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**«ТРАДИЦИОННЫЕ ЗНАНИЯ» КОРЕННЫХ НАРОДОВ В ОБЛАСТИ
РЫБОЛОВСТВА И «УСТОЙЧИВОЕ РАЗВИТИЕ»:
МЕЖДУНАРОДНО-ПРАВОВАЯ ПРАКТИКА**

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Международно-правовые стандарты в области защиты прав аборигенных народов обязывают государства принимать меры по интеграции «традиционных знаний» в национальные системы мониторинга и защиты биоразнообразия (в частности, в рыболовстве). Статья посвящена правовым аспектам реализации прав коренных народов на устойчивое развитие и защиту исконной среды обитания.

Ключевые слова: коренные народы; традиционные знания; международное право; устойчивое развитие

**INDIGENOUS 'TRADITIONAL KNOWLEDGE' IN FISHERY
AND 'SUSTAINABLE DEVELOPMENT': INTERNATIONAL
LEGAL PRACTICE**

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With a growing emphasis to the problem of sustainable development and indigenous issues, states and international organizations pay attention to indigenous peoples' 'traditional environmental knowledge' as "a particular form of knowledge of the diversity and interactions among plants and animals, landforms, watercourses, and other traits of the biophysical environment in a given place". Sometimes its called Traditional Ecological Knowledge, it is typically associated with aboriginal peoples" [6, p. 198]. The purpose of the article is to show in practice how states apply indigenous knowledge to protect environment, especially in fishery activity.

Keywords: indigenous peoples; traditional knowledge; international law; sustainable development

The UNESCO/ICSU World Conference on Science for the Twenty-first Century: A New Commitment, 1999 considered that: "Traditional and local knowledge systems, as dynamic expressions of perceiving and under-

standing the world, can make, and historically have made, a valuable contribution to science and technology, and that there is a need to preserve, protect, research and promote this cultural heritage and empirical knowledge". Referring specifically to the fisheries sector in

general and fisheries research and management particularly, the Code of Conduct for Responsible Fisheries (FAO, 1995) recommends: "States should investigate and document traditional fisheries knowledge and technologies, in particular those applied to small-scale fisheries, in order to assess their application to sustainable fisheries conservation, management and development" [2].

In Newfoundland and Labrador, most of the remaining cod live in the coastal bays. In both Newfoundland and Norway, fishers' knowledge has been used to help identify actual and potential local stocks of cod in fjords and bays [5, p. 167–85]. In the Gulf of Maine, it has been used to identify coastal spawning areas for cod and haddock [1, p. 10–28]. Indigenous peoples of Raviana Lagoon (Solomon Islands) have exact knowledge about topa [8, p. 70]¹ fish useful for scientists and commercial and state fishery entities. The indigenous knowledge on the behavior and ecology of topa is one such example. It includes knowledge on; diet, feeding times, schooling behavior, juvenile nursery areas, spawning, the influence of the lunar stage on nocturnal behavior, predation by sharks, nocturnal aggregations, individual color changes at night, spatial and temporal distributions, population changes over time and fleeing behavior [9, p. 69].

The interesting example is provided by Tamija Barker and Anne Ross from the department of Geographical Sciences and Planning of the University of Queensland (Brisbane, Australia) in their research on indigenous sea mullet management in Moreton Bay [11, p. 298–299]. This method of fishing could be titled as 'dolphin catch fishery'. According to indigenous Quandamooka tradition, in the ancient times, mullet elders guided the spawning migration of sea mullet northwards, up the east coast of North Stradbroke Island and into the Bay through the passages between the tip of North Stradbroke Island and Moreton Island, and at Cape Moreton on Moreton Island. By allowing the mullet to follow this route into the

Bay, rather than continuing on to the open sea, the fish could be easily herded toward the shore with the help of dolphins [3, p. 16–22]. It remains common practice amongst Quandamooka fishers to avoid catching the elder mullet until the elders have led the younger fish on the correct migration path into the Bay and thereby passed on the knowledge of the migration route [10, p. 107–112]. The Quandamooka people use a number of different signs to indicate when the spawning migration has begun and where the fish are on their route. These signs are mostly land based indicators, although the most important signal came from the dolphins. In pre-contact times, Quandamooka elders would call the dolphins by hitting their spears on the surf, thereby requesting their assistance in summoning fish towards the foreshore. Dolphins would guide the fish into the net; however, tradition stipulated that the best fish were to be given to the dolphins in order to ensure they would grant approval for future catches. Objectively, this approach to sea mullet management is more holistic than that used by the official Queensland Fisheries Act (QFS). The Quandamooka people do not restrict their management of this resource entirely to the sea. The land resources play a part in signaling the harvesting sequence. Furthermore, the Quandamooka approach is one that incorporates both input controls over the resource (there are rules for when and where fish can be taken and by whom) and output controls (based on the numbers of fish and which fish can be taken at what stage during the migration path). It is different from the QFS management approach.

In Samoa, communities based co-managed, have been established in 38 villages in recent years. These are small, dispersed and numerous, and do not neatly fit concepts of ecosystem boundaries, larval dispersal or local fish migration routes, factors that would have been crucial in determining boundaries for a scientifically based Marine Protected Area. Village Fish Reserves boundaries were determined by communities on the basis of traditional use, coupled with contemporary fishing needs [4]. For non-migratory species, the com-

¹ The topa, *Bolbometopon muricatum*, is the largest of all parrotfish, reaching over 50 kilograms and living to an age of at least 40.