



CAOPA-CFFA joint contribution to “Let’s be Nice to the ocean” initiative

In this joint contribution, the African confederation of artisanal fishing organisations (CAOPA) and the Coalition for Fair Fisheries Arrangements (CFFA), two organisations that took part in UNOC 1 and 2, highlight two main concerns in international ocean governance, and in particular in the content and organisation of the UNOC and its potential outcomes, and suggest two recommendations to address these concerns.

1. CONCERNS

a) The power imbalance in ocean governance decision making

Decision-making on conservation of the ocean should first and foremost ensure those that are most affected by decisions participate in a transparent, participative and gender-inclusive way. Coastal communities, particularly small-scale fishers -who are the biggest group of ocean users and have a vast traditional and practical knowledge about it - are the ones who need to shape the decisions around the ocean.

However, it is ever more complicated for civil society, indigenous peoples, local communities, or small-scale producers to engage in the decision-making processes, as attending an increasing number of international conferences (including preparatory conferences) around ocean conservation requires time, funds, efficient organisation, but also a good understanding of the functioning of these processes. For example, time, funds, and efficiency are required or fishers to go through the burdensome processes of obtaining visas and despite the efforts, in many cases, visas are still denied to bona fide artisanal fishers’ representatives.

In a recent [article](#), Bianca Haas and colleagues, unveil the **challenges to ensure inclusivity and meaningful participation of all actors in ocean governance and point at several factors such as the use of English language, the size of the delegation at the meeting, or the ability to steer the narrative**. At the last UNOC conference we also [pointed at these problems](#).

In the existing ocean governance frameworks, the corporate sector along with big International Environmental NGOs has largely taken over the narrative of the conservation of the ocean, which is to be “championed by *all stakeholders*” including the same industries, like fossil fuel exploitation companies, that have caused and contribute to climate change and biodiversity loss in the first place. These industries are “*using their power to transform existing frameworks in a way that works for them*”, including via their foundations and philanthropic organisations, pouring millions into a top-down type of conservation with money that comes from the same system that continues profiting from the unremitting exploitation of natural resources. We see the same trends repeated in other related fora, such as climate COPs.

It needs to be noted that the UNOC 2 final declaration largely ignored human rights¹ and the fact that there are people that have lived of and protected the ocean for centuries. Indeed, coastal

¹ The word “human rights” is not mentioned even once in the declaration, even though some aspects such as the women’s right to participation are mentioned. A future declaration should take wording from the CBD GBF and its focus on **human rights-based, gender-responsive and socially equitable biodiversity conservation**.

communities and small-scale fishers have a right to a safe, clean, healthy, and sustainable environment – a right now acknowledged within the UN system.

It is very problematic that industries are bringing their corporate culture into conservation. Neither corporate businesses involved in the destruction of oceans nor their foundations have practice in human rights, democracy, and deliberative processes, and they have little understanding of the concept of “free, prior, informed consent”: they appreciate the importance of “including marginalised groups” but, they will try to make them “buy into” the projects decided at the top, and see their participation more as a way to decrease potential threats to the success of their projects.

b) Unsustainable growth

What these industries seek is to combine ocean conservation with the protection of their assets and activities, arguing that some ocean-related industries have the potential to be expanded albeit “sustainably”. The terms have evolved into new forms of “greener blue” to hide the fact that the focus continues to be on growth. However, decoupling growth from ecological degradation is an oxymoron.

On the other hand, “innovative” forms of financing conservation, such as [debt-for-ocean swaps](#), are posing threats to sovereignty and democracy, green-wash odious debts, reduce aid and public spending for conservation, while benefitting almost exclusively the creditors and investors, making the rich richer.

Artisanal fishing organisations and civil society organisations are deeply concerned about this “blue acceleration”, this ruthless competition over the use of oceans, a race among diverse and often competing interests for ocean food, resources and space. The divergence of interests that is driving the blue economy push, and in consequence, marine spatial planning decision-making, is endangering the most vulnerable stakeholders. Small-scale fishers have coined the “blue fear” concept: which is what they feel as they face the competition of deep-sea mining, oil and gas exploitation, industrial fisheries, maritime transport, tourism, or industrial aquaculture.

