



**THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS**



**ENGAGING WITH THE BLUE ECONOMY:  
A GUIDE FOR NATIONAL HUMAN RIGHTS  
INSTITUTIONS IN AFRICA**

## **ENGAGING WITH THE BLUE ECONOMY: A GUIDE FOR NATIONAL HUMAN RIGHTS INSTITUTIONS IN AFRICA**

The Danish Institute for Human Rights (DIHR) is Denmark's National Human Rights Institution. Its mandate is to promote and protect human rights and equal treatment in Denmark and abroad. DIHR thanks the Network of African National Human Rights Institutions (NANHRI) for their contribution to this project, both financial and technical. This guide was developed as part of a collaboration between DIHR and NANHRI, made possible thanks to the support of the Swedish International Development Agency (Sida).

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## ABBREVIATIONS

Agenda 2063: Agenda 2063 - The Africa We Want

FAO: Food and Agriculture Organization of the United Nations

DIHR: Danish Institute for Human Rights

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

ILO: International Labour Organization

IUU: Illegal, Unreported and Unregulated Fishing

NANHRI: Network of African National Human Rights Institutions

NHRI: National Human Rights Institution

SDG: Sustainable Development Goal

SIDS: Small Island Developing States

SWIA: Sector-wide Impact Assessment

UNGPs: UN Guiding Principles on Business and Human Rights

2030 Agenda: The 2030 Agenda for Sustainable Development

# 1. INTRODUCTION

This document is a guide to how National Human Rights Institutions (NHRIs) in Africa can engage with the Blue Economy. 'Blue Economy' describes the sustainable use and conservation of aquatic resources in marine and freshwater environments. In October 2019, the African Union published the Africa Blue Economy Strategy.<sup>1</sup> This extensive and one-of-a-kind strategy refers to the sustainable use of ocean resources for economic growth and improved livelihoods in the region while ensuring the conservation and protection of the marine environment. Despite its broad scope on development-related themes, it has almost exclusively attracted engagement from actors working on the economic and environmental aspects of the Blue Economy. Very few actors have adopted a human rights-based approach to the topic.

With its focus on ocean equity, the High Level Panel for a Sustainable Ocean Economy makes an important case for the interconnection between environmental protection and sustainable economic growth. Both can mutually reinforce wealth generation without contributing to the depletion of the resources that it builds on and thereby actively contribute to the achievement of the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development (2030 Agenda). Furthermore, it also highlights the interconnection between equitable public participation and the social distribution of sustainable, ocean-based, wealth-generating activities and revenues. Thus, the Blue Economy should not only focus on economic growth but also address social inclusion and inequality.

## **THE HIGH LEVEL PANEL FOR A SUSTAINABLE OCEAN ECONOMY AND THE BLUE ECONOMY**

In its 2020 call for action Transformations for a Sustainable Ocean Economy: A Vision for Protection, Production and Prosperity, the High Level Panel for a Sustainable Ocean Economy urges all coastal and ocean states to commit to the sustainable management of ocean areas under their national jurisdiction and work together regionally and globally to safeguard areas beyond their national jurisdiction. In doing so, efforts to combat climate change, pollution, and loss of biodiversity will underpin the development of a sustainable ocean economy, which can deliver a more equitable, resilient, knowledge-based, and prosperous future for all. The vision of the High Level Panel for a Sustainable Ocean Economy is based on five critical criteria:

- Ocean wealth
- Ocean health
- Ocean equity
- Ocean knowledge
- Ocean finance

Ocean equity, with its focus on the equitable distribution of ocean wealth and equal opportunities for all, provides a particularly interesting platform for NHRI engagement. Not only does the criterion promote accountable and transparent business practices and address labour rights issues, but it also lists, amongst others, the following as priority actions:

- “Require transparent, responsible business practices that engage and benefit coastal communities, including small-scale fishers, and protect the rights of all workers in ocean industries.
- Create the conditions to facilitate the full engagement of women in ocean activities to help unlock their economic and social potential and empower them to safeguard natural resources while enhancing opportunities to access decent work.
- Recognise and respect the interests of coastal communities and rights of Indigenous Peoples, and implement policies that require consideration of the particular importance of marine resources for these groups.
- Create inclusive governance by incorporating Indigenous and local community knowledge and interests, particularly those of women and youth, in planning and decision-making processes.”

Current discussions within the human rights field point towards increasing involvement of the private sector in line with other duty-bearers. Endorsed in 2011 by the UN Human Rights Council, the UN Guiding Principles on Business and Human Rights (UNGPs) confer states with the duty to protect human rights, and businesses with the responsibility to respect human rights.

As described above, the Blue Economy has a strong focus on marine wealth generation, which indicates a central role for businesses; the conservation and health of marine environments and ecosystems, which involves states; and ocean equity, which points directly towards a central role for NHRIs. However, within the current discussions on the Blue Economy in Africa, NHRIs are not attributed this central role. This is critical, since NHRIs, as state-mandated yet independent bodies with mandates to promote and protect human rights, are important human rights actors on the national, regional and international level. Their bridging and convening ability to mediate between governmental actors, civil society, and the private sector places NHRIs in a unique position to strategically engage with the Blue Economy by emphasising the potential of the latter to benefit sustainable development in the region at the intersection of business responsibility, the health of the ocean and their combined impacts on the enjoyment of human rights. Furthermore, they can advocate for marginalised and vulnerable groups such as Indigenous and coastal communities, women and children and workers, for the fair and equitable distribution of benefits derived from the Blue Economy and ensure that their rights are protected and respected.

While some NHRIs use their mandate and functions to promote human rights in ocean sectors, examples remain few and far between. A survey conducted by the Network of African National Human Rights Institutions (NANHRI) and the Danish Institute for Human Rights (DIHR) in 2021 showed that only 10% of NHRIs had some engagement with the Blue Economy in general or the African Blue Economy strategy.<sup>2</sup>

For these reasons, this guide focuses exclusively on the bridging role of NHRIs in the Blue Economy, which may place human rights more dominantly at the centre of Blue Economy strategies. Nevertheless, a collaborative approach to engagement with the Blue Economy between state actors, the private sector and NHRIs is strongly promoted.

Thereby, this guide:

- advances a regional understanding among African NHRIs of the African Union Blue Economy strategy and the opportunities and challenges it presents for the region,
- directs the gaze of NHRIs towards how to work on a broader variety of human rights issues by showing ways to specifically interpret their mandates within the Blue Economy,
- promotes NHRI engagement with human rights issues connected to ocean sectors, and
- encourages NHRI advocacy on regional and national initiatives that aim to promote human rights and sustainable development as they relate to ocean sectors.

While predominantly focused on human rights in the fisheries and aquaculture sectors, this guide to engagement of NHRIs with the Blue Economy can be used as a 'blueprint' for engagement with any of the Blue Economy sectors. Regardless of whether one sector is more predominant than others in a country, the fact that oceans, rivers and other water bodies are inherently connected with each other requires a holistic, inter-sectoral and trans-border approach to engagement with the Blue Economy.

This guide begins with a comprehensive overview of the history of the Blue Economy concept and its interlinkages with human rights and sustainable development. NHRIs that have worked or are currently working on a Blue Economy-related topic may find it more relevant to skip these descriptions and go directly to section 5.



## 2. THE CONCEPT OF THE BLUE ECONOMY

This section provides an overview of the Blue Economy concept and why it is important for all countries in the African region. For a more comprehensive account of the historical development of the concept and examples of regional and national Blue Economy initiatives, please refer to sub-section 7.2.

### 2.1 DEFINITION OF THE BLUE ECONOMY AND WHY IT IS IMPORTANT

The notion of a Blue Economy was first addressed at the Rio+20 United Nations Conference on Sustainable Development in 2012, where the key theme was to refine and further the institutional framework for sustainable development and the 'Green Economy' concept while addressing the eradication of poverty. Yet, prior to the conference, the applicability and relevance of the Green Economy for coastal states was questioned, and the need for a Blue Economy approach with increased linkages to ocean health, wealth, equity and finance was highlighted. Following the conference, the Blue Economy concept was increasingly seen as separate from the Green Economy because of its explicit focus on wealth generation through the sustainable use of marine and water resources.<sup>3</sup> The Blue Economy precisely encompasses this marriage between economic growth based on and through marine and maritime resources and wealth-generating development that is focused on social inclusion and regional cooperation. The African Union's 2019 Blue Economy strategy mirrors this in its call for the development of the ocean economy as a priority goal towards achieving wealth generation within the context of the African Union Agenda 2063.<sup>4</sup>

While there is no universally accepted definition of the Blue Economy concept, there is relative consistency among the definitions given by various organisations. To a great extent, these definitions are focused on the protection of the world's oceans and are therefore highly relevant for coastal states and Small Island Developing States (SIDS), as the impacts of climate change are most severe for them. Yet, the Blue Economy is also important for countries without access to coastal areas. Of the seven million fishers employed in Africa's fisheries sector in 2018, half worked in inland fisheries. Moreover, according to the Food and Agriculture Organization of the United Nations (FAO), Uganda is ranked third among the top ten aquaculture producers in Africa,<sup>5</sup> and the sector is one of the fastest growing in the country.<sup>6</sup> This illustrates the importance of rivers and lakes for economic activity. Due to the interconnectedness of the world's water ecosystems, a holistic approach to the Blue Economy is of vital importance. Furthermore, if water resources are managed in a sustainable way, they can make a strong contribution to improving the economies of the entire continent due to the connections between the Blue Economy and trade and transport activities by sea, rivers and lakes, activities in ports, fishing and aquaculture activities, mining activities and the production of oil, gas and renewable energy resources, and tourism.<sup>7</sup> Table 1 shows how different ecosystem services are intrinsically connected to Blue Economy sectors.<sup>8</sup>

**TABLE 1: KEY BLUE ECONOMY ECOSYSTEM SERVICES AND SECTORS**

Type of ecosystem services	Blue Economy sectors
<b>Harvesting of living aquatic resources</b> (seafood, plant marine organisms, and marine-biotechnological products)	Fishing (inland, coastal, and deep seas) Aquaculture Mariculture Pharmaceuticals, chemicals, cosmetics, genetic research
<b>Extraction of nonliving resources and generation of new energy resources</b>	Deep-sea and seabed mining Offshore oil and gas Renewable energy Marine salt harvesting Coastal mining of sand, gravel, and other construction materials
<b>Commerce and trade in and around the ocean and rivers</b>	Maritime transport and services Port infrastructure Shipbuilding and repairs River transport Tourism and recreation
<b>Protection</b>	Coastal protection Marine ecosystem protection Water resource protection
<b>Cultural and religious values</b>	Cultural and religious practices
<b>Knowledge and information</b>	Biophysical, socioeconomic, and political research

Source: United Nations Economic Commission for Africa (2016). *Africa's Blue Economy: A Policy Handbook*, p. 6.

