

Environmental Rights as A Matter of Survival

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For Cambodia's fishing communities, whose livelihoods depend on access to fishing grounds, human rights and the environment are "related in every way."

When Ning Savat laid down his arms at the end of Cambodia's civil war, he returned to what he hoped would be a simple, peaceful life as a fisherman. What he did not know was that he was stepping into one of the country's most prominent popular struggles of the post-war period. Shocked by the violence, intimidation, and corruption that threatened the livelihoods of his fellow fisherfolk throughout the country, he became a human rights advocate. Working on behalf of the poor to secure access to fishing grounds, to protect them from the abuses of fishing lot owners and their armed guards, and to have their grievances heard before local authorities and the courts has now become his daily battle.

For Ning Savat, it goes without saying that the rights to access, use, and manage natural resources are inextricably linked to the rights of health and economic welfare. Cambodia's population is heavily dependent on its natural resource base for survival. Eighty percent of the population is rural, and per capita income in rural areas is less than a dollar a day. The fortunate have agricultural land and the household labor to grow the rice they need and, in good years, some to sell. The vast majority also rely on the common-pool resources of fisheries and forests. The most vulnerable depend on them exclusively.

What Ning Savat and his fellow activists have learned is that securing the environmental rights so vital to people's survival cannot be achieved without improvement in the political, legal, and judicial rights that rural Cambodians have long been denied. Government policies such as the National Environmental Action Plan represent a commitment to

sustainable development in general and to improving the welfare of the rural poor in particular. Companies that win commercial forest concessions are required to develop and comply with a management plan that ensures environmental stewardship and fair treatment of local residents. Likewise, commercial fishing lots are supposed to be allocated in a manner that does not impinge upon the traditional livelihoods of lakeshore communities. The gap between policy and practice, however, remains to be bridged.

Human rights groups have documented dozens of cases in which the police and military may be complicit in illegal fishing and logging. Even in the courts, according to the U.N. Special Representative for Human Rights in Cambodia, "There is little respect for standards of fair trial, presumption of innocence is ignored, legal assistance is frequently not provided, judges often make arbitrary decisions without taking evidence into account, poor people are often not treated equally before the law, and there is open interference from people in positions of power."

Ning Savat's group, the Cambodian Human Rights and Development Association, known as ADHOC, is one of a number of local human rights organizations that has grown in response to such concerns during the decade since the United Nations intervened to demilitarize and democratize the country. In seeking to uphold the rule of law, human rights activists are frequently targeted for intimidation. One of ADHOC's volunteers was murdered in December 1998 while defending families involved in a land conflict with a local stone-grinding company.

Popular protest against injustices in the fisheries sector reached a climax in 2000, before a surprise announcement by Prime Minister Hun Sen to reduce the area of fishing lots allocated by commercial concession and to "release" the remainder to communities. Ultimately, 56 percent of the lots were released, leadership at the Department of Fisheries was changed and its staff temporarily recalled from the field, and the Prime Minister issued stern warnings to address what he termed "anarchy" in the fisheries sector. While few doubt that the protests helped create pressure for reform, the current Director General of the Department of Fisheries asserts that the changes also reflect the realization in government "that the population is growing, that people need access to environmental resources, and that good governance is important."

Problems remain for fishing communities, however. In a context where community access rights are not yet clearly specified, the reform has effectively opened access to all—spawning new conflicts and a surge in illegal fishing by large and small fishers alike. The Department of Fisheries faces an uphill battle not only to enforce the laws but, with support from the WorldFish Center and other non-governmental organizations (NGOs), to recast its role by enabling communities to implement their own management plans.

When poor villagers risk their safety in demanding that the government protect community access to environmental resources, they demonstrate that the assertion of environmental rights is anything but a luxury of the rich. While the concept may have gained prominence in the context of industrialized countries,

highlighting the rights of individuals and communities to be protected from environmental “bads” such as toxic dumping and industrial pollution, it applies equally to rural communities struggling to maintain access to the environmental “goods” that underpin their livelihoods. Both aspects of the environmental rights agenda are fundamentally concerned with health, whether the threats stem from a polluted environment or from loss of access to the natural resources that families need to sustain themselves. Both are also concerned with equity, as it is those groups already marginalized politically and economically whose rights are most consistently transgressed. Whether focused on issues “green” (natural resources-related) or “brown” (industrial and pollution-related), the assertion of collective environmental rights is most difficult, and most risky, in a country where other elements of the human rights agenda are not firmly established.

