

**The Siem Reap Meet**

# **Proceedings**

**Asserting Rights, Defining Responsibilities:**

Perspectives from Small-scale Fishing Communities on  
Coastal and Fisheries Management in Asia

Workshop and Symposium  
3-8 May 2007  
Siem Reap, Cambodia



**International Collective in Support of Fishworkers (ICSF)**

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on Coastal and Fisheries Management in Asia

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*Organized by*  
International Collective in Support of Fishworkers (ICSF)

*in co-operation with*  
The Fisheries Administration  
of the Royal Government of Cambodia

**Proceedings**



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Asserting Rights, Defining Responsibilities:  
Perspectives from Small-scale Fishing Communities  
on Coastal and Fisheries Management in Asia

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# Acronyms and Abbreviations

ADB	Asian Development Bank	DOALOS	Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, UN
AFSC	American Friends Service Committee	DOF	Department of Fisheries (Cambodia)
APEC	Asia-Pacific Economic Cooperation	EAF	ecosystem approach to fisheries
APFIC	Asia-Pacific Fishery Commission	EEZ	exclusive economic zone
ASEAN	Association of South East Asian Nations	EIA	environment impact assessment
BFAR	Bureau of Fisheries and Aquatic Resources (Philippines)	EU	European Union
BOBP	Bay of Bengal Programme	EVAT	expanded value-added tax
CBCRM	community-based coastal resource management	FACT	Fisheries Action Coalition Team (Thailand)
CBCRM-RC	Community-based Coastal Resource Management Resource Centre (Philippines)	FAD	fish aggregating device
CBD	Convention on Biological Diversity	FAO	Food and Agriculture Organization of the UN
CBFMA	community-based forest management agreement	FARMC	fisheries and aquatic resource management council (Philippines)
CBNRM-LI	Community-based Natural Resource Management Learning Institute (Cambodia)	FCS	fisheries co-operative society
CC	commune council (Cambodia)	FGD	focus group discussion
CCRF	Code of Conduct for Responsible Fisheries	FiA	Fisheries Administration (Cambodia)
CDO	Community Development Office (Cambodia)	FSF	Federation of Southern Fisherfolk (Thailand)
CF	community fisheries (Cambodia)	FWO	fishworker organization
CFDO	Community Fisheries Development Office (Cambodia)	GDP	gross domestic product
CFDU	Community Fisheries Development Unit (Cambodia)	GIS	geographic information system
CFM	community fisheries management	GPS	global positioning system
CHARM	Coastal Habitats and Resources Management (Thailand)	GRT	gross registered tonnage
COFI	Committee on Fisheries (of FAO)	GT	gross tonnage
COP	Conference of the Parties (of CBD)	HIV/AIDS	human immunodeficiency virus/acquired immune deficiency syndrome
CRZ	coastal regulation zone	HP	horsepower
CZM	coastal zone management	IASCP	International Association for the Study of Common Property
DDT	dichloro-diphenyl-trichloroethane	IBD	International Day for Biological Diversity
DFAR	Department of Fisheries and Aquatic Resources (Philippines)	ICRM	integrated coastal resources management
DFID	Department for International Development (of the UK)	ICSF	International Collective in Support of Fishworkers
DISHA	Direct Initiative for Social and Health Action (India)	ICZM	integrated coastal zone management
		IDRC	International Development Research Centre
		IFReDI	Inland Fisheries Research and Development Institute (Cambodia)
		ILO	International Labour Organization
		IMCAM	integrated marine and coastal area management

IOTC	Indian Ocean Tuna Commission	RGK	Royal Government of Cambodia
IPCC	Intergovernmental Panel on Climate Change	SAM	special area management (Sri Lanka)
ITQ	individual transferable quota	SEAFDEC	Southeast Asian Fisheries Development Centre
IUU	illegal, unreported and unregulated (fishing)	SDF	Sustainable Development Foundation (Thailand)
KEN	Kumpulan Ekonomi Nelayan (Fishermen Economy Groups, Malaysia)	SEZ	special economic zone
KKM	Kababaihan ng Kilusang Mangingsida (Women of Fisherfolk Movement, Philippines)	SIFFS	South Indian Federation of Fishermen Societies (India)
LDC	least developed country	TEKS	traditional ecological knowledge systems
LGU	local government unit	TSEMP	Tonle Sap Environmental Management Project
LOSC	Law of the Sea Convention	TSEMP-PS	Tonle Sap Environmental Management Project, Project Support Office
MAFF	Ministry of Agriculture, Forestry and Fisheries (Cambodia)	TURF	territorial use rights in fisheries
MCD	Centre for Marinelife Conservation and Community Development (Vietnam)	UBINIG	Unnayan Bikalper Nitinirdharoni Gobeshona (Policy Research for Development Alternatives, Bangladesh)
MCS	monitoring, control and surveillance	UDHR	Universal Declaration of Human Rights
MFAR	Ministry of Fisheries and Aquatic Resources (Sri Lanka)	UK	United Kingdom
MFO	Municipal Fisheries Office (Cambodia)	UN	United Nations
MPA	marine protected area	UNCED	United Nations Conference on Environment and Development
MRC	Mekong River Commission	UNCLOS	United Nations Convention on the Law of the Sea
MSY	maximum sustainable yield	UNDP	United Nations Development Programme
MWBP	Mekong Wetland Biodiversity Programme	UNFSA	United Nations Fish Stocks Agreement
NAMA	non-agricultural market access	UNGA	United Nations General Assembly
NAQDA	National Aquaculture Development Authority (Sri Lanka)	UNTAC	United Nations Transitional Authority in Cambodia
NARA	National Aquatic Resources Agency (Sri Lanka)	VDC	village development committee (Cambodia)
NFF	National Fishworkers' Forum (India)	VSG	village support group (Cambodia)
NGO	non-governmental organization	WCPFC	Western and Central Pacific Fisheries Commission
OECD	Organization for Economic Co-operation and Development	WSSD	World Summit on Sustainable Development
OGB	Oxfam Great Britain	WSSD-POI	Plan of Implementation of the World Summit on Sustainable Development
PDR	People's Democratic Republic	WTO	World Trade Organization
PFO	Provincial Fisheries Office (Cambodia)	WWF	World Wide Fund for Nature
PRSP	Poverty Reduction Strategy Paper		

# Preface

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In Asia, fisheries are important from a social, economic and cultural perspective, and millions of people in the region depend on inland, coastal and marine fisheries for a living. The vast majority of them are small-scale and artisanal fishers and fishworkers.

Today, there is a growing recognition among governments and international and regional institutions about the important contribution of small-scale fisheries to local and national economies, and to livelihoods, poverty alleviation and food security. At the same time, there is a focus on exploring how the contribution of the sector can be secured and enhanced.

The International Collective in Support of Fishworkers (ICSF) has long emphasized the pre-eminence of artisanal and small-scale fisheries from an economic, social, cultural and ecological perspective. Safeguarding the rights of communities to access fisheries resources and to lands traditionally inhabited and used by them, has also been seen as crucially important, in a context where these rights are being threatened in various ways, due to developments both within and outside the fisheries sector. It has been stressed that recognizing rights of communities to resources, within the framework of sustainable utilization of living natural resources, is necessary if fishing communities are to progressively share the responsibility for managing coastal and fisheries resources.

It was against this background that ICSF organized a workshop and symposium at Siem Reap, Cambodia, on “Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia”. In preparation for the meeting, case studies were undertaken in six countries—Bangladesh, Cambodia,

India, Indonesia, Philippines and Thailand—focusing on rights and responsibilities of fishing communities. 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. These studies, which formed the basis for discussions at the Workshop and Symposium, are being published separately, as individual case studies.

The proceedings of the Workshop and Symposium provide a bottom-up perspective on how rights are understood, and what rights are seen as important by small-scale fishing communities, if they are to fulfill their responsibilities for managing resources in a sustainable and equitable manner.

The deliberations and debates at the Workshop and Symposium are particularly relevant at a time when rights-based approaches to fisheries management, with an emphasis on property rights, are being mooted as the way forward to achieve sustainable fisheries. The consensus from the Workshop was unequivocal: the transfer of the sea from a common-pool resource into private ownership will be seen by the region’s small-scale fishers and fishing communities as a violation of their rights.

It is hoped that these proceedings, and the Statement from the Workshop will be found useful by those engaged in policymaking and advocacy in support of small-scale fisheries, as well as researchers, non-governmental organizations (NGOs), fishworker organizations, and multilateral and regional organizations. <sup>3</sup>





# Prospectus

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## Introduction

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Millions of people in the Asian region depend on fisheries for a living, and the sector is a major source of food security, employment, income and foreign exchange. According to the Food and Agriculture Organization of the United Nations (FAO), of the 41.4 mn fishers worldwide engaged in fishing and fish farming as a full-time, or, more frequently, part-time, occupation, as many as 36.3 mn, or 88 per cent, are in Asia. China has the maximum number of fishers and fish farmers, followed by India, Vietnam, Indonesia, Bangladesh and the Philippines. The majority of fishers and fish farmers are small-scale, artisanal fishers, eking out a living from coastal and inland fishery resources.

These figures are likely to be underestimates. An FAO study in Southeast Asia, for example, suggested that the figure reported to the organization for the number of inland capture fishers worldwide (4.5 mn, full-time, part-time or occasional) is easily exceeded by those fishing in inland waters in just eight countries covered by the study, namely, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand, and Vietnam.

Further, these figures do not include those involved in other fisheries-related activities, such as marketing, processing, net-making, supplying ice, boat building, and so on. Importantly, women play an important role in several of these activities. Assuming a ratio of 1:3—that is, for every person who fishes, there are three others on shore engaged in fisheries-related activities—a conservative estimate would place the total number of people involved in fisheries-related activities in Asia at about 110 mn. The total number of people dependent on the sector in Asia is, no doubt, much higher.

Significantly, 90 per cent of the catch from small-scale fisheries worldwide caters to human consumption. According to the Asian Development Bank (ADB), artisanal,

small-scale fisheries in Asia are estimated to contribute to at least 50 per cent of total fisheries production, providing extensive rural employment.

Total fish production in Asia in 2004 was estimated at 86.2 mn tonnes (world total: 139.6 mn tonnes), of which 40.6 mn tonnes were from marine capture fisheries (world total: 85.8 mn tonnes) and 5.5 mn tonnes were from freshwater capture fisheries (world total: 8.6 mn tonnes). In 2004, ten Asian countries—China, Indonesia, Japan, India, Thailand, Philippines, Vietnam, Korea, Malaysia and Myanmar—were among the top 20 countries in terms of production from marine capture fisheries, contributing to 42.4 per cent of total production. Similarly, nine Asian countries—China, Bangladesh, India, Indonesia, Cambodia, Thailand, Pakistan, Vietnam and Philippines—were among the top 20 countries in terms of freshwater capture fisheries.

Fish is an important source of food security in the region. For more than 1.6 bn of the 3.5 bn people in the region, fish provides more than 20 per cent of the animal protein consumed. This figure rises to more than 50 per cent in countries such as Bangladesh, Cambodia, Indonesia, and Sri Lanka.

## Background

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Since its inception in 1986, the International Collective in Support of Fishworkers (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.

In Asia, where fisheries are important from a social, economic and cultural perspective, ICSF has had a long history of engagement with fishworker organizations (FWOs) and non-governmental organizations (NGOs) on issues relevant to small-scale fishworkers and their communities. Several

workshops and training programmes have been organized, notably the South Asian Workshop and Symposium on Coastal Area Management, in 1996; Forging Unity: Coastal Communities and the Indian Ocean's Future, in 2001; and the training programme, Empowerment through Information, on international legal instruments of relevance to fisheries, in 2003.

Given the pre-eminence of artisanal and small-scale fisheries from an economic, social and ecological perspective, the importance of protecting and securing the rights of small-scale fishworkers and their communities to livelihoods and resources—both on land and sea—has been a recurrent theme in all the events organized by ICSF. Participants at the Coastal Area Management Workshop and the Indian Ocean Conference highlighted, for example, the importance of guaranteeing preferential rights of coastal fishing communities to the coastal areas where they live and the aquatic resources to which they have customarily enjoyed access for livelihood.

The Vision Statement issued at the conclusion of the Indian Ocean Conference stressed the need to reduce the capacity of the industrial fleet, particularly where the small-scale sector is in a position to harvest the same resources with a smaller ecological footprint. Further, drawing attention to the development of relatively small boats with long endurance capabilities for targeting highly migratory resources such as tuna, it highlighted the need to recognize the rights of the small-scale sector to sustainably harvest such resources, in keeping with Article 5 (i) of the 1995 United Nations Fish Stocks Agreement (UNFSA), which requires coastal States and States fishing on the high seas to take into account the interests of subsistence and artisanal fishers.

The importance of small-scale fisheries, and of protecting the interests and preferential access rights of small-scale fishing communities, is recognized in several international instruments (for example, Chapter 17 of Agenda 21; UNFSA; and the 1995 FAO Code of Conduct for Responsible Fisheries, CCRF). However, putting in place effective systems that recognize and protect these rights that

help move towards sustainable fisheries, remains a challenge.

### **Rationale for the Workshop**

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

This is the case for communities dependent on marine fisheries who have limited access to other alternative resources, as well as for full-time inland fishers or those involved part-time with other agrarian pursuits. 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 considered necessary if fishing communities are to progressively share the responsibility of managing coastal and fisheries resources.

#### *Rights to fisheries resources*

Fisheries have a long tradition in the Asian region, both in the inland and coastal areas. The sector has been, and continues to be, an important source of income, food and livelihood for millions in the region. Fishing communities along coasts, rivers, lakes and other water bodies have been living and fishing in the same area for generations. Migration of fishers, mainly in pursuit of migratory fish stocks, has also been a common and accepted feature. It is not surprising, therefore, that several communities have developed their own norms to regulate access to resources, resolve conflicts, and ensure equity. They often have clear perceptions of 'claims' to the resources (land and water/sea-based) on which their lives and livelihoods depend. Their perceptions and claims have, in some cases, obtained wider social acceptance in the larger community and attained the status of unwritten 'rights'. These 'rights', and the norms and institutions associated with them, are yet to be formally recognized by the State, in most cases. These customary rights have also weakened over time, with the influx of capital and technology, adaptations of

fishing methods and fishing vessels, and the growth in fish trade as well as the competing uses for inland and coastal spaces.

Today there is growing global concern about declining fishery resources, both in marine and inland water bodies, and recognition of the need to manage fisheries resources. Poor performances in fisheries, including inefficiencies in resource conservation, have often been attributed to deficiencies in the institutions that regulate access; and the importance of adjusting such institutions to the conditions of resource scarcity has been highlighted.

There is increasing emphasis on rights-based approaches to fisheries management, advocating the introduction of some form of rights to resources—for individuals or groups. However, discussions on rights-based approaches have largely been restricted to fisheries in temperate ecosystems. The solutions offered are, in the main, not wholly conducive to the context of the techno-ecological or socioeconomic dimensions of small-scale fisheries in developing countries. This is particularly true in the context of Asia, which accounts for the largest share of small-scale fishing operations.

The assumptions underlying rights-based approaches are threefold: (i) There is excess fishing capacity in both small- and large-scale fisheries, and fisheries the world over are largely overfished, and face the threat of collapse. (ii) The core problem of resource overexploitation and stock depletion, as well as the building up of excess fishing capacity, lies in the open-access nature of most fisheries. (iii) Rights-based approaches are the only effective way, in the long run, of meeting the biological, social and economic objectives of fisheries management. The solutions offered include introducing a menu of property-rights regimes, such as individual transferable quotas (ITQs) for some fish stocks and territorial use rights in fisheries (TURFs) for some others.

A widespread adoption of rights-based approaches to fisheries could have major implications for the lives and livelihoods of small-scale fishworkers and their communities. It is thus essential to examine both the underlying assumptions and the solutions that

follow from them. It is particularly important to analyze whether the fisheries management measures being put forward are coherent with the customary rights of coastal fisheries and their communities, within a framework of sustainable fisheries.

Further, it is important to explore this debate in conjunction with the long-articulated analysis, positions and demands of artisanal fishworkers vis-à-vis allocation and management of fisheries resources, and to identify areas of convergence and departure, so as to propose coastal and fisheries management regimes appropriate for both small- and large-scale fisheries in the Asian context.

#### *Rights to coastal lands*

Fishing communities have lived along the coasts of seas, rivers, lakes and other water bodies for generations, given their need for being close to fishing grounds. However, with the growing competing uses of coastal spaces, fishing communities in several parts of Asia find themselves displaced from their traditional lands, or facing the threat of displacement. In many areas, communities lack formal titles to the lands they have customarily lived on and used for berthing boats, drying fish, gathering crabs, shellfish and seaweeds, doing subsistence farming, and so on. Several of these activities are often the responsibility of the women of fishing communities. The dimensions of this problem need to be better understood, and ways sought to secure the rights of communities to the coastal lands they customarily use. In this context, the coastal management frameworks being put in place by countries in the Asian region must be examined.

These are some of the issues that the proposed workshop hopes to address.

#### **Objectives of the Workshop**

Specifically, the workshop will:

- 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.

### **Results Anticipated from the Workshop**

It is expected that the workshop will lead to:

- documentation/greater visibility of traditional and extant community-based systems for regulating/managing fisheries in an Asian context, and an understanding of their present relevance to fisheries management;
- documentation/greater visibility of issues facing fishing communities and their rights to inhabit and use coastal lands;
- greater capacity of fishing communities and their organizations to advocate for policies that secure the rights of fishing communities to the coastal lands customarily used by them;
- greater capacity of fishing communities and their organizations to advocate for policies directed at equitable and sustainable coastal and fisheries management regimes appropriate for small- and large-scale fisheries in the Asian context; and
- recognition among policymakers of proposals articulated by fishing communities and their organizations for coastal and fisheries resources management.

### **Structure of the Workshop**

A three-day workshop for FWOS, NGOs, researchers and activists from the Asian region will be followed by a two-day symposium to which policymakers and representatives of regional and international organizations will be invited.

### **Participants**

#### *Workshop*

A total of about 50 participants, representing FWOS, NGOs, and activist and research groups from Cambodia, Vietnam, Indonesia, Thailand, Malaysia, India, Sri Lanka, Pakistan, Philippines, Bangladesh and Laos, are expected to attend.

#### *Symposium*

Apart from the above, policymakers and representatives of regional and international organizations working in the region are expected to participate.

### **Venue and Dates**

The workshop will be organized in Siem Reap, Cambodia, from 3 to 5 May 2007. A field trip on 6 May will be followed by a two-day symposium on 7 and 8 May 2007.

### **Pre-workshop Country Case Studies**

Prior to the workshop, case studies will be undertaken in six countries—India, Philippines, Bangladesh, Cambodia, Indonesia and Thailand—on rights-based fisheries management and attendant issues. The case studies will draw on published data as well as primary research. Information and analysis from the studies will form the basis for discussions at the workshop. 3

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# Discussion Note

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## Preferential Access Rights of Small-scale Fisheries to the EEZ: A Win-Win Option for Equity with Effective Fisheries Management?

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### Abstract

The small-scale and artisanal fisheries sector is an important source of employment, income and food security, particularly for the poor, in many Asian countries. This discussion note explores the policy space for recognizing the preferential rights of small-scale and artisanal fisheries in Asia to fishery resources of the exclusive economic zone (EEZ), within the framework of the 1982 United Nations Convention on the Law of the Sea (UNCLOS or, now more commonly, LOSC), the 1995 United Nations Fish Stocks Agreement (UNFSA) and the 1995 FAO Code of Conduct for Responsible Fisheries (CCRF). It reviews the status of marine fishery resources and fishery conservation and management measures in the Asian context and proposes workable options for achieving greater equity with effective fisheries management.

### Introduction

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Although the LOSC that confers preferential rights to the coastal States to their respective EEZs was signed only in 1982, a number of coastal States, including Asian ones, had already by then extended their territorial seas and established EEZs. While Bangladesh was the first country—in 1974—to do so in the Asian region, China was the last—in 1998. All coastal States in Asia, with the exception of Cambodia and Thailand, have by now ratified the 1982 LOSC. The coastal States have the sovereign rights, *inter alia*, to explore and exploit, and conserve and manage the natural resources, including living resources, of the EEZ under the said Convention.

Over the last three decades since the onset of the EEZ regime, the total world marine capture fishery production has increased from 57 mn tonnes in 1975 to 84 mn tonnes in 2005. The share of Asia,

including China, in total world marine fish production increased from 40 per cent to 47 per cent. However, the share of Asia, excluding China, in world marine capture fishery production decreased from 34 per cent to 30 per cent in the same period.

Asia also accounts for the largest share of employment in world fisheries. Nearly 88 per cent of an estimated 41 mn people working full-time or otherwise as fishers or fish farmers in the world were in Asia (2004 figures). This included about 85 per cent of an estimated 30 mn people employed as fishers and nearly 96 per cent of 11 mn people employed as fish farmers (FAO 2007). The vast majority is employed in small-scale and artisanal fisheries.

The world fishing fleet comprised about 4 mn units at the end of 2004, of which 1.3 mn were decked vessels of various types, tonnage and power, and 2.7 mn were undecked or open boats. While almost all decked vessels were mechanized, only about one-third of undecked vessels were powered, often with outboard motors (FAO 2007). About 86 per cent of decked vessels, 50 per cent of powered undecked vessels and 83 per cent of total non-powered vessels are concentrated in Asia (FAO 2005). Asia, thus, accounted for the largest share of fishing units in the world, although this may not imply that Asia also accounts for the largest share of fishing capacity in the world.

### Status of Marine Fishery Resources and Fisheries Management in South and Southeast Asia

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The most recent information on the state of marine fishery resources and fisheries management is available in the *Review of the State of World Marine Fishery Resources*, published by the FAO in 2005. In the western central Pacific region (FAO Statistical Area 71), where countries such as Vietnam, Thailand, Cambodia, Indonesia and the Philippines are located, shrimp resources were shown to be heavily exploited in the Gulf of Thailand, in the

north coast of Java in Indonesia, and in the Manila Bay in the Philippines, due to the increasing use of efficient fishing gear. Bottom-trawling has been singled out as responsible for overexploitation of demersal resources in the Gulf of Thailand and for the decline of shrimp stocks in the western part of the Arafura Sea. Gear and area restrictions have been identified as common management measures. Malaysia is believed to be more advanced than the rest of South and Southeast Asia when it comes to fisheries management (FAO 2005a).

There are several regional bodies dealing with fishery issues in the western central Pacific such as the WorldFish Centre, Southeast Asian Fisheries Development Centre (SEAFDEC), the Association of Southeast Asian Nations (ASEAN) Fisheries Working Group, and the Asia-Pacific Economic Co-operation (APEC) Fisheries Working Group. However, none of them has a mandate for regional fisheries management (FAO 2005a). The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) was established in 2004. However, none of the ASEAN countries, except the Philippines, has become a member.

In the northern areas of the eastern Indian Ocean (FAO Statistical Area 57) where countries such as India (eastern seaboard), Sri Lanka, Bangladesh, Myanmar, Thailand, Malaysia (western seaboard) and Indonesia (western Sumatra, Malacca Strait and southern Java) are located, multispecies and multigear fisheries have been dominating the marine capture fisheries scene. Of 54 stocks or species groups fished in the region, the status of 33 is known, of which 7 are fully exploited or overexploited. The overexploitation of fishery resources in the northern areas of the eastern Indian Ocean has been attributed to population pressure in the coastal areas. The region also suffers from poor monitoring, control and surveillance (MCS) systems at the national level. The main management measures currently employed are zoning according to fishing gear, and area closures (FAO 2005a).

In the western Indian Ocean (FAO Statistical Area 51), especially in the eastern Arabian Sea, comprising

Pakistan, India and the Maldives, reported fish catches have been more or less stable since 1997. The large number of small fishing vessels is believed to make it difficult to implement fisheries management measures. The current measures are reported to mainly comprise zoning for different fishing gear, and seasonal closures. Fishing intensity is believed to be high, and there is believed to be little active regulation of fisheries. The Indian Ocean Tuna Commission (IOTC), established in 1993 under Article XIV of the FAO Constitution, has been mandated to manage tuna and tuna-like species in the western and eastern Indian Ocean, and its members include India, Pakistan, Sri Lanka, Malaysia, Thailand, and the Philippines. Indonesia is a co-operating non-contracting party of IOTC.

### **1982 LOSC and Coastal Fishing Communities**

Under the 1982 LOSC, coastal States are required to determine the allowable catch of the living resources in their EEZs. By requiring coastal States to determine allowable catch in their EEZs of living resources, the 1982 LOSC also recognizes limits to the exploitation of fishery resources. This would involve estimating the size of each species group that can be fished. At a macro-level, therefore, there is an implicit recognition of output limits towards conservation and management of fishery resources.

The coastal States are further required to adopt conservation and management measures for such resources. According to Article 61, coastal States are to determine the allowable catch in their EEZs and to ensure that “the maintenance of living resources in the exclusive economic zone is not endangered by overexploitation”. The coastal States are expected to achieve this through “proper conservation and management measures”. Regarding populations of harvested species, conservation and management measures are to be designed to maintain or restore such species, as well as species associated with or dependent on them, at levels that can produce the maximum sustainable yield. The Convention requires that measures for the conservation and management of living resources of the EEZ also take into account the economic

needs of coastal fishing communities, which is an indirect recognition of equity considerations within the 1982 LOSC framework for conservation and management measures.

Article 6.18 of the 1995 CCRF recognizes the central role of small-scale and artisanal fisheries in providing the economic needs of coastal fishing communities in the realms of employment, income and food security. It goes one step further by requesting States to protect the rights of fishers and fishworkers, especially in subsistence, small-scale and artisanal fisheries, to a secure (“free from fear or anxiety”) and just (“equitable”) livelihood (“means of living”) (*parentheses added*). States are further requested to protect the rights of subsistence, small-scale and artisanal fishers to preferential access to traditional fishing grounds and resources in the waters under their national jurisdiction.

Considering that the livelihood of small-scale and artisanal fishers is primarily from fishing activities, putting Article 6.18 of the 1995 CCRF together with Article 61.3 of the 1982 LOSC would suggest, *inter alia*, that protecting the rights of fishworkers in subsistence, small-scale and artisanal fisheries to a secure and just livelihood and to preferential access to traditional fishing grounds and fishery resources in the EEZ, is an important consideration that States have to keep in mind while adopting “proper conservation and management measures” for the maintenance of living resources in the EEZ. Further, in an indirect reference to subsistence, small-scale and artisanal fisheries, Article 7.6.6 of the 1995 CCRF underscores the importance of recognizing traditional practices, needs and interests of indigenous peoples and local fishing communities while deciding on the use, conservation and management of fishery resources.

In the South and Southeast Asian region, only Indonesia (2004), Vietnam (2003), Philippines (1998), Maldives (1987), Malaysia (1985), and Sri Lanka (1996) have so far developed an EEZ-level fisheries legislation to manage the national fishing industry. Several of the South and Southeast Asian countries, such as India, Pakistan, Bangladesh, Myanmar, Thailand and Cambodia, are

still in the process of developing similar fisheries legislation.

Extending preferential access to the EEZ to small-scale and artisanal fisheries is an obligation yet to be explicitly recognized by many coastal States, in spite of the significant presence of small-scale and artisanal fisheries in the EEZs of many Asian coastal States. Currently, in countries such as Cambodia, Malaysia, Thailand, Bangladesh, India and Pakistan, such access is legally recognized only to the territorial waters but not to their EEZs. Among Asian countries, only Indonesia has explicitly legislated preferential access to small-scale fisheries to the entire fisheries management zone (FMZ) that includes the Indonesian territorial waters and the EEZ (see box on next page).

