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Studies

Interdisciplinary Perspectives on the Interplay between Human Rights and Sustainability

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Preface

The following collection of manuscripts emerged from an interdisciplinary virtual exchange held during the Winter semester of 2023/2024 at the Environmental Campus Birkenfeld, organized by Prof. Dr. Milena Valeva and Prof. Dr. Kathrin Nitschmann. Additionally, Prof. Dr. Héctor Bombiella Medina, a lecturer of anthropology in the Department of World Languages and Cultures at Iowa State University, contributed to the virtual exchange and supervised case studies 3 and 4, bringing his extensive experience in this field and facilitating the international exchange. Within the elective module on Human Rights, students from the Bachelor's programs "Nonprofit and NGO Management" and "Environmental and Business Law," as well as the Master's program "Energy and Corporate Law," explored the interconnections between human rights and sustainability.

In an era marked by unprecedented environmental challenges and profound social transformations, the intersection of human rights and the rights of nature has emerged as a critical area of inquiry and debate. Today, as we face the dual crises of climate change and biodiversity loss, the traditional boundaries between human and environmental rights are increasingly blurred. This confluence demands a fresh, interdisciplinary approach to understanding and addressing the complex and interrelated issues at hand.

Human rights, fundamental to the dignity and freedom of individuals, are deeply impacted by environmental degradation. Communities worldwide are experiencing firsthand the devastating effects of polluted air, contaminated water, and deforested landscapes, all of which undermine basic human rights to health, livelihood, and well-being. Conversely, recognizing the rights of nature – the intrinsic value of ecosystems and species – challenges us to reconsider our legal, ethical, and philosophical frameworks. It calls for a paradigm shift from an anthropocentric world-

view to one that embraces the interconnectedness of all life forms.

Engaging in robust discussions and research on these topics is essential in today's context. By exploring interdisciplinary perspectives, we can forge innovative solutions that honor both the rights of individuals and the integrity of nature. This special issue aims to contribute to this vital discourse, providing insights and fostering dialogue on how we can collectively navigate the complex landscape of human rights and environmental sustainability.

The first chapter „Human rights and SDGs in the context of democracy“ examines the significance of international human rights in today's context and links them to new value systems like sustainability.

The second chapter, the case study „Rights of Nature“ explores the concept of granting legal rights to nature itself by comparing laws from various countries to show how it combats environmental exploitation.

The third chapter, the case study „Traditional coca leaf consumption and drug trafficking in Colombia“ delves into the complex issues surrounding coca cultivation in Colombia, highlighting its economic, social, and political impacts.

The fourth chapter, the case study „The artisanal fishing community of Chorrillos, Peru“ aims to provide theoretical insights and recommendations for improving the livelihoods of artisanal fishing communities in Peru, considering legal, ethical, and environmental perspectives as well as how economic liberalization, privatization, and deregulation affect the community's socio-economic conditions.

Strategy to promote the Human Right to an adequate standard of living for Peruvian artisanal fishers according to Article 25 of the Universal Declaration of Human Rights

Author: Yasmin Krami

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1 Introduction

This term paper delves into the human right to an adequate standard of living, a fundamental principle articulated in the Universal Declaration of Human Rights (UDHR). The specific context under examination is the livelihood of artisanal Peruvian fishermen. The inquiry centers on understanding the prevailing standard of living for these individuals and exploring avenues for its optimization in harmony with both the environment and legal frameworks. In particular, this paper aims to identify and propose solutions for enhancing the living standards and working conditions of artisanal Peruvian fishermen, aligning with the principles of human rights, environmental sustainability, and legal compliance.

2. Universal Declaration of Human Rights

The Universal Declaration of Human Rights (United Nations, 2015) (UDHR) is a seminal document

adopted by the United Nations on December 10, 1948. It asserts that every individual, regardless of their origin, race, religion, or other characteristics, is entitled to the fundamental rights and freedoms outlined in the declaration. Comprising 30 articles, the declaration covers a broad spectrum of rights, including the right to life, liberty, freedom of opinion, work, education, and protection against discrimination. Fundamental principles enshrined in the UDHR include equality, freedom, justice, and human dignity. This declaration has played a pivotal role in shaping the international human rights framework, influencing the creation of subsequent treaties and conventions. As a fundamental reference point, the Universal Declaration of Human Rights actively contributes to the promotion and protection of human rights globally.

