

INTERNATIONAL LEGAL INSTRUMENTS RELEVANT TO FISHERIES AND FISHING COMMUNITIES: A HANDBOOK. International Collective in Support of Fishworkers. 2006.

A practical road map

A review of a unique handbook on international legal instruments relevant to fisheries and fishing communities

The easy-to-navigate eight-volume thematic handbook on *International Legal Instruments Relevant to Fisheries and Fishing Communities*, published by the International Collective in Support of Fishworkers (ICSF), is both wide-ranging and comprehensive, and is accompanied by a CD-ROM. The information is also available on ICSF's website at <http://legal.icsf.net>.

The handbook offers a compendium of 114 instruments, including 'hard law'—those with legal effect that are binding on parties, such as treaties and conventions—and 'soft law'—those that are voluntary, such as United Nations General Assembly Resolutions, the 1995 Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries, and Action Plans.

The handbook has important and commendable features that are tailored to a readership concerned about fisheries management, many of whom may not have more than a nodding acquaintance with international legal processes or a firm understanding of the suite of issues involved. Equally, experts in various aspects of fisheries and fishing communities, who have spent a lifetime devoted to international processes that have shaped these instruments, would gain knowledge in complementary areas to round out their experience.

This reference guide was originally developed for an ICSF training programme held in 2003 for fishworkers and non-government organizations (NGOs), and it was realized that the handbook could be important in the

advocacy and campaign activities of these and many other stakeholders.

To that end, the legal instruments were grouped into seven themes:

- Human Rights, Food Security, Women and Development
- Environment and Sustainable Development
- Oceans and Fisheries Management
- Environmental Pollution
- Fishing Vessels and Safety at Sea
- Labour
- Trade

The thematic approach is of great value because it fosters an integrated approach towards fisheries management and underlines the impact of current globalization dynamics—for example, the rapidly expanding development of trade measures in fisheries.

Practical information

For each instrument, practical information is provided on the mechanisms for implementing the international instruments, including decision-making bodies and implementing agencies. The frequency of the meetings of the bodies and agencies is described, as are rules for participation by States and NGOs. Monitoring agencies and regional bodies relevant to the instrument are also listed. Importantly, the handbook highlights key provisions of each instrument that are relevant for

fisheries, small-scale fisheries and fishworkers.

In that regard, it is a useful tool because it identifies the processes of global fisheries governance and the web of decisionmaking that affects those in the fisheries and related sectors. It can serve as a framework, or checklist, for those who wish to better understand day-to-day processes at the international level, or to identify strengths, constraints or areas where reform is needed.

The instruments selected are comprehensive and, for the most part, are presented in chronological order. A general introduction is contained in Volume I, with a brief description of the origins and objective of the handbook.

It also contains an extensive and useful list of acronyms, a glossary and large foldout chart of the instruments for ease of reference. A one-page synopsis for each of the other volumes serves as a clear introduction of each theme for the initiate.

Theme I, referring to the broad, entrenched issues of human rights, food security and (thankfully) women and development, gives a human dimension to all other themes. Theme II, Environment and Sustainable Development, focuses on the United Nations Conference on Environment and Development (UNCED) and its many spinoffs, small island developing States

and other environmental and cultural instruments.

Theme III, Oceans and Fisheries Management, provides a wealth of information on binding and voluntary agreements and conferences, FAO Ministerial conferences and meetings, International Plans of Action under the 1995 FAO Code of Conduct for Responsible Fisheries, and 11 relevant United Nations General Assembly (UNGA) resolutions. It is the largest volume in the set. The coverage of this theme tends to be more about fisheries management than oceans management, as many instruments relating to the latter fall within Theme IV, Environmental Pollution. In that volume, many of the landmark agreements are reported, including the UN Framework Convention on Climate Change and the Global Programme of Action on Land-based Pollution.

Theme V, Fishing Vessels and Safety at Sea, comprises mainly older instruments. This reflects the continuing need for attention to this area. In fact, this is the thinnest volume. Recent initiatives to establish a global register for fishing vessels—made more effective by global concerns about security—may impact positively in this area.

Sixth theme

Theme VI, Labour, the second-largest volume in the compendium, is usefully divided into fisheries and applicable

general instruments, and those relating to women.

A pleasing feature about the print version of the handbook is its minimalist size: it is published in small, concise booklets that are easily transportable. It is a tribute to the publishers that such a great wealth of information was arranged in such a practical manner.

A drawback, at least for the current print version, is its lifespan: it is current as at March 2005, almost two years ago. This is offset by the fact that the current decade tends to be more about implementation of the international instruments negotiated earlier, with a surge of activity in the 1990s. Many of the instruments relating to fisheries and environment were ignited by the 1992 UNCED.

The international community continues to call for additional instruments on fisheries that would build on existing agreements, with greater detail that respond to current technologies and fisheries-management issues. The calls are generally made through UNGA resolutions or forums such as the May 2006 Review Conference of the 1995 UN Fish Stocks Agreement or the FAO Committee on Fisheries (COFI). Examples of current issues that are expected to be discussed at the March 2007 Session of COFI, and have the potential for resulting in international instruments, are the performance of flag-State responsibilities and a process for a binding instrument on port-State measures. The development in FAO of ecolabelling guidelines would also be an important addition to the compendium.


However, given the fundamental nature of the instruments already included, this should not detract from the overall body of knowledge presented by the handbook. It is to be hoped that updates can be added from time to time, at least on the website.

The handbook is set apart from other collections of fisheries instruments by its scope, template and target audience. However, although it is well organized, it would be a challenge for the layperson to navigate through the volumes without

explanation and some study. On the other hand, those who are familiar with international processes and might wish to learn more about the instruments, will find it a practical road map.

Its effectiveness for the layperson—the fishworkers themselves—could be augmented by a simple explanation in the introduction about what makes a country bound by international instruments. An explanation is presented in a piecemeal way in the glossary, but it requires that the reader knows enough to look up words such as ‘accession’, ‘date of effect’, ‘ratification’ and ‘signature’. In addition, the template could refer to websites showing each instrument, and for those that are binding, the countries that have ratified or are otherwise bound by it.

Another suggestion for expanding the readership would be to explain the purposes for which the handbook could be used. These could include, for example, compliance by countries with their international obligations, verifying standards for labour or other relevant laws, providing background for law or treaty reform, defining the obligations of countries to take into account social, economic and cultural factors, and improved understanding of regional arrangements. This would be an excellent ‘selling point’, inspiring the reader and advocate to approach the instruments from different angles.

The handbook reflects the purpose for which it was originally intended—as resource materials for a training programme—but its potential usefulness is much more wide-ranging. 

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