There are, however, provisions in national fishing policy to diversify fishing fleet from territorial waters to the EEZ in countries like India, Malaysia, Vietnam and Sri Lanka. However, this is to provide a ‘safety valve’ for excess fishing capacity within territorial waters. There are also isolated initiatives to selectively recognize traditional fisheries in the EEZ and beyond. The Philippines, for example, has recently (2006) legislated the traditional handline fishing method, targeting tuna, in their EEZ and beyond, to be used in conjunction with traditional fishing vessels that are 60 gross tonnage (GT) and below.

### **Options for Conservation and Management Measures in Marine Fisheries**

What emerges from the review of the state of marine fishery resources in FAO Statistical Areas 71, 57 and 51 in the realms of fisheries management in South and Southeast Asia is the need to regulate fishing effort, to improve gear selectivity for better conservation of fishery resources, and to reduce demographic pressure in coastal waters.

Bottom-trawling has been cited in the FAO review as contributing to overfishing pressures in several parts of Asia. There should be concerted effort, in particular, to eliminate all forms of bottom-trawling that have huge negative impacts on the conservation of fishery resources as well as on peaceful access to fishery resources of fishers



## Indonesia: preferential access to small-scale fisheries

Indonesia is the largest archipelagic State in the world. Its sovereignty extends to the waters enclosed by the archipelagic baselines. The Indonesian territorial waters comprise the Indonesian territorial seas, with the archipelagic and internal waters. The Indonesian territorial seas are defined as the sea belt having the width of 12 nautical miles measured from the Indonesian archipelagic baseline. With 460,000 marine fishing vessels, Indonesia probably has one of the largest marine fishing fleets in the world, although nearly half these vessels are non-powered. There are 130,000 boats powered by outboard motors or long-tails, and 111,000 powered by inboard engines. The total number of vessels above 50 GT, however, is only about 4,600, of which over 560 vessels are above 200 GT. There are over 1 mn full-time fishers in Indonesia catching over 4 mn tonnes of fish from the marine waters (DKP,2004; FISHSTAT, FAO). There is, however, no estimate of total fishing capacity in terms of GT or kilowatt/hour.

Indonesia legislated one of the most comprehensive fisheries laws to emerge from the developing world in October 2004. It came into effect two years later. It takes into account the present and future development of fisheries, which includes capture fisheries and aquaculture in the Indonesian EEZ, its archipelagic waters and in its internal waters. The new legislation is fairly broad in scope and includes issues such as pollution,

biological diversity and ecosystem dimensions of fisheries.

The central thrust of the new fisheries legislation is on fisheries management. The goals of fisheries management include improving the living conditions of small-scale fishers and fish farmers, and optimum utilization of fishery resources. The Act also recognizes the role of customary laws and local wisdom as well as community participation in fisheries management. Any individual, except small-scale fishers and fish farmers, who derives 'direct benefit' from the fishery resources within the fisheries management zone (FMZ) of Indonesia, would be subject to payment of fees and levies that would be used for "fisheries development and activities to ensure sustainable fishery resources and the environment".

Several provisions have been made for the 'empowerment' of small-scale fishers and fish farmers. The Indonesian government has taken the responsibility to finance such empowerment programmes. Small-scale fishers and fish farmers, for example, would be provided with subsidized credit to meet capital and operating costs. Small-scale fishers could fish anywhere in the FMZ; however, they have to comply with conservation regulations. They have also to participate in sustainable fisheries, and meet food-safety standards. Although exempt from licensing requirements, they have to register with the local fisheries agency (under the provincial or district administration). 3

who are dependent on passive, or more selective, non-trawl fishing gear. So far, only Indonesia has proscribed bottom-trawling in certain parts of its FMZ. The implementation of the ban, however, is reported to be not very effective.

Although overcapacity is not an issue highlighted in the FAO review (FAO 2005) of South and Southeast Asia, there are quite a few reports cautioning about the need to reduce fishing capacity in the Asian region. The issue of overcapacity in fishing fleets and its reduction to levels commensurate with the long-term sustainable use of fishery resources has been highlighted since the 1990s. Problems of inadequate data to assess whether or not fishing capacity is proportionate to the available fishery resources, however, remain.

As FAO points out, "statistics on total tonnage and total power of world fishing fleets are not available on a global basis. Information on the number of fishing vessels and boats is largely derived from national registers and other administrative records, and may, therefore, include some non-operational units. At the same time, national administrative records often exclude smaller boats whose registration is not compulsory and/or whose fishing licences are granted by provincial or municipal authorities. Data made available to FAO by national respondents concerning these smaller fishing boats are often estimates; in such cases, respondents frequently keep the numbers constant over the years. In addition, reporting practices for

fishing fleets operating in freshwaters vary among countries, with only a few countries making a clear distinction between marine and freshwater fleets. In view of all these factors, the *currently available information has only limited value for monitoring and determining global trends in fishing capacity.*" (FAO 2007) (*emphasis added*).

Due to paucity of data and methodological inconsistencies, there does not seem to be a proper assessment of fishing capacity, worldwide, including in Asia. As in the case of fishing capacity, knowledge of the status of fishery resources is also insufficient, despite the rapid and continued development of fisheries in the Asian region. Many management decisions have been taken on an *ad hoc* basis (FAO 2005a).

In the absence of reliable information about fish stocks and fishing capacity, perhaps the most pragmatic way to conserve and manage fishery resources is through the adoption of the precautionary approach. Several measures can be considered from the fishing-end of the spectrum to ensure that fisheries are not overexploited. States should exercise caution when information regarding total allowable catch (TAC) is uncertain, unreliable or inadequate, by setting catch and effort limits until sufficient data is generated to assess the impact of fisheries on the long-term sustainability of fish stocks. Development of fisheries should be after establishing conservation and management measures based on such an assessment (Article 6 of the 1995 UNFSA; Article 7.5.4 of the 1995 CCRF).

In this context, promoting selective small-scale and artisanal fishing techniques and practices using smaller quantities of gear in greater diversity, which have potentially less negative impacts on fish habitats, and that employ more people per unit of output of fish, should be considered a significant option within the framework of the precautionary approach in data-deficient fisheries. Recognizing responsible small-scale, artisanal and subsistence fisheries in itself is a necessary condition towards adopting conservation and management measures.

Fishing units—a combination of fishing vessels, their propulsion, fishing gear, including gear paying/hauling

devices, and other accessories assisting in navigation and fish detection—that are larger in size should be considered only after progressively exhausting the possibility of employing smaller fishing units in conjunction with selective fishing gear and techniques, in the entire range of distribution of fish stocks, with due consideration for safety of fishing operations as well as for the safety and better working conditions of fishers on board such units.

Guaranteeing preferential access to small-scale and artisanal fisheries within a precautionary-approach framework can also contribute to vital equity considerations in many Asian fisheries, especially to provide the needs of coastal fishing communities. Considering that Asia, particularly South and Southeast Asia, has the largest share of fishers' population in the world—nearly 90 per cent—taking into account the economic needs of coastal fishing communities while undertaking conservation and management measures, acquire special significance. The presence of a large number of part-time and occasional fishers further complicates the picture.

Further, from the perspectives of both conservation and management, and equity, technological parity (meaning equivalence) in fishing power in different fishing zones should be adopted, particularly in poorly managed fisheries, without compromising on the safety of fishers and fishing operations. Thus, fishers in different categories of fishing, for example, pelagic and demersal, should employ fishing power of low intensity that fall within a narrow band in relation to the length of the fishing vessel, horsepower, fish-storage capacity, and quantity and type of fishing gear, and other fishery-related and navigational accessories. This will minimize differentiation within each fishing subsector.

In addition, from a conservation and management point of view, the proper adoption and implementation of input-control procedures—restrictions on gear, engine, size of the vessel, fishing area, and fishing time—in combination with effective monitoring, control and surveillance (MCS) and enforcement measures, and provision of intelligent redeployment and alternative employment to coastal fishers, could significantly address the problems that

have so far been identified in better fisheries management in the region. Gathering reliable data of fishery resources, fishing effort, fisheries output and fishing populations should also be undertaken. Within the framework of input-control measures, non-selective and destructive fishing gear and practices should be proscribed in all types of fishing.

Together with greater recognition of small-scale and artisanal fisheries, appropriate regional and national mechanisms at the level of the EEZ and the high seas, especially with regard to highly migratory fish stocks, on the one hand, and national/subnational mechanisms at the level of the EEZs, on the other, should be created or strengthened. The latter mechanisms could be centralized or decentralized, or devolved to the level of fishing communities, as the case may be. Effective implementation of MCS and enforcement measures are also important, which could be considered under community control as well.

### Conclusion

In South and Southeast Asia, recognition of responsible, selective and labour-intensive small-scale and artisanal fisheries can—within the framework of a precautionary approach consistent with the 1995 UNFSA and 1995 CCRF—significantly contribute towards meeting the obligation of coastal States to manage their marine fishery resources without overexploitation. Recognition of the preferential rights of small-scale fisheries to the EEZ can go hand in hand with the elimination of most destructive forms of fishing techniques and practices. Together with input-control measures and elimination of destructive forms of fishing techniques such as bottom-trawling, it is held that responsible small-scale and artisanal fisheries can deliver on the twin goals of equity and effective fisheries management—two important considerations for the sustainable development of fishery resources in the world, particularly in Asia. 3

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# Statement from the Workshop

## (The Siem Reap Statement)

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**W**e, 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**

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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**

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

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.

### **Transborder Movement of Small-scale and Artisanal Fishers**

16. Unauthorized transborder 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 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. 3

# Report of the Workshop Proceedings

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## Background

Since its inception in 1986, the International Collective in Support of Fishworkers (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. Safeguarding the rights of fishing communities—both marine and inland—to access fisheries resources and to the continuous possession or enjoyment of residential habitats and other lands that they have traditionally used, 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.

It was to discuss the above issues that a workshop, titled “Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia”, was organized by 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 participants were joined by representatives of the governments of some South and Southeast Asian countries.

## Objectives

The Workshop and Symposium were organized with the following objectives:

- 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 policies that recognize the rights of fishing communities to the coastal lands and resources customarily used by them.

## Participants

A total of 56 participants from 10 countries of Asia, namely, Bangladesh, Cambodia, India, Indonesia, Malaysia, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam, participated in the Workshop. They included representatives of various fishworker organizations (FWOs) and non-governmental organizations (NGOs), researchers, activists and representatives of regional and multilateral organizations, namely, the Southeast Asian Fisheries Development Centre (SEAFDEC), WorldFish Centre, and the Food and Agriculture Organization of the United Nations (FAO).

The Symposium that followed attracted an additional 16 participants, representing the fisheries departments of 11 countries from the South and Southeast Asian region, namely, Bangladesh, Cambodia, Indonesia, Laos, Malaysia, Maldives, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam.

## Preparatory Studies

Prior to the Workshop, case studies were undertaken in six countries—Bangladesh, Cambodia, India, Indonesia, Philippines and Thailand—focusing on rights and responsibilities of fishing communities. Among other objectives,



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. (An overview of the country case studies can be found in the box on pg. 26.)

### Inaugural Session

Following a welcome address by Chandrika Sharma, Executive Secretary, ICSF, John Kurien, Member, ICSF, introduced the Workshop (see pg. 79).

...pro-poor criteria and principles should be used when designing policies and strategies for small-scale fisheries management in developing countries.

Kurien traced the origins of ICSF as an international network of individuals—currently from 20 countries—with a marked developing-

country focus. It was for the first time that ICSF was conducting a workshop in collaboration with a government, Kurien said. One reason for conducting the workshop in Cambodia, he explained, was to ensure that the concerns of inland fisheries were well reflected. The choice of Cambodia was also in view of the important initiatives being taken by the RGC to create rights for fishing communities and to mutually define responsibilities for co-management. Elaborating on the theme of the Workshop, Kurien 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. Many of these are inalienable basic human rights. At the same time, rights without responsibilities and obligations are futile and empty—they need to be discussed as two sides of the same coin.

In his inaugural speech, H.E. Nao Thuok, Director General, Fisheries Administration of the Ministry of

Agriculture, Forestry and Fisheries (MAFF), RGC, highlighted the importance of the fisheries sector to the lives and livelihoods of the Cambodian people and the national economy. Bearing in mind the importance of the sector, 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 (CF). The reform aims to promote broad local participation in fisheries management and the efficient, sustainable and equitable use of living aquatic resources, Nao Thuok said. In Cambodia, rights and co-management for small-scale fisheries is being demonstrated in action and not only in words. Further, the new fisheries law, which was enacted in 2006 by the King, has the objective of ensuring management of inland and marine fisheries and conservation of biodiversity, and of promoting the livelihoods of local communities. It is notable that the traditional use rights of fishing communities are recognized under the new legislation. There are also initiatives to improve co-ordination between different sectors to minimize the negative impacts on fisheries. Nao Thuok concluded by emphasizing the importance of regional and international co-operation for undertaking successful fisheries management initiatives, both inland and marine.

In his keynote address (see pg. 69), Ichiro Nomura, Assistant Director-General, Fisheries and Aquaculture Department, FAO, gave a brief general overview of the role and characteristics of the small-scale fisheries sector, highlighting its growing international recognition, including by FAO’s Committee on Fisheries (COFI), and its contribution to food security and poverty alleviation.

“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 for small-scale fisheries

management in developing countries. Pro-poor fisheries management should include the following principles: 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 should be mobilized for the transition to responsible fisheries.

As a pro-poor policy, a redistribution of access from the industrial fleets to small-scale fishers should be considered. Zones need to be legally designated for fishing households to settle and their land tenure ensured. Traditional landing sites need to be protected from alternative development. Settlement areas should be made permanent to allow for improved living conditions.

In conclusion, Nomura highlighted the urgent need to restore and improve management of small-scale fisheries, stressing that key approaches for achieving responsible fisheries should be based on a combination of decentralization of management responsibilities; rights-based fisheries; and strong support to social development and poverty alleviation.

### **Background and Rationale of the Workshop**

*Chair: Ly Vuthy, Chief of Community Fisheries Development, Fisheries Administration, RGC*

### **Presentation by Sebastian Mathew, Programme Adviser, ICSF**

Sebastian Mathew elaborated on the background, rationale and objectives of the Workshop. He 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. He ended by outlining some issues for consideration: What are the norms developed by fishing communities to regulate access, resolve conflicts and ensure equity? How is it possible to win recognition for unwritten 'rights'? Why

is it important to win such recognition? What is the status of fishing capacity in Asia? Are marine and inland fisheries in Asia facing a collapse? How far is it true to state that Asian fisheries are, in general, 'open-access'? Is introduction of property rights necessarily the best solution to the fisheries management problems specific to Asia? How far are rights-based approaches coherent with customary rights? What are the coastal and fisheries management regimes appropriate for fisheries, in both the small-scale and large-scale sectors? To what extent is the absence of formal title deeds preventing communities from accessing their traditional lands for various purposes?

### **Fisheries and Coastal Area Management Regimes in Asia: What Rights and Interests of Artisanal and Small-scale Fishing Communities are Taken into Account?**

*Chair: Arjan Heinan, Fisheries Management Facilitator, The Netherlands Inland Fishers Organization, and Voluntary Adviser, Danao Bay Resource Management Organization, Philippines*

### **Presentation of Case Studies from Southeast Asia undertaken by:**

- Community-based Coastal Resource Management Resource Centre (CBCRM-RC), Philippines
- Community-based Natural Resource Management Learning Institute (CBNRM-LI), Cambodia
- Sustainable Development Foundation (SDF), Thailand
- Telepak, Indonesia

### **Presentation of Case Study by CBCRM-RC, Philippines**

Allan Vera of the CBCRM-RC, Philippines, provided an overview of small-scale, commercial and aquaculture operations in the Philippines, their areas of operation, the agencies with jurisdiction over them, the gears used and the species harvested/cultivated. He also discussed community perceptions of claims and rights to resources, decision-making processes, and basic services, and the related legal framework. The communities perceived themselves as having a right to livelihood (through

# Overview of Country Case Studies

by Sebastian Mathew, Programme Adviser, ICSF

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The case studies that were commissioned for the Siem Reap Workshop are varied and diverse in emphasis. While the studies from Bangladesh and Cambodia focus mainly on floodplain and river-basin fisheries, the others concentrate on marine artisanal and small-scale fishing communities, especially in nearshore waters. The case studies from Indonesia and the Philippines focus on artisanal and small-scale fishing communities in small islands in large archipelagos, while those from India (specifically, its eastern seaboard) and Thailand (the Gulf of Thailand) centre on mainland artisanal and small-scale fishing communities.

As far as inland fisheries are concerned, the case studies from Bangladesh and Cambodia present a contrasting picture. For the poor fishers of Cambodia—which has one of the world's largest population of fishers dependent on inland fishery resources—fishing lots' reforms and national legislation of community fisheries have granted fishing communities unprecedented access to the floodplain and river-basin fisheries.

Although Bangladesh also has floodplain fisheries, precious little has been done to ensure access of bona fide fishers to inland fisheries resources, which still remain a stranglehold of absentee leaseholders. As a result, inland fishers have access to fishing grounds under conditions much less favourable than what prevailed under colonial rule, and when Bangladesh was part of Pakistan.

In the current context, with the coming into force of UNCLOS in 1994, a coastal State has near-absolute power over fisheries affairs in its EEZ. Nonetheless, for the artisanal and

small-scale fishing communities, it is instructive to see how legal and policy frameworks have dramatically changed for the better since the late 1990s, especially in Indonesia and the Philippines.

Several legal instruments have been introduced in these large archipelagic nations for greater decentralization of fisheries governance, and to ensure greater access of coastal fishing communities to fisheries resources, particularly in inshore waters.

There are provisions in both these countries for community participation in fisheries enforcement, which is perhaps unique in Asia. Although the communities have no power to arrest and detain offenders, community participation in enforcement of fisheries legislation has successfully reduced illegal trawling in the Philippines' Mahaba Island, for instance.

In India, too, fisheries within the 12-nautical mile territorial sea are under the jurisdiction of provincial governments, which have enacted legislation and introduced several provisions to protect the interests of fishers in traditional fishing activities.

The case studies from India and Indonesia discuss traditional institutions of coastal or fishing communities. Although traditional institutions and customary practices are not explicitly recognized by formal law, they serve the functions of organizing fishing activities (as in the case of the *khotis* or transient fishing camps of West Bengal, India), regulating access to particular fishery resources or fishing grounds under traditional rules' regimes (*sasi* and Panglima Laot of Indonesia), and fishing-input controls in a fishing

community (for example, *gram pedhaloo* in Orissa, India).

Simultaneously, trade union activities—sometimes militant—have also been resorted to by fishworker organizations in India, Indonesia, the Philippines and Thailand, to enforce fishing rights that are already guaranteed under national law. In these countries there seems to be greater complementarity between formal laws and traditional institutions.

In Bangladesh, the customary rights that traditional fishing communities had enjoyed in the past, are systematically being denied by a rent-seeking State that has increasingly empowered lessees of floodplain water bodies.

What emerges from the case studies is a ‘bottom-up’ perspective on what ought to constitute ‘rights’ to fishing grounds and fishery resources, both in inland and marine waters. The perspective is of a common-property regime, where fishers employ compatible fishing gear and techniques to harvest fishery resources under a rubric of common rules or customary law. Such a perspective on fishing contrasts with the customary perspective on land settlements, where private property rights and secure tenure are deemed important.

Importantly, the responsibility of fishing communities has also been explicitly articulated in several realms: subscribing to fisheries legislation; employing selective and non-destructive fishing gear and practices; implementing turtle conservation measures; protecting mangroves and marine sanctuaries; as well as following formal and informal communitarian norms regarding access to fishing grounds and fishery resources, and use of fishing gear and closed seasons.

The case studies make clear that inland and coastal fishing communities are aware of threats to fishing arising from destructive fishing gear and practices, such as dynamite and cyanide fishing (in, for instance, the Philippines); trawling

(India, Indonesia, the Philippines and Thailand); oil and gas exploration and exploitation (Indonesia and Thailand), nuclear plants (India); pesticide pollution (Bangladesh and Cambodia); aquaculture (Cambodia, India and Thailand); and construction of dams, deforestation and electro-fishing (Cambodia).

Although the rights of artisanal and small-scale fishing communities to nearshore and inland waters are enshrined in law, they are yet to be fully enforced in all the countries studied. There is considerable worry about the enforcement capacity of governments in the region to exclude destructive fishing gear and practices as well as to protect the fisheries from IUU fishing operations.

The case studies demonstrate measures being adopted by some Asian governments to improve fisheries management through improvements to fisheries legislation and through community participation in decision-making and fisheries management processes.

There are, thus, initiatives from both ends of the spectrum—from the community and the State—to seek common ground on better conservation of, and equitable access to, fisheries resources.

The challenge is how to maintain this momentum, and the direction of change, for the better of fisheries resources and marine and inland ecosystems, as well as for the betterment of coastal communities dependent on these resources for their lives and livelihoods. 3

equitable use of resources, a sustainable resource base, and participation in the management and development of resources); to settlement; and to access basic social services and infrastructure.

Vera highlighted the key threats facing communities in recognizing and realizing these rights: the use of destructive fishing gear; problems with accessing resources; conflicts over resource use; the overall context of fisheries liberalization, with a focus on promoting intensive aquaculture and flooding markets with imports and smuggled fish; lack of participation in policymaking and enforcement; and competing claims to fisherfolk settlements. Vera also outlined

...the sea and its resources belong to all, they cannot be owned by any individual and everyone has a shared responsibility to protect the sea.

community actions towards management of coastal and fisheries resources in some parts of the Philippines,

using the specific examples of the initiatives undertaken by the communities of Candelaria, Zambales, and Hinatuan, Surigao del Sur.

**Presentation of Case Study by CBNRM-LI, Cambodia**

In his presentation, Sim Buntheon of the CBNRM-LI, Cambodia, said that case studies were undertaken in two locations: in Bak Amrek-Doun Ent community fishery (inland), Prek Loung Commune, Ek Phnom District, Battambang Province, and in the Tum Nup Rolok community fishery (coastal), Tum Nup Rolok Sangkat, Stung Hav Precinct, Sihanouk Ville Municipality. During the course of the study, it was observed that after the establishment of the community fishery, fishing communities in the two study sites have become more aware of their rights to fish, and particularly of their right to prevent illegal fishing. They have also become more aware of their responsibility towards fishery management and conservation. In particular, there is a strong resolve to protect mangroves and flooded forests by restricting use, and putting up conservation areas.

There is, however, inadequate awareness among local people about

rights to fisheries resource. The capacity of communities to assert their rights needs to be developed through technical and other support. At the same time, a better understanding of small-scale fisheries is fundamental in pursuing actions on CF in the future, stressed Buntheon. The right to engage in small-scale fisheries has always been practised and is considered ‘traditional’ by the local people. There are few studies on CF, and very little direct documentation on customary practices or traditional fishery management systems. This is an area that needs to be explored further, concluded Buntheon.

**Presentation of Case Study by Sustainable Development Foundation (SDF), Thailand**

Wichoksak Ronnarongpairee of the Federation of Southern Fisherfolk (FSF), Thailand, and Supawan Channasongkram of SDF, Thailand, stressed that a common belief among Thai small-scale fisherfolk, predicated on religious principles, was that the sea and its resources belong to all, they cannot be owned by any individual and that everyone has a shared responsibility to protect the sea. Recognizing the rights of communities to collectively use and manage—but not permanently own—their resources was essential and consistent with the culture, norms, traditions and religious beliefs of small-scale fisherfolk. While the rights of communities to manage resources were recognized in a legal sense, as under the constitution of Thailand, the rights were being violated in several ways, such as through destructive fishing by push-nets and trawlers, efforts to privatize the sea, and insecurity of tenure on land.

As a result of policies that focus on increasing production and exports, fisheries resources were under severe pressure, stressed the presenters. Though almost 92 per cent of all fishers in Thailand are small-scale, they harvest only 12 per cent of the total catch. Small-scale-fishing communities have taken several measures to protect their resources, as through struggles against destructive fishing and other development activities, and through actual protection and conservation efforts. However, these efforts have gone largely unrecognized. Communities need the rights to manage, distribute

and conserve resources to sustain themselves, and to protect them for future generations. They also need the authority and power to impose sanctions against those who harvest resources using destructive gear, they concluded.

### **Presentation of Case Study by Telapak, Indonesia**

Nina Dwisasanti 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, coastal tourism, and from pollution and related impacts of mining and other industrial activities on the coast. In practice, most marine waters are “free for all” and many fisheries are fully exploited or overexploited.

Government efforts to promote decentralization offer an opportunity to shift from a State-based paradigm to a community-based one, with some autonomy being provided to manage and conserve resources. According to the law on local autonomy/decentralization, for example, small-scale fishers are free to fish in all nine fisheries management areas of the Republic of Indonesia. The guidelines for small island development recognize the existence of customary laws and community-based resource management in small islands, as well as the participation of local people in surveillance activities. According to the guidelines for integrated coastal management planning, local people shall be given an opportunity to express their opinions, objections, perceptions and suggestions during the planning process, and shall be involved in all stages from preparation, initiation, planning and certification to implementation and institutionalization.

However, decentralization efforts have also put more pressure on resources, as local governments sell off resources to increase their incomes. Traditional and customary rights are often being violated to give way for investors. Communities have reacted in several ways to protect their rights, such as through the establishment of fisherfolk organizations, and sometimes through open, often violent, clashes with the industrial fleets at sea. Realizing their responsibilities, communities are also promoting environment-friendly and

sustainable fishing gear and methods, conserving natural resources through replanting mangroves and rehabilitating coral reefs, and putting aside a regular contribution from the daily catch for community welfare funds.

Essentially, fishing communities in Indonesia are asking the government to acknowledge, respect and protect the rights of traditional/artisanal small-scale fishing communities; limit access to local/traditional fishing grounds; ensure that commercial fishing licences are issued on the basis of the carrying capacity of the fisheries; and promote genuine co-management in fisheries, concluded Dwisasanti.

### **Synthesis of Presentations from Southeast Asia**

Synthesizing the presentations from Southeast Asia, Elmer Ferrer of the CBCRM-RC, Philippines, posed two questions as a starting point: first, why a focus on small-scale and artisanal fisheries?; and second, why do we want to promote a management regime based on small-scale and artisanal fisheries? He drew attention to the discussion note prepared by Sebastian Mathew (see pg. 13) that provides an initial answer to the above questions. It discusses the above questions from the point of view of conservation and equity, suggesting that the small-scale model of fish production is more environmentally sustainable and socially appropriate, said Ferrer.

Referring to the presentations, Ferrer said that most of the studies had agreed that small-scale fishing communities perceive fishing for a livelihood as a basic right. Even so, fishing communities also see a corresponding responsibility towards resources. The following assertions were also made:

- Equitable and sustainable use of resource is a right.
- Participation in management and decisionmaking is perceived as a right.
- Living in the vicinity of the fishing grounds is another important perception of rights.
- Access to basic social services is also a perceived right.

The case studies also identified the main threats to the realization of these rights, as perceived by small-scale fishing communities. These included degradation of resources and pollution.

The threats from external sources include global trade arrangements and smuggling in fisheries, which lead to inequitable sharing of resources.

A participant commented that there is need to keep in mind the Asian context while discussing the right to fish, because in Asia there are not many choices available to the small-scale fisheries sector. The task then becomes to create a wider range of income-generating options, which, in turn, will call for economic policies that emphasize equity rather than growth.

**Fisheries and Coastal Area Management Regimes in Asia: What Rights and Interests of Artisanal and Small-scale Fishing Communities are Taken into Account?**

*Chair: Arsenio Tanchuling, Executive Director, Tambuyog Development Centre, Philippines*

**Presentation of Case Studies from South Asia by:**

- Direct Initiative for Social and Health Action (DISHA), India
- Unnayan Bikalper Nitinirdharoni Gobeshona (UBINIG, Policy Research for Development Alternatives), Bangladesh

**Presentation of Case Study by DISHA, India**

Harekrishna Debnath of the National Fishworkers' Forum (NFF), India, presented the country study prepared by DISHA, about the community of fishers and fishworkers functioning around

These organizations understood the concept of rights only when faced with 'wrongs', such as displacement by tourism and industry, and overfishing by mechanized boats.

traditional landing centres called 'khotis' in the Indian State of West Bengal, in two areas on the East Medinipur

coast of West Bengal: the landing centres covered by the erstwhile Junput area, presently run by the Junput, Haripur, Baguran Jalpai 1 and Baguran Jalpai 2 *khotis*; and the Dadanpatrabar fish landing centre and the community-based organization that runs that landing centre. The *khoti*

brings together a range of people—fishers, sorters and driers, vendors and traders, and often even shopkeepers, paramedics, and others doing business within the *khoti* area. The main function of these centuries-old organizations, which represent both boatowners and crew, is to ensure harmonious fishing operations. The *khoti* functions as the fishing community's forum for civic and economic self-organization.