2.1 Protection of Human Rights

The protection of human rights is ensured through various mechanisms at international, national, and local levels (United Nations, 2015). Internationally, fundamental human rights standards are established through international agreements ratified by member states, often under the auspices of the United Nations. These agreements obligate states to respect, protect, and ensure the human rights enshrined in them. At the national level, most countries implement human rights through national legislation. Constitutions, laws, and legal structures create a framework aimed at ensuring the protection and promotion of individual freedoms and fundamental rights. Courts play a crucial role in interpreting and applying these laws to ensure accountability for human rights violations. In addition to legal instruments, civil society organizations and human rights defenders contribute to protecting human rights. NGOs monitor compliance with human rights standards, raise awareness, and actively advocate for the rights of vulnerable communities and individuals. An example of NGO projects are on the "GlobalGiving" platform (www.globalgiving.org); they support the connection of non-profits with donors and companies. Right now "MarFund" is collecting money to empower fishing communities in the MAR reef on the "GlobalGiving" platform.

Participatory approaches, involving affected communities in decision-making processes, are also crucial. Participatory methods ensure that political measures take into account the needs and perspectives of local people.

Overall, securing human rights requires comprehensive collaboration among governments, international organizations, civil society, and the broader population to foster a culture of respect and protection for the fundamental rights of every individual. As an example, Amnesty International supports human rights educators by providing manuals (Amnesty International, 2011).

In Peru, the protection of human rights is ensured through various mechanisms at both national and international levels. The country's constitution and national laws form the legal basis for the protection of human rights, aligning with international agreements such as the Universal Declaration of Human Rights. Peru is a signatory to

numerous international human rights agreements, obligating it to adhere to the standards outlined in these agreements. The National Human Rights Council of Peru monitors the human rights situation in the country and provides recommendations for improvement. Civil society organizations play a vital role in documenting human rights violations, supporting vulnerable populations, and raising awareness of issues. Community participation is essential, ensuring that the needs of affected communities are considered in political decision-making processes. Despite progress, Peru faces challenges such as social inequality and discrimination, necessitating ongoing efforts to promote and secure human rights in the country. Human rights issues in Peru are governmental corruption, unlawful kills, restrictions and violence against journalists, threats against NGOs and lack of information and education (Bureau of democracy, human rights, and labor, 2022).

Human rights violations can be litigated in Peru, where the right to legal protection is a fundamental principle of international human rights instruments. Individuals or groups can file lawsuits before national courts in Peru, citing the national constitution, laws, or international human rights agreements.

Additionally, the option exists to appeal to the Inter-American Court of Human Rights since Peru is a member of the Organization of American States (OAS). The Inter-American Court can handle cases when all national legal remedies have been exhausted.

In certain situations, human rights violations can also be brought before international courts, such as the International Criminal Court (ICC) or other international tribunals. This provides an additional layer of protection for victims of serious human rights violations.

The human right to an adequate standard of living is enshrined in various international human rights documents, including Article 25 of the Universal Declaration of Human Rights and Article 11 of the International Covenant on Economic, Social, and Cultural Rights.

According to this right, every person has the entitlement to a standard of living that ensures health and well-being for themselves and their family. This includes the right to adequate food,

clothing, housing, medical care, and necessary social services.

Governments are required to take measures to ensure that their citizens have access to basic resources necessary for a dignified life. This involves initiatives to combat poverty, provide healthcare, education, and social security. Protecting this human right contributes to reducing social inequalities and improving living conditions for people.

2.2 Standard of living in Peru

The standard of living includes the level of income, comforts and services available in a society. Everyone, especially children and women have social and economic rights. The focus is on well-being and health as well as safety. No one should fall under a certain limit. It is based on article 25 of the Universal Declaration of Human Rights that nobody gets into existential distress and to ensure freedom.

