

Ocean, Water and Fisher Peoples' Tribunals

Cutting the nets of capital and weaving nets of solidarity



WE ARE THE OCEANS, WE ARE THE WATERS,
WE ARE THE PEOPLE!

கடலும்,
கடற்பரப்பும்,
கடல் வளங்களும்,
கடற்கரையும்
எங்களுக்கே!

NÃO À PRIVATIZAÇÃO
DAS ÁGUAS
TERRITÓRIOS PESQUEIROS LIVRES

FISHING
FOR OUR
HUMAN
RIGHTS!

Angie Vanessita 2024.

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COVER PAGE BANNERS:

- We are the oceans, we are the waters, we are the peoples!
- The sea, the seabed, the marine resources and the coast are ours! [கடலும், கடற்பரப்பும், கடல் வளங்களும், கடற்கரையும் எங்களുக்கீ! (Tamil)]
- No to water privatisation. Free fishing territories [Não à privatização das águas. Territórios pesqueiros livres (Portuguese)]
- Fishing for our human rights!

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Foreword

There are two different ways to imagine our oceans, rivers and lakes. There are those that treat bodies of water as economic opportunities, as a 'blue economy', something that can be exploited yet somehow balanced with sustainability policies. They envision governing bodies of water through markets and financial instruments. Thinking in these market-driven terms will ensure a world rife with inequality and violence.

Whereas, there are those whose lives are intertwined with bodies of water. Ocean, water and fisher peoples are essential to aquatic ecosystems and life. They understand oceans, rivers, and lakes as central to who they are and their way of life. The full realisation of ocean, water and fisher peoples' human rights is the most powerful way to ensure the world's bodies of water thrive.

The process and verdict of the Ocean, Water and Fisher Peoples' Tribunals provide one of the most important expressions of international solidarity in relation to aquatic life. They provide a crucial understanding of what is at stake and what is to be done to ensure our bodies of water continue to be the source of life.

Michael Fakhri - UN Special Rapporteur on the Right to Food



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Acknowledgements

We, the authors, were invited to write this report by representatives of the global fisher movement – a social movement of fisher peoples’ organisations from across the world. In accepting the task, we seek to honour their work and focus on the key messages, patterns and findings analysed at the Ocean, Water, and Fisher Peoples’ Tribunals. We would like to thank all the activists and organisations that contributed to the historical and monumental effort of organising Ocean, Water, and Fisher Peoples’ Tribunals in Bangladesh, Brazil, India, Indonesia, Thailand and Sri Lanka, as well as the one to be held in South Africa soon. Our writing ripples from the testimonies shared by diverse groups of community representatives, fisher unions, fisher workers, women, elders and civil society groups. We are deeply concerned by the severe violence and destruction targeting ocean, water, and fisher peoples’ territories and ways of living that continues to expand in the context of a growing ocean economy. Moreover, we are politically moved by the courage and commitment that enabled the solidarity networks of activists to come together and create a safe space for ocean, water and fisher peoples to share their testimonies, listen to one another, and mobilise politically. All this occurred as coastal communities continue to face the devastating impacts of the COVID-19 pandemic and climate change.

We express our admiration and gratitude to the civil society groups, fisher unions, fishing representatives, members of the juries, experts, research and coordination teams, hearing facilitators and translators, as well as to all the individuals and organisations that offered financial and technical support. Although we cannot name every individual who contributed to the Peoples’ Tribunals, we thank everyone involved for all the hard work supporting the organisation and documentation of the Peoples’ Tribunals. We also acknowledge all the political work that came before the tribunals, as well as the continuing work

and mobilisation seeking a halt to the expansion of global politics of grabbing and plundering of marine commons. Though each of the testimonies shared at these tribunals was invaluable, this shortened format does not allow us to include all the struggles discussed across the Indian Ocean countries and in Brazil. So, we invite readers to engage with the publicly available [documentation](#) of the Peoples’ Tribunals to deepen their understanding. Any errors or oversights in this report remain our own.

We write this report for the activists and solidarity networks whose political work continues to play a critical role in the struggle to defend the rights, territories, and ways of living of ocean, water, and fisher peoples. The Peoples’ Tribunals continue in Brazil with the consolidation of a permanent tribunal, and in South Africa, where networks of civil society groups and coastal activists will host Peoples’ Tribunals after the publication of this report. We hope that this report is useful to them and to the global fisher movement in politically strategizing while strengthening and weaving more nets of solidarity.

We acknowledge the invaluable support from the *Our fish, land and water: Participatory Action Research Coalition (PAR)* in the writing of this report, in particular we thank Vijayan MJ, Carmen Mannarino, Josana Pinto, Jesu Rethinam and Jones Spartegus. We are grateful to Katie Sandwell, Pietje Vervest, Hanna Wetterstrand and Ana Carolina Marciano for their generous comments and feedback to earlier versions of this report. We especially wish to thank Michael Fakhri, UN Special Rapporteur on the right to food, for his work demanding the protection of the rights of fisher peoples and for writing the foreword of this review. We also thank Benjamin Cunningham for the copyediting work, Angie Vanessita for the powerful illustrations and Bas Coenegracht for the report design.

Solidarity with the fisher movement in Palestine

As we write this report, we are confronted by escalating violence from the Israeli occupation of Palestine, which includes territorial restrictions on marine access and the entry of raw materials into Gaza. This dramatically affects fishers while hindering the food sovereignty and rights of Palestinian peoples. There is a great need for international intervention in fisheries and fishing rights in Palestine. Fisherfolks are constrained by Israeli policy restrictions that limit how far they can go out to sea. Historically, only a very small area has been available for Palestinian fishers. Amid Israel's violent blockade of this area, these waters

are typically overcrowded, resulting in overfishing that has depleted fish stocks. Many Palestinian fishers have been victims of crimes committed by Israeli forces, including brutality and unlawful arrest. The current escalation of genocidal violence targeting Palestinian civilians intensifies human rights violations. We join the global fisher movement in standing in solidarity with Gaza's General Union of Fishworkers, demanding the end of Israel's war and occupation of Palestine, and the protection of the rights of the Palestinian peoples to live in dignity, reclaim and safeguard their food sovereignty, and control their territories.



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Key Findings

- The Ocean, Water and Fisher Peoples' Tribunals organised by the global fisher movement are powerful forums of justice centred on listening to the testimonies and experiences of human rights abuses faced by fishing communities, and on demanding political actions and solidarity to ensure the protection of the human rights of fisher peoples.
- Watery spaces, particularly the oceans are a new frontier for grabbing and capital accumulation. This is causing the dispossession of ocean, water and fisher peoples from their territories and livelihoods.
- The Ocean, Water and Fisher Peoples' Tribunals demonstrate that the 'blue economy' represents a rebranding of the ocean economy – purportedly in terms of sustainable development. Though economic opportunities are promoted as sustainable, growth is prioritised at the expense of social and environmental harms.
- In all countries where the Ocean, Water and Fisher Peoples' Tribunals took place, state and government bodies work closely with corporations. They function mainly as 'brokers' for large investors, prioritising investment over protecting human rights of fisher peoples, the democratic governance of their territories and the integrity of their ecosystems.
- Grabbing processes in oceans, water and land are interconnected. Understanding the impacts of the ocean economy on fisher peoples requires a cross-sectoral analysis of diverse economic sectors that depend on one another.
- The expansion of the ocean economy contributes to the centralisation of power and erosion of democratic processes, serving the interests of elites, multinational corporations, foreign state-owned corporations, banks and private finance. This is done through the passing of reforms that dilute social, labour and environmental laws, and policies fast-tracking the approval of projects with little or no participation from other levels of government and civil society.
- Fishers in all the Peoples' Tribunal countries are increasingly subjected to dispossession and the progressive deprivation of customary rights to access and use their territories. In many cases this is achieved through Marine Spatial Planning, which is advertised as democratic while glossing over gross power imbalances.
- Fisher peoples are navigating growing state criminalisation. Violence from military and private security forces is used to limit their access and control over their fishing grounds and territories, leading to increased risks of criminal charges, injury or death.
- Fisher peoples are experiencing precarious transitions to low-wage labourers, driving migration and household indebtedness. This disproportionately impacts racialised/lower-caste women whose labour in the capture, cleaning, processing and trading of fish is often neglected and excluded from state-led social security services and support.
- It is crucial for the fisher movement to continue to strengthen their solidarity networks, and politically unite the struggles of ocean, water, and fisher peoples and workers with those of farmers, herders, dock workers, shipping crews, factory workers, Indigenous peoples and other racialised groups, women and LGBTIQ+ peoples, youth, elders, and migrants. All these groups experience increasingly precarious living conditions, while also navigating more frequent and extreme climatic events.

Introduction

'We are the oceans, we are the waters, we are the people!'

World Forum of Fisher Peoples WFFP¹

Ocean, water, and fisher peoples encompass **diverse ways of being, knowing, and living in watery spaces**, which include the oceans, coasts, rivers, lakes, lagoons, mangrove forests and other aquatic environments.² Among these groups are small-scale and artisanal fishers and fish workers, categories that have different meanings among and within countries. These terms are also connected to particular rights and policies, and to dynamic and plural identities.³ Moreover, they are intersected by gender, race and class/caste relations, which shape divisions of labour and involvement in specific activities, including the fishing, processing, cleaning and trading of fish.⁴

Small-scale and artisanal fisheries are linked to communitarian ways of living, which are central to coastal household dynamics and other social relations. Fisher peoples foster deep connections with the complex seasonal movement of fish, water, and people along the coast.⁵ Indeed, the diversity of fishing gears, vessels and practices emerge in relation to the heterogeneity of watery spaces and fishing territories. Fishing is not just a job; it contributes to the livelihoods and food sovereignty of coastal communities. Moreover, it is central to the production of meanings and values, and to the reproduction of cultural, social and political relations across generations.⁶

This report uses **ocean, water and fisher peoples** and acknowledges the diversity of terms used around the globe to refer to situated fishing identities, including those of small-scale, artisanal, traditional fishers, and fish workers, among others. The report does not attempt to offer a single definition or description that fits the diversity of fishing cultures and identities. Others have tried to do so, but there is no global consensus on definition, which highlights the place-based complexity of fishing ways of living around the globe (as a point of reference see the FAO International Guidelines for securing Sustainable Small-scale Fisheries – SSF Guidelines).⁷

In 2018, fisher organisations across the Indian Ocean decided to walk a new path in search for justice and protect their human rights. They did so because other paths were not bringing them to their intended destination: a world where the livelihoods and ways of living of fishing

communities are guaranteed. It is near impossible to count the meetings where fishers have met with government officials over the past many years, but the numbers are staggering. The same goes with political statements issued by fisher organisations, political advocacy campaigns, letters to government and other forms of protest. Recognising that these actions have not resulted in governments listening and working with fisher organisations to safeguard human rights and prevent environmental harms, fisher organisations planned and rolled out a series of Ocean, Water, and Fisher Peoples' Tribunals to demand justice and international solidarity.

Peoples' Tribunals are non-governmental judicial courts set up by civil society groups to address important issues like human rights violations, environmental crimes, and social injustices.⁸ They serve as a democratic tool by amplifying the voices of historically oppressed communities and recognising the legitimacy of their knowledge, experience and analysis. They also allow victims and experts to present evidence and testimonies in a public forum and expose the inadequacy or illegitimacy of existing legal mechanisms. The Ocean, Water and Fisher Peoples' Tribunals carry an important political and pedagogical role, cocreating knowledge among communities about the Blue Economy, ocean-grabbing, and commoditization of the watery spaces. They also represent a responsive mobilisation through collective organisation for combating these issues and fighting for justice. Although these verdicts at the Peoples' Tribunals are not legally binding, they are powerful forums of justice where affected groups speak truth to power in contexts where the judicial system fails, impunity prevails, and the access to justice and realisation of human right is limited. In such circumstances, peaceful radical action becomes the peoples' own judicial system.

