

The Human Rights of Small-scale Fishing People

Small-scale fishing people need bold initiatives and collective action in the long march to securing their rights

In the part of the world where I come from, which is the high North, there is an increasing concern for the fate of small-scale fisheries. Will they survive under the pressures of globalization, industrialization, climate change and so forth? Are their local communities doomed?

A problem, as I see it, is this: Since small-scale fisheries and communities in the Western world and in the North are part of countries that are economically well-off and with governing systems that work relatively well, the assumption is often that there is no real reason to worry about them. Whatever happens to small-scale fishing people, there is a welfare State to guarantee that they are fine, and that their communities and cultures are safe.

To this, one may quote from a popular song lyric: "It ain't necessarily so." Also in the North, small-scale fishing people, be they indigenous or non-indigenous, are being marginalized and disadvantaged, to the extent that, in many instances, they are becoming extinct. It also happens, for many of the same reasons, that small-scale fishing people in the tropical South are becoming marginalized. Therefore, the solutions that we may perceive and propose for small-scale fishing people in the South would largely be the same as for those for the North, for instance, solutions pertaining to rights.

At the Global Conference on Small-scale Fisheries, organized by the Food and Agriculture Organization of the United Nations (FAO) and the

Department of Fisheries, Thailand, we listened to powerful arguments, looked at striking posters and saw people wearing T-shirts stating that fishing rights are also human rights. In the past, the perception of fisheries rights was typically limited to a handy management tool. Fishing rights have also been seen as something that a benevolent government hands out to fishing people.

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human-rights perspective is a very different one: It states that people have rights to begin with, and that these rights are intact regardless of what governments do or are willing to accept. This is because human rights are fundamental and universal. The sad fact is, however, that 60 years after the Universal Declaration of Human Rights, we still are witnessing severe human-rights violations being committed on peoples around the world, including fisherfolk.

Respecting human rights

I am not sure if we can say that we are moving in the right direction as far as respecting human rights is concerned. There is still a long way to go until it is generally recognized that fishing

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rights are also human rights. The recent decision of the United Nations Human Rights Commission regarding Iceland's fishing quota system testifies to this fact (see *SAMUDRA Report* No. 49, March 2008). Needless to say, fishing rights that contradict basic human rights are not acceptable, and will not be sustainable.

Notably, it is a very positive development that the UN General Assembly last year adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). It is a statement of historic significance that should inspire small-scale fishing people, regardless of their ethnic background. I say this despite the fact that in the final text of the Declaration, the language pertaining to rights to marine resources and sea space was considerably watered down from what was stated in the draft that had been circulated in the years prior its final inauguration.

In the draft text of UNDRIP, paragraph 26 read: "Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora, fauna and other resources,

which they have traditionally owned, otherwise occupied, or used." Then, in the wording that was finally approved, the direct reference to the seas was removed. The same paragraph now reads: "Indigenous peoples have the right to own, use, develop, and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired."

Given the history of oceans and marine resources as open access, and the reference to sea space as no one's property, in contrast to land and terrestrial

resources, for indigenous small-scale fisher peoples, the altered language is less reassuring. Will they have the same rights to their fishing grounds as to their forests and agricultural land? Let us hope so. However, I am not all that proud of the role that my own government, that of Norway, played in this. Neither was I very impressed by the Nordic indigenous Sami representatives. They did not stand up for the marine rights with the determination and vigour that one would have expected. But it may have been a necessary compromise in order to save the Declaration. It was after all a hard bargain, with the United States, Canada, Australia and New Zealand voting against. (Their arguments for going against the Declaration can be found at http://en.wikipedia.org/wiki/Declaration_on_the_Rights_of_Indigenous_Peoples.)

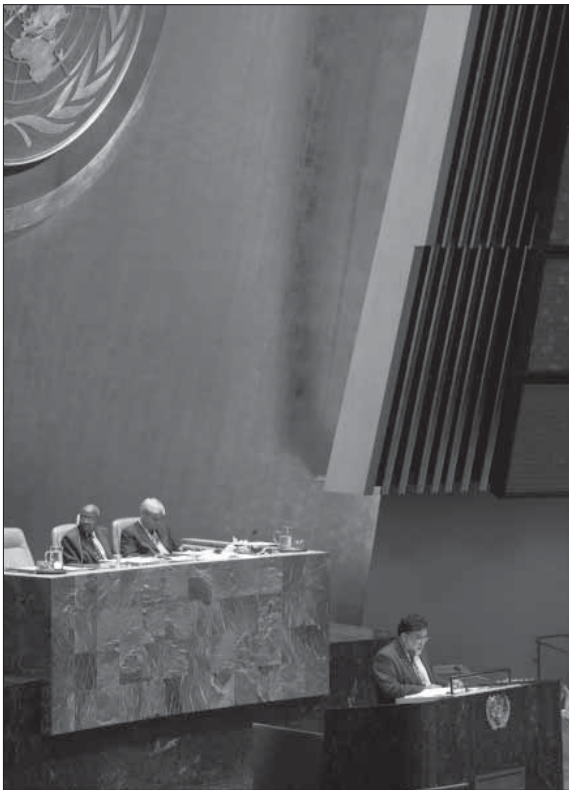
Nonetheless, the Declaration does contain important principles regarding indigenous peoples' rights to livelihoods, culture, natural resources and self-determination. In the negotiations, the letter 's' in 'peoples' proved a tough nut to crack because it determines whether we are talking about individual or collective rights. In the final text, however, the 's' stayed, to the relief of indigenous peoples around the world.

Since UNDRIP is drawn from human-rights legislation and principles that are universal, these rights have broader relevance than the Declaration might suggest. Non-indigenous populations share many of the same concerns and problems that the Declaration addresses. It would, therefore, be a great achievement if small-scale fishing people could come up with a similar declaration.

Good start

The Statement of the Civil Society Preparatory Workshop, prior to the 4SSF Conference, actually reads as one, so we may have a good start there. Even if declarations belong to what is called "soft law" and are, therefore, not as binding as, for instance, a UN Convention, they do create political space for those concerned, and put pressure on governments to act upon them.

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Les Malezer, Chairperson, Global Indigenous Peoples Caucus to the United Nations, addressing the UN General Assembly

BRODDI SIGURDARSON/UN



Indigenous peoples gathered at the United Nations General Assembly hall celebrating the adoption of the UN Declaration on Rights of Indigenous Peoples, September 2007

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If such a declaration is what the world of small-scale fishing people should decide to go for, a lesson from the process that led to UNDRIP is that one should be prepared for a long haul. That declaration took a long time to develop. It did not emerge by itself or because governments championed it. Rather, it came as a result of decades of struggle by the indigenous movement.

Small-scale fishing people deserve bold initiatives that work, and they need them fast. Their communities and cultures are not as resilient as we tend to believe, particularly under the new threats that they are now facing. Rather, they are vulnerable, and are not as easily restored once they are broken. A culture lost is forever lost, as with biodiversity. A declaration may be an instrument of committing governments to secure the 'rights to life' of small-scale fishing people, as many called for at the Bangkok conference.

Support from outside civil society, as from FAO, for instance, is essential because powerful interests would be working against such a declaration.

Academics would also be important allies, as they were with UNDRIP. The knowledge that academic research creates is vital in describing situations, defining problems, highlighting issues and bringing them to the table. Small-scale fishing people need all the friends they can muster to work collectively on all fronts in the long march to securing their rights. 3

For more



en.wikipedia.org/wiki/Declaration_on_the_Rights_of_Indigenous_Peoples

Wikipedia

www2.ohchr.org/english/issues/indigenous/

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