In this case, Maslow's hierarchy of needs can be invoked, how a person fulfils his needs (Maslow, 1943). Maslow's Pyramid of Needs is a theory by Abraham Maslow that represents human needs in a hierarchy. It starts with basic physiological needs, such as food and sleep, followed by security needs, such as shelter and work. Then come social needs, which concern relationships and belonging.

The next level is related to the pursuit of appreciation and recognition, while the highest level is self-actualization, in which individuals strive for personal growth and fulfilment. The pyramid illustrates that the satisfaction of higher needs is only possible when basic needs are met, and serves as a model for human motivation.

In summary, as long as their basic needs are unmet, people primarily focus on fulfilling them. Only after these fundamental needs are satisfied do individual aspirations for personal growth and self-actualization intensify.

In Peru, the human right to an adequate standard of living is anchored in national legislation and international commitments. According to the national constitution and international human rights agreements, including the International Covenant on Economic, Social, and Cultural Rights, every citizen of Peru has the right to a standard of living that guarantees health, well-being, and dignity.

By this you have to keep in mind that standard of living in developing countries is not the same as standard of living in modern. Especially in emerging markets, there are differences between rich and poor (i.e. a high and a low standard) (Kohl, 1998).

The cost of living can be estimated at 535 to 810 euros per month (Numbeo, n. D.). And the minimum wage is 250.74 euros (1,025 PEN) (Lano, n. D.). Of course, this varies greatly depending on your personal lifestyle: costs for rent between 370 and 460 EUR, food for one person between 150 and 300 EUR, mobility between 15 EUR (local transport) and 50 EUR (car excl. fuel).

Furthermore it is important to note that there could also be unplanned costs such as curing an illness. If you have children, there are further costs for school and e.g. clothing and food. Government support is often only available to the poorest sections of the population. Furthermore, costs for entertainment, leisure and insurance have not yet been factored in.

Based on the findings of a 2023 study conducted by Pulso Ciudadano and compiled by Activa Peru, the consideration of implementing a living wage in Peru to meet the needs of the population seems plausible (Activa, 2023). According to this study, an amount exceeding three times the current minimum wage would be necessary to ensure a decent standard of living in a communal setting in Peru. This suggests that the current minimum wage might not be sufficient to adequately cover the cost of living.

There is also the question of how to bring the standard of living into harmony with the environment. It is not realistic to replicate the standard of living of the industrialized countries worldwide. This is because our planet's resources would not be sufficient to both provide for the human population and maintain the stability of ecosystems. The international study "Living Planet Report", published annually by the Global Footprint Network, confirms this: To make the lifestyle of today's Americans possible, it would take five Earths, as was noted in 2014.

Given the fundamental need for an intact environment for a high standard of living, systems scientists such as Elvin Laszlo propose to find a solution by developing new values that go beyond

The international study "Living Planet Report" published by the Global Footprint Network in 2014, confirms the impossibility to replicate the standard of living of the industrialized countries worldwide: "To make the lifestyle of today's Americans possible, it would take five Earths"

the ideology of constant growth (Laszlo, 1998). He argues that the term "standard of living" in the sense of "quality of life" must be completely redefined and sustainably in order to both meet the demands of human rights and to preserve the regenerative capacity of the biosphere in the long term.

So we need a solution for fishermen that is in harmony with the environment. That would be the longest-term solution possible. In addition, the aim is not to live in the greatest luxury, but to live a fair life without exploitation. In addition, there should be a balance between professional obligations (work life) and personal or family interests and activities (United Nations Development Programme (UNDP), 2015). A viable long-term solution involves enhancing the profession of "fisher" by implementing the principles of "sustainable work", as proposed in the United Nations Development Programme's report on "Work and Human Development" (UNDP, 2015). This entails integrating sustainable practices into the fishing industry to ensure the well-being of both the environment and the individuals engaged in fishing activities. By adopting the sustainable work paradigm outlined in the UNDP report, the fishing profession can evolve towards a more environmentally conscious and socially responsible model, fostering enduring benefits for both the fisheries sector and the broader community.

