

Asserting Rights, Defining Responsibilities

A report on the Siem Reap Workshop and Symposium, organized by ICSF,
in collaboration with the Royal Government of Cambodia

A workshop titled “Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia”, was organized by the International Collective in Support of Fishworkers (ICSF), in collaboration with the Royal Government of Cambodia (RGC), in Siem Reap, Cambodia, from 3 to 5 May 2007.

The workshop was followed by a two-day symposium where the participants were joined by representatives of the governments of some South and Southeast Asian countries. The workshop aimed to:

- review the experiences of traditional and modern rights-based approaches to fisheries management, and discuss their relevance and scope in the Asian context;
- contribute to improving the overall effectiveness of fisheries management by promoting responsible small-scale fisheries and the rights of small-scale fishing communities; and
- advocate for policies that recognize the rights of fishing communities to the coastal lands and resources customarily used by them.

Since its inception in 1986, ICSF has been working on issues that concern small-scale and artisanal fishworkers, with a particular focus on seeking recognition for the rights of small-scale fishing communities to fisheries and other coastal resources, as well as their right to participate in decision-making processes that affect their lives and livelihoods. For fishing communities, both marine and inland, safeguarding their rights to access fisheries resources and

to the continuous possession or enjoyment of coastal residential habitats and other lands traditionally used by them, is of paramount importance.

These rights are currently being threatened in various ways, due to developments both within and outside the fisheries sector. At the same time, recognition of these rights, within the framework of sustainable utilization of living natural resources, is necessary if fishing communities are to progressively share the responsibility of managing coastal and fisheries resources.

These were the issues that were discussed at the three-day workshop, which attracted 56 participants from 10 countries of Asia, namely, Bangladesh, Cambodia, India, Indonesia, Malaysia, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam. Apart from representatives of various fishworker organizations (FWOs) and non-governmental organizations (NGOs), researchers, activists and representatives of regional and multilateral organizations also participated in the workshop.

Siem Reap Statement

The recommendations of the workshop—in the form of the Siem Reap Statement—were shared with participants of the two-day Symposium that followed, to which government policy-makers and representatives of regional and multilateral organizations were invited.

Prior to the workshop, studies were undertaken in five countries—Bangladesh, Cambodia, India, Philippines and Thailand—on rights-based fisheries management and attendant

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issues. Among other things, the studies aimed to document and explore the understanding that fishing communities have about their rights to fisheries and coastal resources, as well as the obligations and responsibilities associated with these rights, and to document and discuss their initiatives to assert these rights and fulfill their responsibilities. Information and analysis from the studies formed the basis for discussions at the workshop.

The workshop began with an introduction by John Kurien, Member of ICSF, who traced the origins of the organization as an international network of individuals—currently from 20 countries—with a marked developing-country focus. Kurien said that one reason for conducting the workshop in Cambodia was to ensure that the concerns of inland fisheries were well reflected. It was also the first time that ICSF was conducting a workshop in collaboration with a government, Kurien pointed out. Elaborating on the theme of the workshop, he said that even though many international agencies have now begun to talk about rights in fisheries, their focus is largely on property rights at sea and

on land. For ICSF, however, rights take really substantive meaning only if they extend to all realms of life and livelihood.

In his inaugural speech, HE Nao Thouk, Director General, Fisheries and Administration of the Ministry of Ag-

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riculture, Forestry and Fisheries, RGC, mentioned that the fisheries sector is crucial for the livelihoods of the Cambodian people and the national economy. Consequently, the RGC has promoted fisheries reforms by designating fisheries as one side of its official 'rectangular strategy'. In October 2000, the Prime Minister of the RGC initiated historical changes in the fisheries sector by releasing more than 56 per cent of fishing-lot concession areas (536,302 ha) for local people to organize community fisheries. The reform aims to promote broad local participation in fisheries manage-

Fifty-six participants from 10 countries of South and Southeast Asia gathered at Siem Reap, Cambodia, for the ICSF Workshop



KG KUMAR/ICSF



Muhammad Adli Abdullah of Panglima Laot, Indonesia (left), and Chandrika Sharma of ICSF at the Siem Reap Symposium

for small-scale fisheries management in developing countries.

Nomura concluded with some suggestions, namely, that small-scale fishers should be given preferential access to fishery resources; management responsibilities should be decentralized and shared; rights-based management should be encouraged; diversification of livelihoods and improved post-harvesting should be promoted; integration and linkages with other sectors should be improved; and additional financing is required for the transition to responsible fisheries.

Elaborating on the background and rationale of the workshop, Sebastian Mathew, Programme Adviser, ICSF, said that the rights of fishing communities are currently under threat in various ways, and the workshop would provide an opportunity to discuss them and lay out strategies to mitigate the problems that are prevalent.

