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Ocean governance and the protection of ocean defenders

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Ocean defenders

The expansion of large-scale and industrialized economic development activities in marine and coastal environments poses a growing threat to coastal communities and ecosystems (Bennett et al. 2021, Jouffray et al. 2020). Whereas “Blue Growth” policies supposedly offer the promise of more sustainable ocean governance and economic benefits for society, coastal populations around the world continue to grapple with rampant overexploitation of natural resources, exclusionary conservation, spatial displacement due to development, and management regimes undermining their lives, livelihoods, and ecosystems. They often face multiple threats and stressors at once, increasing the level of complexity they must deal with to protect and defend their ways of life (Defeo and Elliott 2021).

Confronted by these mounting pressures, individuals, groups, and communities, including women and young people, in all regions of the world are mobilizing, advocating, or taking action to protect their coastal and oceanic territories and associated human and environmental rights (Bennett et al. 2022, Ertör 2023, World Forum of Fisher Peoples 2021). In response, many of these “ocean defenders” are facing marginalization, intimidation, criminalization, threats, violence, and even murder (Bennett et al. 2023). These attacks come from a wide range of actors, including governments, military and paramilitary forces, corporate hires, and criminal mafias (Alliance for Land, Indigenous and Environmental Defenders, 2022, Le Billon and Lujala 2020), with ocean defenders in the Global South facing different challenges than those in the Global North.

Even though some recent research in the ocean governance literature has stressed the importance of ocean defenders (Bennett et al. 2022, Bennett et al. 2023), the historical and ongoing repression and violence they face has rarely been systematically documented or theorized (but see Alexander 2019, Ertör 2023), and international guidance on the protection of environmental human rights defenders still tends to focus on land defenders (Morgera 2023, United Nations 2023). Coastal communities are often

subjected to long histories of socio-economic marginalization (Ommer 2007), and the significant systemic challenges and political exclusion they face—along with the concept of maritime spaces as devoid of people—might explain the limited attention given to ocean defenders. This, in turn, hinders opportunities for recognition of tenure rights and the protection of the social, cultural, environmental, economic, civil, and political rights of communities in coastal and maritime spaces (Allison et al. 2012), and interferes with their pursuit of justice in defending these rights (Blythe et al. 2023, Ertör 2023, Jentoft et al. 2022).

There is an urgent need to understand and address the failure to protect ocean defenders at local, national, and international levels and across different sectors. Adequate recognition and protection for ocean defenders is imperative in sustaining marine territories and ways of living and in denouncing and resisting harmful projects. In this chapter, we identify key research areas and methodologies to support ocean defenders, advancing human-rights-based approaches that contribute to socio-environmental justice in marine and coastal environments (Morgera and Nakamura 2022).

Ocean defenders and marine-related human rights

International human rights frameworks extend to the oceans, providing broad protection for fundamental human rights (i.e., social, cultural, economic, civic, political, environmental) and recognition of unique entitlements for traditional coastal and ocean-dependent populations over their marine territories and resources (Allison et al. 2012, Bennett et al. 2024). Despite the fact that all groups of rights holders should be able to meaningfully participate in environmental decisions that will impact them, historically marginalized groups, including small-scale fishing communities, often lack representation in ocean governance and decision-making processes (Sunde and Erwin 2020), having been left out of or pushed aside from decision-making spaces by industrial economic interests and corrupt practices of governmental authorities (Cánovas-Molina and García-Frapolli 2022). The consequences of a growing ocean economy without sufficient social or environmental safeguards for coastal communities include physical displacement, dispossession, erosion of customary tenure and rights, and environmental destruction (Bennett et al. 2021, Das 2023). Furthermore, coastal communities are among the most vulnerable to climate change impacts, being directly affected by sea level rise, changing weather patterns, and migration of marine species (Gill et al. 2023). Hence, these cumulative impacts directly compromise the right to a clean, healthy, and sustainable marine environment (Bennett et al. 2024).

