

Exploring Challenges, Opportunities and Alliances for the Protection of Small-scale Fishers' Human Rights

High-Level Event for World Oceans Week 2022

A two-hour roundtable was organized by the One Ocean Hub, in close collaboration with the Food and Agriculture Organization of the United Nations (FAO) and the Office of the United Nations High Commissioner on Human Rights (OHCHR), on 6th June 2022 to explore the challenges, opportunities and alliances among all interested stakeholders, including small-scale fishers, and across all levels of governance, with a view to enhance the recognition, protection and promotion of small-scale fishers' human rights. The webinar is part of a broader collaboration on the human rights of small-scale fishers, fishworkers and their communities during 2022 International Year of Artisanal Fisheries and Aquaculture (IYAFA). The roundtable explored the need for a comprehensive understanding of the human rights of small-scale fishers and how different mandates across the United Nations System.

This document summarizes key messages and follow-up actions to be shared online in preparation for the UN Ocean Conference. A more detailed report of the event will be included in the One Ocean Hub newsletter later in June 2022, immediately prior to the Conference. Follow-up actions and key messages will be revised after the UN Ocean Conference for the remainder of 2022 - International Year of Artisanal Fisheries and Aquaculture and beyond.

Key Messages

COMMON CHALLENGES

- The lack (and denial) of legal and de facto recognition of customary rights, collective rights, traditional rights, tenure rights, and historical dispossession.
- Lack of information on small-scale fishing rights, permits and permit conditions.
- Insufficient space for small-scale fishers to be able to benefit from meaningful consultations on introducing small-scale fishing rights and adopting fisheries management and conservation measures (even when there are constitutional guarantees to that effect, there is a need to detail the parameters for full and effective consultation in national legislation).
- The negative impact from the COVID-19 pandemic and associated response measures on small-scale fishers, especially their access to marine resources and markets.
- Exclusion of small-scale fishers from fair share of benefits due to exclusion from marine spatial planning, barriers in accessing markets, and employment.
- Multiple public authorities need to protect small-scale fishers' rights but inter-sectoral coordination among fisheries, other ocean use sectors, human rights, environmental, labour authorities is weak.



Above Photos: Nessim Stevenson

Benefits of the protection of small-scale fishers' human rights

- Articulating small-scale fishers' challenges in human rights terms provides more clarity and transparency on duty bearers' role to filter their obligations and facilitate access to justice.
- Protecting the right to culture in the context of co-management (as managing and conserving fishery resources are part of small-scale fishers' culture) can strengthen the recognition of customary fishing norms, which, in turn, if adequately observed and sustainably applied, can be beneficial for the environment and sustainable fisheries.
- The protection of cultural rights with respect to small-scale fishers' intangible cultural heritage supports their inclusion in decision-making affecting them (as noted in recent court decisions issued in South Africa and Argentina), as well as need to engage in a dialogue on the implementation of those decisions (as problems may persist and need dedicated attention beyond to what has been resolved by the courts).

- Enabling conditions for the protection and promotion of small-scale fishers' human rights can be created also through regional seas agreements.

Links with everyone's human right to a healthy environment

- Respect for small-scale fishers' right to culture and livelihoods (such as their customary use of oyster and seaweed, in addition to fish) contributes to the protection of everyone's human right to a healthy environment, in that small-scale fishers are 'ocean people'; they care for marine environmental protection and support more integrated management of coastal and marine resources, which are beneficial to the long-term sustainability of the resources.
- Small-scale fishers' human rights are vulnerable to being violated and undermined by large-scale fishing companies and by blue economy expansion.
- Small-scale fishers need to be recognized as water and biodiversity stewards (thereby contributing to the protection of everyone's right to a healthy environment) and are under



Photo: Nessim Stevenson

multiple threats, so should be included among environmental human rights defenders

- Recognition of the ocean as collective identity, not as property

Who needs to contribute to the protection of SSFs' human rights

- Researchers, thinktanks, NGOs need to advance the understanding of the connections between small-scale fishers' human rights and the SDGs, including States' duties of immediate effect (non-discrimination) and those of progressive realization, showcasing their findings to governments and the public
- Governments and supporters of small-scale fishers need to address the recommendations/ observations of international human rights bodies, not only the 70 (out of 200.000), which have addressed matters related to SDG 14 (Danish Institute for Human Rights), but all other recommendations relevant to small-scale fishers.
- Plurality of public authorities involved in the implementation of the SSF Guidelines need to move away from seeing themselves as "technical" bodies that are not mandated/concerned with protection of human rights.



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FOLLOW UP ACTIONS

- Identify environmental, economic and social injustices faced by small-scale fishers and clarify how they can be addressed on the basis of international human rights law and principles (prevention, precaution, non-discrimination, non-regression)
- Clarify the human rights obligations of coastal states, port states, and flag states under the United Nations Convention on the Law of the Sea (UNCLOS) and fisheries law instruments
- Clarify the role of the various international human rights mechanisms, processes and bodies to monitor and support compliance with small-scale fishers' rights
- Capacity-building on small-scale fishers' human rights for national human rights institutions
- Clarify the content of business responsibility to respect the internationally recognized human rights of small-scale fishers
- Share key messages from the World Oceans Week webinar at the UN Ocean Conference;
- Provide inputs into the future thematic reports of the UN Special Rapporteur to Human Rights and the Environment on: 1) SDGs and the human right to a healthy environment; 2) gender; and 3) business responsibility
- Organize a workshop on the protection of the right to food of small-scale fishers, fish workers and their communities through the synergies between the Small-Scale Fisheries Guidelines, the UN Declaration of the Rights of Indigenous Peoples, and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, bringing together national human rights institutions and possibly also UN Special Rapporteurs (Environment, Climate, Food, Culture).



Above Photos: Nessim Stevenson

To watch the recording of the event please visit:

https://www.youtube.com/watch?v=JaBnVZQS6_o



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