The first Ocean, Water and Fisher Peoples' Tribunals were rolled out in Sri Lanka, Thailand, Indonesia, India East Coast, Bangladesh and India West Coast in 2020. Two years later three tribunal hearings were convened in Brazil. The main organisations leading the tribunal processes include the Social Need Education and Human Awareness (SNEHA) and the National Fishworkers

Forum (NFF) in India; COAST Trust in Bangladesh; Koalisi Rakyat Untuk Keadilan Perikanan (KIARA) in Indonesia; Sustainable Development Foundation (SDF) in Thailand; and Movimento dos Pescadores e Pescadoras Artesanais do Brasil (MPP) in Brazil. All these organisations are members of the World Forum of Fisher Peoples (WFFP). The scale of the Peoples' Tribunals is, however, best reflected in the enormous support these leading organisations received from other domestic and international civil society actors, political activists, academics, jury members and those who provided economic support. More than 50 civil society organisations including fisher organisations were involved in the planning, research and roll out of the Peoples' Tribunals. The research teams, made up of more than 20 activists and academics, have engaged more than 1,000 people from fishing communities in the six countries to gather evidence. Twenty-one experts, including environmental prize winners, human rights lawyers and university professors, gave presentations at the tribunal hearings, and the juries were made up by another 30 experts with similar backgrounds. See Appendix 1 for more information.⁹

The Ocean, Water and Fisher Peoples' Tribunals aimed to: i) produce knowledge from below using rigorous participatory action research to examine how the ocean economy is promoted and its social, economic, political and ecological implications on fishing communities; ii) provide recommendations to highlight injustices and impacts and demand the protection of the rights of fisher peoples and their customary governance; iii) enhance collective understandings of the domestic, regional and global implications of the ocean economy to mobilise political actions, build stronger movements and reimagine alternatives; and iv) create a global platform for impacted communities to share their testimonies, raise public awareness and build international solidarity.^{10 11}

The **six Peoples' Tribunals in the Indian Ocean**, which took place in 2020, were coordinated by a research team from SNEHA who worked in collaboration with civil society groups across the tribunal countries (see Appendix 1).¹²

This involved a two-year preparation process, including selecting regions, focal themes and cases, conducting site visits, and undertaking extensive participatory action research, coordinated with organisations across the five countries.¹³ The research team gathered evidence on the impacts of the ocean economy on fisher peoples drawing on: i) focus group discussions with representatives from coastal communities, trade union leaders, fishing representatives, associations and civil society groups; ii) interviews with fish traders and intermediaries, also engaging with officials from national and local government agencies, and ocean economy experts; and iii) a review of the global, regional and domestic policy and institutional frameworks.¹⁴ This research was documented in country reports that were presented to the jury before each tribunal hearing. At the public hearings, which took place remotely amid COVID-19 restrictions, the research team presented an executive summary of the evidence, featuring testimonies from affected communities, thematic presentations by experts, and interventions from union leaders, fisher representatives and other civil society groups. The jury listened to the evidence and delivered country verdicts, which were presented at the International Conference on 'Impacts of the Blue Economy: Response of the Affected Peoples' (on 23 February 2021).¹⁵

In Brazil, fisher organisations coordinated by the MPP joined the Peoples' Tribunals movement, seeking to document the impacts of the ocean economy on traditional fishing communities from the North, Northeast, South and Southeast regions, inviting fishing communities to present their cases and share their testimonies. The Brazilian Peoples' Tribunal involved an intense one-year preparation process with regional meetings, hearings, and systematisation of the cases, which led to the **Waters Peoples' Tribunal in 2022** and the establishment of a **permanent tribunal (*Tribunal Permanente dos Povos das Águas*)**.¹⁶

To date, the Peoples' Tribunals analysed a total of 93 cases: 60 across the Indian Ocean and 33 in Brazil (see Appendix 2 for complete list of cases and sectors).¹⁷



"LET'S ORGANISE OCEAN PEOPLES' TRIBUNALS ACROSS THE INDIAN OCEAN!"



2019

TWO-YEAR PREPARATION PROCESS. THE PEOPLES' TRIBUNALS RESEARCH TEAM STARTS GATHERING EVIDENCE ON THE IMPACTS OF THE OCEAN ECONOMY ON FISHER PEOPLES.

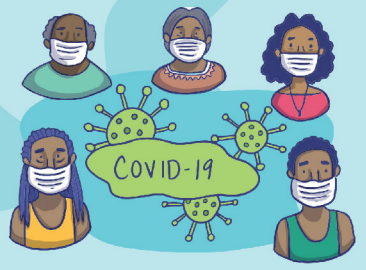


INDIAN OCEAN PEOPLES' TRIBUNALS JURY VERDICTS



2020

ONLINE PEOPLES' TRIBUNALS PUBLIC HEARINGS



SUMMARY OF THE PEOPLES' TRIBUNALS AT THE "INTERNATIONAL CONFERENCE ON IMPACTS OF THE BLUE ECONOMY"

2021



DECLARATION FROM THE CONFERENCE OF THE OCEAN PEOPLES (C-OP)

2022



2022

TRAINING OF THE PEOPLE'S TRIBUNAL MULTIPLICATORS.



2022

MASIFUNDESE & COASTAL LINKS ARE ORGANISING OCEAN ECONOMY PEOPLES' TRIBUNALS IN SOUTH AFRICA

2021

BRAZILIAN FISHER MOVEMENT STARTS ORGANISING PEOPLES' TRIBUNALS ON THE OCEAN ECONOMY IN BRAZIL.



2022

REGIONAL HEARINGS - NORTH, NORTHEAST, AND SOUTH AND SOUTHEAST REGIONS.



NOVEMBER 2022 A BRAZILIAN PEOPLES' TRIBUNAL ON THE OCEAN ECONOMY TAKES PLACE IN PERSON IN BRASILIA.



RESEARCH TEAM IS REVIEWING POLICIES AND DOCUMENTS, CONDUCTING INTERVIEWS AND FOCUS GROUPS TO GATHER TESTIMONIES ON THE IMPACTS OF THE OCEAN ECONOMY TO FISHER PEOPLES IN SOUTH AFRICA

BRAZILIAN FISHER MOVEMENT ESTABLISHES THE PERMANENT WATER PEOPLES' TRIBUNAL



BRAZILIAN PEOPLES' TRIBUNAL JURY VERDICT.



THE SOUTH AFRICAN TRIBUNAL WILL TAKE PLACE IN AUGUST 2024



THE STRUGGLE AND THE WAVES OF MOBILISATION OF OCEAN, WATER AND FISHER PEOPLES CONTINUE TO EXPAND CREATING NETWORKS OF SOLIDARITY AROUND THE GLOBE



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This report is the first of **two reports that aim to review the Ocean, Water, and Fisher Peoples' Tribunals (here on Peoples' Tribunals)**. This report examines the evidence presented at the Tribunals, highlighting key testimonies and well as demands and recommendations. The second report will focus on methodology, analysing the processes and experiences of organising Peoples' Tribunals around the globe.

This report draws on the vast body of empirical evidence stemming from **seven Ocean, Water, and Fisher Peoples' Tribunals** organised in **six countries**: Bangladesh, Brazil (with North, Northeast and South-Southeast public hearings), India (East and West), Indonesia, Thailand, and Sri Lanka. It reviewed all the documentation available for each Tribunal, including research reports or tribunal complaints (in Brazil), jury verdicts, hearing recordings and conference recordings (Appendix 3).¹⁸ It also included the conference organised after the Indian Ocean Peoples' Tribunals, which honoured the tribunal processes, reviewed key findings and political messages, and presented the jury verdicts. It identifies key themes, testimonies and evidence of the experiences and impacts of the ocean economy on the lives, livelihoods, and territories of fisher peoples.¹⁹

This report aims to amplify the evidence produced by this historical mobilisation of ocean, water and fisher peoples and make it accessible and useful for fisher peoples and allied movements in their ongoing struggle for social and environmental justice around the globe.

The opening section of the report provides a brief background to the international political formation of fisher movements and the rationale for fisher peoples to build international solidarity and alliances. Organisational autonomy and self-determination stand out as key principles. The section also elaborates on the fisher way of life with emphasis on the inter-connectedness between fisher peoples and nature. By 'setting the scene', the report delves into 'scenes' of the Ocean, Water, and Fisher Peoples' Tribunals.

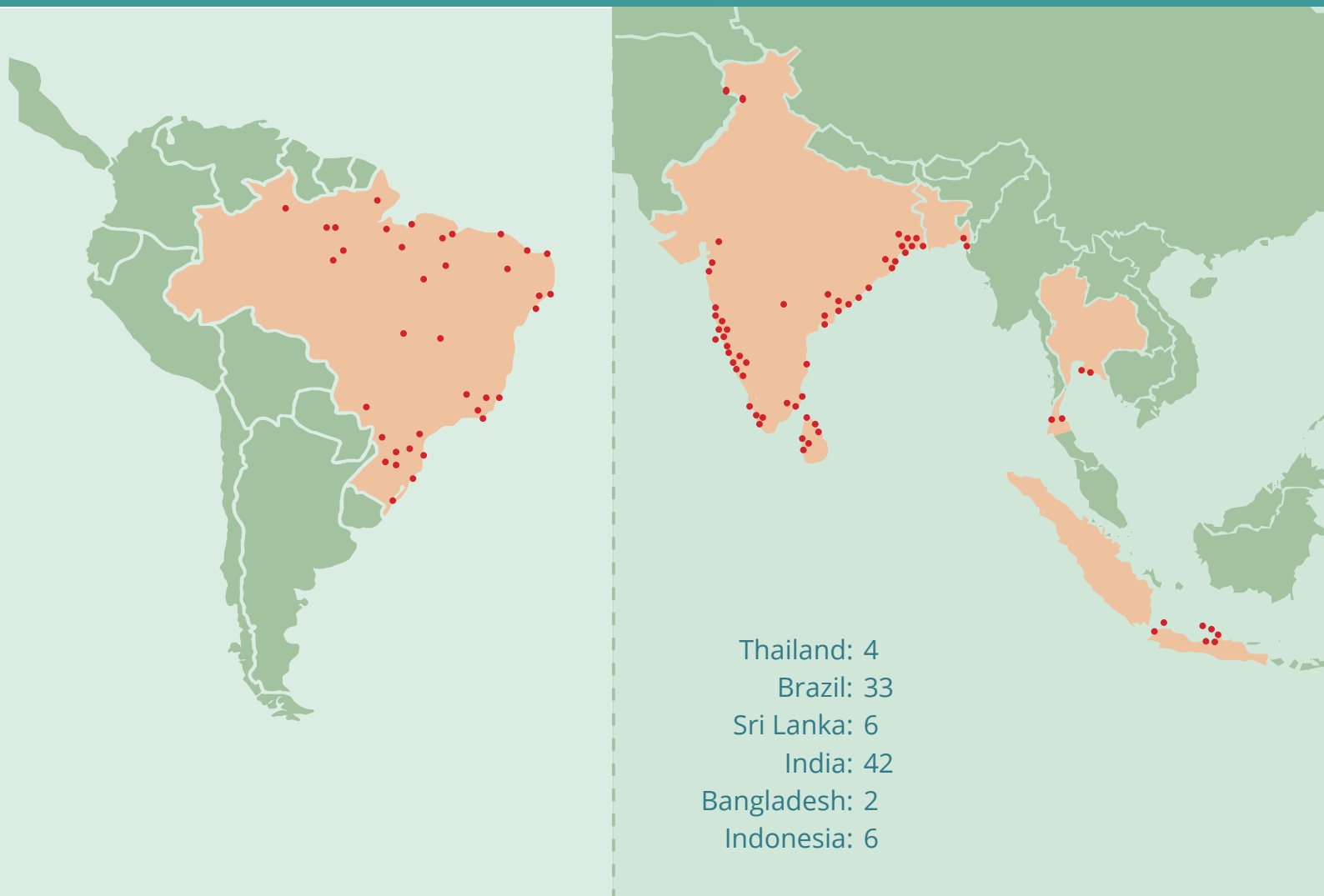
In the Nets of Capital section, the report reviews the Peoples' Tribunals to unpack how capitalism is expanding into watery spaces, the role of states and the emerging patterns of capital accumulation. The section provides an analysis of the characteristics of the ocean economy, broadly understood, with a focus on how corporations operate and the role of the state in advancing market centred development. As explained by one of the experts the fisher movement needs to *'learn to cut [the capitalist's] nets'... but not in the naïve belief that states would*

suddenly see the light, as we know states very often work against their own citizens'.²⁰ As widely addressed by the Peoples' Tribunals, the role of the state includes the pursuit of policy reforms, trade agreements and foreign direct investments as a means of driving the ocean economy. This raises the question: Who is the ocean economy for? The section finishes off by addressing this question and with reference to just a few – of the many – tribunal cases, which points at the ocean economy as a good business for corporations and wealthy elites who loot public funds while leaving fisher peoples empty-handed.

