Manifest of the People of the Sea, Costa Rica

About the conceptualization of the 30-30 initiative by the Costa Rican state

Considering

First: That the *People of the Sea, Costa Rica*, is a group integrated by: the representatives of the artisanal fishermen, shrimp catchers, longline fishermen and mollusk catchers (hereinafter referred to as 'fishing and mollusk sector'), accompanied by the Pastoral for the People of the Sea, and the Social Pastoral Caritas of the Puntarenas Dioceses. The group's goal is to study and propose solutions to the environmental, social and economic problems related to the fishing activity in Costa Rica, in accordance to the respect for Human Rights, the human dignity and the ideal of democratic sustainable development.

Second: On June 7, 2021, the *People of the Sea* released its *Declaration about the 30x30 initiative*. The document warned about the urgent economic, social and cultural issues that will be produced or that will worsen due to the creation or the expansion of the existing Marine Protected Areas without the participation of the thousands of fishing families and coastal communities who have ancestrally relied on fishing as their only livelihood. The document calls for the humanization of the 30-30 initiative through a democratic dialogue between the State, the fishing and mollusk sector, the local communities and the civil society, with the aim of implementing mechanisms of sustainability which are not based on the exclusion of people or groups in a vulnerable condition.

Third: It is well known in the international community that past experiences involving the dispossession, displacements, violations towards human rights and violence against the native, local and afro descendent communities directly linked to the creation of protected wildlife areas or the enlargement of existing ones, must be prevented. A huge amount of parties, including the academia, the scientific community, NGOs and the Puntarenas Dioceses are aware that "We are faced not

with two separate crises, one environmental and the other social, but rather with one complex crisis which is both social and environmental"[1], and thus, it is urgent to implement a human rights based approach to deal with these issues. Worldwide evidence strongly suggests that the conservation measures implemented by native, local and afro descendent communities are highly effective and successful. The acknowledgment of the rights of these people and the formalization of their local conservation models are much more cost-effective than the expropriation of territories. On general terms, human rights based approaches are more effective at solving the environmental issues while, at the same time, addressing socio-economic issues and upholding human rights at the coastal communities. For these reasons, such approaches are undoubtedly superior in social, cultural, environmental, economic and humanistic terms when compared to conservation models implemented through exclusion.

Fourth: The *People of the Sea* has proposed on various occasions to the Costa Rican government the possibility to include the various existing forms of community conservation, such as the responsible fishing areas, in the goal to protect up to 30% of the country's oceans. The group has also proposed the integration of the existing areas in the Pacific where the State has established strong fishing regulations to enforce a rational sustainable and limited use of the marine resources. The strengthening of these areas, which can be classified as 'Other effective area-based conservation measures' (OECMs) is a key step to implement a conservation model based on a human rights approach.

Fifth: On September 23, 2021, the Costa Rican government clarified its position on the subject, upholding a position which is openly against human rights based approaches to conservation. Through official document DM-0938-2021, the country's Environmental Minister states that the FAO's conceptualization about marine protected areas is not correct and that the institution is not competent to advise on such matters, even when their conceptualization is identical to the IUCN's and the CBD's (an extract of this document is provided as an annex to this

[1] Pope Francis, *Laudato Si*, 139.

document). Also, some basic concepts are wrongly used, confusing terms such as 'marine protected areas' with 'protected wildlands'. On the other hand, the government indicates that the OECMs figure cannot be used on Costa Rica. Such a statement is evidently false, since the 14/8 Decision Adopted by the Conference of the Parties to the Convention on Biological Diversity, which regulate this topic, is applicable as part of the country's legal system. The government has even claimed that OECMs are secondary and merely complementary in the 30-30 initiative, which is totally opposed to the *First Draft of the Post-2020 Global Biodiversity Framework*, where the 30-30 initiative is being formalized. The Draft establishes as one of the 30-30 initiative targets: "Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes"[2].

HENCEFORTH

The *People of the Sea* considers that the stance of the Costa Rican government regarding the 30-30 initiative has inadmissible conceptual and legal inconsistencies; it is also opposed to the approach adopted by the international community about the need to implement a model of conservation consistent with a human rights based approach; it moves away from the agreements reached in the process of consolidation of the *First Draft of the Post-2020 Global Biodiversity Framework*; it discredits the criteria of the United Nations institutions prioritizing national infra-legal norms; and it is totally insensible towards the needs and the human rights of the fishermen and fisherwomen, as well as the wellbeing of their communities.

