation meetings, mobilising local communities, and conducting public awareness campaigns to inform the community about license applications. We continue to face challenges as there are appeals underway which might have a different outcome even though the decision was already taken to reject the applications. We ask ourselves: why is the government violating our environmental rights?

Nkosikhulule Nyembezi summary

That concludes inputs from the Green Connection Legacy Project participants. We thank you for the effort you made to put all of this together. But also during these inputs, what came across as a way of advocacy are the underlying constitutional rights. We had a mention of Section 22; freedom of free trade, occupation, and profession, to say that every citizen has a right to choose their trade, occupation, and profession freely. The practice of a trade or occupation must be regulated by law. For the people of Port St Johns, in their quest to choose how they should engage in the trade of what they harvest from the sea, that is the applicable section. In relation to Section 24, the right to environment, that becomes the core right driving the work we do here because it's Parliament and the legislatures that make the laws, so Section 57 becomes relevant to say that, particularly the National Assembly, must make laws and function in a manner that takes into account accountability, democracy, public participation. With all the views, we are canvassing here, Section 57 empowers us to speak to our elected representatives about these issues and not to be bypassed. This is important particularly in the year we are holding the local government elections. Finally, with respect to how Parliament and legislative bodies work, and how we convey these messages, Section 59 of the Constitution becomes relevant because the National Assembly has to provide reasonable measures to ensure that it openly conducts its business by holding sittings to include the public and also to ensure that the voice of everyone is heard by regulating public access to its environment and access by the media. So we have Constitutional rights to lean on to demand the respect, protection, and promotion of our rights. Thank you.

The jury went to a breakaway zoom room and the rest of the participants had another round of questions and answers.

Question and Answer Session

Nandipha: A question from Gqeberha about water scarcity, what can be the solution as there is an abundance of seawater, can it not be desalinated?

Nkosikhulule Nyembezi: Water is a human right protected in the Constitution. Now that we are going to the local government elections we have an opportunity to ask election candidates what they will do to secure our rights to water because there is an international minimum standard that applies to the right of access to water. In the runup to these elections, we want to know how politicians plan to implement the internationally recognised norms and standards of 50 kilolitres of free water per household, improve access by reducing the distance to water sources, ensure affordable prices through implementing a billing system that is not driven by making a profit, provide subsidies to households, terminate arbitrary cut-offs in poor households because of their inability to pay for water, and ensure the portability of water supply.

Also, environmental protection laws and regulations must be accompanied by regular maintenance of infrastructure, the recovery, and recycling of wastewater in the face of water shortages. Water cut-offs and drip systems have dire consequences for the health and quality of life of the majority of the people, leaving poor communities vulnerable and undermining the fundamental concept of water as a human right.

Ntsindiso: The people of Nombanjana village in Centane in the Eastern Cape province were arrested for holding a public meeting in violation of the COVID-19 meeting restrictions. The community activists, supported by Civil Society Organisations, have filed a case in Mthatha High Court against the premier of the province and the national minister to claim their right to water and the protection of environmental rights.

The tribunal concluded by inviting the jury to offer closing comments based on what they have heard during the course of the tribunal.

Loretta

Feris

I want to start by commending the organisers for the space because the opportunity to have voices heard was quite an important moment for people in a context where it has not happened before. In terms of my impression from what I have had today, I think that there are two areas of concern that need to be put before the presidential commission on climate change.

One is on Process: We have a right to processes that are fair and transparent, and the affected communities have not been afforded a fair process to the extent that there have been licensing processes and permits for oil and gas exploration and exploitation. This is also in particular to the Karpowerships. In respect of consultation, we know that there is a duty to consult and often the government will see that it has consulted. Bad we also have to look at how that consultation process has taken place, with whom has

it taken place and in particular, our whether that consultation process has involved the people that were affected by the decisions taken. To what extent did that consultation process involve the fishing communities? End to what extent did the process engage with the comments that were made during consultations. Was there an actual engagement with the concerns that were raised during the consultation process? And so for me, it should reflect that consultation is not just a box that you tick. But that it should reflect that you have engaged with stakeholders, I have done that fairly, and I have done that properly.

