

IMPACT STORY

RESEARCH AND ACTION ACROSS SCALES: Expanding Support for Small-Scale Fishers as "Ocean Defenders"





Supporters of the community applicants in the Shell Wild Coast case celebrate outside the Makhanda high court. Photo: Toto Tsarneba, Grocotts Mail.

Human rights defenders (EHRDs) draw attention to the links between unsustainable environmental decisions and negative impacts on human rights. The Hub recognises the key role of EHRDs in ocean governance and seeks to provide support at multiple levels to strengthen their protection and acknowledge their value.

The UN defines environmental human rights defenders (EHRDs) as “individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment.” EHRDs draw attention to the links between unsustainable environmental decisions and negative impacts on human rights.

Though entitled to the rights and protections set out in the 1998 UN Declaration on Human Rights Defenders, EHRDs are increasingly the object of (often lethal) attacks by governments and private actors as well as harassment, denigration, and side-lining.

The Hub recognises the key role of EHRDs in ocean governance and seeks to provide support at multiple levels to strengthen their protection and acknowledge their value.

We do this through:

- working directly with ocean defenders to support them;
- raising awareness of the human rights of ocean defenders; and
- strengthening international support for ocean defenders.

Direct support for ocean defenders

Our Hub South African team have invested in working with communities to better understand their needs. Over time, researchers in the Coastal Justice Network (CJN) have **built partnerships with small-scale fishers (SSF) and coastal indigenous communities**. Through these partnerships, researchers, SSF leaders, and environmental justice organisations have been able to respond collaboratively to a range of injustices perpetrated on coastal communities and environments, including:

- social harms – the criminalisation of livelihoods and associated killing of fishers in Marine Protected Areas
- environmental harms – expansion of coastal mining and offshore oil and gas operations
- economic harms – the blocking of SSF rights by industrial fishing associations

The CJN seeks to facilitate stronger partnerships between different leadership structures at the local level, with the goal of protecting those who increase the profile of



Small-scale fishers from the Eastern Cape, South Africa, express their concerns and resistance to Shell’s seismic survey of the Wild Coast. Photos: Luke Kaplan



environmental concerns and fishers’ rights, particularly on-the-ground environmental human rights lawyers. In addition to documenting attacks on ocean defenders, the Network is working to secure ongoing funding so that they can dependably provide immediate legal and financial support for SSFs and their families when faced with censure.

Through actions such as the Empatheatre plays, CJN members are working more broadly to transform violently exclusionary conservation practices and prevent destructive ocean use.

Raising awareness of the human rights of ocean defenders

Another form of support for ocean defenders is raising awareness of the work they do and the challenges and threats they face. We are working to make legal professionals more aware of the need to recognise and protect the human rights of ocean defenders. We are also helping ocean defenders understand their own human rights and are facilitating EHRD communities to share their experiences and build alliances with each other.

Hub researchers provided input to the 2021 and 2022 **Winter/Summer School on Human Rights and the Environment**, organised by the UN Environment Programme (UNEP) and the Global Network for Human

Rights and the Environment (GNHRE). We worked with the School organisers to conceptualise the focus for the 2022 School: Water – from oceans to taps. Its aim was to help environmental and human rights scholars, practitioners, and activists think about the water system in relation to their existing work. Hub researchers affiliated with the CJN and Empatheatre in South Africa organised panels at the Schools, including on stories of ocean defenders in South Africa and the relevance of art as a tool of resistance.

The panels shared Hub research and also included representatives of SSF collectives, who reflected on their involvement in resisting and seeking alternatives to ocean oil and gas exploration, coastal mining, enclosure of the ocean commons, and un-

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Dr Dina Lupin
Director of the Global Network for Human Rights and the Environment



“Umkhosi Wenala” has provided an innovative participatory decision-making space where rural youth can have a voice in the creation and management of Marine Protected Areas (MPAs) that exclude cultural, spiritual and other local perspectives, concerns and questions. Photo: Neil Coppen

democratic ocean governance. Dr **Dina Lupin**, GNHRE Deputy Director, commented: “I found myself thinking at many points that I need to redirect my entire area of focus and just work on oceans. It was inspiring.”