## SUMMARY

- The idea behind the Blue Economy is that oceans and other bodies of water should be increasingly considered 'development spaces'.
- In development spaces, sectoral thinking with limited consideration for the interconnectedness between sectors across common spaces on policies and strategies for sectors such as fisheries, transportation and energy is misplaced.
- Rather, the planning of marine conservation, sustainable energy production, transport and oil and mineral wealth extraction should be executed in a more integrated manner.
- Furthermore, instead of perceiving the ocean solely as an open space for free resource extraction and waste dumping, the Blue Economy is a promising concept for incorporating the values of sustainable development and human equity into economic decision-making.

## **2.2 EXAMPLES OF REGIONAL AND NATIONAL POLICIES, INSTITUTIONAL FRAMEWORKS AND STRATEGIES RELATED TO THE BLUE ECONOMY**

While the Blue Economy concept has not yet been sufficiently mainstreamed in the international human rights and sustainable development agenda, the African Union and a few African states have adopted Blue Economy strategies. Important to note is that while SIDS are pioneering the field of elaborated and explicit Blue Economy frameworks and strategies, other countries tend to integrate specific Blue Economy elements into broader policy frameworks related to industries such as tourism, extractives, seafood, and transport. This makes it imperative for NHRIs to not only consider explicit Blue Economy strategies as imperatives for their work but also to look out for Blue Economy concepts in other related policy frameworks.

In 2018, the African Union was urged to develop a strategy related to the Blue Economy concept that could guide the utilisation of aquatic resources within the framework of inclusive growth and sustainable development and constitute a priority goal towards achieving 'a prosperous Africa'.<sup>9</sup> Following this push, the experiences and best practices on issues related to the Blue Economy in 13 states of the African Union were collected and analysed. In October 2019, the Blue Economy strategy was endorsed. Considering that the various components and sectors of Africa's Blue Economy generate a value of USD 296 billion, the Blue Economy strategy is crucial for guiding the development of an inclusive and sustainable Blue Economy that contributes to continental transformation and growth<sup>10</sup> and moreover to support member states of the African Union and regional institutions with the formulation of coherent national and regional Blue Economy strategies. It is worth noting that although the strategy acknowledges that it shall contribute to poverty alleviation and improved living conditions for marginalised and vulnerable groups, it makes very few explicit references to civil and political and economic, and social and cultural rights.

### **THE AFRICAN BLUE ECONOMY STRATEGY IS BASED ON FIVE THEMATIC AREAS:**

1. Fisheries, aquaculture and ecosystems conservation
2. Shipping, transportation and trade
3. Sustainable energy, extractive minerals, gas and innovative industries,
4. Environmental sustainability, climate change and coastal infrastructure
5. Governance, institutions and social actions

While presenting opportunities for the Blue Economy concept to be increasingly mainstreamed in regional and national policies, the strategy also acknowledges challenges that member states and actors might face. These include constraining conditions related to environmental protection and health improvement of ecosystems, such as a general lack of data on the contribution of blue energy and mineral potential and a lack of integration among approaches to the protection of marine ecosystems. Furthermore, prevailing issues such as poverty, impaired food security, and climate variability complicate the multifaceted objectives of the Blue Economy strategy.

Lastly, insufficiency of the institutional capacity needed for the implementation and monitoring of Blue Economy strategies, and the policies for innovation, technology and investment they entail, can entirely impede the former's value.

On 20 January 2014, participants at the Blue Economy summit, which was organised by the governments of the Seychelles and Abu Dhabi, adopted the Abu Dhabi Declaration. This declaration conceptualises the Blue Economy as a tool to promote sustainable development, poverty eradication and climate change mitigation,<sup>11</sup> and stresses that states should enhance their mechanisms for governing ocean territories. Furthermore, given threats to ocean health such as acidification, habitat destruction, pollution and unsustainable exploitation, it states that ecosystems need to be approached in a more integrated manner to maintain their health and productivity.<sup>12</sup> Despite the momentum it had in 2014, the draft declaration did not garner enough traction to develop further and was never adopted.

**TABLE 2: OTHER SPECIFIC REGIONAL POLICY INSTRUMENTS AND INITIATIVES RELATED TO BLUE ECONOMY SECTORAL ACTIVITIES**

<b>2009 Africa Mining Vision</b>	Informed by the outcomes of several initiatives and efforts at regional and global level to formulate regulatory frameworks to maximise the development outcomes of mineral resource exploitation, <sup>13</sup> the Africa Mining Vision considers that African mining sectors can be vital for making the African economy globally competitive as well as diversified, while also optimising finite resources when they are governed in a sustainable way.
<b>2010 (revised) African Maritime Transport Charter</b>	The charter is an ambitious legal framework that seeks to restructure the maritime affairs of African Union member states to harmonise maritime, port and inland waterways policies, regulations and procedures. It thereby honours the interdependence between economic development and the sustainable protection and preservation of marine environments.
<b>2019 African Continental Free Trade Area (AfCFTA) for the movement of goods and services among AU member states with no restrictions</b>	As reported by the <a href="#">World Bank</a> , the free trade area has the potential to enhance long-term growth in African countries by reducing tariffs among member countries and removing trade barriers.
<b>1969 (revised in 2017) African Convention on the Conservation of Nature and Natural Resources</b>	Amongst other things, the convention emphasises the importance of conservation measures globally and especially on the African continent and cites documents such as the <a href="#">Lagos Plan for the Economic Development of Africa</a> as well as the <a href="#">African Charter on Human and Peoples Rights</a> .

<b>Three regional seas conventions (Abidjan, Nairobi and Jeddah)</b>	These conventions provide regional legal and coordinated frameworks that strengthen country capacity to protect, manage and develop their coastal and marine environments.
<b>African Union Decade of Seas and Oceans (2015–2025)</b>	This initiative of the African Union aims to raise awareness about the challenges that African seas and oceans face in the light of climate change, conservation measures and economic growth.
<b>Barbados Programme of Action</b>	This programme calls for the development of vulnerability indices and other indicators that reflect the status of SIDS and integrate ecological fragility and economic vulnerability. <sup>14</sup>
<b>Towards COP 22: African Ministerial Conference on Ocean Economies and Climate Change and Mauritius Communiqué</b>	During the African Ministerial Conference in preparation for COP 22 in 2016, the Mauritius Communiqué was agreed. Among other things, it called on African countries to ratify the <a href="#">FAO agreement on port state measures to prevent, deter and eliminate IUU fishing</a> , to implement their Nationally Determined Contributions and to create networks to share knowledge and drive meaningful action towards climate-smart ocean economies.

In addition to the global and regional advances on the Blue Economy that took place after the Rio+20 United Nations Conference on Sustainable Development, a few African countries have launched national strategies on the Blues Economy (see sub-section 7.2 for details). While these national strategies are comprehensive in scope and ambition and could be seen as functioning as *de facto* development programmes, they all lack systematic references to the international human rights framework as related to the Blue Economy, such as the covenants on economic, social and cultural rights (ICESCR) and civil and political rights (ICCPR). Therefore, it is evident that the human rights-based approach to the Blue Economy needs to be elaborated in further detail.

## THE BLUE ECONOMY ROADMAP OF THE SEYCHELLES

The Seychelles have played a leading role in promoting the Blue Economy on the international scene through efforts to champion the protection of biodiversity and the principles of sustainable development. With its Blue Economy strategic policy framework and roadmap ('the Roadmap') for 2018 to 2030, the Ministry of Finance, Trade and the Blue Economy of the Seychelles produced an elaborate, integrated and sustainable development approach to the Blue Economy based on economy, environment and society. The Roadmap also contains explicit links to the Agenda 2030, the Convention on Biological Diversity, and the Paris Agreement.

Source: Republic of Seychelles. Seychelles Blue Economy Strategy: strategic policy framework and roadmap – charting the future (2018–2030), p. viii, [Seychelles Blue Economy Roadmap](#).

## SUMMARY

- On both the regional and the national level in Africa, broad Blue Economy strategies that cover various sectors and aspects of promoting the concept have been drawn up.
- However, especially at national level, strategies and policies that affect sectors related to the Blue Economy may not necessarily be formulated as such but can be entailed in sector-specific strategies and policies (such as maritime transport and fisheries management) or broader, nationwide, strategies and policies (such as National Development Plans and National Action Plans on Business and Human Rights).
- NHRIs that wish to engage in the topic should not limit their scope of engagement to clearly articulated Blue Economy strategies. Issues related to the Blue Economy can also form part of broader sectoral strategies focused on, for example, sustainable development, transportation and renewable energies.

## 3. THE BLUE ECONOMY, HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT

This section explains the inherent linkages between human rights, sustainable development and the Blue Economy due to the centrality of human rights to the latter and the overarching aim of Agenda 2030 to contribute to the realisation of human rights.

### 3.1 NEXUS BETWEEN THE BLUE ECONOMY AND SUSTAINABLE DEVELOPMENT

The Blue Economy concept has explicit links with sustainable development frameworks. A particularly evident connection exists between the Blue Economy and SDG 14 of Agenda 2030, which aims to conserve and sustainably use the oceans, seas and marine resources for sustainable development.<sup>15</sup> Amongst others, these targets define in detail the ways in which this sustainable conservation and use of water resources should be achieved:

1. Reducing marine pollution (14.1)
2. Protecting and conserving marine and coastal ecosystems and other areas (14.2 and 14.5)
3. Minimising the impacts of ocean acidification (14.3)
4. Regulating illegal, underreported and unregulated fishing and prohibiting harmful fisheries subsidies (14.4 and 14.6)
5. Providing small-scale artisanal fishers with access to marine resources and markets (14.b)

Additionally, target 14.7 specifically states that by 2030, the economic benefits to SIDS and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism shall be increased.<sup>16</sup>

As can be seen from this description of SDG 14, the Agenda 2030 places particular emphasis on the conservation and sustainable use of oceans and other water bodies for sustainable development. Yet, SDG 14 is among those SDGs that receive the least amount of global long-term funding. As the OECD's interactive SDG financing lab shows, in 2019, the highest amounts of funding went to SDGs 8, 9 and 17, which receive more than 10% of total SDG funding.<sup>17</sup> In comparison, SDGs 14 and 15 only received 3.5% of total donor commitment, which is the least of all 17 SDGs.<sup>18</sup> These numbers highlight the urgent need to close the biodiversity funding gap and to foster more engagement with and advocacy of SDG 14-related development issues by actors such as NHRIs.

The figure below illustrates how each SDG is connected to the Blue Economy and how related developments may positively and negatively impact the targets of the SDGs.