These organizations, Debnath explained, understood the concept of rights, only when faced with 'wrongs', such as displacement by tourism and industry, and overfishing by mechanized boats. These developments brought before the fishing community the question of conservation and management. The fight for survival became intimately tied with questions of protecting and conserving the sea and the coast. Members of the *khotis* are demanding a stop to intensive prawn farming in coastal areas, a ban on trawling and the use of mosquito nets for fishing, controls on pollution and industrial activity on the coast, and a stop to the destruction of sand dunes and beach vegetation.

Women members of the *khoti*—largely involved in sorting and processing fish—are demanding a crèche for children of women workers, proper toilets, adequate resting places, and separate co-operatives for women.

*Khoti* members stress that only 'aquatic reforms', along the lines of the agrarian land reforms, which confer non-transferable community rights to the sea to the fishers as custodians, can bring about a positive change in fisheries management. Co-management regimes, involving strict surveillance, are required, concluded Debnath.

**Presentation of Case Study by UBINIG, Bangladesh**

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 developments such as unsustainable shrimp culture. Communities are

aware of their responsibilities to protect fish resources and water bodies from overfishing, pollution and other threats, and have taken several initiatives to fulfill them, concluded Tito.

**Comments by V.Vivekanandan, Chief Executive, South Indian Federation of Fishermen Societies (SIFFS), India**

Reflecting on the situation in South Asia, particularly India, V. Vivekanandan of the South Indian Federation of Fishermen Societies (SIFFS), said that systems of local autonomy and self-governance, some of which still persist, have characterized fishing communities in many parts of the region. Self-governance has been evident in the spheres of livelihoods and village administration as well as in the socio-cultural realm. Along some parts of the Indian coast, as in Orissa, the same governance system manages all three spheres, while in others, like West Bengal, the focus is on managing only livelihoods. Often localized governance structures, through horizontal and vertical linkages present in some areas, as in Andhra Pradesh and Tamil Nadu, have taken up issues that transcend local levels. It is also worth noting, Vivekanandan pointed out, that women are generally not part of such self-governance systems.

In recent years, with changes in technology, there have been huge increases in capacity, leading to serious resource management problems and conflicts between resource users. Fishermen's struggles and conflicts have forced the government to introduce regulations and take over management responsibilities. However, government controls have not been successful either in managing resources or in ensuring equity. There is, at the same time, growing pressure from environmental organizations to improve fisheries management. Conservation measures being introduced, such as MPAS and long fishing holidays, are perceived by fishers as threats to their livelihoods.

At another level, growing industrialization and urbanization are damaging the coastal ecology and fishing habitats. These developments are also displacing fishing settlements and affecting the access of fishermen to the sea. Conflicts with non-fisheries

interests over these issues are on the rise.

Vivekanandan then dwelt on the current status of traditional organizations and their possible role in fisheries and coastal resources management. These, he said, have weakened considerably—while self-governance systems at the village/landing site may still be in place, the horizontal and vertical links have been weakened or destroyed. In some regions, traditional institutions represent only the artisanal sector, while in others, as in Tamil Nadu and Maharashtra, they represent both the artisanal and the mechanized sectors. In general, they face limitations in managing the external environment, especially modern State structures.

Given the limitations of traditional organizations to deal with the State and the new actors in the sector, new forms of fisherfolk organizations have emerged, such as trade unions, associations that cover longer stretches of coastline, co-operatives and women's organizations, among others. Organizations linked to political parties have also strengthened in some States, such as Kerala in India. Also active are NGOs and other civil society actors.

Vivekanandan said that there is need to recognize the strengths of traditional organizations at the local level and their power of social sanction. These organizations can be seen as building blocks for a new system of management. However, higher-level functions of building common rules across coasts, deciding on the content of fisheries management, negotiating with government, and so on, require modern organizations like unions, associations, gear-based groupings, co-operatives and NGOs. New organizations also have a greater role to play in representing mechanized boat fishermen. A co-management system with traditional village/landing centre-based organizations, at one end, and government, at the other, mediated by a number of modern organizations, is

...finding a balance between traditional and modern organizations is vital for the future of fisheries management in Asia.



needed. However, Vivekanandan added, the fight for rights on coastal lands is a tougher proposition, and it is not easy to visualize organizations or networks capable of protecting the coast. Support from the rest of civil society is crucial.

Concluding his presentation, Vivekanandan said that finding a balance between traditional and modern organizations is vital for the future of fisheries management in Asia—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.

### **Reporting Back from Group Discussions: Problems, Concerns, Interests in Relation to Fisheries and Coastal Area Management**

*Chair: Ho Thi Yen Thu, Programme Manager, Centre for Marine Life Conservation and Community Development (MCD), Vietnam*

Workshop participants held discussions in 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 these rights, and define responsibilities?

#### **Cambodia**

Reporting on the group discussions, the Cambodia group said that fishing communities perceived that they had a right to participate in resource utilization, exploitation, management, protection and conservation; to participate in law enforcement; to have access to alternative livelihood

activities such as aquaculture and animal husbandry; and to benefit from ecotourism arrangements.

The main threats to the realization of these rights included lack of capacity and finance; limited awareness of fisheries law and related legal instruments; inadequate participation of communities; lack of adequate recognition of community rights by local authorities and relevant agencies; and the fact that the legal framework is limited to the rights of CF.

Actions taken to protect rights/exercise responsibility have included advocacy initiatives from the grass roots and consultation with stakeholders to find possible solutions. The main institutions involved in this process have included CF groups, provincial fisheries line authorities and local and international NGOs.

In response to a query it was said that a government-recognized right to stop illegal fishing is important if communities are to participate in resource management. Group members also elaborated on the role of women in fisheries in Cambodia, with women taking on important lead roles in conservation and management, even without any governmental support. How is a balance struck between the rights of the community and upcoming developmental projects, such as those supported by ADB, it was queried. It was clarified by a government representative that projects currently under way are to protect natural resources, and to ultimately protect the people's interests.

#### **South Asia**

Participants from the South Asian group highlighted various perspectives on rights. The Sri Lankans asserted their right to fish anywhere, anytime, within national waters, subject to controls on destructive and harmful fishing methods and gear; to safe anchorage; and to use beaches for fishing-related activity and for housing. The Bangladesh participants stressed the right (now denied) of traditional Hindu fishermen to fish in the sea, rivers and inland water bodies, and to security while fishing, given the growing problem of piracy. Indian participants stressed the rights of traditional fishing communities to exclusive access to fish in the sea and water bodies, to the use of beaches, and

to security at sea, given the frequent problems of arrests faced by fishermen in States like Gujarat and Tamil Nadu that border neighbouring countries. The participant from Pakistan echoed the issue of security of fishers in border areas. He also asserted the right of fishing communities to have sustained access to resources, in the face of the entry of outsiders, the rights to market fish (without middlemen taking the bulk of profits) and get good prices, and the right to fish in inland waters (without the contract system).

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 customary fishing holidays during breeding seasons). Other perceived threats included the continued use of destructive gear and fishing methods; poor enforcement of management measures; growing levels of industrial, agricultural and domestic pollution; growth in coastal tourism; infrastructure projects for development of ports and oil exploration; licences to foreign fishing vessels; promotion of intensive shrimp aquaculture and hatcheries (in Bangladesh); and the formation of special economic zones (SEZs) (in India). The participant from Pakistan additionally highlighted the threat posed by dams on the river Indus, which have reduced the water flow, displaced families earlier dependent on agriculture, and increased pressure on fishing resources.

Various actions have been taken to assert rights of communities in all South Asian countries, particularly through struggles and campaigns by fisher groups, trade unions, mass movements and NGOs.

In response to a question, Sri Lankan participants said that although in Sri Lanka fishermen do have the right to fish anywhere they like, currently they cannot realize that right due to the civil war, with severe implications for livelihoods. The South Asian participants also said that after the December 2004 Indian Ocean tsunami, some governments made a conscious effort to evict fishing communities from the coasts. Fishing communities have

become major victims of the process of privatization of the coasts, they added.

### **Vietnam-Philippines**

Participants from Vietnam said that the fisheries in some of their provinces are being decentralized, with the government devolving authority to different administrative levels. Vietnam's history of centralized planning has so far 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.

The example of a lagoon fishing community in Thua Thien Hue Province was given, where, prior to 1975, fishers lived in boating groups in the lagoon. The two major groups were fixed-gear fishers and mobile-gear fishers, the former often richer and more powerful. The lagoon itself was managed by the agrarian village, and fishers were required to pay fees to the village management. Between 1975 and 1988, co-operatives, with both agriculturalists and fishers, were set up for the management of lagoon and fisheries activities. Given the substantial differences between agriculture and fisheries, this resulted in some problems. The period after 1988 has been characterized by centralized (top-down) management and, currently, commune authorities control all the lagoons. The Hue provincial government is encouraging community-based management of fisheries. It is supporting the formation of fisher organizations to regulate fisheries activities, and the lagoon has been divided into lots for which fishing rights are granted. According to local regulations on the management of lagoon fisheries, the State delegates management of fisheries resources in certain areas of the lagoon to fisheries associations at the grassroots level. Fishery associations are expected to properly and creatively regulate fisheries activities of their members, ensuring harmony among them and between the associations and the rest of society. Notably, the formation of associations is widely preferred, as many people do not like the co-operative model. In certain communities like Tra Vinh, the district government has granted temporary land-use rights for

certain plots of land for clam farming groups, in which women are very active, the group reported.

In the case of the Philippines, the central government provides the legal framework, and encourages NGOs to

Traditional institutions already exist in indigenous coastal communities and need to be recognized.

support community initiatives. However, there are gaps between the policy objectives of the

government at the national level, and the implementation approach and capacity of specific NGOs. There is a donor-driven trend in the interventions of government and NGOs. The government's allocation of marine areas for investors in mariculture is a threat to the small-scale fishers, who lack the capital to compete with these entrepreneurs. Prioritizing aquaculture over small-scale capture fisheries leads to a conflict of interests between the administration and small-scale fishers, the group said.

**Indonesia-Malaysia-Thailand**

The Indonesia-Malaysia-Thailand group said that, in general, customary and/or traditional laws had existed in their countries prior to the present rule of States/governments. The group felt that customary laws and rights should be recognized in national legislation. Rights were perceived to include the rights to coastal and fisheries resources, and the rights to manage these resources, including through the use of traditional ecological knowledge systems (TEKS).

The group highlighted various threats to these rights, from processes at the global, national and community levels. The pressure from international trade, which regards fish as a mere commodity, was identified as one of the threats from global processes. At the national level, the group perceived a threat in the conflicts between policies/laws and practices at the national level and at the provincial/municipal levels. Another threat was seen to be the ignorance/lack of understanding of the State/national government about the existence of indigenous coastal community laws and their embedded rights, and the lack of recognition of local

wisdom and indigenous knowledge. Community-level threats came from concentration of authority in the hands of elites, the lack of awareness of rights among community members, and the growing privatization of communal rights and properties.

On the actions that have been taken to protect rights, participants referred to policy advocacy initiatives at various levels, such as by Panglima Laot in Indonesia, and the establishment and strengthening of fisherfolk organizations to advocate for their interests. Various community initiatives have been taken up to exercise responsibilities, such as to reforest mangroves, establish conservation zones, protect coral reefs, and so on.

Traditional institutions already exist in indigenous coastal communities, the group stressed, and need to be recognized. In others, community-based organizations have evolved. It would be meaningful, the group proposed, to give greater authority to religious leaders to influence communities for resource management, and to protect traditional and religious wisdom. It would also be useful to set up a regional community-based network to protect traditional small-scale fishing communities in the region.

In response to a query, Adli Abdullah from Panglima Laot, Indonesia, drew attention to certain traditional arrangements that have evolved, and that need recognition from the State. For example, if a small-scale fisherman finds fish in a particular distant location, and lacks the means to harvest it, larger vessels are called in to harvest the catch. In return, they get one-third of the harvest. This traditional arrangement has also helped in avoiding conflicts between the small-scale and larger-scale fishermen. On the same issue, Dwisasanti from Telapak, Indonesia, said that there are a variety of ecosystems and traditional management systems in Indonesia, and, in general, it has been difficult to integrate traditional laws with national laws. The local community, which lives near the resource and depends on it, is best placed to take decisions on resource management, she stressed.

To another query, on the relationship between fishing rights as recognized traditionally and boundaries as defined by UNCLOS, it was informed that Acehnese

fishers, for example, traditionally fished in the seas around the Andaman islands. After the definition of boundaries post-UNCLOS, however, this is no longer possible. However, fleets from neighbouring countries continue to fish in waters off Aceh, and as long as they follow the rules, this is not seen as a problem by local fishers. It would be useful, the Indonesian group stressed, to facilitate bilateral agreements between the countries concerned, to allow for the recognition of traditional fishing rights, as long as fishing is undertaken in a sustainable and responsible manner.

### **Integrating Fishing Community and Fisheries Concerns into Coastal/wetland Management Initiatives and Policies in Asia: Present Situation and Possible Ways Forward**

*Chair: Eng Cheasan, Deputy Director, Fisheries Administration, RGC, and Chief of Project Implementation Office of the FAO-TSEMP, Cambodia*

#### **Presentation by Magnus Torell, Senior Adviser, SEAFDEC, Bangkok, Thailand**

Magnus Torell of SEAFDEC began his presentation by reflecting on the social background of urban and rural fishing communities and people involved in fisheries. In general, he said, communities in rural areas have traditionally inhabited the area, and their livelihoods have depended on fisheries, and perhaps other small-scale activities such as agriculture and forestry. In urban areas, on the other hand, captains, crew, fleet owners, and migratory fishworkers, perhaps from other countries, and processing plant workers, are among the people involved in fisheries. In both urban and rural areas, other communities and sectors also occupy coastal spaces. Rural areas, for example, are inhabited by people in non-traditional activities, such as tourism, or extraction of natural resources. Urban areas have evolved around trade, harbours, industrial establishments, tourism and other commercial activities in coastal areas.

Coastal areas are characterized by growing competition over space. Sectors and developments competing for space in marine and coastal areas

include capture fisheries (both rural and urban), oil and gas exploration, shipping, mining for tin, sand and coral, aquaculture (including cage culture and seaweed/algae culture), and tourism/recreation, now venturing offshore. On the landward side, industrial estates, harbours, urban city infrastructure, tourism infrastructure, fishponds, and other infrastructure, such as roads, bridges and sewage/waste treatment, compete for space. How the traditional rights of coastal communities to live on the coast and access resources, can be secured, in the face of such heavy competition, remains an important challenge.

Coastal management initiatives need to address a vast complexity of issues: maintaining coastal features; managing resources exploitation along the coast and offshore; managing infrastructure developments along the coast (growing cities, harbour development, industrial sites, tourist establishments, roads, etc.); management of solid and liquid waste and pollutants affecting coastal areas; ensuring integrated planning; and addressing issues related to overlapping, unclear and weak legal and institutional structures. Again, how the social fabric and securing traditional rights to coastal space can be factored into such initiatives, remains an issue.

There have been a number of coastal zone management (CZM) projects and initiatives in the Asian region, such as the well-organized ones in Cambodia. There is a general agreement on problems resulting from institutional and legal 'confusion' and overlaps.

Seen from a fisheries perspective, an important aspect is that the institutional base is not within fisheries agencies. Seen from the perspective of (integrated) planning, the institutional base is not within the various countries' ministries of planning. In general, it is difficult to incorporate small-scale fisheries and the rights of fishing communities in the broader CZM context. A notable exception is the

How the traditional rights of coastal communities to live on the coast and access resources, can be secured, in the face of such heavy competition, remains an important challenge.

European Union (EU)-supported Coastal Habitats and Resources Management (CHARM) project in Thailand, which tried to bring in fishing communities, as it had its base within the Thai government's Department of Fisheries.

Torell then dwelt on the possible way forward, in a context where fishing communities in all parts of the region are facing severe impacts with the growing competition over coastal and marine resources and spaces. Decentralization can be seen as a strategy to counter processes of globalization, he said. It is important that the fisheries sector reflects on the current situation and clarifies for itself the direction it wants to move in: social management, environmental management, economic management and/or fisheries management. It is as important that there is better representation of fisheries interests in physical and economic planning processes, as well as in discussions on international conventions and agreements. Co-operation and co-ordination are needed at all levels. Fishing communities need to look at creating 'untraditional' alliances with other sectors with common interests. There is also a need to raise awareness among policymakers, on the opportunities and importance of maintaining a healthy coastal environment and on securing the social status of coastal (and inland) villagers. In conclusion, Torell offered some thoughts on the issue of participation, raising the issue of whether participation is actually on terms set by fishing communities. The biggest challenge, he said, continues to be to secure the rights of communities to remain where they belong.

Responding to a question on whether there are any examples of coastal zone legislation in the Asian region, or elsewhere, that recognize the traditional rights of the fishing communities to inhabit the coastal zone, Torell said that there are provisions available, though institutional problems in implementation remain. For example, the 1997 Thai Constitution clearly states that people have the right to participate in planning and decisionmaking on the use of natural resources. In both Cambodia and Vietnam, the respective

constitutions indirectly talk about the rights of fishermen. However, problems of implementation remain, and there is little clarity on which ministry or department is responsible for implementation of the relevant provisions. A participant pointed to the Coastal Regulation Zone (CRZ) Notification in India that, to some extent, recognizes the right of fishing communities to their traditional habitats.

A participant said that in Vietnam, while it has been possible to take integrated coastal zone management (ICZM) to the provincial and district levels, taking it down to the commune level is still a challenge. What is the way forward, given that the participation of communities in ICZM is essential? Though several attempts have been made in the past, they have been project-based, and have collapsed once the project is over, it was said. It is important, however, to keep in mind the fact that Vietnam's constitution stresses the participation of people's committees for the initiation of any mechanism. Given this provision, it should be possible to take the planning process for ICZM to the commune level, said Torell.

Another participant asked whether there were examples of provisions in legislation in countries of the Organization for Economic Co-operation and Development (OECD) to protect the traditional rights of fishing communities. There are few such examples, said Torell, though in northern Canada, there is recognition of some specific rights of fishing communities to whaling and seal hunting.

A participant pointed out that even if decentralization is seen as a strategy against globalization, the fact remains that in most countries, it is the central government that undertakes international negotiations and deals with problems at the national level. In such a situation, it is not possible for fishing communities to represent themselves at the national level and to make themselves heard. Some kind of mechanism may be needed to interpret provincial problems for the national level, to bridge the gap between the two levels.

**Rights of Coastal Communities:  
A Feminist Perspective**

*Chair: Vicente Emmanuel Paterno,  
Convenor, NGOs for Fisheries Reform,  
Philippines*

**Presentation by Nalini Nayak,  
Member of ICSF, India, and  
Duangkamol Sirisook, SDF, Thailand**

The session began with a presentation by Edward Allison on masculinities in fishing communities, particularly in the context of HIV/AIDS in eastern Africa. Nalini Nayak and Duangkamol Sirisook, in their presentation, highlighted the important productive roles of women in the fisheries sector and in shouldering responsibilities at the household and community level. Women play an important role in ensuring household food security and hold in-depth understanding and knowledge of the environment and natural resources. Much of this work, however, remains invisible and goes unrecognized. Moreover, modernization of the fishery has been associated with displacement of women from the fisheries. Often, women so displaced have little option, and seek work as cheap labour in fish-processing activities, or in work that is informal, unprotected and considered unskilled.

Women in fishing communities face discrimination at various levels, as in rights to ownership of houses, land and property. In most countries, patterns of inheritance, of access and tenurial rights, often differentiate between male and female descendants. Women are also more vulnerable during natural disasters, such as during the 2004 tsunami. Several post-tsunami rehabilitation initiatives were seen to lack gender sensitivity.

Continuing the presentation, Nayak stressed that women’s work focuses on sustaining life. In the existing development paradigm, where only production for the market has value, sustaining life has no value and is, therefore, invisible. The existing development paradigm, she stressed:

- is based on production for the market and not for use;
- is based on control of resources by a few and exploitation of natural resources in unsustainable ways;
- is based largely on oil—a nonrenewable resource; and
- condones the use of violence to safeguard control of resources, and, therefore, is basically patriarchal.

Nayak said that the crucial threats to the coasts and coastal communities originate from the hinterland. She drew on the findings from a recent study comparing three locations on the west coast of India, which studied the impact of development on coastal population dynamics and ecosystem changes. Though there was a booming export-oriented fishery, supported by State subsidies, resources were seen to be under pressure. Even though returns from the fishery had increased, there was disturbing evidence from other socioeconomic indicators. For example, a falling sex ratio, indicating discrimination against the girl child, and increase in dowries, was observed.

If women’s work is made visible and given value, and their role in decisionmaking is taken seriously, there would be more focus on life and livelihood, rather than on mere profits from centralized production and market-centered development, stressed Nayak. The right to life and livelihood, she said, requires a development focus that: values life, living systems and the interconnectedness of the coasts to the hinterland; focuses on equity; and develops masculinities that value nature and nurture.

Nayak ended with two questions to be debated in the group discussions scheduled for later in the afternoon: How do we make our development paradigm more life- and livelihood-centered? How do we make women’s roles in fisheries more visible and central to fishery development?

If women’s work is made visible and given value, and their role in decisionmaking is taken seriously, there would be more focus on life and livelihood...

**Reporting Back from Group  
Discussions: Policies/Approaches  
Needed for Fisheries and Coastal  
Management, to Factor in  
Concerns, Interests, and Rights  
and Responsibilities of Fishing  
Communities**

*Chair: Sim Buntheon, CBNRM-LI,  
Cambodia*

Workshop participants held discussions, as before, in four 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 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?

**Vietnam-Philippines**

The group emphasized that the government should provide an enabling and participatory environment, to allow for participation of fishing communities in coastal area planning and management. The concept of co-management should not, however, be used by the central government to keep control. Coastal area management plans should provide for preferential user rights for small-scale fishers in the nearshore area. At the same time, communities should have access to information regarding coastal area management plans and their implementation. Communities should also be part of processes to monitor, and collect, data on the environmental health of coastal and fisheries resources, as a basis for planning. Ways to provide preferential access to markets for communities that are able to improve management of coastal and fisheries resources, through their actions, should be considered.

Other ways that enhance the sustainability of communities, such as

through micro-credit interventions, provision of alternative livelihoods, and access to market intelligence and infrastructure, should also be considered. The focus of development processes should be on improving the overall quality of life (including by providing water, electricity, housing and affordable healthcare).

On ways to make women's roles in fisheries central to fisheries development, the group emphasized the need to support and enhance the role of women in the marketing of fish, including by orienting financial systems, and savings and credit processes, to women's needs and realities. Supportive work, such as childcare, and sharing of household chores, can also help provide an enabling environment for women's participation in fisheries. Taking some of these steps may prevent the further deterioration of the position of women in fishing, fisheries management and fish trade. The group also suggested that since women are often more efficient in law enforcement, they should be given more responsibilities there and that planning processes should start at the community level, and should incorporate the concerns and interests of women.

In the discussion that followed, a participant commented that in some regions, ideas are being explored to enhance consumer demand for sustainably produced fish, so that communities that manage their fisheries are rewarded with better market access. If the rights of communities to fish resources are secured, communities will also be in a position to get better prices on their own terms, it was pointed out. Another participant cautioned about the danger of overfishing created by the opening up of markets. In response to another query, a group member said they had approached the Philippines government several times on the need for gender-disaggregated data, but had been told that there are no resources to gather such data. Commenting on the issue of microcredit, another participant said that in Bangladesh, microcredit had been known to make the poor, poorer, and that there was a need, therefore, to recognize limitations to the microcredit approach.

### South Asia

Local institutions must be developed and strengthened for the protection of coastal resources and the restoration of coastal ecology, the South Asia group said. Coastal area management policies should be developed in participatory ways, and should help foster a sense of ownership of resources among coastal communities. Necessary measures should be taken for the protection of resources, including fisheries, wetlands, mangroves, islands and deltas, using both scientific and traditional indigenous knowledge. In view of the increasing number of dams, supplies of fresh water to inland and coastal fishing grounds should be maintained, the group stressed. It is essential that, before initiating any development project on the coast, an environment impact assessment (EIA) by an independent third party is undertaken. It is also essential that the consent of local communities is sought, and efforts are undertaken to ensure that all areas and access routes used by the fishing community for livelihood purposes are not disturbed in the name of development.

On fisheries management, the group advocated a complete ban on harmful practices and gears, and reduction in fleet size. Only owner-operated boats should be allowed to fish. Local management committees, recognized and protected by law, should be formed, with the government playing the role of a facilitator. States should honour international laws and conventions regarding coastal and wetland management, and should enforce existing laws. Coastal areas management policies and legislation should particularly take into account Articles 10.I.2 and 10.I.3 of the CCRF, as follows:

“In view of multiple uses of coastal areas, States should ensure that representatives of fisheries sector and fishing communities are consulted in decision-making processes and involved in other activities related to coastal area management planning and development.”

“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.”

The group advocated removal of impediments to women’s participation in fisheries and the need to restore women’s roles in fisheries. There is need to develop local institutions and the capacity of women to participate in these. Training programmes to create awareness among women on issues of fisheries management are also needed.

On the issue of allowing only owner-operated boats to fish, a participant asked whether, in cases where a woman owns the boat, she would be able to go to sea herself. There are women who fish, even in deeper waters, it was pointed out. Where there are women who own boats, provisions should be made that allow the next of kin to fish on her behalf. An Indonesian participant said that in Aceh, if a woman is a widow, she can provide another person the opportunity to operate the boat, under a profit-sharing arrangement. The owner-operator policy, said a group member, would basically serve to limit fishing capacity while maintaining equity.

### Indonesia-Malaysia-Thailand

On the issue of policies for coastal area management, the Indonesia-Malaysia-Thailand group emphasized that local communities should be consulted through open, participatory processes at all levels. EIAs have to be undertaken in a transparent manner, and accepted by the local community.

The overall emphasis should be on good governance, emphasizing equity, access to information, community rights and people’s participation.

Community-based institutions and organizations should be strengthened and empowered to enable them to centrally lead community development. It is as important to

States should honour international laws and conventions regarding coastal and wetland management, and should enforce existing laws.



form a network of community-based organizations and institutions, including across countries.

The objective of development, the group said, should not be to just increase wealth. Rather, the aim should be to create a peaceful society and an economy based on sufficiency. Economic development is meaningless unless accompanied by better social security and welfare for all, the group said. Prior to undertaking any development intervention, it is essential to undertake a needs assessment, and ensure that the intervention is appropriate to the norms and culture of the community. Perhaps religious leaders could be involved in supporting the economic development and management of communities, the group suggested. The participation of fishing community representatives in political processes/systems should also be facilitated.

It is important that fishers are able to control fish prices and get fair returns for the fish they catch. For this, there is need to secure rights of communities to resources, facilitate organization among fishers, and ensure the independence of fishers from middlemen, including through creating community-based microfinance at the village level.

In order to make women's roles in fisheries more visible and central to fisheries development, it would be useful to bring out a review of the literature on the role of women in economic development and resource management, and use available statistical data to establish, and make visible, the importance of women's roles. There is also need to build the capacity of women for entrepreneurial development. As important is to make women aware of their important role in community development and resource management, and enhance their self-confidence and ability to speak out publicly. There is also a need to create and strengthen community-based organizations of women, including at the regional level. The group suggested that ICSF should take more initiative to promote regional networking amongst women's organizations in southern Thailand, peninsular Malaysia, and northern and eastern Sumatra, towards the empowerment of women in fishing communities.