The first session of the workshop saw presentations and studies from different countries of South and South-east Asia on the theme, "Fisheries and Coastal Area Management Regimes of Asia: What Rights and Interests of Artisanal and Small-scale Fishing Communities Are Taken into Account?".

Community perceptions

Allan Vera of the Community-based Coastal Resource Management (CBCRM) Resource Centre, Philippines, discussed community perceptions of their claims and rights to resources, decision-making processes, and basic services, and the related legal framework. He also highlighted some of the key threats facing communities in recognizing and realizing these rights. Some of the threats arise from the use of destructive fishing gear; conflicts over resource use; the overall context of fisheries liberalization; lack of participation in policy-making and enforcement; and competing claims to fisherfolks' settlements. Vera also outlined community actions towards management of coastal and fisheries resources in some parts of the Philippines.

In his presentation, Sim Buntheon of the Community-based Natural Resource Management Learning Institute (CBNRM-LI), Cambodia, said that after

ment and the efficient, sustainable and equitable use of living aquatic resources, Nao Thouk said.

In his keynote address, Ichiro Nomura, Assistant Director General, Fisheries and Aquaculture Department, Food and Agriculture Organization of the United Nations (FAO), gave a brief general overview of the role and characteristics of the small-scale fisheries sector.

"Governance of small-scale fisheries cannot be viewed by itself. It has to be considered in the context of poverty as defined in a broader sense and encompassing social development," Nomura said. He added that pro-poor criteria and principles should be used when designing policies and strategies

the development of the community fisheries programme in Cambodia, fishing communities have become more aware of their rights to fish, and particularly their right to prevent illegal fishing. They have also become more aware of their responsibility towards fishery management and conservation.

Wichoksak Ronnarongpairee of the Federation of Southern Fisherfolk (FSF), Thailand, and Supawan Channasongkram of the Sustainable Development Foundation (SDF), Thailand, stressed that the small-scale fisherfolk of their country believed that the sea and its resources belonged to all, and that everyone had a shared responsibility to protect them. The sea cannot be owned by any individual, they said, reiterating a common belief among Thai fisherfolk that is based on religious principles. Recognizing the rights of communities to collectively use and manage—but not permanently own—their resources was essential. While rights of communities to manage resources were recognized in a legal sense, these rights were being violated in several ways, such as through destructive fishing by pushnets and trawlers, efforts to privatize the sea, and so on. While the community has taken several measures to protect its rights, the efforts have gone largely unrecognized, they concluded.

Valentina D. Endang Savitri from Telapak, Indonesia, pointed to some of the threats facing small-scale fishing communities in Indonesia, including from industrial fisheries, expansion of aquaculture, centralized conservation programmes, and coastal tourism. In practice, most of marine waters are “free for all” and many fisheries are fully exploited or overexploited. The government efforts to promote decentralization offer an opportunity to shift from a State-based paradigm to a community-based one. However, they have also put more pressure on resources, as local governments sell off resources to increase their incomes. Communities have reacted in several ways to protect their rights, such as through the establishment of fisherfolks’ organizations, and sometimes through open, often violent, clashes with the industrial fleets at sea. Realizing their responsibilities, communities are also promoting

Recognizing the rights of communities to collectively use and manage—but not permanently own—their resources was essential

environment-friendly and sustainable fishing gear and methods, and conserving natural resources through replanting mangroves and rehabilitating coral reefs.

Harekrishna Debnath of the National Fishworkers’ Forum (NFF), India, presented the country study prepared by Direct Initiative for Social and Health Action (DISHA), about the community of fishers and fishworkers functioning around traditional landing centres—the *khotis*—in the Indian State of West Bengal. The main function of these centuries-old organizations, which represent both boatowners and crew, is to ensure harmonious fishing operations and functioning. These organizations, said Debnath, understood the concept of rights, only when faced with ‘wrongs’, such as displacement by tourism and industry, and overfishing by mechanized boats. They have taken various initiatives for responsible management of resources. Only ‘aquatic reforms’, along the lines of the agrarian land reforms,



Jamaludin Mohammad, a fisherman from the Malaysian Inshore Fishermen Action Network, addressing the Siem Reap Workshop

which confer non-transferable community rights to the sea to the fishers as custodians, can bring about a positive change in fisheries management, Deb-nath concluded.

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Rafiqul Haque Tito of Unnayan Bikalper Nitinirdharoni Gobeshona (UBINIG), Bangladesh, stressed that fishing communities in Bangladesh firmly believe that water bodies rightfully belong to fishers (as expressed in the Bengali slogan, *Jal jar jala tar*). They also perceive a right to security of profession, life, property and human dignity, rights that are being threatened by factors such as unsustainable shrimp culture. Communities are aware of their responsibilities to protect fish resources and water bodies from overfishing and pollution, and have taken several initiatives to fulfill them.

