

# Social Development and Sustainable Fisheries: Costa Rica



Prepared by:

**CoopeSoliDar R.L.**



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

**2022**



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[www.icsf.net](http://www.icsf.net)

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November 2022

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**Front Cover**

Small-scale fishers in Cabuya, Costa Rica/ CoopeSoliDar R.L.

**Front Inside**

Mollusk Gatherer women from CoopeMolusChomes R.L at work/ CoopeSoliDar R.L.

**Back Inside**

A fisherman in San Juanillo Bay getting ready to set out on a fishing trip/ Asociación De Pescadores De San Juanillo/ISV/Biocenosis Marina

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## List of acronyms

ASADAS	Administrating Associations of Communal Aqueduct and Sewer Systems in Costa Rica
AYA	Costa Rican Institute of Aqueducts and Sewers
CCSS	Costa Rican Social Security institution.
CEDAW	Convention on the Elimination of all forms of Discrimination against Women (acronym in English)
CNE	National Emergency Commission
COFI	FAO Fishing Committee.
COLAC	Local Council of the Conservation Area/ SINAC
COMEX	Ministry of the Exterior.
CONAPAM	National Council of the Adult
CoopeSolidaR R.L.	Self-Managed Cooperative for Professional Services For Social Solidarity R.L.
FAO	Food and Agriculture Organization of the United Nations
FONABE	National Scholarship Fund
ICT	Costa Rican Tourism
IMAS	Mixed Institute for social welfare
INA	National learning Institute
INDER	Rural Development Institute
INAMU	National Women Institute
INCOPESCA	Costa Rican Institute for Fishing and Agriculture
INEC	National Institute for Statistics and Census
INS	Insurance National Institute
IPCC	Intergovernmental Group of Experts for Climate Change
IPM	Multidimensional Poverty Index.
LPA	Fishing and Aquaculture Law
MAG	Ministry of Agriculture
MEIC	Ministry of Economy, Industry and commerce.
MEP	Ministry of Public Education
MIDEPLAN	Ministry of Planning and economic
MINAE	Ministry of environment and energy
MINSA	Ministry of Health
MIVAH	Ministry of Housing and Human Settlements
MOPT	Ministry of Public works and transport
MP	Public Ministry
MSP	Ministry of Public security

MTSS	Ministry of Work and social security
OIT	International Labour Organization.
Ospesca	Fishing and Aquaculture sector Organization of the Central American Isthmus.
PIDESC	International Covenant on Economic, Social and Cultural Rights
PIEG	National Policy for the effective equality of men and women
PNAP	National Policy for Public Water
PNDPA	National Plan for the development of Fishing and aquaculture of Costa Rica.
PNVAH	National policy for housing and human settlement 2013-
PROCOMER	Costa Rican Foreign Trade Promoter
SINAC	National system of Conservation Areas.
SNG	National Service Coastguards

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## 1. Introduction

A biological bridge connecting two big land masses, Costa Rica has a privileged geographical location in Central America. This makes it rich in biodiversity—a gigantic variety of species of flora and fauna converge in its territory. It is often forgotten though, that only one tenth of its territory is land, the rest its territorial waters. This massive discrepancy is due to the country's possession of Cocos Island, which considerably extends its marine territory. According to official data from the National Geographic Institute (IGN), the Costa Rica's territory extends 51,079 sq km in the continent and 530,903 sq km in the Pacific Exclusive Economic Zone. The Caribbean Exclusive Economic Zone has not yet been defined—pending negotiation and precise definition of the border with Panama (IGN, 2020) (Figure 1).

Fishing is a very important activity for the country. Tuna fishing contributes hugely to the economy, while at the local level, fishing helps create food security for communities. According to the National Institute for Fishing and Agriculture (INCOPECA) there are nearly 2,000 formal artisanal fishers in the country. International studies indicate there are more than 15,000 people involved in artisanal fishing.