Small-scale fisher coalitions, civil society groups, and broader community alliances and networks resist various interventions framed as development projects that threaten marine and coastal ecosystems, together with existing customary tenure arrangements, livelihoods, and culture (Bennett et al. 2023, Ertör 2023, Scheidel et al. 2020). Such resistance is often met with rights violations to silence or marginalize these groups. The criminalization of defenders is particularly insidious as the state systematically undermines their rights, including through prosecution without clear

charges and the instrumentalization of the judicial system, thereby stifling public participation and creating a context of impunity for other forms of abuses (Forst 2024). Indigenous peoples and other customary rights-holders are particularly exposed to criminalization (Scheidel et al. 2020), with state authorities repressing demands for the recognition of traditional territories and modes of life (Menton and Le Billon 2021). In some cases, resistance evolves into broader civil disobedience movements that are criminalized, as in the hanging of the leaders of the Movement for the Survival of the Ogoni People in the Gulf of Guinea in the 1990s (UN Office on Drugs and Crime 2021).

Several key insights have already emerged from research on and with ocean defenders. First, marginalized coastal communities—including small-scale fishers—are crucial actors in stewarding and defending marine and coastal living beings and their environments (Bennett et al. 2023). While allied individuals and organizations can support these efforts, it is those actors who hold customary rights and tenure to coastal areas and depend on oceans for sustenance and cultural continuity who are at the forefront and should be recognized as such. Second, ocean defenders intervene not only locally but globally, reflecting the widespread growth of the ocean economy, the global nature of environmental injustice in marine environments, and extensive solidarity networks between ocean defenders and their allied organizations (Environmental Justice Foundation 2023, Mills 2021). Solidarity networks can emerge at various scales among or between small-scale fishers, non-governmental organizations, and academics, providing an invaluable space for reflection, action, and defense (Mills 2021, Pereira and Erwin 2023). Examples of such networks include the World Forum of Fisher Peoples (WFFP), World Forum of Fish Harvesters & Fish Workers (WFF), the International Collective in Support of Fishworkers, the Too Big to Ignore Network, and the Coastal Justice Network. Third, defenders mobilize against diverse threats to the ocean, ranging from activities at sea (mostly near-shore in Exclusive Economic Zones [EEZs], but also on the seabed and in the high seas) or involving coastal lands and intertidal margins, as well as against diverse actors across scales promoting and profiting from capitalist interventions (e.g., local elites, governmental authorities, national and transnational corporations, and exclusionary conservation organizations) (Belhabib and Le Billon 2022, Ertör 2023, Morgera and Lily 2022). Fourth, ocean defenders seek to advance and protect basic human rights, including the right to participate in environmental decisions, a healthy ocean environment, livelihoods, cultural rights, and ultimately human dignity. Fifth, ocean defenders deeply care about the sea, with Indigenous perspectives often integrating nature's rights, thereby not only advocating for themselves but also for non-human beings (Bender et al. 2022). In turn, these rights are essential to more inclusive forms of sustainable ocean governance (Buchan et al. 2023). Last, ocean defenders employ various strategies, from public protests and demonstrations to legal interventions, forming organizations, and engaging with social movements despite a context of low agency, high complexity, and violence (Bennett et al. 2023, Ertör 2023, Figueroa et al. 2024).

Overall, a growing body of research points to the challenges facing ocean defenders, emphasizing the triple threat arising from the evolving destructive impacts of

capitalist interventions, structural marginalization, and various forms of violence (Bennett et al. 2022, Bennett et al. 2023, Satizábal et al. 2021). More attention is required from the research community, governments, civil society, and the private sector to address these issues comprehensively. Efforts should focus on confronting processes that promote and sustain the expansion of extractivist and exclusionary ocean economies; addressing corrupt practices or ineffective legal frameworks that allow corporations to go unpunished when the human rights of coastal communities are violated; challenging power asymmetries; positioning marginalized groups at the center of decision-making processes; acknowledging colonial legacies and intersections of class, race, and gender; and ensuring access to justice and the protection of human rights. Researchers, especially when working in collaboration with ocean defenders, can help advance these goals.

A research agenda for ocean defenders and ocean governance

Already often at the margins of society, many coastal communities are seeking to secure recognition and protection of, or regain access to, stewardship of their customary waters (Said and MacMillan 2020). These communities are victimized, violently targeted, or criminalized as they mobilize against new enclosures privatizing and overexploiting marine commons, or fall into illegal fishing, forced labor, or smuggling (Belhabib et al. 2020, Okafor-Yarwood 2020). This victimization even occurs when communities have been able to maintain access or (re)assert their rights and authority through strategies such as cooperatives or court cases (Christoffels-DuPlessis et al. 2022). As the global demand for marine commodities and spaces drives exponential growth in the global ocean economy, it is crucial to understand the interconnected issues impacting those advocating for environmental justice and human rights. Here we outline three themes and main avenues for future research.

