Ocean Defenders under Attack

The need to recognise and protect those standing up for the aquatic environment and human rights

Swedish Society for Nature Conservation

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COMMUNITY ACTION FOR NATURE CONSERVATION **CANCO**

Acronyms

CBD	Convention on Biological Diversity
CCS	Carbon capture and storage
CSO	Civil Society Organisation
CSDDD	Corporate Sustainability Due Diligence Directive (of the EU)
EHRD	Environmental human rights defender
ESIA	Environmental and Social Impact Assessment
FAO	Food and Agriculture Organisation of the United Nations
GBF	The Kunming-Montreal Global Biodiversity Framework
HRIA	Human Rights Impact Assessment
IUU	Illegal, unreported and unregulated fishing
IPLC	Indigenous Peoples and local communities
MPA	Marine Protected Area
SDG	Sustainable Development Goals
SFPA	Sustainable Fisheries Partnership Agreements
SSF	Small-scale fisheries
SSF Guidelines	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
SSNC	Swedish Society for Nature Conservation (Naturskyddsföreningen)
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDROP	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
UNGP	United Nations Guiding Principles on Business and Human Rights

Preface

Since some years back, we have received an increasing number of reports from our partner organisations about human right abuses. This include, but are not limited to, evictions from traditional territories in Brazil, displacement from coastal fishing waters in the Philippines, and threats and violations when coastal communities are protesting against nickel mining in Indonesia or infrastructure development projects in Kenya. The same trend is evident on a global scale as well. According to Global Witness report Missing Voices, hundreds of defenders are killed every year, while countless others are attacked, threatened and criminalised. This is unacceptable and the global community must do more to ensure that the world's environmental defenders are adequately supported and protected.

However, the power of civil society to counteract this development should not be underestimated. Since 1909, SSNC has worked tirelessly for a healthy and living planet. Our engagement is based on the power of our more than 200,000 members. And our engagement is not limited to Sweden. Every day across the world, individuals and organisations stand up for nature and the people who manage it. SSNC firmly believes that true change is based on solidarity across societies, between generations and countries. Therefore, since the mid-1990s, SSNC has supported and collaborated with like-minded environmental organisations around the world.

SSNC also believes that environmental defenders play a central role in addressing the triple crisis of global warming, biodiversity loss and pollution, and in securing human rights. Not the least the UN right to a clean, healthy and sustainable environment. However, the situation of environmental defenders is not being addressed in a proper manner. The situation of ocean defenders is even less addressed. We hope that this report will shed light on the situation of oceans defenders by providing examples from Brazil, Indonesia, Kenya and the Philippines. Together with our partner organisations in these countries, we provide recommendations to the UN system, the EU, governments, companies and civil society, to ensure that the right of civil society and ocean defenders to stand up for our common future is adequately protected.

Karin Lexén

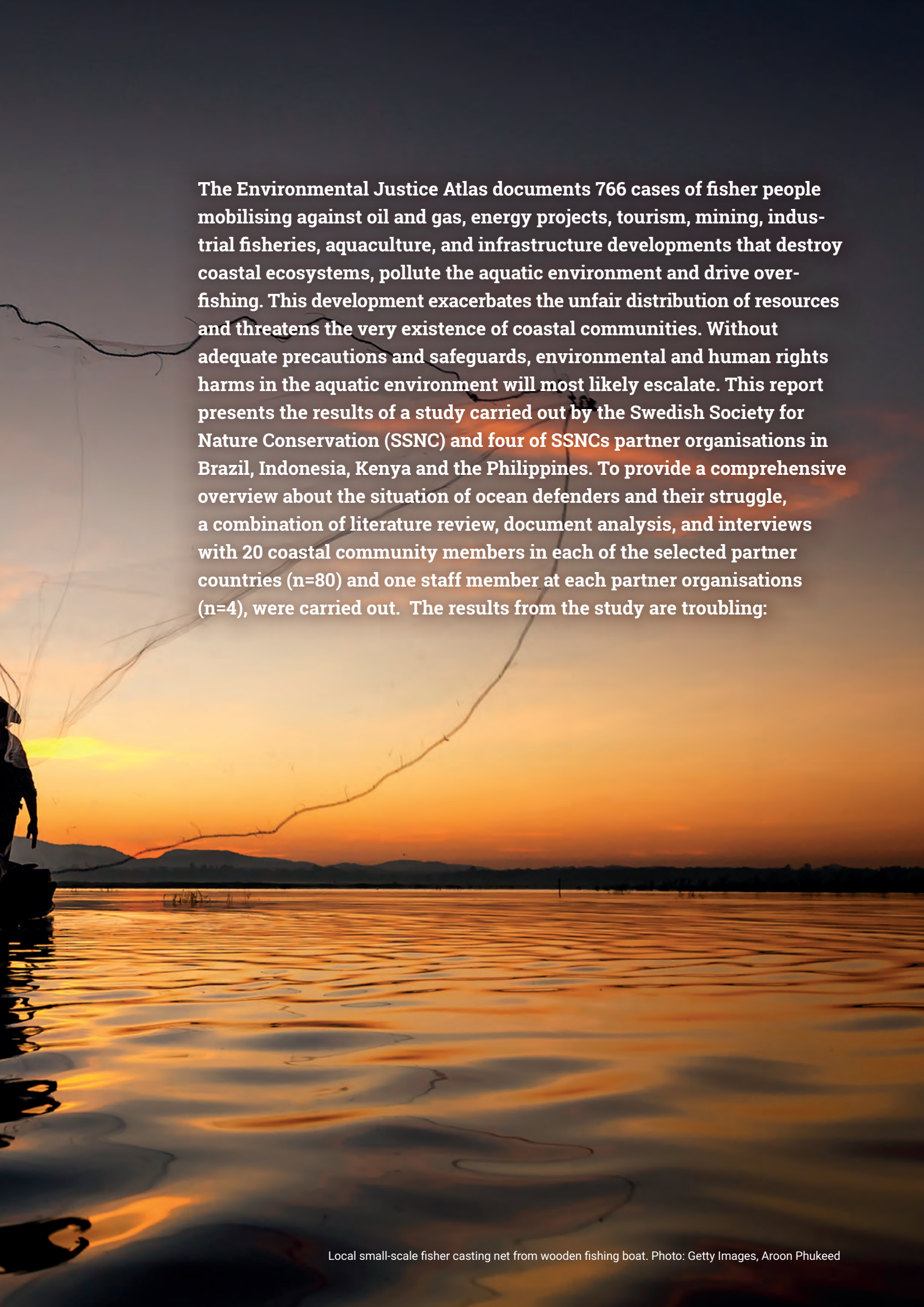Secretary-General, Swedish Society for Nature Conservation

Summary

Multiple reports show that people standing up for democracy, human rights and the environment face increasing risks. Environmental defenders, i.e. people who take a stand and carry out peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment, are one of the groups facing the most risks. The aim of this report is to increase the understanding of the current role and situation of, ocean defenders, and thus leverage support and protection to this important and vulnerable group. Ocean defenders, described as individuals and groups who defend and protect the marine and coastal environment and the human rights of coastal communities against existential threats, are a group of defenders that have typically received less attention than other human rights and environmental defenders. Yet, they are often experiencing a triple threat. First, coastal populations are facing accelerating threats from anthropogenic activities that are undermining human rights. Second, ocean defenders are usually belonging to groups already subject to structural marginalisation and exclusion from decision-making, while at the same time being at greater risk of environmental harm due to their high level of dependency on local natural resources for their livelihoods and survival. Third, many of them are also experiencing intimidation, repression, threats, and violence for taking a stand against activities that undermine their human rights and harm the environment. The rapid and unchecked growth of human activities in and near the oceans has also contributed to increasing social injustices and human right violations.
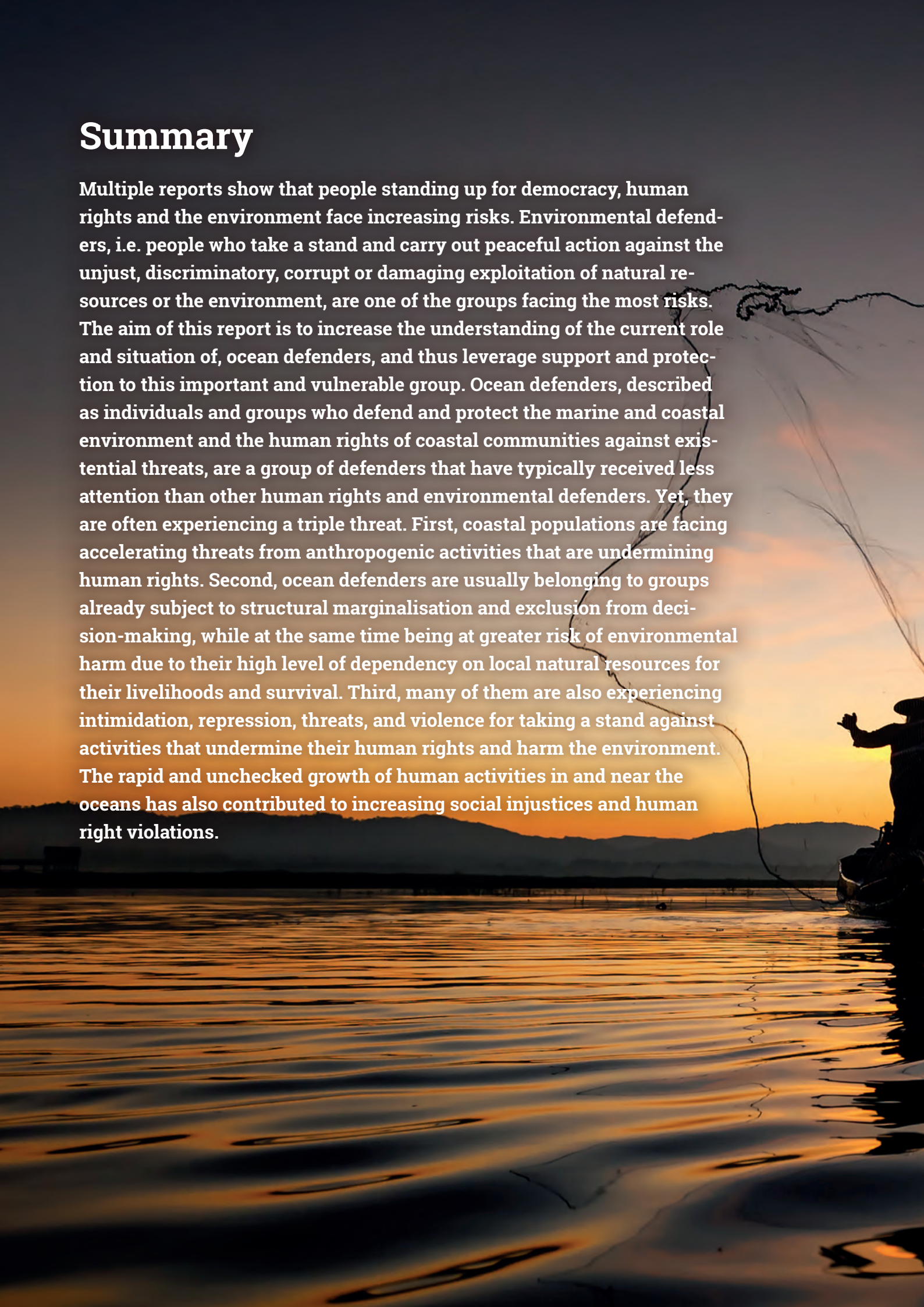
The Environmental Justice Atlas documents 766 cases of fisher people mobilising against oil and gas, energy projects, tourism, mining, industrial fisheries, aquaculture, and infrastructure developments that destroy coastal ecosystems, pollute the aquatic environment and drive over-fishing. This development exacerbates the unfair distribution of resources and threatens the very existence of coastal communities. Without adequate precautions and safeguards, environmental and human rights harms in the aquatic environment will most likely escalate. This report presents the results of a study carried out by the Swedish Society for Nature Conservation (SSNC) and four of SSNCs partner organisations in Brazil, Indonesia, Kenya and the Philippines. To provide a comprehensive overview about the situation of ocean defenders and their struggle, a combination of literature review, document analysis, and interviews with 20 coastal community members in each of the selected partner countries (n=80) and one staff member at each partner organisations (n=4), were carried out. The results from the study are troubling:

Local small-scale fisher casting net from wooden fishing boat. Photo: Getty Images, Aroon Phukeed

- Eighty-five percent of all respondents stated that it is more difficult to access the seascape and natural resources today compared to ten years ago. This is largely due to the increased capacity of sectors to industrialise the ocean. One of the most frequently mentioned sectors competing for space mentioned by male respondents was industrial fisheries (61 percent) whereas women reported to be most impacted by energy projects such as e.g. wind farms (44 percent). Other sectors frequently mentioned were tourism and infrastructure development.