The second area of concern is the extent to which there has been a transparent process, the extent to which there has been corruption, the extent to which there has been perceived corruption or perceived kind of favouritism of certain groups of people. I think that should be a real concern for the commission and a real concern for the government. Even if there has been perceived corruption, then it means that you cannot just give a license to go ahead. The allegations of corruption in the application process and the statements about perceived corruption are serious, and both the public representatives and the regulatory authorities should not easily grant licenses in cases where the application process is tainted by corruption involving public representatives or government officials, or community leaders.

That's it on the side of the process. Four broad areas are covering substantive concerns.

The first area is the real loss of livelihoods as a result of multinationals operating in the fishing industry. There are real concerns that people in local communities will lose their ability to fish, the ability to continue making a livelihood from fishing, the ability to continue making livelihoods from industries associated with fishing, of an industry that relies on the ocean.

A second concern that I heard is about environmental impact. There is a concern about the environmental impact and the extent to which the exploration and exploitation of oil and gas will lead to gas emissions that are causing climate change or will lead to the pollution of the ocean, result in the warming of the ocean waters whether any of these concerns will harm fish stocks in the form of depletion of stocks and also on the degradation of the ocean ecosystems supporting livelihoods of the affected communities.

The third concern is the extent to which there is an erasure of traditional fishing rights which is a serious concern. The lived experiences shared to demonstrate how customary rights of local communities to fishing have been adversely affected even by attempts to conserve, including the creation of Marine Protected Areas and how they are already impoverishing local communities. What will worsen the situation is when there is fewer available fish to harvest due to the environmental degradation caused by the exploration and exploitation of oil and gas. Customary knowledge about the ocean is an area that deserves to be incorporated into the national debate on environmental protection rather than ignoring, and even worse, erasing it.

The fourth and final point that I want to make is that local communities have connections to the ocean, and the collusion of the government and commercial interests is depriving local communities of human connections to the ocean. Even the national debate on the introduction and management of Marine Protected Areas pushes cultural rights to marine resources further down the list of affected stakeholders. There is a sense of place in the form of personal connection to the ocean that must be taken into account in legal processes - especially in the recognition of cultural and heritage connections to the ocean that local communities have maintained for generations. This has been constantly overlooked by the public representatives and the regulatory authorities.

Jesu Rethinam Christy, India

I would like to say three points. The first one is: the growth model the framework in which this operates has areas of impact, and this speaks mainly to the programmes and projects in Operation Phakisa which are:

1. Marine transport & manufacturing
2. Offshore oil and gas exploration.
3. Aquaculture
4. Marine protection and ocean governance
5. Small harbours
6. Coastal and marine tourism

It is important to know the different projects under Operation Phakisa and how they affect the environmental rights because these are falsely sold in the name of economic development, in the name of improving the Gross Domestic Product using the Blue Economy.

There are major areas of impact in these that are sold as having a potential to boost the GDP. The people living in coastal areas are the key protectors of the environment but they are not counted, they are not involved. There is a push for economic development and growing the GDP whereas the people living on the coast see the ocean as their source of livelihood, not a commodity to be exploited by big extractive industries. The fishers deserve to have a voice.

Aquaculture is also important and must ensure that the small-scale fishers are not deprived of their quotas. Most importantly that the ocean is not polluted to destroy the fish they need for survival.

Nnimmo Bassey Nigeria

The issues of conflict and corruption come across strongly as public representatives continue to look after their interests over the interests of communities, even to the extent of fuelling a conflict that leads to the displacement of communities to make way for this extractive fossil fuel economy.

The public representatives and corporate interests often look at the ocean and look at the coastal communities that depend on the ocean as something to sell and disposable commodities.

Displacement of communities is physical, economic, political, and spiritual. We have seen heavy-handedness fuelling this displacement as the greed to exploit fossil fuels intensifies. The resistance must continue, and solidarity forever.

Next Steps- The Green Connection Strategic Lead

It is wonderful to have an eminent panel of a jurist who has listened carefully and is going through the conclusions that will then be drawn up into a final statement. The final statement will be submitted to the president.

Closing remarks by Gus Pickard The Green Connection Board Member

Hello everyone my name is Gus Pickard, from a town deciduous fruit farm just outside a town called Piketberg and I am currently a Green Connection board member. I was tasked with doing the closing remarks.

