

The Global Ocean Grab



A primer

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What is ocean grabbing?

The term 'ocean grabbing' aims to cast new light on important processes and dynamics that are negatively affecting the people and communities whose way of life, cultural identity and livelihoods depend on their involvement in small-scale fishing and closely related activities. Small-scale fishers and fishing communities in both the Global South and the Global North are increasingly threatened and confronted by powerful forces that are dramatically reshaping existing access rights regimes and production models in fisheries. This process is leading not only to the dwindling of control by small-scale fishers over these resources, but also in many cases to their ecological destruction and very disappearance.

Today we are witnessing a major process of enclosure of the world's oceans and fisheries resources, including marine, coastal and inland fisheries. Ocean grabbing is occurring mainly through policies, laws, and practices that are (re) defining and (re)allocating access, use and control of fisheries resources away from small-scale fishers and their communities, and often with little concern for the adverse environmental consequences. Existing customary and communal fisheries' tenure rights systems and use and management practices are being ignored and ultimately lost in the process. Ocean grabbing thus means the capturing of control by powerful economic actors of crucial decision-making around fisheries, including the power to decide how and for what purposes marine resources are used, conserved and managed now and in the future. As a result, these powerful actors, whose main concern is making profit, are steadily gaining control of both the fisheries' resources and the benefits of their use.

Some of the key institutions that are paving the way for ocean grabbing have adapted a human rights based language and they argue that their policy reform initiatives are rooted in the need for food security for all and poverty eradication. However, many examples around the world show that the underlying principle guiding reform processes is a blind belief in market-based solutions that are in direct contrast to the wishes and demands of representative civil-society organisation¹.

Ocean grabbing is not only about fisheries policy. It is unfolding worldwide across an array of contexts including marine and coastal seawaters, inland waters, rivers and lakes, deltas and wetlands, mangroves and coral reefs. The means by which fishing communities are dispossessed of the resources upon which they have traditionally depended is likewise taking many shapes and forms. It occurs through mechanisms as diverse as (inter)national fisheries governance and trade and investment policies, designated terrestrial, coastal and marine 'no-take' conservation areas, (eco)tourism and energy policies, finance speculation, and the expanding operations of the global food and fish industry, including large-scale aquaculture, among others. Meanwhile, ocean grabbing is entering a dramatically new and heightened phase with the emergence in 2012 of the Global Partnership for Oceans, a World Bank-led initiative seeking the privatisation of property rights regimes to aquatic resources and top-down market-based conservation blueprints.

Powered by capital and its desire for profit, the current wave of enclosures targeting the world's fisheries and ocean and inland water resources is taking place within the same context as global land grabbing. The latter refers to the recent and ongoing upsurge in the changing use of land and its associated resources (like water) from small-scale, labour-intensive uses like subsistence agriculture, toward large-scale, capital-intensive, resource-depleting uses such as industrial monocultures, raw material extraction, and large-scale hydropower generation, integrated into a growing infrastructure of global industries and markets.² It is taking place in the broader context of changing global economic, financial, climate and environmental dynamics. As a result, a fundamental revaluation of natural resources is currently under way. This revaluation signals an attempt to wrest land, water, fisheries and forests and their related resources away from their moorings in social functions and cultural meanings with a governance rooted in human rights principles, and to drive these into narrow economic functions premised upon market-driven and privatisation approaches.

Despite a growing spotlight on this general phenomenon, the story of fisheries remains seriously overlooked and largely neglected in academic and activist circles as well as in the news media. Yet ocean grabbing in its various forms is undermining the rights and aspirations of millions of people depending on inland and marine small-scale fisheries across the globe. The urgent need to give increased and focused attention to ocean grabbing is illustrated by Olivier de Schutter, the former UN Special Rapporteur for the Right to Food, who in an address to the UN General Assembly stressed that “‘Ocean-grabbing’ – in the shape of shady access agreements that harm small-scale fishers [...] and the diversion of resources away from local populations – can be as serious a threat as ‘land-grabbing’.”³

Box A. **Who are the small-scale fishers?**

Small-scale fisheries (often referred to as “artisanal fisheries”) operate at many levels and differ in characteristics from one location to another. It is not possible to provide a single overall definition for small-scale fisheries, but a broader description of the sector has been provided recently in the FAO International Guidelines for Securing Sustainable Small-scale Fisheries:

“Small-scale and artisanal fisheries, encompassing all activities along the value chain – pre-harvest, harvest and post-harvest – undertaken by men and women, play an important role in food security and nutrition, poverty eradication, equitable development and sustainable resource utilization...”

Small-scale fisheries contribute about half of global fish catches. When considering catches destined for direct human consumption, the share contributed by the subsector increases to two-thirds. Inland fisheries are particularly important in this respect... Small-scale fisheries employ more than 90 percent of the world’s capture fishers and fish workers, about half of whom are women. In addition to employment as full- or part-time fishers and fish workers, seasonal or occasional fishing and related activities provide vital supplements to the livelihoods of millions... Many small-scale fishers and fish workers are self-employed and engaged in directly providing food for their household and communities as well as working in commercial fishing, processing and marketing. Fishing and related activities often underpin the local economies in coastal, lakeshore and riparian communities and constitute an engine, generating multiplier effects in other sectors.”⁴

In addition to this, FAO estimates that 58 million people are engaged in the actual fishing and harvesting in wild-capture fisheries and aquaculture, and that more than 800 million people worldwide depend on fisheries in various ways.⁵ In addition to these figures, a large number of rural peasants and other people working in rural areas also depend on fishing as a supplement to their main livelihoods.

How does ocean grabbing take place?

Ocean grabbing is occurring in varied ways across a diversity of politico-legal settings. One common denominator is the exclusion of small-scale fishers from access to fisheries and other natural resources and access to markets through the adoption or reinterpretation of laws, regulations or policies affecting fisheries governance. Throughout the world, legal frameworks are emerging that undermine the position of small-scale fisheries producers and systems, while strengthening or reinforcing the position of corporate actors and other powerful players. Such 'perfectly legal' reallocation processes may or may not involve coercion and violence, but are far from being considered as socially legitimate. They typically involve three types of mechanisms.

First, small-scale fishers are suddenly denied or lose the legal right to fish or harvest aquatic resources due to changes in legal frameworks that now require them to possess a market-embedded right to fish. The various forms of Rights-Based Fishing (RBF) reforms are the key policies underpinning this form of dispossession. Such reforms, that typically allocate defined shares of allowable catch to individual fishermen or fishing companies, are frequently carried out without any meaningful consultation of small-scale fishers in the decision-making process. In South Africa, for instance, the so-called Individual Transferable Quota (ITQ) policy of 2005 led to the over-night exclusion of 90% of the country's 50,000 small-scale fishers.⁶ In all countries where similar reforms have been implemented, fishing rights have become concentrated in the hands of fewer and fewer large players, and with more working fishers increasingly becoming aquatic 'tenants' paying exorbitant rents to the few 'sealords' or 'armchair fishermen' who own and lease the quota.⁷

Second, small-scale fishers, who previously had direct physical access to their customary fishing waters and to the coastal land that surrounds these or the associated ports infrastructures, are suddenly losing this access. This is happening in different ways. One way is through the establishment of Marine Protected Areas (MPAs) with fishing bans or restrictions, for 'conservation' purposes. Spreading rapidly across all continents, MPAs are frequently located around biodiversity hotspots in Central America and Caribbean islands, or along the coasts in Southern Pacific Ocean and Indian Ocean. Declared as non-access zones, these are often the best fishing grounds for local fishing communities, which see their use curtailed or find themselves displaced. Another way that small-scale fishers are dispossessed of customary fishing rights is through the privatisation of marine or lake coastal zones. The granting of coastal concessions to private companies in the name of urban development in Honduras; the privatization of mangrove forests in Bangladesh for commercial aquaculture; the enclosure of land adjacent to lakes or beaches for recreational purposes and a blooming tourism industry in Myanmar, Uganda and in Sri Lanka – all of these are manifestations of a tendency whereby small fishers and their communities can no longer access the land- and seascape. A third way is the location and scale of landing sites and port facilities supported by states and the industry that are exclusively designed to sustain large-scale and export activities, at the expense of local economies and markets.

Third, small-scale fishers increasingly face sharply dwindling catches due to both overfishing, and pollution and destruction of fishing grounds and other critical aquatic habitats by large-scale industrial players, effectuating a kind of pre-emptive exclusion from the resource itself. In this manner, large-scale fleets operating in territorial marine zones 'capture' resources from local fishers and the entire chain of people who rely on traditional fishing activities. The European Union's (EU) fishing agreements with Morocco, Mauritius, Mauritania and Pacific Island States, for example, are fostering this kind of dispossession. In addition hereto, rampant unregulated and illegal fishing also adds to the problem. Due to the the uneven power relations between small-scale fisheries and foreign and large-scale fleets, the over-exploitation of local fish stocks by the large-scale fleet for export purposes results in reduced catches for the small-scale fishers.

Meanwhile, small-scale fishers are also deprived of using aquatic resources when marine ecosystems and the web of social-ecological relationships for their reproduction are disrupted or destroyed by other kinds of human activity. Accelerated growth of agro-industrial plants, including large-scale aquaculture ponds in coastal and inland areas, extractive industries, hydro-power projects, and urban development undermine ecosystems and their ability to buffer environmental loads or to reproduce. This has particularly affected marine and inland coastal areas over the past three decades. Toxic runoff from industrial agriculture and urban development (including human waste) has reached such high levels that many coastal ecosystems, including coral reefs, mangrove forests, sea grass beds and estuaries are on the brink of collapse and unable to sustain local users. An illustrative case is the Chesapeake Bay in the eastern United States, where the level of pollution has created 'dead-zones' with no marine and aquatic life left.

Other devastating examples include: the damming of the Mekong River in Lao PDR to enable the government to sell hydropower to Thailand, which is slowly but surely destroying the river's fish biodiversity along with all the Lao fishing village communities along it and further afield downstream around Cambodia's Tonle Sap lake; or the Shell Malampaya deepwater gas extraction concession that overlaps with customary Tagbanua fishing grounds off Palawan in the Philippines or the conversion of tens of thousands of hectares of land in Kenya's Tana River Delta to sugarcane plantations, which is disrupting seasonal fishing grounds and wetland ecosystems on which peasants and pastoralists alike rely; or Chevron mining activities in Ecuador that has polluted rivers and rendered impossible traditional fishing by groups relying on these activities, decimating several indigenous communities; or in Nigeria, where Shell's recurrent oil spills in the Ogoniland delta have completely destroyed the ecosystem, affecting more than five million small-scale fishers.⁸

These situations highlight how ocean grabbing is not only about access to aquatic resources, but also about access to the associated land and land-based resources. As such, ocean grabbing is intertwined with land grabbing, water grabbing, and what is dubbed 'green' grabbing.⁹

Box B. **Encroaching fishers' land in Uganda**

At least half of the Ugandan municipalities on the lake Victoria have experienced attractive coastal lands being given away to investors as a result of the government's thirst for Foreign Direct Investment. This grab has been driven by the growing tourist industry, that takes over coastal land-, beaches-, and water-scapes; the introduction and expansion of industries, such as the flower industry, that build their processing plants along the lake; and the enlargement of aquaculture activities.