- Eighty-five percent of the respondents said that these sectors do not respect their right to traditional livelihoods, right to territories (84 percent), right to a clean, healthy and sustainable ocean environment (77 percent), right to have a voice in environmental decisions (75 percent) or right to information (74 percent).

- Governments and private sector entities were identified as the main actors responsible for human rights violations. Access restrictions and environmental degradation due to infrastructure development and depletion of fish stocks by industrial and illegal, unreported and unregulated (IUU) fishing in coastal waters were frequent among the many examples provided in the interviews.

- Governments were implicated for failing to protect human rights by not enforcing legal requirements on procedures like public consultation and impact assessments or applying the principle of Free, Prior, and Informed Consent (FPIC), and for turning a blind eye on – or being complicit in – illegal activities.

- Many of the respondents reported that they, or someone they know, have experienced some kind of confrontation or direct threat due to their work during the last 5 years. Most frequently mentioned was intimidation (64 percent) followed by physical surveillance (31 percent). In for example Brazil, 65 percent of the respondents also reported death threats and legal harassments. A similar share of respondents has faced threats or violations in response to resistance and actions. More women than men have experienced sexual harassments and threats to family members.
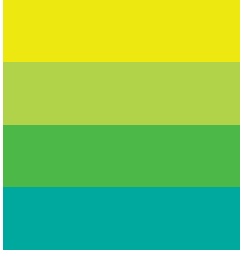
- On average, 30 percent of all respondents reported that governments have imposed restrictions to limit their action space.

- To cope with the situation, 84 percent of the respondents said that they would need support from for example other CSOs, NGOs, authorities and the Government.

This is a frightening development and must be addressed. States have the ultimate responsibility for upholding human rights and to put in place and implement the legislative, accountability, and legal mechanisms that will enable the identification, prevention, remediation and reparation of environmental and human rights harm in all parts of the ocean economy. However, as seen in this report, states do not comply with international commitments or take responsibility for the basic security of their citizens. Further, the report shows that violations of human rights of coastal populations in these four countries are strongly linked to the expansion of industrial sectors, and to companies that do not take responsibility for their operations. Changing all of this will require decisive and often integrated action not only by states and the business community, but also by international and intergovernmental organisations and the financial sector. Further, a strong and active civil society capable of mobilising, exerting influence, demanding accountability and participating in implementing the changes required is key. Environmental and human rights defenders in general, and ocean defenders in particular, receive little publicity, attention and support. CSOs and NGOs therefore have an important role to play by strengthening the recognition of ocean defenders and increasing their support for this specific group of environmental defenders. Ocean defenders are our allies in solving one of humanity's greatest challenges so far – preventing ongoing climate change, loss of biodiversity and pollution. The fact that the organisations and people defending the aquatic environment are systematically monitored, harassed, and killed not only represents a threat to democracy but also to the environment on which we all depend.

Contents

Key concepts

1

Blue economy: There is no agreed definition, of the concept. It may refer to all economic activities related to oceans, seas and coasts, or, as the World Bank describes it, the "sustainable use of ocean resources for economic growth, improved livelihoods, and jobs while preserving the health of ocean ecosystem."

Blue justice: A rights-based approach to how coastal communities and small-scale and artisanal fisheries are affected by blue economy and "blue growth" initiatives. Blue Justice acknowledges the historical rights of small-scale fishing communities to marine and inland resources and coastal space and seeks to address how pressures from ocean uses can respect and support their rights and well-being.

Civic space: The organisation Civicus describes the concept of Civic space as "the set of conditions that allow civil society and individuals to organise, participate and communicate freely and without discrimination, and in doing so, influence the political and social structures around them."

Civil society: An arena, separate from the state, market and individual households, where people, groups and organisations act together in relation to common interests. Civil society includes both formal organisations and associations, as well as looser communities, movements and networks.

Environmental (human rights) defenders: There is no universally accepted definition of what characterises an environmental defender. SSNC uses the definition of the organisation Global Witness, namely "people who take a stand and carry out peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment." The previous UN Special Rapporteur on the situation of human rights defenders described 'environmental human rights defenders' as "individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment".

Human rights: Human rights are universal, meaning apply to all individuals, and indivisible. They are regulated in numerous international agreements as well as in some national legislations. Individual human beings are afforded a set of rights and freedoms that the state is obligated to respect, protect and pro-

mote. The International Bill of Human Rights contains a long list of rights and freedoms, including the right to protection from abuse and rights to meet the most basic of needs.

Human rights defenders: According to the UN Declaration on Human Rights Defenders, they are defined as people who "individually and in association with others [...] solicit, receive and utilise resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means." This term includes activists and people working in areas related to the environment, which means that environmental defenders are also covered in the broader term of human rights defenders.

Human rights due diligence: An ongoing risk management process for companies to identify, prevent, minimise and manage its activities to avoid negative consequences for stakeholders and to ensure that human rights are not violated.

Indigenous Peoples: Indigenous Peoples are defined by self-identification. They have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories and consider themselves distinct from other sectors of the societies now prevailing on those territories. They form non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories and their ethnic identity, in accordance with their own cultural patterns, social institutions and legal system.

Indigenous Peoples and local communities (IPLCs): A term used internationally by representatives, organisations, and conventions to refer to individuals and communities who are, on the one hand, self-identified as indigenous and, on the other hand, are members of local communities that maintain inter-generational connection to place and nature through livelihood, cultural identity and worldviews, institutions and ecological knowledge.

Ocean defenders: Individuals and groups who defend and protect the marine and coastal environment and the human rights of coastal populations against existential threats.

Partner organisation: Term used for denoting an organisation with which SSNC is engaged in a formal collaboration through its Global Programme.

Introduction

2

This report explores the situation of ocean defenders – a group of environmental defenders that has generally received less attention – and is based on literature review, document analysis and interview studies taking place in four of SSNCs partner countries (Fig 1). The case studies were conducted in collaboration with SSNCs partner organisations: CANCO (Community Action for Nature Conservation), Kenya; KIARA (The People's Coalition for Fisheries Justice), Indonesia; Tambuyog Development Center, the Philippines; and Terramar Institute, Brazil). Based on the findings, the report also provides recommendations to States, international institutions, the EU, civil society organisations, the private sector and financial institutions on what they must do to counteract the development.

The four countries that are covered in the survey are parliamentary democracies. However, they all fail in providing proper opportunities and spaces for individuals, communities and civil society organisations to claim their rights and exercise their full democratic freedoms. What stands out is the numbers of environmental defenders killed in Brazil and the Philippines (see Table 1). In the Philippines, which also stands out as the only country where civic space is "repressed", the former president Duterte introduced several restrictive policies and practices such as the labelling of human rights defenders as "criminals" and "terrorists". This has had dangerous repercussions such as extra-judicial killings, enforced disappearances, judicial harassment, arbitrary arrest and detention, torture and false charges. The extent of violations against civil society groups was affirmed by the UN Special Rapporteur on Human Rights and Climate Change, Ian Fry, after his visit on November 6-15, 2023. In his initial report he noted: "The use of intimidation, harassment, abductions, prosecution, jail sentencing and extra-judicial killings by the military based on trumped up charges against human rights defenders is contrary to many international human rights obligations." The report pointedly recommended the abolition of the anti-terrorism task force that has been implicated in these abuses.

In the past few years, both academics and activists have started to address issues related to the protection of coastal communities and ocean defenders more actively, and an increasing number of articles, reports and academic papers about violations of their rights are emerging. Nevertheless, the availability of data is still quite limited, and much remains to be done to raise awareness and capacities to protect human rights in the coastal and marine environments.

Table 1. The rankings of each of the studied countries with regard to the Global Freedom Status 2024 (Freedom House), their civic space rating 2024 (CIVICUS), and the number of environmental defenders killed in 2012-2023 (Global Witness).

	Global Freedom (score 0–100)	Civic Space (score 0–10)	Environmental defenders killed (2012–2023)
Brazil	Free (72)	Obstructed	401
Kenya	Partly free (52)	Obstructed	6
Indonesia	Partly free (57)	Obstructed	20
Philippines	Partly free (58)	Repressed	98

2.1 Methodology

To collect data about ocean defenders a combination of literature review, document analysis and interviews were carried out in 2023/2024. The interviews explored coastal communities' access to the seascape and how this has changed over time, the human rights violations they face in their work and for their resistance efforts, what sectors and actors that are responsible for these violations, as well as coastal communities' desired and needed support. A total of 80 respondents – 20 community representatives in each of the four countries – participated in the survey. Forty-six of these were men (age ranging from 29 to 67), and 34 were women (age ranging from 28 to 72). Apart from age and gender, the study includes individuals of different ethnicity and religion. However, what unites them is a connection to and common care for the aquatic environment, and the willingness to mobilize and raise their voices on behalf of the environ-

ment and people's rights. Consequently, most of the interviewees were engaged in small-scale and artisanal fisheries (fishers, fish traders and fish processors) as their main occupation, whereas a few were engaged in mariculture, community work, mangrove conservation and agriculture. In addition to responding to multiple-choice questions (structured), the participants were offered the opportunity to elaborate and comment on some of the questions (open-ended). The two sets of interview questions should give a good picture on the situation of ocean defenders in their respective context, as well as a more detailed description of some of the problems they experience. In addition, interviews were carried out with staff members at the partner organisations (n=4) to capture the insight of CSOs. This study should not be considered as universal for all ocean defenders, but rather as a snapshot of the situation in the four studied countries.
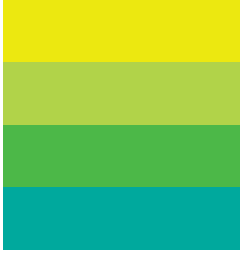

Fig 1. Map of SSNCs partner countries included in the study.