Theme 1: ocean governance and defenders

Ocean governance frameworks significantly impact environmental sustainability, the well-being of coastal communities, and socio-economic equity. Further research can critically examine whether *governance processes* promote development or conservation activities that harm the environment or lead to dispossession and ocean grabbing. Differing narratives, such as those surrounding environmental scarcity, ocean wealth, or the blue economy, shape these frameworks, often inclusively or exclusively, thereby affecting coastal communities. The extent of *civil society engagement and the protection of ocean defenders* are key factors, as is the recognition of customary rights of Indigenous peoples and small-scale fishers, which are sometimes limited or criminalized by these frameworks or their biased implementation. Understanding *governance gaps and compliance issues* is also crucial; this includes investigating local, national, and international mechanisms that contribute to environmental and human rights issues, assessing the effectiveness of regulations in protecting human rights within ocean economies, and analyzing state compliance with laws aimed at marine environment protection, ensuring non-retrogressive and non-discriminatory measures.

Theme 2: human rights and ocean defenders

Procedural rights and inclusive decision-making in ocean governance involve evaluating the incorporation of access to information, participatory decision-making, and access to justice within legal and policy frameworks, while assessing the effectiveness of these processes in addressing power imbalances and inequalities. This includes investigating the implementation and impact of Free, Prior, and Informed Consent (FPIC) for Indigenous peoples and effective consultation with other affected groups. *Recognition and protection of marine-related human rights* requires assessing public authorities' commitment to safeguarding the rights of coastal communities, evaluating state measures to protect these rights from negative marine policy impacts, and investigating the recognition and protection of customary tenure and access rights of small-scale fishers and Indigenous peoples. *Business responsibilities in ocean governance* necessitate analyzing the effectiveness of national regulations and businesses' adherence to international human rights standards, assessing the need for ocean-specific guidelines, examining the impact of international investment law on human rights and environmental protection, and exploring state–corporate relations in the criminalization of ocean defenders.

Theme 3: experiences and protection of ocean defenders

The *struggles of ocean defenders* amidst an expanding ocean economy and increasing conservation efforts are critical for just and sustainable ocean governance, including advocacy for food sovereignty and small-scale fisheries. Ocean defenders face numerous *threats and violence from governments and the private sector*, including silencing and criminalization tactics, necessitating research efforts to document and address these abuses, while facilitating conflict resolution processes to increase their protection and advocacy. Supporting the *political autonomy and agency of ocean defenders* is key to ensuring their effective participation in ocean governance. This means further exploring ways to empower defenders in shaping their agendas, exercising legal rights over coastal and marine territories, and increasing public attention to their causes through civil society organizations. In turn, this implies assessing the *risks and benefits of allyship with external entities* and ensuring alignment with ocean defenders' priorities. Further research can also better evaluate *protection strategies and methods* against the criminalization of ocean defenders, and investigate the effectiveness of state and non-state actors in supporting defenders, corrupt relations between states and corporations, non-judicial grievance mechanisms, and strategies to ensure perpetrators of human rights abuses are held accountable.

Ethics and methods

Normative commitments to knowledge co-production suggest that transdisciplinary, qualitative, and participatory approaches such as community-based and action research methods are best suited to align research with the priorities of ocean defenders. Yet, legal reviews, comparative studies, and quantitative analyses can also be used to provide a broader picture of the challenges they are facing, identify some of the

main factors at play in their criminalization, and gain more policy traction for their effective protection. Finally, special consideration should be given to gender, age, and intersectional approaches.