## **Cambodia**

The Cambodia group said that following the fisheries policy reform, the Fisheries Law provides a strong basis for all Cambodian citizens to participate in CF management. The Sub-Decree on CF Management provides the direction, scope, framework and procedure to establish CF throughout the country, and defines clear roles and responsibilities of CF, and responsible institutions like MAFF and the Fisheries Administration (FiA). The guidelines provide steps for establishing CF, and provide models of CF bye-laws, fisheries management plans, and internal regulations. Mechanisms have also been set up to resolve conflicts in sectoral legislation, for example, between the land law and the fisheries law.

It is important for development projects to be undertaken in consultation with stakeholders, especially local people. There is need to strike a balance between short-term development and long-term sustainability of natural resources; for example, the conversion of flooded forest lands to rice fields can benefit only a small group of rich people in the short term.

On making women's roles central to fisheries development, the group said women should be given more opportunities to participate in decisionmaking, and awareness should be raised among both men and women so that women are able to fully participate in fisheries development and men learn to stop discriminating against women, and encourage diversification of livelihoods as, for example, through vocational skill training.

One of the participants commented that while it is relatively simple to 'educate' women during meetings, such efforts do not really tackle the issue of women's participation in the fisheries. The Cambodia group said that there was a government department handling post-harvest issues that has recently developed guidelines on mainstreaming gender in all sectors.

Another participant asked if promoting alternative livelihoods through enterprise development and microcredit is not just another way of driving women out of the fisheries sector. In response, the group clarified that offering training or microcredit

provides an incentive for women to participate in meetings and to organize themselves, otherwise a difficult task. The training can be in the better use or processing of fisheries resources. Also, given the increasing pressure on fisheries resources, alternative livelihood opportunities and avenues for employment are needed.

**Panel Discussion: Rights: Exploring Dimensions—Markets, Technologies, Traditional Organizations and Human Rights**

*Chair: John Kurien, Co-ordinator, Animation Team, ICSF*

*Presenters:*

- Arjan Heinan, Fisheries Management Facilitator, Netherlands Inland Fishers Organization, Voluntary Adviser, Danao Bay Resource Management Organization, Philippines, and Member, ICSF: How Does Your Perception of the ‘State of the Fishery Resource’ Influence the Manner in Which You Articulate Your Rights?
- Divina Muñoz, Kababaihan ng Kilusang Mangingsida (KKM), Philippines: How Does the Expansion of Markets and the Related Growth of International Trade Affect the Rights of Fishers and Fishing Communities?
- V. Vivekanandan, South Indian Federation of Fishermen Societies (SIFFS), India: How Does the Introduction of New Technologies Impinge or Expand the Realms of Rights for Small-scale Fisheries?
- Adli Abdullah, Panglima Laot, Aceh, Indonesia: How Can We Use/Strengthen Traditional Organizations to Establish/Regain Rights in Order to Protect the Identity and Dignity of the Riparian Communities?
- Edward Allison, Senior Lecturer, School of Development Studies, University of East Anglia, United Kingdom (UK): 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 Livelihoods of the Communities?

**Arjan Heinan: 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 fishworker groups to the above question, Heinan said that, in a situation where resources are under pressure, the most pressing rights are perceived to be as follows: the right to fish within existing rules; to expand fishing operations; to participate in formulating resource management measures; to be protected from outsiders; to be able to market fish; to be involved in guarding, apprehending and sanctioning; and to revitalize traditional laws on fisheries management. He said that if a group of resource users has identified resource management as the major problem, and the right to manage as the most pressing right, then there is a toolbox full of tools to be used, such as licensing resource users, setting up sanctuaries, buying out destructive gear, and so on. This has to be accompanied by monitoring of catches, and arresting violators. As long as the management right is translated into plans that are easily understood, the financial means for these plans are not hard to find, given the current interest in decentralized management, in general, and in fisheries, in particular, he concluded.

Use rights of municipal fishers are violated to make way for the construction of mariculture parks.

**Divina Muñoz: How Does the Expansion of Markets and the Related Growth of International Trade Affect the Rights of Fishers and Fishing Communities?**

In her presentation, Divina Muñoz of the Philippines pointed out that fish was classified as an industrial product by WTO, and was part of the non-agricultural market access (NAMA) negotiations for reduction and elimination of tariffs and non-tariff barriers. Issues related to fisheries subsidies and the relationship between fisheries trade and multilateral environmental agreements, however, were negotiated separately within

the WTO, making the negotiations on fisheries extremely difficult to monitor.

Specific issues of concern vis-à-vis fish trade in the Philippines, from a small-scale fishing community perspective, were as follows:

*Boosting exports: Promoting the culture of high-value fishery products:*

The national policy to boost fish exports (and trade) undermines the decision-making mandate of local-level Fisheries and Aquatic Resource Management Councils (FARMCS). Use rights of municipal fishers are violated to make way for the construction of mariculture parks.

*Imports of fish and cheap inputs for aquaculture:*

This policy is leading to the dislocation of fry gatherers (women and children) from the industry, as pond operators are choosing to patronize cheaper imported fries. It is also de-linking small-scale fishers from processing plants, as fish is no longer sourced from them.

*Investment liberalization in coastal areas:*

This policy has been accompanied by the unilateral cancellation by the government of community-based forest management agreements (CBFMAS) that recognized community use rights to mangrove forests. It has also led to the unequal distribution of property rights in favour of private corporations, such as those operating beach resorts, and has exposed coastal dwellers to pollutants, such as tailings, from mining operations in coastal areas.

*Harmonization of fisheries product standards:*

The harmonization of standards for fisheries products under the aegis of the WTO and ASEAN) has the danger of denying market access to fisheries products processed domestically by home-based workers, affecting their livelihoods

*Preferential trade agreements with least developed countries (LDCs):*

Such preferential agreements between, for example, the US and the EU with LDCs, deny market access to producers

of countries that do not have such preferential agreements in place.

*Non-tariff barriers:*

Similarly, non-tariffs barriers, such as food safety standards, can deny market access to producers from developing countries.

*Foregone revenue from import taxes:*

The government lost revenue from import taxes that supported the development of the industry. Instead a new expanded value-added tax (EVAT) was imposed, shouldered by all consumers (12 per cent tax on all processed commodities and services).

*Disallowing policy space (narrowing the difference between bound and applied rates):*

There is danger of developing countries losing their flexibility to use tariffs as a tool to improve the stability of domestic industries against imported products.

*Allowing unexportable fishery products into local markets through authorized transshipment at ports:*

Large vessels are allowed to use local ports for transshipment and re-export of products. The unexportable 'wastes' find their way into local markets, directly competing with small-scale tuna handline fishers.

In conclusion, Muñoz pointed out that the world demands that coastal communities in developing countries and LDCs should conserve and protect coastal resources, even as fishing corporations enjoy the profits from the resource.

**V. Vivekanandan: How Does the Introduction of New Technologies Impinge on or Expand the Realms of Rights for Small-scale Fisheries?**

Drawing on his experience in southern India, V Vivekanandan traced key technological changes in the fisheries sector, and highlighted the power of technology to transform livelihoods and social relations. Shore seines, he said, were the predominant fishing gear in the first half of the 20th century. The owner employed 30-40 people, almost bonded to him, with 50 per cent of the share of the catch going to the owner and the

remainder to the crew. Markets were not so vibrant, and poverty was common in fishing communities. Later, around 1950, the accidental discovery of a new species of wood (albizia) appropriate for the *kattamarams* (traditional crafts made of logs, used in south India), and the import of nylon lines from Germany ('German roll') and Mustad hooks from Norway transformed the fishery in favour of a small-scale fishery. The availability of nylon nets in the 1960s further transformed social relationships in fishing villages, with the small-scale *kattamaram* fishermen gaining power in relation to the big merchants and shore-seine owners. A similar process took place in Sri Lanka, where it was part of State policy to promote small *kattamarams* to destroy the power of the owners of shore-seines.

The introduction of trawlers in the fishery in the 1960s, and its growth in the 1970s and 1980s, had its impact on small-scale fisheries. There was depletion of resources, growing competition with trawlers, and struggles against them. Small-scale fishers saw themselves marginalized again. In the mid-1980s, however, with the introduction of marine plywood boats used in combination with outboard motors, once again the capacity of small-scale fishers, and their relative fishing power, increased. Small-scale fishers, using this technology, were actually able to enforce the no-fishing zone for the trawlers, in addition to being able to fish in deeper waters. This set the stage for the next phase of the battle. Today, however, with resource limits being reached, both the trawlers and the small-scale fishers are in trouble.

Vivekanandan said that the above developments were an example of the dynamic implications of technology, with clear winners and losers being created. Another example is shrimp culture, said Vivekanandan. When it was first introduced, many believed it would benefit small-scale fishers. However, very clearly, technology such as that used for intensive shrimp aquaculture, which involves high risks, large investments, reliable credit flows, the capacity to handle markets, entrepreneurial and management skills, is not for the poor. The technology and the profits from shrimp culture finally went into the hands of the rich and subsequently had

adverse ecological and social impacts on fishing communities.

The introduction of ice has improved storage and increased the prices of fish. At the same time, however, women fish processors have lost livelihoods, as merchants have been able to buy fish in bulk and transport to distant markets. Women net-makers, similarly, lost employment in thousands with the introduction of net-making machines in Kanyakumari district, India. The above are all examples, Vivekanandan pointed out, of how technology has considerable positive and negative impacts on the small-scale fisheries sector. The stage of fisheries development matters when technology is introduced; whether resources are under-exploited, optimally exploited or overexploited is an important factor.

Vivekanandan ended his presentation with a few questions: Are we in a position to stop, control and change technology so that its positive impacts can be retained/enhanced and negative effects reduced? There are clearly opportunities and threats with the introduction of technology. While it may be politically right to criticize change, we have seen that it is difficult to hold back change. Do we have options to go a different route?

The Chair commented that the presentation had raised the issue of how technology, seen as neutral, has impacts on the rights of small-scale fishers. It is quite striking, he said, that in the fisheries, technology is also almost like genetic material. Depending on the place where it is developed, it takes on certain characteristic of that place, and when re-introduced in another place, it can transform social relations, sometimes for the better, sometimes for the worse. The status of the resource, and how and when technology is introduced, are important factors, along with the fact that new technology is often introduced when there is an expansion of the market. These three aspects are integrated. We need to understand our rights and our responsibilities in relation

Depending on the place where it is developed, technology takes on certain characteristic of that place, and when re-introduced in another place, it can transform social relations, sometimes for the better, sometimes for the worse.

to the introduction of technology, while propagating certain technologies or opposing others.

**Adli Abdullah: How Can We Use/Strengthen Traditional Organizations to Establish/Regain Rights in Order to Protect the Identity and Dignity of the Riparian Communities?**

In his presentation, Adli Abdullah traced the history of the Indonesian province of Aceh in north Sumatra, which he said, has had had a long tradition of struggle

Participation in responsible fisheries is likely to be more effective if basic human rights of communities are secure.

for achieving dignity and self-identity. The Panglima Laot, means “commander of the sea”, is a traditional fishermen’s association in Sumatra, he

said. It is one of the oldest organizations in the world, and came into existence several centuries ago, at the time of the Sultanate of Aceh. Even though the Dutch overthrew the Achenese kingdom, the institution of Panglima Laot continued in the community without being acknowledged by the government. Panglima Laot remained unrecognized even after Indonesian independence in 1945. The Rural Government Act (No. 5/1974) promulgated by the Indonesian government to put in place a unitary system of governance for the whole of Indonesia, affected the dignity of the Acehnese who had their own form of governance, including the Panglima Laot. This also fuelled struggles for the independence of Aceh.

The year 1998 saw the collapse of the Suharto government, followed by the reformation period in Indonesia. Students and professors from fishing communities or with a fisheries background got together at the rime to discuss how to revitalize traditional organizations already existing in the community. This was also because the word Panglima means ‘commander’, and the ‘Free Aceh Movement’ also had its share of Panglimas (the Panglima Gam, the commander of the rebels). The academicians made efforts to inform the army and the authorities about the

difference between the Panglima Laot (the sea commander) and Panglima Gam (the rebel commander).

In the wake of the Indian Ocean tsunami in December 2004, the Indonesian government and the election commission passed a new rule to take forward self-governance in Aceh. The importance of community institutions like Panglima Laot was also emphasized. Abdullah highlighted the role played by the Panglima Laot in the reconstruction of Aceh following the tsunami. There are presently 173 Panglima Laots for the whole of Aceh, he said.

Abdullah also drew attention to the problem of illegal fishing, particularly trawling, which, though forbidden in Aceh, was rampant. A petition was given to the Indonesian government to ban trawling in Aceh. This petition was successful and led to the confiscation of illegal trawlers. The confiscated trawlers were not given to the government. Instead, they were sold and the proceedings were given to the village fund to be used to support the education of Achenese children. Now, said Abdullah, the Panglima Laot has good partnership with the central and local governments, the military and the judiciary.

Traditional institutions are all over Asia, said Abdullah. Awareness about these institutions should be increased among those within and outside the respective countries. There should be efforts to make defunct community institutions functional, strong and effective. There should also be campaigns for making these institutions achieve dignity and respect, he stressed.

Commenting on the presentation, the Chair said that if we are to strengthen traditional institutions like Panglima Laot, we must ensure that the basic values for which they struggle are retained. If they stand for democracy, equality and respect for nature, these are still the same values that we have to fight to retain. However, there may be a need to change the way these traditional institutions or their functions are organized. The Indian Ocean tsunami has been a major triggering factor, both in providing possibilities for self-governance and for providing a new role for Panglima Laot as an institution, he said.

**Edward H. Allison: 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 Communities?**

Edward Allison, in his presentation, discussed the human-rights perspective on responsible fisheries. This, drawing on existing international law, emphasizes State accountability. Decline of fish stocks due to weak property rights is only one problem facing small-scale fisheries, said Allison. Participation in responsible fisheries is likely to be more effective if basic human rights of communities are secure.

In a series of studies conducted in Uganda and the UK on what it was that concerned fishing people in these countries, a disparity of views was in evidence. Significantly, in Uganda, the decline of fish stocks did not figure among the top ten concerns. Issues of concern included arbitrary taxation, government corruption, insecure access to land, lack of access to health and education, lack of access to justice, theft, insecurity, high infant mortality rates due to malaria, HIV/AIDS, etc. People were not particularly interested in engaging with the government in the management of resources for all these kinds of reasons. In the UK, however, resource decline and poor governance were on top of the list, possibly because people's human rights could be considered by and large secure. Basically, said Allison, the extent to which people's basic rights are secured will probably influence the interest, ability and motivation to engage in fisheries resources management.

There are a number of key human rights instruments available that go beyond the fishing rights debate, such as the Universal Declaration of Human Rights (UDHR). Human rights violations within fishing communities are also quite common, such as exploitative child labour, as seen in El Salvador, Ghana and the Philippines. The number of child labourers in fishing communities can be very high, according to ILO statistics. Another important aspect is women's rights in fisheries. Many fishworker women and children are migrants, therefore, their rights need to be protected and the UDHR is appropriate for that. Another aspect worth examining is

the impact of global market integration on small-scale traders. Enterprising and knowledgeable women fish traders in the West African region, for instance, run profitable businesses. There are, however, limits to how well they can engage with major overseas buyers. They may also see the 'higher margin' trading opportunities disappear, leaving them with the low-margin processing and sale of low-value species for sale to low-income consumers. Their livelihoods are threatened because there is a shift towards export orientation due to globalization. This means that men tend to move into the roles previously occupied by women.

Allison concluded by saying that interventions that could help improve resource management and prevent overfishing, while supporting livelihood interests, could include the following: reducing vulnerability to climate changes and strengthening rights; building assets and capabilities; identifying new technologies and opportunities; assessing resource status for fishery management; and reforming governance.

### **Discussion on Presentations**

Commenting on the presentation on trade issues, a participant noted that fishing communities now feel exposed to the vagaries of the global market. Fishing communities were involved in global trade long before the WTO came into being. Today, however, the WTO has radically transformed the rules of trade, damaging the lives of coastal communities.

A participant from the Philippines said that his organization was involved in monitoring trade negotiations at the WTO. In the WTO, a major problem is that fish is considered an industrial product. Another problem in monitoring and influencing negotiations at the WTO is that fisheries issues—fisheries subsidies, fisheries trade, multilateral environmental agreements and fisheries—are dealt with in separate committees, making the task of monitoring more difficult. Yet another problem is that commerce ministers are making decisions on fisheries. Small-scale fisheries groups need to play a far more active role in WTO negotiations, it was stressed.

It was observed that in the present globalized world, forums such as the WTO and the UN were discussing fisheries issues. For example, representatives from the ministries of foreign affairs discussed deep-sea fisheries issues recently in the UN General Assembly (UNGA). It is the ministry of trade or commerce that represents fisheries issues in the WTO. There is need for the small-scale fisheries sector to communicate more with its own government, to articulate their concerns and positions.

Another participant noted that it is mainly the interests of big industry and commercial interests that are represented in government trade negotiations. There is need to increase the profile of small-scale fisheries in bilateral and multilateral negotiations, and to educate

Stewardship and rights should not be viewed as being opposed to each other; they are mutually supportive, it was stressed.

people outside the fisheries sector. A Filipino participant noted that

in the Philippines there was a strategic call that fisheries should be kept out of the WTO. Efforts are being made in the Philippines to make fishing communities understand better the implications of the WTO on their livelihoods, through organizing fisherfolk, and organizing dialogues with fishers and other stakeholders in fisheries management, including commercial operators.

A participant from Pakistan drew attention to the recent ban imposed by the EU on the import of fish and fish products from Pakistan. This kind of non-tariff barrier has had a very severe impact on the small-scale sector, he said.

On the issue of a human-rights perspective in fisheries, a participant commented that looking at the future of communities from a human-rights perspective could be limiting. It could be a strategy but not an end in itself. While rights are important, it is as important to clarify our perspective on development in terms of sustainability. It will be coastal fishing communities, for example, who will first be affected by global warming. It was suggested that fishing communities are demanding more than the right to use resources.

They are asking to decide on the right to use, and also on who uses and who gets excluded. They are asking for the first two of the three characteristics of property rights: durability, exclusivity (right to exclude others) and transferability. Stewardship comes from a secure sense of the future—where this is lacking, stewardship does not emerge so strongly. Stewardship and rights should not be viewed as being opposed to each other; they are mutually supportive, it was stressed.

**Statement from the Workshop**

The workshop ended with a Statement—the Siem Reap Statement (see pg. 19)—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. 3

# Report of the Symposium Proceedings

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## Inaugural Session

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The Symposium started at 8.30 a.m. with Nalini Nayak, Member, ICSF, welcoming the participants. John Kurien, Co-ordinator of ICSF's Animation Team, then introduced the Symposium and its objectives, while briefing participants about the just-concluded Workshop.

The inaugural speech was delivered by HE Nao Thuok, Director General, Fisheries and Administration of MAFF, RGC (see pg 77). 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 (see pg. 69). The vote of thanks was given by Pisit Charnsnoh, President, Yadfon Association, Thailand and Member, ICSF.

## Statement from the Workshop

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Chandrika Sharma, Executive Secretary, ICSF, read out the Statement from the Workshop that had been held just prior to the Symposium (see pg. 19). This was followed by a session of self-introduction, chaired by Ly Vuthy, Chief of Community Fisheries Development, Fisheries Administration, RGC.

## Establishing Rights of Small-scale Fishing Communities to Coastal and Inland Fisheries Resources in Cambodia

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*Ly Vuthy, Chief of Community Fisheries Development, FA, RGC*

*Chair: Blake Ratner, Regional Director, Greater Mekong Subregion WorldFish Centre*

Ly Vuthy said that the fisheries in Cambodia could be divided into:

- large-scale fisheries (lot fisheries in rivers/lakes and *dai* or bagnet fisheries)
- medium-scale fisheries (commercial)
- small-scale fisheries/family fishing (subsistence)
- community fisheries

These fisheries, he explained, are different in terms of scale of operation; type, length and size of fishing gear used; area of fishing; and season of fishing. Like in other Asian countries, small-scale fisheries, catching almost 57 per cent of the total catch, contributes significantly to local food security, sustainable livelihoods and poverty alleviation. The sector, however, does require support from the government to fulfill its true potential.

Vuthy informed participants about the government policy on CF. This involves releasing areas, earlier under large-scale fishing lots, for local people engaged in small-scale fishing. By transferring some roles and responsibilities to local people, the policy encourages them to participate in resource management through CF organizations. This reform was undertaken because the area available for fishing was not seen as sufficient for the increasing number of small-scale fishers. It was also in keeping with policies on decentralization and deconcentration<sup>1</sup> being adopted by the government in all sectors, as part of general trends towards participatory management.

The Community Fisheries Law, under the jurisdiction of MAFF provides a strong basis for all Khmer citizens to participate in CF. MAFF is tasked with ensuring that the CF areas are managed

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<sup>1</sup> *The RGC undertook decentralization reforms with the objectives of: promoting participatory local democracy, promoting social and economic development and reducing poverty. In a Cambodian context, decentralization refers to the transfer of certain rights, responsibilities and resources from the central level of government to democratically elected commune councils.*



in a sustainable manner, and that these areas are not sold, exchanged, transferred or donated.

The sub-decree on community fisheries management (CFM) outlines the scope, framework and procedure for the establishment and management of CF in Cambodia. It stresses that the purpose of establishing CF is the improvement of local livelihood, in a sustainable and equitable manner. It also requires that CF have maps, bye-laws, agreements and management plans. It defines the roles and responsibilities of MAFF, FiA, and of the members and committees in CF. MAFF has general jurisdiction over CF management, specifically for issuing CF guidelines, model of bye-laws and internal rules, and models of agreements and management plans. The role of the FiA is to provide technical support and seek partners to support CF, facilitate capacity building of CF, and monitoring and evaluation of CF performance. The role of CF includes preparing bye-laws, internal rules, agreements, and management plans; participating in resource management and conservation in the CF fishing area; and co-operating with the FiA to suppress all fisheries violations in the CF area.

The Community Development Office (CDO) provides institutional support to CF at the national level. At the provincial level, Community Fisheries Development Units (CFDUS) have been established, as part of the provincial fisheries office, to support CF. At the local level, CF committees are elected by

the members of CF. CF are encouraged to work closely with the Commune Councils (CC), a strong mechanism for local

development, in implementation of CF bye-laws and management plans, and especially in dealing with illegal fishing activities in CF area. Many local NGOs work directly to support CF at the local level.

Many activities and projects for capacity building of CF have been undertaken. For example: the Community Fisheries Capacity Building Project in 2004-05 (with the aid of the

International Development Research Centre, IDRC), the project for Capacity Building for Sustainable Developments in Tonle Sap Region from 2003 to 2006 (aided by the United Nations Development Programme, UNDP), the Capacity Building of Community Fisheries in Coastal Provinces in 2005-2006 (FAO), and the ongoing ADB-funded Tonle Sap Environment Management Project (TSEMP) implemented by the government, in order to strengthen the capacity of CF. The five-year TSEMP project (from 2003 to 2008) has undertaken training programmes for CF and has provided support for alternative livelihoods.

Vuthy dwelt on some of the key issues facing CF. CF are still in the initial stage, he said, and lack capacity, skills and finance. People are still not aware of the concept of CF, and participation in some places is still limited, as is collaboration from local authorities and relevant institutions. There is need to provide support for CF development, apart from capacity building. In the coming period, it will be important to shift the focus from establishment of CF to their strengthening; promote regional and national networking to support the CF; enable CF to work closely with the commune councils, especially in dealing with illegal fishing activities and implementation of management plans; promote environmentally sound projects/activities for the socioeconomic welfare of CF members; and encourage more participation in CF management.

The Chair opened the discussion by drawing attention to the fact that, contrary to the concern around privatization of resources expressed in the Workshop Statement presented earlier, in Cambodia, the opposite trend is evident—a move towards community rights and management from a context where rights were earlier privately allocated. In response to a query, it was clarified that, in Cambodia, while large- and medium-scale operators needed to apply for licences to fish, small-scale operators, fishing for consumption, are free to fish without licences. It was further pointed out that there are restrictions on the type of gear that can be used, and that a four-month closed season is observed. On marketing, it was informed that fish was earlier marketed through co-operatives, but this is no

...in Cambodia, the opposite trend is evident—a move towards community rights and management from a context where rights were earlier privately allocated.

longer the case—fishers and traders are now directly involved in marketing.

**Panel Discussion I: Recognizing Rights of Fishing Communities in Policy and Practice for Responsible Fisheries and Coastal Area Management in Southeast Asia**

*Chair: Yasuhisa Kato, Special Adviser, SEAFDEC*

After introducing the panelists, Yasuhisa Kato provided a brief background on SEAFDEC's work in the Southeast Asian region. Participants were informed that SEAFDEC, in collaboration with member countries, has evolved regional policies and guidelines for sustainable fisheries, and that countries in the Southeast Asian region have made substantial efforts in achieving sustainable fisheries.

*Presentation by Wimol Jantrarotai, Senior Fisheries Foreign Affairs Adviser, Department of Fisheries, Ministry of Agriculture and Co-operatives, Thailand*

Wimol Jantrarotai started his presentation by explaining the key characteristics of the small-scale sector in Thailand. Nearly 88 per cent of the total of 58,119 fishing vessels in Thailand are small-scale. He then highlighted some of the challenges facing the small-scale fisheries sector in Thailand, including declining fish resources, habitat degradation, fishing down the food chain, and conflicts of interests among and within fishing groups.

Jantrarotai drew attention to the efforts being made by the government to support small-scale fisheries. The new (draft) Constitution of Thailand makes provisions for the rights of communities to participate in conservation, management and use of natural resources; emphasizes decentralization of authority to local government; and recognizes the need for consultation and integration of customary and local knowledge in conservation, management and use of natural resources. He explained that certain sections of the existing Fisheries Act, 1947, could also be employed to provide the legal framework for co-management and community-based fisheries management, and to confer rights to manage and utilize fisheries resources

to communities. The new proposed Fisheries Act, he said, has provisions for representation of small-scale fishers in the National Fisheries Committee, and for the establishment of Local Fisheries Committees with the power to develop CF management plans and to issue CF regulations, consistent with the provisions of the proposed Fisheries Act.

Furthermore, the 10th National Economic and Social Development Plan (2007–2011) stresses the need to “promote community rights and participation in natural resource management, including development of co-management schemes for conservation and rehabilitation of natural resources with the emphasis on spatial and area management approaches”. It also stresses the need to “develop systems for the protection of community rights and equity, and to promote the utilization of biodiversity resources for the economic security of locals and communities”.

In conclusion, Jantrarotai provided examples of projects focusing on small-scale fisheries undertaken by the Thailand Department of Fisheries (DOF), such as the Small-scale Fisheries Development Project in the early 1990s; the DOF/FAO/Bay of Bengal Programme (BOBP) Community-based Fisheries Management Project in Phang-nga Bay, from 1996 to 2000; the Project for Establishment of Fishing Rights in Coastal Fisheries in Bang Saphan and Bang Saphan No; the DOF/SEAFDEC Locally-based Coastal Resource Management in Pathew District, between 2000 and 2006; the DOF/EU Coastal Habitats and Resources Management Project in Phang-nga and Ban Don Bay, between 2003 and 2007; and the DOF/MRC Fisheries Co-management in Lower Songkhram River Basin, from 2005.