Traditional fishing boats. Photo: Sara Fröcklin

Background

3

3.1 The race for the blue – increasing competition over space, material and food

The Earth is commonly referred to as "the blue planet", in recognition of the fact that over 70 percent of its surface is covered by oceans. Almost half of the world population lives in coastal areas and are directly dependent on healthy oceans for their livelihoods, food and nutrition, medicines, health and cultural values. Through most of human history, the oceans have been seen as an almost infinite expanse of water, much too immense to be influenced in any way by our behaviour. But this has changed. A constantly growing demand for raw materials and increasing costs for extracting them from terrestrial sources have, combined with technical advances, led to a rapid growth in exploitation of marine resources. As the capacity to industrialise the ocean grows, marine ecosystems face increasing and cumulative pressures from a multitude of anthropogenic pressures (e.g. WWF 2024). It is estimated that about 66 percent of the marine environment has been significantly altered by human actions. Main drivers for biodiversity loss in the ocean include overfishing, climate change, pollution and land and sea use change (IPBES 2019, Jaureguiberry et al. 2022). These changes have both immediate and enduring implications not only for ocean and ecosystem health, but also for human well-being. Two examples:

- More than 3 billion people rely on marine and coastal biodiversity for their livelihoods, the vast majority live in low- and middle-income countries. Marine fisheries alone directly or indirectly employ over 200 million people and provide food and nutrition to an estimated 3 billion people. This makes the oceans the world's largest source of these essential nutrients. But according to the FAO, around 90 percent of the world's fish stock are already exploited up to or beyond their maximum sustainable capacities.

- The oceans help to cushion the effects of greenhouse gas emissions on the climate, by absorbing a quarter of all the carbon dioxide that is released annually due to human activities and capturing 90 percent of the excess heat generated by these emissions. Rising sea water temperatures and acidification caused by the uptake of CO_2 are, however, harmful for marine and coastal biodiversity and particularly for the world's coral reef ecosystems. Occupying less than 1 percent of the ocean floor, they have the highest biodiversity of any ecosystem on Earth — even more than tropical rainforests – and provide food and income for half a billion people worldwide. Higher seawater temperatures, along with the added water from melting ice sheets and glaciers, also contribute to the gradually rising sea levels that threaten low-lying land areas, not least coastal communities in small island developing states thus putting them at risk of inundation and displacement.

Despite the many pressures that the oceans are already suffering, there are great and increasing hopes and expectations for the oceans to sustain future human needs. Consequently, the last few decades have been paved with sharp increases in human claims on the ocean that can be seen across a wide range of fields, including marine aquaculture, offshore hydrocarbon extraction and windfarms, deep-sea mineral prospecting, patenting of marine generic resources, shipping and cruise tourism, and marine protected areas (MPAs). A team of researchers from the Stockholm Resilience Centre (SRC) have named this intensifying pressure on the ocean the "*blue acceleration*". Further, "claiming the ocean for food, material, and space is not new to humanity", they write, "but the current rush for the ocean is unfolding with unprecedented diversity and intensity" (Jouffray et al. 2022). Terms like the "blue economy" and "blue growth" are used to describe this renewed interest in ocean-based economic development.

To some, the "blue economy" includes all economic activities related to oceans, seas and coasts. Others, like the **World Bank**, defines it as the "sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and while preserving the health of ocean of ocean ecosystem." According to the **African Union**, the concept of the blue economy integrates the economic exploitation of the resources of oceans, lakes, rivers and other bodies of water with the conservation of aquatic ecosystems. The European Union has proposed, in a communication adopted in 2021, a paradigm shift from "blue growth" to "a sustainable blue economy" to help achieve the objectives of the **European Green Deal** Further, various "blue economy" and "blue growth" strategies have been developed during the past ten years or so, thus, speeding up the race for ocean and marine space, materials and resources. However, scientists (e.g. Jentoft et al. 2022) as well as civil society organisations (e.g. Standing 2019, **Coalition for Fair Fisheries Arrangements** 2020) have

for years criticised the various blue agendas and strategies for their focus on economic growth and for not respecting nature and fundamental human rights of coastal communities, and in particular small-scale fishers and fisherfolks.

3.1.1 The expansion of blue sectors at the expense of the environment and coastal communities' access to justice and human rights

The seafood sector is the largest employer among ocean-based industries. Seafood has been the world's fastest-growing food industry since the 1960s, and fish has become one of the most-traded food commodities. Despite fish being caught at greater depths and farther distances, the volumes of wild-caught seafood peaked in the 1990s – after **having quadrupled** in the preceding four decades – and have remained stagnant since then. In its latest report on the State of World Fisheries and Aquaculture (SOFIA), the FAO estimates that 37,7 percent of global marine fish stocks are already

overfished and 62,3 percent are fished to their maximum capacity. Although the bulk of the global seafood is caught by industrial fishing fleets, 90 percent of all fishers and fish workers are engaged in small-scale and artisanal fisheries. Consequently, they make up the largest group of ocean users and contribute immensely to local economies and food and nutrition security. While some progress has been made, they continue to face marginalisation, climate change vulnerability, discrimination, insecure land tenure, and limited access to water and marine resources (FAO 2023). Furthermore, lack of access to health care, education, social protection, adequate food and nutrition, and abusive and exploitative working conditions are some of the daily realities of fishers, fishworkers, and their communities (OHCHR 2022).

As global fish stocks are in decline while the demand for seafood is increasing, there has, for the past three decades, been a boost in the world's aquaculture production. For the first time, aquaculture now **contributes** **51 percent** of global seafood production and thereby exceeds fisheries production. However, some 30 percent of the feed that is used in aquaculture production consists of fish oil and fish meal from wild capture fisheries, thus **threatening food security** in low-income countries in West Africa, highly dependent on small fish species as main source of protein and nutrition. The expansion of aquaculture has also contributed to the degradation of tropical seascapes, in particular mangrove forests and estuaries, pollution from excess feed and waste, genetic erosion of wild fish stocks and other environmental problems, the displacement (e.g. Taher et al. 2023), as well as threats and violations of coastal communities (Corporate Accountability Lab 2024).

The oil and gas sector is the largest ocean-based industry, accounting for one-third of the total value of the ocean economy (Jouffray et al. 2020). In spite of global commitments to reducing greenhouse gas emissions, investments in offshore oil and gas

exploration are on the rise. The seafloor also holds vast quantities of methane hydrates, which are estimated to represent twice as much organic carbon as the world's coal, oil, fossil gas combined. Both governments and the industry are investing in research and development of commercially viable technologies for extracting gas hydrates. Ironically, the manufacture and deposition of methane hydrates is also being considered as a potential method for carbon capture and storage (CCS). Other minerals from the deep seabed, including many that are labelled as being "critical" for the climate transition, are also attracting much interest. Frameworks for regulating exploitation in international waters have not been agreed yet, but the UN International Seabed Authority has issued more than 30 exploration licenses. Increased mining of these minerals on land does not necessarily spare the oceans, as tailings and chemicals from many such mines flow downstream and cause pollution and sedimentation in coastal waters.

Marine and coastal tourism is the second largest employer in the ocean economy and one of the fastest-growing segments of the world's tourism industry (Jouffray et al. 2020). Significant areas of natural coastal ecosystems are sacrificed for the construction of tourist resorts and their associated infrastructure, or damaged due to pollution, boat traffic and water sports. The establishment of resorts and infrastructure may also limit the access by coastal communities to beaches and marine resources thus threatening their traditional livelihoods. Increasing urbanisation, land reclamation and sand mining, as well as the development of marine renewable energies derived from wind or waves, are activities that also have direct physical impacts on coastal and near-coastal environments. Likewise, the designation of MPAs, if done without the consideration and involvement of coastal communities, may lead to their impoverishment and sometimes even displacement (Sowman and Sunde 2018). All in all, this rapid and unchecked growth of human activities in and near the oceans is producing massive and accumulated environmental impacts. It has also contributed to increasing social injustices and human right violations all around the globe.

Due to the increasing focus on blue growth and the expansion of industrial blue sectors mentioned above, coastal communities are being squeezed for geographic, economic and political space by industrial fishing fleets and aquaculture, as well as by industrial development, mining, conservation and other projects along the coasts (Cohen et al. 2019).

"Concerns have been raised over who is to gain from the blue acceleration", says the SRC research team. Benefits disproportionately flow to economically powerful states and corporations, whereas harms are largely affecting developing nations and local communities (Jouffray et al. 2020).

3.2 Environmental defenders and shrinking civic space

3.2.1 An overview on the situation of environmental defenders

Between 2012 – when Global Witness started reporting on the killings of land and environmental defenders – and 2023, over 2000 defenders have been killed trying to protect their land and resources (Global Witness 2024). In 2023, 196 defender killings were documented. Half of all victims were Indigenous Peoples or Afrodescendants and 12 percent murdered were women. Historically, women environmental defenders have been front and centre in advancing the rights of women, their communities and those of their children, in resisting destructive business practices, and in contributing to policy discussions at regional and international levels. They are, however, also considered to be particularly vulnerable to threats, due to gendered forms of violence such as sexual violence, rape, psychological and emotional abuse and attacks on their families" (IUCN undated, Tran and Hanaček 2023). Gender-based violence is disproportionately used against women environmental defenders to control and silence them and suppress their power and authority as leaders. In some contexts, gender-based discrimination and violence are normalised or even permissible in society and officials tasked with

Wind farm in Ceará, Brazil. Photo: Terramar

AVISO
PROPRIEDADE PRIVADA
ENTRADA PROIBIDA

Oil drilling rig. Photo: Getty Images, Peter Unger

investigating reports of violence may have a gender prejudice, meaning that reports of violence against women defenders are not properly addressed. Furthermore, environmental degradation itself can be a driver of gender-based violence. Resource scarcity, conflicts and displacement caused by environmental degradation deepen existing inequalities. In such cases, gender-based violence is often used as a means of reinforcing privileges and control over resources (IUCN 2020).

Typically, several social categories such as ethnicity, gender and sexuality are interconnected and together shape an individual's opportunities and challenges. For example, in Brazil, black and Indigenous Peoples, particularly women, face structural inequalities and are systematically excluded from decision-making processes. When their territories are claimed, they suffer from contamination, forced evictions, militarization, persecution and, often, the murder of their leaders and representatives.

The killings of land and environmental defenders have tended to increase over the years, from an average of just over 100 annually in the beginning of the period to around 200 in the last few years. However, as Global Witness points out, these data may only show the tip of the iceberg. Conflict, restrictions on civil society and the press, and lack of independent monitoring can lead to underreporting of attacks on defenders. Beyond the killings, many defenders and communities also experience attempts to silence them, with tactics like death threats, surveillance, sexual violence, or criminalisation. These kinds of attacks are even less well reported (Global Witness 2024). In addition, a new integrated dataset from ALLIED 2024, reveals 916 non-lethal attacks across 46 countries. Many perpetrators of these crimes are linked to the private sector, particularly in industries such as mining and extractives, logging, fishing, agrobusiness, roads and infrastructure, and hydropower. Governments are sometimes complicit in, or turn a blind eye to, such violations.