Despite progress, Peru continues to face challenges, especially in rural areas and marginalized communities where access to these basic re-

sources is often restricted. Collaboration between the government, civil society, and international organizations is crucial to strengthening the implementation of this human right and reducing social inequalities.

A current challenge for Peru and its fishermen is probably the biggest environmental disaster the country has ever experienced (Katholische Nachrichten-Agentur (KNA), 2022). This was triggered by a volcanic eruption of the "Hunga Tonga-Hunga Ha'apai" volcano, which caused tidal waves. This led to a spill of 6,000 barrels of crude oil in Peru during the unloading of a tanker at the Pampilla refinery in Ventanilla, in the province of Callao.

The Catholic Church in Peru has called for swift intervention by the authorities and called on those responsible to repair the environmental damage. She pointed out that there is great public concern and dismay about the disaster. Another report shows that the fishermen suffered financial losses because no one wanted to buy the fish they caught at the time, due to the smell of oil (Nachrichtenpool Lateinamerika, 2022).

In addition to the fishermen, the ecosystem, the inhabitants and the wildlife are also suffering from the disaster and are at risk. In the waters off the coast of Peru, there are fish that are threatened with extinction and are considered particularly worthy of protection. According to official data, a total of 17 beaches and two nature reserves are affected by the oil spill.

In 2022, a dispute over responsibility erupted between the oil company Repsol and the government. The company accuses the authorities of failing to issue tsunami warnings before the accident. Environmentalists, on the other hand, accuse Repsol of trying to cover up an industrial accident that had nothing to do with the volcanic eruption. After the oil spill in Peru, people in over 15 countries protested together against the destruction of the oceans caused by offshore oil and gas extraction (analyse & kritik Zeitung für Debatte & Praxis, 2022). The livelihoods of at least 1,500 fishermen were destroyed by the disaster.

In 2023, there was reporting in the media such as the Tagesschau about riots by police officers against social minorities such as the indigenous population (Tagesschau, 2023). According to Tagesschau, they are disappointed by the govern-

ment, as they feel left behind. In addition, there have been several changes of president in the past and some have subsequently gone into hiding in another country. This shows that it is difficult to hold the concrete actors accountable and that peace hangs in the balance. As well as a certain racism, because explicitly people of a unit were killed by the police, this completely without valid and legal, as well as fair reason. This is completely arbitrary and without any legal basis. Human rights activists have failed several times in the past, according to amnesty international, they even received death threats in neighbouring Colombia (Amnesty International, 2023).

Holding the government accountable through legal means, particularly when it comes to specific individuals like politicians, appears to be a challenging endeavor. This highlights the societal divide and underscores the precarious state of peace (Vatikan News, 2018). The lack of universal acceptance of the president and wide-spread dissatisfaction contribute to this tension. Moreover, the closely contested election results prompted cardinal Pedro Ricardoto appeal to the population to acknowledge the outcome (KNA, 2021).

In conclusion, ensuring safety should be the foremost priority, with financial considerations being secondary-though essential for maintaining a high standard of living.

3. Peruvian fishers

In Chorrillos, Peru, there are different types of fishermen, including artisanal and industrial fishers. At one hand Artisanal fishermen often rely on traditional knowledge and techniques passed down through generations. They typically engage in small-scale, traditional fishing practices and small boats. On the other hand, industrial fishermen operate on a larger scale, using more advanced equipment and vessels.

3.1 working conditions of Peruvian fishermen

The working conditions for Peruvian fishermen can vary significantly. Overall, the working conditions for both artisanal and industrial fishermen can be influenced by factors like economic dynamics, environmental conditions, and government regulations. Industrial fishermen, due to the scale of their operations, may have access to more re-

sources and technology. However, they might also encounter challenges such as competition, market fluctuations, and adherence to sustainability practices. Artisanal fishermen may face challenges related to limited resources, economic pressures, and sometimes, precarious working conditions. They often rely on traditional knowledge and techniques passed down through generations.

