

Spreading the Net

A planned national network will share information and knowledge on the SSF Guidelines to a wider audience of fishery-related stakeholders

In Myanmar, limited access to natural resources and financial capital has resulted in many fisherfolk struggling to maintain even basic living standards. They are left with little opportunity to move out of poverty; this also undermines the sustainable management of fishing grounds. These uncertain conditions have driven the migration of small-scale fishing communities to work as casual labour

It soon became clear that community participation needs to be further improved if the objectives of the meetings and workshops conducted were to be achieved. At present, the contribution of several participants during discussions is weak, making it difficult to practically implement the action agenda in the field. Although the fishery co-management plan has been largely supported, there are emerging competing interests and incentives in the co-management system since the new Ayeyarwady Freshwater Fisheries Law was enacted in 2018 by the regional government. In most parts of the Ayeyarwady region, co-management practices are still quite new and, therefore, it is hard for the Department of Fisheries (DoF) to manage the new interests and incentives of various groups to implement legally-supported co-management. Furthermore, the limited capacity of department staff to implement the new law and policies due to personal motivations, conflicting interests and an ongoing power struggle between the regional/state governments and the Union DoF, hinders effective implementation of the fishery co-management system in the Ayeyarwady region.

Policy provisions

The new Ayeyarwady Freshwater Fishery Law (AFFL) provides a better framework for improving ecosystem conservation, increasing revenues, reducing corruption and supporting broader livelihood development. It provides for tender licences under Myanmar kyat (MMK) 4 million value to be allotted to community fisheries group without calling for auctions. These policy provisions have supported thousands of small-scale fisheries to gain access to resources; their impacts

54

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in cities as well as forced them to join the raft fishing industry as fishworkers.

To promote the rights of small-scale fisheries (SSF) in the delta, the Network Activities Group (NAG), a Myanmar-based non-governmental organization (NGO), worked on a project in 2018-2019 to strengthen the capacity of small-scale fishing communities by focusing on the SSF Guidelines with the help of the International Collective in Support of Fishworkers (ICSF). Five key activities followed, which are: one, review of the existing fishery co-management plans of the project's targeted zones; two, capacity need assessment and strengthening of Fisher Development Associations (FDAs); three, study on the working conditions of fishers and fishworkers of the kyarr phong (stow net) fishery; four, awareness raising; and, five, strengthening the capacity of FDAs and the Ayeyarwaddy Region Fishers' Network (ARFN) to raise issues related to kyarr phong fisheries in policy dialogue.

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Co-management training workshop, 22-24 December, 2018. The discussions focused on review the existing co-management plans for each fishing zone and the areas which needed to be developed, revised and modified were mapped out

are at several levels. As the result of the new legislation, 487 fisheries Tender Areas, 52 Common Fishing Grounds and seven Conservation Areas have been granted to the small-scale fishery communities.

However, the current fishery reform process continues to face several challenges in implementation, especially in the formalization of new institutions. Firstly, tenders with an auction floor price of over MMK4 million can only be obtained through participation in the auction system. The floor price of tenders keeps changing from year to year, based on the floor price calculation system that adds further uncertainty and hardship for fishers. For example, in 2017, the floor price of the Mya Sein Kan Tender was MMK3.9 million but in 2018 it was increased to MMK4.29 million, an increase of 10 per cent. As a result, the tender could not be allocated to the SSF because its floor price had gone over MMK4 million and could thus be allocated only through the auction system as per the government policy.

In effect, this meant that the SSF had to bid against more powerful and affluent outsiders for the rights. The

MMK4 million policy is an unwritten piece of legislation that depends mainly on changing political interests, especially with a new government due after 2020. It is likely that there will be a return to previous means of serving individual benefits rather than enabling co-operation under co-management arrangements. This could prove to be a discouraging factor for the long-term commitment to institutionalizing the co-management system and conservation practices.

Despite these challenges, the recent reforms in the governance of the freshwater fisheries sector in Myanmar are significant and provide lessons and guidance for the improved governance of other economic sectors. These lessons help to understand the impact of the new regulations, the social dynamics involved, and the revenue derived from co-management arrangements and practices. It is necessary to convince the fishing communities that co-management is for the long term. The DoF's role should be oriented more towards facilitating community fisheries management rather than controlling and collecting revenue, which has been its traditional function.