Governments are responsible for the growing constraints and restrictions of civic space that has accompanied the global drift towards more authoritarian and populist policies over the last decade, and which are making environmental activism more difficult and riskier. Since 2016, 91 countries have proposed or enacted more than 260 legal measures affecting civil society. Of these measures, 72 percent have been restrictive. According to the International Center for Non-Profit Law (ICNL), the trend is truly global and includes laws and regulatory measures that impede the formation of civil society organisations, their ability to seek and secure resources, and the freedom to peacefully assemble. Civic space and civil society organisations are under attack and deliberately targeted also in democratic states. Many governments are deploying a wide range of tactics to crack down on peaceful protests and using the occasional violent protest event as an excuse to restrict all protests. Civil society is also often the target of disinformation and hate speech, particularly when activists come from or stand for the rights of excluded groups (CIVICUS 2023).

3.3 Ocean defenders – a forgotten group of environmental defenders

3.3.1 An overview on the situation of ocean defenders

Ocean defenders – individuals and groups who defend and protect the marine and coastal environment and the human rights of coastal populations against existential threats – find themselves constrained by and exposed to the same kind of restrictions and threats as do other environmental activists. They have, however, so far not received the same amount of publicity or the same level of attention and support from research, advocacy and funding circles, as defenders of forests and other terrestrial environments have. Yet, ocean defenders are often exposed to a triple set of threats:

- Coastal populations are experiencing accelerating threats from anthropogenic activities stemming from the blue acceleration that are undermining human rights.

Small-scale fishers demand their rights. Photo: Kiara

- Ocean defenders typically belong to groups already subject to structural marginalisation and exclusion from decision-making, while at the same time being at greater risk of environmental harm due to their high level of dependency on local natural resources for their livelihoods.

- Many of them are also experiencing intimidation, repression, threats, and violence for taking a stand against activities that undermine their human and environmental human rights (Bennett et al. 2023).

A review of past injustices produced by ocean-based development identified ten categories of injustices (defined as the unequal distribution of benefits and/or burdens, as well as unfair decision-making and governance processes). These span across dispossession, displacement, and loss of access to aquatic resources needed for nutrition and food security and well-being; environmental degradation and pollution that reduce the availability of ecosystem services with negative impacts for local livelihoods; inequitable distribution of economic benefits; marginalisation of women; exclusion from decision-making and governance; and abuses of human and indigenous rights (Bennett et al. 2021). However, the general lack of focus on ocean defenders does not mean that their struggles are less important or less dangerous. For example, already back in 1995 SSNC partner Ken Saro-Wiwa and eight other leaders of the Ogoni people were executed when protesting against Shell and other oil companies in the Niger Delta. Also, in the mid-1990s, two members of SSNCs partner organisation in Honduras, who were campaigning to protect mangroves from destructive shrimp farming, were killed, and their leader Jorge Varela continued to receive repeated death threats.

3.3.2 Community mobilisation as a mean to defend the environment and human rights

Countless Indigenous Peoples and local communities (IPLCs)[1] on all continents have

had to mobilise to defend their lands, waters, oceans and rights against threats of exploitation and destruction by external interests. Social theorists have long argued that the ability to act collectively is one of the very few means at the disposal of marginalised communities. To illustrate the importance of community mobilisation, see below two examples from SSNCs partner countries:

- **Lamu island, Kenya**: Since 2009, the Government of Kenya has expressed plans to undertake a multipurpose transport and communication corridor known as the 'Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor. The LAPSSET Corridor Program is part of the Kenya Vision 2030 Strategy, which is the national long-term development policy that aims to transform Kenya into a newly industrializing, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment. Among other things, this involves, the construction of a new port and associated infrastructure on Lamu island, on the northern coast of Kenya. When local communities found out about the project, they raised concern about the lack of meaningful consultations and issues related to land grabbing. Given that Lamu town is recognized by the Kenyan government as the oldest living town in Kenya and a UNESCO World Heritage Site, community resistance was also motivated by concern that the proposed port will destroy their history, heritage, and culture. In 2012, local communities with the support from CSOs and environmental lawyers filed a complaint on behalf of the affected communities who have for generations depended upon and sustainably managed their land and marine natural resources. Six years later, the High Court ruled that the Government of Kenya has permitted gross violations of law and people's rights in the ongoing port planning and construction process. The court ordered a review of the project's Environmental Impact Assessment (EIA) license, development of a Strategic Environmental Assessment, a robust public participation plan, replanting of mangroves, a comprehensive cultural

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1   See Key Concepts for an explanation of how this term is used here.

heritage protection plan, and USD 17 million in direct compensation to be distributed to approximately 4600 fishers. However, six months later the Kenyan ports authority filed an appeal against, and implementation of the judgement was suspended. Up to date, the struggle continues. Also in 2018, communities in **Ras Kitau on Manda Island** – just across the water from Lamu – won a victory when the County Director of Environment stopped the destructive mining of sand from the beach and adjacent offshore areas during receding tides. The mining resulted in a loss of landing sites for fishers, mangrove

degradation, beach erosion, and even homes being submerged beneath the waters. Local communities mobilised and lodged a complaint and were able to show that the operation had no EIA report or license. As a result, when the company failed to produce the lacking EIA, they were ordered to cease their operations.

- **South Africa:** Operation Phakisa is the name of a multi-sectoral programme by which the government of South Africa aims to fast-track the exploitation of what they refer to as the 'ocean economy'. Launched in 2014, the programme was expected to boost the national

economy through large-scale industrial development, such as offshore oil and gas mining. Small-scale fishers and civil society organisations have voiced their concern regarding the oil and gas drilling planned under Phakisa, particularly the impacts of seismic blasting on plankton, fish populations, whales, birds, and other marine life with whom fisherfolk share the ocean. They also raised concern about the potential future impacts of oil extraction and processing on fisheries-dependent livelihoods, and human health. In 2021 and 2022 they focused on two permits for conducting seismic surveys to explore oil and gas that had been granted without the prior consultation of local communities. After their strategic resistance, the courts ruled in favour of the community applicants in both cases in 2022, and the activities of the survey companies were called off. However, the fight is far from over, as new applications for permits continue to be filed. Meanwhile, members of the fishing communities have been warned that they may be hurt or killed if they continue to resist oil and gas exploration, and the responsible minister has claimed that the environmental activists who resist are "foreign-funded agents" that block development.

Wind farm in Ceará, Brazil. Photo: Terramar

Oil drilling rig. Photo: GettyInages, Peter Unger
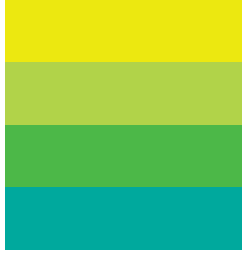
Results – Putting the
spotlight on ocean defenders

4

A fisherwoman digging for clams. Photo: GettyImages, Oliver Strewe

This section presents the results of the interviews that were carried out with representatives of coastal communities in Brazil, Indonesia, Kenya and the Philippines. The interviews explored coastal communities' access to the seascape and how this has changed over time, the human rights violations they face in their work and for their resistance efforts, what sectors and actors that are responsible for these violations, as well as coastal communities' desired and needed support.

4.1 Increasing competition over space and resources

An average 45 percent of all respondents said that they have access to the whole seascape, from mangrove forests to the deep sea (Fig 2). This differed slightly between countries, ranging from 25 percent in Indonesia to 70 percent in the Philippines). A considerably lower 23 percent of the respondents (from 5 percent in Indonesia to 40 percent in the Philippines) said that they make use of the whole seascape. A clear majority of all respondents – 85 percent on average – said that it has become more difficult to access the seascape and natural resources today, compared to 10 years ago. The reasons given cover a wide range of issues, some of which are the same across the four countries while others are more site specific. Dwindling fish stocks, forced removal from traditional fishing grounds, infrastructure development, marginalisation in the allocation of fishing rights, pollution, degraded coastal ecosystems and climate change were stated as limitations to their access and use of the seascape. An artisanal fisher in Brazil explains:

> *"One of the very noticeable changes of climate change are changes in the wind. We are having constant wind, and the sea becomes wild. Last Sunday, a boy drowned due to the wild sea here. It also stops us from going out fishing."*

Some site-specific causes include the presence of pirates, physical blockage of access by infrastructure for tourism and industrial infrastructure, harassment by coast guards and navy, and enforcement of restrictions regarding gear or access in MPAs. Kenya

is the only country where more than one respondent (25 percent) said that it has become easier to access natural resources today. According to the local partner organisation, one likely explanation is that these community members have been trained to know and claim their rights.

Interviewed women in all four countries generally reported that they have less access to, and making less use of, the whole seascape compared to men. Like the male respondents, most women also said that it is more difficult to access the seascape today compared to 10 years ago (Fig 3). In addition to the reasons mentioned above, women are also hindered by gender norms and values. Working closer to shore allows women to combine productive and reproductive work. Men on the other hand are typically seen as breadwinners and generally have more material resources (such as boats and gear) and time to navigate changes in the environment or access. These societal and traditional norms and values defining what is masculine and feminine, create identities and behavioural patterns and structures impacting space and resource use for men and women. For example, women generally do not learn how to swim, snorkel and dive, while this set of skills is essential for men's identity and lifestyle as fishers (Fröcklin 2014, de la Torre-Castro et al. 2017). *One woman fish trader in Kenya explains:*

Access to and use of the seascape and natural resources
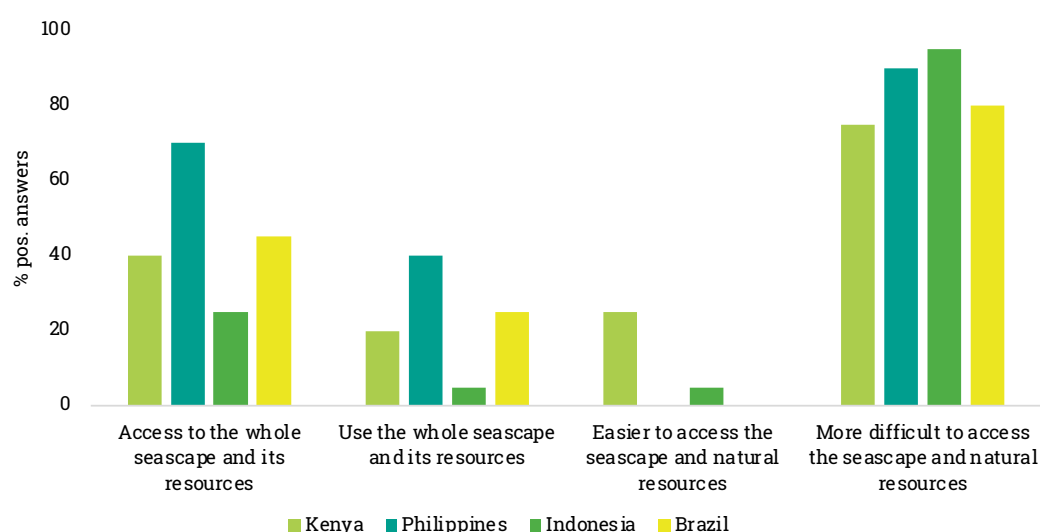
Fig 2. Coastal communities' access to and use of the seascape and natural resources today (2024) compared to 10 years ago (2014) in the four countries: Kenya (n=20), Philippines (n=20), Indonesia (n=20) and Brazil (n=20) (% positive answers).