Participatory methods

Careful methods informed by strong ethical considerations are critical for studies of the criminalization of and solutions to the issues facing ocean defenders. Satizábal et al. (2021) highlight the ethical challenges faced by researchers regarding small-scale fishers, emphasizing the need to navigate complexities responsibly. This calls for the cultivation of reciprocal relationships and careful attention to the contexts in which researchers and ocean defenders operate, with frequent risk evaluations. Research topics and questions should be defined or at least validated by ocean defenders to fit their needs or priorities. Research methods should integrate storytelling from ocean defenders, avoid reductionism, and involve a careful representation of people and practices. Collaborative approaches are key and should draw from anti/decolonial methodologies, feminist political ecology, Indigenous scholarship, and Black and Latinx geographies. Consideration should not only be given to the legal and policy implications of the research, but also to practical “on-the-ground” implications given the vulnerability and risks faced by many ocean defenders in their everyday lives. This notably requires adherence to communication ethics that will avoid greater exposure to potential harm. Researchers should be attentive to the emotional dimensions of interviews and their impacts on potential interviewees, and provide for the well-being of and self-care opportunities for defenders.

More fundamentally, academic researchers should recognize ocean defenders as knowledge holders and knowledge co-producers. Researchers should consider how to genuinely involve defenders in the earliest stages of research co-design and iteratively throughout the research project, and meaningfully reward their time and contributions. This approach, in turn, requires that researchers negotiate and/or influence research funders to create flexibilities in research budgets and conditions to allow for such preliminary co-design processes and iterative research collaborations. Collaborative research based on the co-creation of knowledge is needed to support resistance efforts. Participatory methods help shield leaders by supporting them in their struggles, going from individual to collective.

Ethical considerations should permeate research methodologies, team dynamics, discursive constructions, and the communication of outcomes. The aim of collaborative research should be to support struggles by ocean defenders and contribute to policies promoting human rights and ocean sustainability.

Legal reviews

Reviews of legislation, regulation, and case law can help assess the relative effectiveness of protection of ocean defenders, legal barriers to their recognition, and opportunities to enhance their protection, and identify the legal tools and processes used to criminalize defenders. Such reviews can also assess factors influencing relative

access to legal support for ocean defenders. In a systematic analysis of human rights violations of small-scale/artisanal fishing communities analyzed by the Colombian Constitutional Court, Figueroa et al. (2024) reveal the role of the state in favoring the economic interests of powerful economic sectors, while promoting the expansion of the ocean economy at the expense of the lives, basic needs, and ways of living of marginalized coastal communities. Beyond reviews, proactive legal and quasi-legal processes can also be initiated. For example, civil society organizations hosted a participatory International Tribunal on the Impacts of Blue Economy in Indian Ocean Countries in five countries. The tribunal revealed how the blue economy narrative was excluding coastal populations, leading to dispossession, undermining rights, and producing conflict (WFFP 2021). To these ends, it is important to bring together different areas of expertise to conduct legal reviews, including national and international law expertise, history, human geography, environmental justice, and anthropology, as well as diverse knowledge systems (McGarry 2023).

Comparative analyses and mapping

Comparing case studies and countries can help better identify common patterns and differences, including in terms of threats, challenges, and potential for effective actions to protect defenders (Hines 2022, Scheidel et al. 2020). Comparative analyses of ocean governance frameworks and their impact on human rights and ocean defenders in different countries can yield insights into the relative risks faced by ocean defenders. Cross-country case studies, as well as exchanges of experiences among leaders from different communities, can also help identify best practices, challenges, and lessons learned in supporting ocean defenders and promoting inclusive and sustainable ocean governance. Quantitative methods can help analyze a large number of cases, yet be mindful of biased data sources and skewed statistical analysis (e.g., spotlight effect) (Belhabib and Le Billon 2022). Mapping, at diverse scales, can serve as a powerful tool for visualizing, connecting, understanding, and analyzing a broad spectrum of socio-environmental conflict cases where ocean defenders have become part of or led the struggles against capitalist industrial development projects. The Environmental Justice Atlas (EJAtlas), for example, has mapped and collected systematic information on more than 4000 conflicts (see <https://ejatlas.org>; Scheidel et al. 2020), including where fisher communities and organizations have been at the forefront of struggles for Blue Justice (Ertör 2023). Community-led counter-hegemonic mapping should also be considered as a specific methodology for knowledge co-production with ocean defenders, and as a way to directly support them in engaging in marine spatial planning and other forms of ocean governance based on their customary rights and Indigenous or local knowledge (Sunde 2023).