Laws such as the "Ley General de Pesca", a general fisheries law, contain relevant provisions in the field of fisheries and maritime affairs. The aim of this law is to regulate fisheries with the goal of promoting the sustainable development of fisheries as a source of food, employment, and income. Simultaneously, it seeks to ensure responsible utilization of hydrobiological resources, optimizing economic benefits in harmony with environmental protection and the preservation of biodiversity. The hydrobiological resources within Peru's territorial waters are considered a national heritage, and it is the responsibility of the state to govern the management and rational utilization of these resources, given that fisheries activities are of national interest (Artículo 1 and Artículo 2 of ley general de pesca).

In Peru, there is also a Ministry of Production for permitting, execution and monitoring at all levels, including fisheries, as well as a Ministry of Labour and Employment Promotion (Ministry of Production, 2017). These deal with the current regulations for the working conditions of fishermen. Its competence extends to natural and legal persons carrying out activities intended for the industry and fisheries sub-sectors, with a vice-ministry for each of these sub-sectors.

Often, working conditions are dangerous, and more than five million fishermen earn less than a dollar a day. However, it should be borne in mind that some of the conditions have only deteriorated as a result of competition with large-scale industrial fishermen. All in all, there are many advantages associated with small-scale fishing: industrial fisheries require about 200 people to catch 1000 tonnes of fish, while small-scale fisheries require about 2400 people to catch the same amount. These higher employment effects in small-scale fisheries could be interpreted as an indication of their inefficiency (Jaquete and Pauly, 2008).

The monthly income that a fisherman should earn should always be enough to finance food, housing and education. However, it is also important to secure life in old age after work and also to ensure continued payment of wages in the event of illness or death for surviving dependents.

The work on the boat must also be made as safe as possible. By overseas rescue, technically good boats and boats that are regularly maintained. The fishermen also need money to be able to buy a new boat in 10 years at the latest. Because the boat secures their existence. They are also accompanied by day-to-day costs, such as those for petrol or for nets and other equipment such as bait, storage, transport, workers on the boat and at the dock, water to maintain hygiene and clean the caught fish, as well as cleaning the boat and equipment and repairs to the boat.

In Peru, there are various measures and organizations that are actively involved in sea rescue, both government agencies and non-governmental organizations (NGOs) are involved in the implementation of these rescue operations. In the event of emergencies, such as boat accidents or other distress situations at sea, the Peruvian coast guards, such as "Comandancia de Operaciones Guardacostas", can intervene to rescue the fishermen.

The protection of fishermen in Chorrillos, Peru, involves a comprehensive approach addressing various factors influencing their lives and work. National legal frameworks, including laws and regulations, play a crucial role in ensuring sustainable fishing practices and protecting marine resources. Peru's commitment to international human rights agreements further contributes to the protection of fishermen.

Environmental and fisheries management practices are implemented to prevent overfishing and preserve marine ecosystems, providing an additional layer of protection. Local social support programs, including education and healthcare services, coupled with the empowerment of fishing communities, contribute to improving the standard of living and protection of fishermen.

Challenges may persist, particularly concerning economic conditions, environmental impacts, and social equity. It is essential to monitor developments in the region, as legal disputes and protective initiatives can evolve over time.

The current situation of fishermen in Chorrillos, Peru, is marked by discussions surrounding the redesign of the dock. Fishermen appear to be secondary in this project for the Costa Verde Authority and the Club, who seem to prefer a scenario without fishermen. Efforts to symbolically include fishermen in plans for the future dock contrast with challenges arising from the fishermen's lack of formal education and knowledge. It remains to be seen how fishermen can articulate their position in the public discourse, highlighting that their needs and perspectives should be considered in the redesign of the dock (Bombiella Medina, 2016).

The concept of "sustainable work", as presented in the United Nations Development Programme's report "Work and Human Development" in 2015, characterizes sustainable work as an activity that promotes human development and simultaneously contributes to mitigating or eliminating negative impacts in various geographical and temporal contexts. It plays a crucial role not only in preserving our planet but also in ensuring that future generations continue to have access to employment opportunities. This paradigm emphasizes the significance of work and the associated potentials for unfolding human capabilities, as illustrated by the "Matrix of Sustainable Work".