Gendered access to and use of the seascape and natural resources
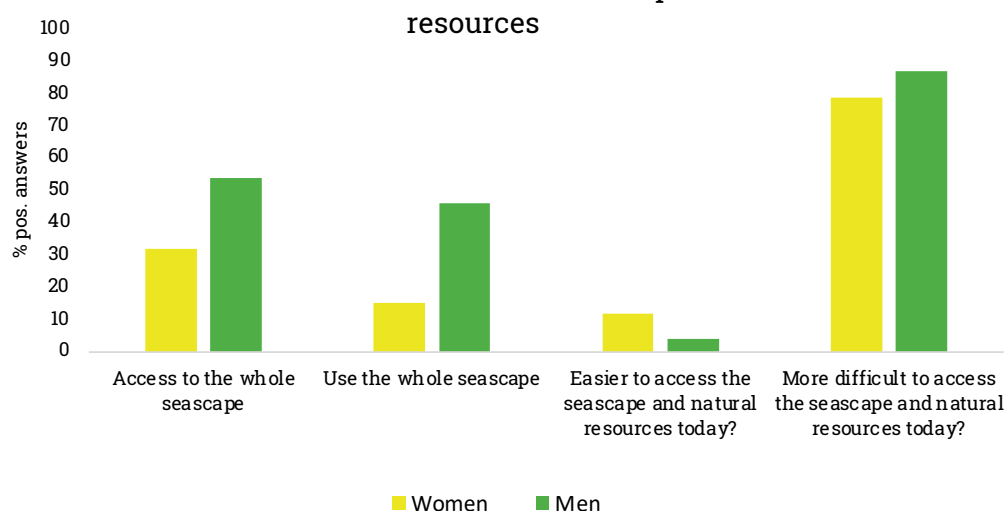
Fig 3. Men (n=46) and women (n=34) access to and use of the seascape and natural resources today (2024) compared to 10 years ago (2014) in the four countries combined (Brazil, Indonesia, Kenya and the Philippines) (% positive answers).

4.2 Sectors competing for space and resources

The survey results indicate that coastal communities in all four countries face competition for space and resources from several different blue sectors, but the impact of each sector varies greatly between the countries. In the Philippines, all respondents indicated industrial and IUU fishing as their main problem. The respondents in Kenya also ranked the fisheries sector as

their number one threat (Fig 4). In Brazil, where most of the respondents come from the north-eastern state of Ceará, 70 percent of the respondents face competition from tourism. It is important to note that there is a strong connection between tourism and real estate speculation, as well as the illegal buying and selling of land, a phenomenon that intensified especially during the COVID-19 pandemic. Infrastructure and energy development (both 37,5 percent) are the third and fourth most mentioned competing sectors

28

Main sectors competing for space and resources
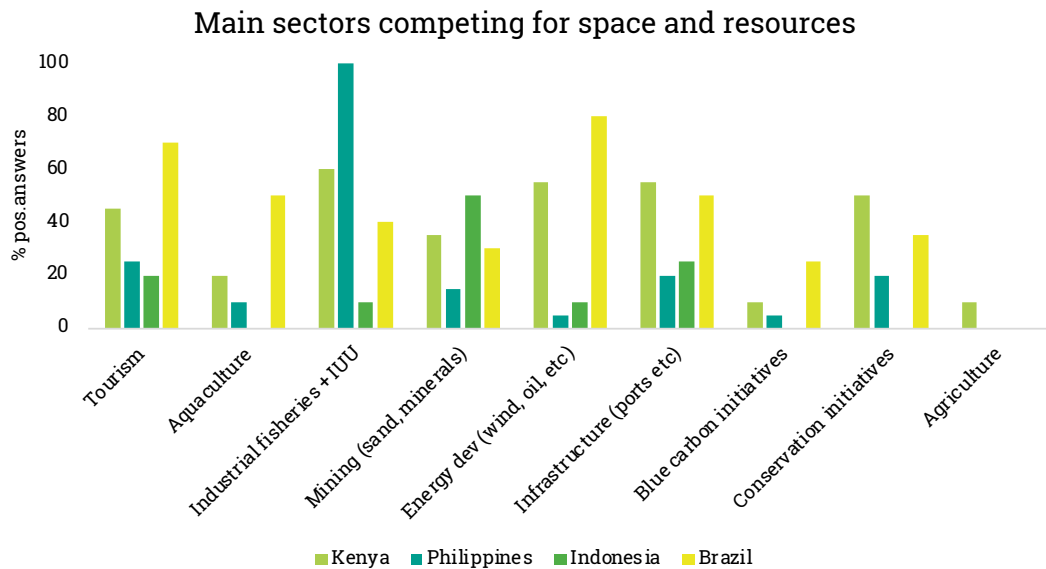
Fig 4. Coastal communities' perception on main sectors competing for space in the four countries: Kenya (n=20), Philippines (n=20), Indonesia (n=20) and Brazil (n=20) (% positive answers).

overall. Energy development poses the biggest challenge for communities in Brazil (80 percent, both oil extraction and wind power) and second in Kenya (55 percent, oil and coal, emerging threats from planned nuclear power). Development of infrastructure, such as ports, also score relatively high. In Indonesia, mining is reported as a growing problem. In the Philippines, according to one-to-one interviews, sand mining and the development of wind power is likely to expand and there is great concern about its potential consequences for the environment and coastal communities. These results are in line with testimonies from ocean defenders in numerous countries around the world (The Ocean Defenders Project 2025).

Competition for space and resources from conservation initiatives (26 percent overall) is highest in Brazil (50 percent) followed by Kenya (35 percent). According to the Kenyan partner organisation this is partly due to their history of MPAs. Blue carbon initiatives are reported as causing problems for participants mainly in Brazil (25 percent). The most significant difference in the responses given by men and women is that the men experience considerably more competition from industrial fisheries than women do. Given that a larger proportion of the male respondents are fishers, whereas most women are restricted to shallower areas and land-based activities such as fish processing or

fish trade, this difference is hardly surprising. However, as women's fish trading and fish processing activities are dependent on the fishers' catch, a few women mentioned this in their free text answer.

4.3 What human rights are violated and who is responsible?

The next set of questions explored the extent to which the previously listed competing sectors violate coastal communities' human rights, such as the right to territory; to a clean, healthy and sustainable ocean environment; to traditional livelihoods; to health; to food; to a cultural connection to the oceans; to have a voice in environmental decisions; and to information. Violation of communities' right to territory is the most pressing issue (indicated by 84 percent of the respondents). A similar pattern can be seen regarding the right to traditional livelihoods, where 85 percent of all respondents said that this right is violated. Seventy-eight percent said that their right to a clean, healthy and sustainable environment is violated; 75 percent said the different sectors do not respect coastal communities' right to have a voice in environmental decisions, or right to information (74 percent) (see Fig 5 for answers divided by country).

Respondents in the Philippines reported much lower rates of violations of human rights (51 percent on average for the eight listed rights) than those in the other three countries (average 82 percent together). The low scores from the Philippines can likely be explained by the selection of respondents. The local partner organisation mainly interviewed *'bantaydagas'*, or fish wardens – volunteer fisherfolks that assist local authorities in reporting and processing illegal activities. Their experiences with local government might influence their perceptions of how their rights are respected. Nevertheless, in their free text answers most of the Filipino respondents do share examples of human rights violations, suggesting that violations may be more frequent than what comes out in the "yes" and "no" questions. One respondent mentioned that the police is using social media to "witch-hunt" opinionated community members. It is also noteworthy that respondents in Brazil returned consistently low scores regarding violations of all the listed human rights. Men consistently reported less violations of human rights than their women counterpart, except regarding the right to a clean, healthy and sustainable ocean environment.

"When big trawlers fish in coastal waters, it reduces the catch of small-scale fishers which also affects us, fish traders", explained a woman fish trader in Kenya.

In a follow-up question, respondents were asked to identify what actors are responsible for human right violations. Similar to other studies (e.g. The Ocean Defenders Project 2025), governments and private sector entities were top ranked by the respondents, 63 percent and 61 percent respectively, followed by "authorities" and "hotel/tourism developers" (Fig 6). It should be noted that as "authorities" can often be understood as a branch of government, and hotel/tourism developers can be either private or public, some actors are likely to have been listed in more than one category. Violations by private companies appear to be less common in Brazil. However, the Brazilian partner organisation suspects that well-informed respondents hold governments responsible also for violations committed by the private sector, as government bodies are the ones who issue concessions and permits for private sector operations. A statement by a fisherwoman in Brazil illustrates this line of reasoning:

Violations of human rights
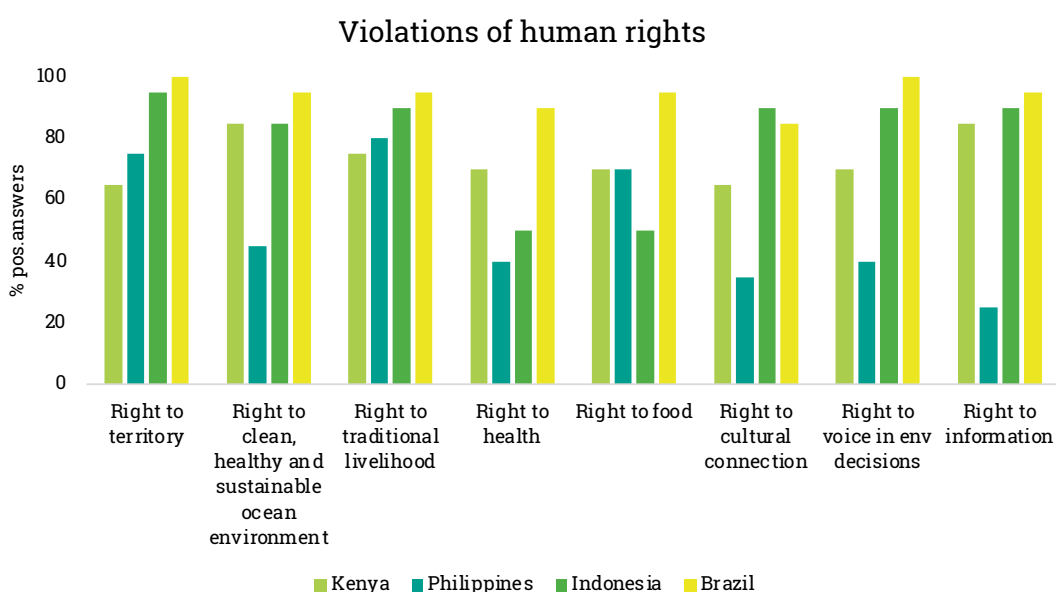
Fig 5. Coastal communities' perception regarding violations of their human rights in the four countries: Kenya (n=20), Philippines (n=20), Indonesia (n=20) and Brazil (n=20) (% positive answers).

