



Conservation and the right to fish: International conservation NGOs and the implementation of the Voluntary Guidelines for securing Sustainable Small-Scale Fisheries



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ABSTRACT

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF-Guidelines) were agreed with extensive input from small-scale fishers themselves, and hold great promise for enhancing both small-scale fishers' human rights and fisheries sustainability in a meaningful and context relevant manner. However, this promise will not be fulfilled without continued input from fishing communities as the SSF-Guidelines are implemented. This paper proposes that international conservation NGOs, with their extensive geographical and political networks, can act as a conduit for communication between small-scale fishing communities and other parties and thus catalyse implementation of the Guidelines. In order to do so, they will first need to demonstrate a genuine commitment to people-as-well-as-parks and the human rights based approach espoused in the SSF-Guidelines. This paper reviews current engagement of international conservation NGOs with human rights in fisheries; looks at their potential motivations for doing more; and identifies challenges in the way. It concludes with a proposal for how international conservation NGOs could play a critical part in catalysing the implementation of the SSF-Guidelines.

1. Introduction

The contributions of small-scale fishers are still undervalued, underreported, and consequently overlooked in fisheries policy, despite recent efforts to address this [1–4]. In 2014, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (the “SSF-Guidelines”) were introduced as a potential game-changer, with ambitious goals to promote and support the development of small-scale fishing communities in a manner that is both environmentally and socially sustainable [5]. The SSF-Guidelines propose a human rights-based approach to achieve this. The adoption of the SSF-Guidelines was the result of widespread international agreement amongst states, but also represented the culmination of many years of “bottom-up” consultation, involving representatives of small-scale fishers, fish workers, researchers, Government, CSOs, NGOs and others [5,68]. Both the FAO, who facilitated the creation of the guidelines, and members of the research community now suggest that this collaborative effort (in particular the participation of small-scale fishers and fish workers themselves) must continue in order for the SSF-Guidelines to be successfully implemented and remain relevant to the fishing communities that they

aim to benefit [7–9].

Although efforts are beginning to exchange knowledge and success stories between communities, to date most actions to implement the SSF-Guidelines have centered on their incorporation into regional guidance and national legislation [9,10]. This is of course essential for their long-term enforceability and reflects the mandate and inter-governmental approach of the FAO. Yet, one of the main reasons small-scale fishing communities have been overlooked in the past is their isolation from, and lack of access to, national Government and the law [7,11]. Therefore, if the SSF-Guidelines are to have relevance to and material impact on the lives of small-scale fishers, it is vital that more attention is urgently paid to implementation from the ground up, and to linking national, international and regional efforts with such efforts in small-scale fishing communities. The question then arises: How can this be achieved with any expediency, when national Governments (especially in developing countries, where most small-scale fisheries are located) are unlikely to be able to divert time and resources, and may not have the necessary relationships of trust, to start working with small-scale fishing communities overnight?

International conservation NGOs have been working in (albeit, not

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necessarily *with*) small-scale fishing communities in developing countries for several decades. Typically, they also have existing relationships with national Governments, and larger NGOs have a voice in the international policy arena. In recent years, many conservation NGOs have also been building relationships with corporations, which act either as funders or partners [12,13]. This paper therefore starts with the proposition that, due to their existing relationships and position, NGOs could play an important role in the implementation of the SSF-Guidelines at community level, and in forging links between the different organizational levels at which the SSF-Guidelines are being implemented. In doing so, they would provide an important bridge between two scales of governance: ‘customary’ governance at community level, and a ‘legal/formal’ governance at national and international level.

Yet, conservation NGOs have more frequently been associated with human rights transgressions than crusades [14–20]. This presents a significant barrier to them fulfilling the role of facilitator of the SSF-Guidelines: Conservation NGOs may not only have lost the trust of communities, but they may also be reluctant to promote the human-rights based approach taken by the SSF-Guidelines. This barrier may not, however, be insurmountable. In the past decade, the major conservation NGOs have shown willingness to change their ways. Most now have stated aims of implementing conservation measures that are both environmentally and socially sustainable, and have been adding elements of development to their programs for many years [21]. Small-scale fisheries are at the nexus of such conservation and development work, with small-scale fishers in developing countries the target of many a conservation initiative and complementary, or compensatory, development scheme. Given the stated objectives of the SSF-Guidelines to promote socially and environmentally sustainable development of small-scale fisheries, facilitating their implementation falls well within the remit of the current mission statements of most marine conservation NGOs. Indeed, a number of conservation NGOs have already committed to taking the human rights-based approach that is a fundamental element of the SSF-Guidelines. For some of the larger NGOs, this commitment is enshrined in the form of the Conservation Initiative on Human Rights, and the Conservation and Human Rights Framework that was agreed under that umbrella (collectively, the “CIHR”).