The Hub South African team has continued to work with GNHRE and UNEP, organising a March 2023 **workshop “on defenders for defenders”** to share lessons learnt across regions and thematic areas from freshwater to ocean to land. Members of the CJN contributed to the session “Stories from small-scale fisher ocean defenders in South Africa.”

They shared their experiences and analysis of the South African government’s approach to growing its blue economy, detailing the damage done as well as communities’ solidarity strategies.

The workshop provided a point of connection between EHRDs who, despite being in different countries, identified similar strategies of governments, such as militarising Indigenous spaces and using participation mechanisms to create an appearance of inclusion while actually silencing communities. Arts were highlighted as an effective resistance tool, able to create bonds among communities and raise awareness of specific struggles.

We have also supported the development of a global project led by IUCN and WWF to **document threats to and good practices on ocean defenders**; we are contributing a case study led by our South African

researchers. And the ongoing **Empatheatre productions Lalela uLwandle and Umkhosi Wenala** can be seen as human rights practices in themselves – practices that support the understanding and protection of human rights by duty bearers, as well as practices that protect EHRDs and contribute to the legal empowerment of human rights-holders.

Expanding international support for ocean defenders

The UN Environment Programme (UNEP) has been working to support environmental defenders by denouncing attacks on them, advocating with state and non-state actors for better protection of their human

rights, and requesting accountability when attacks occur. Yet, there has been a blind spot in UN initiatives on EHRDs: they have been overwhelmingly focused on land, ignoring those defending the ocean.

We are working to ensure that EHRDs are understood to include the SSFs, Indigenous peoples, and local communities negatively affected by blue economy initiatives. To this end, Hub researchers took

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The Hub is working to make legal professionals more aware of the need to recognise and protect the human rights of ocean defenders. Photo: Small-scale fishermen in Ghana by Nessim Stevenson.

part in consultations organised by UNEP and the Universal Rights Group, with the support of the UN Office of the High Commissioner for Human Rights 2021.

will be included in the good practices documented by UNEP. By shining light on the key work of ocean defenders, the Hub is both strengthening EHRD as a framework and expanding it to include the ocean.

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Hub research is feeding into recommendations for the forthcoming UN Guidance on the Protection of EHRDs.

At the global consultation, Hub researchers Dr. **Philele Mbatha** and **Aphiwe Moshani** (Cape Town University, South Africa) shared their relevant research on SSF communities. They provided an overview of the expansion of blue economy interventions on the KwaZulu-Natal (KZN) coast. They pointed

to the long history of criminalisation of traditional SSFs in this area, starting in the 1950s when conservation interventions escalated in northern KZN. Today, SSF communities are still facing forced removals, dispossession, insecure rights, and loss of traditional livelihoods. This and other Hub research is feeding into recommendations for the forthcoming UN Guidance on the Protection of EHRDs. Addressed to UN Resident Coordinators, this Guidance will help allocate financial and other resources at the national level.

At the regional African consultation on “existing good practices to support EHRDs and their communities,” Hub researchers involved in the CJN and Empatheatre presented on their work in partnership with SSF communities. They discussed the threats to and challenges faced by EHRDs with whom they partner and how the Network has sought to provide support. The South African team’s findings and approaches to enhancing participation and inclusion of SSF

Publications :

1. N Bennet, R López de la Lama, P Le Billon, I Ertör, and E Morgera. Ocean defenders and human rights (2022) 9 *Frontiers in Marine Science*. <https://doi.org/10.3389/fmars.2022.1089049>.
2. E Morgera, E and H Lily Public participation at the international seabed authority – An international human rights analysis (2022) 31 *RECIEL*, 374–388. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/reel.12472>.
3. K Erwin, T Pereira, D McGarry, and N Coppen. Lalela Ulwandle: An experiment in plural governance discussions, in Rose Bosewell et al. (ed), *The Palgrave Handbook of Blue Heritage* (Palgrave, 2022), 383-409.



SSF women processing fish in Ghana Photo: Nessim Stevenson