Actors responsible for human rights violations
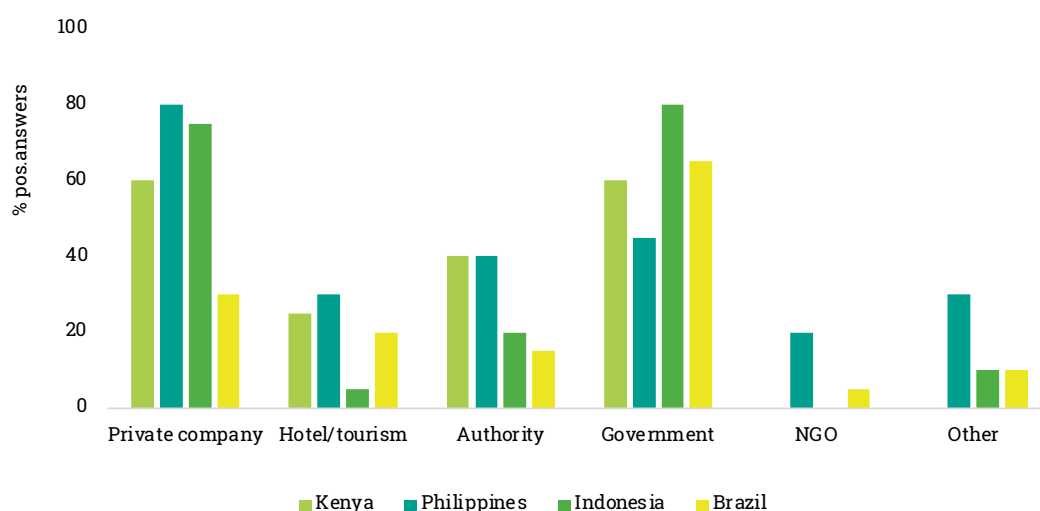
Fig 6. Coastal communities' perception of actors responsible for human rights violations based on interviews in the four countries: Kenya (n=20), Philippines (n=20), Indonesia (n=20) and Brazil (n=20) (% positive answers).

"Companies came to set up a shop, without a study by the municipal state government to find out which communities live there and how they live. Then they arrive, settle in. The state sells the land to the entrepreneur, who begins with his installation license. So, for me, the main aggressor is the state."

4.3.1 Examples of experienced human rights violations

Most of the participants in the survey provided examples of when their rights have been violated, and in many cases also by whom.

"Our most violated right is the right to come and go, the right to access territory", one artisanal fisherwoman in Brazil explained. *"Because by losing this, we lose several rights. We lose the right to culture, to experience, to take our food. So, the fundamental right that is cut off from everyone is the right to freedom in their territory."*

Restrictions of access are imposed through the construction of new and expanded ports and other infrastructure, around sites for land reclamation, oil extraction and mining

of metals and sea sand, and through the privatisation of beaches and establishment of tourism facilities. In Indonesia fisherfolk had also been physically evicted due to a tourism development project. Infrastructure development not only restricts access, but also contribute to the destruction of mangroves, coral reefs, sand dunes, seagrass beds and whole marine ecosystems that coastal communities depend on for their livelihoods. Severe environmental degradation, as well as health problems, are also caused by the pollution, contamination and sedimentation from coal power plants, mining, shrimp farming, deforestation and agricultural fertilisers.

*"A sugar company pollutes the river, which impacts the whole environment. This has had great impacts on my livelihood and access to fish and income",
said a woman fish trader in Kenya.*

Noise pollution from tourism (marine sports), and wind turbines (including too close to communities) also disturbs marine life and reduce their local abundance. Communities in all four countries cite examples of violations by the large-scale industrial fishing fleets which not only deplete fish stocks overall, but they are also reported to enter shallower and community waters to fish.

31

Typically, the traps, nets and other fishing gear used by artisanal and small-scale fisherfolk gets dragged away or destroyed by the big trawlers.

A woman fish trader adds that the reduced catch by small-scale and artisanal fishers affects her ability to earn a living. Another woman trader said that the women can't get hold of fish to sell as big fish trading companies buy bulk of all fish. Illegal fishers, often using destructive fishing methods such as dynamite and cyanide, also contribute to environmental degradation and reduced fish stocks in community waters.

"They destroy our source of livelihood," said one Filipino fisherman. "The implementation of polices to protect our rights has failed."

The failure by governments and local authorities to act against violators and protect community rights is illustrated in many of the answers.

"Commercial fishers violate the preferential rights of municipal fishers, and some government officials allow this", said a fishery technician in the Philippines. "The commercial fishers become more confident to encroach, they get protected."

Small-scale and artisanal fishers also reported being chased by speedboats of private guards and armies, being detained for the entire day to prevent them from fishing, and having their catches confiscated. In many instances, the very people who should be protecting members of the coastal communities have turned against them. One fisher in Kenya tells how he documented the bycatches and discards made by industrial trawlers and presented the findings to authorities. No action was taken, instead he was intimidated by the director of the responsible authority.

"There are law enforcement bodies that take bribes or collaborate with violators", said a Filipino fisher. "And if we act on it, our safety gets threatened."

Law enforcers only apprehend minor offenders, but they cannot catch the large commercial fishers "owned by the politicians", said another fisherman.

"Commercial fishers pay large amount of money to the law enforcers, so they tip them off whenever there's an operation or they totally ignore them. We are driven further out of the municipal water where we are caught by private armies and law enforcers of other towns. They confiscate our catch and our gear, and they even fine us."

A community fish warden in the Philippines recounts how they caught a person using poison and were able to get the photographs to document the case. But the local police said that they should drop the charges because there was no evidence.

"We know the police helped them destroy the evidence", said the warden. "The police collaborate with the fishers that use poison."

Governments and local authorities often fail to enforce legal requirements such as on making robust environmental and social impact assessments and management plans for large projects, which are processes that should involve meaningful consultations with affected communities. A lack of consultation with coastal communities, and of their meaningful participation in decision-making, is another common complaint.

"The first thing is that they have no respect for any of the community members. Communities are not seen. Not by business people, nor by the state. We are never consulted. But another major violation is that they demand that we legitimise their actions in public hearings", said a Brazilian woman.

A male Kenyan fisher recounts how the community was excluded during initial stages of the construction of a port.

"Our right to information and public participation was violated," he said. "After we brought this to their attention, we were more involved".

An artisanal fisherman in Brazil sums up the experience of many communities:

"I think that if we don't shout, if we don't move, don't organise ourselves, then we aren't even heard. So, it comes like a steamroller."

4.4 Work-related human rights violations

This part covers the different kinds of confrontation or direct threats that the respondents, or someone they know, face or have faced during the past five years. The questions were divided into two sections: violations that are linked to their work and livelihoods (as fisherfolk, traders etc), and violations that come in response to their resistance and actions (such as engaging in protests or reporting of illegal). Seventy-nine percent of all respondents said that they, or someone they know, had experienced some kind of confrontation or direct threat due to

their work during the last 5 years. In Brazil, over 90 percent of the respondents (or someone they know) had faced such threats. The most common type of violations, in all four counties, was intimidation, which was reported by 64 percent of all respondents (Table 2). Respondents in Brazil reported high occurrences for all the eleven listed types of violations (ranging from 35 to 70 percent), while only four types had been experienced among the respondents in Indonesia. The occurrences of sexual harassment, travel bans, forced relocation, death threats and murder were considerably higher in Brazil than in all other three countries. Physical surveillance and legal harassment were among the most common types of violations in all countries except Indonesia. Sexual harassment is, unsurprisingly, more frequently experienced by women than by men, and so is legal harassment, threats to families, trade bans and digital surveillance. Men only reported significantly higher rates than women on the prevalence of intimidation. 45 percent of respondents said that incidences of violations have increased over the last five years. The tendency was clearest in Indonesia (70 percent), and least evident in the Philippines (20 percent).

Table 2. Percentage of respondents in the four countries (Brazil, Kenya, Indonesia and the Philippines) who has experienced, or know someone who has experienced, work-related violations during the past five years (2019-2024).

	Tot. for all 4 countries (%)	Brazil (%)	Kenya (%)	Indonesia (%)	Philippines (%)
Assault	26	45	15	**50**	10
Sexual harassment	16	55	5	0	5
Intimidation	**64**	**70**	**70**	60	50
Death threats	23	**65**	15	0	10
Murder	15	50	5	0	5
Digital surveillance	15	35	15	0	10
Physical surveillance	**31**	**65**	25	0	**35**
Threats to family members	30	50	25	45	5
Travel bans	16	40	15	10	5
Legal harassment	26	**65**	**35**	0	15
Forced relocation	19	50	15	0	10

4.5 Action-related human rights violations

Resistance activities can include demonstrations and protests, communication campaigns, corporate activism, legal- and policy interventions, to mention a few. Of all, respondents, 73 percent said that they have engaged in some kind of action (typically protest, demonstration, lawsuits) to protect their rights. The number of positive answers from Indonesia was 100 percent. Brazil and Kenya followed at 75 percent, while only 40 percent of respondents in the Philippines had participated in any resistance activity. Asked to explain what kinds of action they have engaged in, some described the purpose of the action (against trawlers, oil exploration, mining, privatisation of beaches) while others focused on the methods (demonstration, legal action, engaging with media). Such protests were in most cases in the form of collective mobilisations, with only a few individuals reported having acted by themselves. The overall levels and the occurrences of the different types of treats and violations that communities have experienced in response to actions is similar to those that are related to the nature of their work, but with somewhat lower rates

in Kenya and the Philippines and higher in Indonesia (Table 3). It is possible that some respondents have not really been able to distinguish between the two. A striking finding is that 85 percent of the respondent from Indonesia reported having faced intimidation in response to their actions, and 40 percent of them had done so on 10 or more occasions. Intimidation was the most common form of violations in response to actions also in Kenya and the Philippines. Other common responses include legal harassment, threats against families (Kenya and Indonesia), and physical surveillance (the Philippines).

4.6 Challenges and need for support

One of the main challenges reported are Government imposed restrictions. Such restrictions to limit the action space for coastal communities were reported by 55 percent of the participants from Brazil, 35 percent from Kenya, and 15 percent from Indonesia and the Philippines (Fig 7). Examples given include applying pressure on communities not to protest, intentional delays of justice, legal cases being thrown out of courts, and not involving or by limiting the meaningful participation of communities in consultations and decision-making. One partner organisation

Table 3. Percentage of respondents in the four countries (Brazil, Kenya, Indonesia and the Philippines) who has experienced, or know someone who has experienced, action-related violations during the past five years (2019-2024).

|	Tot. for all 4 countries (%)	Brazil (%)	Kenya (%)	Indonesia (%)	Philippines (%)
Assault	**33**	45	**25**	**55**	5
Sexual harassment	14	55	0	0	0
Intimidation	**61**	**70**	55	85	35
Death threats	25	**65**	15	15	5
Murder	14	50	5	0	0
Digital surveillance	11	35	5	0	5
Physical surveillance	29	**65**	10	5	**35**
Threats to family members	24	50	**25**	20	0
Travel bans	14	40	5	5	5
Legal harassment	28	**65**	20	10	15
Forced relocation	18	50	15	0	5

also mentioned government only including "loyal" civil society organisations to tick the box for "consulted".

"When we wanted to protest, a representative from the "agency" told us to cancel the demonstration", said an artisanal fisherwoman from Indonesia.

A large majority of the respondents – 50 to 100 percent – know of ways by which they can get support in case their rights are violated, or if any confrontations occur. Support from other CSOs is the most common response among those who specify, but a fair number also mentioned government/local government officials and the police. In for example Brazil, more than half of all human rights and environmental defenders, who are part of public protection policies, live in coastal areas. Thus, when these ocean defenders face threats and risks, in addition to seeking support from NGOs, they also turn to the Human Rights and Environmental Defenders Protection Program (PPDDH),

which aims to ensure protection and trigger other policies, such as public security measures. Similar numbers (lower in Kenya and the Philippines, somewhat higher in Brazil) reported that they have received help in such situations. Again, other CSOs are the most common sources of help. Government agencies and officials are also mentioned by half of the Kenyans who have received help, and by a few respondents in Indonesia and the Philippines.