**TABLE 3: POSITIVE AND NEGATIVES TO SDG TARGETS LINKED TO BLUE ECONOMY DEVELOPMENTS**

Potential <b>POSITIVES</b> of proper development of the Blue Economy	SDG Goals	Potential <b>NEGATIVES</b> of improper development of the Blue Economy
Improved livelihoods and employment Investment in enterprises	1 NO POVERTY 	Space conflicts Marginalization
Enhanced sustainable food production Improved food distribution	2 ZERO HUNGER 	Increased food waste Harmful commoditization of food
Improved water quality Increased funding to health services Improved occupational safety of seafarers	3 GOOD HEALTH AND WELL-BEING 	Pollution Weak revenue capture at national level
Enhanced knowledge infrastructure Increased funding for the education sector Skill development	4 QUALITY EDUCATION 	Outsourcing of skilled labor Unwillingness to invest in local training and education Brain drain
Increased equal rights to economic resources Increased participation in decision making	5 GENDER EQUALITY 	Increased gender disparity in wages Proliferation of income gap
Increased funding for access to clean water and sanitation Investments in nature-based water provision services	6 CLEAN WATER AND SANITATION 	Water pollution Destruction of nature-based water provision services
Enhanced access to renewable energy Improved knowledge base to build and maintain infrastructure	7 AFFORDABLE AND CLEAN ENERGY 	Continued incentivization of carbon-based energy Population displacement Environmental impacts
Job creation Economic diversification	8 DECENT WORK AND ECONOMIC GROWTH 	Wealth concentration Over-reliance on quantitative growth
Increased and improved infrastructure Technological progress	9 INDUSTRY, INNOVATION AND INFRASTRUCTURE 	Environmental impacts High dependency on technology
Enhanced benefit distribution Enhanced participatory engagement of all stakeholders	10 REDUCED INEQUALITIES 	Business as usual Concentration of influence
Improved cycling, harvesting, and use of water Cities have access to clean renewable energy	11 SUSTAINABLE CITIES AND COMMUNITIES 	Increased pressure on freshwater resources Pollution
Removal of inefficient fossil-fuel subsidies Promotion of more equitable trade of goods and services	12 RESPONSIBLE CONSUMPTION AND PRODUCTION 	Unsustainable production practices Increased waste flows
Transition to low-carbon economies Resilience to uncertain climate future	13 CLIMATE ACTION 	Increased carbon intensity Coastal degradation leading to climate vulnerability
Enhanced health of aquatic and marine ecosystems Increased stock abundance supporting sustainable fisheries	14 LIFE BELOW WATER 	Overexploitation of aquatic and marine resources Environmental degradation
Increased water security Enhanced sustainable transboundary water sharing	15 LIFE ON LAND 	Nutrient pollution Biodiversity loss
Improved governance Promotion of continental peace and security	16 PEACE, JUSTICE AND STRONG INSTITUTIONS 	Resource conflicts Failure to implement and enforce laws and regulations Dutch disease and resource curse
Improved partnerships between public, private, and civil society actors Strengthened continental cooperation	17 PARTNERSHIPS FOR THE GOALS 	Insufficient partnerships Bureaucratic complexity

Source: United Nations Economic Commission for Africa (2016). *Africa's Blue Economy: A Policy Handbook*, p. 10.



In addition to this global initiative, the African Union's 'Agenda 2063: The Africa We Want'<sup>19</sup> (Agenda 2063) provides a regional, strategic and sustainable development framework for Africa. Two goals refer specifically to the Blue Economy: Marine resources and transport, port operations and energy generation are priority areas under Goal 6 for accelerated economic growth,<sup>20</sup> and Goal 7 on environmentally sustainable and climate resilient economies and communities addresses the Blue Economy through its focus on biodiversity conservation, sustainable consumption and production patterns, water, and climate resilience, preparedness and prevention of natural disasters and the expansion of renewable energy in Africa.<sup>21</sup>

Going beyond Agenda 2030 and Agenda 2063, the Blue Economy conceptualises oceans and other water resources not as spaces used for free and unlimited resource extraction and waste dumping but rather as 'development spaces'. Thus, industrial activities such as oil and mineral wealth extraction, energy production and marine transport are addressed in more sustainable ways by ensuring the conservation of ecosystems and the sustainable use of resources. Thereby, the Blue Economy paradigm envisions marine and maritime resources as a development opportunity for Africa that can foster social inclusion and equity in access to, development of, and sharing of marine resources<sup>22</sup> in order to reduce national debts and further the eradication of poverty. Eventually, this can advance human development and ensure that developing countries can promote national equity and the generation of inclusive growth.<sup>23</sup>

## SUMMARY

- The Blue Economy presents an important development opportunity for Africa that has the potential to target economic growth, environmental conservation, and social inclusion.
- Social inclusion here does not only address the protection of civil and political rights. The focus is located to also emphasise the importance of promoting and protecting economic, social and cultural rights as inherently connected to the development opportunity aspect of the Blue Economy.

## 3.2 NEXUS BETWEEN THE BLUE ECONOMY AND THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK

Most ocean activities can have positive impacts for the enjoyment of human rights and ocean equity. Economic activities such as aquaculture and maritime transport create jobs and secure livelihoods. In a similar vein, small-scale fishing can ensure the food security of entire communities. Moreover, open access to water bodies allows people, in particular Indigenous Peoples, to enjoy their traditional and cultural connections to water. The unsustainable use of water and marine resources, by contrast, can negatively impact the enjoyment of human rights of a wide range of people involved with ocean resources, including:

- small-scale fisher people
- fishers and seafarers
- workers on fishing vessels, in seafood processing, tourism, logistics etc.
- local communities
- workers in Blue Economy sector supply chains.

The Blue Economy concept can be linked to the international human rights framework in numerous ways. In 2023, DIHR published a briefing note on NHRI engagement in fisheries and aquaculture<sup>24</sup> that provides an in-depth overview of how relevant international human rights standards can be linked to key human rights issues in the sector.

### DIHR TOOLS RELATED TO HUMAN RIGHTS AND THE BLUE ECONOMY

- [The Human Rights Guide to the Sustainable Development Goals | Linking human rights with all Sustainable Development Goals and targets](#)
- [SDG – Human rights explorer](#)
- [The Human Rights Guide to Fisheries](#)
- [Furthering the right to defend rights](#)

#### 3.2.1 Right to food and right to an adequate standard of living

The rights to food and to an adequate standard of living are closely related to the protection of biodiversity and the prevention of exploitation of wild fisheries. Due to the growing world population, fish and other seafood are highly in-demand sources of nutrition. For this very reason, fishing activities are an important aspect of food security under the Blue Economy: According to a 2021 UN concept paper on the Blue Economy, one billion people in developing countries depend on seafood as their primary source of protein.<sup>25</sup> Meanwhile, the global average consumption of fish and other seafood measured a record high 20.5 kilogram per capita in 2019.<sup>26</sup> Upscaling industrial fishing activities could therefore address growing concerns around food security, but only to a certain extent: Indigenous and small-scale fishing and coastal communities tend to not only not benefit from industrial fishing activities, but even face challenges because of it. Often located in remote areas, they are highly dependent on small-scale fishing as a source of income and nutrition. However, due to challenges such as climate change, marine conservation efforts without prior consultation, or the growing world population and a consequent increasing demand for seafood, the natural resources that Indigenous and small-scale fishing and coastal communities rely on are increasingly under pressure.<sup>27</sup> In countries such as Tunisia, such small-scale fishing communities account for 92% of the total fleet and up to 76% of employment in fishing.<sup>28</sup> On the other hand, aquaculture offers considerable potential for the provision of food and livelihoods and, if addressed through the Blue Economy framework, can incorporate the value of the natural capital in its development by respecting ecological parameters throughout the cycle of production, creating sustainable, decent employment and offering high value commodities for export.<sup>29</sup> However, current common practices in the aquaculture sector have far-reaching negative implications

both for the environment, due to the pollution and contamination of water bodies, and for communities, since agricultural activities often entail practices such as forced labour, ocean grabbing and lack of respect for traditional fishing grounds.<sup>30</sup>

### **RIGHT TO FOOD IN PERU**

The anchoveta fish species in Peru has yielded greater catches than any other wild fish species in the world. About 98% of anchoveta catches are pressed and ground into fishmeal and fish oil used to produce Omega-3 capsules and imported by other countries.

In Peru, however, anchoveta is also highly in demand because it is incredibly nutritious and rich in vitamins and minerals such as calcium, phosphorus and iron. This makes it an important resource for fighting against child malnutrition, which has experienced an unprecedented surge in Peru during the last three years due to the impact of the Covid-19 pandemic. Furthermore, due to its abundance, the market price of this fish is technically low enough to be affordable for even extremely poor families.

Yet, the fish is not available for those who need it the most. Support from the authorities disproportionately benefits large-scale fishing industries who directly export anchoveta. This prevents the anchoveta from being available to small-scale fisher people, who could offer it at local markets. This lack of resource for local Peruvians greatly infringes on their right to food.

### **3.2.2 Right to water and right to a clean, healthy and sustainable environment**

The degradation of marine ecosystems is not only concerning due to the loss of biodiversity. It also gravely affects the ability of oceans and other water bodies to combat climate change and ultimately causes adverse impacts on the health and livelihoods of entire populations. Rising sea levels, ocean acidification and the reduction of mangroves, marshland and sea grass have increasingly become a problem due to the loss of their ability to absorb carbon dioxide. As ocean acidification increases and mangroves and other habitats decrease, the ocean's capacity to moderate climate change is gravely reduced.<sup>31</sup>

The fisheries and aquaculture sectors have been documented to negatively impact the environment as well. Amongst other issues, the aquaculture industry is linked to escape of fish, algal blooms and dead zones, and the effects of antibiotics on the ecosystem around cages.<sup>32</sup> The negative impacts of fishmeal factories have been well documented in West Africa. For example, in The Gambia, fishmeal factories are linked to unregulated discharges of waste and smoke emissions that have severe health impacts for local communities.<sup>33</sup>

These developments affect the health and livelihoods of many populations and can have particularly grave implications for coastal communities and their access to clean drinking water and nutrition. As reported by UN News on the right to a healthy

environment, 1.7 million children worldwide die every year due to inhalation of contaminated air or drinking polluted water.<sup>34</sup> Additionally, WHO forecasts that climate change will cause around 250,000 deaths per year between 2030 and 2050 due to heat and malnutrition, and this will amount to a cost of USD 2–4 billion per year by 2030. Furthermore, climate change is one of the primary culprits in the increase of water-borne infectious diseases such as cholera and typhoid fever.<sup>35</sup> This particularly affects sub-Saharan Africa.<sup>36</sup>

Given the severity of these impacts of climate change and environmental degradation on the right to water and the right to a healthy environment, environmental and ocean defenders are important stewards for the protection of land, health, and livelihoods. While the role of defenders, and especially those of Indigenous communities, is often overlooked in decision-making and planning processes on climate change, there is evidence that suggests that environmental and ocean defenders are very effective at what they do.<sup>37</sup> A recent global study<sup>38</sup> shows that in 11% of environmental conflicts, defenders were successful at halting destructive projects. Furthermore, while Indigenous communities occupy only around a quarter of the earth's land, they help to maintain 80% of the world's biodiversity, and Indigenous land stores hundreds of gigatons of carbon.<sup>39</sup> Because of the difference defenders can make, they are highly vulnerable and under attack. Around the globe, environmental defenders face assaults, intimidation, harassment, stigmatisation, criminalisation, and killings;<sup>40</sup> at least three people a week are killed due to their activism.<sup>41</sup>

## **RIGHT TO WATER AND RIGHT TO A HEALTHY ENVIRONMENT IN NIGERIA**

Over 50 years of oil operations in the region of Ogoniland in Nigeria have allegedly caused health problems resulting from the contamination of land and water resources among the Ogoni people. Furthermore, environmental degradation and contamination rendered fishing, a principal means of livelihood of the Ogoni, virtually impossible due to the destruction of fish habitat and the resulting declining fish stocks. A report published by the UN Environment Programme in 2011 revealed that the environmental restoration of Ogoniland could prove to be the most wide-ranging and long-term oil clean-up exercise ever undertaken.