In response to a question on whether the rights of fishing communities in Thailand to live by the coast are protected, Jantrarotai said that there are provisions in the Constitution of Thailand that protect the right of communities

The new (draft) Constitution of Thailand makes provisions for the rights of communities to participate in conservation, management and use of natural resources...

to live along the coast. On the legal framework to practice co management and community-based management, Jantrarotai said that existing provisions and regulations have provided certain powers to the community to look after their resources. A provincial committee made up of government and community representatives plays a role in resolving problems that arise within the province. This committee can also mark fishing

the Indonesian legislation was one of the very few that recognizes the rights of traditional fishers to fish in the entire Indonesian EEZ/ fisheries management zone.

zones and adopt management measures. However, on issues like enforcement, there is need for co-

management arrangements, which, in some cases, have been successful.

*Presentation by Suseno Sukoyono, Director, Directorate of Fisheries Resource Management, Directorate General of Capture Fisheries, Ministry of Marine Affairs, Indonesia*

Fisheries is of great importance in Indonesia, a country with 17,508 islands and a coastline of 81,000 km, Suseno Sukoyono said, drawing attention to the Law of the Republic of Indonesia No. 8/1985, strengthened by Law No. 31 of 2004, which states clearly that fisheries management shall be carried out to enhance the living condition of small-scale fishermen and fish farmers.

In Indonesia, several traditional community-based systems for fisheries management are in evidence, such as the *sasi*, Panglima Laot and the *awig awig*. Fisheries management at the national level is, however, seen as a government responsibility (Fisheries Law No. 9/1985). In recent years, with the Autonomy Law No. 22/1999 (revised by 32/2004), and the Fisheries Law No. 31/2004, space for co-management has expanded. According to National Act No. 32/2004, the area up to 4 miles is under the district administration, from 4 to 12 miles under the provincial government, and waters beyond, under the national government. According to Ministerial Decree No. 17/2006, all boats, with and without engines, need

to be registered. Boats less than 10 GT need to be registered with the district administration, from 10 to 30 GT with the provincial government, and above 30 GT with the central government.

Sukoyono said that in Indonesia, there is recognition that co-management arrangements need to be put in place to improve fisheries management. The legal basis for co-management is available in the provisions of Fisheries Act No. 31/2004. Article 65 of the Act, for example, provides for the delegation of functions/supporting mandates to regional governments. Several co-management programmes have been undertaken in Indonesia, such as the Cofish Programme (1998–2004) to encourage community involvement in planning and implementation of fisheries resource management, enhance the capacity and quality of the lives of coastal fishing communities, and enhance capacities of the community, NGOs as well as fisheries officials in fisheries resource management; and the Coremap programme (2003 – present) to promote MPAs in Indonesia. Training programmes and workshops on co-management are being conducted on an ongoing basis.

One of the participants commented that the Indonesian legislation was one of the very few that recognizes the rights of traditional fishers to fish in the entire Indonesian EEZ/fisheries management zone. On a question related to mechanisms adopted by the Indonesian government to collect data and statistics from small-scale fisherfolk, Sukoyono explained that Indonesia has a logbook system maintained by enumerators in each community.

*Presentation by Jessica C Muñoz, Supervising Aquaculturist, Bureau of Fisheries and Aquatic Resources (BFAR), Department of Agriculture, Philippines*

Jessica Muñoz informed participants about the legal framework for fisheries and coastal resources management in the Philippines, particularly the Local Government Code, 1991; the Fisheries Code, 1998; the National Protected Areas System Act, 1992; and Integrated Coastal Management, 2006. This framework has enabled the devolution of regulatory functions to local government units.

Municipal waters—the 0-15 mile zone—are under the jurisdiction of local municipal governments.

To enhance participation and collaboration between and among stakeholders for the management of coastal areas, FARMCS have been created. Efforts to increase awareness and to develop the capacity of various stakeholders at the national, local and community levels are being made. Funds for management are also being provided by local government units (LGUs). At the community level, various initiatives, such as formation of law enforcement groups and establishment of protected areas for resource rehabilitation, are being undertaken.

For the future, there is need to integrate management of upland and coastal ecosystems, and to increase the area under MPAs using the ecosystem-based approach. There is also need for comprehensive licensing of vessels at the municipal level, and for raising resources for management through licences, fees and permits.

Responding to a question on constraints to improving coastal fisheries management, Muñoz pointed to several. The extent to which small-scale fisheries is supported and prioritized remains dependent on how those voted to power are sympathetic to the small-scale sector. Another important constraint to better management is the problem of encroachment, with big vessels continuing to encroach into municipal waters.

Did the expansion of aquaculture in the region affect capture fisheries and what were the measures adopted in the Philippines to ensure that there is no conflict between the two sectors? In response, Muñoz said that LGUs often delineated zones for specific purposes (capture or culture). However, there is often conflict between mariculture operations and capture fisheries, especially when it is felt that the area available for fishing is being reduced, affecting the livelihoods of coastal communities. In some cases, local governments prioritize the interests of private investors, leading to the displacement of legitimate fishers in the area.

*Presentation by Dongdavanah Sibounthong, Department of Livestock and Fisheries, Ministry of Agriculture and Forestry, Laos*

Sibounthong, providing an overview of the fisheries in Laos, said that the Mekong River, with more than 1,300 species, was an important source of freshwater fish for the approximately six million people living along its banks in the six countries through which it runs. Consumption of fish in Laos was approximately 26 kg per person per year, and women played an important role in the fisheries.

Participants were informed that Laos is in the process of formulating its fisheries law. There is no law at present to manage the fisheries, and everyone is allowed to fish anywhere. Co-management arrangements exist and play an important role at the community level in drafting fisheries regulations, and these will form the basis for the new law. There are ongoing projects on fisheries through MRC, the Mekong Wetland Biodiversity Programme (MWBP) and the World Wide Fund for Nature (WWF). The aim of these projects is to improve the conservation of aquatic biodiversity and the management of capture resources, in support of communities who rely upon aquatic resources for household food security and income.

In response to a query, Sibounthong said that though there was no fisheries law in Laos, village-level authorities were active in putting in place regulations for fisheries management under co-management arrangements.

there is often conflict between mariculture operations and capture fisheries

*Presentation by Nguyen Chu Hoi, Deputy Director, Component for Strengthening Capture Fisheries Management, National Directorate of Aquatic Resource Protection, Ministry of Fisheries, Vietnam*  
 Chu Hoi highlighted the important social and economic role played by the marine and inland fisheries sector in

Vietnam, particularly for people living in rural and remote areas. Nearly 20 million people depend on fisheries for a livelihood. There has been rapid growth in fish production in the last decade (with 3.7 mn tonnes of fish being produced in 2006), averaging 5 to 7 per cent growth per year. Vietnam is among the top ten in terms of exports of fish and fish products, with exports reaching the

A national guideline for co-management of small-scale fisheries has been developed with the support of SEAFDEC, with a focus on providing fishing rights in coastal areas.

US\$3 bn mark in 2006. Most of the fishing vessels are small, with 72 per cent using engines of 45 hp or below, operating in coastal areas.

In recent years, smaller fishing boats are being replaced by larger vessels with more powerful engines. The main gear are trawls, gillnets and longlines.

Chu Hoi also dwelt on some of the challenges facing the fisheries sector in Vietnam. With almost 2,300 new small boats entering the fishery each year, the pressure on fisheries resources, especially in coastal areas, is threatening sustainable fisheries development. The use of destructive gear is common, quantities of by-catch and catches of juveniles are high, and the size of captured species, especially high-value species, is getting smaller. While the legal framework and policies for managing capture activities has been in place for some time, enforcement has not been effective, so that violations have gone unpunished. This is also linked to the fact that community-based management is not in place, and there is no participation of local communities in management. Zonation by vessel size is not implemented, and it is not uncommon to find large vessels (200-450 hp) operating in nearshore waters at 15-25 m depth.

At the same time, fishing continued to be a high-risk occupation, with fishers exposed to natural disasters and other accidents on an ongoing basis. Fishers lack training or insurance coverage. Most of them lack the capital to purchase fishing vessels and gear, and survive on selling their labour.

The Vietnamese government has taken several steps to address these issues. The Law of Fisheries, 2003,

has provisions to promote responsible fisheries and decentralize fisheries management to local communities. The Prime Minister has approved the master plan for fisheries sector development towards year 2010 as well as Vision 2020, which emphasizes equitable allocation of resource-use rights and reduction in number of vessels actually fishing. Under the national programme on aquatic resources protection and development, community-based management projects are being implemented since 2005. Decree No 123-2006/ND-CP focuses on zoning of coastal waters and allocation of the nearshore zone to local communities for capture and culture activities. The government is also taking other initiatives for conservation of coastal and marine resources, such as defining maximum permissible catch volumes, and establishing MPAs. A national guideline for co-management of small-scale fisheries has been developed with the support of SEAFDEC, with a focus on providing fishing rights in coastal areas. The Vietnamese model for adaptive fisheries co-management has been developed by the Danida-supported Capture Fisheries Management Component.

In terms of future strategic directions, it is planned to sustain the current marine capture production at about 1.8 mn tonnes; work to reduce by-catch rate; apply advanced post-harvesting technology and promote biotechnology applications, both for treatment of disease and to increase the value added to fisheries products; promote mariculture, first around the islands and in estuarine and coastal areas, and gradually expand to offshore areas; promote community rights-based co-management applications for small-scale fisheries management, especially for nearshore and island areas; promote the establishment and management of MPAs in order to secure important habitats/ecosystems and protect marine biodiversity as 'ecological capital' for sustainable fisheries development; and promote alternative livelihoods for local communities living in and around the MPA sites, such as recreational fishing, adaptive aquaculture, etc.

On the issue of alternative livelihoods, a participant noted that this was often not easy as fishermen demonstrated little interest in other

kinds of employment, even if there were many threats to their livelihoods in fisheries. Chu Hoi said that alternatives were being provided at the project level, and were often not sustainable after the project was completed. Appropriate legal frameworks, such as for promoting aquaculture, were needed.

*Presentation by Zainudin bin Abdul Wahab, Fisheries Officer, Planning, Development and International Division, Department of Fisheries, Malaysia*

Abdul Wahab said that in Malaysia, small-scale fishermen, that is, those using traditional fishing gear (other than trawls and purse-seines) with vessel size less than 10 GRT and operating in all zones, constituted 56.8 per cent of the total fishermen (51,481 of 90,702) in Malaysia. Almost half of Malaysia's fleet was small-scale, he said.

The management framework has the following elements:

- **Zonation:** Four zones have been demarcated, specifying the kind of vessels that could fish in each zone. The 0-5 mile zone (A zone) is for owner-operated traditional fishermen and traditional anchovy purse-seiners, between 0 to 19.9 GRT. The 5-12 mile zone (B zone) is for owner-operated trawlers and purse-seiners between 20-39.9 GRT, while the 12-30 mile zone (C zone) is for owner- and non-owner operated trawlers and purse-seiners, between 40-69.9 GRT. The 30-200 mile C2 zone is for trawlers, purse-seiners, tuna purse-seiners and longliners 70 GRT and above.
- **Registration of fishermen:** All fishermen are registered, which has been found to be mutually beneficial, especially at times of natural disasters and accidents, and to facilitate access to credit from banks, etc.
- **Compulsory licensing and registration of vessels:** There is a moratorium on issuance of new fishing licences for coastal fisheries. There are also regulations on mesh size, and a ban on the use of gillnets with a mesh size of more than 10 inches.

- **Legislation:** The main act governing fisheries is the Fisheries Act, 1985, and the regulations issued under it. The Malaysian fisheries legislation is consistent with the provisions of international legislation, including the CCRF.
- **Community-based fisheries management (CBFM) and integrated coastal resources management (ICRM):** At an unstructured level, community participation in management has been in evidence, as in the control of trawlers encroaching into non-trawling zones in Teluk Kumbar, Penang, Malaysia. Kumpulan Ekonomi Nelayan (KEN) or Fishermen Economy Groups have been responsible for managing and protecting their areas, especially from encroachment by trawlers and those using prohibited gear. The first structured CBFM attempt was in Kuala Teriang Langkawi, Kedah. A pioneer co-operation project between SEAFDEC and DOF, Malaysia on ICRM in Palau Langkawi was initiated in 2003. These efforts have adopted an integrated approach, focusing on resource management and income-generating (economic) activities. The management plan prepared by the community has been endorsed by the government, using the existing legal framework.

Abdul Wahab also provided information on the 'tagal' system for conservation and management of inland/riverine fisheries resources by communities. The law in Sabah State is supportive of management initiatives taken by local communities, and several communities have taken management initiatives to protect their *tagal* sites. In 2006, there were as many as 244 *tagal* committees protecting 128 rivers in Sabah.

In conclusion, Abdul Wahab stressed that Malaysia fully recognizes the role of coastal communities in co-managing coastal/inland resource to achieve sustainable fisheries in the long run, and that efforts are being exerted to reflect this in the new approach of integrated resources management.

In response to a question on the zoning system, Abdul Wahab explained

that, prior to the introduction of the system, there was a lot of conflict, sometimes violent, between the trawlers

...Malaysia fully recognizes the role of coastal communities in co-managing coastal/inland resource to achieve sustainable fisheries in the long run...

and the small-scale fishers. It was against this backdrop that the zoning system was introduced, with the concept borrowed

from Japan. The system has been very effective. It restricts large vessels from fishing in the inshore zone, but the smaller vessels are free to fish in the other zones. However, the distance they can travel is limited by their size. Malaysia has made considerable progress toward improving resource management, it was commented, and it would be useful to understand the costs to the government involved, and whether it would be feasible for other governments in the region to adopt similar measures.

**Panel Discussion II: Recognizing Rights of Fishing Communities in Policy and Practice for Responsible Fisheries and Coastal Area Management in South Asia**

*Chair: Harekrishna Debnath, Chairperson, National Fishworkers' Forum, India*

*Presentation by Ghulam Muhammad Mahar, Director General, Livestock and Fisheries Department, Government of Sindh, Karachi, Pakistan*

Ghulam Muhammad Mahar said that the Pakistan fishermen population is about 600,000, of which about 250,000 are marine fishermen. Fishing communities in Pakistan faced several socioeconomic problems, lacked basic services and amenities, and had few sources of income apart from fisheries. Marine fishermen, particularly those in border areas, faced problems of arrests and detention in neighbouring countries, and there is need for a treaty between governments to address this issue.

The government of Pakistan is taking several steps for the welfare of fishermen, such as establishing model

villages based on a proper census; constructing landing centers; supplying fishing vessels, engines, gear and related inputs; introducing the licence scheme (instead of the auction/contract system); and reducing the licence fee. Pakistan has also taken steps to protect the rights of small-scale fishermen, locally called 'mirbahar', whose livelihoods depend only on fishing. The rights of traditional fishermen, including their entitlements to licences or leases in inland and coastal waters, will be protected. Pakistan is also taking steps to replenish fish stocks to enhance fish catches. The government is further taking measures to invite suggestions and proposals from fishermen, and fishermen representatives have given a 33-point agenda to the government for consideration.

In response to a query, Mahar said that there were also efforts on the resource management side, as through resource replenishment. He further informed that assistance to fishermen in the form of gear, accessories and boats that cost up to Pakistan Rs40,000 (US\$ 661) were given free of cost to small-scale fishermen, and that the 12-mile zone was reserved for traditional fishers.

*Presentation by Shantha Bandara, Senior Assistant Secretary, (Development), Ministry of Fisheries and Aquatic Resources (MFAR), Sri Lanka*

Shantha Bandara said that there were about 200,000 fishers in Sri Lanka and about 600,000 people were engaged in fisheries-related activities. Nearly 2.4 mn people were dependent on the fisheries sector for a livelihood. Coastal fish production in 2006 was 0.12 mn tonnes, caught by about 39,000 boats. The key institutions engaged in fisheries management included MFAR, the mainline ministry, the Provincial-level Ministries of Fisheries, the Coast Conservation Department, the National Aquatic Resources Research and Development Agency (NARA) and the National Aquaculture Development Authority (NAQDA).

Management measures under the Fisheries and Aquatic Resources Act, 1996, include the following: registration of fishing crafts; licensing to undertake fishing operations; prohibition on use of dynamite or poison; prohibition on

certain fishing gear and fishing nets; prohibition or regulation on exports and import of fish; declaration of closed or open seasons for fishing; declaration of fisheries reserves; and aquaculture management licences. In response to a query on regulation of imports and exports in Sri Lanka, Bandara clarified that the restrictions were mainly for the trade in live fish from inland waters.

The Fisheries Act also has provision (Section 32) to declare Management Areas (that could cover inland water bodies, lagoons and coastal areas), and to establish fisheries committees, that can later be transformed into fisheries management authorities. The fisheries management committees are charged with the preparation of a fisheries management plan for the area, and its implementation, after obtaining approval of the plan from the Department of Fisheries and Aquatic Resources (DFAR). The plan could include measures to control the gear used, the species to be taken, the period when fishing is closed, and so on. Eleven fisheries Management Areas have been gazetted so far, in coastal areas (two), lagoons (four) and inland water bodies (five).

There are also provisions to declare Special Area Management (SAM) sites, under coastal zone management plans of the Coast Conservation Department. This allows for comprehensive management of natural resources with the actual involvement of local community. Five SAM sites have been gazetted and 27 additional sites have been identified.

The Sri Lankan government has also facilitated the setting up of fisheries co-operative societies (FCSS) to find solutions to the socioeconomic and cultural issues of fishing communities. There are 982 co-operative societies with a membership of 161,000. Many of the FCSS are active in the management of fisheries, in both the marine and inland sectors. Measures taken have included restricting entry, controlling gear used, creating awareness on resource management, and so on. It was clarified that the FCSS were set up mainly to address issues affecting fishermen. Though there is no clear management function for the FCSS, their co-ordination committees could play such a role.

In conclusion, Bandara said that the major issues facing the fisheries sector were as follows:

- non-availability of recent fisheries resources data. (The last resource survey was conducted over 25 years ago.);
- weak implementation of laws, despite the existence of a legal framework for fisheries management, and lack of monitoring, control and surveillance (MCS);
- socio-political pressures; and
- lack of participation of other stakeholder groups.

There is urgent need to promote co-management, Bandara said, adding that it required awareness building and strengthening of community-based organizations.

*Presentation by Fareesha Adam,  
Assistant Legal Officer, Ministry of  
Fisheries, Agriculture and Marine  
Resources, Maldives*

Introducing the Maldives, Fareesha Adam said that the country comprised about 1,200 islands separated into a series of coral atolls, with only 200 of the islands being inhabited. An estimated 17,000 people, of a total population of 300,000, are engaged in fisheries in the Maldives. The main fisheries include pole-and-line fishing for tuna, trolling for tuna-like species, longlining for yellowfin and bigeye tuna, and handlining for reef fish.

Certain types of gear, including purse-seines, are prohibited in the Maldives, as is the use of nets as fishing gear except to catch bait and certain reef fish, the use of spear guns and dynamite, and the use of toxic substances and chemicals. Other measures in place include: bigeye scads (*carangidae*) can be caught only with poles-and-line; it is forbidden to catch sea cucumbers and lobsters using diving gear; and there is a quota on exports of live aquarium fish. In response to a query, Adam clarified that it is allowed to harvest sea cucumber if diving gear is not used. This is both a conservation and a safety measure, given that people, in general, are not aware of how to use the diving gears, and diving has been associated with fatal accidents in the past.



Foreigners and foreign fishing vessels are not allowed to take up bait fishing in the approximately 2,000 fishing grounds in the Maldives. Export of bait fish is also prohibited. There are, however, no restrictions on local fishermen fishing in these grounds. The Maldivian government has also taken steps to protect certain species, such as bigeye scads. Some islands have large schools of this species and islanders have been harvesting them since ancient times, mostly for their own consumption. Bigeye scad, however, now runs the risk of extinction if harvested using nets, and its harvest, is, therefore, banned.

Adam said that rights of fishing communities, including some forms of 'unwritten' traditional rights, are recognized under the Fisheries Act of the Maldives (Law No. 5/85). Several government policies and schemes, such as providing loans and *dhonis* (small boats) are supportive of small-scale fishers. There are also programmes conducted by the government for the small-scale sector.

In the Maldives, 10 December is officially considered as fishermen's day. The government identifies fishermen, such as those whose *dhonis* have caught the most fish, and reward them for their performance. The government has also installed 45 fish aggregating devices (FADs) in waters surrounding the islands for the benefit of small-scale fishermen. Many safety measures have also been enforced by law and regulation and through public notices. For instance, a licence is necessary to operate a *dhoni*.

...rights of fishing communities, including some forms of 'unwritten' traditional rights, are recognized under the Fisheries Act of the Maldives.

Modernization has brought about changes in the fishery sector, with modernized fishing vessels and new types of fishing and fishery-related activities being introduced on a commercial level. Most small-scale fishers might change into semi-industrial fishers, said Adams.

Aquaculture, which is newly being introduced in the Maldives, needs a legal

framework since it is not covered under the present law, currently in the process of being amended. Also, Maldives is introducing a licensing system, which will be covered in the new legislation, so as to foster more responsible fisheries.

*Presentation by Zafar Ahmed, Principal Scientific Officer, Marine Fisheries Survey Management Unit, Chittagong, Bangladesh*

Zafar Ahmad stressed that fish and fisheries are an indispensable part in the life, livelihoods and cultural heritage of the people of Bangladesh, contributing to employment generation, food security, poverty alleviation and foreign exchange. The fisheries sector contributes 4.92 per cent to the gross domestic product (GDP) of the country, and provides employment to 12.2 mn people (11 mn being part-time fishermen). There are 770,000 full-time inland fishermen and 510,000 marine fishermen. The inland fishery is rich and diverse, comprising a total of 4,560,900 water bodies (rivers, estuarine areas, flood plains, enclosed lakes and depressions, *beels* or open natural depressions, and hilly lakes). The marine sector contributes 22 per cent to total fish production, nearly 93 per cent of which comes from the small-scale fishery.

The basic legislation regulating inland fisheries is the Protection and Conservation of Fish Act (1950). The basic legislation regulating marine fisheries is the Marine Fisheries Ordinance (1983), as implemented by the Marine Fisheries Rules (1983). The Marine Fisheries Ordinance and Rules, 1983, specify, among other things, gear that is prohibited, and makes provision for the declaration of marine reserves for conservation and management purposes. According to the Rules, trawlers are not allowed to operate in coastal waters up to a depth of 40 m.

Ahmad also gave details of a recent project launched in the district of Cox's Bazar to empower and mobilize small-scale coastal fishers to conserve and manage resources, using a participatory approach. The main components were: social mobilization of fishers; alternative income-generation activities, primary education, primary healthcare, water and sanitation, disaster preparedness, community-based coastal resources

conservation and management, and legal-aid support.

### **Panel Discussion III : Linking Rights of Fishing Communities with Responsible Fisheries and Coastal Area Management: The Technical, Legal and Financial Challenges**

*Chair: David Thomson, Team Leader, Tonle Sap Environmental Management Project, Project Support Office (TSEMP-PS)*

In his introductory remarks, the chairperson, David Thomson, said that it was in Indonesia, 34 years ago, that he first began to appreciate the enormous importance of the world's small-scale fisheries, and learned that management and development of fisheries was not just about fish, economics, or sustainable resources, that, above all, it was about people and societies, about livelihoods and a sustainable future for small-scale fishing communities. Thomson shared with participants the chart he had developed in 1980, when he was with the erstwhile ICLARM (now WorldFish Centre), to illustrate the economic, social, environmental and technical advantages of the small-scale fleets.

Thomson said it was appropriate that the Workshop and Symposium were being organized in the Tonle Sap basin in Cambodia, the freshwater fish basket of Indo-China, where, in 2000, the government took the visionary decision to take fishing and resource access rights from the powerful commercial sector and give them to the vulnerable artisanal fisher communities, largely excluded till then. In several parts of the world, however, such as in countries where the ITQ system, with an emphasis on tradable rights, has been introduced, there has been a diminution of the small-scale sector. Concluding his remarks, Thomson said that the quality of the debate in the Workshop and Symposium held hope that ways to protect not only fish resources, but also the people who depend on the resources for a livelihood, could be identified, recognizing the inherent advantages of the small-scale sector. The observations and recommendations from the Workshop would provide guidance in the coming period, he said.

*Presentation by Blake Ratner, Regional Director, Greater Mekong Subregion, WorldFish Centre*

The presentation by Blake Ratner, titled "Resilient Small-scale Fisheries: The Role of Rights", prepared jointly with Edward Allison, drew the links between issues of human rights and fisheries management. Ratner stressed that the economic and political marginalization of fishing communities can contribute to failures in fisheries management, and that, in this context, securing rights is a cornerstone to improving fisheries governance.

Ratner said that the WorldFish Centre is seeking to transform itself into a much more effective catalyst for change, and is working to build resilient livelihoods—to reduce vulnerability to stresses and shocks, and to develop adaptive capacity in fishing communities. This requires a healthy ecosystem and action to secure and maintain basic rights. Rights are integral to the goal (not a means), given that an absence of rights erodes resilience and undermines sustainability. The following phases are part of an adaptive management strategy:

- building awareness;
- creating a forum for stakeholders to talk to, and influence, each other; and
- making commitments about change (policies, institutions, local actions and fishing practices).

There is need to recognize the vulnerability of small-scale fisheries and that rights are key levers of changes that are needed. They include the rights to resource access (tenure clarity and security can provide incentives for long-term management); rights to participation in decisionmaking (linked to the process of devolution and includes gender equity); rights to food, livelihood, and environment; and rights to legal recourse and justice (contributes to building trust and confidence in institutions).

There is also need to bring in various stakeholders: government agencies, communities, universities, NGO representatives, and so on, into the dialogue. The challenge in adaptive

management is how to institute co-management systems that respond to local livelihood needs and respect ecosystem integrity. He stressed that adaptive management is not just about the fishery: it's about building resilience in a social-ecological system heavily influenced by markets, policies, laws, and economic and social trends.

There is a case for adaptive management, given that conventional fisheries management has failed because it disregards the complexity of small-scale fisheries. An appreciation of the complexity is needed in analysis, stakeholder roles, and in management actions. A human-rights perspective helps to clarify that complexity, and helps to orient actions. At the same time, human rights are not being advocated in isolation. It is recognized that rights are integral to improving fisheries governance and management outcomes, that this is not only a moral issue, but a development imperative. Strengthening rights leads to lower vulnerability and greater capacity to adapt, which, in turn, leads to socioecological resilience. In conclusion, Ratner said that the WorldFish Centre is looking to engage with stakeholders in change processes at local, national, and regional scales.

#### *Discussion*

In response to a question on what fisheries management involves, Ratner said there is need for a sound analysis and diagnosis of the ground situation to actually understand what is needed. It is not always necessary to collect data, or to have a sociological analysis or a stock assessment. What is often most important is to have people round the table to do a risk analysis. Is the main problem to do with, for example, dams, or industry on the coast? The definition of fisheries management, if this approach is used, is then rather broad. It could look at the various factors that are influencing the wellbeing of the fishing community. These factors many not directly relate to fisheries, but addressing them may be the most important way to improve fisheries management.

Following up on this issue, another participant added that, typically, fisheries management has been seen as a relationship between fish and people. However, it is becoming more and more

clear that management is basically a human activity, more to do with the relationship between human beings. Viewed from this perspective, the issue of cultural rights is important for solving the question of management. If we want to set right our relationship with the fish, we have to set right our relationship with one another. Co-management needs to lay more stress on the relationship among people.

*Presentation by Yasuhisa Kato, Special Adviser, SEAFDEC*

Yasuhisa Kato, in his presentation, titled "Fisheries Co-management: Using Group User Rights for Small-scale Fisheries", pointed to the fact that the fisheries sector is unique in that it depends on a common renewable natural resource, ownership of which is not clear. Due to the nature of the resource, government intervention for fisheries management is required. Though the need for governments to play a role in management has increased, particularly after the 1980s, government structures have not been strengthened to accommodate this additional mandate and to discharge required services effectively.

Both these issues—unclear ownership of the resources, and the ineffective fisheries management system—need to be addressed if sustainable fisheries are to be achieved. There is need to introduce rights-based fisheries and to promote delegation of fisheries management responsibilities to resource users, through the co-management framework.