In the next section, *Against the Tides*, the report dives into numerous cases and sectors addressed by the Peoples' Tribunals to bring out evidence of the diverse consequences of the contemporary ocean economy development trajectory. The tribunals show how centralisation of power leads to the erosion of democracy and how deregulation of social, labour and environmental laws drive social problems and environmental destruction. More concretely, this is evidenced through the privatisation of commons, development of mega-infrastructure projects, expansion of shrimp aquaculture, exclusionary biodiversity conservation schemes, and militarisation of watery spaces – to point to some cases brought to the fore by the tribunals. From this evidence, the report goes one step further to explain how various economic sectors deprive fisher peoples of their traditional livelihoods and create a growing mass of 'surplus people' who end up in precarious labour regimes. Towards the end of the section, the report explains how the climate crisis causes further destruction and violence in fisher peoples' territories. It rounds off with a reference to the 'politics of death' as articulated by the Peoples' Tribunal in Brazil.

In the final section, *Thriving Waters – The Peoples' Tribunals* as part of a long struggle for justice, the report distills the key messages from the tribunals. The emerging scenario is one of serious human rights violations – with an emphasis on a series of internationally recognised rights which are substantially addressed in the jury verdicts. These should contribute to making governments rethink their ocean economy policies. The Peoples' Tribunals undoubtedly contributed to 'weaving nets of solidarity', as articulated in one of the tribunals, and to the strengthening of fisher peoples' base as autonomous political fisher movements and organisations. This report aims to inspire fisher movements and organisations to walk a similar path of rolling out their own peoples' tribunals.

Cases presented at the Ocean, Water and Fisher Peoples' Tribunals



Waves of Resistance – The territorial struggles for fishing ways of living

‘Let us come together, let us fight together, let us restore our customary rights to coastal and ocean commons’

A. Gandimathi, Coastal Action Network, Lead Researcher –
Indian Ocean Peoples’ Tribunals²¹

Global fisher movements emerged in the 1990s to advocate for the rights of fishing communities, emphasising the defence of their territories, and fostering human and tenure rights. These movements advocate for the respect and equality of fisherwomen, and the provision of dignified living and working conditions.²² They resist ocean-grabbing development models that displace fishing communities from their territories and endanger the continuity of their ways of living. Fisher movements are organised via collective action and mobilise support through campaigns, trainings, protests, information dissemination, demanding participation in policy-making spaces across different levels of government and conducting rigorous participatory research. The organisations that belong to the movement are part of a global struggle that works towards broader societal transformations anchored in human rights and ways of living that are in harmony *with* nature.²³

Historically, fishing communities produce and pass on living knowledge across generations, which shapes their use and protection of watery commons. These governance practices have led ocean, water and fishing peoples to produce **territories filled with interconnected social and ecological relations**.²⁴ These territories are central to their social relations, cultural and traditional practices, religious and spiritual beliefs, ancestral ties and livelihoods. *‘Waters are above all a possibility of life, of reproduction of life, culture, spirituality, and which cannot be appropriated by those who have the strength of money and economic power’*.²⁵ Moreover, these territories interconnect watery and land-based ecologies with high biodiversity and cultural richness, characterising fishing communities as protectors of life. In the words of Nego, from the Movimento dos Pescadores e Pescadoras Artesanais do Brasil (MPP) *‘we are the real guardians of the waters’*.²⁶



Fisher movements around the globe struggle for their customary tenure rights, these are based on historical and cultural connections of groups of people and communities to their territories. At the India East Coast Tribunal, Aparna Sundar emphasised that *'these are collective rights, stemming from being a member of the village community, rather than being granted by the state'*.²⁷ The rights of self-determination and autonomy are also central to the struggles of fisher peoples. This encompasses their ability to self-govern, decide their political status, make economic decisions and manage their affairs independently. This is especially relevant to the customary relations that shape their access to nature while maintaining their cultural identities, traditions and knowledge production.²⁸

Ensuring communities the access and control over their territories is central to the continuation of their fishing cultures and ways of living. As Josana Pinto, activist from the MPP powerfully elucidates *'without territory, there is no fisherman or fisherwoman'*.²⁹ These recognitions are linked to food sovereignty and poverty eradication of historically oppressed groups, including fisher communities themselves, as racialised groups of peoples. Fishers not only provide food for the self-subsistence of communities but are also an essential source of nutrition for low-income coastal and inland populations. To defend the territories of oceans, water and fisher peoples is to fight for the continuation and production of collective ways of living that nurture lively and thriving global watery commons.³⁰



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Nets of capital – The grabbing of watery spaces

‘We belong to the oceans, rivers, lagoons, and coasts – nature does not belong to us!’

Vijayan MJ, Pakistan India People’s Forum for Peace & Democracy – PIPFPD³¹

The Peoples’ Tribunals across the Indian Ocean and Brazil bring together testimonies that honour the deep historical connections between coastal communities and **watery spaces** – oceans, rivers, lagoons, and coasts. In this context, as noted by Stella James (EQUATIONS, India East Coast Tribunal), *‘the commons are not just a physical space, a pie that can be neatly cut up and shared between different people, commons are about community’*.³² Indeed, the **grabbing of commons**, is nothing but the violent appropriation of nature to serve the economic interests of corporate elites.³³ The state has played a key role introducing privatisation and market-based approaches to appropriate and control the access and use of commons.³⁴ This is shaped by historical and colonial power relations and is done via **policies, laws, and practices** that reconfigure watery spaces as private property and available for exploitation.³⁵

In responding to the global grabbing of commons at the ‘International Conference on Impacts of the Blue Economy: Response of the Affected Peoples’ (2021), Vandana Shiva, environmental activist and food sovereignty advocate,

Capitalism and watery spaces

Watery spaces are a new frontier for grabbing and capital accumulation. As explained in the statement from the World Forum of Fisher Peoples (WFFP) read by Nadine Nembhard, secretary general (2017-2023) at the ‘International Conference on Impacts of the Blue Economy: Response of the Affected Peoples’:

‘The ocean is increasingly framed as a frontier of economic development, and the unprecedented capital investments are reshaping our coastal lands into infrastructure landscapes, for the purpose of extracting profits. Millions of peoples, where fisher peoples are only a fraction are directly affected when our coasts are turned into ports, petroleum hubs, tourism sites, aquaculture projects, power plants, mining areas, and special economic zones’.³⁸

drew inspiration from the ancestral art of weaving fishing nets stating: *‘[L]et us make real nets of solidarity, like the fishing nets of ocean peoples’*; to which Liam Campling, political economy expert responded:

‘The flip side of... nets of solidarity is the nets of capital; to cut the linkages between coastal and oceanic capitalists. How can we learn to cut their nets in the aim of intergenerational development? but not in the naïve belief that states would suddenly see the light, as we know states very often work against their own citizens... also using international moments like this... for exploring broader solidarities’.³⁶

This is an invitation to examine the actors, tools, and processes used by capitalists, working together to **cut the nets of capital and weave of nets of solidarity** within the fisher movement and with other workers and social movements impacted by the expansion of the ocean economy.³⁷

This section reviews the Peoples’ Tribunals to unpack how capitalism is expanding in watery spaces, the role of states and the emerging patterns of capital accumulation.

What is the ocean economy?

Natalia Tavares Azevedo, a member of the Prosecution Council at the Peoples’ Tribunals in Brazil, described the **ocean economy** as:

‘An extractivist model... that is expanding at sea from what is already established inland and in inland waters, agribusiness, large hydroelectric, ports... the ocean as a new frontier for exploring. This is not for the people and their knowledge; it is to privatise and expropriate fishing territories. Blue growth, blue revolution, blue anything... are terms that seem nice and about sustainability. Listening to the testimonies, this is a fallacy, this is not a discourse of life, it is a politics of death’.³⁹

The quote above highlights that the blue economy is nothing new, rather it serves to rebrand the existing ocean economy in terms of sustainable development. Although it is sold as sustainable, economic growth is prioritised at the expense of social and environmental harms. Economic growth is fuelled by increasing exploitation. This requires investing into new technologies to reduce labour costs, moving into deeper and further offshore places, as well as accelerating the movement and trading of commodities.⁴⁰ As emphasised by Jesu Rethinam, research coordinator at the Indian Ocean Peoples' Tribunals in her opening presentation at the country hearings, the ocean economy is driven by:

'Exploration of potential ocean and marine resources through scientific assessment; Exploitation of the above resources through sustainable means; and Expansion of existing coastal and marine economic activities to facilitate their economic growth as well as sustainable use of resources through a legal, liberal global trade and economic agreements including environmental monitoring, among the countries with the financial support of International Financial Institutions and other private multinational investors'.⁴¹

The economic sectors discussed at the Peoples' Tribunals include: port, trade and shipping infrastructure and logistics; industrial fisheries, mariculture, aquaculture, and sea-food production; coastal and offshore oil, gas, energy and mining (renewable and not-renewable sources); tourism and ecotourism; biodiversity conservation and climate change interventions; business clusters (industrial zones, corridors, hubs, circuits, smart cities); coastal development, real estate, transportation and manufacturing infrastructure; science, biotechnology, bioprospecting and technology innovations; the pharmaceutical industry; maritime security and surveillance; water industry and management; and agrarian industries. Importantly, as A. Gandimathi, Coastal Action Network, Lead Researcher highlighted at Peoples' Tribunals, an accelerating ocean economy inevitably produces:

'Ecological externalities such as loss of biodiversity would be an inevitable consequence of exploitation of coastal and marine resources; The exclusion of marine and coastal communities from their habitats, governance, and user rights on marine and coastal commons...; The enforcement of maritime security as a deliberate strategy towards the militarisation of the coast and an increase in global governance'.⁴²

States as brokers for large investors

The ocean economy cannot be understood in isolation from the historical geopolitical contexts and customary relations in watery spaces. The Peoples' Tribunals highlighted how these histories are also shaped in different ways by natural disasters, colonialism, military regimes, civil unrest and war.⁴³

The reports from the Peoples' Tribunals detailed key historical transitions for the fisheries in Bangladesh, Brazil, India, Indonesia, Sri Lanka and Thailand, which have suffered major transformations since the late 1940s, in the context of post-World War II capitalist expansion. In fisheries this was mainly driven by investments and technical assistance from foreign nations (e.g., Japan, China, Taiwan, Germany, Norway, and the United States), international financial institutions and the Food and Agriculture Organisation of the United Nations (FAO), as well as liberalisation policies that supported the rapid mechanisation and industrialisation of fisheries. For example, in Thailand, the tribunal report explains that the mechanisation of fisheries was initiated by the Japanese pair trawling industry. In 1948, FAO recommended that the fisheries should be mechanised using trawl nets. The introduction of small, inshore trawling through a German-Thai Government initiative in 1959 was very successful. From 1960 to 1966, the number of operating trawlers increased from 99 to 1960.⁴⁴ Amid the liberalisation of the ocean economy in the 1980s *'most of the investments were into projects where 80% of the production was exported'.⁴⁵* Similarly to the other Peoples' Tribunals countries this increased the economic dependency on loans from international financial institutions; foreign aid from governments, bilateral and multilateral organisations; and private investments from corporations and other private actors (including philanthropic donors and big international environmental organisations – BINGOs) to fund and implement national/sectoral development plans.

In this context, to attract more investments, states began turning their national/sectoral development plans into business plans in close consultation with private actors. This has influenced the definition of objectives, priority sectors, institutional and policy reforms, and investment plans (Table 1). An example of this was revealed in India's East Coast Tribunal, where the demands from the tourism sector at the Sectoral Conference on Tourism at the 'Bengal Global Business Summit (BGBS), jointly organised by the West Bengal Tourism Department and the Confederation of Indian Industry (CII) in 2018, informed the drafting of the State Tourism Policy 2019. This policy shifted the previous focus from commercial to industrial, pushing for formalisation, corporatisation and securitisation of tourism.⁴⁶

TABLE 1

Ocean development slogans and examples of national/sectoral development plans, policy reforms, trade agreements, inter-ministerial coordination, and business clusters in the Peoples' Tribunal countries.