Even before the current wave of dispossession, Uganda's fishing communities at lake Victoria had been struggling with a complex set of interlinked crises since the introduction of the Nile perch in the 1960s. The Nile perch was introduced in an attempt to revive the local fishery after its economically valuable species had been overfished. This intervention resulted in a fishing industry boom. The local fishery changed from a local and artisanal biodiverse fishery, to a hierarchical and export-oriented fishery targeting Nile Perch and tilapia. The boom attracted new businesses and infrastructure development, and boosted the population along the lake. Poorly managed, the prospering fishery industry soon overfished the Nile perch. The decrease in fish created high competition amongst the small-scale fisher people, and the industry. Today, between 60 and 80 percent of the catch is exported, while local prices skyrocketed. As a result, local communities can no longer rely on the Nile perch as their daily source of protein.

Uganda's small-scale fishing sector contributes to the livelihoods of more than three million people. But as pressure from various export-oriented industries increases the competition for access to land and waters, the ongoing privatisation and enclosure of waterscapes prevents small-scale fishers from working and exacerbates their vulnerability. With no alternative livelihoods and faced with poverty, they resort to illegal practices, like using illegal gear, or fishing in forbidden waters. Illegal fishing methods, as well as the pollution caused by the growing industries, stress the ecosystem and further decrease its ability to let key species recover.

Source: Uganda Fish and Fisheries Conservation Association (UFFCA), a member of the World Forum of Fisher Peoples.

Box C. **Tourism-driven grabbing in Kalpitiya peninsula, Sri Lanka**

In the wake of the 2004 tsunami, which also destroyed the coastlines of the Kalpitiya peninsula and its surrounding islands in Sri Lanka, a handful of decision makers and investors took advantage of the 'state of shock' to push through market-driven reforms and tourism development plans under the rubric of the Task Force for Rebuilding the Nation (TAFREN).

While fishing communities were still struggling to recover from the physical damages and psychological impacts of the tsunami, a quarter of the Kalpitiya peninsula and its surroundings, was grabbed by Sri Lankan and foreign investors, military and government institutions to develop luxury tourist resorts. In many instances, the land acquisitions also extend into the adjacent water bodies and give preferential rights to the marine resources to the new owners. More than 2,500 families have been evicted from their lands and denied access to the fishing grounds. A local leader stresses that "fishers could even be charged with illegal trespassing. For instance, the barbed wire fences erected along the coastal line by the Hasan Gaate company's Bay Watch Eco Hotel have prevented them from entering the coastal belt for fishing."

Kalpitiya is home to some 65,000 people and small-scale fishing is by far the most important livelihood in the area. Fishing culture and traditions have become deeply entrenched through many generations of fishing, and the approximately 13,000 small-scale fishers – one in every five people in the area – provide vital food for almost every single family.

Fishers feel strongly connected to these lands and waters and their livelihood activities as these are a crucial part of their crucial identity. As a fisher from Uchchimune Isle explains, "we have no other alternative life. We cannot give up our livelihood... we have bonded our lives with the isle." Another fisher from Sinnanunnakkarei Isle adds, "we are not prepared to leave our village for any reason. Where can we go? Fishing cannot be done if we are re-settled to the interior lands. We are not prepared to accept their so-called offer. The only trade we know is fishing and we need our settlements to continue with our livelihood."

The National Fisheries Solidarity Movement (NAFSO) is playing an important role in supporting the fishing communities in their struggles to reclaim their land and their access to the fishing grounds. Mobilisation for collective action, research, legal assistance and awareness campaigns are some of the key strategies applied by NAFSO, and together with local organisations and communities, the solidarity movement has convened several protest marches, people's hearings or tribunals, and lobby campaigns. Herman Kumara, the convenor of NAFSO observes, "the political consciousness of fisher people is on the rise and this of greatest importance in the struggle against the grabbing of the land and the sea."

Source: National Fisheries Solidarity Movement (NAFSO), a member of the World Forum of Fisher Peoples.

What is the role of Rights-Based Fishing systems in ocean grabbing?

The enclosure and privatisation of fish and marine resources through the privatisation of their access and control is not new, but it has accelerated in recent years with the emergence of rights-based fishing systems as the dominant global framework for fisheries management. The term Rights-Based Fisheries (RBF) can be traced back to a 1989 scientific volume by a number of influential fisheries economists. They put forward the proposition that the *only* way to avoid environmental as well as economic havoc in the management of the ocean's fish resources is by introducing private property rights and a market to govern them. Indeed, what the fisheries economists explicitly call for is: "the enclosure and privatization of the common resources of the ocean."¹⁰ As one of the co-authors reiterated in a later paper, this is necessary because the main problem facing fisheries governance is that: "[in fisheries] property rights are poorly defined or even nonexistent. This generally results in huge inefficiencies..."¹¹

This perspective, however, totally disregards existing management and governance systems around the world, all of which involve some form of property or access rights. It also fails to acknowledge that problems in fisheries, where existing, is a result of poor governance or management. Ascribing inefficiencies to a lack of private property is a simplified conclusion bypassing all discussions on management practices.

Nonetheless, the consistent focus on the presumed need for *private* and *individual* property rights in the fisheries literature has overtime spread from academic circles to policy circles. Since the mid-1980s then, there has been a marked shift in the management practices of states towards unleashing privatisation in fisheries management. This privatisation has happened under a variety of differently named programs depending on where it has been introduced. In the United States the privatisation program is called Catch Shares, in Iceland and New Zealand, it's called Individual Transferable Quotas (ITQs), the European Commission has been referring to Transferable Fishing Concessions (TFCs), and the African Union to Wealth-based Fishing. What all of these programs have in common though is the all-out focus on unleashing private property rights and market mechanisms as the only acceptable means of distributing the fish resource.

So how does it work? In many countries, different users of a state's fish resource have been allocated a percentage from the so-called total annual quota of a certain fish species. For example, one fisher is allocated 1% of the overall national, annual quota for Herring only. The quantity of fish that this fisher is allowed to catch thus depends on the overall national quota in a given year, which is set by the state. Crucially, under this system the resource remains in the hands of the public – vested in the state – and the particular fisher is 'only' granted the access right to the fish. The transition from state-owned resource to Rights-Based Fisheries (under a variety of names) happens when the state decides to grant the fishing rights (quotas) on a de facto permanent basis to the fishing entities, and establishes a market for the new owners to buy, lease or sell his or her quota. When states introduce such privatisation programs any and all existing democratic political control of the resource is therefore forfeited. Instead, the resource is relinquished from the hands of the state into the hands of a number of private actors, who can then trade with the resource as they please through the market that is created for the individually owned quotas.

What are the consequences of this privatisation so heralded by fisheries economists and currently being proposed by many stakeholders around the world?

In Iceland, RBF led to a steep concentration of fishing quotas in 2007, where just 10 of the largest fishing companies owned over 50% of the quotas. RBF is also considered to have played a key role in the Icelandic financial crisis.¹²

In Denmark, RBF has led to a substantial draining of the fleet from traditional fishing communities – many communities no longer have any active fishing

vessels, and others have less than 50% of the vessels that were active prior to the introduction of RBF in 2005.¹³ In March 2012, a senior official from the Danish fisheries department is quoted for saying that 'there are fewer vessels, they have become larger, more efficient and more expensive to finance. In the pelagic¹⁴ fisheries 'there has been a definite concentration, from a large number to a very small number of very specialised vessels, which can be worth more than 100 million Euro... this is an intended result of the regulation'¹⁵

In Chile, four companies control 90% of the quotas.¹⁶ The significant majority (68 percent) of the country's 127,000 people working in the fisheries sector have to share the remaining 10 percent of the quotas.

In Namibia, RBF was introduced in 1992. In a review by Ragnar Árnason, one of the aforementioned leading architects behind RBF reforms, it is stated that in terms of environmental results there is no evidence of increased compliance by the fishing industry.¹⁷ Companies headquartered in Spain with local subsidiaries control about 75 percent of the Namibian hake market. Their catches in 2010 brought in about 300 million dollars on Spain's frozen-fish market, while only little wealth is retained in Namibia.¹⁸

Further reading:

Report – Fisheries Governance for Food Security: What lies behind the concept of Rights-Based Fisheries?, available at http://masifundise.org.za/wp-content/uploads/2013/02/follow_up_report_EN_final_ebook-11.pdf

Macinko S. and D. Bromley (2004) 'Property and Fisheries for the Twenty-First Century: Seeking Coherence from Legal and Economic Doctrine', *Vermont Law Review* 28(3): 623-61.

Olson J. (2011) 'Understanding and contextualizing social impacts from the privatization of fisheries: An overview', *Ocean & Coastal Management* 54: 353-63.

Davis A. and K. Ruddle (2012) 'Massaging the Misery: Recent Approaches to Fisheries Governance and the Betrayal of Small-Scale Fisheries', *Human Organisation* 71(3): 244-54.

Food and Water Watch (2011) *Fish Inc.: The privatization of US fisheries through Catch Shares Systems*. FWW: Washington.

For more on Wealth-based fishing see: http://transparentsea.co/index.php?title=Wealth_based_approach

Box D. **Mi'kmaq Indigenous people in Canada:**
Netukulimk against ITQs

Conflicts over fish and other resources between the Mi'kmaq (Indigenous people) and colonial powers have a 400 year-long history in Nova Scotia, Canada. The Mi'kmaq Treaties – the solemn agreements of 1760/61 between colonisers and Mi'kmaq that set out long-standing promises, mutual obligations and benefits – is one of several treaties acknowledging the rights of the L'sitkuk community, known as Bear River First Nation, along with other Mi'kmaq communities in Atlantic Canada. They recognized that traditionally the Mi'kmaq have a long historical relationship with the natural world, premised on respect and self-sufficiency, expressed in the Mi'kmaq language as *Netukulimk*. While this along with other traditional management practices have ensured responsible fishing practices for centuries, these have been eroded by the granting of individual transferable fishing quotas (ITQs) by the Canadian government to the commercial fishing industry.

In the summer of 1993, the Mi'kmaq harvester Donald Marshall Jr. was charged for illegally selling eels, because he did not have a fishing license. This case was taken to the Court on the basis that Donald Marshall Jr.'s right to catch and sell fish was protected by the historic Mi'kmaq Treaties. In 1999, The Supreme Court of Canada ruled that the federal fisheries legislation was an unjustified infringement of the Mi'kmaq Treaties.

