AFRICAN EXPERT MEETING: OPERATIONALISING A HUMAN RIGHTS-BASED APPROACH TO SUSTAINABLE FISHERIES AND AQUACULTURE

Dates: 31st July – 1 August 2019

Location: Nairobi, Kenya

Organisers: The Danish Institute for Human Rights in collaboration with the United Nations Food and Agriculture Organization (FAO), the Network of African National Human Rights Institutions (NANHRI) and the Swedish International Development Cooperation Agency (Sida).

Participants: The meeting will bring together key regional stakeholders and experts within the field of human rights, aquaculture and fisheries, including but not limited to: Ministries/Departments for fisheries and aquaculture, Civil Society Organisations (CSOs), trade unions, businesses and business associations, researchers, National Human Rights Institutions, as well as representatives of the AU, the African Commission on Human and Peoples' Rights (ACHPR), the FAO, the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR).

THE REGIONAL EXPERT MEETING

The African Regional Expert meeting will convene 20-30 representatives from key regional stakeholders and experts within the field of human rights, aquaculture and fisheries.

The main purposes of the meeting are to:

- Undertake a scoping of needs, opportunities, challenges, gaps;
- Identify relevant existing platforms and networks;
- Facilitate information-sharing and cross-fertilisation of ideas between actors, identifying synergies, entry points and actions for strengthening a human rights-based approach in the sectors;
- To identify modalities of communication, collaboration and information sharing, moving forward.

The meeting will take into account the policy and legal frameworks, initiatives and opportunities and challenges that are specific to the African region, including the AU Agenda 2063.

The deliberations and outcomes of the expert meeting will form the basis for an identification of a series of selected targeted follow-up studies and actions in different African countries, to be undertaken from 2019 –20. The main purpose of these actions is to contribute to a solid knowledge-base for policy recommendations and dialogue on the human rights impacts of the fisheries and aquaculture sectors in the region.

Meeting outputs:

- Holistic overview of human rights implications and impacts (positive and/or negative) associated with the fisheries and aquaculture sectors in Africa, including with regards to climate change, vulnerable groups and gender equality
- Identification of policy trends and potential human rights impact and implications associated with the expansion of the blue economy in the region
- Identification of good practice, methodologies, challenges and opportunities for applying a human rights-based approach to the fisheries and aquaculture sectors in Africa, including by using the UN Guiding Principles on Business and Human Rights
- Identification of entry points for involving human rights experts, mechanisms and institutions in the sustainable development of the fisheries and aquaculture sectors in Africa, including exploring the potential role National Human Rights Institutions
- Identification of topics and modalities for continued information-sharing and tentative joint action among key actors in the region
- Identification of key priority studies and actions for building the necessary knowledge-base for policy recommendations and dialogue on the human rights impacts of the fisheries and aquaculture sectors in the region

**Facilitation:** To create space for dynamic exchanges among the participants, the two-day expert meeting will offer a variety of formats for discussion and facilitation, including brief presentations, panel debates, group and plenary discussions and hands-on and informal activities. A facilitator will guide the participants through the programme.

**BACKGROUND**

The fisheries and aquaculture sectors have a huge potential to underpin poverty eradication, food security, employment and economic growth, and can therefore offer a path to sustainable development. Consequently, the 2030 Agenda for Sustainable Development calls for the conservation and sustainable use of the oceans, seas and marine resources, and has two distinct targets under SDG 14, which focus on the fisheries sector. The 2017 Ocean Conference highlighted the deteriorating status of the oceans and unfolded the web of complex issues that causes massive human and labour rights challenges and violations. The subsequent “Call for Action” offers a number of positive approaches, and reiterates commitments to reach SDG 14, with an emphasis on the need to ensure policy coherence, and to pursue implementation in accordance with existing legal instruments. This underlines the importance of applying human rights instruments and labour standards in the development of sustainable fisheries and aquaculture.