In summary, ensuring the sustainability of the fishing profession and combating ocean overfishing are crucial. Additionally, efforts should focus on enhancing working conditions to attract future generations to the industry, and the rights of indigenous peoples must receive heightened recognition. Their active involvement in shaping future reforms is imperative. Protective measures for fishermen encompass legal frameworks, environmental and fisheries management, and local social programs. The current situation, especially in Chorrillos, highlights discussions about the redesign of the dock, where the needs of fishermen may not be adequately considered. It is crucial to understand the complexity of working conditions and cultural influences to develop effective measures for the protection of fishermen and marine resources.

In Iceland, robust labor laws extend to the fishing industry, regulating working hours, wages, and safety standards. With its deeply rooted fishing tradition, Iceland integrates cultural practices into its fishing industry. Modern regulations are also in place to ensure the safety and well-being of fishermen.

3.2 Comparison: working conditions in other countries

The working conditions of fishermen vary worldwide. In the following, I would like to examine those in New Zealand, Iceland, and Mexico more closely.

In New Zealand, the fishing sector adheres to strict standards encompassing safety measures and labor regulations. Fishermen benefit from legal frameworks governing aspects such as working hours, wages, and occupational safety. The country places a strong emphasis on sustainable fishing practices and enforces regulations to effectively manage and preserve marine resources (Internationales Arbeitsamt, 2003).

In Iceland, robust labor laws extend to the fishing industry, regulating working hours, wages, and safety standards. With its deeply rooted fishing tradition, Iceland integrates cultural practices into its fishing industry. Modern regulations are also in place to ensure the safety and well-being of fishermen. Similar to New Zealand, Iceland emphasizes sustainability in fishing and implements measures to maintain healthy marine ecosystems and prevent overfishing.

Mexico's fishing industry faces unique challenges, including issues related to overfishing and unsustainable practices. Although efforts are underway to address these challenges, there is a need for stricter enforcement and improved sustainability measures. The Mexican government has initiated programs to promote sustainable

fishing and protect marine ecosystems. Collaborating with local communities, it seeks to align economic activities with environmental conservation. The industry in Mexico is also influenced by cultural practices and traditions, posing a challenge in balancing tradition with modern regulations.

A comparative analysis reveals the diversity of approaches in the regulation and management of fishing industries. New Zealand and Iceland prioritize stringent regulations and sustainability, emphasizing strict enforcement for safer working conditions. Mexico grapples with the dual challenge of preserving cultural practices while implementing modern conservation measures. Striking a balance between tradition and modernity is crucial for the long-term sustainability of the fishing industry.

In summary, understanding the complexities of regulatory frameworks, cultural influences, and sustainability practices is essential for developing effective policies that ensure the well-being of fishermen and the protection of marine resources.

4. Conclusion

In conclusion, this thesis provides a comprehensive exploration of the challenges and potential solutions concerning the human right to an adequate standard of living for Peruvian fishermen in Chorrillos. The examination was framed within the context of the Universal Declaration of Human Rights and its fundamental principles.

The UDHR holds a pivotal position in the international human rights framework, and Peru has implemented protection mechanisms across different tiers. However, persistent issues like social inequality pose ongoing challenges. The human right to an adequate standard of living, encompassing dimensions such as income, health, and dignity, faces unique hurdles in the context of developing countries.

The case study of Peruvian fishermen in Chorrillos serves as a poignant illustration of a myriad of challenges spanning from working conditions to grappling with environmental catastrophes. Throughout the discourse, there is a resounding emphasis on the critical role of sustainable fishing practices, not only to mitigate environmental impact but also to foster a sense of environmental consciousness and social responsibility.

A comparative analysis shedding light on the working conditions of fishermen in New Zealand, Iceland, and Mexico elucidates the divergence in regulatory approaches. New Zealand and Iceland prioritize stringent regulations and sustainability, whereas Mexico grapples with the intricate task of harmonizing cultural practices with contemporary conservation measures.

In summary, the overarching conclusion underscores the imperative for a holistic and integrated approach to ensure long-term sustainability. Striking a delicate balance between tradition and modernity is deemed essential for safeguarding the well-being of fishermen. The journey towards securing the livelihoods of these individuals necessitates sustained efforts and collaborative endeavors across diverse levels of governance and society.



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