With this Supreme Court victory, the future of the Mi'kmaq fisheries looked promising. However, at the turn of the century, the Government of Canada responded by imposing its industrial fishing models, including the ITQ system, on the L'sitkuk community. L'sitkuk view these approaches as a modern form of colonial capitalism and as unsustainable. The ITQ system that transforms fish into private property runs against traditional Mi'kmaq values and as a result the L'sitkuk community is fighting back against the ITQ system and continues to pursue its own vision for a livelihood fishery that builds on the principles of *Netukulimk*.

Source: Bear River First Nation, Canada, a member of the World Forum of Fisher Peoples

Further reading:

"About bear river", http://www.defendersoftheland.org/bear_river

"In the Same Boat?", <http://www.imdb.com/title/tt1358969>

Stiegman M. and K. Prosper (2013) "Seeking Netukulimk"
http://www.youtube.com/watch?v=jrk3ZI_2Dd0

Pictou, S (2009) 'How Deep Are Our Treaties?', *Samudra Report: Triannual Journal of the International Collective in Support of Fishworkers* 54:8-9.

Stiegman, M. and S. Pictou. (2012) 'Recognition by Assimilation: Mi'kmaq Treaty Rights, Fisheries Privatization, and Community Resistance in Nova Scotia' in Burnett, K. and G. Read (eds.) *Aboriginal History: A Reader*. Oxford University Press, pp. 403-15.

What are the key drivers of ocean grabbing?

The key driving force underpinning specific mechanisms of ocean grabbing today is the underlying logic of the current economic system, where capital accumulation is linked to increasing corporate control over access to and 'conservation' of natural resources. Numerous factors and actors can be seen driving this trend.

First is the emergence of a complex corporate (sea)food regime reconfiguring the production chains, with an ongoing vertical and horizontal integration that concentrate the control over fish access, processing, and retailing activities into the hands of a few powerful players and elites. For instance, the Norwegian Marine Harvest produces a fifth of the world's farmed salmon production; the world's 30 biggest farmed shrimp suppliers produce a fifth of the global production; the top three canned tuna trading companies channel a third of the global tuna catch, while the Thai Union Group canned tuna processing activities control a fifth of the annual production. Corporate concentration is opaque due to its level-, sector- and fish-specific context, along with the industry's complex ownership patterns that comprise seafood companies, food corporations as well as financial holdings.

Further, this corporate seafood regime is shaping and motivating the increasing demand for certain fish products today in both the Global North and the Global South. The desire for fresh Bluefin Tuna, the craving for Nile Perch, the appetite for shrimps, the hunger for salmon, the quest for 'healthy' omega-3 rich fish-oil (a third of the global catch), are just a few examples of a socially-constructed 'demand' that sustains a growing pressure for extracting fish resources by the industry. It is then distributed and promoted through class appropriate versions: high-end labelled markets for urban elites, cheap seafood for mass consumption by poor and middle classes.

By shaping the demands of high and middle-income consumers and through effective lobbying, the industry also captures the decision-making power over the model of production – which fish ought to be fished by whom and how – resulting in means of exploitation of fish resources and practices that are detrimental to small-scale fishing communities and marine ecosystems. On one hand, wild-capture, whether for human consumption or inputs for other industries as fishmeal or fish-oil, largely relies on large-scale fishing that depletes stocks, and deep-sea fishing with bottom trawls (wide-mouthed fishing nets) destroying the sea floor. On the other hand, the regime promotes large-scale industrial aquaculture highly destructive to fishing communities and ecosystems, as the example from Ecuador (Box F) illustrates. Aquaculture, or fish farming, is the breeding, rearing and harvesting of plants and fish in confined environments in freshwater or marine habitats.

The lobby industry for the corporations is successfully convincing decision makers that the increased industrial production is needed to feed the growing population, but this argument fails to recognise that small-scale producers are capable of providing more jobs and feeding more people than their industrial counterparts.¹⁹

A second driver of ocean grabbing, is the profit-driven permanent physical conversion and privatisation of land- and sea-scapes to a whole variety of activities ranging from industrial, to residential and recreational. These include private real estate developments on coastlines; ecotourism zones

around marine hotspots (often linked to Marine Protected Areas); extractive industry in inland, offshore and sea-bed areas; agro-industrial plantations in river deltas and watershed areas; or hydropower dams strung out along major river systems. All these types of intervention either directly or indirectly result in major changes in the existing access regimes and/or in quality of the aquatic resources, often with devastating effects on small-scale users including peasants and pastoralists, as well as fishers and harvesters.

A third driver is the financialisation of natural resources, also closely connected with land and water grabbing.²⁰ This refers to the extended reach of financial capital into control of natural resources. For instance, the commodification of the right to fish with ITQ markets enabled a British investment firm to acquire quotas in the US catch-share system amounting to a quarter of all US clam-based products.²¹ The financialisation of fisheries in Iceland is clearly illustrated by the staggering debt attained by the fishing companies. A couple of years after the 2007 economic collapse of the country's economy, the total debt was estimated superior to 550 billion Icelandic Krona (US\$ 4.7 billion), with 90% of it concentrated in a third of the fishing companies.²² Another trend is embodied by the World Bank attempt to transfer part of its \$15 billion 'green bonds' – loans for 'sustainable projects' – to oceans as 'Blue Bonds', arguing that private large-scale financial capital is essential to achieve better marine protection and governance. Blue bonds explicitly aim at capturing the attention of big Wall Street financial capital like pensions funds and other actors for – unspecified – large-scale projects associated with 'marine recovery'.

Box E. **Mauritius–EU Fisheries Partnership Agreement: the great giveaway**

Negotiations in 2014 are under way for a Mauritius-EU Fisheries Partnership Agreement that is likely to reproduce the adverse impacts of the previous agreement that undermined local small-scale fisher peoples' livelihoods by selling off the fish stocks upon which they depend. In 2009 the EU and Mauritius signed an Fisheries Partnership Agreement that allows European vessels to catch 5,500 tonnes of fish per year, for three years. For €660,000 per year, the EU fleets acquired 16,500 tonnes of fish for less than 5 per cent of what it would have been worth on the Mauritian market.

The Mauritian government argued that the country was lacking the capacity and infrastructure to exploit those resources, and only fish-stocks beyond the reach of local small-scale fishers would be affected. Accordingly, new benefits would be created with no decrease in local catches. However, the EU vessels target the same species as local fishers, and the latter experienced a decrease of about 50 to 60 per cent in their catches. European vessels solely focus on the most profitable stocks, over-exploiting them. Due to their large-scale, they generate more bycatch – fish or other marine resources caught unintentionally – which further stress the ecosystems.

With dark irony, the costs to rectify this damage are borne by the already disadvantaged local fishers. In addition to depleted stocks, they lose fishing grounds due to the creation of marine protected areas restricting their access in the name of environmental conservation.

The permanent fisheries agreement will entrench this injustice, profiting the European fish industry while undermining local fishing communities. Job creation promised by the government will not match the loss of the small-scale sector, and will be limited to industrial activities, that is, not accessible to those who have relied upon fishing so far. Further, the new fishery agreement – like the last – is being done without any consultation with small-scale fishers, even though the agreement on paper emphasises their importance.

Source: Apostleship of the Sea, Mauritius, a member of the World Forum of Fisher Peoples

What narratives sustain ocean grabbing?

Several narratives serve to justify the policy-making processes and mechanisms facilitating ocean grabbing. A vast range of actors ranging from academia to states or multilateral organizations, including influential private actors, philanthropic foundations and international conservation organisations, drives these narratives. The overall discourse alleges that there is a need to expand food production to feed a growing world population; as well as an urgency to conserve critical habitats for the sake of combating over-exploitation, restoring fish stocks and protecting nature. Barriers to food security and restoration of fish stocks and conservation of nature are argued to be universally dwindling stocks due to overfishing and lack of or insufficient property rights in fisheries; increased pollution due to anthropogenic activities; climate change; and lack of or insufficient institutional capacities and 'incentivising' market oriented policy frameworks at the national levels.

According to this view, the solution is to be found in expanding the food production through large-scale aquaculture; clear and secure property regimes such as right-based fisheries for wild-capture fisheries; establishing no-take zones, or marine protected areas to conserve nature; harnessing conservation and production to market-oriented mechanisms; and to create incentives and policy frameworks for new large-scale investments and in particular foreign direct investments.

Yet, this framing of the problems and their solutions are misleading. First, the discourse on expanding food production emphasises the problem as one of lack of food supply, while sidestepping that food insecurity is largely linked to issues of food access and distribution. In that regard, it is not clear how and why large-scale aquaculture, directed towards exports, is the answer, as long as the question of 'who gets what' in this production model is not addressed from a pro-poor perspective – that is, in the interests of the most vulnerable groups.

Second, the same reasoning applies to the overfishing narrative. Even though there is a basis consensus that fish stocks worldwide are under a great deal of stress and still growing pressure from human activity, 'universalising' the overexploitation of fish blurs the reality that the deterioration of some stocks is often species-, context- and actor-specific. An analysis that ignores this context sidelines the key questions of resource use and user rights – who fishes in whose water? What for? And which actors do the most catching and the most damage?

Third, the fundamental assumptions that overfishing results from the lack of clear private property rights are flawed. The bedrock logic presented as a universal truth, is that over-exploitation is inevitable as long as oceans are treated as an open-access resource (implying that there is no ownership of the resources and that anyone can go and fish); and that 'ownership promotes stewardship' meaning that private property rights gives the incentives for companies to fish responsibly. Establishing clear individual private property rights through mechanisms such as Individual Transferable Quotas (ITQs) is assumed to create these incentives. Yet, this 'privatise or perish' view suggests the choice for the management of fisheries is between one of private property rights and a situation of chaos. It fails to recognise the vast array of diversity in access right regimes, and confuses open-access with very different commons-based regimes that characterise many small-scale fishing communities. It also fails to acknowledge that the ownership of the resources in the Exclusive Economic Zone – the zone extending 200 nautical miles from the coastline – belongs to sovereign states and hence there is no 'open access'.

Fourth, the pollution, habitat destruction and resource depletion is used to promote conservation areas such as Marine Protected Areas, and initiatives that seek to harness market forces to conservation and restoration of nature. These 'economic solutions' for 'environmental issues' frequently dismiss the human and social dimensions. They fail to recognise that, small-scale fisheries is not a sector in isolation, but rather part of complex production, distribution and governance systems where people live in co-existence with nature. Fisher peoples' vulnerability is the product of multiple factors, including lack of or insufficient public support, service delivery and infrastructure and their exclusion from decision-making processes.

Fifth, the recurrent discourse on how governments lack institutional capacity and the failure of national policy frameworks to address fisheries and ocean problems is used to present policy reforms based on privatisation and large-scale investment as necessary, preferably through Private-Public Partnerships (PPPs); this is what the World Bank referred to as 'sunken billions' lost in the global economy from a lack of market relationship in marine ecosystems.²³ Instead of adopting such top-down and one-size-fits-all reform proposals, national policy reforms should be based on the interests and demands of representative organisations through an inclusive and bottom-up democratic process.