While the report outlined urgent recommendations for a clean-up, a 2020 investigation published by civil society organisations revealed that little has been done in this regard.

In 2015, upon having undertaken a mission to Nigeria, UN Special Rapporteur on Minority Issues Rita Izsák urged the Nigerian government to take immediate and effective measures that provide affected communities with healthcare, education facilities and alternative livelihood options.

### **3.2.3 Right to land, territories and natural resources, right to enjoy culture and to take part in cultural life and right to consultation, participation and access to information**

Since access to coastal lands and marine territories and resources is vital for many coastal communities and Indigenous Peoples, the recognition of their rights in connection with the Blue Economy is particularly important. Across the globe, millions of Indigenous People depend on fisheries for their livelihoods, food security and nutrition, and the average fish consumption per capita is 15 times higher in Indigenous coastal communities compared to non-Indigenous country populations.<sup>42</sup> In addition to this, it is central that Indigenous communities freely access their traditionally owned lands, territories and resources for cultural, ceremonial and economic activities and engage with them through their specialised knowledge and practices, which often coincide with enhanced sustainable management of coastal and marine ecosystems.<sup>43</sup> However, these ecosystems are increasingly threatened by harmful practices such as destructive fishing methods, climate change, pollution and the excessive expansion of ocean-based activities such as shipping, aquaculture, tourism and extractive industries. Indigenous Peoples are often not previously consulted, nor are they able to participate in decision-making processes such as on fishery and aquaculture policies and regulations that concern them in other ways. This can result in displacement,<sup>44</sup> violent conflicts, illegal deforestation, illicit use of Indigenous land as well as compromising food security and the livelihoods of Indigenous Peoples.<sup>45</sup> To mention an example, while the Lamu Port–South Sudan–Ethiopia transport (LAPSETT) corridor project was presented as a significant new infrastructure opportunity to link Kenya, Ethiopia and South Sudan, it also carried potential negative impacts for Indigenous Peoples that included loss of land, resources and territories, alteration of traditional livelihoods, the collapse of cultures and traditions and increased conflicts.<sup>46</sup> Furthermore, activist defenders of Indigenous Peoples' right to land were particularly under attack through intimidation, harassment, criminalisation and violent attacks.<sup>47</sup>

#### **RIGHT TO LAND, TERRITORIES AND NATURAL RESOURCES, RIGHT TO ENJOY CULTURE AND TO TAKE PART IN CULTURAL LIFE AND RIGHT TO CONSULTATION, PARTICIPATION AND ACCESS TO INFORMATION IN SOUTH AFRICA AND THE GAMBIA**

The Nibela peninsula in South Africa has been inhabited by the Nibela community since pre-colonial times. For centuries, the livelihoods and food security of this community have centred around fishing. However, between 1895 and 1999, the Isomangaliso Wetland Park was first converted into a protected area and later into a UNESCO World Heritage Site, which led to the systematic dispossession of the Nibela community of their traditional access to land and natural resources and gravely impacted their livelihoods. While the supreme court of South Africa recognised the customary fishing rights of the community in 2018, this has done very little on the ground. The case was made even more complex when the Nibela ancestral fishing grounds were designated a marine protected area enforced by local conservation agency rangers, which led to increased violence towards the community.

In the coastal town of Sanyang in The Gambia, the presence of three Chinese-owned fishmeal factories has been objected to by local communities for years due to the extensive environmental and economic damage they caused. Specifically, waste from the factories is linked to mass mortalities of fish and birds and has impacted the trade of many artisanal fishermen and women. In March 2021, tensions between local communities and the business grew more violent and led to riots where local youths torched one of the factories alongside dozens of fishing boats supplying the factory and a police station.

DIHR has worked extensively on the rights of Indigenous Peoples in the context of fisheries and aquaculture and has produced the following publications on Indigenous Peoples' rights, the obligations of states to honour them and the international standards:

- Key messages on Indigenous Peoples' rights in the context of fisheries and aquaculture
- State obligations related to Indigenous Peoples' rights in the context of sustainable fisheries and aquaculture
- The rights of Indigenous Peoples in the context of fisheries and aquaculture Using ILO international labour standards to address discrimination against Indigenous Peoples working in fisheries and aquaculture

### **3.2.4 Right to just and favourable conditions of work and health and safety at work**

To elaborate on this section, the fisheries and aquaculture sectors will be used as illustrative examples. However, it is important to emphasise that these human rights violations are just as likely to occur in other Blue Economy sectors such as shipping.

#### **A HUMAN RIGHTS DUE DILIGENCE GUIDE FOR COMPANIES IN THE FISHERIES VALUE CHAIN**

This comprehensive DIHR guide on human rights due diligence for companies in the fisheries value chain advises on how to apply the UN Guiding Principles on Business and Human Rights in the fisheries value chain and breaks down which human rights and environmental issues are salient in different parts of the value chain. This includes for example topics such as:

- Forced labour, modern slavery child labour and other exploitative labour practices, such as physical, emotional and sexual abuse, extremely low wages and long hours that are prevalent at every stage of the value chain.

- Setting up infrastructure for fishing activities may adversely impact the livelihoods and well-being of local communities and small-scale fishers.
- Overfishing can damage ecosystems and affect local, small-scale and artisanal fisheries' access to fish stocks.
- Lack of health and safety gear, standards and knowledge can endanger the health of workers, local populations and consumers alike and even lead to accidents and fatalities.
- Fraud and mislabelling of fish products can threaten sustainable seafood production and consumer health and safety. Certification standards may address the demand of consumers to verify sustainability, but labour and human rights issues are often not sufficiently considered.

While the primary audience for this guide is companies involved in the entire fisheries value chain, the document can also provide information and guidance to investors, certification schemes for the fisheries sector, civil society organisations, human rights experts, NHRIs and consultants and academics working or planning to work at the intersection of fisheries, human rights and responsible business conduct. Furthermore, national governments or specific ministries or departments may also use this guide to design targeted regulations or policies for the fisheries sector.

In the fisheries and aquaculture sectors, the rights of workers are a particularly sensitive topic. Often considered 'dirty', activities connected to the pre-harvesting, harvesting and post-harvesting stages of seafood production are known to have negative impacts on the health and safety of workers pertaining to various rights-holder groups:

- Given that fishing is among the most dangerous of all professions,<sup>48</sup> the occupational health and safety of **workers** is a particularly important consideration. Workers on fishing vessels are required to perform demanding work for extended periods of time, sometimes for 20 hours a day and every day of the week. Meanwhile, health and safety standards are rarely observed on the vessels, rendering workers susceptible to severe accidents that can end fatally. In some cases, fishing vessels have also been reported to not offer adequate living conditions and accommodation to workers. They often lack beds or blankets, facilities needed for maintaining sanitation and hygiene, potable water and sufficient or nutritious food. As a result, workers are vulnerable to diseases stemming from vitamin deficiency, poisoning, exposure to harmful conditions or infections that spread easily in close quarters. Due to the very low level of unionisation in the fisheries sector, the freedom of association of workers is severely impacted, and the lack of affiliation with trade unions and other associations allows many of the human rights abuses connected to the fisheries value chains to occur in the first place and to remain under- and unreported, as impacted individuals find themselves unable to seek access to remedy and other support<sup>49</sup>.
- **Child labour** is a major concern in these sectors. Child labourers engage in a wide array of work related to fishing activities, such as diving for fish, freeing snagged nets, shovelling ice, sorting fish, and shelling various types of seafood.<sup>50</sup> Many of these activities pose health and safety risks and risks to the wellbeing of child

labourers. Among others, these include extreme temperatures and dangerous conditions, low levels of hygiene, risk of injury and other health impacts, as well as the fact that the work activities of child labourers might make it difficult for them to regularly attend school.

- Due to the high-risk nature of fisheries and aquaculture activities in connection with societal discriminatory norms, **women** often suffer from various discriminatory practices such as unequal pay and conditions of work and restricted access to opportunities, including joining trade unions. Furthermore, women are primarily employed in the post-harvesting stages of seafood production, which are often not included in official statistics on the workforce in these sectors.
- **Migrant workers** make up most of the workforce in the fisheries and aquaculture sectors. Since they often have undocumented legal status and tend to emigrate from countries that experience more socioeconomic disadvantages, migrant workers tend to be more likely to accept poor working conditions and less likely to assert their rights. This increases the likelihood of migrant workers suffering human rights abuses at all stages of the labour relationship and across the value chain, with the key human rights risks being debt bondage, passport confiscation, excessive working hours, wage theft, poor living conditions, human trafficking, forced labour, abusive working and living conditions, intimidation and physical violence.
- **Forced labour, human trafficking and other forms of modern slavery** is a particularly grave human rights issue connected to working conditions on fishing vessels. This is because fishing vessels tend to be on the high seas for days or even months at a time, which makes it difficult for authorities to be aware of forced labour practices on vessels. Furthermore, lack of training, inadequate language skills and lack of enforcement of safety and labour standards make workers particularly vulnerable to experiencing negative impacts to their rights to just and favourable conditions of work and health and safety at work.
- **Indigenous Peoples** engaged as workers in the fisheries and aquaculture sector often find themselves confronted with situations that constitute abuse to their right to just and favourable conditions of work such as forced labour, modern slavery and precarious working conditions that put their health and safety at risk. For example, in Honduras, fishers belonging to the Indigenous Miskito community are highly dependent on lobster fishing through diving. However, due to a lack of regulations set in place by the government and increasing pressure from employers, many divers have been forced to work excessive hours without the proper equipment or maintenance. In several cases, this has led to divers suffering from severe health damage, disabilities, unexplained disappearances and deaths caused by decompression sickness<sup>51</sup>.