Gender and intersectional approaches

Women are central in defending oceans. For example, women play a key role in protecting near-shore fisheries that are often the most exposed to pollution and access restrictions. Although women encompass a sizable proportion of fish trading and processing workers exposed to stock decline, their work and contributions are undervalued and subjected to historical patriarchal violence and socio-economic marginalization (Sall

2024). Many women are also affected by the growing incarceration of fishers and fish workers, and the militarization of fisheries management and conservation, which also contributes to gender-based violence (Castillo 2019). Women have historically been excluded from state-led decision-making spaces and governance interventions, despite their major importance in fisheries and coastal communities (Macusi et al. 2023). Governments, businesses, and community organizations frequently limit the autonomy of women and tend to exert multiple forms of retaliation—including sexual violence—when their mobilization defies gendered forms of oppression (Mangubhai et al. 2023, Tran and Hanaček 2023). Yet, women ocean defenders are often the prime actors in denouncing abuses and advocating for change. Critical feminist approaches and research are central to understanding the risks faced by women, and by trans and gender-diverse persons, unpacking the power relations and the intersections of gender, race, and class in the context of the growing criminalization of small-scale fishers, and supporting their struggles, redistributing power, and pursuing gender equality (Golo and Erinoshio 2023).

Given growing movements of ocean and ocean-climate defenders that are involving children and young people (Morgera and Lily 2022) and increased “threats, intimidation, harassment and other serious reprisals” against them (Committee on the Rights of the Child 2023), it is important for researchers to familiarize themselves with (and/or receive training on) the UN Convention on the Rights of the Child and the 2023 UN General Comment on Children’s Human Rights and a Healthy Environment (Morgera and Shields 2024, Shields and Morgera 2023a) and methodologies for knowledge co-production with children (Shields et al. 2023). In addition, research on ocean defenders should consider specifically child defenders as “agents of change” whose “demands for urgent and decisive measures to tackle global environmental harm should be realized” (Committee on the Rights of the Child 2023). Child and youth defenders face specific challenges, including a limited understanding and awareness of the negative impacts of ocean degradation on their human rights (Strand et al. 2023). This often results in a limited range of allies to support them and their rights (Shields and Morgera 2023b). Equally, it is necessary for research on ocean defenders to specifically consider how to address “entrenched ageism in the human rights movement” (Lawlor 2024: 2) and ensure heightened levels of protection for specific age groups (Lundy 2020). To that end, researchers should promote intergenerational collaboration and mentorship, support and collaborate with child- or youth-led defender initiatives, collect age-disaggregated data, extend well-being and self-care opportunities to child and youth human rights defenders, and create safe and enabling spaces for child and youth defenders (Lawlor 2024).

Conclusions

The rapid and unchecked expansion of the ocean economy is producing environmental injustices and human rights issues around the world. Globally, ocean defenders, including women and young people, are at the forefront of efforts to resist these threats, yet they are being marginalized, silenced, stigmatized, threatened, criminalized, and

even murdered. Threats and harm to their families and communities are a common occurrence. Recognizing, supporting, and protecting ocean defenders is thus essential for advancing socio-environmental justice and human rights in ocean governance. However, our knowledge of the situation facing ocean defenders and how to address these issues is limited. This chapter outlines key research areas to better understand interactions between ocean governance, human rights, and ocean defenders. While methodologies should be adapted to the research questions being asked, they should also reflect the concerns and aspirations of ocean defenders and therefore be co-developed with them. Ethical considerations in this regard should not only promote the co-creation of knowledge with ocean defenders to ensure relevance but also guarantee the security and well-being of ocean defenders and their communities through iterative research co-design and meaningful benefit-sharing. Equally, attention needs to focus specifically on preventing discriminatory practices in these research endeavors. Translation of research findings, innovative knowledge co-production, and solidarity practices integrated into policy and practice should be priorities to ensure that ocean defenders benefit from greater agency and more effective protection.

Acknowledgements

NJB and RLL acknowledge support via a grant from the David and Lucile Packard Foundation and the Coastal Renewal Society to the Ocean Defenders Project; PLB, DB, NJB, LMSD, and PS acknowledge support from the Social Sciences and Humanities Research Council via the Fishy Crimes Project.

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