**THE REGIONAL CONTEXT**

The African Union (AU) recognises that the fisheries and aquaculture sectors generate a variety of benefits to the member countries, including nutrition and food security, livelihoods, employment, export and foreign currency and conservation and biodiversity values that are of global significance.

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1 UN General Assembly, resolution 70/1 (2015). “Transforming our world: the 2030 Agenda for sustainable development”. Target 14.7: By 2030, increase the economic benefits to Small Island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism; target 14.8: Provide access for small-scale artisanal fishers to marine resources and markets.  
3 UN General Assembly, “Transforming our world”, preamble.  
In Africa, the value generated by the fisheries and aquaculture sectors in 2011 was estimated at more than US$ 24.0 billion, 1.26 percent of the GDP of all African countries. The sectors employ around 12.3 million people, of which approximately 50% are fishers, 42% are processors and 7.5% work in fish farming. More than half of the fishers (55%) are employed in inland fisheries, whereas the largest share of processors (42%) works in marine artisanal fisheries. Women make up more than one-fourth of the workforce in the African fisheries and aquaculture sector, mainly through employment in post-harvest (91.5%). Significant regional differences can be noted, with higher percentages of processors in western and southern Africa and lower percentages in eastern Africa.

The top ten African exporters account for 89.5% of the total value of fish and fishery products exports from the continent; Morocco, Namibia, South Africa, Mauritius, Senegal, Tunisia, Seychelles, Mauritania, Madagascar, Uganda and Zimbabwe, and Europe is the main export market.

Given the currently limited industrial-scale fisheries and aquaculture in many African countries, governments are looking to the expansion of the sectors as a potential driver of economic growth. This is reflected in Goal 6 of the African Agenda 2063 (accelerating Africa’s blue/ocean economy for economic growth), and in SDG 14 (particularly target 14b. to ensure access of small-scale fishers to resources and markets). According to the United Nations Economic Commission for Africa (ECA), the blue economy can play a major role in Africa’s structural transformation, sustainable economic progress, and social development. Consequently, there is a rapid proliferation of “blue economy” initiatives across the region.

In parallel, the fisheries and aquaculture sectors are influenced by a series of factors that limit transparency and weaken enforcement of applicable human rights and labour standards. According to the AU, the continent loses US$ 2-5 billion annually due to mismanagement in these sectors. The Policy Framework and Reform Strategy of the AU identifies ineffective governance combined with inadequate policies and weak implementation, as well as poor coordination between neighbouring states and regions, as the root causes. This, in turn leads to biological and economic overexploitation in small-scale and artisanal to industrial fisheries. This is resulting in negative impacts on fish stocks, economies, food supplies and jobs. Other factors include weak recognition of customary rights to natural resources in legislations and policies; remote location and extraterritorial aspect of certain fishing activities; complex layers of national and international laws and regulations; effects of international trade regimes; challenges in traceability of fish products and lack of supply chain documentation; complex finance and ownership structures of fishing vessels, and; Illegal, Unreported and Unregulated Fishing (IUU). Moreover, the sectors are vulnerable to environmental pollution and climate change.

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5 FAO, The Value of African Fisheries, FAO Fisheries and Aquaculture Circular No. 1093
6 FAO, The Value of African Fisheries, FAO Fisheries and Aquaculture Circular No. 1093
7 FAO, GLOBEFISH - Information and Analysis on World Fish Trade
8 FAO, GLOBEFISH - Information and Analysis on World Fish Trade
9 The African Union, Goals & Priority Areas of Agenda 2063
10 The UN Economic Commission for Africa, Africa’s Blue Economy: A policy handbook
Human rights implications and impacts of the sectors

Already, there are examples of activities within the fisheries and aquaculture sectors which have adversely affected human rights, including political rights and fundamental freedoms, including the right to participation in decision-making; core labour rights; the rights to work, to food, and to an adequate standard of living; the rights to the highest attainable standard of health and to a healthy environment; rights to lands, territories and resources, and; provisions regarding equality and non-discrimination. If not adequately addressed, the expansion of the fisheries and aquaculture sectors can further exacerbate such human rights violations.

