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The One Ocean Hub Written Evidence to Special Rapporteur in the Field of Cultural Rights

**Inputs to a report on cultural rights and
sustainable development**

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Background information on the One Ocean Hub

The One Ocean Hub is an international programme of research for sustainable development, working to promote fair and inclusive decision-making for a healthy ocean whereby people and planet flourish. The Hub brings together coastal people, researchers, decision-makers, civil society, and international organisations to value, and learn from, different knowledge systems and voices in **South Africa, Namibia, and Ghana**. The Hub is funded by UK Research and Innovation (UKRI) through the Global Challenges Research Fund (GCRF), and is led by the University of Strathclyde, UK. It gathers 126 researchers from 21 research partners, and 19 project partners including UN bodies.

Scope of this written submission

This submission addresses the follow questions raised by the UN Special Rapporteur on the cultural rights dimension of the Sustainable Development Goals:

1. What is your understanding of what “development” should aspire to?
2. How is development defined in your country?
3. In designing the strategy to achieve the SDGs, what consideration has been given to their cultural dimensions and to cultural rights? Which aspects have been considered?
4. How were the persons concerned involved? Their diverse cultural resources, knowledge and capacities in various contexts capitalized? Has the strategy to achieve the SDGs been designed in a way that is culturally adequate and inclusive?
5. Where cultural resources and creative capacities were leveraged in achieving the SDGs, what were in your experience the results, successes, weaknesses, or lessons learned?

1. What is your understanding of what “development” should aspire to?
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We understand development as context-specific and responsive to human rights-holders’ needs, knowledge systems, and resilience (rather than based on assumptions around poverty and vulnerability, top-down goal-setting and technocratic monitoring that privilege economic growth over flourishing relationships in harmony with a healthy environment and ocean).

2. How is development defined in your country?

Development increasingly focuses on ocean spaces and resources, but is not responsive to the needs of ocean-dependent indigenous peoples and small-scale fishers, ignoring their cultural rights and the spiritual dimensions of their relationship with the ocean.

The ocean is attracting increasing attention in regional and national sustainable development policies (under the banner of the “blue economy”), but our research indicates that national governments often define development as economic growth, often excluding social sustainability. We found that international sustainability norms are referred in national blue economy policies, but the translation of these international aims to national actions remains limited. National blue economy approaches focus on technical solutions that do not address systemic and complex tensions, such as the balance between securitisation of the ocean for management purposes and issues of appropriation and justice (SDG 16), or gender equality (SDG 5). Ambiguous policy aims allow extractive interpretations to proliferate, and poor understanding of how sustainability creates value within society arises from historic arrangements that exclude certain sectors of society ([Niner et al, 2022](#)).

In South Africa, the government’ introduction of Operation Phakisa (“hurry up”) to develop an oceans economy as quickly as possible, has marginalised indigenous peoples, such as the Khoisan people ([Boswell and Thornton, 2021, p. 151](#)). The low regard for knowledge pluralism, and historical stereotyping of Khoisan people, thus hindered their potential contribution to sustainable economic development, particularly through a holistic and integrated environmental ethos ([Boswell, 2022](#); see also [Boswell, 2021](#)). We also collected evidence of the repeated exclusion of small-scale fishers from fisheries management and blue economy planning processes ([Sowman et.al 2021](#); [Sowman and Sunde, 2021](#); [Sunde and Erwin, 2021](#)). More recently, the government has launched an “[Ocean Economy Master Plan](#)” that is characterized by a growing interest in offshore oil and gas exploration, which was introduced a few weeks after the UN Climate Summit “COP26” in late 2021, when “the EU and a coalition of Western countries pledged a total of \$8.5 billion over the next 5 years to mobilize South Africa’s decarbonization efforts.” We have brought to the attention of the South African government various instances in which the consultations on the Master Plan have disregarded cultural and other rights of small-scale fishers and traditional healers (lack of use of local languages; disregard for the role of cultural heritage in livelihoods practices in the fisheries and tourism sectors; lack of assessments of actual and potential negative impacts on

ocean culture, including cumulative impacts of multiple blue economy developments and of climate change, due to the lack of strategic environmental assessments).

Hub research in **Namibia** also confirmed that government's efforts on the blue economy have further excluded indigenous peoples and their culture. The Topnaar people were the first inhabitants documented to have settled in Walvis Bay near the Kuiseb river in the early 1700s (Kinahan, 2017), when their livelihoods depended heavily on ocean resources. Following displacement, they now reside in Utuseb, a settlement a few kilometres outside of Walvis-Bay. Despite the Topnaar's continued close cultural connection to the ocean, they are excluded from the decision making regarding the blue economy. ([Sirkka Tshiningayamwe, 2022](#)). Hub researchers cooperated with the UN Food and Agriculture Organization to ensure appropriate consideration of the Topnaar and of coastal small-scale fishers in the development of Namibia's first policy on small-scale fishers ([FAO-Namibia workshop, 2021](#)).