Regional guidelines for fisheries co-management, using group user rights for small-scale fisheries, have been developed in the ASEAN region, said Kato. Institution building at the community-level, to enable communities to take up management functions, is key to improving the management of small-scale coastal fisheries. It is as important that government agencies delegate management authority to resource users and support the co-management approach.

Kato stressed the need to regulate entry into the fisheries through the application of the fishing rights (group user rights) system. Exclusive access rights to fisheries resources and to

the use of specific coastal areas for aquaculture, could be given to fishing community institutions, not to individual fishers. These rights, would, in turn, need to be accompanied by obligations to fish in a responsible manner. Each fishing community institution could be assigned responsibilities to decide on the management measures needed, within a co-management framework, with systematic assistance provided by relevant government agencies. The main role of the government would be to provide the enabling environment—an appropriate legal and technical framework for co-management.

Implementing the group user rights system within a co-management framework could lead to improvement in livelihoods and reduction in conflicts between users. It could also lead to improvement in fisheries management and a reduction in overcapacity. As important, it could improve the quality of data collected by the government, as users would see the need for such information, being part of the management system. The group may also decide to take up resource enhancement activities, installation of appropriate facilities such as artificial reefs, and so on.

In conclusion, Kato said that SEAFDEC will continue to collaborate with efforts by member countries to promote fisheries co-management arrangements based on the regional guidelines. Nationalization of the regional guidelines will also be facilitated through workshops, and appropriate pilot projects promoted.

*Statement from Ahmed Djoghlaif,  
Executive Secretary, Convention on  
Biological Diversity (CBD)*

The Statement from the Executive Secretary, Convention on Biological Diversity (see pg. 82) was read out. The following are excerpts from the Statement:

Asia is known for its great variety of marine and coastal biodiversity resources. Southeast Asia is a global centre of marine biodiversity, supporting 30 per cent of the world's coral reefs and mangroves. Marine and coastal ecosystems have played a central role in its socioeconomic development, and, as a result, Asia has become a major world producer of fish and fisheries products,

supplying markets with almost 50 per cent of the world's total fish catch from capture fisheries and about 90 per cent of global aquaculture production. FAO estimated that in 2004 Asia accounted for 87 per cent of the total number of persons engaged in fisheries and aquaculture production globally.

These impressive figures, however, are overshadowed by the grave concerns that most fisheries in this region are showing signs of overexploitation and severe degradation. Moreover, pressure from overfishing and destructive fishing practices is exacerbated by rapid coastal development, which is linked to the impressive economic growth of the region.

Small-scale fishing communities are the most vulnerable and severely threatened section of society, facing exceedingly high risks from the environmental degradation of marine and coastal systems and its socioeconomic consequences. The collapse of fishery resources goes along with failures in the functioning of marine and coastal ecosystems at different scales. It will eventually have devastating effects on the lives of coastal communities.

The CBD is the first global agreement on the conservation and sustainable use of biological diversity, and the fair and equitable sharing of benefits arising from the use of biological resources. It recognizes that the conservation of biological diversity is a common concern of humankind and an integral part of the development process. In particular, it gives special emphasis on respecting, preserving and maintaining the knowledge and traditional practices of indigenous and local communities, including small-scale and artisanal fishing communities.

The issue of climate change mitigation and adaptation was first incorporated into the programme of work on marine and coastal biodiversity by the Conference of the Parties (COP) to CBD, at COP4 (1998), with special focus on coral bleaching. The COP also recognized that integrated marine and coastal area management (IMCAM) provides an overarching management framework for addressing cross-sectoral issues related to marine and coastal biodiversity conservation, including threats to sustainable fisheries, and incorporated IMCAM as key element of

the elaborated programme of work on marine and coastal biological diversity (decision VII/5). IMCAM enhances the application of the ecosystem approach, the establishment of MPAs, and planning of proper coastal land and watershed

Small-scale fishing communities need to be enabled to participate in the planning and implementation of fisheries resources management.

use, which were also identified as useful approaches and tools to address threats to sustainable

ocean development in the Plan of Implementation of the World Summit on Sustainable Development (WSSD) in 2002.

At the Summit, countries also committed themselves to the establishment of representative MPA networks by 2012. This target is also reflected in the elaborated programme of work on marine and coastal biodiversity, adopted in 2004 through decision VII/5. Furthermore, in 2006, the COP highlighted the responsibility of, and the role to be played by, indigenous and local communities in promoting the sustainable use of marine resources (decision VIII/22) as well as their potential contribution to advancing progress on the targets, addressing challenges and obstacles, and meeting capacity-building needs related to the implementation of programme of work on protected areas (decision VIII/24).

Small-scale fishing communities need to be enabled to participate in the planning and implementation of fisheries resources management. They need to understand the rights, roles and responsibilities of fishing communities within the overall framework of integrated management and conservation of marine biodiversity resources.

I am delighted that the present symposium is addressing these critical challenges and barriers. I believe that the discussions and deliberations will make a concrete contribution to our ability to achieve the 2010 biodiversity target, by recognizing the important contribution of small-scale fishing communities in the sustainable management and conservation of coastal and marine resources.

Now, let me conclude my statement by expressing my warm congratulations and sincere appreciation to ICSF and the RGC for organizing and hosting this important event in this beautiful, historic city of Siem Reap.

*Statement by the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs, United Nations, New York*

The Statement from DOALOS was read out (see pg. 85). The following are excerpts from the Statement:

Small-scale fisheries play an important contribution to food security and poverty alleviation in many countries, particularly developing countries.

However, for small-fisheries to contribute to sustainable development in communities in which they operate, fishing authorities need to develop innovative measures to address constraints that hinder the full potential of this important sector. In this regard, many developing coastal States have now taken measures to improve the national legal and policy frameworks within which small-scale fisheries operate, in order to improve the livelihoods of coastal fishing communities. Strategies to reduce vulnerability in small-scale fishing communities include: (1) officially recognizing and enforcing the rights of these communities to the fishery resources and the land they live on or use, and (2) developing fishers' organizational capacity and introducing methods that facilitate their effective participation at local and national levels in decisions affecting the fisheries sector, their livelihoods and work conditions, in order to create a sense of ownership and accountability in the decision-making process.

In recognition of the importance of small-scale fisheries, a number of fisheries-related international instruments have emphasized that the needs of fishing communities should be included among the environmental and economic factors that have to be taken into account by fisheries managers when devising fishery conservation and management measures in areas under national jurisdiction, or in respect of transboundary fish stocks.

With particular reference to the 1982 UNCLOS, article 61 provides that the coastal State in establishing conservation and management measures in the EEZ, shall design measures to maintain fishery resources at levels that can produce the maximum sustainable yield (MSY), as qualified by environmental and economic factors, including, *inter alia*, the economic needs of coastal fishing communities. Article 62 points out that in giving access to the surplus of allowable catch to other States in its EEZ, the coastal State shall take into account all relevant factors, including, *inter alia*, the significance of the fishery resources to its economy and its other national interests. It is understood that these national interests include the welfare of small-scale fisheries operating in areas under the national jurisdiction of the coastal State.

The 1995 UNFSA also recognizes the interests of coastal fishing communities, artisanal and subsistence fishers in relation to the conservation and sustainable use of straddling fish stocks and highly migratory fish stocks. Article 5 of the Agreement includes the consideration of “the interests of artisanal and subsistence fishers” as being among the general principles that States must take into account in the conservation and management of straddling fish stocks and highly migratory fish stocks. Article 11 stresses also the importance for the Agreement to take into account “the needs of coastal communities which are dependent mainly on fishing for the stocks”, in determining participatory rights for new entrants of a subregional or regional fisheries management organization. In addition, Article 24 of the Agreement provides that all States to the Agreement should give full recognition to the special requirements of developing States in relation to the conservation and management of these stocks. The Agreement identifies such requirements as the need to avoid adverse impacts on, and ensure access to fisheries by, *inter alia*, subsistence, small-scale and artisanal fishers, women fishworkers, as well as indigenous people in developing States.

Last but not least, the United Nations General Assembly, in its annual resolution on sustainable fisheries,

emphasizes that in order to achieve sustainable fisheries, States, relevant national and international organizations should provide for participation of small-scale fishery stakeholders in policy development and fisheries management strategies.

The foregoing demonstrates that the international community is particularly interested in improving the legal, social and economic environment within which small-scale fisheries operate, as expressed in the provisions of UNCLOS and UNFSA as well as the relevant resolution of the General Assembly.

DOALOS wishes to take this opportunity to congratulate ICSF for convening this important Symposium. The Division wishes you full success in your deliberations. DOALOS is convinced that the outcome of this Symposium will contribute towards advancing the rights of fishworkers worldwide.

**Integrating Rights for Responsible Fisheries and Coastal Area Management: Synthesis of Discussion From Workshop and Symposium**

*Chair: Rolf Willmann, Senior Fisheries Planning Officer, Fisheries Development Planning Service, Fisheries and Aquaculture Department, FAO*

In his synthesis presentation (see pg. 87), Edward Allison said that the five days of intensive dialogue had resulted in a respectful exchange of experiences and views. Fishing community representatives and their development partners had shared how communities have mobilized to:

- demonstrate their commitment to responsible fishing and their ability to manage their own resources when given the rights and responsibilities to do so;
- claim their space in the coastal zone, against competing interests from industrial development, water resources management, and tourism development, to name a few processes;

...the international community is particularly interested in improving the legal, social and economic environment within which small-scale fisheries operate...

- press for their entitlement to rights on land as well as at sea – and to access to basic social services on par with other citizens in their countries; and
- resist development processes incompatible with sustainability and the cultural and economic survival of coastal and wetland communities.

The inseparable links between human rights and responsible fisheries had been recognized. 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 region’s small-scale fishers as a violation of their rights. Ultimately, he said, what is being requested by participants at the Siem Reap meet is a non-transferable community right—not only to use resources but also to decide on how they are to be used. With this comes the responsibility of stewardship, and of equity of access and allocation within communities.

In another presentation, Arjan Heinan highlighted the threat posed by overfishing and degradation of resources. As long as resource management rights are

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 region’s small-scale fishers as a violation of their rights.

translated into plans that are easily understood, the financial means for these plans will not be hard to find, given

the current interest in decentralized management, in general, and in fisheries, in particular, he said.

**Integrating Rights for Responsible Fisheries and Coastal Area Management: The Opportunities and Constraints in the Way Forward**

*Chair: V. Vivekanandan, Chief Executive, South Indian Federation of Fishermen Societies (SIFFS), India, and Member, ICSF*

The Plenary session started with questions on the country presentations made on the first day of the Symposium. Government representatives from

Southeast Asia were requested to respond to these questions.

During the subsequent part of the session, participants drew attention to issues related to rights and responsibilities of small-scale fishing communities, and the issues involved in recognizing and operationalizing rights of communities.

The questions and discussions have been summarized below.

*Transborder fisheries*

A participant from Indonesia noted that, based on the presentations, it was clear that the governments of Maldives and Cambodia were working actively to protect and promote the rights of traditional and small-scale fishworkers. On another issue, though the problem of transborder conflict was a reality in all the countries represented in the Workshop and Symposium, no concrete steps were being taken towards resolving the problem or recognizing the rights of small-scale fishers who had been traditionally fishing across international boundaries. It was noted that though such forms of fishing were traditional, and carried out historically, they were unfortunately categorized under the pejorative term of IUU fishing.

*Fisheries trade*

A participant from the Philippines raised the issues of fish trade and the WTO. It was noted that fish was classified as an industrial product under the WTO, and was part of NAMA negotiations for reduction and elimination of tariffs and non-tariff barriers. There was danger of developing countries losing their flexibility to use tariffs as a measure to protect the interests of their producers and to promote resource sustainability. It was further noted that part of the problem in trade negotiations was that negotiators were not from the fisheries departments and had little understanding of the fisheries sector or of the potential impact of trade on small-scale fishing communities. Officials that understand the differences between fisheries and industrial products should be present during WTO negotiations, it was stressed. Are discussions on trade-related issues, such as positions to be taken during NAMA negotiations, undertaken with representatives of fisheries departments, it was queried.

Noting that fisheries departments are rarely consulted for trade negotiations, it was suggested that participants of the Workshop could write letters on these issues to respective fisheries and trade ministers in Asian countries, highlighting the above issues and concerns.

Fisheries are of great importance in an Asian context, with over 80 per cent of the world's fishing population residing here, noted a participant from India. The fishing community should be the focal point of government policies on fisheries management and development. Fishworker organizations, he said, should call upon their governments to consult with the fisheries departments and fishing communities concerned, before taking decisions on fisheries issues.

#### *Documenting contribution of small-scale fisheries*

The presentations made by the State representatives at the symposium clearly indicated the importance they gave to the small-scale fisheries sector, said a participant. The question, nevertheless, is whether governments have made concerted efforts to document the contribution made by this sector to employment, income, and food security when compared to large-scale fisheries. The data on small-scale fisheries is not well captured in national statistics, it was noted. There should be initiatives in Asian countries to improve data collection on a sub-sectoral basis, and to have better definition of small-scale fisheries, industrial fisheries and their contributions.

#### *Data on women in the fisheries sector*

There is inadequate data on women's participation in the fisheries sector, noted another participant. There is need for reliable gender-disaggregated data to capture women's roles in the fisheries, also as a basis for sound policymaking to support women's work. The government representative from the Philippines noted that there is some data available on the work of women in fisheries in the Philippines, though not comprehensive. The government representative from Malaysia said there are programmes from the government of Malaysia to collect data on women, especially their work in post-harvest activities, but there is scope for improvement.

## **Open Discussion**

One of the participants drew attention to the Statements by the Executive Secretary, CBD, and from the DOALOS to the Symposium, recognizing the role and importance of small-scale fisheries and communities. It was noted that the rights of small-scale fishers to

access resources within and outside the EEZ have also been recognized by the UNFSA. As the rights of small-scale fishers to resources from the nearshore to the high seas is legally recognized, and as several Asian countries are signatory to international agreements like the UNFSA, there needs to be corresponding policies to operationalize these rights. In this context, it would be useful to have a more coherent picture of small-scale fisheries with respect to employment, income and the spatial dimension—whether they fish in the coastal waters or in the deep sea. This needs to be followed by systematic efforts to develop a policy for small-scale fisheries.

Cambodian government representatives noted that the government is trying to draw a road map for small-scale fisheries, and to have an action plan on how to promote their rights to manage the fishery. More than 90 per cent of fishers in Cambodia are small-scale fishers and all government programmes take into consideration the effect of any programme planned on the fisheries sector. The government is well aware that the suggestions of the people have to be taken on board and that a bottom-up approach is needed. It was informed that the government has set up joint monitoring indicators to integrate fisheries into programmes at all levels—the ministry, the province and the district levels, and at the donor level.

The Indonesian government representative said that the government started to acknowledge the rights of traditional fishers from the 1970s. Indonesia is still in the process of dialoguing with Australia for the recognition of the traditional fishing

There is need for reliable gender-disaggregated data to capture women's roles in the fisheries, also as a basis for sound policymaking to support women's work.



rights of North Sulawesi fishermen in Australian waters. The rights of traditional fishers are clearly recognized in Indonesian law, but implementation is still an issue. The government representative lauded the symposium for being the first of its kind where all the stakeholders sat together for discussions to try and reach a common understanding on the rights of small-scale fishers.

The Malaysian government representative said that small-scale fishers in Malaysia are being encouraged to diversify into deeper waters, to reduce pressure on nearshore waters. The impact of this policy should be clearly visible to the public by next year, he said.

A participant from the Philippines commented on the lack of implementation of policies and legislation favouring small-scale fisheries. Even though the Fisheries Code has been operational since 1998 in the Philippines, its implementation has been inadequate, and most provisions to protect the rights of small-scale fishers are not really implemented. Fishworkers and their supporters have to work towards a stronger advocacy for the implementation of their rights.

A Cambodian government representative observed that implementation of co-management arrangements becomes difficult if the community is not prepared. This, coupled with the lack of institutional arrangements for co-management, makes implementation difficult. In Cambodia, for example, there have been cases where community members

themselves have sold fishing lots allotted to them to outsiders. It is, therefore, v e r y i m p o r t a n t to invest in the capacity building of

communities. This has to be a two-way process, since it is not only the government's responsibility but also the responsibility of community-based organizations.

An Indonesian participant commented that there needs to be clarity, from a legal perspective, on what authority or responsibility can be devolved to the community, recognizing that communities do have local wisdom and knowledge on management issues, and can play a role in co-management. This also calls for capacity building and strengthening of community mechanisms.

A participant from the Philippines stressed the critical role of documentation in highlighting the success of community initiatives in managing resources. This will not only help in advocacy but also could encourage more communities to take up greater responsibility to manage their resources. In the Philippines, there are MPAs managed well by communities, underscoring the fact that fishers themselves can rehabilitate and manage their resources. Conflict management is an integral part of the process of establishing rights and exercising responsibilities.

A community representative from the Philippines said that she is proud of the contribution made by her community. Community members, especially women, have often worked for resource management without any monetary returns, because of their belief that what they do is good for themselves and their children. She expressed disappointment at the local government officials who sometimes did not even do the things that they were paid for.

A government representative from Cambodia said that, while talking of rights, policymakers need to keep in mind the fact that fisheries alone cannot contribute to alleviating poverty in small-scale fishing communities. There is a need to think about taking some people out of fisheries. NGOs and community-based organizations could think of ways in which this could be done.

A participant from Sri Lanka said there are a few issues that need to be addressed when debating on rights of fishers. Rather than finding a temporary solution to destructive fishing methods, these should be eradicated altogether. Further, tourist areas often coincide with the most densely populated fishing areas. The housing rights of fishing communities in coastal areas need to be recognized and respected. Finally,

...the critical role of documentation in highlighting the success of community initiatives in managing resources...

there is also need to develop specific programmes to provide avenues for women of Muslim fishing communities to contribute economically to their families.

A participant from Thailand pointed out that shrimp culture is an extreme type of violation of community rights, not only with respect to fisheries but also other coastal resources. In many countries, shrimp culture is being sustained or expanded in response to market demand. It is important to look at how communities can help limit the growth or expansion of such culture activities, continued under the pretext of “improving the income and food security of local people”. Further, referring to the case of Laos, and the strong adherence to community law emphasizing respect to the fish, the river and the mountains, he stressed that such sustainable fishery management practices should be protected and sustained. There is a need to document existing knowledge of ecosystem people and seek more recognition for this. This kind of knowledge management should be instrumental in gathering support for recognizing the rights of local fishing communities.

A participant from Indonesia said that similar to Laos, the people of Aceh also respected and followed customary law. There is a system of conflict resolution within the community, and customary law is used to decide fishing rights. The problem arises, it was said, when the government grants licences to big vessels to operate in Achenese territory, bypassing the popularly accepted customary law. In traditional community law, the right of fishers over coastal spaces is very much acknowledged. The national law, however, fails to recognize this important right of fishers. In future, it would be good if there is active collaboration between communities, law enforcers and the government.

### Concluding Remarks

Summarizing and commenting on the discussions during the session, the Chair drew attention to an area of primary concern—though issues related to coastal area management and international trade are of direct relevance to fishing communities, they

remain outside the mandate of fisheries departments. Moreover, issues of rights are also complex—it is usually one right against another right. For example, imports of pelagic fish, much debated during the Workshop and Symposium, may threaten small producers, while poor consumers may welcome the imports. There are practical issues of recognizing rights, broader issues of whether rights are reflected in policy, and issues of implementation. There are, therefore, broad challenges ahead for fishers, for the fisheries department and for the governments of various countries on issues of rights of small-scale fishing communities.

The Chair thanked the delegates for sharing their views and perspectives. There is need for all participants present—national governments, NGOs, fishing community and fishworker organizations, intergovernmental organizations and others—to take cues from the discussions at the workshop and symposium, he said. Fishing communities and their supporters are looking forward to significant progress in implementing and improving policies that strengthen fishing communities and their rights, he added. There is also need to improve co-ordination with other sectors. This will help to ensure that the rights of small-scale fishers are protected and there is a framework for them to play a responsible role in managing the resources. 3

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# Appendices



## **Artisanal and Small-scale Fisheries Management Regimes in Asia: Possible Options Towards Responsible Fisheries**

Ichiro Nomura  
Assistant Director-General,  
Fisheries and Aquaculture Department  
FAO, Rome

Mr/Ms Chairperson, distinguished workshop participants, colleagues, ladies and gentlemen,

It is a great honour and pleasure for me to be among you at this important event and to have the opportunity of sharing some information and thoughts on fisheries management and poverty alleviation in small-scale fishing communities in Asia. It is a great tribute to ICSF and the Royal Government of Cambodia to have organized this workshop and the subsequent symposium focusing on this important theme. The improvement of the livelihoods of coastal communities and the sustainability of the fishery resources on which they depend are issues that require increased attention, strong commitment and collective efforts.

In recent years, the issue of fisheries as an important contributor to food security and poverty alleviation has been receiving growing attention. The importance and complexity of the small-scale fisheries sector, in this context, are increasingly recognized. One of the objectives of the FAO Code of Conduct for Responsible Fisheries is to “promote the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities” (Article 2 (f)). The Code also makes direct reference to fishers and fish workers in the “subsistence, small-scale and artisanal fisheries” and their right to “a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction” (Article 6.18).

FAO attributes high priority to the small-scale fisheries sector. In our Committee on Fisheries (COFI) meeting earlier this year, I was very pleased to note the importance that

FAO’s Member States continue to award the sector. The Committee gave its support to a strategy of action for bringing together responsible fisheries and social development. The FAO Fisheries and Aquaculture Department is also examining the convening of an international conference on these issues in 2008.

Based on this background, in my presentation here today, I would like to talk to you about some of the core issues involved. First, I will give a brief general overview of the role and characteristics of the small-scale fisheries sector. This will be followed by a look at fisheries management, both with regard to the international context and the basic features of existing fisheries management systems. The next part of my presentation will bring these two components together, and I will give some suggestions for what a pro-poor fisheries management strategy should contain. Lastly, I will share some of my thoughts with regard to the future.

I am certain that most of us here today are aware of the role of the small-scale fisheries sector in food security and poverty alleviation. However, considering its tremendous importance, I believe some of the facts merit being repeated.

Fish plays an important direct role in food security as a source of food. It is well known that fish has a highly desirable nutrient profile and provides an excellent source of quality animal protein. While fish globally contributes some 16 per cent of the total animal protein intake, this share is above one-third—or even more than half—in many Asian countries. The contribution of small-scale fisheries to food supplies is particularly important. Moreover, production by the sector has the advantage of often being more

directly available and affordable to poorer population groups than fish from industrial fisheries.

During the last decades, employment in the fisheries sector has grown faster than employment in traditional agriculture. Globally, the small-scale fisheries sector today employs some 37 mn fishers and fish farmers. Close to 90 per cent of these people live in Asia. In addition, there is likely to be more than 100 mn people employed in fisheries-associated activities. Fish processing and trading are generally important economic activities for women.

Considering that each fish worker is likely to support a certain number of household members, it can be assumed that perhaps as many as 250 mn people depend primarily on the small-scale fisheries sector for their livelihoods. Moreover, there are a large number of subsistence fishers or rural dwellers involved in seasonal and occasional fisheries activities that are not recorded in official statistics. It is thus likely that there are many more people directly dependent on fisheries for a significant part of their livelihoods than reported.

In addition to its role in local incomes, the small-scale fisheries sector contributes to economic growth at the national level. The importance of international trade has grown rapidly in recent years, and fish and fishery products provide foreign-exchange earnings. It is noteworthy that while the industrial fisheries have been the main contributors historically, a significant proportion of current increases in exports from developing countries is being provided by small-scale operators.

The small-scale fisheries also often play an important role in poverty prevention and can constitute a 'safety net' for members of rural communities. If access to fishing grounds is relatively free, poor people can turn to the common fishery resources for their livelihoods as and when needed. Also, in situations where the normal means of income generation have been disrupted, for example, due to a natural disaster, fishing may provide a safety-net function to vulnerable population groups who were not previously poor. These poverty-prevention mechanisms are socially important and provide a 'welfare' system that may not be available otherwise.

Fishing-related coastal communities, in particular in developing countries, often demonstrate high levels of vulnerability. This situation is due to a variety of factors, including the unpredictable nature of fishing, high occupational risks, dependence on a natural resource, sensitivity to macroeconomic changes, high prevalence of HIV/AIDS, exposure to natural disasters, land-tenure issues and social, economic and political marginalization.

Although the importance of inter-sectoral linkages in coastal communities should not be underestimated, fishers are often highly dependent on fishing for their livelihoods, with weak possibilities to find alternative employment. They are thus sensitive to threats to the resource base and habitats. Reduced fish stocks due to overfishing lead not only to lower production but also increase the competition for fewer resources, and triggers conflicts between different users. Small-scale fishers are often the weaker party in such conflicts with the industrial sector.

In several Asian countries, several aspects of the vulnerability of coastal communities were sadly demonstrated by the tsunami in 2004. In addition to the loss of lives, houses, livelihood assets and other infrastructure and equipment, the tsunami also highlighted the issue of land rights. Unclear land tenure is common in small-scale fisheries communities. In the wake of the tsunami, land-tenure issues slowed down the resettlement of coastal communities. In a more general context, insecure land tenures and unofficial settlements is one reason for the marginalization of fishing communities.

In spite of the high level of vulnerability, the small-scale fisheries sector also shows notable dynamism and coping capacity. Technological shifts and efficiency gains in many places have taken place at a remarkable speed. The use of equipment such as global positioning systems (GPS) and fish finders is being adopted promptly. The utilization of ice has increased, and better fish-handling methods are used on shore.

Coping strategies are often complex and diverse and encompass measures and mechanisms both within the fisheries sector and outside. The

diversified livelihoods of many fisherfolk indicate their capability to make use of the varied resources and skills available to them.

Optimism can also be seen in the current contribution of small-scale fisheries to food security and poverty alleviation. It suggests that the sector has a social and economic potential that still needs to be realized. Traditional knowledge, informal rules and customs, and self-organizing and self-help capacities of small-scale fishing communities, combined with development support, offer opportunities for fisheries restoration and management.

After this brief overview of the important role and characteristics of the small-scale fisheries sector, I would now like to turn my attention to the issue of fisheries management. Starting by looking at the international context of fisheries management, we can note that the last decade has seen increased awareness of the dire consequences of overfishing, habitat degradation and loss of biodiversity. Today, there is global recognition of not only the necessity to improve fisheries management but also to control the effects of human activities on the environment in a wider perspective. The understanding of the link between a sustainable environment and sustainable livelihoods has become more widespread. Moreover, it is recognized that poor, vulnerable and food-insecure people need to be targeted especially in order to eradicate poverty, and that economic growth by itself is not enough.

The international framework for the management of fisheries and related ecosystems has made great advances during the last decades, starting with the adoption of the 1982 UN Law of the Sea. I have already mentioned—and you are all familiar with—the 1995 Code of Conduct for Responsible Fisheries and the related International Plans of Action. There are also the 1992 Rio Declaration and Agenda 21 of the United Nations Conference on Environment and Development (UNCED), the 1995 Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), the 2001 FAO Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem,

and the 2002 Johannesburg Political Declaration on Sustainable Development and Plan of Implementation of the World Summit on Sustainable Development (WSSD-POI). These international instruments and commitments have created a solid foundation for countries and regional fisheries bodies to improve fisheries management. This has allowed for some progress in a number of countries and fisheries. But the state of many of the world's fisheries continues to be in a precarious situation. There are manifold reasons for this less-than-desirable state of affairs. These include the continuation of de facto open access in many fisheries and the continuation of large overcapacities in the world's fishing fleets. These overcapacities, in turn, are an important contributing factor for the widespread and growing incidence of IUU fishing.