Due to our disconformity with the government's insistence on implementing a conservation model based on exclusion of the people and their communities, we have decided to publicly denounce to the international community the country's

[2] *First Draft of the Post-2020 Global Biodiversity Framework,* available at: https://www.cbd.int/doc/c/abb5/591f/2e46096d3f0330b08ce87a45/wg2020-03-03-en.pdf

stance towards human rights based approaches to conservation and the OECMs role in the 30-30 initiative.

We call for the international community to keep pushing towards the humanization of the 30-30 goals, acknowledging the importance of local conservation, of the cultural, economic and social wellbeing of the fishermen and fisherwomen, as well as the supremacy of human rights and human dignity.

Annex: The Costa Rican government stance on OECMs role in the 30-30 initiative

IN ENGLISH 4. In reference to the statement that we have protected areas at sea that exceed 40% of the EEZ, it is necessary to make several clarifications:

In marine governance, there are various legal and institutional frameworks that regulate the specificity of this activity. In this sense, FAO is a specialized agency of the United Nations that leads international efforts in achieving food security, one of its focal points of action is sustainable fisheries. The Convention on Biological Diversity and the institutional framework under which this instrument derives from, is the authority when dealing with biodiversity, being one of its tools the in-situ conservation protected areas.

The establishment of guidelines on marine protected areas exceeds the FOA's jurisdiction, despite having administrative instruments for sectoral fisheries, these CANNOT be compared with marine protected areas, as multisectoral tools obey integral and comprehensive conservation objectives. When it is indicated that the FAO defines Marine Protected Area as any marine geographical area that has a higher level of protection than those that surround it, the provisions provided by the Convention on Biological Diversity (authority in matters of biodiversity) and the concept contained in the Regulations to the Biodiversity Law of Costa Rica -Decree No. 34433 MINAE- must be limited, namely: "Protected Wildlife Area: A geographical area defined, officially declared and designated with a specific administrative category by virtue of its natural, cultural and/or socio-economic importance, to meet certain conservation and administrative objectives".

In addition, these legal instruments are accompanied by institutions established in the Biodiversity Law, responsible for protected areas, such as SINAC. In this regard, other

figures established in national legislation, such as responsible marine fishery areas or areas provided for in decree law 38681-mag-minae, should not be accounted for as part of the percentage of marine protected areas at a national level (which establishes administrative measures for the use of tuna and related species in the exclusive economic zone of the Costa Rican Pacific Ocean). Both examples are sectoral fishery administrative tools that authorize the use of certain fishing gear by developing specific measures for fishing activities in certain marine areas but fail to address the problems of protected marine areas in accordance with legal provisions covering the specificity of environmental issues.

SINAC´s perspective also includes the conservation of marine resources. In addition, the international conventions and institutions to which Costa Rica takes part in, have many definitions, but to clarify, those that are valid are found in the national legislation. Other effective Area Based Protection Measures (OMEC) are guidelines that have not yet been included in our national legislation and are considered complementary regulations for our marine protected areas.

The objective of the tuna polygons was to establish a spatial arrangement for the use of tuna and related species in the Exclusive Economic Zone of the Costa Rican Pacific Ocean. Although the instrument is intended to regulate the development of tuna and its related species, it does not respond to other main objectives established for the administrative categories for marine protected areas found in the ACMC. Not only in the range of 2.7% is it considered to be “no-take”, as it encompasses the AMM-MS (an area of sustainable use).

In view of the above, we believe that it is necessary to clarify and reiterate that 2.7% of marine protected areas in the country's EEZ cannot be considered percentages of other sectoral management figures such as the polygons established in Executive Decree No. 38681-MAG-MINAE (which establishes management measures for the use of tuna and related species in the exclusive economic zone of the Costa Rican Pacific Ocean). Marine protected areas are multisectoral conservation and management tools, with clear objectives of comprehensive conservation; while other sectoral management schemes – such as excluding a fleet from being able to carry out fishing activities in each space / restricting fishing activity only in parts of the water column – cannot be considered as comparable to a marine protected area.

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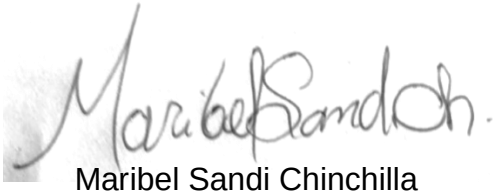
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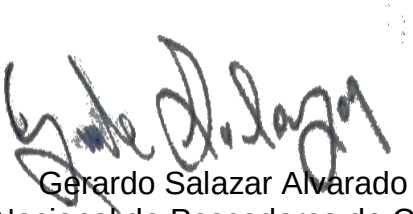
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