"All support is welcome", a woman community leader in Brazil explained, "but it is necessary for the State to recognise us traditional people, black people, Indigenous Peoples. It is us who are the true owners of the territories. If a company wants to establish itself in a community, and is not in agreement, the government should seek to implement other public policies to help people maintain their practices."

Restrictions and the need for support
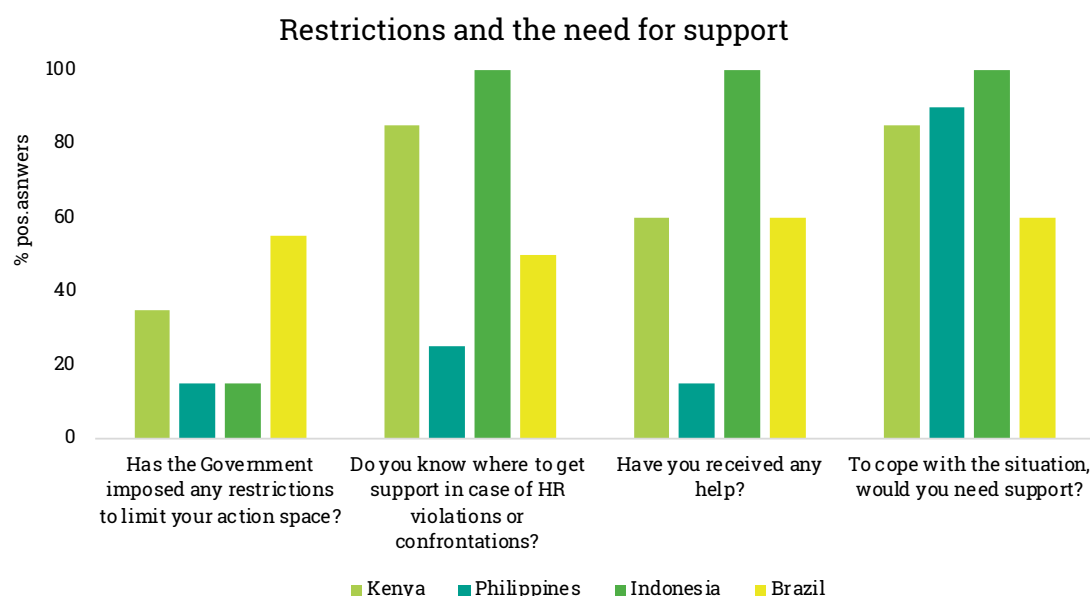
Fig 7. Coastal communities' perception of restrictions and the need for support based on interviews in the four countries: Kenya (n=20), Philippines (n=20), Indonesia (n=20) and Brazil (n=20) (Percent positive answers).

Conclusions from the case studies – the triple threat and need for blue justice

5

Women in the seascape. Photo: Sara Fröcklin

The oceans have always been a frontier for economic activities. Yet, as we have seen in this report, the ongoing "blue acceleration" – with increasing extraction of marine resources and escalating investments in infrastructure, transports, tourism and other industries in aquatic environments – is not only intensifying the pressures on ecosystems and natural resources but also undermining traditional systems of stewardship. It also aggravates the threats against the fundamental rights, freedom and livelihoods of already marginalised coastal communities and those defending the aquatic environment and human rights. The results of this study show that ocean defenders in Brazil, Kenya, Indonesia, and the Philippines are all exposed to the triple threat described by Bennett et al. (2023), and face various forms of intimidation, threats, harassment and violence on a regular basis. Just like other environmental and human right defenders, they are also feeling the effects of the global trend towards a shrinking space for civil society engagement and influence. Furthermore, responses given by interviewed ocean defenders illustrate that all the ten categories of injustices that have resulted from the "blue acceleration" continue to be prevalent in all four partner countries. These include environmental degradation, dispossession, displacement, and loss of access to resources, all of which undermine fundamental

human rights. An inequitable distribution of costs and benefits, marginalisation of women, exclusion from decision-making and governance, and threats, harassment and outright violence are also common. This is in line with several other studies showing how ocean defenders, due to their strong dependence on the oceans and its resources for livelihoods and food sovereignty, are particularly susceptible and vulnerable to the effects of environmental injustices such as fisheries declines, loss of ecosystems, pollution and the impacts of climate change (Bennett et al. 2023, Ocean Defenders Project 2025) as well as threats, violent assaults, intimidation and even murder (see e.g. Tanner 2011; Knox 2017, EJAtlas 2019). In addition, most ocean defenders are from already historically and structurally marginalised groups, such as small-scale fishers, Indigenous Peoples, people of colour, and youth. Women - who are typically facing an uphill battle to access justice due to a general lack of recognition of women-dominated livelihoods, less financial, human and social capital, and power imbalances - are typically absent from decision-making (Fröcklin 2014). These gendered impacts require much more attention.

To counteract the development, the use and governance of the ocean must address these injustices, respect and promote human

rights and gender equity, and protect the health and integrity of the aquatic environment. This would include the recognition and protection of tenure and access rights of coastal communities and small-scale fishers, and of an equal role for women in the ocean economy; minimising impacts of development on habitats and ecosystems; developing policies and mechanisms for equitable distribution of benefits; respect for and protection of human and indigenous rights; and the establishment of inclusive and participatory governance processes for ocean development (Bennett et al. 2021). In conclusion, the struggles of ocean defenders have largely taken place 'under the radar', and they have received less attention in the media, academia, and global policy processes.

There are, however, some positive signs that this is beginning to change. For example, the media has more frequently reported on successful mobilisations, like that of coastal communities in South Africa against "Operation Phakisa", and platforms like the Ocean Defenders Project have made a huge contribution by documenting and sharing the experiences and stories from ocean defenders around the world. The last several years have also seen a growing academic literature on community responses to the blue acceleration and the injustices and human rights violations that are associated with it. Furthermore, in 2024, the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño, published the UNs first report on the ocean and its interconnection with human rights. Among other things, she stresses the critical role of ocean defenders in protecting human rights to food, water, health, culture, livelihoods and a healthy environment. In April 2025, the UN Human Rights Council followed up by adopting a resolution which specifically recognises that a healthy and sustainable ocean is foundational to human rights. However, as the struggle of ocean defenders is on-going and may never really end, their experiences and stories must continue to be shared, and their central role in the protection of the aquatic environment and human rights must be urgently acknowledged and supported while their safety and access to justice is ensured.

Commercial shrimp farming ponds lined by mangrove trees. Photo: GettyImages, Mangiwau

Legal frameworks exist – time to walk the talk

6

States have obligations to protect not only the ocean and coastal environment, but also the human rights of its citizens. Indigenous and local communities whose livelihoods, culture and wellbeing depend on the aquatic environment and its resources are protected under a wide range of internationally agreed conventions, declarations, guidelines and principles. However, few of these documents specifically mention oceans and coasts, or the communities that defend and depend on them. Nevertheless, the rights that they spell out apply equally to them.

6.1 Legal protection of rights

Like every other human being, each of the individuals that make up these communities enjoys the fundamental human right that are articulated in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights (collectively known as the International Bill of Human Rights). Individuals that belong to the applicable groups also enjoy protection under the UN Conventions on the rights of children and of persons with disabilities, and the conventions against racial discrimination and discrimination of women. The UN Declarations on the rights of Indigenous Peoples (UNDRIP) and of Peasants and other people working in rural areas (UNDROP), which makes explicit reference to small-scale fishers and fish workers) contain additional rights and provisions that can be of particular relevance to coastal communities. The regional Aarhus Convention and Escazú Agreement elaborate on the rights of access by the public to information, on public participation in decision-making and on access to justice in environmental matters. While these conventions only apply strictly in Europe and Latin America and the Caribbean, respectively, the principles that they operationalise were defined in the declaration of the Rio Summit in 1992 and are thus universal. They are also reflected in the most recent global action plan on biodiversity (see more below).

The past decades have seen the adoption of several additional instruments that strengthen the links between human rights, natural resource management and the environment. These include the UN Framework Principles on Human Rights and the Environment and the Guiding Principles on Business and Human Rights, as well as the OECD guidelines for multinational enterprises. In 2022, the UN adopted the Resolution on the human right to a clean, healthy and sustainable environment2, which also incorporates the same procedural rights that are the cornerstones of the Arhus and Ezcazú conventions, and in 2025 the resolution entitled Human right to a clean, healthy and sustainable environment: ocean and human rights was adopted. Numerous voluntary guidelines and principles – such as those for Securing Sustainable Small-Scale Fisheries (SSF Guidelines) on the Responsible Governance of Tenure of Land, Fishery and Forests (Tenure Guidelines) and on Security and Human Rights – provide additional guidance to states, businesses, and other organisations on meeting their human rights obligations and responsibilities (Bennett et al. 2023). Of all these human rights instruments, UNDRIP and UNDROP are the only ones that identifies any collective rights. Indigenous Peoples hold rights as peoples, such as the right to "own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use", and states have an obligation to ensure the free, prior and informed consent (FPIC) of Indigenous Peoples "prior to the approval of any project affecting their lands or territories and other resources". UNDROP defines several situations where peasants and other people working in rural areas have the right to engage "as a community", such as in traditional ways of farming, fishing and other economic activities. Further, the spirit of consultation and participation also constitutes the cornerstone of ILO Convention No. 169 on which all its provisions are based. The Convention requires that Indigenous and tribal peoples be consulted on issues that affect them and that FPIC is applied.

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2 This right was already legally recognized in 156 out of 193 UN Member States prior to the global recognition by United Nations (OHCHR, UNEP and UNDP 2023).

6.2 Business and human rights

Since 2011 there has been international consensus that companies must respect human rights and the environment throughout their global value chains. According to the UN Guiding Principles on Business and Human Rights, companies have a responsibility to undertake human rights due diligence. They are expected to put in place policy commitments and due diligence processes to identify, prevent, mitigate and account for how they address their impacts on human rights. But there is still a low level of commitment from companies.

At the EU level, a directive on Corporate Sustainability Due Diligence (CSDDD) to increase corporate accountability of companies was negotiated between 2022 and July 2024, when it was adopted. According to the directive, it will regulate the human rights and environmental responsibilities of companies and apply to their activities within as well as outside the EU. It requires large companies to address risks to people and the environment in their value chains. Companies are obliged to engage in a meaningful and safe way with potentially affected stakeholders, including environmental defenders. Those who have been negatively affected by a company's activities will be able to hold the company accountable before a court in an EU country. However, in February 2025 the European commission introduced the Omnibus simplification package which has an impact on some of EUs sustainability laws, including the CSDDD. The suggested changes to CSDDD would drastically weaken corporate due diligence by limiting companies' obligations to direct suppliers instead of taking a risk-based approach and looking deeper into the supply chain where the actual risks for harm lie. The Omnibus also means a removal of the obligation for EU Member States to provide civil liability mechanisms. The suggested changes would reduce the CSDDD to a symbolic "tick box" exercise and would set EU standards for human rights and environmental due diligence below existing voluntary frameworks like the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines. Negotiations in the Council and European Parliament will carry on during 2025.