With the objective of finding an equilibrium between conservation and fishers wellbeing, the General Attorney of the Republic instructed INCOPECA to carry out studies that aid in issuing licenses (as required by Article 103 of the Constitution). These studies have not been carried out and therefore the State cannot formally recognize fisher families—and provide them social security.

For this reason, the country's artisanal fishing sector is mostly informal. This has important socio-economic consequences, considering that a vast majority of people who engage in this type of fishing are economically vulnerable, and many live in poverty.

Despite the above, Costa Rica's public policies recognize the importance of fair and equitable distribution of wealth produced by fishing activity. There exists an important institutional framework to support to artisanal fishers who operate according to the law. The country's main challenge is to recognize and incorporate small-scale artisanal fishers who operate informally, protect their fundamental rights and ensure quality of life.

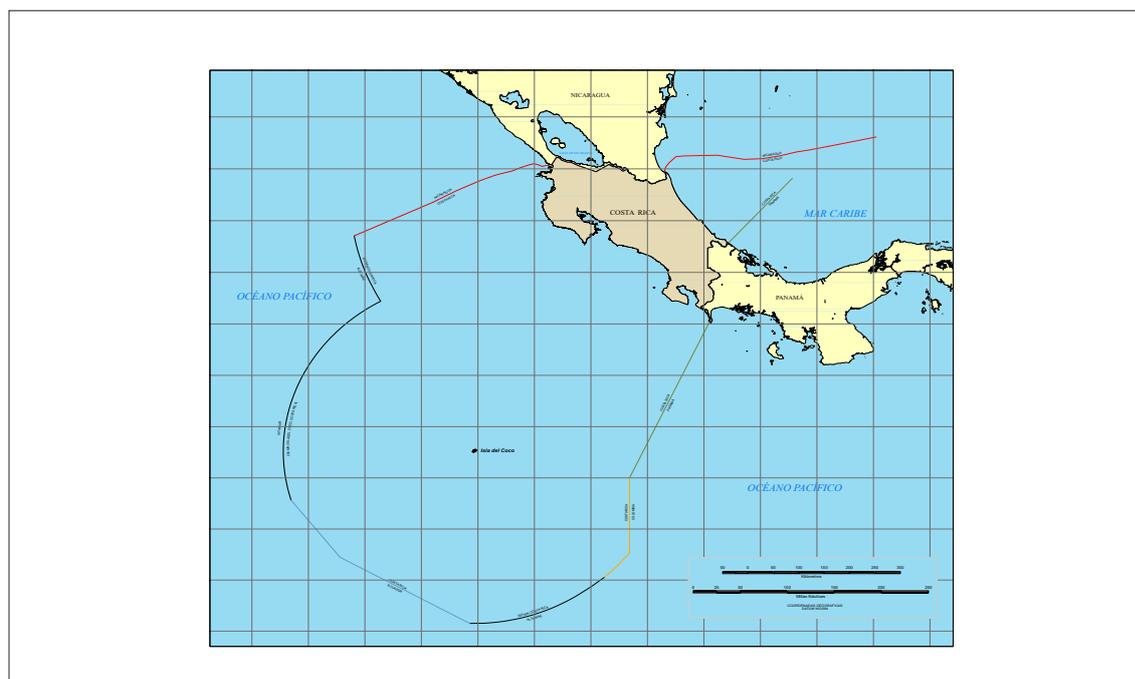


Figure 1: Costa Rica, limits and continental and marine location map

The following is a brief description of the legal framework that factors in social development, employment and decent work for small-scale artisanal fishers in Costa Rica. It is important to note that, for the purposes of this document, ‘small-scale artisanal fisheries’ refers to those who engage in mollusk extraction, subsistence fishing, artisanal fishing, and small-scale commercial fishing, with or without permits.

## Regulations of *supra* legal status

### The Political Constitution of Costa Rica

Provisions on social development, employment and decent work, are fundamental for all persons, since they are the highest ranked standards in the entire legal system and must be applied to all human activities. Even if the Constitution does not specifically refer to fishing, its general provisions are pertinent and relevant to this productive sector.