With the creation of EEZs, it was hoped that countries would be able to introduce effective management regimes. However, effective management of fisheries has proven to be much more complex and difficult to achieve than had been anticipated upon the adoption of the 1982 UN Convention. Various factors have been identified for weak fisheries management performance. A main reason relates to over-reliance on centralized command-and-control regimes and not enough emphasis on approaches that could curtail or entirely remove the incentive of fishers to race for fish. These require the creation or recognition of some form of right in the use of the fishery resources. I will come back to these aspects shortly.

The increased recognition of ecosystem interactions and the importance of biodiversity have widened the focus of fisheries management to also consider broader habitat and ecosystem considerations. The Ecosystem Approach to Fisheries (EAF) is an important instrument in this respect. EAF entails the recognition of the wider economic, social and cultural benefits that can be derived from fisheries resources and the ecosystems in which they occur. FAO strongly supports the implementation of the EAF, which is an integral part of the Code of Conduct.

While the discussion in international fora sometimes tend to focus more on the problems of large-scale and industrial fisheries, we know that



dwindling resources due to overfishing is a reality also in the small-scale sector. Even if hard data on the resource status and fisheries are not always available, there are clear indications that many inshore areas in Asia are suffering from overexploitation.

If management of single-species fisheries in Northern and sub-tropical waters is considered difficult, the task is even more daunting for the multi-species and multi-gear fisheries of the tropics. In areas where centralized management has been applied, it has proved no more effective than in industrialized countries. Traditional management regimes that may have been effective in the past have shown difficulties in adapting to the pressure from increased competition for resources, technological progress and globalization. There is a growing trend towards more decentralization in fisheries management, and co-management systems have been successfully implemented in some areas. However, many small-scale fisheries are characterized by a de facto situation of 'open access' and this situation is the root cause of uncontrolled growth in fishing capacity and effort, which ultimately result in overfishing and great economic waste. To obtain sustainability, access needs to be limited and the development of fishing effort needs to be controlled.

As background to a discussion on how this can be achieved, I would like to briefly sketch the current basic fisheries-management models, giving particular reference to their potential applicability in the small-scale fisheries sector.

Let me start with the centralized 'conventional' fisheries-management approach already referred to. It implies the efforts by governments to control fish harvests based on biological models and implemented through command-and-control-based management. Measures include limit licensing and catch quotas, often combined with technical measures such as gear regulations and subsidy schemes, to provide incentives for certain desirable behaviours.

Unfortunately, as I mentioned earlier, this widely implemented system has, in many cases, been unable to cope with the complexities of fisheries resource use. In particular, it did not effectively curtail the growth in fishing capacity and effort and the race for fish. Hence, it often failed to deliver

reasonable social, economic and even biological outcomes.

However, in spite of the frequent failure of centralized fisheries management, governments will continue to have a role also in alternative management systems. Functions such as research, monitoring, control and surveillance, and enforcement, in particular with regard to legal sanctions, will generally remain with State authorities. One should not either completely rule out centralized management. For example, licensing systems and incentive schemes, such as vessel buyback programmes, may be valid management options under certain conditions and depending on their design.

The disappointing experience with management systems based on direct State control led to increased focus on management systems based on property rights. The term 'rights-based fisheries management' covers a number of different approaches, including individual, group or community ownership.

The topic of fishing rights has been discussed in a somewhat controversial manner since ITQs were first suggested as a possible management regime in the early 1970s. However, the concept of fishing rights is much older than that. In the Asia and Pacific region, rights to fishing grounds and specific fishery resources have a long history in traditional systems that I will talk more about shortly.

The topic of allocation of access and benefits is at the heart of all efforts to manage fisheries. Allocating fishing rights is contentious because it means making explicit social, economic, legal and political decisions. These decisions will have an impact on people. However, NOT making these decisions will also have consequences. The challenge is, therefore, to make the right decisions and to get fishing rights to the right people.

An ITQ system implies that catch quotas are privatized and allocated to individuals or companies, but they could also be allocated to communities. The system has been fairly widely implemented in a number of fisheries in industrialized countries, notably, Canada, Australia, New Zealand and Iceland. ITQs have proved effective in

curbing overcapacity and in achieving the goal of improved sustainability of resource utilization in many of the fisheries to which they have been applied. However, there are situations where they have entailed important social consequences, by excluding resource users, and equity concerns have arisen, in particular with regard to small-scale fishers. The setting-up and administration of an ITQ system can be demanding, not least because the catch taken by each of the participants in such a system needs to be strictly recorded and monitored, and mind you, not only the total catch of each participant but the catch of each species that fall under the ITQ management system. It does not take a lot of imagination to realize the difficulties to apply ITQs in tropical small-scale fisheries.

As I mentioned just a little while ago, fishing rights come in several forms, and I would now like to turn the attention to traditional fisheries-management systems. Traditionally, decentralized self-government systems have existed in many parts of the world and not only in relation to fishery resources but also forests, water and land. Communities generally recognized the need for rules for the exploitation of 'their' natural resources and ensure that processes were in place for appropriate exploitation and conservation.

In a community-based system, community membership and legitimacy are important issues in relation to access and allocation of rights. This type of system does not automatically guarantee equity. However, traditional systems can be quite complex, and include provisions for people in need and temporary support to community members.

Some of the customary marine tenures continue today, although they are often not formally and legally recognized. They tend to be fragile to external influences and other pressures, for example, the increased competition for resources, depletion of stocks, population growth and immigration, globalization and environmental degradation. There are, however, examples of management structures that have survived and flourished. One important factor for the continued functioning, or revival, of traditional systems, is their recognition by the

national government and other relevant authorities.

There has been a growing trend towards increased decentralization of governance in general as well as in fisheries management. Management responsibilities are increasingly shared among the government, communities and other stakeholders. This type of co-management system is gaining in popularity, in particular in the small-scale fisheries sector.

Like community-based systems, co-management is disposed to create a more equitable distribution of benefits, and be more effective in limiting access than centralized systems.

Lessons learnt from co-management experience point at four main elements necessary for making it successful:

- an enabling policy and legal framework;
- the participation and empowerment of resource users;
- effective linkages and institutions; and
- resources—an asset worth managing.

It is worth noting that a co-management system can evolve without legally enshrined fishing rights. However, the co-management system is likely to become more effective if the community or co-management group will have ultimately legally protected exclusive rights.

Co-management—together with community-based management approaches—have strong support from several prominent regional organizations. The Asia-Pacific Fishery Commission (APFIC) has undertaken important work on how to mainstream co-management in the fisheries of the region. The Southeast Asian Fisheries Development Centre (SEAFDEC) has carried out substantial work on responsible fisheries practices and has published Regional Guidelines for Responsible Fisheries Management and for co-management and user group rights. WorldFish Centre has also been active in the field of co-management in the region.

As I have mentioned, the small-scale fisheries sector plays a vital role in food security, for poverty alleviation and as a 'safety net' in many developing countries – in Asia and elsewhere. This

role brings a dimension to fisheries management that is outside the sector itself. 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.

So, when designing policies and strategies for small-scale fisheries management in developing countries, pro-poor criteria and principles need to be used. I would like to make some suggestions for what should be included in a pro-poor fisheries management policy.

*Small-scale fishers should be given preferential access to fishery resources*

Small-scale fisheries are more efficient generators of local income, employment and food for direct human consumption than large-scale fisheries. With limited resources, there is increased competition between the two sectors. As a pro-poor policy, a redistribution of access from the industrial fleets to small-scale fishers should be considered. This should be combined with improved protection of inshore areas, some of which have already been made exclusive to artisanal fisheries. I recognize, though, that such a redistribution would not be an easy task, considering the large number of vessels in Asia, the existing access rights, and the potential effects on employment in the industrial sector.

*Management responsibilities should be decentralized and shared*

Small-scale fisheries are diverse and the livelihoods of coastal community households are often complex. This diversified and decentralized structure requires diversified and decentralized policies and plans. Such plans can only be effectively implemented at the local level. For poor people's needs to be taken into consideration, devolution of management responsibilities to the local level is needed.

Considering the experience to date, co-management of fisheries is likely to be the best option for many small-scale fisheries. The system should be based on power sharing and partnership. Real power must be vested in the co-management authority at the local level. Based on these fundamental principles, the system can take different

forms, according to local conditions and objectives.

*Rights-based management is needed*

I believe the merits of effective and enforceable use rights for attaining economic and biological sustainability objectives are recognized beyond doubt. What we have to ensure is that they also meet social objectives. Fishing rights can take many different forms. In the small-scale fisheries sector, allocating rights to a defined group or a community is likely to be the best option for meeting conservation and economic objectives. Communal or group rights also have the potential to ensure a certain level of equity by allowing all members of the group or community to access fishing grounds or benefit from the income generated by the resource. Having said this, it should be recognized that community fishing rights do not automatically lead to effective and equitable responsible fisheries.

A number of factors will influence the development. If the system develops without satisfactory community control, it may create new inequalities and power structures that could well worsen the plight of small-scale fishers and poor people. Issues of community membership and legitimacy are central in decisions on how rights are allocated and defended. Institutional arrangements, the distribution of benefits, and external relationships and pressures are other influencing factors. The practical difficulties in defining, assigning and enforcing fishing rights are significant, and the time and effort required should not be underestimated.

*Diversification of livelihoods and improved post-harvesting should be promoted*

The diversification of livelihoods and alternative employment constitute important poverty-alleviation strategies in coastal communities. This can involve approaches for reducing the dependence on fishing through complementary income-generating activities. It can also mean searching for alternative livelihood opportunities as exit strategies from the fisheries sector.

Additional incomes can be created from within the sector by improved post-harvesting and production of value-added products. Since women are

often involved in fish processing, such strategies could have positive effects on gender income equality. Better utilization of fish catches can increase incomes for coastal communities, without having to catch more fish. Hence, improving post-harvest fish handling is an important strategy supporting sustainable fisheries management.

*Integration and linkages with other sectors should be improved*

The fisheries sector does not exist in a vacuum but is closely linked with other sectors. International trade and other effects of globalization, combined with population growth, have brought small-scale fisheries into wider economic systems. The aquatic resources and coastal areas are shared with other sectors. Competition from non-fisheries interests for access and use of these resources is increasing. This development calls for enhanced integrated planning and cross-sectoral interaction in coastal areas to ensure the rights of fisherfolk. Zones need to be legally designated for fishing households to settle and their land tenure ensured. Traditional landing sites need to be protected from alternative development. Settlement areas should be made permanent to allow for improved living conditions.

The fishers and fishing communities themselves often have multi-sectoral livelihoods. Linkages with other sectors need to be recognized when developing strategies for fisheries management and poverty alleviation. These linkages are also needed for the creation of alternative employment opportunities. The small-scale fisheries sector should be seen in the overall context of rural development strategies. It should be explicitly included in Poverty Reduction Strategy Papers (PRSPs) and other pro-poor plans and policies. In order to achieve this integration, the awareness of the importance and potential of the small-scale fisheries sector needs to be further improved. This will require better data and information on the sector and on its role that is effectively disseminated and communicated.

*Additional financing is required for the transition to responsible fisheries*

Any management system—whether a centralized system, property rights or co-management—requires considerable

human and financial resources to be set up and then run effectively. Fisheries that are well managed and generate resource rents can finance the costs for management. However, the transition period before arriving at this point is costly. To restore and establish improved management in the small-scale fisheries sector will require considerable financial support. Funds are needed not only for fisheries management functions but also for complementary and inter-related activities supporting poverty alleviation. There is a need for strong political and financial commitment for achieving responsible fisheries and sustainability of livelihoods in the small-scale sector.

Now I am coming to the end of my presentation and after having talked to you about the current situation and different options, I would like to attempt to draw some conclusions with regard to the future.

I think we all agree that there is an urgent need to restore and improve the management of small-scale fisheries. The question is how to do this: what management regimes are compatible with the social and economic role of the small-scale fisheries and under what conditions can an equitable distribution of benefits be achieved?

There is no doubt that pro-poor fisheries management represents a complex issue. I strongly believe, though, that we have the knowledge to outline the key approaches. To achieve responsible and equitable small-scale fisheries, we need a combination of:

- decentralization of management responsibilities;
- a rights-based approach to fisheries management; and
- strong support to social development and poverty alleviation.

However, these are only the basic building blocks. We need much more detailed plans. There are many questions still to be answered. It is a positive sign that the small-scale fisheries sector is given a more prominent role in international fisheries management discussions. FAO, together with other international and regional organizations, are strongly committed to the issues at stake. We need to build on lessons learnt from past experiences to enhance our knowledge on what works under what conditions, and what is required

to achieve our objectives. The current symposium and workshop, organized by ICSF and the Royal Government of Cambodia, represent an excellent opportunity to discuss these issues, exchange experiences and improve our understanding of the core issues with regard to fisheries management in the small-scale sector.

Thank you very much for your attention! 🙏

**Opening Speech of H.E. Nao Thuok,**  
 Director General of the Fisheries Administration,  
 Ministry of Agriculture, Forestry and Fisheries,  
 Kingdom of Cambodia

Mr. Rolf Willmann, Senior Fishery Policy Officer, Fisheries and Aquaculture Department, FAO Rome, Dr. John Kurien, Co-ordinator, ICSF, Ms. Chandrika Sharma, Executive Secretary, ICSF, Mr. Pisit Charansnoh, President, Yadfon Association, Thailand, honourable representatives from the governments from the Asian region, distinguished delegates, ladies and gentlemen,

Good morning!

On behalf of the Fisheries Administration and on my own behalf, first of all, I wish to extend my warmest welcome to everyone attending the symposium on “Asserting Rights, Defining Responsibilities: Perspectives from Small-Scale Fishing Communities on Coastal and Fisheries Management in Asia”. It is our great honour and pleasure to host this important symposium with the collaboration and participation of Distinguished Delegates, Ladies and Gentlemen, representing the Governments, International and National Organizations.

Last week we completed a workshop on the same topic. The workshop was attended by representatives of fishing communities, other national community organizations and NGOs from over 10 Asian countries. They discussed the topic from the perspective of the communities and also came to some conclusions which are prepared in the form of a statement of their concerns.

This symposium is discussing the same topic—but more from the perspective of the governments of the region. We fully endorse this approach where government and community share their perspectives on the same topic. This is the way to build consensus between State and society if we are to create rights and define responsibility in a sustainable manner.

Ladies and gentlemen, fisheries, as you know, is of vital importance in Cambodia. In terms of total freshwater capture fish production, Cambodia is next only to China, Bangladesh and India. However, in terms of per capita production, Cambodia is the highest. More than 5 million people are employed— full or part time—in fisheries. The sector is crucial not only to people’s livelihoods; it also contributes over 11 per cent of the national GDP.

Fish is a vital and generally affordable source of food for our population, second only to rice. It accounts for more than 75 per cent of the animal protein intake. An average of 75.6 kg of fish per person/annum is consumed in fish dependent communities particularly around the Great Lake and Tonle Sap, as compared to a national average of 151 kg of rice per year. These consumption figures indicate that the inland fisheries of Cambodia contribute more to the national food balance than any other inland fishery in the world.

Bearing in mind that the fisheries sector is crucial to people’s livelihoods and the national economy, the Royal Government, during its second mandate, achieved significant reforms in many areas, especially in the fisheries sector. In the third mandate, the Royal Government continues to promote fisheries reforms by designating fisheries as one side of the Rectangular Strategy. The RGC considers, national and international organization as well as the private sector to be development partners. For many years, Fisheries Administration has received fruitful support and collaboration from donors, national and international NGOs and other development partners in implementing its fisheries policy reform effectively and successfully.

Let me brief the distinguished delegates, ladies and gentlemen, about

fisheries reform in Cambodia. In October 2000, the Prime Minister of the RGC initiated historical change in the fisheries sector by releasing more than 56 per cent (536,302 hectares) of fishing lot concession areas for local people to organize community fisheries. The purpose of this reform is to promote broad local participation in fisheries management and the efficient, sustainable, and equitable use of living aquatic resources. This reform was received enthusiastically by many people, especially those living inside or near fishing lots. Therefore, in Cambodia, rights and co-management for small-scale fisheries is being demonstrated in action and not only in words.

The new fisheries law, which just has been enacted in 2006 by the King, has the objective of ensuring management of inland and marine fisheries and conservation of biodiversity, and of promoting the livelihood of local communities. It is notable that the traditional use rights of fishing communities are recognized under this legislation.

Towards ensuring sustainable fisheries, the RGC, through a Sub-Decree on Community Fisheries, encourages the establishment of community fisheries in inland and coastal areas. Attempts are being made to ensure greater participation of local communities in fisheries conservation and management. There are also initiatives to improve coordination between different sectors to minimize negative impacts on fisheries.

The RGC is committed to responsible fisheries and to the implementation of the Code of Conduct for Responsible Fisheries, the Convention on Biological Diversity, the Convention on International Trade in Endangered Species and the 1995 Mekong Agreement on the Co-operation for the Sustainable Development of the Mekong River Basin.

An event such as this, at the Asian level, is unique, in that it brings together representative of fishing communities, fishworker organizations, NGOs, governments, and multilateral agencies, for meaningful sharing of

experiences on ways in which rights of fishing communities to a just and secure livelihood can be protected, towards responsible management of fisheries resources.

Ladies and gentlemen, if we are to undertake successful fisheries management initiatives, both inland and marine, it is hardly sufficient to have only national legislations and initiatives. We need to co-operate at the regional and international levels as well. Therefore, it is great pleasure to cooperate with ICSF to organize this Asian-level Workshop and Symposium.

This symposium is very important for all of us in the region to share knowledge, experiences, and lessons learnt and I hope that this symposium will promote active discussions and have a positive outcome that will benefit all of us for the sake of small-scale community fisheries co-management. Cambodia's experience with fisheries co-management is largely initiated by the state. We are slowly but creatively involving the communities to take control over the resources which have been assigned to them for their stewardship. We in Cambodia—both the government and the communities—wish to share our experiences and also to learn from the experiences of others at this symposium.

Once again, I would like to express my deep appreciation for the presence of distinguished delegates, ladies and gentlemen to this workshop and symposium. The presence of distinguished delegates, ladies and gentlemen shows a strong commitment and regional cooperation in small-scale fisheries co-management.

Before closing, I would like to wish distinguished delegates, ladies and gentlemen great success, prosperity, happiness and a good stay in the Kingdom of Cambodia, the land of Angkor Wat.

Without further delay, let me declare this Symposium on "Asserting Rights, Defining Responsibilities: Perspectives from Small-Scale Fishing Communities on Coastal and Fisheries Management in Asia" open. Thank you very much for your attention and have a successful symposium. 3

## Introduction to the Workshop

John Kurien

Co-ordinator, Animation Team, ICSF

*Arun Sues Die, Good Morning, Vanakam, Namaste, Salamat Datang, Mabuhay, Yin dee, Ayubowan, Khush amaadiid, Swagatam,*

His Excellency Nao Thuok, Respected Mr. Nomura, my friend Elmer Ferrer, my student and colleague Chandrika Sharma, respected participants from all the countries outside Cambodia and my dear friends and former colleagues from Cambodia,

It is a great honour for me to stand before you today to introduce the workshop. I also count it a privilege to come back once again to Cambodia, where I have learnt so much from those in government, from civil society and from the communities.

Before I begin to introduce the workshop I need to give you some information about ICSF so that you can understand the context and the rationale of this event.

ICSF traces its history to the historic conference that we organized in Rome in 1984 as a counter-conference to the FAO World Conference on Fisheries where all the representative of nation states participated. On that occasion, we argued vehemently for the rights of small-scale fishing communities to be an integral part of the FAO event. However, since this was not possible, we had no choice but to have our own event. Consequently 100 representatives of fishworkers and their supporters from 34 countries gathered in Rome in an event which we called the International Conference of Fishworkers and their Supporters.

The key follow-up conclusions of the Rome Conference were three:

- Fishworkers and fishing communities the world over faced similar problems and, therefore, they have a mutual responsibility to find effective solutions.
- Fishworkers would have to organize themselves better at the national level and also meet together more

often at the regional and global level

- There was an important role for a network of supporters to further the cause of fishworkers.

The creation of the ICSF in 1986 was the result of the third conclusion.

The ICSF is a network of individuals, currently from 20 countries spread across the world. We are an international network but with a Third World focus. Our members come from different disciplinary backgrounds, but the common factor is that we are all working closely with small-scale and artisanal fishing communities in different parts of the world. It is our endeavour to support these fishing communities and their organizations and empower them to participate in fisheries from the multiple perspectives of justice, participation, sustainability and self-reliance. Among our members we have individuals who have nearly 35-40 years of experience working closely with fishing communities. Collectively, we can claim to have well over 800 person years of such experience.

Over the last 20 years of our existence, we have worked in all the continents of the world. We have done studies, undertaken training programmes, lobbied for important causes affecting fishworkers, published many documents, conducted several exchange programmes and organized events such as this where we have brought together fishing communities, scientists, community activists, researchers and representatives of State to discuss issues of common concern.

One of the weaknesses of our work has been that we have not been able to address the concerns of inland fisheries and inland fishing communities. We do not have members in the big inland fishing countries like Cambodia and Bangladesh, for example.

This event is really our first attempt to correct this bias. It is also the first time



we are collaborating with a government. We are, therefore, certainly looking forward to increasing our network and our realm of concern into inland fisheries.

And now to the introduction of the workshop.

What better place to hold such a meeting than Cambodia to discuss rights and responsibilities in fisheries from the perspective of communities and the State?

Cambodia is the only country in Asia where the State has taken giant leaps to create rights for fishing communities and help them to attempt to mutually define responsibilities for co-management. This initiative has come from the highest level – the Prime Minister himself. Large tracts of inland water areas have been taken out of the control of influential and rich individuals and given over to the communities to manage. This reform policy has been ably implemented by the Fisheries Administration headed by H.E. Nao Thuok.

However, the situation of the fishing communities in Cambodia is special. They have gone through a long period of civil strife, mass displacement, forced migration and genocide. The cumulative result of these circumstances of history has been a great deficit of trust; a lack of bonding to the place where they stay and an uncertainty about how to relate to the government. Consequently, there has not been any widespread demand from the community for securing rights to resources in the manner which has been witnessed in other countries of Asia such as the Philippines or India. Last year I had the unique opportunity to work in Cambodia with both the government and the community. From my experience here, I think that the greatest contribution of the community fisheries initiative of the Royal Government of Cambodia will be in helping to build the social capital in the fishing villages and recreating trust by helping people to work together.

By organizing community fishery organizations in their villages, the people have a unique chance to work together; to explore their newly obtained resources and to take participatory decisions on how they will manage them and earn a sustainable livelihood from them. Building trust between governments and communities is the key to creating

rights and defining responsibilities. As they say in my country, you need two hands to clap.

I spent the last couple of weeks in Aceh Province in Indonesia. As you all know, the fishing communities there have been devastated by the greatest natural calamity in our modern era—the 2004 tsunami. Several fishing communities had over half their population—particularly women and children—devoured by the sea. What humbled me was the phenomenal resilience of those who remain. They are getting on with their lives—looking forward and not deterred by the horrific events of the past. They preferred to consider what happened to them as God's training for them rather than God's punishment. However, though individual lives have been shattered, the social capital in the community has been quickly re-accumulated. Harmony and trust and the will to move ahead marked their attitude. The responsibilities towards one another in the community and to nature are clearly expressed. But yet there is no assertion of rights or plea for co-management. As a plan to rehabilitate the communities in Aceh, the government is keen to consider co-management, but they have yet to make the first steps towards this.

I placed before you these two examples from my brief experience only to highlight the different paths through which governments and communities may arrive at asserting the rights and defining the responsibilities which can lead to co-management initiatives. Perhaps the government officials in Aceh can learn much from the government initiatives in Cambodia. Maybe the communities in Cambodia can learn from the people of Aceh.

In the ICSF this has been our commitment. We believe that bringing people together and assisting them to interact and learn from each other is a major need of our time. We have facilitated this in Africa, in Latin America, in Europe and in Asia. In Asia we have taken many initiatives over the last two decades because more than three-quarters of the fishing communities in the world live here.

Many international agencies have now begun to talk about rights in fisheries. But the focus is largely on property rights at sea and on land. We

at ICSF have talked about rights from the days of the Rome Conference. But our concern for rights extends far beyond the notions of property rights over fish. To us, rights take really substantive meaning only if they extend to all realms of life and livelihood. Many of these are inalienable rights—basic human rights. The right to a dignified life; the right to freedom of expression; the rights to one's cultural and religious practices; the right to collective action to access the natural resources needed to support a livelihood; to name just a few.

In this workshop, we also wish to speak loudly about responsibilities. This is because rights without responsibilities and obligations are futile and empty. Rights without responsibilities are the license for unsustainable actions. This is true both for State and community actions. This is why we need to discuss them as one package or two sides of the same coin.

We know from experience that hoping to achieve this in three days is wishful thinking in Asia because of the large language diversity in the region. But we also know that in Asia this diversity is also our strength because we learn to communicate with our hearts and minds. The shaking of heads; an outburst of disagreement; the hearty laugh; the actions with our hands—all these help to break down language barriers. We will experience much of this in the coming three days. This workshop can only be a beginning. We at ICSF hope that it will light a spark in the minds of those who participate and commit them to create their own visions and missions for asserting rights and defining responsibilities to a new level. This is our hope.

Thank you once again for coming from your countries and making this workshop possible. To make it a success, we must work together for the next couple of days and into the future. 3

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## **Statement by Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity (CBD)**

Excellencies,  
Ladies and gentlemen,

Asia is known for its great variety of marine and coastal biodiversity resources. Southeast Asia is a global centre of marine biodiversity, supporting 30 per cent of the world's coral reefs and mangroves. Marine and coastal ecosystems have played a central role in its socioeconomic development, and as a result Asia has become a major world producer of fish and fisheries products supplying markets with almost 50 per cent of the world's total fish catch from capture fisheries and about 90 per cent of global aquaculture production. FAO has estimated that in 2004 Asia accounted for 87 per cent of the number of persons engaged in fisheries and aquaculture production world-wide.

These impressive figures, however, are overshadowed by the grave concerns that most fisheries in this region are showing signs of overexploitation and severe degradation. The abundance of large, valuable predator species has declined significantly, while smaller species lower down the food chain have become increasingly abundant. Surveys also show considerable degradation and overfishing of coastal stocks, revealing a decline of 6 to 33 per cent of their original value over the past 25 years. The message is alarming. We have to face the harsh reality: there are virtually no new unexploited fish stocks or areas within reach of the fishing fleets of the region.

Moreover, pressure from overfishing and destructive fishing practices is exacerbated by the rapid coastal development, which is linked to the impressive economic growth of this region. The loss of important coastal and marine habitats, pollution, harmful algal blooms, and sedimentation are the consequence. For example, the region lost 70 per cent of its mangrove cover and 20 to 60 per cent of its seagrass beds

in the past 70 years; 64 per cent of coral reefs are reported to be at risk from overfishing alone.

The worrying fact is that we now observe the warning signs for the collapse of marine biodiversity at the global level, not only in Asia. Anthropogenic global climate change, which has profound implications for the survival and productivity of marine populations, communities and ecosystems, adds a new dimension of threats to the conservation of marine biodiversity. An international group of ecologists and economists predicted, in *Science* magazine in November 2006, that the world would run out of seafood by 2048 if the alarming declines in marine species continue at current rates. A global literature review, conducted by the Australian Government in 2006, revealed that substantial impacts of global climate change on marine life are already apparent, and that recent warming of tropical waters has led to repeated mass coral bleaching events on the Great Barrier Reef and elsewhere. A 1-2°C warming of sea water will lead to annual bleaching and regular large-scale mortality events. Knowing that globally coral reefs alone are estimated to house as many as one million species, the devastating impacts of climate change, which are cascading through the food web and leading to the loss of marine biodiversity, may far exceed our imagination. Likewise, in its latest assessment report presented in Bangkok a few days ago on 4 May, the Intergovernmental Panel on Climate Change (IPCC) emphasized that coasts are projected to be exposed to increasing risks, including increased coastal erosion, more extensive coastal flooding, higher storm-surge flooding, coral bleaching, etc., due to climate change and sea-level rise, and that the effect will be exacerbated by increasing human-induced pressures on coastal areas. Many millions of people are projected to be affected by floods every

year with the largest in the mega-deltas of Asia and Africa, while small islands are especially vulnerable.