This discourse also claims that market-oriented voluntary initiatives for fisheries management will help improve the governance of oceans. The experience of the Marine Stewardship Council (MSC), which has emerged as the dominant fish-labelling program within the wild-capture fishing industry debunks the myth. It monopolises the market for 'sustainable seafood' certification – rather than helping the creation of 'sustainable fisheries' and has been contributing to the marginalisation of vulnerable fisher-people, particularly in developing countries, with their catch becoming 'unsustainable' by default.²⁴

The most influential organisations and institutions accept these narratives, the identified problems and proposed solutions, uncritically. Far from being a neutral assessment, it clearly frames the solutions in a particular way, promoting economic and technical approaches such as industrial aquaculture, rights-based fisheries, MPAs and other large-scale private investment-- and market-based mechanisms. They fail to recognize the political and social roots of unsustainable use of marine resources, and also fail to put the communities whose livelihoods and food sovereignty depend on the resources at the heart of the debate.

Further reading:

Macinko, S. (2014) 'Lipstick and catch shares in the Western Pacific: Beyond evangelism in fisheries policy?', *Marine Policy* 44: 37-41.

Mansfield B. (2004) 'Neoliberalism in the oceans: "rationalization," property rights and the commons question', *Geoforum* 35: 313-26.

Kolding J. and P.A.M. van Zwieten (2011) 'The tragedy of our legacy: how do global management discourses affect small-scale fisheries in the South?', *Forum for Development Studies* 38(3): 267-97.

O'Riordan, B. (2013) 'The Global Fisheries Crisis: dispelling myths and misconceptions, and fishing for solutions', *Food Chains* 3(1-2): 18-31.

Bromley, D.W. (2008) 'The Crisis in Ocean Governance. Conceptual Confusion, Spurious Economics, Political Indifference', *MAST* 6(2): 7-22.

Allison E.H. et al. (2012) 'Rights-based fisheries governance: from fishing rights to human rights', *Fish and Fisheries* 13: 14-29.

Box F. **The struggle for Coastal Sovereignty in the Gulf of Fonseca in Honduras**

Honduras' pristine marine waters are under multiple threats from transnational corporations and investors, as well as powerful politicians. Since the 1970s, 70,000 hectares equivalent to half of Gulf of Fonseca's mangrove forests have gone from community ownership to private concessions. North and South American or European corporations have taken native populations' rights to access resources away, mainly for tourism and aquaculture purposes. The expansion of shrimp farms to over 20,000 hectares of forests, lagoons and tidal zones, has led to gross human rights violations. A large number of communities have been displaced.

The export-oriented shrimp industry in Honduras claims to employ approximately 20,000 people. This figure is however five to ten times less than the number of people who sustain their livelihood through the mangrove resources, whether small-scale fishing or other traditional uses. Further, the conversion of productive mangrove areas into shrimp farms has resulted in the destruction of natural habitats crucial for regeneration of coastal natural resources, including fish. The chemical contamination and eutrophication caused by shrimp farming also constitute an additional threat to Honduran marine life.

In a response to declining fish catches in the Gulf, the government has proposed to replace the fisheries law of 1959 with a new legislation based on Individual Transferable Quotas (ITQ), the Law of Fisheries and Aquaculture Act. The proposed law is promoted by USAID and backed by the fishing industry – including Pesca Chile, a subsidiary of the Spanish transnational Pescanova.

In 2013, the Association of Fishermen of the Gulf of Fonseca (APAGOLF) launched a quick and well-planned campaign targeting the media and members of parliament and succeeded in halting the process. The campaign argued that typical market driven responses to environmental problems are yet another threat to small-scale fisheries. Jorge Varela from APAGOLF insists that "There is plenty of evidence from this region that market-based solutions only benefit the rich elite and foreign investors at the expense of mestizos, indigenous people and Afro-Honduras fishers' rights. We will continue to protect the rights of fishers by fighting this proposal." Their struggle is far from over as in June 2014, the National Congress again tabled the new law for approval.

Source: Association of Fishermen of the Gulf of Fonseca (APAGOLF), a member of the World Forum of Fisher Peoples.

Further reading:

Varela Marquez J. (2013) "One step from legalizing the surrendering of coastal sovereignty", <http://iccaconsortium.wordpress.com/2013/08/30/one-step-from-legalizing-the-surrendering-of-coastal-sovereignty/comment-page-1/>

Varela Marquez J. (2013) "USAID impulsa privatización de los mares", <http://www.elheraldo.hn/csp/mediapool/sites/ElHeraldo/Opinion/story.csp?cid=616395>

Ecoceanos (2014) "Pueblo Garífuna en Honduras exige que Proyecto de Ley de Pesca y Acuicultura sea revisado", http://www.ecoceanos.cl/news/index.php?option=com_k2&view=item&id=867:pueblo-garifuna-exige-que-proyecto-de-ley-de-pesca-y-acuicultura-sea-revisado

The Global Partnership for Oceans: why is it likely to accelerate ocean grabbing?

The World Bank increasingly promotes the Global Partnership for Oceans (GPO) as the new global blueprint for dealing with the governance of the world's oceans and fisheries. At the 2012 Economist's World Ocean Summit, the then World Bank President, Robert B. Zoellick announced that the GPO was set to mobilise US\$ 1.5 billion over five years, which makes it the largest global financing programme on fisheries up until now. The GPO Declaration for Healthy Oceans was presented at the formal launch of the GPO at the 2012 Rio+20 Summit²⁵. The guiding GPO Framework Document was endorsed and published in March 2014.²⁶ While the declared agenda of protecting healthy and resilient marine resources may seem commendable at first glance, upon closer inspection it becomes clear that the partnership is first and foremost about the promotion of market based solutions through private-public partnerships, rights-based fishing reforms and the growth of new ocean-related industries. Further, the GPO was shaped by an exclusive alliance of stakeholders, without any meaningful participation and inclusion from the social movements who represent a significant proportion of the world's small-scale fisher people.

Box G. **The Africa Program for Fisheries**

As part of the GPO, the World Bank together with the African Union and the World Wide Fund for Nature, drew up a key document guiding a US\$ 550 million investment programme over a five years period.²⁷ A limited number of organisations representing small-scale fisher peoples in Africa have participated in a series of meetings and conferences of the African Union and the New Economic Partnership for Africa's Development (Nepad) over the last four years. From these meetings and conferences it has become abundantly clear that the African Union and Nepad are working closely together with the World Bank and that rights-based fishing is the key denominator for the institutions' reform programmes.²⁸ This is, for example, evidenced by Nepad's reference to a World Bank report prepared by the US-based Property and Environment Research Center, in which the authors repeatedly refer to rights-based fishing or rights-based management, private property rights, ITQ, and catch shares.²⁹ This document, read in its entire form, clearly illustrates the privatisation agenda of the World Bank and its partners.

The partnership gathers a vast coalition of diverse actors and funders, ranging from national development agencies and intergovernmental bodies such as the US USAID, British DFID, Norwegian Norad and Global Environmental Facility; to large philanthropic foundations – including for instance Moore or Walton Family foundations – as well as international environmental NGOs (e.g. World Wide Fund for Nature, Conservation International and Oceana); and corporate seafood sector (for example World Ocean Council, High Liner Foods, Darden Restaurants, Global Aquaculture Alliance, Aquaculture Stewardship Council, Marine Stewardship Council). It represents an unprecedented ideological, political and funding consensus that widens the scope of ocean grabbing, and deepens the amplitude of the threat.

An important observation lies in how the GPO has adapted and softened its language to make it sound appealing to partners, donors, and the people whose lives will be impacted upon by the framework. Initially, the draft Framework Document of the GPO was wrapped in the rhetoric of rights-based fishing, securing access rights, and private investments. Following a series of events and critique from key partners, however, the World Bank changed the wording, and the final March

2014 version of the Framework Document saw all references to rights-based fishing replaced by 'careful allocation of rights', 'user rights arrangements', 'tenure rights', 'community rights', 'access rights', and 'human rights'.

This significant shift in the use of language confuses the line between proponents of *private property* rights and social movements' *human* rights advocacy. While some may argue that this change in language is a reflection of a sincere shift in the approach of the GPO towards a human-rights oriented agenda, many social movements argue that it merely reflect a new euphemism and language-strategy in pursue of more private and individual access rights regimes. The term 'community rights' is likely to be used as a decoy to give the impression that rights-based fishing is good for communities; 'sustainable fisheries' is used to refer to fisheries properly incentivised by market mechanisms, and 'Public-private partnerships' is understood as transferring publicly owned resources from the State to private actors, overshadowing the needs and rights of small-scale fisher peoples.

Also, a new slogan of 'Blue growth' is emerging as a new mantra, appealing to donors and policy-makers, not least for its similarity with 'green economy', but also for its ill-defined nature, leaving it open for powerful actors to capture its interpretation and practice. The Global Oceans Action Summit, co-hosted by the World Bank in April 2014, is one of the most recent examples of how Blue Growth is strategically applied to strengthen the GPO through mobilisation of new partners and sourcing of donor funding.

Further reading:

A Call for Governments to Stop Supporting the Global Partnership for Oceans (GPO) and Rights-Based Fishing (RBF) Reforms, http://masifundise.org.za/wp-content/uploads/2013/03/WFFP-WFF-Call-on-Governments_GPO_200313.pdf

Reuter R. (2014) 'The corporate take-over of fisheries policy-making', <http://www.sydafrika.dk/article/corporate-take-over-fisheries-policy-making>

GPO list of partners, <http://www.globalpartnershipforoceans.org/partners>

Who are the main actors behind ocean grabbing?

Governments, regional and international governmental institutions, international environmental organisations, large-scale corporate companies, and philanthropic foundations are among the key actors who are pushing for market-based reforms and policies that ultimately allow for ocean grabbing to take place.

States' facilitation of enclosures of marine resources includes a combination of the following dynamics. (i) Invention/justification of the need for fisheries reforms; usually premised upon the narrative of resource mismanagement stemming from lack of private property rights. (ii) Definition, mapping and quantification of marine resources and fish stock. This knowledge is laying the ground for 'total allowable catch' and quota systems at the core of right-based fisheries reforms. (iii) Affirmation of state sovereignty and authority over territorial waters. States now control a third of oceans' surfaces via Exclusive Economic Zones (EEZs), and continues to expand with the current drive to enhance states' grip over so-called 'areas beyond national jurisdiction'. (iv) Re-allocation of access and control over the resources. The state is the ultimate broker in allocating how, for what purposes and by whom, fish water and land can be used. This process occasionally involves coercion through police and military forces to enforce compliance. For example, the Tanzanian State has reportedly been using army troops, with repression, to help implement legislations around its Mafia Island Marine Park.