Article 50 of the Magna Carta states that “the State shall seek the greatest welfare for all inhabitants of the country, organizing and stimulating the production and most adequate distribution of wealth. Every person has the right to a healthy and ecologically balanced environment”. Environmental protection is established as a fundamental right, to be safeguarded by the State at all times: “The State shall guarantee, defend and preserve this right”. ( Constitución Política de Costa Rica, artículo 50).

This has led the Constitutional Chamber to establish the principle of democratic sustainable development. This is directly applicable to fishing, since the Constitutional Chamber has referred to this principle in direct relation to the activity saying, that “in carrying out this economic activity, the eradication of poverty must be taken into account, as well as the fair distribution of income from the activity, the elimination of discrimination based on gender, and the generation of decent employment where the quality of life of the sector is guaranteed... it must also ensure that access to these resources and to the wealth generated by economic activities related to fishing and aquaculture are distributed equitably in society, so that it reaches the greatest possible number of people and allows for the solidarity-based progress of families that make up this social and productive sector. (Constitutional Chamber, St. 10540-2013, August 7<sup>th</sup>, 2013).

Costa Rica signed the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>1</sup> in 1968. This guarantees non-discrimination as a crucial property of human rights (Article 2)—including gender equality in economic and social matters (Article 3). The right to work, includes “the right of everyone to the opportunity to gain a living by work which he or she freely chooses or accepts” and “in conditions which guarantee the fundamental political and economic freedoms of the individual” (Article 6). Remuneration must be sufficient to constitute a fair and decent wage, without gender discrimination, and sufficient to support a family. Health and safety, rest and leisure must also be guaranteed (Art. 7). The right to unionize (Article 8), to social security (Article 9), to maternity leave and the abolition of child labour (Article 10) are also recognized.

All of this is particularly relevant to the fishing sector, where widespread poverty prevails<sup>2</sup>, and there is little recognition of traditional knowledge. The state’s intentions to displace artisanal fishers to other productive activities or criminalize those who do not have fishing permits, uproots them from their culture and way of life.

Official data from the National Institute of Statistics and Censuses and the national household survey have shown an increase in poverty focused on the country’s coastal areas, both in the Caribbean and in the Pacific. The regions that have coasts—Chorotega (18.8 per cent), Central Pacific (18.6 per cent), Brunca (17.6 per cent) and Huetar Caribe (30.1 per cent)—are those with

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1 Adopted and open to signature, ratification and added for the General Assembly in its resolution 2200 A (XXI) from December 16th, 1966. Active from January 3rd, 1976 in agreement with article 27.

2 For more information regarding the sector’s poverty situation, see: Solórzano, E., Solís, V. y Ayales, I. (2016). *Empleo rural decente en el sector de pesca artesanal y de pesca semiindustrial en Costa Rica*. FAO. Recuperado de: <http://www.fao.org/3/a-i6519s.pdf>

the highest levels of multidimensional poverty. In contrast, the central region has 11.7 per cent poverty. The Huetar Caribe region has the highest multidimensional poverty (See official data at <https://www.inec.cr/tablas-de-documentos> - INEC, 2020, Table 1).

I.- Aggregated indicators for small-scale artisanal fisheries sector in Costa Rica

**Table 1: Comparative table of Social Development indexes in the GMA (Greater Metropolitan Area) and some of the provinces with coastal-marine populations)**