Synthesizing the presentations from Southeast Asia, Elmer Ferrer of the CBCRM Centre, Philippines, pointed

to some commonly held perceptions of rights. Fishing communities believed, for example, that fishing for livelihood is a right, that equitable and sustainable resource use is a right, and that participation in management and staying close to fishing grounds is a right. They also believe they have a right to basic social services. All the case studies, said Elmer, have identified perceived threats to the realization of these rights, and have identified remedial measures.

V Vivekanandan of the South Indian Federation of Fishermen Societies (SIFFS), speaking on the role of traditional organizations in fishing communities, said, "Finding a balance between traditional and modern organizations is vital for the future of fisheries management in Asia." He also suggested that traditional structures could act as control mechanisms, while modern organizations could provide content to the structure and make up for the weaknesses and limitations of the traditional organizations.

Group discussions

At the end of the first day, workshop participants were divided into four, mainly language-based, groups, namely, (i) Cambodia, (ii) South Asia (Bangladesh, Pakistan and Sri Lanka), (iii) Indonesia, Malaysia and Thailand, and (iv) Philippines and Vietnam. The groups were asked to discuss the following questions:

- What kind of rights/perceived claims to fisheries resources and coastal management do fishing communities have?
- What are the main threats to the realization of these rights?
- What have been the actions taken to protect rights/exercise responsibility towards protecting and managing fisheries and coastal resources?
- What institutions—traditional or otherwise—exist to take forward the rights, and define the responsibilities?

Day 2 began with the groups presenting the key points of their discussions. The Cambodia group mentioned that although community fisheries have been introduced in the country, lack of awareness of fishery laws and related



Participants from South Asia at the group discussion session during the Siem Reap Workshop

ICSF



The Indonesia-Malaysia-Thailand group discussing issues at the Siem Reap Workshop

legal instruments is a major hurdle in recognizing rights.

Participants from the South Asian group highlighted various perspectives on rights. While the Sri Lankans asserted their right to fish anywhere, anytime, within national waters, subject to controls on destructive and harmful fishing methods and gear, the Bangladesh participants pointed to the need to recognize the rights of traditional Hindu fishermen to fish in the sea, rivers and inland water bodies, access to which is currently denied. Indian participants stressed the need for fishing communities to have exclusive access to fish in the sea and water bodies, while the participant from Pakistan was concerned about the entry of outsiders into the fishing grounds, and the control of fishing areas by the rich, affecting access of the small-scale. The South Asian group viewed the issue of entry of outsiders (non-traditional fishers) as a threat, considering that it has led to a disregard for traditional norms that protect fish resources (like traditional fishing bans during breeding seasons), the use of destructive gear and fishing methods, promotion of intensive shrimp aquaculture and hatcheries, and the formation of special economic zones.

In the Vietnam-Philippines group, participants from Vietnam said that the fisheries in some of their provinces are being decentralized, with the government trying to devolve authority to dif-

ferent administrative levels. Vietnam's history of centralized planning has hampered fishers from staking claims to their rights, but, with recent developments, they are growing more aware and taking the effort to assert their rights. In the case of the Philippines, the central government provides the legal framework, and encourages NGOs to support community initiatives. However, there are some gaps between the policy objectives of the government at the national level, and the implementation approach and capacity of specific NGOs. The government's allocation of marine-culture areas for investors is a threat to the small-scale fishers, who lack the capital to compete with these entrepreneurs.

The Indonesia-Malaysia-Thailand group said that, in general, customary and/or traditional laws had existed in their countries prior to the present rule

The South Asian group viewed the issue of entry of outsiders (non-traditional fishers) as a threat

of States/governments. The group felt that customary laws and rights should be recognized in national legislation. The group highlighted various threats to their rights, from processes at the international, national and community levels. They stressed the need to work

with traditional and community-based institutions.

All group reports stressed the various initiatives taken by fishing communities and their organizations to protect their rights, ranging from policy advocacy and conservation efforts, to mass mobilization. Several issues came up for discussion following the presentation of group reports, particularly the issue of traditional institutions and rights. The participants from Aceh, Indonesia, described their efforts to get recognition for the traditional practices and institutions (like the Panglima Laot), efforts that have borne fruit. They are also seeking recognition of their rights (through bilateral agreements) to fish in waters they were traditionally fishing in.