Beyond the state, a whole array of different actors, both old and new, are involved in the global ocean grab. The range of actors encompasses a whole host of domestic economic elites and transnational corporations, active in a wide variety of sectors including (eco)tourism, agribusinesses and the extractive industries, who often are able to exert influence on policies framework and economic agreements. Academia also plays an important role in paving the way for ocean grabbing. In more than four decades, fisheries economists and other fisheries scientists have done research and produced influential writings supporting and promoting private property rights in fisheries.

Also, few large-scale wealthy philanthropic foundations are increasingly forming partnership with international environmental organisations in order to address oceans and fisheries issues. Gordon and Betty Moore

Foundation, the Rockefeller Foundation, Walton Family Foundation and Bloomberg Foundation in partnership with the World Wide Fund for Nature, Conservation International and Environmental Defence Fund, to name a few, embrace and fund projects premised upon market-based approaches to fisheries management and environmental conservation.

How are some environmental conservation initiatives facilitating ocean grabbing?

Governments, international environmental NGOs and others increasingly hail marine protected areas (MPAs) – coastal sanctuaries and reserves that establish ‘no-take’ zones – along with market-based conservation schemes for dealing with overfishing, pollution, and habitat changes. One of the targets under the UN Convention on Biological Diversity specifically addresses this by stating that at least 10% of coastal and marine areas must be conserved by 2020.³¹ Many other proponents of MPAs argue that up to 30% of coastal and marine areas should be conserved. Most MPAs are located in coastal and territorial waters at biodiversity hotspots – where small-scale fishers practice their livelihood activities. Those areas are especially valuable fishing grounds for small-scale fisher peoples and often characterised by complex local or customary tenure systems.

Through top-down and one-sided representation in decision-making processes, MPA policy frameworks rarely take into consideration small-scale fishing communities or reflect upon the importance of local cultures, needs, and contexts. Private entities, environmental organisations and government bodies also tend to take over the management of MPAs without any participation of small-scale fishers. The regulations imposed with MPAs relocate villages, or leave communities with land-use regimes that reduce or even completely disable them from practising their livelihood.³² In a comprehensive study on MPAs in South Africa it is concluded that the management of marine resources in MPAs contributes to the further exclusion of these fishers, and undermines their traditional livelihoods. Other examples from India, Mexico, Tanzania and Thailand also show how ‘community participation’ tends to be interpreted as and reduced to communities’ compliance with the implementation of the MPA initiative.³³

One of the key events on MPAs at the international level is the International Marine Protected Areas Congress (IMPAC), which is held every four years. The main objective of IMPAC is to evaluate the progress made and seek new solutions in order to meet the international goal (UN Convention on Biological Diversity) of conserving 10% of the world's coastal and marine areas. IMPAC brings together close to one thousand participants and the vast majority of these have an eco-centric orientation. The social and human-rights aspects of MPAs received little attention at IMPAC. This reaffirms that the dominant focus in relation to MPAs remains on the conservation of nature with little regard to the people who are affected by the implementation of conservation areas.

Biodiversity conservation, proclaimed as the core goal in the context of MPAs is rarely seen as an end in itself. It is usually part of the wider strategies by policy-makers to increase economic growth. This indisputable necessity – according to the proponents – seems to dominate policy reform discussions and is often coupled with establishing and expanding the tourist sector, especially with regards to ecotourism. In Africa and South East Asia, fishing communities have been displaced from their coastal land and fishing grounds in numerous biodiversity hotspots and cultural heritage sites by a growing tourist sector. In Tanzania, following the establishment of the Mafia Islands Marine Park, known as Africa's largest marine park, lucrative foreign-owned tourism enterprises emerged, enclosing access to land and littoral sites, including the most productive coral reefs, mangrove forests and the best beaches, which had previously been under traditional ownership regimes by local communities. Similarly, in the Malvan (Marine) Wildlife Sanctuary, Maharashtra, India, "there is strong suspicion within the fishing community that curtailment of fishing activities in the region, and other related regulations in the core and buffer zones, have been designed mainly to give a boost to tourism."³⁴

Broader carbon offsetting schemes and market-based conservation initiatives involving marine resources – mangrove forests, lakes and rivers, land adjacent to them or coastal areas – also curtail fishing communities' control over their resources. Drawing upon the UN Reducing Emissions through Deforestation and Forest Degradation (REDD) mechanism, mainstream actors such as the International Union for Conservation of Nature (IUCN) and the environmental organisation Conservation International (CI), along

with corporate partners and philanthropic foundations, seek to apply the payment for ecosystems approach for managing marine ecosystems. In Senegal, Tanzania, Madagascar and Kenya for example, projects between corporate actors, international organisations and government agencies enclose mangrove forests in name of carbon credits schemes.

Referred to as the 'Blue Carbon Initiative' by its proponents, this framework is recycling the market-based 'green economy' approach into marine resources. It aims at financialising the carbon stored, sequestered or released from coastal ecosystems of saltmarshes, mangroves and seagrass meadows. Yet, financialisation in the aquatic resources sector is ultimately about making oceans ecosystems 'legible' for large-scale private investment, in a simplification process that often disrupt or destroy the web of relationships between these resources and the communities that depend on them. Experience from pilot projects, as mangrove forests turned into no-access zones 'offsetting' activities from the very extractive industries in Madagascar already responsible for destroying local ecosystems, shows that the story of green grabbing is about to repeat itself.³⁵

Box H. **Competing conservations: the Coral Triangle Initiative in Calatagan, Philippines**

Calatagan is a fishing town located on the western side of Batangas province in the Philippines. Calatagan's thousands of small-scale fishers and additional people that depend on seaweed farming and processing or marketing of fish products are threatened by the Coral Triangle Initiative (CTI); an international conservation scheme for the region that sidesteps gained and established local environmental protection arrangements.

Established in 2007, this MPA – which also covers Indonesia, Malaysia, Papua New Guinea, Solomon Islands, and Timor-Leste – has been dubbed as the Amazon of the seas because of its high marine biodiversity. An estimated 120 million people live in coastal communities in this region, the majority depending on fisheries for their livelihoods or food security. As part of the CTI, Conservation International partnered with World Wide Fund for Nature and the local government of Calatagan in 2012 to form four new MPAs

covering a total area of 135 hectares. The Federation of Small-scale Fishers in Calatagan was not allowed to take part in the decision-making processes. Its president, Tony Bautista, explains that fishers “were not consulted prior to the decision to implement the MPAs.” This top-down approach disrupts the success of local co-management practices built over the previous two decades.

Indeed, the Federation of Small-scale Fishers in Calatagan, or *Samahan ng Maliit na Mangigisda ng Calatagan*, was established in the early 1990s by the municipal (local) fishers in a response to declining fish catches and encroachment on the near-shore waters by the large-scale fishing vessels. The federation successfully campaigned for the municipal government to declare marine protected areas in three sites, each two hectares, and for these sites to be managed by the fishers themselves. Ka Uper, a leader of the federation, attributes the success to the bottom up approach and motivation of the local fishers to protect their waters. The bottom up process also strengthened the federation, and hence, increased capacity for fisheries management. Towards the end of the 1990s the federation and the municipal government agreed to extend each of the areas to eight hectares in order to protect the fish stocks and at the same time ensure that fishers had access to sufficient fishing grounds.

However, in the MPAs established by the CTI, many fishers from Calatagan can no longer fish in their former fishing grounds and they now have to travel to the waters of other *barangays* (municipal areas) with no reserved fishing waters. A local fisher explains that “there is more competition nowadays among fishers, and fishers from other villages often go to our fishing grounds because they have lost access to their own.” According to Ka Uper, the main beneficiaries are corporate fishing vessels: “small-scale fishers have no source of income other than fishing and its prohibitively expensive to travel to other fishing grounds. Commercial fishers, they can afford to go further out.” The federation’s campaign succeeded in stopping the CTI project in seven coastal villages, but encountered difficulties to mobilise fishers to fight against the project in other coastal areas due to lack of funds.

Source: the Federation of Small-scale Fishers of Calatagan, the Philippines

Further reading:

Benjaminsen T.A. and I. Bryceson (2012) 'Conservation, green/blue grabbing and accumulation by dispossession in Tanzania', *The Journal of Peasants Studies* 39(2): 335-55.

ICSF (2008) 'Marine Conservation and Coastal Communities: Who Carries the Costs? A Study of Marine Protected Areas and Their Impact on Traditional Small-scale Fishing Communities in South Africa', <http://mpa.icsf.net/images/stories/mpa/south-africa-all.pdf>

ICSF (2008) Reserved Parking: Marine Reserves and Small-Scale Fishing Communities: a collection of articles from SAMUDRA Report, <http://mpa.icsf.net/images/stories/mpa/reserved-all-es.pdf>

What is the role of aquaculture in ocean grabbing?

Although practised for centuries at a small-scale level, land-based and near-shore aquaculture activities have been transformed and expanded on unprecedented industrial scale. International scientific and policy-making arenas, including the GPO, are increasingly presenting 'aquaculture' as a new panacea for fish production with supposed economic, social and environmental benefits. While the vast majority of large-scale aquaculture production takes place in Asia, many countries in South and Central America, the Middle East and Europe are also producing at a large scale. Over the last two decades, its relative global contribution to overall fish supply for direct consumption has grown from 10 to 50%.

This aquaculture is promoted as a rational response to growing demand for fish at a time of universal degradation of stocks and unsustainability of wild-capture fisheries. Again this rationale sidesteps the context-specific political questions of who ought to decide what is to be fished, where and how. Species farmed by large-scale aquaculture feed the growing demand for fish from Global North high-ends and middle-income markets rather than the local food systems of the rural poor people. By grabbing land and waters upon which they rely,

aquaculture further increases fishing communities' vulnerability. Aquaculture is another dynamic whereby control over aquatic resources is captured by the corporate seafood regime, at the expense of the people depending on these resources and the resilience of marine ecosystems. It enhances and strengthens food regimes and value chains controlled by the corporate world, undermining small-scale food producers. The Aquaculture Stewardship Council (ASC) and the Global Aquaculture Alliance (GAA), the leading aquaculture certification programmes promoting it as the solution for meeting growing demand for fish, are both partners of the GPO.

Commercial aquaculture reduces fish stocks' genetic biodiversity. Even though aquaculture farms over 500 aquatic species worldwide, commercial production is based on the breeding of 25 species – mainly salmon, carps, pangasius, tilapias, clams and shrimps. This 'monoculture' in fish production and consumption patterns has dangerous implications for the resilience and adaptability of marine ecosystems. The constant uncontrolled spill of these non-native breed species into freshwaters or oceans disrupts local and regional ecosystems. In the Pacific, indigenous fishers in Chile and British Columbia have seen their fishing stocks depleted as a result of large-scale corporate salmon aquaculture. The potential farming of genetically engineered salmon in the Atlantic Ocean by the firm Aquabounty is likely to exacerbate this issue.³⁶ A parallel can be drawn with the socio-ecological impacts of agricultural monocultures and genetically engineered crops, a further warning that such a model of fish production is unlikely to lead to inclusive and sustainable development.

