**The One Ocean Hub’s submission to**

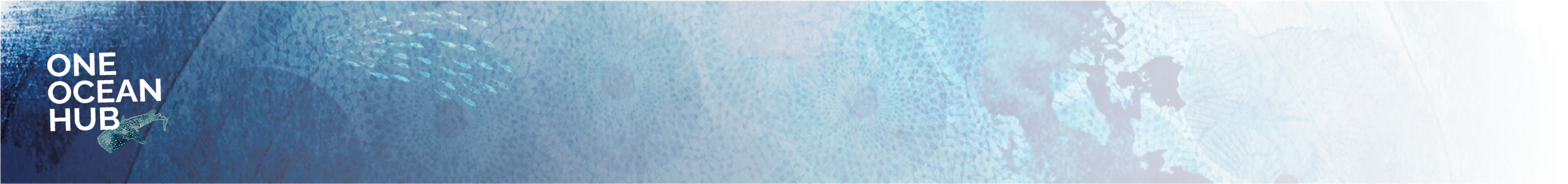
**the report of the UN Special Rapporteur on the Right to Food focusing on securing sustainable small-scale fisheries**

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**Background information on the One Ocean Hub**

The [One Ocean Hub](https://oneoceanhub.org/) is an international programme of research for sustainable development, working to promote fair and inclusive decision-making for a healthy ocean whereby people and planet flourish. The Hub brings together coastal people, researchers, decision-makers, civil society, and international organisations to value, and learn from, different knowledge systems and voices in Ghana, Namibia, and South Africa. The Hub is funded by UK Research and Innovation (UKRI) through the Global Challenges Research Fund (GCRF), and is led by the University of Strathclyde, UK. It gathers 126 researchers from 21 research partners, and 19 project partners including UN bodies.

**Scope and rationale of this written submission**

The One Ocean Hub has worked closely with the UN Food and Agriculture Organization of the UN (FAO) and the UN Office of the High Commissioner for Human Rights in 2022-2023 to clarify the content of the human rights of small-scale fishers and the need to ensure a coherent interpretation of their inter-connected human rights in the implementation of the SSF Guidelines – see 2022 [joint policy brief](https://www.fao.org/3/cc3251en/cc3251en.pdf). Against that background, this submission addresses the first two questions posed by the Special Rapporteur.

1. **Main human rights challenges facing small-scale fishers**

In Ghana, South Africa and Namibia and in the Caribbean, we have found that the misrecognition and disrespect of **the cultural rights of small-scale fishers** (their spiritual and cultural connections to marine spaces, their distinctive knowledge systems, and their customary laws) – within and outside the fisheries sector – is one of the root causes of the violations of their right to food, as well as their participation in relevant policy processes (see also UN Doc A/77/290, paras 63 and 68).[[1]](#footnote-1)

In that connection, we also found that the lack of **strategic environmental assessments** for various policy areas that negatively affect fisheries and marine biodiversity (such as mining, infrastructure development, tourism), as well as the lack of national legal requirements for **environmental impact assessments** (EIAs) for large-scale fisheries[[2]](#footnote-2) contributes to a generalized lack of consideration of small-scale fishers’ right to food, and other social and cultural rights, by public authorities.

Further, we found that small-scale fishers are stigmatized, threatened and attacked for protesting against unsustainable and exclusionary developments of the blue economy that would violate their human right to food. Instead, they should be recognised and protected as **environmental human rights defenders** (“[ocean defenders](https://oceandefendersproject.org/)”) and their underlying contribution to the protection of everyone’s human right to a healthy environment should be acknowledged.[[3]](#footnote-3)

The human rights of **women and children** in small-scale fisheries[[4]](#footnote-4) present particular challenges, that should be acknowledged in the implementation of the SSF Guidelines including in the light of the 2023 UN General Comment on Children’s Rights and a Healthy Environment.

Finally, we are [concerned](https://oneoceanhub.org/wp-content/uploads/2023/10/Policy-Brief-WTO-Fisheries-Subsidies_26.10.23.pdf) that the implementation of the recent **WTO Agreement on Fisheries Subsidies** mayfurther undermine the protection of small-scale fishers’ right to food, due to lack of understanding of the human rights implications of removing harmful fisheries subsidies, particularly when the small-scale and large-scale fisheries sectors overlap in complex ways. On the other hand, there is an opportunity to recommend that States re-invest financial resources mobilized by the removal of subsidies into the implementation of the SSF Guidelines and the realization of small-scale fishers’ human rights.[[5]](#footnote-5)

1. **Good practices that have strengthened the recognition, protection and remedies for small-scale fishers**

We have co-developed various partnership approaches between small-scale fishers, academic researchers and NGOs to strengthen the protection of small-scale fishers’ human rights:

* art-based research approaches to document violations of small-scale fishers’ rights and their cultural connections to the ocean, to inform public debate and decision-making (see [empatheatre](https://oneoceanhub.org/wp-content/uploads/2023/10/Impact-Story-Empatheatre-Lalela_12.10.23.pdf) in South Africa;[[6]](#footnote-6) [documentary](https://oneoceanhub.org/wp-content/uploads/2023/10/Impact-Story_Ghana_Cocooned_12.10.23.pdf) on fishers’ songs in Ghana; [documentary](https://oneoceanhub.org/wp-content/uploads/2023/11/Impact-story_9_Topnaar_07.11.23.pdf) with displaced Indigenous peoples in Namibia). Some of the resulting art works have been successfully used as [evidence](https://oneoceanhub.org/participating-in-seismic-shifts-in-ocean-research-and-advocacy-collaboration-in-south-africa/) in [litigation](https://oneoceanhub.org/the-outcome-of-the-shell-seismic-survey-case/) in South Africa;
* Networks of small-scale fisher leaders, environmental justice organizations and academics responding collaboratively and strategically to a range of threats and violations of small-scale fishers’ human rights, and to support [ocean defenders](https://oceandefendersproject.org/case-study/no-to-seismic-surveys/), such as the [Coastal Justice Network](https://coastaljusticenetwork.co.za/) in South Africa;[[7]](#footnote-7)
* [Pop-up clinics](https://oneoceanhub.org/wp-content/uploads/2023/10/Impact-Story_Ghana_Humanrights_SSFs_12.10.23.pdf) to provide women in small-scale fishing communities legal advice, and direct academic research and action towards their legal needs.

We believe that these methods can be [integrated](https://oneoceanhub.org/what-do-arts-based-research-approaches-offer-for-the-protection-of-the-human-rights-for-small-scale-fishers/) in formal decision-making processes at the national and international levels, and have tested some of them in partnerships with the UN [Climate Change Secretariat](https://www.newton-gcrf.org/impact/stories-of-change/one-ocean-the-power-of-storytelling-at-cop27/), [FAO](https://oneoceanhub.org/what-we-learnt-at-the-closing-of-the-international-year-of-artisanal-fisheries-and-aquaculture/) and the UN Division on [Ocean Affairs](https://oneoceanhub.org/i-took-my-ancestors-to-the-united-nations-and-shared-why-storytelling-is-the-sacred-medicine-ocean-governance-needs/) and the Law of the Sea.

1. Christoffels-DuPlessis et al, “Navigating a sea of laws: the quests of small-scale fishing communities in Ghana and South Africa for protecting their customary rights” in Rose Bosewell et al (ed), *The Palgrave Handbook of Blue Heritage* (Palgrave, 2022), 325; H Golo et al, ‘Integrating communities' customary laws into marine small-scale fisheries governance in Ghana: Reflections on the FAO Guidelines for Securing Sustainable Small-Scale Fisheries’ (2022) 31 Review of European, Comparative and International Environmental Law (RECIEL) 349-359; and A Malinde S.N. Lancaster, ‘Out Of Their Depth & O-fishally At Sea? The Privy Council’s Judgement in Framhein & Mussington, and the Implications for Customary Users of the Ocean in Post-Colonial Caribbean States’ (2024) *International & Comparative Law Quarterly* (forthcoming)**.** [↑](#footnote-ref-1)
2. J Nakamura, D Diz and E Morgera, “[International legal requirements](https://onlinelibrary.wiley.com/doi/full/10.1111/reel.12462) for environmental and socio- cultural assessments for large-scale industrial fisheries” (2022) 31 *RECIEL* 336-348 [↑](#footnote-ref-2)
3. N Bennet et al, ‘[Ocean defenders](https://www.frontiersin.org/articles/10.3389/fmars.2022.1089049/full) and human rights’ (2023) 9 Frontiers in Marine Sciences. [↑](#footnote-ref-3)
4. Golo and Erinosho, “[Tackling the Challenges](https://www.sciencedirect.com/science/article/abs/pii/S0308597X22003967) Confronting Women in the Elmina Fishing Community of Ghana: A Human Rights Framework” (2023) 147 Marine Policy; Morgera and Nakamura, “Shedding a Light on the Human Rights of Small-scale Fisherfolk: Complementarities and Contrasts between the UN Declaration on Peasants’ Rights and the Small-Scale Fisheries Guidelines” in *Mariagrazia Alabrese, Adriana Bessa, Margherita Brunori, and Pier Filippo Giuggioli* (eds), *Commentary on the Declaration on the Rights of Peasants* (Routledge, 2022). [↑](#footnote-ref-4)
5. Switzer, Morgera and Webster, “[Casting the net wider](https://onlinelibrary.wiley.com/doi/epdf/10.1111/reel.12477)? The transformative potential of integrating human rights into the implementation of the WTO Agreement on Fisheries Subsidies” (2022) 31 RECIEL 360-373. [↑](#footnote-ref-5)
6. K Erwin, T Pereira, D McGarry, and N Coppen, ‘Lalela Ulwandle: An experiment in plural governance discussions’ in R Bosewell et al. (ed), *The Palgrave Handbook of Blue Heritage* (Palgrave, 2022), 383-409. [↑](#footnote-ref-6)
7. T Pereira and K Erwin, ‘[Surfacing solidarity](https://www.tandfonline.com/doi/full/10.1080/26395916.2023.2260502) praxis in transdisciplinary research for blue justice’ (2023) 19 Ecosystems and People. [↑](#footnote-ref-7)