In his presentation titled "Integrating Fishing Community and Fisheries Concerns into Coastal/Wetland Management Initiatives and Policies in Asia: Present Situation and Possible Ways Forward", Magnus Torell, Senior Adviser, Southeast Asian Fisheries Development Centre (SEAFDEC), highlighted the growing competition over space in coastal areas from various sectors. In such a context, it is important to consider how the traditional rights of coastal people to live along the coast

Nayak said that the present developmental paradigm is basically patriarchal as it largely depends on production for the market and on control of resources by a few in an unsustainable way

and access resources can be secured, particularly in coastal/wetland-area management processes.

As possible ways forward, he suggested that there should be fisheries representation in physical and economic planning and in discussions on international conventions and agreements. He also stressed the need to create 'untraditional' alliances and co-operation and co-ordination at all levels. In the discussion that followed, it was mentioned that the legal framework in some countries, such as Cambodia, Thailand and Vietnam, had some provisions that could be used to protect people's rights

to coastal/wetland resources and their management.

In their presentation, titled "Rights to Coastal and Fisheries Resources: A Gender Perspective", Nalini Nayak, a Member of ICSF from India, and Duangkamol Sirisook of SDF, Thailand, highlighted the invisibility of women despite their active contribution to the fisheries sector. Nayak said that the present developmental paradigm is basically patriarchal as it largely depends on production for the market and on control of resources by a few in an unsustainable way. If women's roles are made more visible and given value, and their role in decisionmaking is taken seriously, there would be a greater focus on life and livelihood rather than mere profits from centralized production and market-centred development.

Questions discussed

Following the presentations, the groups, organized as earlier, discussed the following questions:

- What kind of coastal/wetland management policies are needed that factor in the concerns, interests, rights and responsibilities of fishing communities?
- How do we make the development paradigm more life- and livelihood-centred?
- How do we make women's roles in fisheries central to fisheries development?

Responding to the first question, the Cambodian group said that their Fisheries Law provides a strong base for all Cambodians to participate in community fisheries management. The Indonesia-Malaysia-Thailand group said that the community should be consulted through an open, participatory process at all levels, information should be made available, and environmental impact assessment (EIA) should be implemented in a transparent manner. Participants from the Philippines and Vietnam emphasized the need to recognize preferential user rights for small-scale fishers to the nearshore area and to ensure that planning starts at the community level. The South Asian group stressed, among other things, the need to develop and strengthen

local institutions to protect coastal resources.

Presentations on the remaining questions centred on the need to balance short-term development goals with the long-term sustainability of natural resources, taking into consideration the culture of the community. Also stressed was the need for gender-disaggregated data and an enabling environment for the equitable participation of women in fisheries and in decision-making processes. Local institutions, and the capacity of women in these institutions, should be developed, apart from enhancing their role in marketing fish, and guaranteeing them equal participation in the fisheries through appropriate legislation.

Panel discussion

There were five presentations in the panel discussion on "Markets, Technologies, Traditional Organizations and Human Rights", chaired by John Kurien. In his presentation, Arjan Heinan, Fisheries Management Facilitator, Netherlands Inland Fishers Organization and Voluntary Adviser, Danao Bay Resource Management Organization, Philippines, posed the question, "How Does Your Perception of the 'State of the Fishery Resource' Influence the Manner in Which You Articulate Your Rights?". Based on the responses of representatives of FWOs to this question, Heinan concluded that the most pressing rights are perceived to be the rights to: fish within existing rules; expand fishing operations; participate in formulating resource management measures; protection from outsiders and newcomers; market fish; participate in monitoring, control and surveillance, and revitalize traditional laws on fisheries management.

In her presentation, titled "How Does the Expansion of Markets and the Related Growth of International Trade Affect the Rights of Fishers and Fishing Communities?", Ma. Divina Muñoz from the Women of Fisherfolk Movement, Philippines, highlighted ways in which promotion of fish exports, cheap imports of fish and fish products, and the liberalized regime in coastal areas in the Philippines, are affecting small-scale fishing communities in very nega-

tive ways. She also pointed out the difficulties small-scale producers from developing countries faced in accessing export markets. She concluded that the current trade regimes undermined food security and curtailed the right of each nation and its producers to develop a sustainable fishing industry.

Drawing on his experience in India, V Vivekanandan of SIFFS gave an overview of technological changes in the fisheries sector in his presentation, titled "How Does the Introduction of New Technologies Impinge On or Expand the Realms of Rights for Small-scale Fisheries?". Technology has the power to transform livelihoods and social relations, he said, and warned that the stage of fisheries development, including the status of the resources being exploited, matters when technology is introduced. There are clear winners and losers with the introduction of technology, he cautioned.