In **Ghana**, Hub research indicates the customary laws of coastal communities, as well as cultural heritage represented by canoe inscriptions among coastal people in Ghana ([Oduro and Hansah, 2021](#)) are disregarded in fisheries policy ([One Ocean Hub, 31 August 2021](#)), as are the traditional practices of women in small-scale fishing communities ([One Ocean Hub, 29 January 2022](#)). Impacts on cultural rights have also been documented as arising from ocean plastic pollution ([Oduro, 2021](#); [One Ocean Hub, 19 April 2022](#)).

In all these countries, Hub research drawing from historical and legal studies of colonialism and marine dispossession found that there 'continues to be key constraints surrounding the definitions, representations, and jurisdictions of Indigenous or 'customary' marine rights' within national and interstate frameworks, which prevents meaningful support for the livelihoods, culture, tradition and customs of coastal communities ([Wilson, 2021](#)).

3. Consideration of cultural dimensions and cultural rights in designing strategies to achieve the SDGs

Due to the absence of recognition of local communities' and indigenous peoples' cultural rights, customary norms and cultural heritage, in the coastal and marine areas, Hub researchers witnessed

how marine space and resources had been appropriated with little or no consultation with local communities and indigenous peoples

Our research in **South Africa** shows that in the context of marine protected areas (MPAs) and marine governance in South Africa, limited consideration has been given to cultural dimensions and cultural rights ([Strand et al., 2022 forthcoming](#)), heavy restrictions to access to marine areas impedes livelihood practices along the coastline in disregard of their sustainable customary practices, and culturally inappropriate and ineffective participatory processes on these issues contributes to the exclusion of cultural rights holders from MPA planning, zonation and other decision making ([Pereira, Francis and McGarry, 2021](#)). This is also shown by **environmental impact assessments** that often only consider shipwrecks as cultural heritage, and pay little attention to other tangible and intangible cultural heritage, such as oral histories, traditions, cultural practices and ceremonies, places of spiritual significance, and indigenous cultural heritage ([Boswell et.al, 2021](#)). This is also true of **climate policies**, which are still in the process of fully integrating the [ocean-climate nexus](#) and, with that, the importance of ocean culture and the need to include marginalised coastal and ocean-dependent communities and indigenous peoples. Climate adaption needs to integrate impacts on the ocean as well as cultural and spiritual relations to the ocean ([Erwin, 2 April 2020](#); [Boswell, 2022](#); [Morgera, 2018; 2013 as cited in ROCA Report, 2021](#)), as well as integrate indigenous and local knowledge. We documented alignment between science and indigenous knowledge in an [original animated film](#), *Indlela yokuphila* (isiZulu for “the soul’s journey”), which brought together artists, traditional healers, marine sociologists and deep-sea marine ecologists.

4. How were the persons concerned involved? Their diverse cultural resources, knowledge and capacities in various contexts capitalized? Has the strategy to achieve the SDGs been designed in a way that is culturally adequate and inclusive?

The One Ocean Hub is piloting various methods to enhance the participation of cultural rights holders, reliance on cultural experts and artists, and the consideration of cultural heritage in decisions on the blue economy, such as:

- arts-based approaches to engage in generative dialogue on different knowledge systems and cultural heritage related to the ocean ([Empatheatre, 2020](#); [Erwin, 22 March 2022](#));

- the integration of cultural values into ocean mapping and modelling tools: in Algoa Bay, South Africa, the Hub and partner researchers are exploring photographic storytelling, to start discussions between indigenous and local communities (including women and youth) and decision makers on the inclusion of culture (particularly intangible cultural heritage) in marine spatial planning, (Strand et al 2022, Strand et al, forthcoming; [One Ocean Hub, 29 March 2022](#));
- an ‘embodied mapping’ process in which small-scale fishers’ leaders made more understandable draft maps and consultation documentation, using their bodies as reference points for land-marks and noticeable boundaries; and then relied on these alternative, community-led maps to engage public authorities in discussing past inequalities and exclusions from ocean-related decision making ([Pereira, Francis and McGarry, 2021](#)); and
- arts-based approaches for the protection of environmental human rights defenders ([UNEP Winter/Summer School event on defenders 2021](#)).