2. RECOMMENDATIONS

a) The urgent need for a human-rights-based approach

“Ultimately, it is impossible to separate conservation from human rights”, concludes the UN Special Representative on the right to food in his recent [report](#) on Fisheries to the 55th session of the Human Rights Council. In it, he also highlights the *“commodification and financialization of the oceans”* and the threats they pose to human rights².

For example, we agree with the recent report published by the [Let’s be Nice to the ocean](#) initiative that the burden of proof should be placed *“on those who wish to pursue extractive or polluting activities”*, with what they call the “Protection principle”. However, **such a principle might place a disproportionate burden of proof over coastal communities who are the primary users of the ocean.** These coastal communities, due to their vulnerability, invisibility, and marginalization, have little funds or data to prove their sustainable use, yet they have been using the ocean sustainably for millennia. **It is essential that the rights of coastal communities are recognized regardless of their**

² See also the UN special rapporteur on human rights and the environment and his many reports and statements on the issue: <https://www.ohchr.org/en/special-procedures/sr-environment>

ability to prove the sustainability of their activities. This “Protection principle” will increase competition for marine exploitable spaces: proving will be costly, burdensome, and lengthy, and therefore easier for the more powerful stakeholders. Besides, there are already mechanisms in place, such as Environmental Impact Assessments which place the burden of proof on those that want to exploit natural resources.

Indeed, **what is needed in international ocean governance is an effective human rights-based approach. Prior to any decision, new investment, or ocean use, what needs to be guaranteed are the title, tenure, access, and resource rights of coastal communities,** who depend on access to the ocean for their livelihoods. Human Rights Based Approaches (HRBA) which ensure first the protection of the rights of SSF reduce the chances of inequitable outcomes.

The tools to implement a HRBA are already accessible, states and other stakeholders simply need to uphold the commitments they have already taken publicly. In his [report](#), the UN Special Rapporteur on the right to food calls States to “*respect, protect and fulfil Small-scale fishers’ and Indigenous Peoples’ customary tenure rights, [...] fully implementing the [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication](#)”.* Additionally, they should also “*ensure that small-scale fishers, Indigenous Peoples and fish workers – especially women – are consulted in good faith and are empowered to actively, freely and meaningfully participate in all decision-making processes that may affect their lives, land and livelihoods*”.

b) How to ensure a meaningful participation of coastal and small-scale fishing communities

One of the key obstacles to their meaningful participation at the 2nd UNOC conference was the lack of interpretation available for participants – small-scale fishing representatives could only have it if they had a seat in the plenary room. All the other side-events were exclusively in English, including the one on small-scale fisheries! However, it is important that fishers can participate in all the meetings that concern them – and **what concerns them should not be decided by others.**

Small-scale fishers have adopted [Rules of conduct](#) (2023) of what it means for SSF partners to work with them to protect the ocean. In it, they recall the importance of their rights, their participation, and their voice. In them, fishers ask of their partners and governments that when “*there are decisions made about conservation that concern us and we are not involved; support us to fully participate (such as transport, interpretation, and other means)*”. They also demand that “*the venues and languages selected for making decisions affecting us are suited to us and not the other way around*”.

One of the common answers to the question of interpretation is the lack of funds. However, budgeting is an exercise that is done by prioritizing budget lines. We believe that **any call for contributions for civil society and that aims at being representative of the global community³ should be accessible to at least a few of the most spoken languages in the world. For meaningful participation, it essential that interpretation and translation is given a priority in the allocation of funds.**

³ There are other factors that play into it; however, it is worrying that 62% of the respondents to the Call to all the voices of the ocean were European (see page 7 of the report). Geographically, this is not diverse. Most of small-scale fishers are in the developing world. <https://ocean-climate.org/wp-content/uploads/2023/10/SYNTHESIS-REPORT-A-Call-to-All-the-Voices.pdf>