Industrial aquaculture has also directly disrupted small-scale fisheries by enclosing coastal and inland areas, notably for shrimp production, where coastal mangrove forests are converted into shrimp-ponds. Communities have not only lost mangroves used for the collecting of a variety of resources and important for the breeding and feeding of many fish species, but with the cutting down of mangrove forests they have also lost the natural protection that the mangroves provide against severe weather conditions. In most cases, fishers are also excluded from employment options in the newly established aquaculture facilities, or the relatively few who do find employment in the aquaculture sector work under poor conditions with little social protection and for a low salary. These new models of production shift wealth accumulation away from small-scale fishers, to the new land and pond owners as well as the corporate suppliers of inputs. The boom of pangasius aquaculture in Vietnam

has, in less than two decades, transformed fish production from being mainly geared towards local consumption into an agro-export sector, where 90% is consumed outside the country.³⁷

Due to their capital-intensive nature, industrial aquaculture farms are embedded in a select few vertically integrated corporate supply chains, whether for inputs, production or retailing activities. Norwegian Marine Harvest, Japanese Nippon Suisan Kaisha and Spanish Pescanova are giants controlling vast parts of these markets, along with the top retailers such as Walmart or Carrefour. Labour conditions associated with these chains are appalling, as recently showed in the case of the Thai shrimp aquaculture production, a slavery-like model.³⁸

Box I. **Ecuador: shrimp farming vs. ancestral land rights**

Ecuador is the fifth largest producer of shrimp worldwide, generating over one billion dollars a year. Ecuador's fragile wetlands have been devastated by shrimp farming – according to official statistics, the national area of mangroves went from 362,000 hectares to 108,000 hectares. Although the shrimp industry employs 250,000 people in Ecuador, a much higher number of people sustained their livelihoods from the mangroves before the industry grabbed the coastal lands. Mangrove forests can sustain the livelihoods and provide food for up to eight times as many people as the shrimp industry. Entire communities have been evicted and desperate fishermen are now fighting the shrimp farmers in order to reclaim their lands and protect the mangrove forests. “The estuary has become a war zone, and farmers even use packs of dogs and armed militias to protect their farms” informs Lider Gongora from C-CONDEM.

By the Chone river estuary in the Manabí Province, more than 70 families with ancestral ties to their lands making a living from the crabs, honey, shells and other food from the mangrove area formed the *Collective el Verdun*. In 1979, a local businessman acquired the wetlands and developed shrimp farms with loans from the Bank of the Pacific. In the process, people of the *Collective el Verdun* were evicted forcefully and violently from their lands,

and the mangrove depleted. When the businessman went bankrupt in 1997 and abandoned the shrimp farms, the Collective reclaimed its land, and started planting new mangrove trees and crops for their subsistence.

In 2010, the Bank of the Pacific sold the land to another businessman. He informed the Collective that he considered them invaders on his land and demanded they leave. In response, the Collective demanded a proper investigation, which was undertaken by the government of Manabí. The investigation confirmed their ancestral rights to the territory, and ordered the businessman to grant access back to the Collective.

Following his refusal, the Collective organized a public hearing a year later and asked the Ministry of Agriculture to transfer the property to the community. They made reference to the Ecuadorian Constitution, which stipulates that indigenous communities have the right to keep ownership of ancestral lands and territories and to not be displaced from their ancestral land. The hearing resulted in a court case in 2012, which required the businessman to allocate 20% of the property to the Collective. Even though the businessman's property rights were thereby still recognised, he once again refused to give back the 20% land. The authorities have not yet enforced the court order.

Source: C-CONDEM, a member of the World Forum of Fisher Peoples.

Further reading: "How shrimping has destroyed Ecuador's ecosystem", <https://www.youtube.com/watch?v=rFcgFg-d0WE>

Further reading:

Mestre Montserrat M. and M. Ortega Cerdà (2012) 'Shrimp Aquaculture in Central America: Conflicts and Justice', *Samudra Report: Triannual Journal of the International Collective in Support of Fishworkers* 61:8-12.

GRAIN (2009) Empty coasts, barren seas, <http://www.grain.org/article/entries/724-empty-coasts-barren-seas>

Ecoceanos (2013) 'Reject the expansion of Marine Harvest in the third biggest lake in Chile', available at http://www.ecoceanos.cl/index.php?option=com_content&task=view&id=12167

What are the impacts of ocean grabbing?

The current wave of ocean grabbing is destroying or threatening to destroy much of the world's oceans and fisheries resources (marine, coastal and inland), upon which a significant proportion of the world's population depends for livelihoods and food sovereignty purposes. People and communities are dispossessed of their long-established customary rights to access fishing grounds and water bodies, and the associated coastal lands that border these. People are also often excluded from trading and processing the catches because of the concentration of supply-chain activities into relatively few selected large-scale facilities that are increasingly oriented toward export markets.

Ocean grabbing also exacerbates serious ecological destruction and depletion, as linked to a variety of large-scale economic activities, ranging from large-scale industrial fishing to extractive industries and infrastructure development projects. It intensifies the reckless treatment of a resource on which all life on Earth depends. The negative social and ecological costs of pollution and depletion are often borne directly by local communities rather than the actors that induced them in first place.

By enclosing or destroying aquatic environments key to small-scale fishers or coastal communities, the impacts of ocean grabbing disrupt their means of livelihoods, subsistence, culture, traditions and social cohesions, challenging their very existence. Affected people are faced with an absolute threat on their life, way of living and knowledge gained over generations.

Box J. **World's largest mangrove forest under threat in Bangladesh**

In Bangladesh, the beginning of the construction of the Rampal coal power plant next to the Sunderbans, the world's largest mangrove forest, threatens local communities and the environment with catastrophic consequences. Located just 14 kilometres upstream of the Sunderbans, to allow easy access for Indian ships carrying coal for the plant, the power plant is a joint venture between India state owned National Thermal Power Corporation and the Bangladesh Power Development Board.

The government handed over 580 hectares of communal lands for the construction, with no indications whether the 7,500 families resident there will be evicted or if the majority of fisher people whose livelihoods are threatened will receive any meaningful compensation. Thousands of fisher families will either suffer from food contamination or will be forced to migrate to other areas.

During a field visit in April 2014, the Indian High Commissioner to Bangladesh declared that the “Rampal plant will have no impact on the Sunderbans forest or its ecology.” However, the ecological impacts on various ecosystems are likely to be dramatic. Coal power plants are major polluters, impacting all spheres of the environment – water, air and land: chemical pollution that accumulates in the food web; ‘thermal’ pollution from the release of water used for cooling that kill all aquatic life; carbon dioxide emissions accelerating global warming; and sulphur dioxide that destroys crops, forests and soils. The government’s intention to dredge ten kilometres of the Poshur river system for the transportation of coal will cause additional degradation of the natural environment.

Yet, the Sunderbans, a UNESCO World Heritage Site, provides natural protection against seasonal cyclones for its five million inhabitants. The richness of the mangrove forests, that include the proteins of crustaceans, molluscs and fish, also provide livelihoods and food sovereignty for the majority of its inhabitants. The project’s destruction of a considerable area of mangrove forest will undermine the entire ecosystem; “flooding will be more frequent and make more coastal land unsuitable for farming, and salt-water intrusion in freshwater supplies will lead to shortages of drinking water” warns Mujibul Haque Munir, coordinator of the BFWA.

Source: Bangladesh Fish Workers Alliance (BFWA), a member of the World Forum of Fisher Peoples.

Further reading:

Progress Bangladesh (2013) “How the Rampal Coal Power Plant will destroy the Sundarbans”, <http://progressbangladesh.com/how-the-rampal-coal-power-plant-will-destroy-the-sundarbans/>

Source Watch “Rampal power station”, http://www.sourcewatch.org/index.php/Rampal_power_station

UNBconnect (2014) “Rampal power plant not harmful to Sundarbans: Pankaj Saran”, http://www.daily-sun.com/details_yes_02-04-2014_Rampal-power-plant-not-harmful-to-Sundarbans:-Pankaj-Saran_812_1_0_3_8.html

What systemic changes are needed to end ocean grabbing?

Ocean grabbing is anchored in market-based and corporate economic logic and approaches in fisheries governance, nature conservation and economic development. The control over aquatic resources has increasingly been captured and concentrated in the hands of relatively few major players who determine how these resources are used, by whom, and for what purposes. This process values aquatic resources in narrow economic terms, without acknowledging and emphasising the practices of local management systems, cultures, traditions and social life that underpin millions of local fishing communities across the globe. Dealing with ocean grabbing therefore requires going beyond partial regulatory measures in order to address the politico-economic structures where ocean grabbing dynamics are rooted; i.e., the takeover of marine, coastal and inland fisheries resources by large-scale capital interests that then determine policies, laws and practices.

A primary starting point when talking about systemic change is to 'reboot' the debate on fish and marine resources governance away from the 'privatise or perish' perspective³⁹. The discussion on access rights regime should rather prioritise the rights of small-scale fishing communities to have effective access to and democratic control over aquatic resources, land and water bodies.

The key to stop and roll back ocean grabbing is to change the governance system to ensure true democratic control over the natural resources, including their production, consumption and distributions systems by the very people who depend on these resources for their livelihoods. The food and land sovereignty paradigm encompasses this alternative view. It entails "the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agricultural systems" (Declaration of Nyéléni 2007). Small-scale fishers' struggles are closely connected with small-scale farmers' demands. Rural working people, whether they depend on farming, fishing, or a combination of both – face the same dynamics of dispossessions and enclosures.

A framework ensuring that small-scale fisheries are being treated first and foremost as a matter of human rights rather than a purely economic matter is axed around two key dimensions. First, it rejects access rights and entitlement

to aquatic resources premised upon market-driven approach focusing on individual and private rights, and embraces the prior legal pluralism of local, traditional and cultural forms of access rights practised in small-scale fisheries all over the world. Securing the collective nature of access rights, in sharp contrast with individual rights, provides the best possible protection against their dispossession by market forces and state interventions.

Second, it puts inclusion, participation and democratic governance at the heart of fisheries governance. Governance and management of these rights is the responsibility of the fishing communities together with governmental institutions. The former UN Special Rapporteur on the Right to Food stressed the importance of inclusion to mitigate small-scale fishers' vulnerability. The High Level Panel of Experts from the FAO-based World Committee on Food Security recommends ensuring "that fishing communities and fish workers actively and meaningfully participate in all decisions that impact their enjoyment of the right to food." Engaging and involving the ability and capacity of fisher people and their social movements in decision-making processes – design, implementation and assessment of fisheries' policies – is a component typically missing in initiatives such as the GPO.

Further reading:

Declaration of Nyéléni 2007, available at <http://www.nyeleni.org/spip.php?article290>

Special Rapporteur on the right to food (2012) Fisheries and the Right to Food. Report of the UN Special Rapporteur on the right to food.