Universal human rights and labour standards are generally applicable to the fisheries and aquaculture sectors, and establish norms for workers in the fishing industry regarding non-discrimination, child labour, forced labour, equal pay, occupational safety and health, etc. The rights of workers on board fisher vessels are clearly defined by the ILO Convention 188-Work in Fishing Convention. Human rights also establish the rights of particular groups of rights-holders, such as women, indigenous peoples and small-scale fishers.

Other key instruments include the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines), which represent a sector-specific adaptation of universal human rights norms. The UN Guiding Principles on Business and Human Rights (UNGPs) specify the responsibility of businesses to respect human rights, and to operate with due diligence to prevent and address adverse human rights impacts throughout their value chains. Resolution 224 of the African Commission on Human and Peoples’ Rights calls upon States to apply a Human Rights-Based Approach to Natural Resource Governance.

The AU Policy Framework and Reform Strategy envisions: “Sustainable management and utilization of fisheries and aquaculture resources through the creation of a conducive and enabling environment for equitable, economic and social development in Africa”. Although, it does not explicitly mention human rights in the goal-setting or as part of implementation related processes, human rights elements are widely reflected in the policy. It seeks, for example, to strengthen food security and employment of the rural poor, and to empower marginalised groups like women and youth for effective participation in fisheries management. Moreover, elements of the human right to an adequate standard of living as well as non-discrimination and equality are included in the policy area on “Small-scale Fisheries Development” and “Responsible and Equitable Fish Trade and Marketing”. Human rights and labour standards can provide essential guidance and an accountability framework to ensure that the potential of the fisheries and aquaculture sectors in Africa, are fulfilled in a manner that balances the economic, social and environmental dimensions of sustainability, and realises human rights of all. However, in order to pursue concerted efforts for the practical application of human rights in the expanding fisheries and aquaculture sectors, there is a need to strengthen documentation, capacity and dialogue amongst stakeholders.

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13 The African Commission on Human and Peoples’ Rights, Resolution 224 on a Human Rights-based Approach to Natural Resources Governance
THE SUSTAINABLE OCEANS PROJECT

The Danish Institute for Human Rights (DIHR), with financial support from Sida, has engaged in a 5-year Sustainable Oceans project to promote a human rights-based approach to marine fisheries and aquaculture. Specifically, the project aims to document the human rights implications and impacts pertaining to the fisheries and aquaculture sectors, and address these through national, regional and global dialogues as well as polices and strategies for sustainable development and responsible business.

An important element of the project is the development of tools and guidance for responsible business conduct, in line with the UN Guiding Principles for Business and Human Rights. Likewise, the project is a contribution to achieving SDG 14. In addition to the global dialogues and tools, the project comprises sector-wide impact assessments in Bangladesh and Chile, as well as a regional component for Africa.

The Africa component will be kicked-off with a Regional Expert Meeting, which will help identify relevant follow-up actions in individual countries. Such subsequent actions will comprise studies, knowledge products and other initiatives, which identify and document human rights implications and impacts of the fisheries and aquaculture sectors in African countries, and provide actionable recommendations for different actors, with a particular focus on poverty, gender, groups at risk as well as environment/climate change.

Priority will be given to actions that:

- Are undertaken by one or several African institutions with a key role/mandate with regards to human rights and/or the fisheries/aquaculture sectors in one or several African countries
- Contribute to establishing an adequate knowledgebase about the human rights impacts and implications of the fisheries/aquaculture sectors in the African region
- Provide policy-oriented recommendations and outcomes to guide initiatives within the fisheries and aquaculture sectors in one or several African countries
- Provide policy-oriented recommendations and outcomes to guide initiatives to achieve the 2030 Agenda and, in particular, SDG 14, and/or the goal on blue economy within the AU 2063 Agenda.

17 Read more about the project [here](#)