In addition, an innovative funding mechanism under the One Ocean Hub (called the ‘Deep Emotional Engagement Programme (DEEP) Fund’) is supporting community- and artist-led research projects, such as:

- In the Pacific, the *Netai en Namou Toc [Stories of Mother Ocean]* project, which draws upon the cultural and artistic heritage of Erromango, a southern island of the Vanuatu archipelago. The project records, preserves and promotes indigenous knowledge of the ocean, capturing custom stories, practices and resource management. Children’s books, produced in three languages (Sye, Bislama and English), are illustrated by local youth to engage school-aged children and communicate for posterity the significance of relationships with the sea.
- In Ghana, the *Cocooned in Harmony* projects examines the act of singing to reveal issues of fisher-folk identity, power, inequality, gender and connectedness to the sea. Often poetically cryptic and containing metaphors, proverbs and anthropomorphisms, the songs and their meanings are shared in a documentary film that focuses on fishing communities from the four main coastal regions of the country: Volta, Greater Accra, Central and Western regions from east to west respectively ([McDonald, 27 January 2021](#)).

Hub research is thus piloting **art-based research** for:

- recognising the role of ocean tangible and intangible heritage in contributing to the SDGs,

- supporting alternative and solidarity-based economic activities that are locally grounded, culturally significant and supportive of gender equality;
- piloting new approaches for transdisciplinary ocean research and inclusive ocean governance that contribute not only to ensuring protection of basic human rights, but also supporting the full realization of human rights through an emphasis on cultural rights;

and will capture learning with a view to supporting other ocean researchers and influencing ocean research funders in the framework of the **UN Decade for Ocean Science**.

Furthermore, Hub research and partnerships are exploring the role of **ocean literacy (particularly in primary schools)** to advance understanding and protection of cultural heritage. In the South Pacific, our youth partners, the Pacific Islands Students Fighting Climate Change (PISFCC), are working with primary school teachers in Western Province to develop a challenge-led ocean education programme which integrates Pacific culture, indigenous knowledge, and science. In April 2021, the Permanent Secretary of the Ministry of Education approved the programme to run in three schools.

5. Lesson learned from the inclusion of cultural resources and creative capacities

Through our art-based research, we found that cultural resources and creative capacities are powerful instruments to help achieve the SDGs by:

- fostering understanding of, and urging recognition and protection of, different knowledge systems, ocean cultural heritage and culture-based or creative economies;
- building solidarity knowledge-action networks and creating a generative space for dialogue to protect cultural rights; and
- Providing evidence of ocean-related cultural heritage and cultural connections that can be used in courts of law to protect cultural rights of indigenous peoples and small-scale fishers.

Using a participatory theatre research method “Empatheatre,” Hub researchers in South Africa have conducted seven months of social science research into the lives and challenges of small-scale fishers, traditional healers, civil society and marine science researchers along the Kwa-Zulu Natal coast. Research findings were pieced together into a scripted play and fictional characters who portray diverse hopes and concerns at community level for their shared coastal and oceanic

heritage. The resulting play “Lalela uLwandle” (Listen to the sea) has been performed to a combined audience of 747 including government representatives and reached audience of 1,047,164 people through media appearances, sparking a conversation on the intersection of tangible and intangible heritage and economic development. Through post-performance discussions, Hub’s researchers documented concerns of community representatives from several small towns (from Hluhluwe on the North Coast to Port Shepstone on the South), about exploratory oil and gas drilling off the coast, including in relation to biodiversity and climate change. Over 800 testimonies were collected and offered to civil society partners (South Durban Community Environmental Alliance and Groundwork) as part of an official appeal against the approval of exploratory drilling, as part of the nation-wide environmental impact assessment process under the Department of Mineral Resources. This additional evidence base represented a significant change in practices, both according to government and civil society.

The momentum gathered through the performances, and through the production of pamphlets (in local languages) summarising the research findings, brought together community members and particularly small-scale fisher leaders, leading to the development of the now nationwide **Coastal Justice Network** to review and bring legal action against decision that negatively impact small-scale fishers (e.g. decisions to grant environmental authorization to mine heavy mineral sands and to carry out seismic surveys in search of oil and gas). This provided an opportunity for Hub researchers to inform human rights litigation that local legal-aid NGOs such as the Legal Resources Centre were initiating with small-scale fishing communities, including by providing evidence from the marine and social sciences, as well as an animated poem written from the perspective of the ocean: “The Blue Blanket”.

This has led to two judicial decisions to suspend seismic surveys: the 2021 judgment of the Makhanda High Court granting an interim interdict to suspend seismic survey by planned by Shell Exploration and Production South Africa BV, Impact Africa Ltd, and BG International Ltd and the 2022 judgment of the Western Cape High Court in Cape Town against Australian geoscience data supplier Searcher, after the judge concluded that the company did not adequately consult with local communities before starting seismic testing (Vrancken, 2022; Sunde, 2022; for more background information, see also here). For the first time in a South African court , **the intangible spiritual and cultural beliefs of the small-scale fishing communities pertaining to the sacredness of the ocean as the home of their ancestors were recognized**. Confirming the evidence presented on the cultural practices of the community, and their spiritual relationship with

the ocean, the judge made special mention of the Constitutional obligation to respect the cultural beliefs and practices of the applicant fisher communities (Sunde, 29 January 2022).

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