NAG



56

Kyarr Phong (stow net) fishery study group meeting. The kyarr phong fishery has attracted greater attention in recent years as news about its unsustainable practices brought widespread media attention

The kyarr phong fishery has attracted greater attention in recent years as news about its unsustainable practices brought widespread media attention. The reality of the fishery remains quite appalling. Despite poor and often violent working conditions on the rafts, the government does not seem too keen to tackle the issue. The study of the ICSF-aided project reported that though the fishery is risky for both owners and workers, it has a powerful attraction because of its 'high-risk, high-reward' orientation. Although the salaries paid to the boat labourers are not large, another attraction draws people to take up the job: advance payment. Whoever works on the raft (excluding the workers on land and on the carrier boats) gets an advance payment, which can amount up to 10 times their basic salary. To be eligible for the advance, the worker needs to sign a contract prepared by the owner, though the written contract is waived where the owners trust the crew member. In

most cases, it is not the workers who avail of the advance personally but one of their family members, which may make it legally complicated; but it is a traditional practice all the same. The complex arrangements behind the advance systems have given rise to several accusations, including those of money laundering, labour exploitation and human trafficking.

Most of the workers on the unregistered rafts have no personal documentation like the National Registration Card (NRC). They have to suffer extremely long working hours (minimum 12 hours a day) and brutal treatment from supervisors and owners. In addition, they have to deal with the common eventuality of natural disasters. Life-saving equipment like jackets are not provided to workers for fear that they will flee. Some runaways have found work under new owners on neighbouring rafts or boats. The prevailing labour shortage aids such recruitment.

Only limited quantities of food were provided on the boats and there was no purified drinking water available. The unsanitary conditions breed infectious diseases which can lead to death due to the lack of medical care. Although the owners pay compensation to the families of those who die on the rafts, the amount is not fixed and it is not certain whether it would be adjusted against the advance paid. The raft owners insist on waiting for six months, until the missing person is officially declared dead. To address this problem, a Raft Fishery Association comprising boat owners was established in 2016 in Pyapon Township of Ayeyarwady Region and in Yae Township of Mon State. But the association has no representation from the employee side. Any initiative to safeguard decent work in the kyarr phong fishery must take these factors into consideration.

Media exposes of the deplorable conditions in the fishery have forced the DoF and the Union Government to set up Investigation Committee. Clearly, engagement with the media will be key in future programme implementation and advocacy work. Progress on the proposed Marine Fishery Law is slow, despite sufficient ground-level information. There is a need to engage carefully with the government in the Marine Fishery Law development process; some interests in the government do not wish to see the law passed since it will lead to the decentralization of inshore areas, further weakening the power and influence of the DoF. Any focus on decent work in the fisheries is likely to make new enemies. However, given the magnitude of the issue for the livelihoods of thousands of fishworkers, NGOs and civil society organizations (CSOs) must engage at multiple levels to bring an end to these abusive and dangerous practices.

The SSF Guidelines can be a point of departure for amending the fishery laws and policies of Myanmar. The main priorities are: responsible governance of tenure; post-harvest activities and trade; promoting legal frameworks for SSF; strengthening fishery institutions and networks; and conservation for sustainable resource management. All

these themes ought to be reflected in amending or promulgating fishery laws and policies.

However, most stakeholders have limited understanding of the SSF Guidelines. Specific measures have now been undertaken by government agencies to impart knowledge on the guidelines. The Myanmar Fishery Partnership, formed in 2016 for technical co-ordination and exchange information among the Project Implementation Partners, does not have representatives of SSF and fishery communities. At the state and regional levels, fishery partnerships have since been formed, with at least 75 per cent

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representatives of SSF. Collective problem solving and knowledge sharing is now regularly carried out by development agencies.

In 2020 a National SSF Network was set up, initiated by NAG in close collaboration with international NGOs (INGOs) and CSOs. This network is anticipated to be the key platform in advocacy work for fishing rights and in sharing information and knowledge on the SSF Guidelines to a wider audience of fishery-related stakeholders in the near future. ↴

For more

Myanmar: Improved governance of small-scale fisheries and enhanced upholding of duties towards conservation and sustainable use of fisheries resources and decent work at the subnational levels

<https://igssf.icsf.net/en/page/1087-Myanmar.html>

Kyarr Phong Fishery: The Tiger's Mouth

<https://www.icsf.net/en/samudra/article/EN/75-4245-The-Tiger's-Mou.html>

Fisheries Governance: Confusion, Uncertainty

<https://www.icsf.net/en/samudra/article/EN/80-4372-Confusion,-Unce.html>

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