In his presentation, titled "How Can We Use/Strengthen Traditional Organizations to Establish/Regain Rights in Order to Protect the Identity and Dignity of Riparian Communities?", Muhammad Adli Abdullah of the Panglima Laot, Indonesia, traced the history of Panglima Laot, a traditional fishermen's association in the Indonesian



Participants discussing the adoption of the Siem Reap Statement, which stressed just, participatory, self-reliant and sustainable development

The Siem Reap Statement

1. We, 51 participants representing small-scale and artisanal fishing communities, fishworker organizations, non-governmental organizations, researchers and activists from ten South and Southeast Asian countries, having gathered at the workshop on Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia, from 3 to 5 May 2007 at Siem Reap, Cambodia,

Representing a diversity of geographical, social, linguistic, cultural and economic backgrounds, but yet being bonded by a commonality of interests and concerns,

Being aware of our duty towards present and future generations, and our accountability,

And believing that natural resources of bays, seas, rivers and inland water bodies are the common heritage of all and that they should not be privatized for the benefit of the few,

Further believing that these resources should be equitably and responsibly shared for sustaining life and livelihood

and towards the greater benefit of all small-scale and artisanal fishing communities,

And realizing that responsible fisheries can be assured only if human rights of fishing communities, including the right to decent work and labour standards, and human development, are secure,

Stress that just, participatory, self-reliant and sustainable development of coastal and inland fisheries is of vital importance to us.

In view of the above, we draw attention to the following issues:

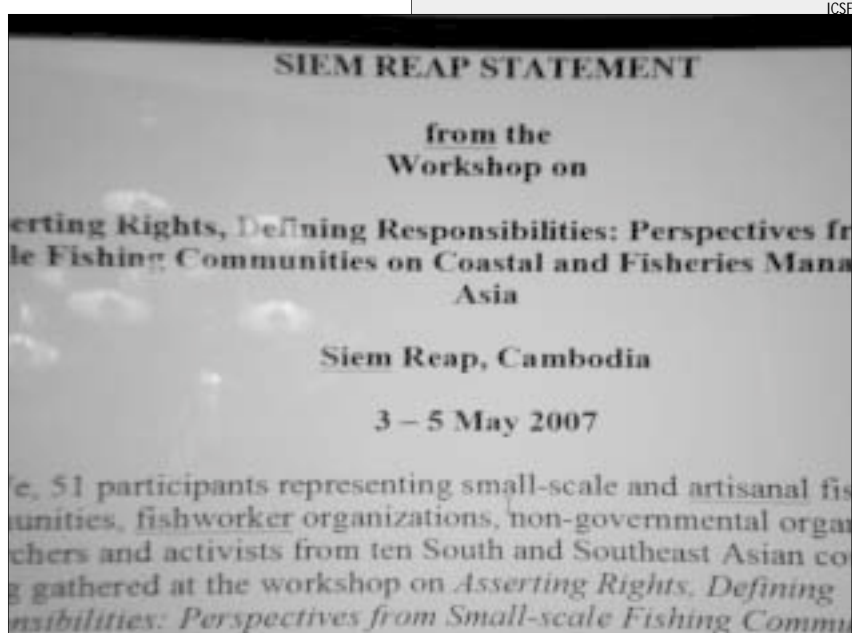
Fisheries Conservation and Management

2. The protection of the inland, marine and coastal environments and the sustainable management of fisheries resources, are paramount concerns for small-scale and artisanal fishworkers and fishing communities in Asia. Many communities in the region have been implementing measures to restore, rebuild and protect coastal and wetland ecosystems, drawing on traditional ecological knowledge systems and deep cultural and religious values, reiterating the right of traditional and community-based organizations to conserve and co-manage coastal and inland fishery resources, and to benefit from them.

3. Fisheries conservation and management measures exist that are appropriate to the multi-gear, multi-species fisheries of the region. There is thus no need for the blind adaptation of fisheries management models from the temperate marine ecosystems, which stress individual rights and do not fit the collective and cultural ethos of Asian countries.

Coastal/Wetland Area Management

4. Coastal/wetland habitats are under threat from pollution, indiscriminate conversion of flooded forests and mangroves, upstream deforestation, damming of rivers, creation of special



The Siem Reap Statement, adopted at the Workshop through an interactive and participatory process, was later presented to the Symposium

economic zones, construction of ports and harbours, urban sewage, farm effluents and other waste disposal, defence installations, industrial aquaculture, including mariculture operations, mega-development projects, nuclear plants, tourism, mining, and oil and gas exploration, among others.