Countries and slogans	Development plans	Examples of policy reforms, trade agreements, inter-ministerial coordination and business clusters
Bangladesh Industrial-export economy ⁴⁷	Seventh Five Year Plan (2016-2020): led by the General Economics Division (GED). First national development plan to incorporate the blue economy. It outlines 12 key coastal and marine programmes. ⁴⁸	Policy reforms: Integrated Coastal and Ocean Management Policy (ICOMP) seeks to amend laws, policies and institutions to serve 27 identified functions of the blue economy. ⁴⁹ Trade agreements: [bilateral] China, Japan, India; [multilateral] South Asian Free Trade Agreement (SAFTA), Asia Pacific Trade Agreement (APTA). ⁵⁰ Inter-ministerial coordination: Blue economy Cell, Bangladesh Economic Zones Authority (BEZA). Business clusters: Coastal Zones (23 already established). ⁵¹
Brazil Blue Amazon ⁵²	National Policy for Sea Resources (PNRM, 2005): coordinated by the Brazilian Navy and the Inter-ministerial Commission for Sea Resources (CIRM). It guides the development of exploration, exploitation and expansion of the ocean economy. CIRM proposes and monitors multi-year sectoral plans, including: X Sector Plan for Sea Resources (X PSRM, 2020-2023). ⁵³	Policy reforms: Bill No. 576/2021, which regulates the authorization to use offshore energy potential. Trade agreements: [multilateral] MERCOSUR. Inter-ministerial coordination: Inter-ministerial Commission for Sea Resources (CIRM). Business clusters: Blue Amazon.
India Blue revolution and a maritime economy ⁵⁴	Five-year national development plans were halted by the Prime Minister in 2014. The ocean economy is promoted by a sectoral development agenda. Two relevant sectoral plans include: Neel Kranti Mission (2016): coordinated by the National Fisheries Development Board (NFDB). Claims to be on the 'Blue Revolution' for the integrated development and management of fisheries. Sagarmala Programme (2016): led by the Ministry of Ports, Shipping and Waterways. Aims to enhance the logistics sector via port modernisation, new developments, connectivity, industrialisation, shipping and inland waterways. ⁵⁵	Policy reforms: Environment Impact Assessment (EIA) notification (draft) 2020. Dilutes provisions under the EIA notification 2006 and goes against the Environment Protection Act (1986). ⁵⁶ Trade agreements: [bilateral] Japan; [multilateral] Association of Southeast Asian Nations (ASEAN) Free Trade Area, SAFTA, APTA. Inter-ministerial coordination: National Industrial Corridor Development and Implementation Trust (NICDIT), state governments maritime and industry development boards. ⁵⁷ Business clusters: Coastal Economic Zones (CEZs), Industrial Corridors, Tourism circuits, Petro Chemical and Petroleum Investment Region (PCPIR).

Indonesia

Maritime fulcrum⁵⁸

Long-term National Development Plan (2005-2025) and Medium-Term Plans (2015-2019) frames the ocean economy as central to economic development, connected to:

National Ocean Policy 2017: coordinated by the Ministry of Maritime Affairs. Master plan of seven pillars and 76 main targeted policies.⁵⁹

Policy reforms: Job Creation Law of 2020 (Omnibus Law): includes over 1000 amendments to 79 environmental, labour and investment regulatory laws. Deterring communities from registering environmental complaints and abolishing Environmental Impact Assessment Committees.⁶⁰

Trade agreements: [bilateral] Japan, Korea, Australia; [multilateral] ASEAN Free Trade Area.

Inter-ministerial coordination: Coordinating Ministry for Maritime Affairs and Investment.

Business clusters: Law No. 27, 2007, gave water concession rights to privates over marine spaces for commercial purposes.

Sri Lanka

Global shipping corridor and a Hub for the Indian Ocean⁶¹

Vision 2025 (2016-2025): coordinated by the Government of Sri Lanka, it aims to pass reforms to increase productivity, exports and economic growth, targeting labour, environmental protection and land administration laws.⁶² Seeks to attract foreign investments and boost technology innovations and digitalisation. It is connected to:

Blue-green economy (2016), for the expansion of the blue economy.

National Physical Plan 2010-2030, for the development of industrial and mega cities.⁶³

Policy reforms: Vision 2025 prioritise economic development reforms include: land administration reforms, labour law reforms, and Restructuring Social Safety Net Programs.⁶⁴

Trade agreements: [Bilateral] China, Singapore, Pakistan, India; [multilateral] SAFTA and APTA.

Inter-ministerial coordination: Inter-Ministerial Committee (IMC).

Business clusters: Industrial Zones, High-Security Zones, Mega Cities.

Thailand

High-income country by 2037⁶⁵

Thailand 4.0 (2017-2026) is the national strategy developed by the National Council for Peace and Order, it is centred on 'automation, smart cities, high-value services, logistics and the digital economy'.⁶⁶

Policy reforms: Eastern Economic Corridor (EEC) Development Plan (2017) enacted a Single Window Clearance, diluted labour and environmental regulations, including the discontinuation of EIA processes.⁶⁷

Trade agreements: [bilateral] China, Korea, Japan; [multilateral] ASEAN, Regional Comprehensive Economic Partnership (RCEP).

Inter-ministerial coordination: EEC Policy Committee.

Business clusters: EEC.

The push for investments is also supported by trade reforms (including tariff liberalisation and free trade agreements), as well as fiscal and financial incentives (including tax cuts).⁶⁸ For instance, in relation to oil and natural gas, the report on Andhra Pradesh at the East Coast of India underlined that the 2016 Hydrocarbon Exploration and Licencing Policy (HELP) '*promotes exploration of natural gas as well as crude oil resources by private corporates, by providing more fiscal and financial incentives, with private control and revenue sharing with the government... Part of a government strategy to double oil and gas output by 2022-23*'.⁶⁹ Indeed, as revealed by all the Peoples' Tribunals, states are working hand-in-hand with corporations to serve their capitalist interests.

The Indian Ocean Peoples' Tribunals emphasise that the framing of the ocean economy in terms of sustainable development (i.e., blue economy) is not only used to legitimise extraction as sustainable, but to profit from new investment projects such as blue carbon and other carbon trading schemes, blue bonds, blue hydrogen and other mineral raw materials, blue/certified seafood, certification schemes, smart cities, and others. Global international governance forums like the UN Ocean Conference, World

Ocean Summit and Our Ocean Conference act as spaces for governments and the private sector to drive forward the ocean economy.^{70 71} These are also places for states and investors to meet and negotiate investment opportunities, policy reforms and public-private-partnerships (PPPs) and alliances.

In all the Peoples' Tribunal countries, PPPs were discussed as central to the expansion of the ocean economy, with international financial institutions, foreign aid and private investors lobbying to promote investment opportunities and access government funding/subsidies through the building of networks of state agencies across different levels of government and development projects.⁷² Notably, a growing ocean economy brings together land, coastal, water and ocean-based sectors. As the Indian Ocean reports highlight, this is often not sufficiently recognised and supported by governments through the creation of inter-ministerial coordination agencies and sectoral boards that act as controlling agencies (see examples in Table 1). These agencies partly rely on external funding from intergovernmental institutions and development banks, which raises serious questions about their political independence. For example, the Bangladesh report



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reveals that the Bangladesh Economic Zones Authority (BEZA), which oversees the development of Special Economic Zones in Bangladesh, was created in 2010 a process that was technically assisted by the World Bank through its Private Sector Development Support Project.⁷³ Moreover, the report on the India West Coast Tribunal, exposed that the CEO of the Vizhinjam International Seaport Ltd was listed as a full-time official member of the Kerala Maritime Board, thus, being directly involved in the agency that has the mandate to control his own company and competitors.⁷⁴ In the Tribunal countries, state agencies, institutions and policies were overwhelmingly shaped with the input of corporate actors and acted primarily for their benefit.

Who is the ocean economy for?

In responding to the question *'whose economy and whose livelihoods are supported by the global grabbing of commons?'*⁷⁵, the India West Coast Jury verdict drew on the intervention of Himanshu Damle, a financial analyst, who explained the oceans untapped economic potential acts as an engine to promote investments.⁷⁶ Key investments on the ocean economy come from private finance, for instance those mobilised by the Organisation for Economic Co-operation and Development (OECD), the World Bank (e.g., ProBlue initiative), the Asian Development Bank (ADB), and the European Investment Bank.⁷⁷ Money capital also comes from private investments, from multinational corporations and banks.⁷⁸ For instance, DNB ASA, which is the largest financial services provider in Norway, at the 2019 Our Ocean Conference in Oslo pledged \$51.3 billion through 2025, for financing renewable energy projects and renewable infrastructure, exceeding the pledges from the World Bank, and other bilateral development banks and governments.⁷⁹ The number of corporations (privately and/or state owned) who control the ocean economy is continuously shrinking as a result of mergers and acquisitions (M&A) and it has been estimated that, in 2021, the 100 large companies operating in the ocean economy sectors account for at least 60% of total revenues. At the top are companies engaging in coastal and offshore

oil, gas, energy and mining, followed by companies linked to port, trade and shipping infrastructure and logistics.⁸⁰ Unpacking the nets of capital not only means focusing on these powerful private investors, but paying attention to the links between the ocean economy and in-land forms of capitalist expansion and accumulation.⁸¹

In India, for instance, a report from the Controller and Auditor General (C&AG) in May 2017 questioned the economic feasibility of the Vizhinjam International Seaport Ltd project as quoted by the India West Coast Jury verdict:

*'The C&AG has calculated that, towards the year 2054, the additional profit gained by the Adani group will be Rs. 61095 crores [~9,416,456 USD], which obviously will be the equal to net loss for the state Government. This exactly was the calculation of the feasibility study, considering the irregularities during the project, including the extension given out of the way to the contractor. Even if the state Government takes back the project after 40 years, it is bound to pay Rs. 19.555 crores [~3,013,975 USD] to the Adani group, which in turn would make a total loss of Rs. 5.608 crores [~864,350 USD]. The Kerala Report's statement sums up this issue.'*⁸²

In sum, the ocean economy is only good business for corporations and wealthy elites who are looting public funds. This resonates with an intervention from the National Fisheries Solidarity Organisation (NAFSO) quoted by the jury verdict in Sri Lanka which states *'The so-called development project will provide luxury to the privileged few while depriving the rights of majority in the society. It is less than 1% of the country benefiting from such projects while majority are made to pay be the loans and interest for borrowed money.'*⁸³ This was also emphasised by Justice Akbar Ali, former judge for High Court of Madras and juror at the India West Coast Tribunal *'When you talk about the Indian economy, whether is the blue economy or any economy, 5% of the richest men in this country hold the entire wealth of this country... 30% of the lower margin who are suffering... Whose blue economy is this?'*⁸⁴

Against the tides – Navigating the impacts of the ocean economy

The Ocean, Water and Fisher Peoples' Tribunals powerfully elucidate that coastal communities are not poor or invisible. It is states, policies, and dominant economic systems that have historically impoverished and marginalised them.⁸⁵ In scrutinising the political, social, and environmental implications of an accelerating and expanding ocean economy, this section reviews the shared impacts as discussed at the Peoples' Tribunals across the Indian Ocean and in Brazil. It identifies eight patterns discussed below.