- It appears that there are countries all over the world that function on a depletion economy that simply leaves damage in its wake. We shall discover (and it might be too late) that we cannot eat money when the last tree is cut down, the last fish is captured, the final river is contaminated, and when it is unbearable to breathe the air.
- The Green Connection believes that the destruction of the marine ecology due to offshore oil and gas exploration will undermine and destroy the livelihoods of many coastal communities. Those of you who come from the coastal communities will know that your voices have been marginalized in many of the issues that affect you.

Well, now you have a partner in the GC, who will stand side by side with you to fight for and Promote Social and Environmental Justice

- Both Social and Environmental Justice are enshrined in our country's constitution. But why then, if all of these are enshrined in our constitution, do we have to spend so much energy on having to fight with the government and certain corporates?
 - The word GREED has been thrown around so many times the last two days.
 - In her opening statement yesterday Liz McDaid (strategic lead for GC) said the following, "We need to reclaim our ocean in the interest of our country. We cannot allow greed to threaten our future existence."

1.THE SIX C's 1.1. FIRST C: CONNECTED

- The Green Connection has successfully connected people from different backgrounds, fighting the same cause. People from poor communities without a proper education have joined forces with people who hold degrees dealing with environmental issues and together they are managed to merge their capabilities to fight this cause.
- Patrick Bond (the Blue Economy)
 - Those capitalists who attack our ocean have very weak morals and ethics.
- Wilmien Wicomb (Local fishing knowledge and rights)
 - Recognizing communities' customary rights means nothing if these are not respected by the decision-makers of our country.
 - We will have to keep pushing for these rights to be respected.
- Mr Vijayan (the Blue Economy in India)
 - The Blue Economy, also called Operation Phakisa, is an attempt to exploit the ocean's natural resources in a way that is unsustainable in terms of its impacts on the ecology, the people, and long-term livelihood survival.
 - Racial segregation/Apartheid was bad enough as it was, and now we have to deal with Blue Colonialism, Blue Imperialism, and Blue Apartheid as well.
 - We have a chance, as long as, like Mr Vijayan said, "We speak openly about it."
-
- 1.4. Bernedette Muthien (Women in decision making)
 - We need to stop the pattern of talking about the inequalities re women in decision-making processes by having a very focused approach when we capacitate women and girls to the extent where their capabilities are unquestionable.
- Naseegh Jaffer/Carmen Mannarino (Operation Phakisa)
 - No one knows the ocean better than those who see it and hear it daily.

Masifundise (Civil rights org)

- “In some instances, coastal communities were told that they won’t benefit from any of the mining/drilling that will happen in their community. We call on the government to focus on renewable energy rather than fossil fuel.”

1.2. SECOND C: CONCERNED

- The one denominator we all share is the fact that everyone involved has the same concern – stopping the depletion of the ocean’s resources; stopping gas from becoming a long-term energy source (research has found that GAS should not be considered a long-term energy source).

1.3. THIRD C: COASTAL COMMUNITIES

- The GC’s footprint is spread over several provinces, especially the Western Cape, Eastern Cape, Northern Cape, and Kwa-Zulu Natal.
- It is clear that the speakers coming from the different communities are “sout van die aarde” people, who have the interests of their communities at heart.
- From Saldanha Bay, we heard: “that Saldanha Bay, a small fishing town, was turned into an industrial hub. Government has no idea how the ocean work. We have informed so many government officials of the workings of the ocean over many years, but it seems they have learned nothing.”
- From Langebaan, we heard: “Heritage Day is around the corner, but our heritage has been stolen from us.”
- From Gqeberha we heard: “Unemployment is a huge challenge in our community. Promising our communities jobs when projects are approved, while government knows that scarce skills are needed to perform those jobs, does not benefit us at all. Mr. President, please listen to the voices of your voters. Please consult us before your government takes decisions on our behalf.
- From Knysna, we heard: “That the people of Knysna would like to go back to their ancestral land to sustain themselves as their forefathers have done.”
- From Kommagas we heard: Big corporates came to Port Nolloth and Hondeklipbaai and they took from the ocean as much as they could, but they left us with only a skeleton.”