<b>Infant Mortality – Main provinces of the Central Valley</b>	<b>Infant Mortality – Coastal Zones</b>
San José: 76 Alajuela: 50 Heredia: 24 Cartago: 23	Puntarenas: 13 Golfito: 3 Limón: 9 Pococí: 5 Guanacaste: 21
<b>Economically inactive population – Main provinces of the Central Valley</b>	<b>Economically inactive population – Coastal Zones</b>
San José: 43.3% Alajuela: 44,2% Heredia: 41, 1% Cartago: 46,8%	Puntarenas: 51, 8% Golfito: 51, 6% Limón: 51, 1% Pococí: 48, 8% Guanacaste: 52.6%
<b>Illiteracy – Main provinces of the Central Valley</b>	<b>Illiteracy – Coastal Zones</b>
San José. Women: 1,3% Men: 1,2% Alajuela. Women: 1,7% Men: 1,9% Cartago. Women: 1,6% Men: 1,6% Heredia. Women: 0,9% Men: 0,9%	Puntarenas. Women: 2,8% Men: 3,1% Golfito. Women: 3,8% Men: 4,2% Limón. Women: 3,4% Men: 2,6% Pococí. Women: 3,2% Men: 3,8% Guanacaste Women: (Nicoya 2.5%, Santa Cruz 1,6%, La Cruz 6,4%) Men: (Nicoya 2.9%, Santa Cruz 2.1%, La Cruz 6.1%)
<b>Households in poverty – Main provinces of the Central Valley</b>	<b>Households in poverty – Coastal Zones</b>

San José: 11.660 Alajuela: 12.311 Cartago: 6.940 Heredia: 4.161	Puntarenas: 9.236 Golfito: 3.894 Limón: 8.047 Pococí: 11.785 Guanacaste: (Nicoya 4.727, Santa Cruz 4.540, La Cruz 2.794)
<b>Population not covered by the Costa Rican Social Security Fund – Main provinces of the Central Valley</b>	<b>Population not covered by the Costa Rican Social Security Fund – Coastal Zones</b>
San José: 623.800 Alajuela: 141.105 Cartago: 67.397 Heredia: 50.162	Puntarenas: 62.970 Golfito: 9.272 Limón: 55.713 Pococí: 20.238 Guanacaste: 60.495
<b>Per capita income as of 2019 – Central Valley (in colones)</b>	<b>Per capita income as of 2019– Coastal Zones (in colones)</b>
Central: 1 194 486	Central Pacific: 714 968 Huetar North: 634 969 Chorotega: 863 590
<b>Domestic Violence – Main provinces of the Central Valley (complaints received in the courts)</b>	<b>Domestic Violence –Coastal Zones (complaints received in the courts)</b>
San José: 3.062 Alajuela: 3.359 Cartago: 1.818 Heredia: 1.818	Puntarenas: 3.312 Golfito: 438 Limón: 848 Pococí: 1.225 Guanacaste: 1.111

## ILO Conventions

While all ILO conventions are relevant to fisheries issues due to their generality, there are two of them that have specific provisions for fishers. These are C113 (the Convention on Medical Examinations for fishers), and C114 (Convention on contract enrollment for fishers).

According to Convention 113, medical check-ups must be carried out by persons aspiring to work on a vessel. A doctor must publicly attest that the person has the physical aptitude necessary to carry out such work. This regulation does not apply to sport or recreational fishing. Convention 114 discusses the enrollment contract (or labour contract) established between shipowners and fishers. It broadly states that the contract between fishers and vessel owners must meet certain minimum requirements and be in accordance with national legislation.

In practice, fishers are exempted from these requirements in Costa Rica, in accordance to article 1.2 of C133 and article 1.3 of C114. Authorities do not ask for contracts to allow fishing activities. It is very rare that a vessel used for small scale fishing remains at sea for more than three days. It is also important to note that conventions C113 and C114 have been revised through C188—Work in Fishing Convention of 2007. However, Costa Rica has not ratified this new international instrument yet, for it was not approved when it was submitted to the Congress in 2009.

## **CEDAW<sup>3</sup>**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the main international instrument prohibiting various forms of discrimination against women. CEDAW's area of interest includes economic, labour, social and cultural spheres. It is therefore an important reference for the fishing sector.