In theory, then, the stage is set for NGOs to assist in implementing the SSF-Guidelines. However, ongoing initiatives to set minimum human rights standards for conservation NGOs show that there is still work to be done, especially in terms of translating theory and rhetoric into practice [14]. The following section takes a closer look at how the commitment of conservation NGOs to human rights has played out so far in practice, and what action this suggests in order for them to play a useful role in implementation of the SSF-Guidelines.

2. Human rights in marine conservation: The story so far

2.1. Cross-over of human rights from development to conservation

The story of human rights and conservation NGOs has its origins partly in a different sector: In the development sector, an explicit human rights-based approach to development crystallized in the late 1990s/early 2000s. It was the product of international recognition of the importance of human rights to development (for example, at the World Conference on Human Rights in Vienna in 1993) and a broadening of the concept of development from being purely about economic growth to being a more holistic idea of enhancing peoples’ basic freedoms and capabilities – an idea in line with human rights thinking [22–24]. By the turn of the century, a number of UN agencies (e.g. UNDP, UNICEF), development NGOs (e.g. Oxfam, CARE, ActionAid) and Government funding agencies (e.g. the UK’s DFID) had committed to a “human rights based approach” to development [25]. Although the exact elements of such an approach were (and are) ill-defined, common features include: (i) Explicit reference to human rights, as set out in

international treaties, and including the economic, social and cultural rights that had previously been treated with skepticism by Western powers; (ii) non-discrimination, including a focus on marginalised groups (such as women and children) and more equal distribution of resources; (iii) participation as an empowering process; and (iv) accountability and the rule of law [22,27,33]. Of these, the grounding in an international legal framework stands out as a major difference between the human rights-based approach and other approaches to development: In theory, the universal framework, to which a majority of states have consented, provides a common understanding for what development should entail, and a legal basis from which to confront power imbalances and inequality and re-politicize development work [22,23,28,33]. The extent to which the human rights-based approach to development has lived up to this promise or, indeed, changed anything about development at all, is frequently questioned, as discussed below in relation to the challenges facing a rights-based approach to conservation.

The human rights- based approach to development blossomed at a time of turbulent relations between conservation and development practitioners. Despite a burgeoning “sustainable development” dialogue, the two sectors were diverging: In development, an increased emphasis on developing country ownership of the agenda had shifted funds away from conservation projects; at the same time, conservation practitioners were starting to become disillusioned with working with people, as practices of community conservation were labelled as ineffective for achieving conservation goals [21,29]. This divergence reignited a longstanding debate over the relative importance of conservation and poverty relief at both international and local scales - a debate that came to a head at the 5th IUCN World Parks Congress in Durban in 2003 [21]. The Congress was well attended by community and indigenous groups, who took the opportunity to secure preliminary commitments from conservation organizations to respect their human rights and promote development alongside conservation work [30]. Following further revelations of human rights transgressions in conservation, and a number of subsequent IUCN resolutions dealing with rights-related issues, the discussions of human rights that had begun at the Congress resulted in a firm commitment in 2009 to a human rights-based approach by the eight biggest conservation organizations: the Conservation Initiative on Human Rights (“CIHR”) [21,30,31]. The CIHR was conceived by Nick Winer, an ex-employee of Oxfam [32]. This, together with collaborations with the development sector (e.g. WWF-CARE alliance) and increasing funder requirements for conservation to make a tangible contribution to poverty reduction, has brought the experiences of the human rights-based approach in development to the conservation world [29,30].

2.2. Implementation of the CIHR

In development, a human rights-based approach has always meant different things in different organizations [33]. Even a cursory review of the public statements made by the largest conservation NGOs in relation to the CIHR and human rights shows that, in conservation too, there is no unified view of what a human rights based approach entails – hence the ongoing efforts to define how human rights should be applied in conservation in more detail [14]. Tables 1(a) and 1(b) summarises the publicly stated approaches of the five conservation NGOs who are both party to the CIHR and include marine conservation/fisheries in their remit. The collection of information consisted of an extensive consultation of public documents available from the NGOs, including a systematic review of their websites and other publications relating to the CIHR, including a recent White Paper on implementation [30] (see [Supplemental Materials](#) for further description of the review process and links to the material relied upon). The review was conducted with a specific focus on the NGOs’ application of the rights-based approach in the fisheries sector to date. The purpose is to consider the readiness of the international conservation NGO sector to

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