Small-scale fishing communities are the most vulnerable and severely threatened section of society, facing exceedingly high risks from the environmental degradation of marine and coastal systems and its socio-economic consequences. The collapse of fishery resources goes along with failures in the functioning of marine and coastal ecosystems at different scales. It will eventually have devastating effects on the lives of coastal communities.

The Convention on Biological Diversity (CBD) is the first global agreement on the conservation and sustainable use of biological diversity, and the fair and equitable sharing of benefits arising from the use of biological resources. It recognizes that the conservation of biological diversity is a common concern of humankind and an integral part of the development process. In particular, it gives special emphasis to respecting, preserving and maintaining the knowledge and traditional practices of indigenous and local communities, including small-scale and artisanal fishing communities.

The issue of climate-change mitigation and adaptation was first linked to the programme of work on marine and coastal biodiversity at the fourth meeting of the Conference of the Parties to the Convention, in 1998, in response to concerns about the mass coral-bleaching events that had occurred in various parts of the world in 1997/98. The Conference of the Parties also recognized that integrated marine and coastal area management (IMCAM) provides an overarching management framework for addressing cross-sectoral issues related to marine and coastal biodiversity conservation, including threats to sustainable fisheries, and incorporated IMCAM as key element of the elaborated programme of work on marine and coastal biological diversity (decision VII/5). IMCAM enhances the application of ecosystem approach, the establishment of marine protected areas, and planning of proper coastal land and watershed use, which were also identified as useful approaches and tools to address threats to sustainable ocean development in the Plan of

Implementation of the 2002 World Summit on Sustainable Development.

At the Summit, countries also committed themselves to the establishment of representative marine protected areas networks by 2012. This target is also reflected in the elaborated programme of work on marine and coastal biodiversity under the Convention, adopted in 2004 through decision VII/5. Furthermore, in 2006 the Conference of the Parties highlighted the responsibility of, and the role to be played by, indigenous and local communities in promoting the sustainable use of marine resources (decision VIII/22) as well as their potential contribution to advancing progress on the targets, addressing challenges and obstacles, and meeting capacity-building needs related to the implementation of programme of work on protected areas (decision VIII/24).

To achieve a more effective and coherent implementation of the three objectives of the Convention, Parties to the Convention committed themselves to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national levels as a contribution to poverty alleviation and to the benefit of all life on Earth. This target was later endorsed by the World Summit on Sustainable Development and forms now part of the Millennium Development Goals.

I am glad to observe from the third national reports submitted by Parties under the Convention that substantial efforts have been devoted to achieving the 2010 biodiversity target, including institutional strengthening for integrated marine and coastal area management, the establishment of new marine protected areas, and building national and local capacities for the wise and sustainable management of marine and coastal biodiversity. However, the reports also reveal various challenges and shortcomings, including limited political support and public awareness, limited stakeholder participation and limited integration of biodiversity agenda into socioeconomic development planning.

Small-scale fishing communities need to be enabled to participate in the planning and implementation of fisheries resources management. They need to understand the rights,

roles and responsibilities of fishing communities within the overall framework of integrated management and conservation of marine biodiversity resources.

I am delighted that the present symposium is addressing these critical challenges and barriers. I believe that the discussions and deliberations will make a concrete contribution to our ability to achieve the 2010 biodiversity target, by recognizing the important contribution of small-scale fishing communities in the sustainable management and conservation of coastal and marine resources.

Before I close my statement, I would like to take this opportunity to invite all of you to join hands with other global partners and stakeholders in celebrating International Day for Biological Diversity (IBD) 2007, which is being organized on the theme of "Climate Change and Biological Diversity". As you can see, this year's theme coincides with the fact that 2007 is the International Polar Year.

Now, let me conclude my statement by expressing my warm congratulations and sincere appreciation to the International Collective in Support of Fishworkers and the Royal Government of Cambodia for organizing and hosting this important event in this beautiful, historic city of Siem Reap.

I wish the symposium a great success. Thank you for your attention. ♣

## **Statement by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs (DOALOS), United Nations, New York**

### **I. Sustainable Development and Coastal Fishing Communities**

Small-scale fisheries play an important contribution to food security and poverty alleviation in many countries, particularly developing countries. They can be broadly described as employing labour-intensive harvesting, processing and distribution methods and techniques to fishery resources. Small-scale fisheries may operate at widely different organizational levels ranging from self-employed single operators through informal micro-enterprises to formal sector businesses, but they all provide employment opportunities and income generation to many people in coastal and rural communities, most of whom are poor.

However, for small-fisheries to contribute to sustainable development in communities in which they operate, fishing authorities need to develop innovative measures to address constraints that hinder the full potential of this important sector.

Small-scale fisheries' constraints are often associated with governance and policy issues regarding access to, and control over, the aquatic environment and fishery resources. Lack of established rights for small-scale fishers encourages local overfishing and is a source of conflict between small-scale fisheries and industrial fishing fleets, as industrial fishing fleets often encroach in areas where small-scale fishers usually operate.

Where fishing rights are recognized for small-scale fishers, problems may arise from the exclusion of small-scale fishing communities from decision-making process that affects their livelihoods, lack of will by fishing authorities to enforce the rights of small-scale fishers against large commercial fleets, or preferential treatment given to industrial fisheries.

In addition, small-scale fishing communities are vulnerable to many external factors contributing to poverty, including economic factors such as market price fluctuations and variable access to markets, as well as climatic and natural events such as yearly seasonal fluctuations in stock abundance, poor catches, bad weather, natural disasters, and the dangers of working at sea.

All of these problems demonstrate the importance of improving policies and practices in order to reduce the vulnerability of small-scale fishers and to better defend their rights.

Thus, ensuring safety of small-scale fishing operations, resource allocation, and enforcement of the fishing rights of small-scale fishers and fair access to markets should be used to enhance the contribution of small-scale fisheries to food security and poverty alleviation.

In this regard, many developing coastal States have now taken measures to improve the national legal and policy frameworks within which small-scale fisheries operate, in order to improve the livelihoods of coastal fishing communities. Strategies to reduce vulnerability in small-scale fishing communities include: (1) officially recognizing and enforcing the rights of these communities to the fishery resources and the land they live on or use, and (2) developing fishers' organizational capacity and introducing methods that facilitate their effective participation at local and national levels in decisions affecting the fisheries sector, their livelihoods and work conditions, in order to create a sense of ownership and accountability in the decision-making process.

### **II. The Role of the 1982 United Nations Convention on the Law of the Sea and related instruments**

In recognition of the importance of small-scale fisheries, a number of fisheries-

related international instruments have emphasized that the needs of fishing communities should be included among the environmental and economic factors that have to be taken into account by fisheries managers when devising fishery conservation and management measures in areas under national jurisdiction, or in respect of transboundary fish stocks.

With particular reference to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), article 61 of the Convention provides that the coastal State in establishing conservation and management measures in the exclusive economic zone (EEZ), shall design measures to maintain fishery resources at levels that can produce the maximum sustainable yield (MSY), as qualified by environmental and economic factors, including, *inter alia*, the economic needs of coastal fishing communities. Article 62 points out that in giving access to the surplus of allowable catch to other States in its EEZ, the coastal State shall take into account all relevant factors, including, *inter alia*, the significance of the fishery resources to its economy and its other national interests. It is understood that these national interests include the welfare of small-scale fisheries operating in areas under the national jurisdiction of the coastal State.

The 1995 United Nations Fish Stocks Agreement (UNFSA) also recognizes the interests of coastal fishing communities, artisanal and subsistence fishers in relation to the conservation and sustainable use of straddling fish stocks and highly migratory fish stocks. Article 5 of the Agreement includes the consideration of “the interests of artisanal and subsistence fishers” as being among the general principles that States must take into account in the conservation and management of straddling fish stocks and highly migratory fish stocks. Article 11 stresses also the importance for the Agreement to take into account “the needs of coastal communities which are dependent mainly on fishing for the stocks”, in determining participatory rights for new entrants of a subregional or regional fisheries management organization. In addition, Article 24 of the Agreement provides that

all States to the Agreement should give full recognition to the special requirements of developing States in relation to the conservation and management of these stocks. The Agreement identifies such requirements as the need to avoid adverse impacts on, and ensure access to fisheries by, *inter alia*, subsistence, small-scale and artisanal fishers, women fishworkers, as well as indigenous people in developing States.

Last but not least, the United Nations General Assembly, in its annual resolution on sustainable fisheries, emphasizes that in order to achieve sustainable fisheries, States, relevant national and international organizations should provide for participation of small-scale fishery stakeholders in policy development and fisheries management strategies.<sup>11</sup>

The foregoing demonstrates that the international community is particularly interested in improving the legal, social and economic environment within which small-scale fisheries operate, as expressed in the provisions of UNCLOS and UNFSA as well as the relevant resolution of the General Assembly.

DOALOS wishes to take this opportunity to congratulate the International Collective in Support of Fishworkers (ICSF) for convening this important Symposium. The Division wishes you full success in your deliberations. DOALOS is convinced that the outcome of this Symposium will contribute towards advancing the rights of fishworkers worldwide. 3

<sup>11</sup> UNGA resolutions: A/RES/60/31, para. S; A/RES/61/105, para. 12.

## **Synthesis of Discussions at the Workshop and Symposium**

by

**Edward Allison, Senior Lecturer,  
School of Development Studies,  
University of East Anglia, UK**

The Siem Reap Workshop and Symposium resulted in five days of intensive dialogue and learning on the rights and responsibilities of small-scale fisheries in the context of coastal and wetland management. It was a period of respectful exchange of experiences and views. As outsiders, we have gained the view of much collective goodwill, impressive commitment to strengthening rights and shouldering responsibilities, and finding spaces in the fast-changing coasts and wetlands of Asia.

This commitment was demonstrated by fishworkers themselves, by their supporters and by their governments, who have proved willing to undertake wide-ranging reforms. There is also increasing consensus among the international organizations. It is a good time to be fighting for your rights, because there are more people listening, and in sympathy, than there may have been 20 years ago. So although you may be fighting the same battles, you have more allies and sympathizers now, perhaps. But this is no reason for complacency. While in the past, there may have been more ideological opposition to small-scale artisanal production from the modernizing State, now there may be benign neglect from the neoliberal State and world order.

The fight for rights also constitutes a means of creating new institutions, as exemplified by the efforts of the Royal Government of Cambodia (RGC), which seems to have fully appreciated the link between responsible fisheries and wider rights. The shift in rights to Cambodia's fisherfolk has been demonstrated in actual practice, with, for example, 509 community

fisheries organizations now operating in the Tonle Sap Lake. The RGC's pioneering and socially responsible actions in the fisheries sector are a fine example of what we are all striving towards.

At the core of the Siem Reap Workshop and Symposium processes has been the series of case studies from fishing communities struggling to claim what they are entitled to by law—in other words, their rights. It is impossible, in this short summary, to do justice to that richness of experience and it is invidious to pick out examples, so I will generalize.

- We have heard from fishworkers and their development partners in 10 Asian countries how communities have mobilized to:
- demonstrate their commitment to responsible fishing and their ability to manage their own resources when given the rights and responsibilities to do so;
- claim their space in the coastal zone, against competing interests from industry, water resources management and tourism, to name a few development processes;
- press for their entitlement to rights on land and sea, and access to basic social services on a par with other citizens in their countries; and
- resist development processes incompatible with sustainability and the cultural and economic survival of coastal and wetland communities.

We have clarified and explained to one another the inseparable links between human rights and responsible fisheries “to enable a life of dignity while contributing to fisheries management” and ensure “justice, participation, sustainability and self-reliance.”

We have dwelt somewhat on problems affecting small-scale fisheries, but we have also taken time to appreciate



and celebrate the dynamism, technical adaptability, self-help capacity and, not least, the singing, dancing and performance-poetry skills of the small-scale fisherfolk of the region!

One of the most obvious broader issues to emerge from this workshop – and as demonstrated by the Statements to the Symposium from the Convention on Biological Diversity (CBD) and the United Nations Convention on the Law of the Sea (UNCLOS)—has been the sense of a growing recognition of, and commitment to, the rights of small-scale fishworkers by the international institutions. The International Labour Organization (ILO), for instance, has been working on the small-scale fisheries sector – on issues related to safety at sea, rights to decent work, migrant labour, child labour, and women’s rights in the workplace, among others.

The UN General Assembly believes that “...in order to achieve sustainable fisheries, States, and relevant national and international organizations should provide for participation of small-scale fishery stakeholders in policy development and fisheries management strategies.”

The Food and Agriculture Organization of the United Nations (FAO) has begun to focus once more on its core mission—helping to create a world free of hunger (the right to food) and re-orientating its mission towards finding effective ways to help countries meet the Millennium Development Goals. “We all agree there is an urgent need to restore and improve small-scale fisheries,” Ichiro Nomura of FAO told the Siem Reap meet. Contrast this with the atmosphere in the 1970s and 1980s, when many people in FAO and elsewhere envisaged the decline and replacement of small-scale fisheries by larger-scale, industrialized production, with the small-scale sector cast as the “occupation of last resort”.

There has also been a growing awareness internationally that development means more than economic growth, as shown by the series of global commitments to managing the environment and using the link between sustainable environment and sustainable livelihoods. There is now a recognition that economic growth alone is not enough to eradicate poverty, and that rights, freedoms and social

justice are needed – not only to sustain growth, but as ends in themselves – to better reflect what it means to be ‘developed’. The discussions at the Siem Reap Workshop and Symposium reflected this sense that the quality of life – manifested as wellbeing, job satisfaction, security, social cohesion and cultural survival, among others – were important considerations – not just fish and money.

Participants also emphasized that the rights to access resources are insufficient by themselves, to achieve the desired level of security and wellbeing. That realization seems to spring from a broader understanding of poverty, vulnerability and marginalization, with poverty being seen as arising not just from low incomes but due to inadequate command over economic resources such as fish stocks.

Poverty reduction and sustainable fisheries thus become more than a moral responsibility or social choice—it becomes a legal obligation. This recognition of legal entitlement to self-determination is the first step towards empowerment.

In the midst of all the talk about rights and international institutions and global networks of activists and supporters, it has been encouraging to see the continuing importance of locally distinct cultural and social practices. Traditional institutions may often be fragile to external influences and may need formal/legal recognition. Strikingly enough, several governments in the region, like those of Indonesia, Malaysia and Sri Lanka, have formally recognized traditional rights.

Yet, despite increasing recognition of their cultural and economic contributions, small-scale fisheries are squeezed out by coastal development and wetland reclamation for agriculture, from the landward side, and by industrial fisheries and water resource abstraction, from the seaward side.

Decentralization of government, though cautiously welcomed as a means to local-level empowerment and accountability, is not always beneficial, as we learned from the experience of Indonesia. There, although decentralization has increased the autonomy to manage and control resources, it has increased the pressure on natural resources which are

used by local governments to raise revenues, since they no longer enjoy budget allocations from the central government.

From the perspective of supporters of small-scale fisheries, the rights to fish are paramount--but only if you can exercise them without alienating the rights of others like consumers, future generations and other users of resources. Claims for rights in small-scale fisheries have often arisen when faced by a wrong committed by someone else. We would not want to perpetuate a wrong on another group...

A strong message has been sent out from Siem Reap 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 fisherfolk as a violation of their rights.

Ultimately, what is being requested by participants at the Siem Reap meet is a non-transferable community right—not only to use resources, but also to decide on how they are to be used. With this right comes the responsibility of stewardship, of equity of access and allocation within communities. 3

## Workshop Programme

Asserting Rights, Defining Responsibilities:  
Perspectives from Small-scale Fishing Communities  
on Coastal and Fisheries Management in Asia

3-6 May 2007  
Siem Reap, Cambodia

Day 1	Thursday, 3 May 2007
0815-0830hrs	Registration
0830-0945hrs	Inaugural session  Cambodian National Anthem  <b>Welcome</b> Chandrika Sharma, Executive Secretary, ICSF  <b>Introduction to Workshop</b> John Kurien, Coordinator, Animation Team, ICSF  <b>Inaugural Speech</b> Nao Thuok, Director General of Fisheries, RGC  <b>Keynote Address</b> Artisanal and Small-scale Fisheries Management Regimes in Asia: Possible Options towards Responsible Fisheries by Ichiro Nomura, Assistant Director-General, Fisheries and Aquaculture Department, FAO  <b>Vote of Thanks</b> Elmer Ferrer, CBCRM Resource Centre (CBCRM-RC), Philippines
0945-1015hrs	Tea and Poster Viewing
1015-1045hrs	Chair: Ly Vuthy, Chief of Community Fisheries Development, Fisheries Administration, RGC  Background and Rationale of the Workshop by Sebastian Mathew, Programme Adviser, ICSF  <b>Self-introduction by Participants (country-wise)</b>

1045-1230hrs	<p>Chair: Arjan Heinan, Fisheries Management Facilitator, The Netherlands Inland Fishers Organization, Voluntary Adviser, Danao Bay Resource Management Organization, Philippines, and Member, ICSF</p> <p><b>Fisheries and Coastal Area Management Regimes in Asia: What Rights and Interests of Artisanal and Small-scale Fishing Communities are Taken into Account?</b></p> <p>Presentation of Case Studies from Southeast Asia:</p> <ul style="list-style-type: none"> <li>• Community-based Coastal Resource Management Resource Centre (CBCRM-RC), Philippines</li> <li>• Community-based Natural Resource Management Learning Institute (CBNRM-LI), Cambodia</li> <li>• Sustainable Development Foundation (SDF), Thailand</li> <li>• Telepak, Indonesia</li> <li>• Synthesis by CBCRM-RC, Philippines</li> </ul>
1230-1400hrs	Lunch
1400-1500hrs	<p>Chair: Arsenio Tanchuling, Tambuyog Development Centre, the Philippines</p> <p><b>Fisheries and Coastal Area Management Regimes in Asia: What Rights and Interests of Artisanal and Small-scale Fishing Communities are Taken into Account?</b></p> <p>Presentation of case studies from South Asia undertaken by:</p> <ul style="list-style-type: none"> <li>• DISHA, India</li> <li>• UBINIG, Bangladesh</li> <li>• Synthesis by V.Vivekanandan, South Indian Federation of Fishermen Societies (SIFFS), India</li> </ul>
1430-1730hrs	<b>Group Discussions</b>
1830-2030hrs	Reception and Dinner
Day 2	Friday, 4 May 2007
0800-1030hrs	<p>Chair: Ho Thi Yen Thu, Centre for Marine Life Conservation and Community Development (MCD), Vietnam</p> <p><b>Presentation of Group Reports</b></p>
1030-1100hrs	Tea
1100-1145hrs	<p>Chair: Eng Cheasan, Deputy Director, Fisheries Administration, RGC, and Chief of Project Implementation Office of the FAO-TSEMP, Cambodia</p> <p><b>Integrating Fishing Community and Fisheries Concerns into Coastal Management Initiatives and Policies in Asia: Present Situation and Possible Ways Forward</b> by Magnus Torell, SEAFDEC, Bangkok, Thailand</p>
1145-1230hrs	<p>Chair: Muhammad Adli Abdullah, Panglima Laot, Aceh, Indonesia</p> <p><b>Rights to Coastal and Fisheries Resources: A Gender Perspective</b> by Nalini Nayak, Member of ICSF, India and Duangkamol Sirisook, Sustainable Development Foundation, Thailand</p>

1230-1330hrs	Lunch
1330-1730hrs	Group Discussions
Day 3	Saturday, 5 May 2007
0830-1000hrs	<p>Chair: John Kurien, Co-ordinator, Animation Team, ICSF</p> <p><b>Rights: Exploring Dimensions</b></p> <p>Panel Discussion Markets Technologies Traditional Organizations Human Rights</p> <p>How does your perception of the “state of the fishery resource” influence the manner in which you articulate your rights? by Arjan Heinan, Fisheries Management Facilitator, The Netherlands Inland Fishers Organization, Voluntary Adviser, Danao Bay Resource Management Organization, Philippines, and Member, ICSF</p> <p>How does the expansion of markets and the related growth of international trade affect the rights of fishers and fishing communities? by Divina Muñoz, Women of Fisherfolk Movement, Philippines</p> <p>How does the introduction of new technologies impinge or expand the realms of rights for small-scale fisheries? by V. Vivekanandan, Chief Executive, SIFFS, India</p> <p>How can we use/strengthen traditional organizations to establish/regain rights in order to protect the identity and dignity of the riparian communities? by Adli Abdullah, Secretary, Pangima Laot, Aceh, Indonesia</p> <p>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? by Edward H. Allison, Senior Lecturer, School of Development Studies, University of East Anglia, UK</p>
1030-1100hrs	Tea
1100-1230hrs	<b>Open Session</b>
1230-1400hrs	Lunch
1400-1730hrs	<p>Chair: Elmer Ferrer, CBCRM-RC, Philippines</p> <p><b>Presentation of Draft Statement</b></p> <p>Discussion and Finalization of Siem Reap Statement</p>

## Symposium Programme

### Asserting Rights, Defining Responsibilities: Perspectives from Small-Scale Fishing Communities on Coastal and Fisheries Management in Asia

7-8 May 2007  
Siem Reap, Cambodia

Day 1	Monday, 7 May 2007
0830-0945hrs	<p>Inaugural session</p> <p>Cambodian National Anthem</p> <p><b>Welcome</b> Nalini Nayak, Member, ICSF</p> <p><b>Introduction to Symposium</b> John Kurien, Coordinator, Animation Team, ICSF</p> <p><b>Inaugural Speech</b> Nao Thuok, Director General, Fisheries and Administration of the Ministry of Agriculture, Forestry and Fisheries, Cambodia</p> <p><b>Keynote Address</b> Artisanal and Small-scale Fisheries Management Regimes in Asia: Possible Options towards Responsible Fisheries</p> <p>Keynote address of Ichiro Nomura, Assistant Director-General, Fisheries and Aquaculture Department, FAO to be delivered by Rolf Willmann, Senior Fisheries Planning Officer, Fisheries Development Planning Service, Fisheries and Aquaculture Development, FAO</p> <p><b>Vote of Thanks</b> Pisit Charnsnoh, President Yadfong Association, Thailand and Member, ICSF</p>
0945-1015hrs	<b>Statement from Workshop</b>
1015-1045hrs	Tea
1045-1115hrs	<p>Chair: Blake Ratner, Regional Director, Greater Mekong Subregion, WorldFish Centre</p> <p><b>Establishing Rights of Small-scale fishing communities to Coastal and Inland Fisheries Resources in Cambodia</b></p> <p>Ly Vuthy, Chief of Community Fisheries Development, Fisheries Administration, RGC</p>

1115-1300hrs	<p>Chair: Yasuhisa Kato, Special Adviser, SEAFDEC</p> <p><b>Panel Discussion I: Recognizing Rights of Fishing Communities in Policy and Practice for Responsible Fisheries and Coastal Area Management:</b></p> <p>Government representatives from Southeast Asia</p> <ul style="list-style-type: none"> <li>• Wimol Jantrarotai, Senior Fisheries Foreign Affairs Advisor, Department of Fisheries, Ministry of Agriculture and Cooperatives, Thailand</li> <li>• Suseno Sukoyono, Director, Directorate of Fisheries Resource Management, Directorate General of Capture Fisheries, Ministry of Marine Affairs, Indonesia</li> <li>• Jessica C Muñoz, Supervising Aquaculturist, Bureau of Fisheries and Aquatic Resources (BFAR), Department of Agriculture, Philippines</li> <li>• Dongdavanah Sibounthong, Department of Livestock and Fisheries, Ministry of Agriculture and Forestry, Laos</li> <li>• Nguyen Chu Hoy, Deputy Director, Component for Strengthening Capture Fisheries Management, National Directorate of Aquatic Resource Protection, Ministry of Fisheries, Vietnam</li> <li>• Zainudin bin Abdul Wahab, Fisheries Officer, Planning, Development and International Division, Department of Fisheries, Malaysia</li> </ul>
1300-1430hrs	Lunch
1430-1545hrs	<p>Chair: Harekrishna Debnath, Chairperson, National Fishworkers' Forum, India</p> <p><b>Panel Discussion II: Recognizing Rights of Fishing Communities in Policy and Practice for Responsible Fisheries and Coastal Area Management</b></p> <p>Government representatives from South Asia</p> <ul style="list-style-type: none"> <li>• Ghulam Muhammad Mahar, Director General, Livestock and Fisheries Department, Government of Sindh, Karachi, Pakistan</li> <li>• Shantha Bandara, Senior Assistant Secretary, (Development), Ministry of Fisheries and Aquatic Resources, Sri Lanka</li> <li>• Fareesha Adam, Assistant Legal Officer, Ministry of Fisheries, Agriculture and Marine Resources, Maldives</li> <li>• Zafar Ahmed, Principal Scientific Officer, Marine Fisheries Survey Management Unit, Chittagong, Bangladesh</li> </ul>
1545-1615hrs	Tea
1615-1715hrs	<p>Chair: David Thomson, Team Leader, Tonle Sap Environmental Management Project, Project Support Office (TSEMP-PS)</p> <p><b>Panel Discussion III: Linking Rights of Fishing Communities with Responsible Fisheries and Coastal Area Management: The Technical, Legal and Financial Challenges</b></p> <p>Representatives of Multilateral, Intergovernmental and International Organizations</p> <ul style="list-style-type: none"> <li>• Yasuhisa Kato, Special Advisor, SEAFDEC</li> <li>• Blake Ratner, Regional Director, Greater Mekong Subregion WorldFish Centre</li> <li>• Statement from Ahmed Djoghlaif, Executive Secretary, Convention on Biological Diversity</li> <li>• Statement by the Division for Ocean Affairs and the Law of the Sea (DOALAS) of the Office of Legal Affairs, United Nations, New York</li> </ul>
Day 2	Tuesday, 8 May 2007
0830-0915hrs	<p>Chair: Rolf Willmann, Senior Fisheries Planning Officer, Fisheries Development Planning Service, Fisheries and Aquaculture Department, FAO</p> <p><b>Integrating Rights for Responsible Fisheries and Coastal Area Management: Synthesis of Discussion From Workshop and Symposium</b></p> <p>Edward Allison (Senior Lecturer, School of Development Studies, University of East Anglia, UK) and</p> <p>Arjan Heinan (Fisheries Management Facilitator, Netherlands Inland Fishers Organization, Voluntary advisor, Danao Bay Resource Management Organization, Philippines and Member, ICSF)</p>

0915-1030hrs	<b>Plenary Session</b> Chair: V. Vivekanandan, Chief Executive Officer, South Indian Federation of Fishermen Societies (SIFFS), India and Member, ICSF <b>Integrating Rights for Responsible Fisheries and Coastal Area Management: The Opportunities and Constraints in the Way Forward</b>
1030-1100hrs	Tea
1100-1215hrs	<b>Plenary Session (Contd.)</b>
1215-1230hrs	<b>Closing Session</b>
1230-1400hrs	Lunch



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## Proceedings of the Siem Reap Meet

### **Asserting Rights, Defining Responsibilities:**

Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia

This publication is a record of the proceedings of the Siem Reap Workshop and Symposium. It provides a bottom-up perspective on how rights are understood, and what rights are seen as important by small-scale fishing communities, if they are to fulfill their responsibilities for managing resources in a sustainable and equitable manner. It is hoped that these proceedings, and the Statement from the Workshop—the Siem Reap Statement—are found useful by those engaged in policymaking and advocacy in support of small-scale fisheries, as well as researchers, non-governmental organizations (NGOs), fishworker organizations, and multilateral and regional organizations.



ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-Governmental International Organizations. It also has Liaison Status with FAO. Registered in Geneva, ICSF has offices in Chennai, India and Brussels, Belgium. As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and actions, as well as communications.

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