5. As a result, coastal and inland fishing communities in Asia face deteriorating quality of life and the threat of eviction on an ongoing basis. Coastal/wetland area management policies that recognize the preferential rights of coastal and inland fishing communities to inhabit lands, including lands traditionally used for fisheries-related activities, such as berthing boats, and drying fish, are thus essential.
6. Article 10.1.2 of the 1995 FAO Code of Conduct for Responsible Fisheries states: "In view of the multiple uses of the coastal area, States should ensure that representatives of the fisheries sector and fishing communities are consulted in the decision-making processes and involved in other activities related to coastal area management planning and development"; and Article 10.1.3 states: "States should develop, as appropriate, institutional and legal frameworks in order to determine the possible uses of coastal resources and to govern access to them, taking into account the rights of coastal fishing communities and their customary practices to the extent compatible with sustainable development." These Articles should form the basis for the effective implementation of coastal area management.

Marine Protected Areas

7. Externally conceived, non-participatory marine protected areas (MPAs) exclude access of small-scale fishers—even those using selective gear—to their fishing grounds, and displace them from their habitations. Only the active involvement of local communities at all stages of planning and implementation of conservation and management initiatives will lead to responsible and effective biodiversity conservation and management.

Aquaculture

8. The unregulated expansion of aquaculture, including mariculture, is leading to the privatization of inland water bodies, marine waters and adjacent lands. Clear guidelines, based on principles of social justice, prepared with the full and effective participation of fishing communities, are needed to ensure that aquaculture operations, including mariculture, do not disrupt responsible fishing operations or cause other negative impacts on capture-fisheries-based livelihoods; on the quality of life of coastal communities; and on indigenous species, as through the introduction of alien and genetically modified species.

Sustainable Fishing Gear and Practices

9. The negative impact of bottom trawling, in particular, on fish habitats and fishing communities has been highlighted by fishworkers in several Asian countries. Proscription of all forms of destructive gear and practices, keeping in mind local conditions and the status of fish stocks, should, therefore, be considered.
10. Environmentally friendly small-scale and artisanal fishing gear and practices should be promoted since they involve smaller quantities of gear in greater diversity, often used in tandem with seasonal patterns in fishing, which have potentially less negative impact on fish habitats and fishery resources, and which employ more people per unit of fish output.

Illegal, Unreported and Unregulated (IUU) Fishing

11. Illegal, unreported and unregulated (IUU) fishing and piracy, in waters under national jurisdiction, affect the rights of small-scale and artisanal fishers to a secure livelihood from fisheries. Effective monitoring, control and surveillance (MCS) measures, particularly to control the illegal operations of foreign fleets in waters under national jurisdiction, are essential in this context.

Co-management and Community-based Approach

12. While the State has a central role in developing the broad framework for fish-

eries management, fishing communities have vital roles in co-managing fisheries resources. Increasing the accountability of national and provincial governments to fishing communities, devolution of power to fishing communities, and efforts to enhance the capacity of communities in fisheries management are thus essential.

Women play important, though largely invisible, roles in fisheries and in sustaining fishing communities

13. A community-based approach, built upon negotiated rules of access, needs to be recognized as a long-term conservation and management option. Such an approach, employed in conjunction with legitimate input-control measures, such as restrictions on gear, engine, size of vessel, fishing area, and fishing time, in combination with effective MCS, and enforcement measures, must be developed in consultation with fishing communities, including fishworkers.

Preferential Access of Small-scale and Artisanal Fishers

14. Guaranteeing preferential access rights of traditional inland fishing communities to water bodies is an important requirement for protecting their life and livelihood.
15. It is important to create an enabling environment for small-scale and artisanal fishers to access fishery resources within waters under national jurisdiction. Such a policy of preferential access would be consistent with the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement, and the 1995 FAO Code of Conduct for Responsible Fisheries. Fishery resources beyond territorial waters provide an opportunity for expansion and diversification of small-scale and artisanal fisheries. Fishing vessels that are larger in size should be considered

for waters under national jurisdiction only after progressively exhausting the possibility of employing smaller fishing units, in conjunction with the use of selective fishing gear and practices.

Trans-border Movement of Small-scale and Artisanal Fishers

16. Unauthorized trans-border movement of small-scale fishing vessels and the subsequent detention of fishers is an issue of concern for several Asian countries. The human rights of fishworkers, and the speedy release and repatriation of arrested fishers on compassionate grounds, should be guaranteed. States, particularly archipelagic States, should recognize the traditional fishing rights of fishers from immediately adjacent neighbouring States in certain areas falling within their national waters and should set up appropriate bilateral arrangements for recognizing these rights.

Women in Fisheries

17. Women play important, though largely invisible, roles in fisheries and in sustaining fishing communities. Coastal and fisheries management policies must protect and ensure women's rights to fishery resources, to their legitimate spaces in the fisheries sector, to coastal lands inhabited and used by them, and to decision-making processes affecting their lives and livelihoods. It is important that States extend support to women's work in fisheries, including through provision of credit and appropriate infrastructure for fish processing and marketing. Gathering gender-disaggregated data on employment in fisheries is essential for policy formulation.