High Level Panel of Experts (2014) *Sustainable fisheries and aquaculture for food security and nutrition*. Rome: UN Committee on World Food Security High Level Panel of Experts Report.

What are the alternatives to ocean grabbing?

Systems safeguarding livelihoods and food sovereignty for small-scale fishing communities have been in place for generations. As such, alternatives to ocean grabbing are fundamentally linked to strengthening the political space for small-scale fisheries in fisheries governance. The model defended by small-scale fishers emphasises four key aspects for a social justice-driven and human rights-based alternative for the definition, allocation and management of fisheries resources.

First, fisheries governance must prioritize small-scale fishers' right to produce as well as protect their access to, use of and control over fish and aquatic resources upon which they depend. The *Human Rights*-based approach, distinctly different from the notion of Rights-Based Fisheries (RBF), best embodies such governance. It recognises that the benefits from marine resources cannot be measured purely in economic terms, and highlights benefits such as human dignity, food sovereignty, capacity development and empowerment, decreased conflict, enhanced social cohesion, etc.

Applying a human rights-based approach implies also addressing, in an integrated manner, the civil, social, political, economic and cultural rights of fisher people – an holistic approach that addresses all issues of insecurity. Such efforts contribute to securing food sovereignty and dignity for small-scale fishers and fishing communities, and facilitate the conservation of local ecosystems, leading to more sustainable human development outcomes.

Second, access rights regimes must guarantee appropriate and effective use, access and control of fisheries stocks management by small-scale fishers given their dependency on numerous different species and often on a seasonal basis. This supports fishing communities using approaches that protect local biodiversity. Such an approach has long been acknowledged as the Territorial User Rights in Fisheries (TURF) system, and is already enshrined in fisheries legislation in several countries.⁴⁰

TURFs, or spatial areas reserved for small-scale fisheries, are a necessary component of access rights. In South Africa, for example, small-scale fishers are allocated rights to fish in 'demarcated fishing zones'⁴¹, meaning spatial areas prioritised for small-scale fishers. TURFs also operate under a rationale that differs from regulations established by industrial fisheries management

such as total allowable catch (quotas) of specific species and ITQs. Under TURF systems, small-scale fisheries are managed by a range of measures adapted to local fishing practices, including seasonal availability of different species; a 'basket' system where fishers are allowed to catch a variety of species instead of just one or two species; and restrictions on gear types and number or size of boats that fishers are allowed to operate.

Third, fisheries governance should support local economic development. Local livelihood opportunities in the pre- and post-harvest activities of localised fisheries provide social safety and contribute to poverty eradication at local and regional levels. This is in sharp contrast to the value chain of export oriented fisheries, where economic benefits mainly accrue to a limited number of fishers and fish workers engaged in processing and packaging before the fish products are exported to foreign markets. While the potential of local economic development in small-scale fisheries is recognised by inter-governmental institutions and numerous national governments around the world, policy reforms and frameworks continue to support and provide direct and indirect subsidies to the large-scale fishing industry. What is needed is policy and financial support for the development of the entire value chain in small-scale fisheries, including funding schemes for training, organisational capacity building and infrastructure.

In that regard, small-scale aquaculture receives little attention. National and inter-governmental bodies put strong emphasis on the need for reforms and funding mechanisms to boost aquaculture production worldwide, but the focus remains exclusively on industrial or large-scale production for export into global markets. Yet, small-scale aquaculture holds great potential and is part of the solution to address poverty eradication and food sovereignty. Small-scale production generates significant livelihood opportunities, in particular for women, and throughout the entire value-chain, with less extractive pressure on ecosystems.

A fourth crucial aspect for fisheries governance, also embedded in the human rights-based approach, is to ensure greater participation of women in decision-making. Half of the people involved in small-scale fisheries are women. Women play a crucial role in all areas of small-scale fishing, including pre- and post-harvest activities, aquaculture and inland fishing. Women are also caregivers of their families and guardians of social relations and cultures in fishing

communities. As members and leaders of social movements representing small-scale fishing communities, women contribute to ensuring that the social and cultural values are maintained and promoted. The solutions to small-scale fisheries governance therefore necessitate the inclusion of women in decision making at all levels.

Further reading:

CAOPA (2014) Statement “The future for African Fisheries: sustainable artisanal fisheries”, <http://caopa-africa.org/index.php/en/actualites-corep/168-the-future-for-african-fisheries-sustainable-artisanal-fisheries1.html>

WFFP (2008) Statement “Human Rights, not Property Rights” of the WFFP the FAO Conference on Small Scale Fisheries, Bangkok, 2008, http://www.cceindia.org/cee/pdf_files/Statement_of_the_World_Forum_of_Fisher_Peoples.pdf

IPC Working Group on Fisheries (2013) Securing sustainable livelihoods from small-scale fisheries, in *Right to Food and Nutrition Watch*.

What international guidelines can be used in struggles against ocean grabbing?

The social justice driven and human rights-based model defended by small-scale fishers and their communities to ensure their access, use and control of marine and fisheries resources finds an echo in two FAO guidelines – the *Tenure Guidelines* and the *Fisheries Guidelines*. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (hereinafter *Tenure Guidelines*) were endorsed by the member states of the FAO’s Committee on World Food Security in May 2012. In June 2014, the member states of the FAO’s Committee on Fisheries (COFI) adopted the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Alleviation – hereinafter *Fisheries Guidelines*.

These guidelines offer a relevant and useful tool for answering the core questions of who ought to have what rights to which resources, for what purposes, and who ought to decide from a pro-poor perspective when dealing with fisheries governance. As both of these are a result of peoples' struggles, they are valuable for helping small-scale fishers' social movements and their allies in rolling back ocean grabbing.

The guidelines' legitimacy lies with the inclusive and participatory process in which social movements had a role in shaping their content – resulting from a decade-long engagement with the FAO and other key stakeholders. The civil society platform that actively engaged for over 6 years on the *Fisheries Guidelines* includes the World Forum of Fisher Peoples (WFFP), the World Forum of Fish Harvesters and Fish Workers (WFF), the International Collective in Support of Fisher Workers (ICSF) and the International Planning Committee for Food Sovereignty (IPC).

The guidelines are the first international instrument dedicated to promoting and defending the special needs and interests of small-scale fisheries; and applying a human rights-based approach to the governance of land, fisheries and forests. The *Fisheries Guidelines* reflect the vital contribution small-scale fisheries make to global food sovereignty and livelihoods and emphasise the importance of protecting their access, post-harvest and other associated human rights. The *Tenure Guidelines* stress the importance of equitable and secure access and control over land and natural resources as a prerequisite for the right to food of vulnerable and marginalised groups.

An important aspect of both sets of guidelines is that they constitute a tool that can be applied in the process of facilitating knowledge empowerment and organisation building at the grass-roots level. Often, fisher movements lack access to knowledge and information about solutions and principles for good governance and management of the resources (fish, water, land). By acquiring the information and knowledge contained in the guidelines, fisher people become politically empowered and capable of tackling the challenges they are facing in their every-day lives.

Also, when faced with losing or being denied their rights to fish or harvest aquatic resources following the introduction of quota systems, as has happened in e.g. South Africa, Canada and Ecuador, small-scale fishers can call on states' obligation to recognise, respect and protect customary legitimate tenure rights

to fisheries and adjacent land (TG articles 4.4, 4.3, 8.2, 8.3, 11.8 and FG articles 5.3, 5.4, 5.5, 10.4).

In cases where small-scale fishing communities lose access to their fishing waters or adjacent land due to the privatisation and conversion of their land- and water-territories they can demand that states abide by their obligations to ensure that these projects do not arbitrarily evict, compromise or infringe their tenure rights (TG 12.10, 12.12 and FG 5.9); to identify existing (un)recorded tenure rights before reallocating tenure rights or resources (TG 7.3 and FG 5.10); and to conduct spatial governance and management approaches that respect small-scale fisheries' interests (TG 20.3 and FG 10.2).

When trade and fishing agreements, or other initiatives, deplete small-scale fishing communities' fishing stocks, as in Mauritius or in the Kiribati islands, the *Fisheries Guidelines* establishes that small-scale fishers should be granted preferential access to fish (5.7) and that states should avoid policies contributing to the overexploitation of resources (5.20). In situations where conservation objectives curtail small-scale fishers' access, as in the Philippines, the *Fisheries Guidelines* support comprehensive and participatory approaches (9.2, 9.3).

“This is the first instrument that deals specifically with the small-scale fisheries sector all through the value chain. The significance of this instrument can’t be overestimated. This is a historic moment for small-scale fishers.

The Guidelines are comprehensive and deal, in one instrument, with all significant aspects of small-scale fisheries and fishing communities within a human rights perspective.

The Guidelines will also assist fishing communities to engage in meaningful dialogue/ negotiations with the state and other sectors towards securing access to their living and livelihood space and in protecting this space from various threats”.

**Small-Scale Fishers' Declaration
at COFI 31st Session, June 2014**

What resistance is being undertaken against ocean grabbing?

The role of social movements' resistance in stopping and rolling-back ocean grabbing is of the utmost importance. Experience shows that legal frameworks by themselves are not sufficient and good results require significant social pressure from below to shift the balance of power and bring about positive change. In the contemporary wave of privatisation of natural resources, the state is an active player and broker of private capital accumulation and thus most ocean grabbing entails a 'legal' character. As a result, even the best laws or international governance are not automatically carried out in favour of those who should be prioritised: laws do neither self-interpret nor self-implement.

Addressing ocean grabbing, or shaping any law or policy, will eventually depend on political interactions between state and non-state actors. The engagement of social movements is key and heightens the prominence of their struggles. There are two broad types of actions already happening throughout the world to withstand ocean grabbing.

The first type of resistance is a defensive struggle by communities to resist expulsion, dispossession or appropriation of their resources. It often involves a multiple range of tactics including direct action, mass mobilisation and legal strategies as well as bridging with other sectors to pressure all the key nodes through which ocean grabbing unfolds. In South Africa, small-scale fishers in 2006 organised a defiance campaign, harvesting resources that were denied to them by government regulations. In Nigeria, fishers are attempting to bring the oil corporation Shell into courts for the pollution of their fishing grounds. In Venezuela, campaigns by fishers' organisations secured a law banning trawl-fishing. In Chile, small-scale fishers have worked together with universities in protesting against government policies with students taking up the fishing agenda.⁴² In the UK, a small-scale fishers' organisation won a landmark ruling in court that asserted that quotas were not industry's private property and the government had authority to take unused fishing quota from big boats and give it to small boats.⁴³

The second type of resistance is a pro-active struggle where local communities occupy and enclose the marine resources upon which they depend for their livelihoods, and develop alternative production and management systems that challenge the dominant model of industrial development. Both types are life-and-death struggles for many people.