1.4. FOURTH C: COMPASSION

- If anyone ever wondered as to whether people are bothered by what is happening to our ocean, well then now you have the answer.
- The GC has brought together a variety of people sharing the same degree of compassion for the EARTH. Looking after the well-being of the EARTH lies close to everyone’s HEART. When the letters of the word, EARTH are shuffled, one possible word is the word HEART.

1.5. FIFTH C: CHALLENGE

No one is involved in all of this because of a free t-shirt or a free lunch. You are involved because you have decided to join those who want to keep on challenging the government and whoever is involved in depleting the ocean's resources.

1.6. SIXTH C: CHANGE

- All of our efforts have one aim:
 - o Change the level of knowledge of people on the ground regarding environmental issues via the Green Connection's Legacy Project.
 - o Change the mindsets of everyone involved (local communities, local government, provincial government, businesses and national government).
 - o Change the sad face emoji (currently representing EARTH) into a smiling face emoji.
 - o Change the narrative. Put sustainability first and then profits. If so many of these approved projects promise lots of jobs, why do we still have a 34% unemployment rate?

IN CONCLUSION THEN

- Well done to GC, all the role-players, and all the partners. While the pandemic distracted everyone you kept your eye on the ball and especially watching processes around EIA's. There were instances where communities were not consulted and therefore the proper procedures were not followed.
- We do not have Planet B and therefore we need a clean and just transition with regards to providing sources of energy.
- Thomas Friedman said the following: "The thing we have to remember is, oil and gas are commodities, and the more we use them the more the price goes up, like any commodity. Solar, wind – they are technologies, so the more you use them, the more the price goes down."
- To everyone involved and to our decision-makers, TRUTH is like surgery. It hurts but it cures. LIES are like pain killers. They give instant relief but have side effects that last forever. We must choose WISELY.

ON BEHALF OF THE REST OF THE GC BOARD, THANK YOU ALL!

We all have the same concern, to stop gas from being a long-term energy solution. To introduce renewable energy as an integral part of our sustainable energy for the future. Gas should not be considered a long-term energy source.

Gus Pickard

List of Venues, Facilitators & Representatives

Venues	Facilitators	Community representatives
1. Double Tree Cape Town (Main venue)	The Green Connection Team	
2. Silaka Port st John's	Phumza KaLimashe, a small-scale fisher and a member of Coastal Links	Ntsindiso Nongcavu, a small-scale fisher and a member of Coastal Links
3. Gqeberha Community hall	Zukisa Mankabane, member of Eastern Cape Environmental Network	Vuyiseka Mani member of Eastern Cape Environmental Network
4. Hornlee Hall Knysna	Julie Danhaussen, a small-scale fisher with The Green Connection Team	Barend Fredricks, a small-scale fisher
5. Hodjiesbaai Saldanha	Natalie van Wyk and Tatum – Lee Manuel members of Coastal Links	Solene Smith and Carmelita Mostert, smallscale fishers and members of Coastal Links
6. Port Nolloth Community Hall	Tsili Lekheme – Environmental Activist	Andy Pienaar , a smallscale fisher and Director of Kobusch

[Access the Tribunal Programme here](#)

Jury Biographies

Jesu Rethinam Christy's Profile



Ms. Jesu Rathinam Christy has been an active part of the Indian civic action movements, especially involved in feminist dialogue and advocacy and campaigns around fish workers, coastal and marine issues. She is a pioneer in having initiated the Coastal Action Network in the Southern Indian state of Tamil Nadu and heads SNEHA, a four-decade-old organization working for the rights of fishers and other coastal agricultural communities. She is a senior advisor to the National Fishworkers Forum in India and is in the Core Committee Member of the World Forum of Fisher Peoples (WFFP).

She is among the primary initiators of the global Blue Economy tribunal series work and successfully coordinated and directed the Asia phase of the same between 2018 and 2021. She is known for crafting people-oriented interventions post-Tsunami in 2005 and during the two waves of the COVID pandemic in India in 2020-21



Loretta Feris Profile



Loretta Feris is an environmental scholar and lawyer. She is currently a Professor of Law at the Institute of Marine and Environmental Law at the University of Cape Town (UCT). She holds the degrees BA (law), LLB and LLD from the University of Stellenbosch in South Africa and LLM from Georgetown University in the USA. Loretta Feris has published widely in environmental law, including environmental justice, environmental human rights, liability for environmental damage, compliance, and enforcement of environmental law and trade and environment. As an environmental law consultant, she has worked with various government departments, industry, international organizations such as the IUCN and UNEP where she was part of a group of international experts on the Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme).