## **RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK AND HEALTH AND SAFETY AT WORK IN MAURITANIA AND GHANA**

Distant-water fishing is connected to rampant human rights violations and environmental crimes. A [report](#) published by the Environmental Justice Foundation in 2022 revealed that the increasing presence of Chinese fishing fleets in exclusive economic zones of African countries such as Mauritania and Ghana is associated with characteristics of forced labour such as wage deductions, debt bondage, passport confiscation, excessive overtime, abusive working and living conditions, intimidation, threats and physical violence.

### **SUMMARY**

- While at first glance, the Blue Economy encompasses solely economic and environmental considerations, this section has shown how the concept has intrinsic implications for civil and political as well as economic, social and cultural rights.
- Given their human rights mandates, this nexus can be a resource for NHRIs on how to make the connection between human rights issues that they are currently or will be working on in the future and relevant Blue Economy considerations and sectors in their countries.

## 4. HOW THEMATIC HUMAN RIGHTS AREAS RELATE TO THE BLUE ECONOMY

Having reviewed the nexus between the Blue Economy and the international human rights framework based on highlighted specific human rights, it is evident that the Blue Economy touches upon a broad array of civil and political and economic, social and cultural rights and that various actors, such as relevant ministries and NHRI departments, can therefore be involved.

This section will take a deeper dive into the thematic human rights areas that are directly related to the Blue Economy and its strategies, policies, and frameworks. This section elaborates on only a few of them and is therefore by no means exhaustive. Rather, it should be seen as a suggestion for how to approach section 5.2 on entry points for NHRIs to engage with the Blue Economy.

### 4.1 SOCIAL COHESION, INCLUSIVENESS, EQUITY AND WEALTH DISTRIBUTION

The Blue Economy concept entails consideration of the economic benefits of ocean activities such as fisheries, tourism and recreation, transportation, and offshore mining, in a way that not only ensures equitable wealth distribution that promotes social cohesion, but also one that promotes sustainable resource management to allow future generations to benefit from ocean resources in the same way.

Related human rights	Related SDGs
• right to food	• SDG 1
• right to health	• SDG 2
• right to water and sanitation	• SDG 3
• right to work	• SDG 5
	• SDG 6
	• SDG 8
	• SDG 10
	• SDG 11
	• SDG 12
	• SDG 13
	• SDG 14

### 4.2 HUMAN RIGHTS IN A HEALTHY ENVIRONMENT

With its direct link to SDG 14, the Blue Economy concept emphasises the need to reshape ocean sectors in ways that allow them to contribute both to the realisation of the 2030 Agenda as well as to the conservation and sustainable use of ocean, sea and marine resources by:

- reducing marine pollution
- protecting and restoring ecosystems
- conserving coastal and marine areas
- addressing unfair trade practices (and hence safeguarding the potential of local exploitation from ocean resources)
- reinforcing public–private partnerships
- controlling overfishing.

Related human rights	Related SDGs
• right to health	• SDG 3
• right to water and sanitation	• SDG 6
• right to a clean, healthy and sustainable environment	• SDG 10
	• SDG 14

It is important to ensure the realisation of the right to a healthy environment. Climate change poses a massive threat to human rights due to its adverse impacts on food security worldwide and human health, and protecting the world's oceans is vital for combatting climate change. Since the start of industrial activity, the ocean has been storing more than 30% of the world's carbon emissions and more than 90% of the heat caused by climate change.

### 4.3 CRIMINAL ACTIVITY AT SEA

Criminal activity at sea can take various forms. Below are some examples:

- Illegal, unreported and unregulated fishing (IUU)
- Piracy and armed robbery at sea
- Illicit trafficking of goods
- Forced labour, modern slavery and human trafficking, including the inherent physical, psychological and sexual exploitation that these criminal activities include
- Environmental crimes such as the killing, destruction, possession or trade of protected wild animals or plant species or the production, importation, exportation, marketing, or use of ozone-depleting substances.

Related human rights	Related SDGs
<ul style="list-style-type: none"> <li>• right to life, liberty and security</li> <li>• right to freedom of movement</li> <li>• right to livelihood</li> <li>• right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment.</li> </ul>	<ul style="list-style-type: none"> <li>• SDG 2</li> <li>• SDG 3</li> <li>• SDG 5</li> <li>• SDG 8</li> <li>• SDG 9</li> <li>• SDG 12</li> </ul>

These activities tend to not only negatively impact biodiversity and marine health, but they can also have particularly adverse consequences for the security and social development of entire regions and negatively affect the realisation of a broad range of human rights.

#### SUMMARY:

- Various thematic human rights areas relate to the Blue Economy.
- In their work on the Blue Economy, NHRIs should consider it crucial that wealth generated on the basis of ocean and marine resources is equitably distributed.
- Furthermore, environmental aspects of ocean activities, which ultimately also have human rights implications, should be at the forefront of Blue Economy activities led by NHRIs.

## 5. HOW NHRIS CAN ENGAGE WITH THE BLUE ECONOMY

Based on the mandates of NHRIs, various opportunities for their engagement with the Blue Economy can be identified. The following sections are dedicated to a description of how specific responsibilities allow NHRIs to engage with the topic and which concrete entry points and steps can be considered for initial engagement. Given the fact that NHRI mandates differ and that they tend not to explicitly point towards engagement in specific human rights themes, it is vital that NHRIs actively and constructively interpret the scope of their mandates for involvement with the Blue Economy.

### 5.1 HOW THE MANDATES OF NHRIS ALLOW FOR ENGAGEMENT WITH THE BLUE ECONOMY

#### 5.1.1 Capacity-building, education and awareness-raising

NHRIs with a mandate to engage with formal education structures could consider reviewing the curricula of institutions such as business schools, fisher schools, maritime colleges, and skipper training courses on the extent of attention paid to prevalent human rights issues in these sectors.

Furthermore, NHRIs that are mandated to lead awareness-raising, education and training programmes on human rights could consider conducting informal education and community engagement and education programmes for relevant stakeholders, such as government agencies, civil society organisations, workers' organisations and local communities. These programmes could target Blue Economy-relevant topics and issues and inform rights-holders about which institutions and organisations, including the NHRI, can do what for them in terms of knowledge-sharing, reporting and remedy. Which topic or issue is most relevant for an NHRI will depend on the specific geographical, economic and cultural context. The following provides a non-exhaustive list of examples:

- IUU fishing and the impact on fish stocks for Indigenous Peoples, coastal communities and small-scale fisher people.
- Aquaculture and its impacts on traditional and customary fishing grounds of Indigenous Peoples, coastal communities and small-scale fisher people.
- Seaweed farming and value addition to communities, in particular women.
- Human trafficking on vessels, in maritime transport, deep-sea fishing and at ports.
- Ocean energy and non-living resources and the effect on the environment (e.g. extraction of energy sources such as oil and gas, extraction of minerals such as seabed mining, freshwater generation and desalination).
- Human rights issues in the fisheries and aquaculture sectors, such as gender-based discrimination, child labour, forced labour, sexual exploitation and the spread of sexually transmitted diseases.
- Opportunities and challenges related to coastal tourism.

- Fisheries infrastructure and related activities that include ship and boat building yards, fish and fishmeal processing and packing plants, fishing nets manufacturers, and engine repair and maintenance workshops, as related to labour rights.
- Transport and trade services (e.g. shipping and shipbuilding, maritime transport, port operations and port-related services).
- Indigenous Peoples and the right to development.

Lastly, NHRIs could conduct comprehensive research and analysis activities to understand the implications of the Blue Economy for human rights. This includes examining the social, economic and environmental aspects of the Blue Economy to identify potential human rights impacts and providing recommendations on how these can be addressed by relevant duty-bearers.

### **GHANA COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)**

In 2014, CHRAJ undertook a research project into exploitative child labour in the fishing industry and recommended that CHRAJ's national-level cooperation with state institutions and local government be enhanced in order to increase public education campaigns and to encourage community members to report instances of trafficking-related human rights abuses and child labour.

### **INDEPENDENT NATIONAL HUMAN RIGHTS COMMISSION OF MADAGASCAR (CNIDH)**

In February 2023, CNIDH organised a workshop on the promotion of human rights in the fisheries and aquaculture sectors in the northern part of Madagascar. The objectives were to facilitate dialogue between fisheries stakeholders and human rights actors at local and regional levels and to raise awareness on the human rights impacts in the fisheries and aquaculture sectors. Amongst others, the proposed solutions included the establishment of a 'dina', which is a traditional community regulation in northern Malagasy communities to manage natural resources in an efficient way, as this could strengthen compliance with national and regional fishing communities.

## **5.1.2 Remedy: Investigating and complaints-handling**

NHRIs that are mandated to investigate human rights abuses and to receive and handle complaints on alleged human rights abuses and violations can address human rights concerns related to the Blue Economy in a very targeted manner with tools such as public hearings. As indicated in NANHRI's member survey on business and human rights and sustainable oceans,<sup>52</sup> 39 NHRIs reported having a complaints-handling mandate and/or mechanism, which means that 84% of NHRIs are able to classify complaints per sector.<sup>53</sup>

When receiving and handling complaints on a wide range of allegations of human rights abuses and violations, NHRIs can pay specific attention to complaints that are both directly and indirectly related to the Blue Economy and categorise them. The following, non-exhaustive list includes some examples of complaints related to the Blue Economy:

- Cases of labour rights abuses on fishing vessels, at ports, on aquaculture farms or at processing facilities.
- Cases of sexual abuse at workplaces, on fishing vessels, at ports, on aquaculture farms or at processing facilities.
- Cases where Indigenous Peoples and coastal communities have been prevented from fishing on traditional fishing grounds.
- Cases of environmental pollution and degradation that lead to impacted or lost livelihoods.
- Cases of harassment and intimidation of actors that protect and defend water and ocean resources.
- Cases of land and water territory encroachment by companies.
- Cases of corruption in the awarding of fishing permits.<sup>54</sup>
- Cases of unsustainable fishing.
- Cases of land conflicts in coastal areas.
- Cases of unfair advantages of commercial-scale fishing over traditional fishermen.

### **NATIONAL HUMAN RIGHTS COMMISSION OF THE GAMBIA (NHRC)**

Since 2019, the NHRC had been receiving an increasing number of complaints from local communities linked to the fisher population and the livelihoods of the community associated with the activities of fishmeal companies, as local communities reported that they were struggling to sustain themselves due to overfishing by industrial fishing companies. In response to these complaints, NHRC conducted fact-finding visits, convened stakeholders, including the Ministry of Justice, local communities, and civil society organisations, and adopted notes containing recommendations for all parties. Thereby, NHRC not only helped to create a space where all stakeholders were able to express their needs and concerns but also managed to raise awareness among local communities and fishmeal factories on the issue.

