

Grabbing Oceans

As reserves grow in number and size in continental and marine areas, it is necessary to examine the human-rights issue of exclusion of people

For the past 20 years, since the 1992 Rio Earth Summit, many biologists and environmental non-governmental organizations (ENGOS), powerfully supported by foundations, international organizations, public agencies, private donations, and, increasingly, multinational companies, have imposed the idea that one of the best ways to preserve marine biodiversity and fisheries resources is to increase the number of no-take reserves and marine protected areas (MPAs).

After imposing this model on terrestrial ecosystems and constantly demanding an extension of reserves

within ENGOS themselves, there are debates on the compatibility of their action with human rights.

Promoting no-take reserves to protect biodiversity is based on two concepts developed in the United States—the ‘wilderness’ and the ‘tragedy of the commons’. The tragedy of the commons’ was theorized in a famous article by Garrett Hardin in 1968, always cited, but rarely in its entirety, because there are some stunning passages: “If we love the truth, we must openly deny the validity of the Universal Declaration of Human Rights, even if it is promoted by the United Nations.”

The reference to the ‘tragedy of the commons’ is linked to the enclosure movement in 18th-century Great Britain, which dispossessed thousands of peasants of their collective rights to land and common resources, for the benefit of landowners and industrialists.

Today we are witnessing a similar process in marine and coastal areas. Beneficiaries include not only powerful companies interested in mineral and living resources, but also ENGOS, promoters and sometimes reserves managers, often related to tourism interests, and funded by multinational corporations.

For them, fishermen do not have rights to common resources, as these common goods are mostly public property, and only the State, on behalf of the nation, can assign privileges and authorizations, under financial and or ecological conditions.

Common heritage

Reference to biodiversity as the common heritage of humanity turns against those who have enjoyed for centuries shared resources under

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(from 17 per cent, increasing to a 25 per cent target later), in Johannesburg in 2002, ENGOS pushed for setting up MPAs in 20 per cent of the oceans, half of them as no-take reserves. For the public, sensitized by catastrophic speeches, films and media pronouncements exalting the beauty of marines reserves, this demand is simple and obvious.

Yet, no-take reserves, in particular, raise important issues related to the exclusion of fishers. Without condemning the objectives of ENGOS, we may question the methods, results and social impacts of the setting up of reserves in continental and marine areas. Depending on the people at work in the field, practices are diverse, particularly in relationships with the communities concerned;

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their control, but without recognized property rights. According to Hardin, it is impossible to entrust the management of areas that have to be protected to their inhabitants, and, therefore, they should be excluded. ENGOs deem this necessary on the basis of opinions they consider as scientific.

The concept of 'wilderness', as an imaginary foundation for conservation models, was born in the US in the late 19th century, with the creation of the Yosemite park in California. This park was created following the publication of photographs that depicted a wonderful nature without any human footprints. Yet, native American Indians had occupied the Yosemite valley for millenia. The process of creating parks is part of the colonial strategy of expropriating the property of indigenous peoples and denying them their rights.

There is a strong European resistance to the integration of the concept of 'wilderness' in the imagination of people and the references of scientists, because the continent has been densely populated for centuries. There is, however, a natural environment where the wilderness can find its place in one's imagination, and that is the marine world.

By its nature, it is a world that is not permanently occupied by people and, as noted tongue-in-cheek by the French ENGO Robin des Bois: "Ownership is easy; there are no indigenous peoples, only aquatic organisms, little experts in matter of petitions and legal disputes." The only permanent users of those resources, until recent decades, were fishermen.

For centuries, fishermen have occupied oceans, and not only in coastal areas. The oceans have been the workplaces of fishermen for centuries; consequently, they have profoundly altered marine ecosystems and the seabeds on the continental shelves, sometimes at the risk of extinction of some species.

However, that is nothing compared to the changes made to the land; in

the marine realm, it is still possible to dream of the existence of oceans untouched by human intervention. Then it is possible, on this basis, to justify more easily the existence of no-take reserves, all the more fishermen are increasingly becoming marginalized in society.

Before analyzing the social impact of marine reserves, it is good to go back to what has been happening on the land for more than a century. In Durban, in 2003, delegates from indigenous peoples at the 5th World Parks Congress declared: "First we were dispossessed in the name of kings and emperors, later in the name of development, and now in the name of conservation."

SHILPI SHARMA



Seaweed collectors in the Gulf of Mannar National Park, Tamil Nadu, India. No-take reserves raise important issues related to the exclusion of fishers

In “Losing Ground”, Mark Dowie has made one of the most comprehensive analyses of the relationships, often conflicting, between conservationists and indigenous peoples. More than 108,000 reserves have been created since 1900 at the request of five big NGOs: World Wide Fund for Nature (WWF), Conservation International, The Nature Conservancy, African Wildlife Foundation and the Wildlife Conservation Society.

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The phenomenon has accelerated in recent decades with the awareness of the loss of biodiversity. Millions of people have been displaced and dispossessed of their land and rights to establish parks and reserves. One evaluation estimates it as at least five mn people since 1864. Others estimate it as 14 mn in Africa alone.

One of those who suffered most were the Maasai in Tanzania and Kenya. In 2004, during a congress of the International Union for the Conservation of Nature (IUCN) in Bangkok, one of their leaders, a Tanzanian, Martin Saning’o said: “In the interest of a relatively new trend, biodiversity, over 100,000 Maasai pastoralists have been displaced from their land... We were the first conservationists, now you have made us enemies of conservation.”

In 2004, again, 200 indigenous delegates signed a declaration stating that “conservation has become the first threat to indigenous territories”. Behind the good intentions and objectives, there is, in the history of parks and reserves, a truth rarely recognized, that of peoples dispossessed of their lands, and forgotten by history. Yet, IUCN and WWF developed in 1996 the “Principles and Guidelines for the

management of reserves with the participation of indigenous peoples”.