Furthermore, negotiations in the UN Human Rights Council for an internationally legally binding instrument on business and human rights (Binding Treaty) started in 2014. Headway in the negotiations has been slow. Some delegations, mainly the United States and the EU, has argued against the necessity of a binding treaty, but there might be movement in the EU after the CSDDD has been finalised.

6.3 Human rights and biodiversity conservation

Indigenous Peoples and local communities (IPLCs) in coastal areas play a central role in caring for and defending their traditional territories, lands, waters and natural resources that they are historically and culturally connected to, and on which they depend for their livelihoods. These areas have typically been collectively governed as commons and common property resources, through formal or informal institutions (Ostrom 1990). However, their customary rights to lands and aquatic environments, and to manage and use the resources, have often not been acknowledged by modern-day national governments. Instead, much of the formally recognised conservation practices come in the form of state-governed marine protected areas. In for example Kenya, the establishment of a series of MPAs along the Kenyan coast started already back in 1968, and between 1968 and 1993 another five were established. However, the Government's control over these protected areas has been a source of conflict. In a previous report from SSNC, lack of meaningful participation, displacement from traditional fishing areas, and unequal benefit-sharing were some of the issues identified. Although MPAs is a popular tool to protect the coastal and marine environment, less than 10 percent of the world's oceans are currently covered by MPAs and studies also show that many of the existing protected areas fail to meet their conservation and socio-economic objectives (Di Cintio et al. 2023). Thus, to meet conservation goals of at least 30 percent MPAs to 2030, and secure long-term and effective conservation, it is imperative to look beyond MPAs managed by the Government and increase the recognition and support to indigenous and community conserved marine areas. And the tides

are slowly turning. For example, in 2022, the UN Convention on Biological Diversity (CBD) adopted the Kunming-Montreal Global Biodiversity Framework (KMGBF). The framework sets 23 global targets to be reached by 2030, by applying a "whole-of-society approach". Target 22 commits states to ensuring the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, access to justice and information related to biodiversity, and the full protection of environmental human rights defenders. It highlights Indigenous Peoples, local communities, women and girls, children and youth, and persons with disabilities as groups to be included and protected. Target 23 aims to ensure gender equality in the implementation of the framework through a gender-responsive approach, including by recognising their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels (CBD 2022a). Finally, at COP16 held in Calí, (2024) Parties adopted a new Programme of Work on Article 8(j) and other provisions of the Convention related to IPLCs. The new Subsidiary Body is expected to enhance the engagement and participation of Indigenous Peoples and local communities in all convention processes. If adequately implemented, the KMGBF has huge potential to facilitate transformative changes for the protection of the aquatic environment, human rights and ocean defenders.

6.4 Protection of environmental and human rights defenders

Several international instruments and mechanisms also address the rights and safety of human rights defenders, a broad category that also includes environmental defenders. The first article of the UN Declaration on human rights defenders, adopted in 1999, states: "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels." Article 12.2 establishes the duty of states to ensure the protection against any violence, threats, retaliation or discrimination against anyone for exercising these rights. A Special Rapporteur on the situation of human rights defenders, appointed by the UN Human Rights Council, monitors the implementation of the declaration.

The Escazú Agreement was the first multilateral environmental agreement to specifically recognise the important role of environmental human rights defenders (EHRDs), and in 2022 the Aarhus Convention appointed the world's first Special Rapporteur on Environmental Defenders. Their mandate includes the protection of defenders outside of the Convention states, when their rights under the convention are threatened or violated by a company that is headquartered in any of those states. Protection of environmental defenders is also addressed under Sustainable Development Goals (SDGs). Indicator 1 for SDG target 16.10, on public access to information and protection of fundamental freedoms, monitors the attacks on and killings of defenders. However, only one of the 43 countries that submitted their national reviews in 2022 reported any data against this indicator. The monitoring framework of the GBF also includes an indicator on trends in number of environmental and indigenous environmental human rights defenders killed annually, but not on any other measure of repression or harassment (CBD 2022b).

"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and f undamental freedoms at the national and international levels."
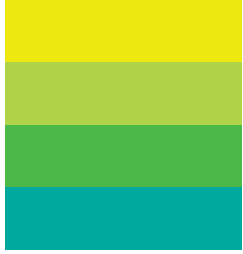
Recommendations

7

Weak implementation and compliance of existing legal frameworks have huge impacts on the situation of ocean defenders. To increase the level of protection and support to ocean defenders, SSNC presents a set of recommendations to a number of actors. Additional recommendations linked to environmental defenders in general can be found in the previous report Environmental defenders under attack (2019).

United Nations

- **Protect the right of civil society to participation and influence.** Any attempt by a member state to restrict the full and effective participation of civil society and ocean defenders, particularly women, youth and other marginalised groups, in UN-led processes must be called out immediately and addressed in words and in deeds by the relevant UN body.

- **Support environmental and ocean defenders in UNFCCC and CBD.** Environmental and ocean defenders play a crucial role in conserving biodiversity, protecting ecosystems and combatting climate change. Their voices should therefore be central in climate and biodiversity discussions and negotiations. This is particularly essential for Indigenous Peoples.

- **Take forward the negotiations for a legally binding instrument on business and human rights.** The process and negotiations must ensure the full and effective participation of civil society and strong civil liability provisions and access to justice, including a reversal of the burden of proof for victims of corporate abuse.

European Union

- **Protect and recognise ocean defenders in EU policy and initiatives.** The EU should counteract the trend of shrinking civic space and ensure that the human rights of ocean defenders, particularly women, youth and other marginalised groups, are protected adequately in initiatives such as the Oceans Pact, and policies related to fisheries (CFP), trade and development cooperation.

- **Support ocean defenders in EU Sustainable Fisheries Partnership Agreements (SFPAs).** The EU and the coastal States in third country should make sure that ocean defenders, particularly women, youth and other marginalised groups, are recognised as environmental stewards. The EU must ensure that they are systematically and transparently consulted prior to negotiations and during the implementation period of the SFPA protocol, and that EU fishing vessels do not violate their human rights.

- **Mandate human rights and environment due diligence for companies.** The EU must ensure that all sectors and companies, regardless of size, and their whole value chains are covered by the EU Corporate Sustainability Due Diligence Directive (CSDDD), with strong provisions on civil liability and access to justice and mandatory meaningful engagement with stakeholders throughout the due diligence process. As fisheries and aquaculture are considered "high risk", special attention should be given to these sectors to ensure their operations are not violating the environment or human rights of coastal communities in third country.

States

- **Safeguard the rights and fundamental freedoms of all the individuals, groups, and communities who are protecting the aquatic environment and human rights.** States should proactively identify and prevent environmental and human rights issues in the ocean economy. States must also ensure prompt and independent investigation of all violations of the rights of ocean defenders, with special attention to women, youth and other marginalised groups, and the prosecution of alleged perpetrators as well as the provision of effective remedies.

- **Implement globally agreed frameworks, guidelines and declarations.** States must ensure the swift implementation of globally agreed frameworks (e.g. KMGBF), guidelines (e.g. SSF Guidelines) and declarations (e.g. UN Declaration on Human Rights Defenders, UNDRIP and UNDROP). States that have not yet done so should consider adopting a right to a clean, healthy and sustainable environment at the constitutional level.

- **Secure the specific rights of Indigenous Peoples.** States should improve the protection of the specific rights of Indigenous Peoples, including their right to Free, Prior and Informed Consent (FPIC). Countries that are signatories to ILO Convention 169, must ensure that FPIC is applied.

The Swedish Government

- **Defend civic space and support those defending the oceans, coasts and human rights.** The Swedish Government should actively seek alliances with progressive States and UN special rapporteurs to draw attention to the situation of ocean defenders. Sweden should also support open civic space for, and the safety of, ocean defenders, and ensure that human rights, not the least the newly recognised right to a clean, healthy and sustainable environment, are integrated into sector and country strategies for official development assistance.

- **Create dialogue and relationship with ocean defenders.** The Swedish Government should establish directives on how Swedish embassies can build relationships with local environmental and ocean defenders, and build routines for systematic, meaningful, inclusive and secure dialogues with those affected by Swedish companies planned projects. Swedish embassies may also serve as "safe spaces" for vulnerable CSOs and ocean defenders who need to get together and discuss strategies.

- **Secure corporate accountability.** The Swedish Government should support and advocate for Human Rights and Environmental Due Diligence rules and access to justice for victims of corporate abuse in all relevant contexts, such as the EU and at UN level.

Private sector

- **Respect human rights and comply with international law.** Companies must respect human rights obligations in accordance with international law and as set out in the Voluntary Principles on Security and Human Rights and the UN Guiding Principles on Business and Human Rights (UNGP). In addition to complying with the UNGPs, companies should follow the Akwé: Kon Voluntary Guidelines for the conduct of cultural, environmental and social impact assessments.

- **Adopt, establish and implement policies, procedures and guidance.** Companies should adopt policies and implement proper due diligence procedures, establish processes to prevent harms, set up grievance mechanisms, and provide access to effective remedies where abuses have occurred. They should also establish clear guidance to their employees, contractors and partners on the rights of ocean defenders to express their views, conduct peaceful protests and criticise practices without intimidation or retaliation.

- **Ensure independent HRIA and ESIAs and meaningful consultations.** Companies must always perform proper Human Rights Impact Assessments and Environmental and Social Impact Assessments. They should also conduct meaningful and safe consultations with local ocean defenders on any investment or other project that may infringe on their human rights, and/or contribute to environmental harm. Companies are also encouraged to engage with relevant civil society organisations for information on and analyses of local conditions and concerns.

Financial institutions

- **Adopt and implement zero tolerance environmental and social safeguards**. Financial institutions and regional development banks must ensure that any investment in the ocean economy adopts and implements zero tolerance environmental and social safeguards to ensure their investments are not contributing to human rights abuses in the ocean and respect international human rights standards in their conduct.

- **Phase out unsustainable investments**. Financial institutions must rapidly phase out unsustainable investments in state-supported export promotion (including export credits and guarantees), pension funds and development cooperation.

- **Support ocean defenders and their organisations.** Financial institutions should increase resources directed towards grassroots organizations, including setting up financing mechanisms that support the financial independence and self-determination of such organisations.

Civil society organisations (CSOs)

- **Protect the rights of ocean defenders**. CSOs should engage in and support the protection of the rights of oceans defenders, particularly women, youth and other marginalised groups. This should be done by recognising, respecting, and supporting their autonomy, agency and agenda, and by raising awareness of the accelerating threats facing small-scale and artisanal fishing communities all over the world.

- **Support ocean defenders.** CSOs are encouraged to assist with financial, legal and technical support; facilitate access to media; assist in creating safe digital and physical spaces; and help to create collaborative platforms and networks for sharing and learning. It is important that any support and action build upon the needs and request from the coastal communities.

- **Hold states and companies accountable.** CSOs should network with one another and ocean defenders to build strong alliances that to demand accountability of states and companies that violate human rights and degrade the aquatic environment.

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Web resources on environmental and human rights defenders

Alliance for Land, Indigenous and Environmental Defenders (ALLIED): https://allied-global.org/

Environmental Justice Atlas: https://ejatlas.org/

Environment-Rights.org

Ocean Defenders Project: https://oceandefendersproject.org/

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