Centralisation of power and deregulation of social, labour and environmental laws

A common theme among the Peoples' Tribunals is the growing centralisation of power and erosion of democracy. This has been primarily done through reforms that transfer state-power and decision-making from local/provincial governments to the centre. Central governments are increasingly making decisions with limited (or no) participation from lower levels of government and civil society groups.⁸⁶ As emphasised by the jury verdict in Indonesia: *'[there is a] trend of reverting to a centralised governance system through the Omnibus Law, the accumulation of power in the hands of the central government, and the weakening of the role of provincial governments'*.⁸⁷ The Peoples' Tribunals found that communities in Indonesia, Thailand and India (in Karnataka and Maharashtra states) had been excluded from any form of consultation on projects developed in their territories.^{88 89 90} As one fisher from Karnataka stated in the Peoples' Tribunal in India, *'the government of today acts authoritatively and we have no qualms in blaming it for [how] such laws come into force. When amendments to the CRZ [Coastal Regulation Zone] Act were being made in 2019, we the fishworkers were not consulted'*.⁹¹

The centralisation of power comes together with social, labour and environmental deregulation, which is done through reforms that are not democratically rooted and that dilute social, labour and environmental laws to serve capitalist interests. As highlighted by the report of the Peoples' Tribunal in Indonesia, the Omnibus Law, includes more than 1,000 amendments to 79 environmental, labour and investment regulatory laws, which deter communities from filing environmental complaints, while also abolishing then Environmental Impact Assessment Committees.⁹² The report for the India West Coast Tribunal exposed a similar trend stating that:

'a series of policies and schemes, including the National Fisheries Policy 2020, Sagarmala, Swadesh Darshan and others, have laid the foundation for the change in coastal governance. Most of these have come in through the executive, with little to no parliamentary or public debate. Similar changes to law and policies, which dilute rights of fishworkers and protection of the environment in favour of corporate interest have also been brought at the state level in all the states'.⁹³

In other cases, officials weakened environmental standards to benefit private investors, in the Indian state of Goa, for example, officials granted environmental clearance for the construction of a coal berth and cruise jetty, exempting companies from any public consultation.^{94 95}

A dilution of rights encompasses the restructuring and weakening of social safety net programmes, labour laws and responsibilities, and environmental impacts assessments (EIA).^{96 97} Taking a closer look at social safety net programmes the Sri Lanka report detailed that: *'The Employers Provident Fund and Employers Trust Fund, Public Servants Pension Scheme were diverted for development projects, as public utility shares in the form of bonds by the beneficiaries of the above scheme'*.⁹⁸ In relation to EIAs, the Peoples' Tribunal in Thailand, revealed that the Eastern Economic Corridor (EEC) created a single window clearance, diluting labour and environmental regulations through the discontinuation of assessments of environmental impacts of projects part of the EEC.⁹⁹ The Peoples' Tribunals identified cases in Sri Lanka (Colombo Port City) and Bangladesh (18 mega-development projects in the Maheshkhali Special Economic Zone) where EIAs did not adequately assess the risks these projects posed to people and nature.^{100 101 102} See Table 1 for similar reforms in other countries.

Importantly, the erosion of social and environmental safeguards also comes with neglect and a **lack of consideration for intersectoral and cumulative social and environmental impacts**. For instance, reflecting on the failure of EIA to assess impacts and halt destructive projects, Merle Snowman, head of the Department of Environment and Geographical Sciences and juror at the India West Coast Tribunal (University of Cape Town) emphasised that

'this project-by-project assessment and decision-making is not taking into account the cumulative impacts and the losses to the marine environment, the impacts on fisheries... on local communities... we need to be looking at this from a strategic point of view, a strategic environmental and risk assessment... the risk of new interventions interacting with the risks already faced by local communities and of course climate change, a much broader and holistic perspective... when looking at the cost-benefit analysis of these new initiatives'.¹⁰³

Grabbing through the development of infrastructure and business clusters

The Peoples' Tribunals powerfully articulate the struggles of ocean, water and fisher peoples as territorial struggles. This is linked to historical processes of marginalisation of customary tenure and use rights in watery spaces. **Grabbing via privatisation of commons** takes different forms, all of which constrain customary access and control. One of the main forms of grabbing and territorial dispossession of ocean, water and fisher peoples is the **construction and expansion of shipping ports**. For example, in Sri Lanka, with the construction of the Colombo Port City¹⁰⁷; in Thailand, with the construction of the Laem Chabang port or the expansion of the Cox Bazar Green Airport^{108 109}; in the Indian state of Karnataka, with the construction of the Sharavati River's commercial port¹¹⁰; in the Indian state of Tamil Nadu, with the expansion of the Kattupalli port¹¹¹; in the Indian state of Odisha, with the construction of the Paradi¹¹²; in the Indian state of Maharashtra, with the construction of 48 ports.^{113 114 115} The pattern is always the same, fishers are forcibly displaced from their territories. In Sri Lanka, it is estimated that the construction of the Colombo Port City project **'will displace 50,000 families and the livelihoods of 30,000 small-scale'**.¹¹⁶ Displacement and exclusion are often met with inadequate compensation for the affected coastal communities and workers.¹¹⁷

As the jury verdict in Indonesia powerfully elucidates: *'The role of the state recedes to that of being a broker, which through successive rounds of exclusions and enclosures redistributes coastal lands, accompanied by the dilution of environmental laws and clearances'*.¹⁰⁴ Importantly, however, these countries have constitutional and international obligations towards fisher peoples as defined in human rights instruments (see Appendix 4).¹⁰⁵ Guiding instruments, such as the 2014 FAO Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)¹⁰⁶, offer a roadmap for the implementation of human-rights based approaches for the protection of small-scale fisheries and workers. Considering deep power asymmetries that favour corporate actors, compliance with international agreements and the realisation of human rights remains distant and elusive for most ocean, water and fisher peoples in these countries and beyond.

The Peoples' Tribunals also reveal that **grabbing is accelerated by the creation of business clusters**, which proliferate in the form of special economic zones, corridors, hubs, circuits, and smart cities. These clusters are established under different space arrangements, including state-owned space leased or sold to private investors, and space already owned by companies being converted into tax-free zones. At the hearing of the Peoples' Tribunal in the East Coast of India, Gandimathi detailed that, *'the entire East Coast is part of what has been termed by the Asian Development Bank (ADB) as the East Coast Economic Corridor'*.¹¹⁸ As explained in the report for this Peoples' Tribunal the economic corridor involves a **'multi-modal transformation of the road, river and railway networks to link the ports to the rest of the country'**.¹¹⁹ This also highlights the relevance of examining the nets of capital in the ocean economy as deeply connected to those of key land-based economic sectors and struggles. The establishment of business clusters accelerate extractive processes, which also makes them reliant on the dilution of social and environmental protection safeguards. As noted by the Peoples' Tribunal in Bangladesh, the Maheshkhali and Cox's Bazar coastal areas are the site of several industrial projects, including a power corridor, airport expansion, deep-sea port and liquefied natural gas terminals. The Peoples' Tribunals demonstrate that the infrastructure

projects within business clusters should be analysed in relation to developments from other sectors and countries that sustain exploitation and circulation.¹²⁰

Fishing communities in the six Peoples' Tribunals countries are also being displaced by the **expansion of tourist resorts and other recreational infrastructure**. In Sri Lanka, the army grabbed fisher peoples' territories in the Mullaitivu, Vavuniya and Mannar towns and handed them over to private investors for the construction of tourist hotels and restaurants.¹²¹ Similar cases occurred in Indonesia, with the construction of a resort in Labuan

Bajo, or in the Indian state of Goa, where fishers lost access to fishing grounds.^{122 123} Public beaches are also being fenced off in the interests of the tourism sector. In India, there have been several cases of beaches being made inaccessible to fishers, who have lost their traditional space for drying, sorting and processing fish, repairing nets or building.¹²⁴ This also includes beaches awarded with Blue Flag beach certification (an environmental and water quality certification programme from the Foundation for Environmental Education)¹²⁵ in the Indian state of Tamil Nadu.^{126 127}

Intensive aquaculture and the erosion of coastal food security

The aquaculture industry is also behind worrying trends of **land and water grabbing, leading to loss of livelihoods, food insecurity and environmental destruction**. In Maheshkhali Island in Bangladesh, in India's Lake Chilika, and in the Northeast region of Brazil, land and water is being grabbed from fishing communities to produce ever more fish and other aquatic foods for consumers who live far away and can afford the more expensive products.¹²⁸ ¹²⁹ In Tamil Nadu (East Coast of India), one Post-Covid-19 economic reform promoted the expansion of aquaculture (mainly shrimp farming) through the **leasing of the territorial waters and fisheries landing sites to serve a growing export economy**. This expansion is also promoting export-oriented growth of intensive aquaculture. This policy also granted private investors credit support and grants. As the report notes: *'One of the targets of PMMSY [government policy] is to shift 25% traditional fishers to mariculture activities... [and] largely promote industrialised and commercial marine fishing'*.¹³⁰

The reports documented several cases where **aquaculture farms released toxic discharges into the environment, resulting in increased food insecurity, health problems, and environmental harms**. Debabrata Khutia, a unionist from the Indian state of West Bengal, noted that fishers *'used to catch small foraging fish near the shoreline, now it is not possible. Lots of people who worked near shorelines have lost their livelihood. Intensive shrimp farms have*

no effluent control. They let it out untreated into coastal waters'.¹³¹ Similarly, in Songkhla lake in Thailand, effluents from commercial shrimp farms led to biodiversity loss which had clear effects on fishers' livelihoods and communities.¹³² The reports also documented cases where aquaculture also affected the health and environmental conditions of the communities living near farms. In Tamil Nadu state in India, the decomposition of feed stock from shrimp farms in waterways and ponds emanated a *'stinking smell which people cannot withstand'*.¹³³ On some occasions, the odour became so intense that *'women used to vomit and get fainted as they cannot bear it'*.^{134 135}

Referring to Indian state of West Bengal, Pradip Chateerje, from the Dakshinbanga Matsyajibi Forum, stated that *'coastal aquaculture has been of a grave concern. With its intensive nature, fishers have been complaining against ill effects like coastal pollution, encroachment, loss of land use of habitat, salinity increase, and loss of cultivable land'*.¹³⁶ In the Indian state of Andhra Pradesh, aquaculture farming had devastating consequences for *'the water bodies and the ecology of estuaries'*, including the loss of mangroves.¹³⁷ Something similar happened in the Brazilian state of Rio Grande do Norte, where the construction of aquaculture farms came with the *'deforestation of mangroves and riparian forests on the Carnauba River'*, as well as *'the expropriation of land and the expulsion of families from the community'*.¹³⁸

From traditional livelihoods to precarious labour regimes

All the Peoples' Tribunals stressed that the expansion of the ocean economy is **forcing ocean, water and fisher peoples to migrate and transition to wage labour, often facing dangerous conditions**.¹³⁹ Fisher peoples struggle to maintain their traditional livelihoods. Arvind Rajagopal, an expert at the Sri Lanka Peoples' Tribunal argued that the ocean economy exploits the *'segmentation of labour markets... employers exploiting existing social divisions, to reduce commodity prices and enhance economic growth and produced and increased inequality'*.¹⁴⁰ Accelerated coastal industrial development, privatisation and environmental destruction displaces fishing communities from their territories while **targeting racialised/low-caste groups and completely excluding women**.¹⁴¹ The Sri Lanka report explained that many fishers (primarily men) end up working as labourers for big foreign vessels in the Seychelles.¹⁴² Elaborating on these waves of forced migration and labour transitions, Ahilan Kadiragamar, sociologist and senior lecturer (University of Jaffna), notes that *'the alternatives for... the fishing community have been either migrant work in the Middle East and countries such as Italy, or work in the garment factories in the Free Trade Zones. Both options consist of temporary migration uprooted from their communities and families, comprising mainly unskilled precarious work'*.¹⁴³ Moreover, in the North Province there is no plan to support single women and women headed households (approximately 82,000 of them), many of whom have no access to shelter, employment, and livelihoods, while also facing gender violence.¹⁴⁴ In Sri Lanka and Bangladesh, the Peoples' Tribunal concluded that the ocean economy has both jeopardised food sovereignty and worsened working conditions for fishers.^{145 146}

In the Indian state of Goa, economic hardship and environmental degradation is pushing fishers to migrate to Portugal, and in West Bengal, traditional fishers are moving to cities to work as informal daily wage workers.^{147 148} As highlighted in the Andhra Pradesh Tribunal report, the restricted access to fishers in Lake Chilika linked to the expansion of intensive aquaculture denies fisher access to their fishing grounds and landing sites, while also polluting the lake. This forces fishers to migrate to work in mechanised boats in other areas in Andhra Pradesh and Gujarat.¹⁴⁹ The report reveals that *'a 2017 estimate of 25,000 traditional fishers from Visakhapatnam, Kakinada and Srikakulam migrating to Gujarat every season'*.¹⁵⁰ In this context, the government is using this as an excuse to promote the development of port-led infrastructure,

claiming that it tackles the distress of migration faced by fishers. Quoted in the report, the Deputy Chief Minister and Revenue Minister Dharmana Krishna Das stated that *'the aim of developing Bhavanapadu sea port is to check the migration of fishermen for livelihood'*.¹⁵¹ This increases household dependent on remittances, while also **pushing women into the debt trap to sustain their families**. As the Andhra Pradesh report details *'women are increasingly forced to seek work, either as wage earners in processing units or as casual labourers in domestic chores and focussed on the increasing harassment by money lenders. Thus, apart from physical displacement, there is also rising debt among active fishers and fish vending women'*.¹⁵² In the Indian state of Karnataka, women are responsible for selling the fish caught by their husbands. With the construction of a new 'modern fish market', women were forced to pay exorbitant daily commissions to sell at the market, which pushed them into more economic distress.¹⁵³ Also in India, fisherwomen in West Bengal explained that the combined environmental impacts of industrial fishing, aquaculture and tourism led to a steady decline in their catch. This force them to diversify into other livelihood, increasing their economic precariousness. In addition, *'women fish vendors are increasingly under the grip of moneylenders as women's cooperative societies are not getting government support. Present generation is heavily migrating to Tamil Nadu, Kerala, and even Odisha to work in culture fisheries units'*.¹⁵⁴