According to them, “Indigenous peoples should be recognized as equal partners in the development and implementation of conservation strategies that affect their land, territories, waters, coastal seas and other resources, and particularly in the creation and management of protected areas”. But, in reality, conflicts have multiplied in the field and in international meetings between indigenous movements and conservationists.

Indigenous peoples did not appreciate facing NGOs supported by companies eyeing their lands and resources. Thus, most NGOs have decided to focus their goals on conservation alone, according to their scientifically based criteria, refusing to take into account the fight against poverty and economic and social interests, which are not seen as their responsibility.

The analysis of what is happening in Tanzania is indicative of this evolution and of the collusion that is looming between NGOs, governments and the financial interests of big business at the expense of the Maasai who are increasingly marginalized. Forty per cent of the land area is under a protection regime, partly in the theoretical framework of co-management between villagers and park managers.

The same observation can be made for Madagascar, where entrance fees on tourism concessions largely exclude local populations. In their article in *The Journal of Peasant Studies*, “Conservation, green blue grabbing and accumulation by dispossession in Tanzania”, Benjaminsen Tor and Ian Bryceson say: “The initial attempt at introducing community based or ‘win-win’ conservation worked as a key mechanism to make dispossession take place in wildlife and coastal areas in Tanzania, allowing conservation a foothold in village lands”.

Funding problems

As the States do not have the necessary funding for the management

of reserves, they depend on foundations that fund NGOs, and, increasingly, private investors, in or outside the reserves, who impose their will and capture the resources of indigenous peoples.

The detour through the analysis of continental reserves helps us to better understand the challenges of the process that has spread marine reserves since the 2002 World Summit on Sustainable Development.

The sea is now the new frontier, the object of desire for conservationists and multinational energy companies alike. Unlike native peoples, whose rights are somewhat protected under the Convention on Indigenous and Tribal Peoples adopted by the ILO in 1989, and, more recently, the United Nations Declaration on the Rights of Indigenous Peoples, fishworkers have no legal protection against an environmental law well-established and increasingly binding at an international level.

The urgency is constantly put forward to justify the creation of no-take reserves. NGOs try every possible means to persuade the public that no-take reserves are one of the most effective ways to restore resources. This may be true; they are effective for biodiversity, but for fishing, the impact on resources is far from being generalized.

The problem is not simple, because for some fishworkers, the location of the reserves actually prevents them from fishing in areas vital to them, condemning them either to poverty or to poaching with all its risks of imprisonment and sometimes death.

Thus, fishworkers' representatives in international conferences on biodiversity have found themselves agreeing to the positions of indigenous delegates, since the Bonn conference in 2008.

In Hyderabad, India, at the meeting of the Convention on Biological Diversity (CBD) in October 2012, Riza Damanik, from the Indonesian NGO KIARA, recalled that 13 fishermen were killed by ecoguards because they had not

kept off reserves. A South African delegate pointed to the creation of parks as the "second wave of dispossession" after apartheid, calling it a "green apartheid".

For the first time, in India, the National Fishworkers' Forum (NFF) called for a day of protest in January 2013, to demand a moratorium on no-take reserves because they condemn thousands of coastal fishworkers to poverty.

In the global South, we are witnessing anger against imposed no-take reserves, when they have demonstrated their ability to protect resources and biodiversity, such as in Brazil where 'marine extractive reserves' have been created and managed by the fishworkers themselves.

What has been happening, sometimes with violence, in the global South is now taking place in Europe. Environmentalist pressure, acting on the popular sense of emergency and catastrophe, opens the way for a weakening of the occupation, and guardianship, of marine space by fishworkers.

Once this hurdle is passed, the enclosure movement at sea can develop and divide the ocean between

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the various interests prancing around with impatience—conservationists, mining companies looking for rare earths, operators in the energy, tourism and aquaculture sectors, and so on.

Public opinion

The most greedy are the conservationists who can play on the sensitivity of public opinion to impose their wishes. In California, a network of marine reserves has been closely monitored by a representative of the oil companies, to the chagrin of professional

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"The island of fishermen is dying" says this sign on a boat in Yeu in France, where fishermen are affected by many restrictions

to then fish in collaboration with scientists and ENGOs respectful of these rights. 3

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fishworkers, native American Indian tribes and grass-roots environmentalists.

In the future, the space devoted to fishworkers—coastal or deep-sea—will be increasingly limited. Alongside conservationist environmentalists, liberal economists ensure that the common good requires a marginalization of fishing. The value of the ecological services it renders is low compared to that generated by tourism and extraction activities. Scientists, ENGOs and many elected representatives believe that fish resources are public or private property but never a common one, never the common property of fishworkers.

Yet there is a scientific basis for a collective management of fisheries resources that recognizes rights and responsibilities, as validated by the 2009 Nobel Prize in economics awarded to Elinor Ostrom for her ground-breaking research on sustainable and equitable management of shared resources.

All this, however, appears too complicated; what is simple and better is a good market for fishing rights and reserves monitored by ENGOs and biologists. So it is urgent to recognize collective rights for fishworkers, rights which also include responsibilities. They will be able

For more

mitpress.mit.edu/books/conservation-refugees

Conservation refugees, the hundred-year conflict between global conservation and native peoples. Mark Dowie. 2009

www.tandfonline.com/doi/abs/10.1080/03066150.2012.667405#.UeZtOjJgew8

Conservation, green/blue grabbing and accumulation by dispossession in Tanzania. Tor A. Benjaminsen and Ian Bryceson

www.iucn.org

International Union for Conservation of Nature

www.peche-dev.org/

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