The most relevant provisions on the subject in relation to the fishing sector and women fishers are contained in Articles 11 and 14, which discuss labour rights for women., It also addresses women in rural environments (such as the coasts), who may have different conditions, and asks that rights be recognized based on this condition (ONU, 1979).

## **Convention on Biological Diversity**

The Convention on Biological Diversity (CBD) contains important regulations regarding natural resources and biodiversity. It also addresses access and use of such resources—making it a point of interest for the fishing sector. According to Article 1 the objectives of the Convention include: “the use of genetic resources through, inter alia, appropriate access to such resources and the appropriate transfer of relevant technologies”. According to Article 2 of the Convention ‘biological diversity’ includes marine and aquatic fisheries resources.

Article 8(j) establishes the duty of States to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities (such as coastal communities) that contribute to the conservation of natural resources. Not only must these aspects be integrated into decision making, but the people who hold such knowledge be involved in them. They must also be given fair and equitable recognition of the benefits derived from these practices and knowledge. Finally, the measures taken for the protection of marine biodiversity and fishing species must be in line with the reality and the economic and social needs of artisanal fishing communities (Convenio sobre la Diversidad biológica, 1992).

## **Regulations of legal status**

There are many legal norms that affect the issues of social development, employment and decent work in relation to small-scale artisanal fishers in Costa Rica.

The Fisheries and Aquaculture Law of March 1, 2005 (FAL) is the most extensive body of legislation that regulates fishing. The FAL has two main pillars, environmental protection and the development of fishing activity.

It is also the only body of legislation that precisely defines the different types of fishing. Article 2, paragraphs 26 and 27 show that both categories of artisanal and small-scale fishing are unified under the denomination of artisanal fishing, which is why the term ‘small-scale artisanal fishing’ is used commonly.

INCOPECSA is assigned an active role in generating growth of the fishing sector and enabling its competitiveness in the market. Article 100 indicates that INCOPECSA must play an economic and social role as well. It is not only a matter of generating wealth, but also of making it easier for fishers to group together in fishing organizations and helping them market products directly.

The law for the creation of INCOPECSA focusses on institutional aspects of the institute. Some of its provisions are important for development and fisheries. According to Article 2, the institute's primary responsibility is to look at the welfare and development of the fisheries sector, and protect resources to ensure sustainability.

<sup>3</sup> Adopted and open to signature and ratification, on accession for the General Assembly in its resolution 34/180, of December 18, 1979. Enter in action: September 3rd of 1981, in agreement with article 27(1).

INCOPESCA therefore must help fishers improve their socio-economic situation, not in a welfare-based way, but by improving conditions under which fishing activity is carried out and the way benefits of the activity are distributed.

Article 34 of FAL lays down the closed season subsidy given by the Joint Institute for Social Assistance to fishers in poverty during the months when fishing is not allowed.

One of the most important set of regulations on labour issues come from the Labour Code. Many of its provisions refer to regulations regarding salaried work—where there is an employer and a worker. This can be problematic, since many who work in artisanal fishing are independent workers—despite labour relationships existing in the sector.

The Labour Code protects the aforementioned rights with respect to ILO conventions and the labour guarantees contained in the ICESCR. Apart from a brief mention of safety during fishing trips in article 198 bis, the code makes no other specific provisions for women fishers. However, any woman fisher in a working relationship with an employer (the shipowner, the owner of a vessel, etc.) is covered by the rights and guarantees protected in the Code.

The 1990 Law on the Promotion of Social Equality for Women guarantees “equal rights between men and women in the political, economic, social and cultural fields” ( Ley de Promoción de la Igualdad Social de la Mujer, March 8<sup>th</sup>, 1990. Art. 1). Among many other aspects, the law prohibits job discrimination against women and gender pay gaps (Article 14. It establishes a relationship between the INAMU and the Ministry of Labour and Social Security to address this issue. Article 24 also provides for the creation of the Office of the General Ombudsman for Human Rights, as well as a specific advocacy office for women. (Ley de Promoción de la Igualdad Social de la Mujer, March 8<sup>th</sup>, 1990).