Box K. **Fighting against individual quotas in South Africa on constitutional grounds**

The Individual Transferable Quota (ITQ) system was introduced by the colonial state almost 100 years ago and has been further entrenched since then. Throughout this period small-scale fishing communities steadily became more and more marginalised while the large-scale fishing industry gained political and financial capital. This pattern even continued after democracy was introduced in 1994, even though the South African movement of small-scale fisher people hoped the end of Apartheid would also give them back their rights to the sea to protect their culture and traditions. In 2005 the government released a new fishing policy that was designed on the principle of individual quota allocations. Up to 90% of the country's 50,000 small-scale fisher people had their rights taken away when the policy was signed. Despite comprehensive criticism from fishing communities and the devastating effects of this law, the government maintained its course.

Small-scale fishers responded by lodging a complaint against the government on the grounds that the policy was unconstitutional. The case was taken to the Equality Court, a special court designed to be accessible to all South Africans and facilitate the protection of the legal rights of the poor, under the equality clause of the Constitution. Using its prerogatives of implementing special measures to address unfair discrimination, the court granted in 2007 an Order requiring the government to develop a new small-scale fishing policy through a participatory approach.

In 2012, after five years of participation, the government has endorsed a new small-scale fisheries policy. It is premised upon the principle of fishing rights, but builds on collective rights granted to communities rather than individual

property rights. Further, as Naseegh Jaffer from Masifundise points out, “with a reference to our Constitution, the government recognises that our fishers were discriminated against in the ITQ system. In other words, this is the same as admitting that the ITQ system is unconstitutional.”

Coastal Links, the South African movement of small-scale fisher people, welcomed the outcome of what has been “a life-long struggle”. One of the leaders, Maria Hoffman, explains “first we won against the Apartheid and we were convinced that we would get our rights to the sea back, that our culture and traditions would shine upon our community again, but the law of the new government did not recognise us. We have been in struggle another two decades to get our fishing rights back. Our sons and daughters will now have better opportunities in life. That’s really what matters.” Small-scale fishers’ organisations are now working together with the government on the implementation of the new policy.

Source: Coastal Links and Masifundise, members of the World Forum of Fisher Peoples.

Further reading:

Sunde J. et al. (2013) ‘Emerging proposals for tenure governance in small-scale fisheries in South Africa’, *Land Tenure Journal* 1: 117-44.

Jaffer N. and J. Sunde (2006) ‘Fishing rights vs human rights? South Africa: Fisheries Management’, *Samudra Report: Triannual Journal of the International Collective in Support of Fishworkers* 44: 20-4.

Endnotes

- 1 A Call for Governments to Stop Supporting the Global Partnership for Oceans (GPO) and Rights-Based Fishing (RBF) Reforms: http://masifundise.org.za/wp-content/uploads/2013/03/WFFP-WFF-Call-on-Governments_GPO_200313.pdf
- 2 This understanding of the global land grab is from TNI (2013) *The Global Land Grab: A primer*; for more information on specifically water grabbing see also TNI (2014) *The Global Water Grab: A primer*.
- 3 United Nations Special Rapporteur on the right to food (2012), "Ocean-grabbing' as serious a threat as 'land-grabbing' – UN food expert", <http://www.srfood.org/en/ocean-grabbing-as-serious-a-threat-as-land-grabbing-un-food-expert>
- 4 *The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Alleviation* are available at ftp://ftp.fao.org/FI/DOCUMENT/ssf/SSF_guidelines/TC/2014/2e.pdf
- 5 FAO (2014) *The State of World Fisheries and Aquaculture*. Rome: FAO.
- 6 Isaacs, M. (2011) 'Individual transferable quotas, poverty alleviation and challenges for small-scountry fisheries policy in South Africa', *MAST* 10(2): 63-84.
- 7 Ecotrust Canada (2009) *Briefing: A cautionary tale about ITQ fisheries*. Vancouver: Ecotrust, <http://ecotrust.ca/fisheries/cautionarytale>
- 8 'Shell in Nigeria' at Peoples' Permanent Tribunal, hearing in Geneva, June 2014, <http://www.justice5continents.net/fc/viewtopic.php?vplay=1&t=1067&nrvid=4>
- 9 Borrás S.M. and J. Franco (2012) 'Global land grabbing and trajectories of agrarian change: a preliminary analysis', *Journal of Agrarian Change* 12(1): 34-59; Franco J., L. Mehta and G.J. Veldwisch (2013) 'The Global Politics of Water Grabbing', *Third World Quarterly* 34(9): 1651-75; Fairhead J., M. Leach and I. Scoones (2012) 'Green Grabbing: a new appropriation of nature?', *Journal of Peasant Studies* 39(2): 237-61.
- 10 Neher et al. (eds.) (1989) *Rights Based Fishing*. Dordrecht, The Netherlands: Kluwer Academic Publishers.
- 11 Árnason R. (2000) 'Property rights as a means of economic organization', in *Use of Property Rights in Fisheries Management: Proceedings of the FishRights99 Conference*, Shotton, Ross (Eds.). Freemantle: Western Australia, 11-19 November 1999. FAO Fisheries Technical Paper 404/1. Rome: FAO, p.14.
- 12 Benediktsson K. and A. Karlsdóttir (2011) 'Iceland: crisis and regional development – Thanks for all the fish', *European Urban and Regional Studies* 18(2): 228-35.
- 13 Captains of Finance - An Inquiry into Market-based Fisheries Management. Høst, Jeppe (2013), University of Copenhagen, PhD Thesis
- 14 Pelagic fish live in the water zone that is neither close to the bottom nor near the shore. Herring and mackerel, for example, are small pelagic species.
- 15 See interview form 2:53 in <https://www.youtube.com/watch?v=VUzCcAFhqr5>
- 16 Praca A. (2012) 'Chile intent privatizar el mar', available at <http://www.equaltimes.org/news/chile-intenta-privatizar-el-mar>
- 17 Árnason R (2002) *A Review of International Experiences with ITQs*, <http://www.port.ac.uk/research/cemare/publications/pdf/files/reportspdf/fileto/download,103922.en.pdf>
- 18 Garcias Rey M. and J. Grobler (2011) 'Spain's hake appetite threatens Namibia's most valuable fish', <http://www.publicintegrity.org/2011/10/04/6769/spain-s-hake-appetite-threatens-namibia-s-most-valuable-fish>
- 19 United Nations Special Rapporteur on the Right to Food (2012) 'Fisheries and the Right to Food', Report presented at the 67th Session of the United Nations General Assembly [A/67/268] http://www.srfood.org/images/stories/pdf/officialreports/20121030_fish_en.pdf

- 20 Fairbairn M. (2013) "Like gold with yield": evolving intersections between farmland and finance', International Conference Food Sovereignty: a critical dialogue. Yale University; Friends of the Earth International (2013) *Economic Drivers of water financialization*. Amsterdam: Friends of the Earth International.
- 21 Van der Voo L. (2013) 'The Big Fish Win Again', available at http://www.slate.com/articles/health_and_science/science/2014/05/catch_shares_investment_firms_are_taking_over_the_fishing_rights_system.html
- 22 Benediktsson and Karlsdottir (2011) 'Iceland: crisis and regional development – Thanks for all the fish', *European Urban and Regional Studies* 18(2): 228–35.
- 23 World Bank (2009) *The Sunken Billions: The Economic Justification for Fisheries Reform*. Washington: World Bank.
- 24 Ponte S. (2012) 'The Marine Stewardship Council (MSC) and the Making of a Market for "Sustainable Fish"', *Journal of Agrarian Change* 12(2-3): 300–16.
- 25 Available at <https://www.globalpartnershipforoceans.org/sites/oceans/files/images/GPO%20Declaration.pdf>
- 26 Available at https://www.globalpartnershipforoceans.org/sites/oceans/files/images/Framework_Document_GPO_web.pdf
- 27 World Bank (2012) *Africa program for fisheries*. Washington: World Bank, <http://documents.worldbank.org/curated/en/2012/01/17917266/africa-program-fisheries>
- 28 Observations of Masifundise, South Africa, through participation in official meetings and conferences at the African level.
- 29 Property and Environmental Research Center (2010) *The Political Economy of Natural Resource Use, lessons for fisheries reforms*. Washington: World Bank, <http://siteresources.worldbank.org/EXTARD/Resources/336681-1224775570533/PERC.pdf>
- 31 Aichi target 11 under the UN Convention on Biological Diversity: <http://www.cbd.int/sp/targets/rationale/target-11/>
- 32 Sharma C. and R. Rajagopalan (2013) 'Marine Protected Areas Securing Tenure Rights of Fishing Communities?' *Land Tenure Journal* 1: 175–200.
- 33 See cases studies realised by ICSF, available at <http://mpa.icsf.net/en/page/634-Publications/Case%20Studies.html>
- 34 Patel V. and R. Rajagopalan (2009) *Fishing Communities Issues in the Sundarban Tiger Reserve*, http://mpa.icsf.net/images/stories/mpa/report_2march_kg.pdf
- 35 Seagle C. (2013) 'The mining-conservation nexus: Rio Tinto, "development gifts" and contested compensation in Madagascar', LDPI Working Paper 11.
- 36 More resources at <http://cban.ca/Resources/Topics/GE-Fish>
- 37 Belton B. et al. (2011) 'The social relations of catfish production in Vietnam. *Geoforum*', 42(5): 567–77.
- 38 The Guardian (2014) 'Revealed: Asian slave labour producing prawns for supermarkets in US, UK', <http://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labour>
- 39 This dichotomy is coined by Macinko, S. (2014) 'Lipstick and catch shares in the Western Pacific: Beyond evangelism in fisheries policy?', *Marine Policy* 44: 37–41
- 40 For an early reference to TURF systems see the FAO Fisheries Technical Paper from 1982: <http://www.fao.org/docrep/003/t0507e/T0507E00.htm>
- 41 Section 5.1.2 of the South African Policy for the Small-scale Fisheries Sector: <http://www.nda.agric.za/docs/Policy/PolicySmallScaleFishe.pdf>
- 42 Ecoceanos (2012) 'Pescadores, Pymes, Estudiantes, Indígenas y ONGs conforman Alianza Ciudadana contra la Privatización de los peces', http://www.ccc-chile.org/articulo-15-1061-200812_pescadores_pymes_estudiantes_indigenas_y_ongos_conforman_alianza_ciudadana_contra_la_privatizacion_de_los_peces.html
- 43 Densham A. (2013) 'No one owns the fish of the sea: landmark ruling prevents ocean privatisation', <http://www.greenpeace.org.uk/blog/oceans/historic-legal-victory-fish-and-fishermen-20130710>

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Masifundise Development Trust facilitates the mobilisation and organisation of fishing communities at the grass roots level, in order for communities to become empowered and capable of taking part in political and economic decision making processes. This approach has proven to facilitate good governance at municipality level and enable fishing communities to secure their social, economic, and political rights.

www.masifundise.org.za



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www.worldfishers.org