The jury verdict in Thailand addresses the uneven impacts of the ocean economy on women, noting concern with *'the exclusion of women in decision making processes'* and the *'lack of recognition of women's work'*. They also observe that women are *'disproportionately affected by the impacts of destructive development'* and that threats to food security force women *'to put in more efforts to provide food for the family, while continuing to keep up with other household responsibility'*.¹⁵⁵ The report from the Peoples' Tribunal in Brazil also reveals greater impacts on women. Fish capture is mostly carried out by men, which is the focus of public policies and fisheries management while women's rights in capturing, cleaning, processing and trading fish are systematically neglected. This has the added impact of excluding their access to social security services.¹⁵⁶ The Peoples' Tribunals in Brazil also concluded that rural Afro-Brazilian communities suffer the most among all communities the impacts of agribusiness, hydro-power and mining.¹⁵⁷

False solutions and exclusionary biodiversity conservation

Territories are also grabbed under the false pretence of environmental protection and just distribution of economic uses through Marine Spatial Planning (MSP). MSP is used by many countries as a policy instrument to carve up ocean territories into parcels and divide these among the different economic sectors. Because MSP processes gloss over power imbalances, the economically powerful sectors such as industrial fisheries, mariculture, aquaculture and seafood production, as well as coastal and offshore oil, gas, energy and mining, are successful in securing claims while fishing communities are left high and dry.¹⁵⁸ Often, ocean, water and fisher peoples are excluded from processes of developing MSPs.¹⁵⁹ The Indonesian government passed the Marine Spatial Planning Law in 2014 (Law No.1) that enabled, *'long term permits to the same private players. Thus, marginalisation of coastal community is achieved through law since the usage of their own marine space by private players for commercial purposes is legalised through MSP'*.¹⁶⁰

Nature conservation zones, in the form of Marine Protected Areas (MPAs), are also incorporated in MSPs. But in addition to MSP, the nature conservation is also advanced under the 30by30 heading, the Global Biodiversity Framework and other schemes. Just like MSP, the new conservation zones are often declared without any consultation with coastal communities. Speaking about Sangian Island in Indonesia, Muhammed Asif from KIARA noted that, *'in 2015, the government decided the region is a national park*

for maritime tourism. This was based on just a computer assessment by the government. They did not care about the opinions of the people living here'.¹⁶¹

The Sri Lanka report reveals that the Chundikulam Nature Reserve was declared a bird sanctuary in 1938. The reserve was used for the construction of military bases, barracks and camps, while restricting locals access to their homes.¹⁶² More recently, *'the army opened the Chundikulam Nature Park Holiday Resort in the northern part of the sanctuary... In May 2015, the government announced that Chundikkulam, along with Adam's Bridge, Delft and Madhu Road, would be designated national parks'*.¹⁶³ This led to the grabbing of 27 fishing grounds in lagoon area, displacing fishers in the lagoon without any alternative livelihood plan.¹⁶⁴ Similarly, in the Indian state of Tamil Nadu, a representative from the Ramnathapuram Fishers Trade Union (RFTU) shared that the declaration of the Gulf of Mannar Marine National Park as a Marine Protected Area has prohibited fisher *'access to the ocean spaces and nearby islands by the demarcation of Islands with floating buoys'*.¹⁶⁵ The declaration of the national park resulted also increased criminalisation from park officials, who *'have been registering false cases on the women seaweed collectors and fishers charging them as violators of National Park boundaries'*.¹⁶⁶ These undemocratic conservation initiatives exclude traditional users and dismiss the ecological knowledge and connectedness of small-scale fishers, many of whom have helped to protect and maintain watery ecosystems for centuries.

Militarisation of watery spaces and criminalisation of fisher peoples

Increased militarisation of watery spaces is used to secure the privatisation of commons, following geopolitical and economic interests. This is done via state-led armed forces and private security groups, including foreign military operations and paramilitary groups.^{167 168 169} For instance, in relation to the militarisation of conservation, the Indian East Coast report also details that *'fishers who, on their route to fishing grounds, enter protected areas which are under the jurisdiction of the Forest Department are registered with charges of being violators of National Park boundaries and there have been cases where criminal charges have been filed against them'*.¹⁷⁰

The strategic militarisation of business clusters is also discussed in the Thailand report. The Grand Thai Canal

and the Thai Land Bridge projects, which aim to connect the East and West coast of Thailand have been widely opposed by civil society groups. These projects are funded by Chinese investments as part of China's One Belt One Road initiative. The Thai Canal also emerges as a strategic project for China's and expansion of oil exploration in the South China Sea.¹⁷¹

In Brazil, the testimony of a fisher women in the metropolitan region of Porto Alegre (Rio Grande do Sul), highlights the presence of armed people preventing her from accessing customary fishing areas. As the Brazil Southeast report uncovers, *'paramilitary activities associated with these activities are increasing. This condition is widely reported on the coast of Rio de Janeiro and in metropolitan areas,*

with armed people often pretending to be agents of the state or company security and limiting the access and rights of fishers.¹⁷²

The Peoples' Tribunals uncover how the legal grabbing of watery spaces results from the passing of environmental protection reforms that **criminalise fisher peoples and their livelihoods**. For instance, in the Indian states of Karnataka and Kerala, fisher peoples have faced persecution allegedly for engaging in IUU fishing.¹⁷³ As summarised in the Peoples' Tribunal report in Kerala (India), *'all the traditional boats that are left without licence are under threat of being declared as IUU fishers'*.¹⁷⁴ In relation to grabbing, the Indonesia report argues that the state criminalises coastal communities for their claims to land and ocean tenure and access to their resources. For instance, in Indonesia, at least 90% of the Pari Islands has been privatised (under Law No. 1, 2014).¹⁷⁵ The jury verdict highlights *'alarming instances of police suppression of protest, as well as the government's decision to file criminal charges against protestors and against those who went to court to oppose large projects'*.¹⁷⁶

The restriction of access to and use of watery spaces and border enforcement are also fueling the imprisonment of fishers and fish workers. In Indonesia fisherfolk from Cambaya, Tallo, and Kodingareng Lompo Island received threats from local authorities after organising mass demonstrations against the dredging contracts given by the government to Boskalis (a Dutch owned multinational

corporation operating dredging and maritime infrastructure) for the Makassar New Port project, which encroaches on the fishing grounds.¹⁷⁷ As revealed by the jury verdict in Indonesia:

'After the mass demonstration by the coastal community in Makassar, many participants received threats and repressive action from the local authorities which resulted in fisherfolk fearing going out to sea. The repressive action of Indonesian authorities clearly implies that the government does not side with the interests of the coastal community and fisherfolks in Makassar'.¹⁷⁸

Similarly, fishers in the coastal community of Bandungharjo have faced criminal prosecution for protesting *'against the land grab for mining'*. The police responded by filling *'criminal cases against 60 of them, and even held 15 of them'*.¹⁷⁹ Furthermore, at the West Indian Ocean tribunal hearing, Vijayan MJ from the Pakistan India People's Forum for Peace & Democracy (PIPPFD) highlighted that **Indian fish workers are harassed** in the Arabian Sea-Indian Ocean by marine security agencies. Pakistani and Indian authorities have been doing this since the 1960s, as military forces detain fishers and confiscate their boats (which have only been returned in two instances). The fishers end up charged with multiple other crimes, including drug trafficking, terrorism, border crossing and migration. Many are not released after their sentences are over. At least 350 fish workers remain in custody.¹⁸⁰

Destruction of territories and their watery ecologies

Humans depend on healthy environments to maintain livelihoods and thrive. The examples below show the **brutal toll that the ocean economy is taking on aquatic ecologies, killing fauna and flora in large numbers, while destroying coastal livelihoods and ways of living**.

Industrial trawling fisheries in Bangladesh, India and Brazil are clear examples of this pattern, where large trawlers deplete marine life, depriving fishers and fish workers livelihoods.^{181 182 183} One testimony from the Peoples' Tribunal in Bangladesh stated that *'big trawlers cause us difficulty in our daily lives. The big trawler boats put nets to the bottom of the sea and catch all the fish there. They take all the big fish away and the small fishes which are left in the sea, they die eventually'*.¹⁸⁴ Through large-scale trawling, these vessels have a huge impact on the continental shelf, which is the most biologically productive area of the sea for nourishing fish in other ocean zones.¹⁸⁵ In the Indian state of

Andhra Pradesh, fishers noted that the volume in catches dropped, boats had to spend more time at sea.¹⁸⁶

Oil and gas extraction pollutes the environment, killing marine life. Since the onset of offshore oil and gas extraction in Andhra Pradesh (India), the fish population has declined drastically. Fishers protested against oil extraction, which ended with the promise that *'each fishing family would get Rs. 6500 per month as compensation for 7-8 years'*.¹⁸⁷ The protests ceased and compensation payments began, but *'payment [stopped] after 7 months'* and never resumed. Similar cases occurred in Brazil in 2002 with the Guanabara Bay oil spill, where fishers were never compensated, and in 2019 with the Northeast Brazil oil spill, which caused *'removal death of species; pollution of seas, rivers and mangroves [which] reached environmental protection areas'* as well as severe health problems.^{188 189} Mining is also destroying the environment and causing

serious health problems for humans and other species.¹⁹⁰ The Peoples' Tribunal found that the coastal population suffered numerous complaints from mercury pollution linked to mining. In particular, the North Region Hearing noted that *'areas with a longer history of mining have a higher incidence of neurological complaints'*.¹⁹¹ The Peoples' Tribunal in Indonesia documented a case in Bandungharjo where *'in the last seven years, eight people have died of cancer, while the ecological impacts have been enormous'*.¹⁹²

Heavy industrial discharges from fertiliser, chemical, textile, pulp and paper, and mineral industries into the water of the Gulf of Khambhat and into the Narmada River (Indian state of Gujarat) have polluted the area and abruptly reduced fishers' catches, plunging them into poverty.¹⁹³

¹⁹⁴ A blatant example of marine and coastal destruction occurs with shipbreaking activities. In the Indian states of Goa and Gujarat, dumping of fuel and chemical residues, the accumulation of rust particles or the piling up of ship debris has detrimental environmental impacts, causing long-term health problems.¹⁹⁵ ¹⁹⁶ In Visakhapatnam, at the Indian eastern coast, industrial expansion is dramatically impacting women's fertility via increased pollution. As stated by the jury verdict, *'pharmaceutical companies have raised levels of pollution which has been directly attributed to a drop-in fertility rate of women'*.¹⁹⁷ The Peoples' Tribunal at the East Coast of India revealed that in Karnataka, the petrochemical cluster:

'was causing respiratory illnesses for many, including 8 deaths due to respiratory illnesses in the recent past. The groundwater levels in their fragile hilly aquifers plummeted. The mixing of industrial effluents seeping into the aquifer has also contaminated the groundwater... residents complained almost all houses in Jokatte has dug-wells for domestic purposes, but they are all rendered useless now, with skin diseases very common. The immense noise from the factory was also causing sound pollution. Children and college students complained that it was impossible to study. Many said 'No friends or relatives ever visit us, since we are in Jokatte'.¹⁹⁸

Tourism also pollutes the environment in which fishers work and live. A clear example can be found in the Indian state of Goa, where massive tourism development is leading to increased levels of pollution of groundwater.¹⁹⁹ Marine areas are also affected by tourism, where the concentration of litter has reached such a high level that fishers *'catch more plastic, shoes and garbage than fish from the sea'*.²⁰⁰