### **Official implementation of the voluntary SSF Guidelines in the context of food security and poverty eradication**

Costa Rica is the first country in the region to incorporate these guidelines into its binding legal system. Article 2 of the decree states that MAG, INCOPESCA, MINAE, and MTSS are the entities responsible for ensuring the application of the Guidelines. (Decreto Ejecutivo No. 39195).

Since its approval by the Committee on Fisheries (COFI) in 2014, the guidelines explicitly link the need to generate responsible and sustainable fisheries with the need to improve the socio-economic condition of fishers, through the major thematic areas of social development, employment, and decent work.

Its guiding principles are not reduced merely to the environmental level, but integrate respect for human rights and dignity, respect for cultures, gender equality, consultation and participation, economic, environmental and social sustainability, socio-economic viability, social responsibility, among others (Article 3).

Table 2 details responsibilities of different institutions working in the sector.

**Table 2: Costa Rica: Institutional Responsibilities and competencies related to the fishing sector**

<b>Institution</b>	<b>Functions</b>	<b>Related Regulations</b>
INCOPECA	<ul style="list-style-type: none"> <li>- Authority executing fishing regulations.</li> <li>- Ensuring the sustainability of fisheries.</li> <li>- Ensuring the socio-economic well-being of the fishers.</li> <li>- Encouraging the organization of fishers.</li> <li>- Granting licenses in response to fisher's needs.</li> <li>-Promoting the competitiveness of fish products.</li> <li>- Generating successful marketing channels.</li> <li>- To inform and coordinate training for the fishing sector.</li> <li>- Following up on the execution of the National Plan for the Development of Fisheries and Aquaculture in Costa Rica.</li> </ul>	<ul style="list-style-type: none"> <li>- Fishing and Aquaculture Law.</li> <li>- Regulations of the Fishing and Aquaculture Law.</li> <li>- Law for the Creation of INCOPECA.</li> <li>- National Fishing and Aquaculture Development Plan of Costa Rica</li> </ul>
IMAS	<ul style="list-style-type: none"> <li>- Process and grant closed season subsidies to fishers.</li> </ul>	<ul style="list-style-type: none"> <li>- Fishing and Aquaculture Law.</li> </ul>
INA	<ul style="list-style-type: none"> <li>- Train the fishing sector.</li> </ul>	<ul style="list-style-type: none"> <li>- Fishing and Aquaculture Law.</li> <li>-- Regulations of the Fishing and Aquaculture Law.</li> </ul>
INAMU	<ul style="list-style-type: none"> <li>- Aspects related to gender equality.</li> <li>- Aspects related to the empowerment of women fishers.</li> <li>- Ensure the human rights of women fishers.</li> </ul>	<ul style="list-style-type: none"> <li>-CEDAW</li> <li>- Law for the Promotion of Women's Social Equality</li> </ul>
MINAE	<ul style="list-style-type: none"> <li>- Functions related to fishing that takes place in protected areas or inland waters.</li> </ul>	<ul style="list-style-type: none"> <li>- Fishing and Aquaculture Law.</li> <li>- Regulations of the Fishing and Aquaculture Law.</li> </ul>
SNG	<ul style="list-style-type: none"> <li>- Surveillance work at sea and in inland waters.</li> <li>- Seizures and arrests for violations of fishing regulations.</li> </ul>	<ul style="list-style-type: none"> <li>- Fishing and Aquaculture Law.</li> <li>- Regulations of the Fishing and Aquaculture Law.</li> </ul>
MTSS	<ul style="list-style-type: none"> <li>- Ensuring compliance with labour regulations.</li> <li>- Aspects related to the enrollment contract.</li> <li>- Aspects related to the social security of fishers.</li> </ul>	<ul style="list-style-type: none"> <li>- ILO Conventions</li> <li>- Fishing and Aquaculture Law.</li> <li>- Regulations of the Fishing and Aquaculture Law.</li> <li>-Labour Code</li> </ul>

