

Human Dignity

Mangaraju Gayatri*

Department of Medicine, Kharkiv National University, Kharkiv, Ukraine

INTRODUCTION

Human rights have increasingly been center-staged in fisheries governance discourse in recent years. Assisted by the latest adoption of the Voluntary Guidelines on Securing Sustainable Small-Scale Fisheries by the United Nation's Food and Agriculture Organization (FAO). The major aim of a human rights approach is to ensure compliance of human rights as the basis for fisheries development and governance. More specifically, such an approach argues that the social-political vulnerability and livelihood insecurity experienced by fishers can fundamentally hinder their capacity and commitment to serve as motivated resource stewards.

Despite its well-intended and progressive aims, the human rights approach to fisheries has been criticized for its conceptual weaknesses. According to some, the shortcomings of the human rights approach, which arguably have remained unresolved, arise in part because of inadequate in-depth a priori discussions about the concept of human rights as well as due to the limited empirical understanding of how to use such an approach. One of the major criticisms has been that a human rights approach aids the continued penetration of neoliberalism into fisheries. This fear is the result of the human rights discourse stemming from a Western liberal-democratic philosophy, in which freedoms, autonomy, and rights become the inviolable prerogative of every individual within society.

Human dignity is a familiar concept in human rights discourse. In fact, it is prominently featured in major international and national legal instruments and humanitarian policy documents. For instance, Article 1 of the Universal Declaration of Human Rights states that "all human beings are born free and equal in dignity and rights". Similarly, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights include language about dignity both in their Preambles and in the texts of several articles. Furthermore,

the major conventions on the Rights of Children, the Rights of Migrant Workers, and the Rights of Disabled Persons have all included references to dignity, affirming its significance in the human rights context.

A major impetus to the use of human dignity in the international sphere arose when it was used as the central organizing principle of the Vienna World Conference on Human Rights in 1993. The ensuing Vienna Declaration and Programme of Action adopted dignity in their provisions dealing with various areas of human rights, such as the right to development, the treatment of indigenous peoples, women's rights, and the abolition of extreme poverty and social exclusion. In fisheries, in addition to the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, human dignity is most recently cited in the FAO Voluntary Guidelines on Securing Sustainable Small-Scale Fisheries. Human dignity is also explicitly codified in the domestic constitutions of many countries including Mexico, Germany, Italy, Cuba, Japan and South Africa.

Over the course of the 20th century, human dignity played a significant role in shaping several important social and political developments. Human dignity acted as a key organizing value to oppose the Nazi ideology and the Holocaust in the post-second World War period, thus helping to foster the proliferation of a human rights paradigm in international law, domestic constitutions and political and legal theories. Human dignity, unlike human rights, is thus imbued with a capacity to afford both "the politics of equal dignity" (i.e., "universally the same, an identical basket of rights and immunities") and "the politics of difference" (i.e., "the unique identity of an individual or group, their distinctness from everyone else"). Hence, the human rights perspective and its implementation in fisheries is expected to stand on stronger ground with human dignity as its fundamental guiding value - that is, human rights should ultimately be about promoting the individual and collective dignity of fishers and fishing communities.

Correspondence to: Gayatri M, Department of Medicine, Kharkiv National University, Kharkiv, Ukraine, E-mail: gayatrimangaraju@gmail.com

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