Another factor threatening the ecologies of the territories is the development of new infrastructure projects. The construction of the Colombo port city in Sri Lanka led to large-scale destruction of marine ecosystems, resulting in a drastic decline of near-shore fish.²⁰¹ In Thailand, the construction of a deep-sea port in Songkhla lake *'altered silting patterns, disruption to currents flowing into the lake, reduced area in mouth of the lake due to excess sedimentation, reduced nutrient flow to the sea, and biodiversity loss'*.²⁰² In India, the construction of port infrastructure in Gujarat resulted in the destruction of extensive coastal areas and mangroves, leading to a gradual decline in fish catches.²⁰³ Similar cases can be found in Brazil, where ports in the Southeast Region have destroyed sandbanks and coastal ecosystems, or the construction of a naval shipyard in Bahia caused *'countless serious socio-environmental damages to fishing communities'*.²⁰⁴ ²⁰⁵ Inland waters are also affected by infrastructure development. In Amapá, northern Brazil, the construction of hydroelectric power plants displaced fishing communities, leading to *'changes in the seasonal cycle of fishing, variation of species, erosion of riverbanks, the advance of ocean waters into the river'*, among other issues.²⁰⁶

The Peoples' Tribunals also documented the deadly consequences of human-made disasters produced by infrastructure development. In these cases, communities are completely wiped out, destroying their territories, social and cultural relations and heritage, and putting large number of lives at risk. The Indonesian towns of Bedono and Pasir were flooded due to *'major land reclamation and construction activity for the nearby Tanjung Mas Semarang Port and the Ahmad Yani Airport'*.²⁰⁷ In Jakarta, the construction of the Jakarta Giant Sea Wall, which was intended to protect the population from the worsening impacts of climate change, ended up blocking natural flows and flooded Jakarta in times of heavy rainfall.²⁰⁸ In Sri Lanka, *'sand mining for the construction of the CIFC [Colombo International Financial City] has already caused sea erosion and washed away parts of people's homes in Bassiyawatte'*. As a result, *'boats once parked on the shore have now to be launched from the adjoining lagoon, which adds a considerable time to their journey'*.²⁰⁹ The construction of infrastructure near active tectonic zones can also led to human-made disasters. This is the case in Thailand, where the construction of deep-sea transshipment port near the Ranong Seismic Fault Zone *'is a potential threat to ecosystem and humanity'*.²¹⁰ Similarly, in Indonesia, the *'sheer scale of heavy civil engineering infrastructures involving massive land reclamation, artificial islands on such vulnerable tectonic fault*

*lines may indeed have very grave implications, including earthquakes.*²¹¹

The Peoples' Tribunals revealed high environmental and social costs associated with coastal and offshore energy production. In the northern Brazilian state of Rio Grande do Norte, noise pollution from wind turbines affected the

Fuelling the climate crisis

On top of the environmental destruction and social impacts highlighted by the Peoples' Tribunals, the growing carbon emissions from the ocean economy contribute to fuel climate change, with devastating impacts in the territories of ocean, water and fisher peoples. Climate change disproportionately affects fishers and fish workers, who struggle to make a living as they are forced to navigate changing environmental conditions with more frequent and intense extreme climatic events.

Soumya Dutta, convenor of the South Asian People's Action on Climate Crisis (SAPACC), was quoted by the jury verdict in Bangladesh stating that, *'the Indian Ocean is the warmest of the 5 oceans, with a 1°C rise in temperature as opposed to 0.7°C average over the last 65-70 years.'*²¹⁴ The Bay of Bengal region *'is particularly vulnerable'*, in part because *'the chance of big storms has increased by nearly 3 times in the last 42 years.'*²¹⁵ Climate change is increasing the precarity of fishing livelihoods and forcing people to migrate, as Dutta emphasised,

*'climate change will destroy the coastal and fisher communities... For communities depending on nature, it is not a process of change, it is a crisis... By 2060-2070 more than 30 million people will be climate refugees. As a direct impact of storms, in Amphan, 10.5 lakh houses were severely damaged.'*²¹⁶

The impacts from more violent storms will also affect *'tidal areas that may be 50-60 km away from the coast [through] land submergence'*. In Thailand, the jury noted that the ecological impacts of ocean economy projects will be exacerbated by

*'climate change-related impacts such as sea level rise, increase in ocean temperature, storm surge, and increase in frequency and intensity of tropical cyclones.'*²¹⁷ All these combined impacts *'are likely to have severe adverse impacts on coastal communities, ecosystems, settlements, and infrastructure.'*²¹⁸

'physical and mental health of water peoples in the north-east, causing migraines [and] sleep deprivation', as well as causing a *'reduction of animal biodiversity [and] environmental degradation'*.²¹² There is concerning evidence of escalating gender-based sexual violence associated with male dominated labour migration in wind farms.²¹³

In Sri Lanka, the Peoples' Tribunal report notes that fishers are impacted by rising sea levels, increased frequency and strength of tropical storms, and ocean acidification. Many fishers struggle to navigate unexpected seasonal changes after the 2004 Indian Ocean Tsunami.²¹⁹

False solutions exacerbate impacts of climate change, devastating coastal ecologies and destroying fishing livelihoods. For example, the Peoples' Tribunal report in Indonesia exposed that Jakarta Giant Sea Wall project has completely transformed life along the coast as

*'natural sea currents are blocked, the waters around the village have turned dirty and leave a bad stench... fishing grounds have been completely destroyed, and fishers are forced to travel to distant fishing grounds... the Sea Wall offers no protection from climate change... all the natural drainages of the estuary as well as the natural currents are being blocked, the Sea Wall will in fact flood the city in times of high rainfall.'*²²⁰

The jury in the East coast of India shared concerns over the extreme impacts on fishing communities, as noted by Liziwe McDaid: *'Climate change... the world is changing due to this development ideas that were wrong instead of recognising the Indigenous community's traditional knowledge is part of the solution, the greedy investment community is actually looking for the next space in which to destroy. What we are looking at is investment in destruction.'*²²¹

The regional North report of the Brazilian Tribunal alerted that Climate Change is increasing social inequality, as noted by Professor Edna Ferreira Alencar

*'As climate changes have recently evolved for a climate emergency and the global situation linked to the problem of pollution of rivers and oceans, aggravation of poverty and inequality is increasing disputes and conflicts over land, water and renewable resources linked to the survival of Amazonian populations.'*²²²

Struggle for justice in watery spaces

As fishing communities are forced from their territories, their cultural heritage and traditional knowledge risks disappearing. In India and Brazil, fishers are losing their identity, knowledge and practices as they are forced to work in unskilled jobs or migrate to engage in cheap-labour regimes.^{223 224 225} States are pursuing economic reforms and social classifications that completely overlook the complexity of fisher identities and livelihoods. According to the Peoples' Tribunal in the Indian state of Tamil Nadu, this will result in a slow destruction of the *'identity of the traditional fishing community along with their knowledge, wisdom and cultural practices ... There will be fish in the market, but no fishers'*.²²⁶ This situation is particularly severe for women, who are systematically excluded from legislation, policy practice or representation in regulatory bodies. This pattern has been clearly identified in Indonesia, Thailand and the Indian states of Kerala, Maharashtra and Karnataka.

Ocean, water and fisher peoples have not been passive observers of this violence. The Peoples' Tribunals are a testament to their grassroots and political mobilisations to defend customary rights and fishing territories as integral to maintaining fishing livelihoods. As highlighted at the Peoples' Tribunals reports in the east coast of India, in Andhra Pradesh intervention *'Godavari Mega Food Park has been set up despite huge protests from the local fishers and farmers. Even the state pollution control board has flagged blatant environmental violations like dumping of toxic effluents, but only minor compensation has been ordered'*.²²⁷ In Odisha, *'Chilika Bachao Andholan, a grassroots movement against the corporate grab of the Lake, the state government has continued with the rigorous push towards leasing common water resources for intensive shrimp aquaculture with Brackishwater Area Development Programmes of the late 90s'*.²²⁸ In Tamil Nadu:

'since the beginning of development projects, the fisherfolk registered their voice against the grabbing of ocean and coastal commons by the state, but their voice remains unheard by the government, which is clear from the exclusion of these traditional communities in the policies and legislative framework. Some of the protest of Tamil Nadu Fisherfolk against coastal developmental projects as custodians of the coast are as follows: The Marine Beach Beautification Project (1985); The Indian Rare Earth Mineral (IRE) Company(1986); Coastal Yatra on 'Protect Water,

Protect Life' (1989); Thoothukudi Sterlite Copper Smelter Industry(1994-2018); Nagapattinam Coal Based Thermal Powerplants (1998); Sethu Canal Shipping Project (2004); Protest against implementation of Gulf of Mannar Marine Bioreserve project in Ramanathapuram (2014); The Kudankulam Nuclear Power Project (KNPP) (2011-2014) in Tirunelveli; Enayam International Container Trans-shipment Terminal (EICTT) Port (2017) in Kanyakumari'.²²⁹

Just as the Peoples' Tribunal on the west coast of India was taking place the hearing highlighted the massive mobilisation by fish workers in Maharashtra was taking place against Adani and the newly commission Port in three districts.

In Indonesia, fishers in the Muara Angke hamlet have sued the government for not protecting them from the impacts of the construction of the Giant Sea Wall. However, as noted by the Peoples' Tribunal report *'Describing their plight, they said that fishers are desperate and anxious about the legal redressal mechanisms, expressing frustration at the media's apathy to their struggle'*.²³⁰ The government has then responded by *'slapp[ing] criminal cases against them'*.²³¹ In Pari Island, fishers lost their land to a private company which hired private security to restrict coastal access. In response, fishers *'filed a case against the Land Records bureau and the Ministry of Marine Affairs and Fisheries... but the government responded by initiating criminal cases against all the prominent village leaders'*.²³² This led to the fraudulent imprisonment and prosecution of fisher leaders *'three members of the fisher union, Bobby (Mustaghfirin), Edo (Bahrudin) and Baok (Mastono) had to spend 6 months in prison illegally on such false charges until the North Jakarta District Court finally freed them warning the government that it was a civil case, and not a criminal case'*.²³³ In Mandalika, the systematic grabbing of lands by the Indonesian Tourism Development Corporation (ITDC), resulted in the filing of several legal cases against ITDC.²³⁴ In *'Labuan Bajo, for example, the government had a plan for relocating all local people in the name of conserving the area, particularly for the Komodo Dragon, while promoting tourism. The government finally dropped the relocation plan after several protests'*.²³⁵ Fisherwomen in Demak, through Persaudaraan Perempuan Nelayan Indonesia (PPNI or Indonesian Fisher Women Sisterhood), achieved to *'change the occupation category of 31 members from 'housewife' to 'fisherwoman'*



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in the National ID Card. However, this is still not an official recognition to avail of benefits from the Fisheries Ministry.²³⁶

In Sri Lanka, the People's Movement Against Port City (PNAPC) has been mobilising against the Port City project arguing displacement and impacts on fishing livelihoods as well as irregularities in the Environmental Impact Assessment (EIA).²³⁷ The Mathagal Coast Offshore Wind Energy project (wind mill a joint venture of China and Malaysia) was stopped by protests. In the Northern Province, N. V. Subramaniam, chairperson, Northern Provinces Fisher People's Union (NPFPU) argued at the Peoples' Tribunal hearing that,

'we find ourselves in a difficult position even after the end of the 37 years war. The government has permitted the use of huge fishing trawlers, and when Indian fishing boats are invading in thousands, they arrest a few and put up a show to the world... they are permitting to use dynamite for fishing... a lot of fish die... by these activities the fishers are left with no income and I have no doubt that indirectly the government is pushing the fisher community to other profession... every inch of our space is being encroached for private profits. We keep resisting as we are aware that we are not going to be benefited, as we are further marginalized by the implications. This is the situation

prevailing across this region and I am the witness to this painful reality'.²³⁸

In Thailand, coastal communities created the Pak Bara Bay Network, which is campaigning against the deep sea transshipment port project.²³⁹ As the jury verdict in Thailand notes fishers *'have filed a charge to the administrative court for false urban planning to challenge the zoning which reduces their food production area'*.²⁴⁰ The fishers in Songkhla Lake have been impacted by the development of the port (phase 1). The planned expansion of the port (phase 2) has been received with opposition from the Love Pak Phayun Fisherfolk Network, which has been mobilising using different strategies including a *'142 km human chain and walkathon against the projects'*.²⁴¹ The Network has *'objected to the EIAs submitted so far and have demanded Cumulative Environmental and Health Impact Assessment'*.²⁴² In the Songkhla Lake community *'17 people have been arrested in Songkla province... we are facing these risks, but we the people are ready to challenge any new development that comes up'*.²⁴³ Similarly, in Satun, the community has contested the government plans to develop the coastal area, however, *'protests have been met with repression by the State'*.²⁴⁴