“Cambodia had never known human rights,” said Ning Savat, in recounting his organization’s struggle to stake out a place for nonpolitical monitoring and advocacy work in the early 1990s. “There was so much that people didn’t understand.” Human rights advocacy in Cambodia resonates in so far as it connects the abstract principles of universal rights to the very concrete concerns of livelihoods and survival that motivate most people in their daily life. The fisherfolk who mobilized to present their grievances to local authorities and who held vigils in front of the National Assembly did not do so in defense of abstract principles, but because of very concrete needs.

“I fear that by 2010 all the fish will be gone,” explained a village elder as he looked over the expanse of water in Takeo Province that covers his ricefields each flood season. “What will we do? We’ll have to buy canned fish from the city.... How will we pay for it?”

Improving food security and livelihoods in Cambodia depends on improvements in the legal and judicial framework, and on protections of individual and collective rights to participate in environmental decision-making, seek legal recourse, and access justice. But it also depends on the ability of civil society, private sector, and government actors to

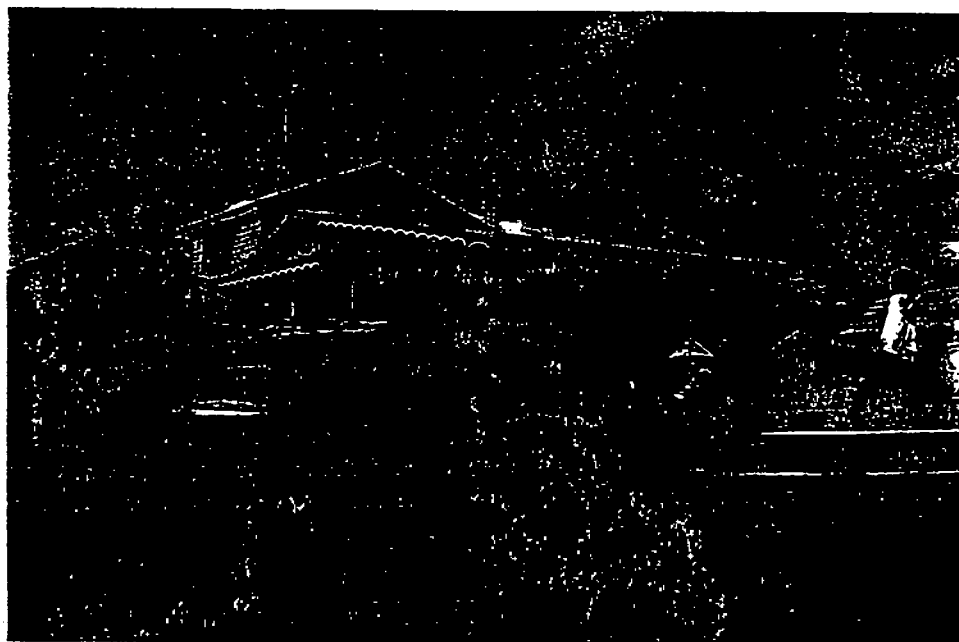
reach decisions about resource use that give priority to equity and sustainability. Whereas the most egregious rights violations ought to be clear, making the “right” development decisions—such as setting rules that govern who has access to what fisheries when, or weighing the economic value of new road infrastructure against the potential ecological impact on wetlands—is much less straightforward.

Nonetheless, it makes sense to pursue an environmental rights agenda because it can further broaden the advocacy of human rights principles among those whose mandates focus primarily on such

environmental rights for local livelihoods also provides a basis for better stewardship. From inland lakes and rivers to coastal fisheries to mountain forest reserves, experiences from numerous countries are proving that communities can play an active role in conservation when their own tenure and access rights are secured, when the benefits are equitably shared, and when government provides a supportive legal and institutional framework.

Cambodia has committed conservationists, but they are few. Most people in this still war-torn land care about the environment as it relates to the welfare of

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Ethnic Vietnamese fishers at Chong Knie, Siem Reap.

issues as poverty, rural welfare, and development. Indeed, because the “core” rights enshrined in the Universal Declaration of Human Rights enjoy such wide legitimacy, they offer a common basis of agreement for entering more difficult debates concerning environment and development decisions.

Does an environmental rights agenda conflict with the goals of environmental conservation? At the extreme it can, when conservation is conceived as excluding human uses. In the developing world, however, most progress is to be made on the common ground—where securing envi-

their families, their children, and their children’s children. When asked about the relationship between human rights and the environment, Ning Savat said simply, “They are related in every way.” **hrd**

Read how Cambodian workers are collaborating with international groups to establish greater respect for human rights in Cambodia, as discussed by Timothy Ryan in “Building Global Solidarity” in the globalization issue of *Human Rights Dialogue*, available online at www.carnegiecouncil.org/viewMedia.php/prmTemplateID/8/prmID/936.