Trade in Fish and Fish Products

18. In the absence of effective fisheries conservation and management measures, international trade in fish and fish products has led to the overexploitation of fisheries resources and has had adverse impacts on the livelihoods of small-scale and artisanal fishing communities. In several instances, liberalized imports have depressed prices of local fish in domestic markets. It should be ensured

that policies and practices related to the promotion of international fish trade, do not adversely affect the livelihood and nutritional rights of small-scale and artisanal fishing communities. Asian governments should exercise caution in negotiating bilateral, multilateral and other trade agreements that have adverse impacts on fishing communities, especially in the context of increasing trade liberalization and economic globalization under the aegis of the World Trade Organization (WTO), and explore the option of taking fisheries out of the WTO negotiations.

Fair Access to Social Services, Social Security and Credit

19. Considering the contribution of fisheries to employment, food security and foreign exchange earnings, the right of fishing communities to social security and social services, including education and healthcare, with special emphasis on the prevention and treatment of diseases like HIV/AIDS, should be recognized.
20. Access to credit and product markets of small-scale and artisanal fishers is constrained by exploitative practices of middlemen. Mechanisms that provide an enabling environment for fishers to access credit and receive better market prices, should be established.

International Labour Organization (ILO) Fishing Convention

21. Recognizing the need to provide decent work and labour standards on board fishing vessels, the adoption of the ILO Fishing Convention at the 96th Session of the International Labour Conference in Geneva in June 2007 should be supported. Considering the large number of women and men employed as shore-based fishworkers, relevant provisions of the proposed Convention should also be extended to these workers when it comes up for adoption and implementation at the national level.

Disaster Preparedness

22. In the context of coastal communities' constant exposure to natural disasters, it is important that disaster preparedness programmes be designed and implemented with the representation of fishing communities.

Establishing a Coherent Management Framework

23. The challenge in moving towards sustainable fisheries and integrated coastal/wetland area management is to develop, and implement, a coherent management framework for coastal areas/wetlands and the exclusive economic zone (EEZ) in a consultative and participatory manner, taking into account the environmental, ecological, social and economic dimensions of fishing, fish resources and fish habitats, as well as the impacts of global warming. This requires the establishment of effective inter-agency mechanisms and the setting aside of adequate resources, including for capacity building of managers and communities engaged in coastal/wetland conservation and management, fisheries management and habitat protection.

Asserting Rights, Defining Responsibilities

24. While the above assertions pertain to

...we are fully mindful of the responsibilities, obligations and duties that we collectively have towards nurturing the fishery resources...

our perceptions of rights, we are fully mindful of the responsibilities, obligations and duties that we collectively have towards nurturing the fishery resources and related habitats. These responsibilities, obligations and duties are necessarily oriented toward our collaborative relationship with our communities, the nation State and the international community.

For more

www.icsf.net/icsf2006/jspFiles/icsfMain/statements/english/index.jsp

province of Aceh on the island of Sumatra. One of the oldest organizations in the world, the Panglima Laot traces its origins to 400 years ago, to the time of the Sultanate of Aceh. Stressing its continuing relevance and importance, Adli highlighted the role played by the Panglima Laot in the reconstruction of Aceh following the December 2004 Indian Ocean tsunami.

The Statement was based on the belief that the natural resources of bays, seas, rivers and inland water bodies are the common heritage of all

Edward Allison, Senior Lecturer, School of Development Studies, University of East Anglia, UK, in his presentation, titled "How Can We Broaden the Concept of Rights Beyond the Realm of 'Rights to Fishery Resources' and Into the Larger Social/Cultural Dimensions of Life and Livelihood of the Communities?", discussed the human-rights perspective on responsible fisheries. Participation in 'responsible fisheries' is more effective if communities' basic human rights are secure, he stressed.

The workshop ended with a Statement—the Siem Reap Statement (see previous page)—formulated by 51 participants of small-scale and artisanal fishing communities, FWOS, NGOs, researchers and activists from the 10 South and Southeast Asian countries represented at the meet. The Statement was based on the belief that the natural resources of bays, seas, rivers and inland water bodies are the common heritage of all, and that they should not be privatized for the benefit of the few, and that they should be equitably and responsibly shared for sustaining life and livelihood and for the greater benefit of all small-scale and artisanal fishing communities. The Statement also stressed that responsible fisheries can be assured only if the human rights of fishing communities, including the right to decent work and labour standards and human development, are secured.