The Peoples' Tribunal in Brazil further emphasised the social and political mobilisation of ocean, water and fisher peoples. In the North Region, communities have been

resisting the expansion of mining, a formal complaint was sent by the Médio Juruá Territory Forum (TMJ) to the Federal Public Prosecutor's Office.²⁴⁵ The Northeast Region the Forum of Traditional Peoples and Communities of Sergipe issued a public letter denouncing the state's responsibility for the conditions of hunger, lack of sovereignty and food security resulting from cumulative effects of the oil spill disaster. They have also been campaigning with organisations from eight of the states that could potentially be affected is exploration for research in oil and gas blocks in ultra-deep waters in Sergipe, nearby São Francisco River mouth, by ExxonMobil.²⁴⁶ Social

mobilisations led to Petróleo Brasileiro S.A. (Petrobrás) being charged with environmental damage in relation to the 2002 oil spill in Guanabara Bay, for which the company paid fines to Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA) for the revitalisation of Guanabara Bay. The Fundação Instituto de Pesca do Estado do Rio de Janeiro (FIPERJ) filed a collective action demanding the payment of compensations for 12,000 fishers from communities of Magé, São Gonçalo, Guapimirim, Niterói and Duque de Caxias impacted by the spill, but to this day, 22 years later, the affected families still have not been compensated.²⁴⁷

The ocean economy as a 'politics of death'

'The testimonies are evident by themselves of what is happening. It is not just industrialisation of the coast, but rampant corporatisation and they are ruthless. Neither they consider life or livelihood, nor people or nature'. Anil Varghese, Delhi Forum.²⁴⁸

The impacts of the ocean economy as discussed at the Peoples' Tribunals brings to the fore serious and violent interventions in the lives of ocean, water and fisher peoples and their fishing territories. Importantly, these forms of violence unevenly target impoverished, racialised, and gendered groups of peoples and workers, who are squeezed out and dispossessed from their territories and ways of living by states and private actors.²⁴⁹ The cases offer a glimpse of the complex and ongoing ways in which the ocean economy is dramatically transforming coastal realities, hindering and destroying fishing livelihoods, as well as communitarian and traditional ways of living, knowing and engaging with nature. The Peoples' Tribunals also reveal the failure of judicial systems in following international and domestic guidelines and safeguarding the human rights and livelihoods of ocean, water, and fisher peoples, and ensuring the protection of watery spaces. This comes with great risks as democratic practises are destroyed and people are turned into surplus labour.

Fisher mobilisations highlighted above are only a small fraction of the resistance of ocean, water and fisher peoples. Continuing to fish in this violent context is an act of resistance in itself. Fisher peoples struggle to access justice in contexts of high impunity. Even when winning legal cases, states and corporations retaliate by filing criminal cases that have major impacts on the lives of

fisher representatives and activists. All this is happening while exclusionary conservation further displaces fishing communities, destroying the deep connections between fishing communities and watery spaces. The violence described in this report does not occur in a vacuum or by chance, but is produced by the expansion of capitalism into watery spaces. As noted in the jury verdict in the West Coast of India Tribunal,

*'there is complete disregard of ecological processes that are fundamental to life on Earth... Ecological systems are integrated and linked to one another and rivers, seas and the land and forests cannot be seen as separate and unrelated entities. Interrupting one ecosystem with infrastructure projects surely impacts other ecosystems as well'.*²⁵⁰ This politics of death results from racialised, gendered, and class/caste-based state-sponsored violence to control life and dictate who and whose ways of living and commons are targeted and exploited.²⁵¹

As the final verdict of the Brazilian Peoples' Tribunal puts it:

*'[The] politics of death is shaped by the actions of the ocean economy companies, supported by regulatory and incentive measures and/or omissions by the state and governments, which result in the expropriation and dispossession of traditional fishing communities, the privatisation of their territories on land and sea, the destruction of the environments that fishers need to live, produce and reproduce themselves materially and symbolically'.*²⁵²

Three contradictions stand out from evidence produced for the Peoples' Tribunals. First, advocates of the ocean

economy promise '*economic development and job creation*', but the tribunals clearly show that **the expansion of the ocean economy has led to further dispossession and destruction of fishers' livelihoods.**^{253 254} Second, the ocean economy is framed as an environmentally and socially sustainable – with reference to sustainable aquaculture, marine protected areas, and, generally, under the 'blue economy' banner. However, the Peoples' Tribunals reveal a picture of environmental pollution from shrimp aquaculture, criminalisation of fisher peoples who have been evicted from newly established conservation areas, and the various forms of ecological disasters that come with big development projects like the construction of ports, smart cities, hydropower and offshore energy projects.²⁵⁵ It is an oxymoron to speak about sustainability in the context of economic growth founded on a politics of death. Extractive plunder requires expansion as fishing territories and watery spaces are commodified and destroyed. Finally, the roll out of the ocean economy is said to take shape through democratic reforms with the participation of all key actors. This is especially the case with regards to Marine Spatial Planning (MSP). This view

glosses over of power imbalances, leaving fisher organisations with limited (if any) political power *vis á vis* the transnational corporations who invest and profiteer from the multi-trillion dollar ocean economy. The Peoples' Tribunals highlight how fisher peoples are excluded from any meaningful participation in decision making processes.²⁵⁶

Uncovering the political project of death and the contradictions that underlie the ocean economy provides a deeper understanding of the deadly realities threatening ocean, water and fisher peoples' territories. The expansion of capitalism in fishing territories has and continues to create waves of political mobilisation, resistance and solidarity, including those emerging from the Fisher Peoples' Tribunals. Significantly, fisher movements play a critical role in speaking truth to power, demanding a halt on grabbing, and standing against the commodification of nature. Cutting nets of capital requires paying attention to the everyday struggles of fishing communities and exploring the means of violence, while supporting the alternatives envisioned by fisher movements.

Thriving waters – The Peoples’ Tribunals as part of a long struggle for justice

The Ocean, Water, and Fisher Peoples’ Tribunals began as a movement to demand justice and international solidarity.²⁵⁷ The tribunals have documented serious human rights violations and compiled an enormous wealth of information used to raise awareness, and pressure governments to ensure fishing communities’ rights. In all the Peoples’ Tribunal countries there is evidence of violations to the rights to life and personal liberty, to food and adequate standard of living, to women and Indigenous peoples, to work, to a healthy and clean environment, to consultation, participation, and access to information, to adequate housing and secure tenure, among others. Peoples’ Tribunals are now spreading, with South Africa preparing to hold its first tribunal in August 2024 and Brazil establishing the Permanent Waters Peoples’ Tribunal (*Tribunal Permanente dos Povos das Águas*).



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The jury verdicts

The jury verdicts of the Peoples’ Tribunals reflect a comprehensive and urgent call to action, addressing the severe impacts of an expanding ocean economy in the territories of fishing communities. The Peoples’ Tribunals have heard the testimonies, and organised field investigations on fishing communities, analysing violations of fundamental rights, environmental degradation and socio-economic injustices. The jury verdicts demand immediate governmental actions to stop ongoing harmful

practices, recognise fisher communities’ rights and territories, and ensure the participation of the affected communities in decision-making processes. As noted by the jury in the East Coast of India:

‘What is missing and invisible to the blue economy is the many ways in which coastal communities use and engage with oceans that go beyond economic understandings. That is why sharing stories matters;

we need these stories to show that these coastal marine spaces are not opened for the exploitation. They are indeed complex places full of history, culture, tradition, social relations, and resource use... Collective action emerges as a light of hope in this grim context of exploitation, exclusion, and dispossession.²⁵⁸

In Sri Lanka, the jury concluded that the ocean economy is causing long-standing damage to fishing communities and their watery ecologies.²⁵⁹ Despite the affected communities voicing their grievances and requesting their constitutionally mandated rights, the Sri Lankan government has failed to uphold these rights and the dignity of the involved communities. *'We find that the Sri Lankan government has failed in its responsibility and duty to uphold the rights and dignity of the communities involved'*.²⁶⁰

For the East Coast Indian Jury, the lack of recognition of coastal communities' use rights and tenure over their marine territories is the central aspect of the current situation, allowing economic and political actors to exploit watery spaces for economic means. The jury emphasises *'communities are being faced by a lack of political will by national and local government agencies to support the interests and rights of small-scale fishers'*.²⁶¹ This negligence of the rights of the communities is symptomatic of the neoliberal agenda, focusing on profit via accelerating extractivism and exploitation while dispossessing fishers and fish workers from their livelihoods, triggering precarious labour transitions, and destroying their territories.

In the West Coast Indian Tribunal, the jury identified violations of the rights of the people that contradict India's international commitments and constitutional mandates. As the jury notes *'The model of development is ecologically destructive, and is increasing inequality among the people, and is particularly affecting fishworkers, Adivasis, women and farmers'*.²⁶² The jury in Thailand highlights the violation of people's rights, especially their right to food security. The development model is environmentally destructive, exacerbating socio-economic inequalities, and unjustly

criminalising fisher peoples. The jury demanded *'the Thai government, International Financial Institutions and Multi-lateral Development Banks must rethink the manner in which the Blue Economy model of development is being pushed on to the people of Thailand, particularly fishworkers'*.²⁶³ In Indonesia the Tribunal's verdict claims that: *'The Indonesian government is clearly violating the rights of its people, including depriving them of their right to Free, Prior and Informed Consent, destroying ecosystems, increasing inequality and unjustly criminalising those who speak out and protest these actions'*.²⁶⁴ The jury stresses that fishing communities' right to self-determination must be upheld by the Indonesian government.

In Brazil, the jury condemned the state for violating the rights of fishing communities, both through actions that enable ocean economy projects and through omissions regarding rights violations by these projects. *'We condemn the Brazilian state for the crimes of ecocide, ethnocide, and femicide perpetrated in the name of large-scale marine economy projects'*.²⁶⁵ Additionally, federal and state institutions were condemned for implementing economic development projects without the affected communities' proper participation, consultation, and informed consent. The jury emphasised the importance of protecting the rights of the communities of ocean, water and fisher peoples to maintain ecological balance and social justice.

Looking ahead, the waves of ocean, water and fisher peoples' tribunals powerfully amplifies the voices from fishing communities, revealing stories of injustices that are invisibilised by the force of capital and the politics of death. By documenting evidence and delivering verdicts, the Peoples' Tribunals play a fundamental role in strengthening solidarity and demanding justice, pushing governments and corporations to uphold human rights and environmental protections. Grassroots movements need support from allies to ensure the continuity of the Peoples' Tribunals. Strengthening legal frameworks, funding, and international cooperation are essential to enforcing tribunal decisions and implementing reforms.

Weaving nets of solidarity

'In the Peoples' Tribunal, we heard unsubmitive voices that brought testimonies, voices that carry the strength of the water's enchanted, voices that bring the strength of ancestries, voices that insist on existing collectively, voices that insist on existing as peoples'. Erina Gomes, Interamerican Association for Environmental Defense.²⁶⁶

The persistence of fishers to exist collectively is what made the Oceans, Water and Fisher Peoples' Tribunals possible and consolidated a solidarity movement among global fishers' organisations and communities. It is this same persistence that drives fisher peoples to build a future in which watery ecologies and territories are governed by policies that safeguard human rights and are fully committed to follow and demand the implementation of the SSF Guidelines. The Peoples' Tribunals rise as the utmost megaphone for global waters' voices, building alliances for social, economic, and environmental justice.

The evidence brought forward by the Peoples' Tribunals in the six countries is a testament of how the ocean economy operates, with similar patterns of development, violence and destruction arising worldwide. As emphasised by the jury at the Indian Ocean Tribunals:

'Storytelling is a political act. Although each testimony was unique and very painful, together they tell us a broader story of the precarity experienced by small-scale fishing communities in the context of expanding neoliberal policies and interventions, deregulation, marketisation, and privatisation of oceans... These are also stories about care and resistance, the signing of petitions, requests to government agencies, demands for participation, protests. There is a need to build global, national, and local solidarity given that all oceans are connected. Those of us with privilege must stand by these affected communities'.²⁶⁷

Endnotes

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