It is important that NHRIs pay special attention not only to each complaint individually but also strive to identify patterns among the complaints submitted. Complaints that repeatedly concern a specific issue such as labour rights abuses on fishing vessels can give an indication that this human rights concern is a systematic one that could warrant the NHRI initiating a formal investigation into the matter, including *locus* visits and public hearings or inquiries.

Moreover, NHRIs can analyse the complaints they receive and consider whether there are rights-holders that rarely or never submit complaints. While this lack of submission of complaint could certainly mean that there is no widespread abuse of human rights

to report, it is equally likely that an NHRI is either not reaching these individuals with its presence and outreach programme, that they are prevented from submitting complaints, or that they do not have sufficient understanding of their rights to know that a violation of rights occurred. In these cases, NHRIs could consider revising their strategy to identify why they are not reaching some rights-holders or how the public can further benefit from awareness-raising activities.

### **TANZANIA COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE (CHRAGG)**

CHRAGG's Zanzibar office had received complaints relating to land conflicts in coastal areas of Zanzibar. CHRAGG investigated these complaints and discovered that both locals and investors are scrambling for a share of opportunities that are borne of ocean resources. Furthermore, some of the officials of authorities responsible for allocating land resources contravened the principles of good governance in the course of their service. As a mitigation measure to prevent future conflicts and enable peaceful exploitation of ocean resources in coastal areas, CHRAGG conducted good governance education for public officials. CHRAGG also referred the complaints to relevant authorities, where they fell under the latter's jurisdiction.

In 2008, CHRAGG conducted an investigation and public enquires into worst forms of child labour with the objective of establishing types, causes, and effects of child labour in fishing areas in three districts in Tanzania.

Amongst others, the main causes of child labour highlighted during the public enquiries research and investigations were:

- Poverty, where children are forced to provide for their families and sometimes encouraged by their parents to be the source of income
- Poverty and hardship caused by deaths of one or both parents
- Lack of education or awareness among community members on child labour

Thus, CHRAGG recommended to:

- upscale government efforts to ensure requirements of international conventions on child rights and child labour become part of national laws and regulations
- increase awareness at community level of the importance of promoting and protecting child rights, the effects and worst forms of child labour, and childcare duties of parents and families
- encourage civil society organisations to play a more active role in awareness-raising and support the search for remedies for child labour

### 5.1.3 Monitoring

NHRIs that have a mandate to conduct monitoring work can consider visiting Blue Economy projects, initiatives and businesses such as ports, processing facilities, mining platforms and other factory sites to assess their compliance with human rights. Based on this, they themselves, or in collaboration with other actors, could produce regular reports that highlight critical or less-known human rights violations or risks associated with the Blue Economy and recommend corrective actions.<sup>55</sup> Furthermore, they can also monitor areas within coastal beaches for small-scale vending, as well as urban management units in order to support local livelihoods and document possible human rights issues.

#### **TANZANIA COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE (CHRAGG)**

In 2018, CHRAGG conducted a field study in three fishing processing industries in Mwanza with the objectives of monitoring the implementation of labour rights and standards; assessing the extent to which workers can access available, state-based, non-judicial grievance handling mechanisms; and the effectiveness of remedies granted for violation of labour rights. The findings of the study indicated that despite the availability of state-based non-judicial grievance handling mechanisms as well as internal company mechanisms for handling grievances, both workers and employers had limited knowledge on and were not sufficiently aware of how to access these mechanisms in cases of labour conflicts. Furthermore, the state-based non-judicial grievance mechanisms were not implementing their roles efficiently due to limited financial and human capacity.

In light of this, CHRAGG advised the government to allocate sufficient resources to the state-based non-judicial mechanisms as well as to raise awareness of business and human rights to industrial workers, management and other staff members. CHRAGG also urged the Office of the Labour Commissioner to ensure that labour rights and standards are adhered to in workplaces.

Recently, the Tanzanian Government has taken steps to implement the UNGPs. In April 2022, the government mandated CHRAGG to spearhead the preparation of a National Action Plan on Business and Human Rights. CHRAGG prepared a concept note on the development process of the plan, where the Blue Economy and sustainable ocean issues have been identified as key sectors to be incorporated. Subsequently, CHRAGG conducted a National Action Plan on Business and Human Rights alliance meeting to discuss development strategies and priorities, targeting key government ministries, civil society organisations, businesses and the ministry responsible for the Blue Economy and fisheries of the Revolutionary Government of Zanzibar.



## SECTOR WIDE IMPACT ASSESSMENTS

A sector wide impact assessment (SWIA) is an impact assessment methodology that considers the actual and potential impacts of an entire business sector in a particular geography instead of the business activities of just one business. Thereby, this methodology can build a more complete picture of the positive and negative human rights impacts of an entire sector of society.

In collaboration with DIHR, several NHRIs have carried out a SWIA on different sectors:

- **Chile:** In 2021, the Chilean National Human Rights Institute, INDH Chile, and DIHR conducted a SWIA on adverse human rights impacts of the Chilean salmon industry on workers and local communities.
- **Honduras:** In 2023, the Honduran National Human Rights Commission, CONADEH, and DIHR conducted a SWIA on the human rights situation in the lobster diving fishing sector in the *Gracias a Dios* department, which is connected to rampant human rights violations of Indigenous fishers from the Miskito population.

For more information on SWIAs, please see:

- Sector Wide Impact Assessments (DIHR)  
SWIA on the salmon industry in Chile (in Spanish, executive summary available in English)
- SWIA on the dive fishing industry in Honduras (in Spanish)

### 5.1.4 Reviewing national legal, regulatory and institutional frameworks

NHRIs can review laws, other national legislative instruments and institutional frameworks, monitor the compliance of government with international human rights instruments and report to regional and international mechanisms. Furthermore, NHRIs could also conduct mapping exercises of relevant instruments that their governments have and have not ratified. The findings of this exercise would inform and increase advocacy efforts for governments to take more action and further ratify instruments.

While it is important to review existing laws on their scope and level of policy implementation by ministry, NHRIs can also consider which thematic human rights areas are *not* protected by law. These insights can then be formalised in reports to their national parliament.

## PHILIPPINES COMMISSION ON HUMAN RIGHTS (CHR)

When the UN Special Rapporteur on the Right to Food reported on small-scale fisher people struggling to support their livelihoods due to depleted fish stocks resulting from industrial overfishing in the Philippines, CHR urged its government to fulfil its human rights obligations to protect the access rights of traditional fishing communities

by implementing the legal provisions on the granting of fishing licenses. This gives priority to resident fishers and ensures small-scale fisher people access to government credit and funds available to them. Subsequently, the Fisheries Code was amended to give preferential access to resource users in local communities adjacent or nearest to municipal waters.

### **GHANA COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)**

In July 2021, the Environmental Justice Foundation launched its report 'A human rights lens on the impacts of industrial illegal fishing and overfishing on the socioeconomic rights of small-scale fishing communities in Ghana' at a roundtable meeting where, amongst others, CHRAJ, the Industrial Trawlers Association, the International Labour Organization (ILO) and the National Union of Seamen, Ports and Allied Workers were present. CHRAJ expressed a strong interest in the findings of the report and highlighted the need to establish a national, multi-stakeholder working group on human rights in the fishing industry in Ghana that would follow up on the recommendations of the report as related to its mandate. Furthermore, the Ghana Maritime Authority demonstrated its intention to ratify the ILO Work in Fishing Convention (No. 188) and the International Maritime Organization (IMO) 2012 Cape Town agreement.

Given the importance of promoting a human rights-based approach to the implementation of SDG 14, DIHR has recently developed and launched its Human Rights Guide to Fisheries. The guide is particularly useful for NHRIs to:

- understand the linkages between the international fisheries instruments and the human rights and labour instruments
- develop a human rights-based approach to sustainable fisheries and aquaculture laws, policies, programming, implementation, monitoring, evaluation and reporting
- understand which fisheries instruments have the strongest anchorage in human rights and which human rights categories are addressed the most in fisheries instruments

On the basis of this, NHRIs can:

- organise consultations, coalitions and partnerships with stakeholders for the monitoring and implementation of the recommendations
- organise awareness-raising workshops on the monitoring and implementation of all the recommendations
- engage with the government to ensure the implementation of the recommendations and commitments
- handle complaints and conduct capacity-building activities on human rights with state actors
- prepare reports on the basis of the recommendations made to the state

- participate in public consultation processes of sectoral laws, policies and strategies to ensure the adequate inclusion of human rights and ensure the implementation of recommendations that follow these consultations
- work with and support the participation of civil society organisations in international reporting

As country-specific recommendations issued by UN mechanisms are not linked to the SDGs from the outset but are highly relevant for their implementation, the DIHR has developed the [SDG-Human Rights Data Explorer](#). This database links monitoring information from the international human rights system to the SDGs and its targets. Furthermore, users can explore recommendations and observations of international human rights monitoring bodies as they relate to the 2030 Agenda.

## SUMMARY

- All aspects of the different mandates that NHRIs may have, no matter the specific responsibilities they outline, allow for various opportunities for engagement with the Blue Economy.
- Examples of NHRI work on Blue Economy-related topics showcase the different scopes, levels, and designs that NHRIs can draw inspiration from.
- Strategic entry points may help NHRIs that have not yet worked on the topic to consider how to design their initial engagement.

## 5.2. ENTRY POINTS FOR NHRIS TO ENGAGE WITH THE BLUE ECONOMY AND PROPOSED ACTIONS

Having set out the Blue Economy concept and how it relates to the NHRI mandate, the following section describes concrete steps that NHRIs can take to kick off their engagement with the Blue Economy. Since this guide is meant to be applicable to all Blue Economy sectors as a 'blueprint', these steps are deliberately generic and do not mention specific sectors.

It is worth mentioning that this guide does not need to be followed step-by-step. NHRIs that have previously worked on Blue Economy-related issues may find that very specific pointers are relevant to further their engagement, whereas NHRIs that have not previously worked on these topics may find it useful to follow the steps more closely.