The two-day symposium that followed the workshop had an additional 16 participants, representing the fisher-

ies departments of 10 countries from the South and Southeast Asian region, namely, Bangladesh, Cambodia, Indonesia, Laos, Malaysia, Maldives, Pakistan, Philippines, Thailand and Sri Lanka, as well as the WorldFish Centre.

Inauguration

The symposium was introduced by John Kurien of ICSF, and inaugurated by Nao Thouk, Director General, Fisheries and Administration of the Ministry of Agriculture, Forestry and Fisheries, RGC. Rolf Willmann, Senior Fisheries Planning Officer, Fisheries Development Planning Service, Fisheries and Aquaculture Development, FAO, delivered the keynote address on behalf of Ichiro Nomura, Assistant Director General, Fisheries and Aquaculture Department, FAO.

Ly Vuthy, Chief of Community Fisheries Development, Fisheries Administration, RGC, in his presentation, titled "Establishing Rights of Small-scale Fishing Communities to Coastal and Inland Fisheries Resources in Cambodia", shared the Cambodian experience on community fisheries management. He detailed the legal and institutional framework put in place to support community fisheries, and enhance networking among the communities, leading to greater empowerment and development of livelihood options.

Government representatives

The following government representatives of South and Southeast Asian countries made presentations on "The Efforts Being Made to Promote Responsible Small-scale Fisheries and the Rights of Fishing Communities":

Southeast Asia

- Wimol Jantrarotai, Senior Fisheries Foreign Affairs Advisor, Department of Fisheries, Ministry of Agriculture and Cooperatives, Thailand
- Suseno Sukoyono, Director, Directorate of Fisheries Resource Management, Directorate General of Capture Fisheries, Ministry of Marine Affairs, Indonesia
- Jessica C Munoz, Supervising Aquaculturist, Bureau of Fisheries and Aquatic Resources (BFAR), Department of Agriculture, Philippines

- Dongdavanah Sibounthong, Department of Livestock and Fisheries, Ministry of Agriculture and Forestry, Laos PDR
- Le Tran Nguyen Hung, Deputy Director, Component for Strengthening Capture Fisheries Management, National Directorate of Aquatic Resource Protection, Ministry of Fisheries, Vietnam
- Zainudin bin Abdul Wahab, Fisheries Officer, Planning, Development and International Division, Department of Fisheries, Malaysia

South Asia

- Ghulam Muhammad Mahar, Director General, Livestock and Fisheries Department, Government of Sindh, Karachi, Pakistan
- Shantha Bhandara, Senior Assistant Secretary, (Development), Ministry of Fisheries and Aquatic Resources, Sri Lanka
- Zafar Ahmed, Principal Scientific Officer, Marine Fisheries Survey Management Unit, Chittagong, Bangladesh
- Fareesha Adam, Assistant Legal Officer, Ministry of Fisheries, Agriculture and Marine Resources, Maldives

The representatives of governments and multilateral organizations detailed specific measures and steps, including legal provisions at the national level, taken to support small-scale fisheries. The presentations were followed by a panel discussion, which served as an interface for participants to ask questions and get clarifications.

The Chair of the panel discussion, David Thomson, Team Leader, Tonle Sap Environmental Management Project, Project Support Office (TSEMP-PS), Cambodia, emphasized the inherent advantages of small-scale fisheries from an economic, social, environmental and technical perspective. Yasuhisa Kato, Special Adviser, SEAFDEC, in his presentation, titled "Fisheries Co-Management: Using Group User Rights for Small-Scale Fisheries", stressed the importance of user rights for community institutions, to achieve sustainable and responsible fisheries. He also stressed the need for decentralization and delegation of fisheries management responsibilities to resource users within

a co-management framework. Blake Ratner of the WorldFish Centre spoke on "Resilient Small-scale Fisheries: The Role of Rights". He emphasized the importance of adopting a human rights perspective and of securing rights as a cornerstone to improving fisheries governance.

On the last day, Edward Allison and Arjan Heinan synthesized the discussions from the workshop and the symposium. From the perspective of supporters of small-scale fisheries, Allison said, the rights to fish are paramount, but not at the risk of alienating the rights of others, for example, consumers, future generations and other users of the resource.

Stewardship

A strong message has been sent to governments and international bodies that the transfer of the sea from a common-pool resource into private ownership will be seen by the regions' small-scale fishers as a violation of their rights.

Ultimately, what is being requested is a non-transferable community right—not only to use resources, but to decide on how they are to be used. With this comes the responsibility of stewardship, of equity of access and allocation within communities, Allison concluded.



As the Siem Reap meet ended, several delegations, like this one from Vietnam, used the banner as a backdrop for photo shoots

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