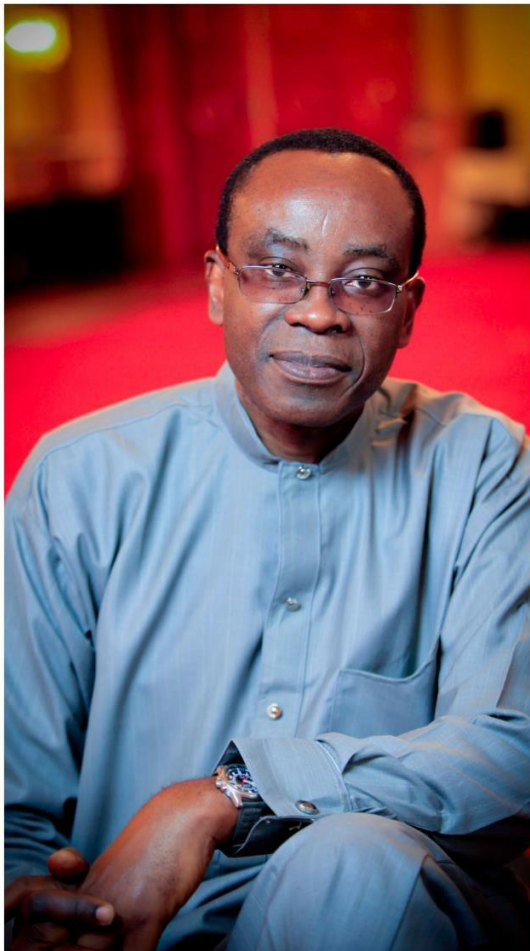


Loretta Feris Profile

She was the Deputy Vice-Chancellor for Transformation and Student Affairs at UCT from 2017 to March 2021 where she developed a framework for transformation that draws on her scholarly work on spatial justice and spearheaded an approach that introduced transformation benchmarks for higher education. During this time, she also developed a special tribunal for sexual and gender-based violence, a first in higher education, and towards the end of her term as DVC she lead work on critical approaches to racism in higher education. She is the Chair of the board of Natural Justice, a non-profit organization that focuses on social and environmental justice in Africa, and is also a board member of Biowatch a non-profit that works with small-scale farmers to promote agroecology.



Nnimmo Bassey's Profile



Nnimmo Bassey is director of the ecological think-tank, Health of Mother Earth Foundation (HOMEF) with head office in Benin City, Nigeria. He is member steering committee of Oilwatch International – and was chair of Friends of the Earth International (FoEI) (2008-2012) and Executive Director of Nigeria's Environmental Rights Action (1993-2013).

He is also a Member of the Action Research Network for a Wellbeing Economy in Africa (WE-Africa). His books include *We Thought it Was Oil, But It was Blood – Poetry* (Kraft Books, 2002), *I will Not Dance to Your Beat – Poetry* (Kraft Books, 2011), *To Cook a Continent - Destructive Extraction and the Climate Crisis in Africa* (Pambazuka Press, 2012) and *Oil Politics – Echoes of Ecological War* (Daraja Press, 2016). His regular blog posts can be found at www.nnimmobassey.net.



Alison Tilley's Profile



Alison Tilley is an attorney, specialising in transparency and accountability issues. She has litigated on transparency and whistleblowing issues in a number of High Court matters, the Labour Court, the Constitutional Court and Supreme Court of Appeal. She was formerly the director of the Open Democracy Advice Centre.

She is the coordinator of the Judges Matter campaign, which is a project of the Democratic Governance and Rights Unit at the University of Cape Town. They have an extensive campaign on judicial appointments and conduct processes.

Her publications include “The Right to Know, The Right to Live”, edited by Richard Calland and herself, and she contributes to the Daily Maverick. She works on issues surrounding gender based violence, and particularly the roll out of sexual offences courts with the Rape Survivor Justice Campaign.

She is also a part time member of the Information Regulator