NHRIs can utilise a wide range of entry points for this work. Which specific sector and/or thematic or issue focus would be most relevant for an NHRI will depend, amongst other factors, on the environment it operates in, the geographical context and the institution's own prioritisation. However, it may be important to prioritise sectors that are most relevant to ocean equity, such as:

- sectors that are the most important sources of livelihoods, such as fishing, aquaculture, tourism and shipping

- sectors where the most severe abuses occur, such as forced labour on fishing vessels and abuse of migrant workers or women at processing facilities
- complex sectors, such as fisheries and aquaculture, or sectors with the most recurrent and structural issues
- sectors which may create irremediable and irreparable impacts on local populations, such as offshore energy projects, large-scale construction, and aquaculture.<sup>56</sup>



### 5.2.1 Research and map the Blue Economy sector in a country

This crucial first step entails research into the scope, size and extent of the Blue Economy sector in a country. Crucial questions for this mapping could be:

- What are the main sectors and how do they potentially connect to Blue Economy sectors of other countries? (e.g. fisheries value chains, maritime transport)
- What proportion of the country's GDP is constituted by Blue Economy sectors?
- How are main sectors financed? Are national or international finance institutions financing the sectors?
- What national laws, policies and strategies exist (or are lacking) in relation to the sector?
- How do national, regional and international human rights frameworks relate to these sectors? (e.g. ILO conventions)

### 5.2.2 Identify thematic human rights entry points

On the basis of the aforementioned mapping exercise of Blue Economy sectors in a country, NHRIs can identify specific thematic entry points as related to human rights impacts. Which thematic entry point should be prioritised ultimately depends upon several factors, such as the NHRI's mandate, how these thematic entry points relate to its strategy and core priorities, donor requirements and preferences, the NHRI's level of maturity, its relationship with the national government, and which issues are most prevalent. In some contexts, human rights issues that tend to be broadly affected by Blue Economy sectors, such as labour rights and gender equality, may constitute

easily accessible entry points for an NHRI to address. As an example, NHRIs can map, conduct, and document topics such as:

- private sector investments in small-scale and large-scale fishing, fish processing capacity and/or aquaculture
- investment in fishing infrastructure including public landing sites
- loans to small and medium fishermen, targeted at improving basic facilities for artisanal fishing at landing sites
- local markets or retailers

#### **THE FOLLOWING DOCUMENTS MAY BE USEFUL FOR THIS TASK:**

- National Action Plans on Human Rights
- National Action Plans on Business and Human Rights
- National Development Plans and/or programmes
- Regulations for fisheries and water resources
- Sectoral national policies such as a national fisheries or aquaculture policy or strategy
- Human rights-based approaches to relevant sectors

### **5.3.3 Prioritise sector(s)**

NHRIs in coastal countries may identify that several Blue Economy sectors are important to consider, both due to their relevance for economic growth as well as because of the human rights issues connected to them. Depending on capacity considerations, NHRIs may need to prioritise sectors based on criteria such as the extent of systematic human rights violations; political considerations; GDP; size, importance and value of export sector(s); strategic alignment with mandates and strategies; and resources to be allocated to Blue Economy engagement. However, it must be recalled here that since oceans, rivers and other water bodies are all connected, Blue Economy sectors and their impact on the environment and human rights must be also seen as interlinked.

### **5.2.4 Map, develop and maintain partnerships**

In many ways, the Blue Economy concept could be seen to imply a requirement for extensive technical knowledge of sectors such as shipping, aquaculture and energy, which many NHRIs do not possess. In fact, this knowledge base does not have to be acquired. When engaging with the Blue Economy, NHRIs can be essential actors whose role is to highlight the need for a human rights-based approach to the concept, which is broadly neglected. Thus, for the technical knowledge on Blue Economy sectors, NHRIs may rely on the knowledge of others through strategic partnerships with actors working in and around the five critical areas as described by the High Level Panel for a Sustainable Ocean Economy.

## HIGH LEVEL PANEL FOR A SUSTAINABLE OCEAN ECONOMY'S FIVE CRITICAL AREAS:

- Ocean wealth
- Ocean health
- Ocean equity
- Ocean knowledge
- Ocean finance

Therefore, it is recommended that NHRIs map out partners with whom these alliances may be made, plan for how they can be developed and how they can ultimately be maintained to be most beneficial.

As an example, NHRIs may rely on strategic partnerships with environmental organisations, organisations working on human rights issues related to oceans, local community-based groups and beach management units to strategically advocate for the conservation and protection of marine ecosystems and wildlife, including coral reefs, mangroves, and marine biodiversity. Furthermore, they can engage in dialogue with port authorities and marine institutes to improve and strengthen engagement with the major private shipping companies that regularly dock in coastal regions, with the ultimate goal of providing livelihood opportunities for residents directly affected by port and marine trade.

### 5.2.5 Multi-sectoral approach and stakeholder engagement

NHRIs engaging with the Blue Economy may find that the most meaningful impact can be made by engaging with stakeholders as much as possible, paying particular attention to consulting on a multi-sectoral basis. These stakeholders may be fisheries commissions, associations, trade unions, ministries of water resources, industry representatives, academics, civil society organisations, and others.

Once an NHRI has identified which Blue Economy sector(s) to focus on, the following activities may be useful to consider when commencing engagement with the topic:

- **National development framework planning:** National Development Plans often provide a comprehensive framework and approach that a government intends to follow over a multi-year period to further strengthen the national economy. NHRIs are often not included in the planning processes leading up to the development of such plans. However, with their obvious linkages to, amongst others, the progressive realisation of economic, social and cultural rights as well as achieving the SDGs, NHRIs can seek to ensure their inclusion and involvement in such processes to safeguard that they build on a human rights-based approach.
- **National Action Plans:** National Action Plans on Human Rights and National Action Plan on Business and Human Rights are aimed at designing comprehensive and proactive public policies on various human rights-related topics. NHRIs are often included in the drafting process of these plans and are therefore in an ideal

position to highlight specific human rights concerns related to the Blue Economy and ensure the inclusion of relevant themes in these plans.

- **Universal Periodic Review reporting:** With Universal Periodic Review recommendations being increasingly aligned to national plans to achieve the 2030 Agenda,<sup>57</sup> this mechanism can serve both as a tracking tool for NHRIs for national progress on, amongst others, SDG 14, as well as a platform for their input.
- **Complaints-handling and investigations:** As described in sub-section 5.1.2, NHRIs can pay attention to submitted complaints that are both directly as well as indirectly related to the Blue Economy. If in place, this monitoring of complaints may allow patterns of human rights violations to be identified, which can serve as the basis for initiating targeted, systematic, and thematic investigations.
- **Review existing or drafted legislation and policies:** Reviewing national legislation on themes that are related to the Blue Economy for their ability to cover human rights considerations and their level of implementation can provide NHRIs with first impressions on the situation in a country and which thematic areas to engage with.
- **Advocacy:** Amongst other actions, NHRIs could advocate for their governments to join the High Level Panel for a Sustainable Ocean Economy. So far, the panel consists of 17 heads of state from across the globe. Current African members include the President of Ghana, the President of Kenya and the President of Namibia.

## SUMMARY

- For both first-time as well as intensified engagement with the Blue Economy, NHRIs can consider the several different, yet equally relevant and potentially fruitful entry points outlined above.
- How exactly these entry points can guide NHRI engagement hinges on a variety of factors, such as internal capacity, resources, and priority sectors. Therefore, it might be particularly useful for an NHRI to conduct an initial mapping of these factors.

## 6. RECOMMENDATIONS

As previous sections have outlined, NHRI engagement with the Blue Economy in Africa is essential to ensure that sectoral and regional initiatives are built on a human rights-based approach. Strategic engagement can be tailored to the specific needs, interests and resources available to NHRIs to ensure that all African NHRIs can work on the topic in some shape or form and thereby help to promote and protect human rights in various thematic areas. This section presents recommendations for action for NHRIs.

NHRIs can:

- conduct baseline studies and mapping exercises to identify relevant areas and Blue Economy sectors of their states to assess compliance or otherwise with human rights.
- map key stakeholders and allies and leverage partnerships to enhance promotion and protection of rights beyond the mandate of the NHRIs.
- pay specific attention to how complaints may be directly or indirectly linked to the Blue Economy when addressing them and look out for patterns that may point to systematic human rights violations.
- make efforts to domesticate the UNGPs in order to enhance the right to remedy of fishery sector-related complaints and include sections in their annual reports on the domestication of the UNGPs.
- work with the private sector to deepen commitment to human rights by adopting internal policies and practices on human rights due diligence in their value chains, including suppliers, operations and final supply of goods and services, as well as to structure and implement, as appropriate, mechanisms for access to remedy.
- encourage their governments to ratify and implement relevant international and regional human rights instruments that are key to the Blue Economy.
- encourage their governments to review specific national laws and regulations on Blue Economy-relevant themes for their promotion and protection of human rights and to amend existing legislation if necessary.
- issue advisory and legislative reviews to inform government policies, legislation and plans on Blue Economy topics, including marine spatial planning and broader sustainable ocean plans, and bring them into conformity with human rights obligations of State and non-state actors.
- follow up on relevant legal cases.



- support international, regional and national mechanisms to ensure the effective and meaningful participation of Indigenous Peoples in Blue Economy discussions.
- if applicable, support their governments in the development and publication of National Action Plans on Human Rights and National Action Plan on Business and Human Rights, as well as National Development Plans that include Blue Economy sectors and relevant themes.
- if applicable, support their governments in revising of National Action Plans on Human Rights and National Action Plan on Business and Human Rights, as well as National Development Plans, on the inclusion of Blue Economy sectors and relevant themes.
- participate in development and implementation phases of National Action Plans on Human Rights and National Action Plan on Business and Human Rights, as well as National Development Plans, to ensure the inclusion of human rights in relevant Blue Economy sectors.
- encourage and support peer-learning initiatives, such as regional and national working groups, with other NHRIs in the region to foster the exchange of information and best practice when integrating human rights into the Blue Economy.
- establish dedicated focal points or units on the Blue Economy and decide how they can be provided with adequate resources to achieve their function.
- review their awareness-raising, education and training programmes on how to integrate human rights and Blue Economy elements and how specific rights-holders and rights-holder groups that are linked to the Blue Economy are targeted with these programmes.
- conduct fact-finding investigations and monitoring visits to ensure that Blue Economy businesses conform to human rights norms and obligations.
- advocate for the establishment of national and regional Blue Economy working groups.
- collaborate with development partners to enhance NHRI capacity in the Blue Economy sector through direct funding or involvement in funded projects related to SDG 14 and the Blue Economy, with a specific role to ensure a human rights-based approach.
- collaborate with development partners to enhance the internal capacity of NHRI staff on mainstreaming Blue Economy aspects into all NHRI interventions.

## 7. ANNEX

### 7.1. BACKGROUND TO THE CREATION OF THE BLUE ECONOMY CONCEPT AND DEFINITIONS

The idea of the Blue Economy originated in the Rio+20 United Nations Conference on Sustainable Development held in Rio de Janeiro in June 2012, where the key theme was to refine and further the institutional framework for sustainable development and the Green Economy concept while addressing the eradication of poverty:

“We consider green economy in the context of sustainable development and poverty eradication as one of the important tools available for achieving sustainable development. (...) We emphasize that it should contribute to eradicating poverty as well as sustained economic growth, enhancing social inclusion, improving human welfare and creating opportunities for employment and decent work for all, while maintaining the healthy functioning of the Earth’s ecosystems”<sup>58</sup>

However, prior to the conference, the applicability and relevance of the Green Economy concept to coastal states was questioned and the need for a separate Blue Economy approach with increased linkages to ocean health, wealth, equity and finance was highlighted. Due to a growing interest in the world’s oceans and seas and increased environmental attention to the effects of industrial activity on ocean health and marine biodiversity, international momentum quickly moved beyond attempts to incorporate the Blue Economy aspect into the Green Economy concept and the Blue Economy concept with its explicit focus on marine and water resources was formulated.<sup>59</sup> Much of the advocacy for the Blue Economy has been driven by coastal and SIDS, and their efforts to present the Blue Economy as an approach to sustainable development are reflected in initiatives such as UN Department of Economic and Social Affairs’ expert group meetings on oceans, seas and sustainable development, the Global Partnership for Oceans and the work of the Global Ocean Commission.<sup>60</sup>

African economies are growing at remarkable rates through exploitation of natural resources and commodity exports. While it is highly important to make African economies competitive on a global scale, it is equally vital that this growth is turned into *quality* growth through the generation of inclusive wealth, within environmental limits and respecting the highest social considerations.<sup>61</sup> Furthermore, as the African Union’s Blue Economy describes, the development of the ocean economy is a priority goal towards achieving wealth generation that can help the continent to achieve a prosperous Africa based on inclusive growth and sustainable development within the context of the African Union Agenda 2063.<sup>62</sup> The concept of the Blue Economy precisely encompasses this marriage between economic growth based on and through marine and maritime resources and sustainable and wealth-generating development that is focused on social inclusion and regional cooperation.

While there is no universally accepted definition of the Blue Economy concept, there is relative consistency among the definitions articulated by various organisations. Below are a few examples. According to the UN Economic Commission and the African Union,

“the Blue Economy encompasses all activities developing or deriving from marine and aquatic ecosystems including oceans, coasts, seas, rivers, lakes and groundwater, and associated resources (...) [and] supports the creation of value chains and can substantially contribute to the structural transformation of economies, job creation, the fight against poverty, [and] improvement of social conditions, among others”.<sup>63</sup>

The World Bank definition places a similar emphasis on a sustainable ocean economy:

“The Blue Economy approach is defined as the sustainable use of ocean resources for economic growth, improved livelihoods, and job creation while preserving the health of ocean ecosystems (...) [and requires] that the development of individual oceanic sectors be pursued in an integrated fashion, and with a view to managing their impacts on ocean health”.<sup>64</sup>

Beyond this focus on industrial supply chains, the Blue Economy strategic policy framework of the Seychelles takes a less granular approach to defining the Blue Economy by relating it to:

“...those economic activities that directly or indirectly take place in the ocean and coastal areas, use outputs from the ocean, and place ‘goods and services’ into ocean activities, and the contribution of those activities to economic growth, social, cultural and environmental wellbeing”.<sup>65</sup>

Lastly, the Center for the Blue Economy structures its definition of the Blue Economy around:

“...three related but distinct meanings – the overall contribution of the oceans to economies, the need to address the environmental and ecological sustainability of the oceans, and the ocean economy as a growth opportunity for both developed and developing countries”.<sup>66</sup>

## **7.2. ANALYSIS OF REGIONAL AND NATIONAL POLICIES, STRATEGIES AND INITIATIVES RELATED TO THE BLUE ECONOMY**

Following the Sustainable Blue Economy conference held in Nairobi in 2018, the African Union was urged to develop a strategy related to the Blue Economy concept that could guide the utilisation of aquatic resources within the framework of sustainable development and would constitute a priority goal towards achieving “A prosperous Africa, based on inclusive growth and sustainable development”<sup>67</sup> as envisioned in Agenda 2063. Following this push for a regional strategy, the experiences and best practices on issues related to the Blue Economy in 13 states of the African Union were collected and analysed. During a session of the specialised technical committee on agriculture, rural development, water and environment in October 2019, the Blue Economy strategy was endorsed.

Considering that the various components and sectors of Africa's Blue Economy generate a value of USD 296 billion, the Blue Economy strategy is crucial for guiding the development of an inclusive and sustainable Blue Economy that becomes a significant contributor to continental transformation and growth<sup>68</sup> and, moreover, essential for supporting member states of the African Union and regional institutions with the formulation of coherent national and regional strategies that focus on growth as well as socioeconomic transformation. While making few explicit references to civil and political and economic, social and cultural rights, the Blue Economy strategy mentions that a main strategic challenge posed by the current environmental status and future prospects is economic and social inclusion. Given that many coastal and lake communities "are poor, less educated, lack capacity"<sup>69</sup> have fewer rights of tenure over resources and are often excluded from decision-making processes, it is vital that member states integrate these communities into Blue Economy development processes.<sup>70</sup>

Drivers of the African Blue Economy include, amongst others, an increasing African population; the growth of sectors related to the concept, such as renewable energy and aquaculture; and economic integration through trade agreements.<sup>71</sup> The African Blue Economy is based on five thematic areas, which are:

1. Fisheries, aquaculture and ecosystems conservation
2. Shipping, transportation and trade
3. Sustainable energy, extractive minerals, gas and innovative industries,
4. Environmental sustainability, climate change and coastal infrastructure
5. Governance, institutions and social actions

While presenting opportunities for the Blue Economy concept to be increasingly mainstreamed in regional and national policies, the strategy also acknowledges challenges that member states and actors might face regarding Blue Economy policies and strategies. These include constraining conditions related to environmental protection and health improvement of ecosystems, such as a general lack of data on the contribution of blue energy and mineral potential and on the precise contribution of the Blue Economy to value addition and job creation, and a lack of integration among approaches to the protection of marine ecosystems. Furthermore, while highly relevant to the added value of the Blue Economy, prevailing issues such as poverty, impaired food security and climate variability complicate the multifaceted objective of the Blue Economy strategy. Lastly, insufficiency of the institutional capacity needed for the implementation and monitoring of Blue Economy strategies and the policies for innovation, technology and investment they entail can entirely annul the strategy's value.

On 20 January 2014, participants at the Blue Economy summit, which was organised by the governments of the Seychelles and Abu Dhabi, adopted the Abu Dhabi Declaration. This declaration conceptualises the Blue Economy as a tool to promote sustainable development, poverty eradication and climate change mitigation in SIDS and coastal countries,<sup>72</sup> and stresses that states should enhance their mechanisms for governing ocean territories. Furthermore, it states that ecosystems need to be approached in a more integrated manner in order to maintain balanced, healthy and productive marine

ecosystems, including valuing blue capital and considering blue carbon trading,<sup>73</sup> in light of threats to ocean health such as acidification, habitat destruction, pollution and unsustainable exploitation. Despite the momentum it had in 2014, the draft declaration did not garner enough traction to develop further and was never adopted.

Seychelles has played a leading role in promoting the Blue Economy concept on the international scene through its efforts to champion the protection of biodiversity and the principles of sustainable development. With its Blue Economy Strategic Policy Framework and Roadmap ('the Roadmap') for 2018 to 2030, the Ministry of Finance, Trade and the Blue Economy of the Seychelles produced an elaborate, integrated and sustainable development approach to the Blue Economy based on economy, environment and society with explicit links to the 2030 Agenda, the Convention on Biological Diversity, and the Paris Agreement. Its vision describes the promotion of the concept as a means of realising the nation's development potential through innovation, and knowledge-led approaches while protecting the marine environment and heritage on the basis of seven overarching Blue Economy principles:<sup>74</sup>

1. Economic efficiency
2. Sustainability
3. Social equity
4. Resilience
5. Innovation
6. Transparency and accountability
7. Partnerships

These principles are articulated through four strategic priorities:

1. Creating sustainable wealth
2. Sharing prosperity
3. Securing healthy, resilient and productive oceans
4. Strengthening the enabling environment

While, according to the Roadmap, the Seychelles is already making progress on the domestic implementation of Blue Economy principles, it is emphasised that further implementation requires a cohesive approach to ocean-based sectors with commitment from government actors, private sector actors and civil society. The Roadmap crucially highlights threats for SIDS, such as the over-exploitation of marine resources, marine pollution, climate change and ocean acidification, and recognises that the Blue Economy is an important tool for realising the socially inclusive and sustainable economic development of marine areas and other marine-related resources.

These national strategies are comprehensive in scope and ambition and could be seen as functioning as *de facto* development programmes. However, they all lack systematic references to the international framework for the protection and promotion of human rights as related to the Blue Economy, such as the ICESCR and the ICCPR. Therefore, it is evident that the human rights-based approach to the Blue Economy needs to be elaborated in further detail.

Not long after the Rio+20 United Nations Conference on Sustainable Development held in Rio de Janeiro in June 2012, the Government of Mauritius launched its first national dialogue on the ocean economy in July 2013 and subsequently released *The Ocean Economy: A Roadmap for Mauritius*.<sup>75,76</sup> In the Roadmap for Mauritius, the ocean economy is identified as a key development opportunity. The initiative sets the target of “doubling the [ocean economy’s] share of GDP over a 12-year time horizon (2013–2025)”<sup>77</sup> by elaborating how promising ocean sectors such as coastal tourism, seabed exploration, ocean-based energy, marine transportation, and the seafood industry could be expanded based on innovation in technologies, modes of production, industrial organisation, competition, and trade and increased investment. In addition to the Roadmap for Mauritius, in 2015 the government created a Ministry of Ocean Economy, Fisheries, Marine Resources and Outer Islands in order to improve coordination mechanisms as well as promote stronger ownership and accountability.<sup>78</sup>

Another elaborate ocean economy initiative was brought forward by South Africa in July 2014 in the form of Operation Phakisa, which is a cross-sectoral, multi-stakeholder initiative that aims to capitalise on ocean resources through a results-based and transparent development approach<sup>79</sup> and to fast-track the implementation of solutions on development issues of critical importance. Thereby, it addresses issues highlighted in the South African National Development Plan 2030,<sup>80</sup> such as inequality, unemployment and poverty. The operation focuses on six priority areas, which are:

1. Marine transport and manufacturing
2. Offshore oil and gas exploration
3. Aquaculture
4. Marine protection services and ocean governance
5. Small harbours
6. Coastal and marine tourism<sup>81</sup>

Due to this broader focus on capitalising on ocean resources, the South African Government noted that the ocean economy has the potential to contribute up to R177 billion to South Africa’s GDP by 2033 and create between 800,000 to one million jobs. In August 2022, South Africa launched the private sector-driven Maritime Industry Development Task Force Network, which aims to drive forward the country’s Blue Economy strategy outlined in Operation Phakisa.<sup>82</sup>

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