Institution	Functions	Related Regulations
CCSS and Ministry of Health	<ul style="list-style-type: none"> <li>- Aspects related to the social security of fishers.</li> <li>- Aspects related to enrollment contracts.</li> <li>- Aspects related to occupational safety and health of crewmembers of fishing vessels.</li> <li>- Establishing agreements with fishing organizations for the differentiated contribution.</li> </ul>	<ul style="list-style-type: none"> <li>- Fishing and Aquaculture Law.</li> <li>- Regulations of the Fishing and Aquaculture Law.</li> </ul>
INS	<ul style="list-style-type: none"> <li>- Granting of collective insurance policies for vessels of fishing organizations.</li> </ul>	<ul style="list-style-type: none"> <li>- Fishing and Aquaculture Law.</li> </ul>
MAG	Serves as the governing body of the fishing sector.	<ul style="list-style-type: none"> <li>- Fishing and Aquaculture Law.</li> </ul>
Technical Secretariat of the National Commission of the Sea	<ul style="list-style-type: none"> <li>- Following up on the execution of the National Plan for the Development of Fisheries and Aquaculture in Costa Rica.</li> </ul>	<ul style="list-style-type: none"> <li>- National Fishing and Aquaculture Development Plan of Costa Rica</li> </ul>

Interviews conducted with non-governmental organizations and state institutions as part of this research revealed that social development is usually built around two pillars—generation of economic opportunities and consolidation of fundamental human rights.

While quizzed about the practical implementation of social development programmes, interviewees responded in varied ways. Some pointed to a stimulus from productivity and work. Another group of interviewees mentioned access and enjoyment of rights: access to education, health services, decent work, drinking water and other public services, decent housing, and enjoyment of a healthy and ecologically balanced environment, without suffering discrimination. The interviewees identified a set of key elements to address the issue of social development (see Figures 2 and 3).

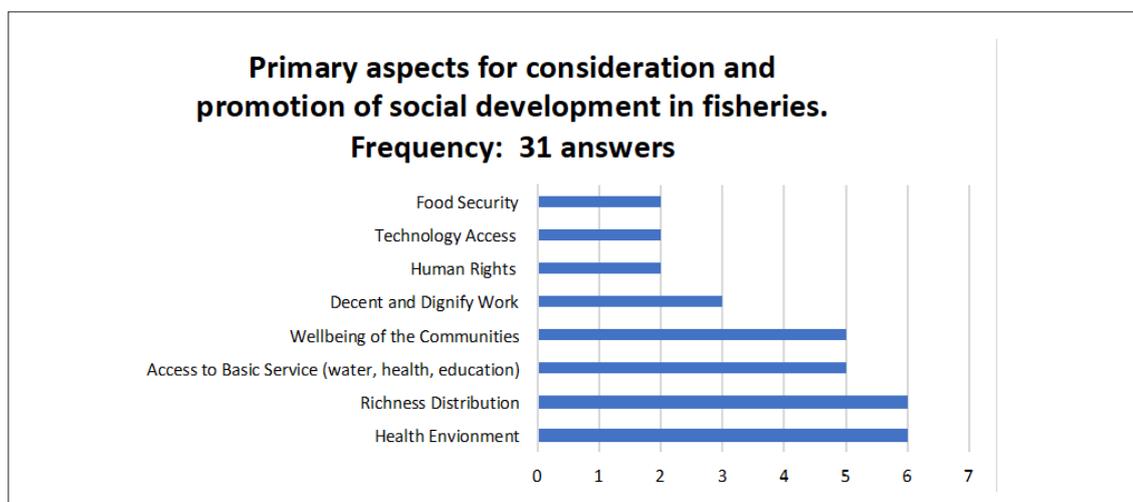


Figure 2: Primary aspects for consideration and promotion of social development in the fishery sector mentioned in the interview. Costa Rica. CoopeSoliDar RL.,2020

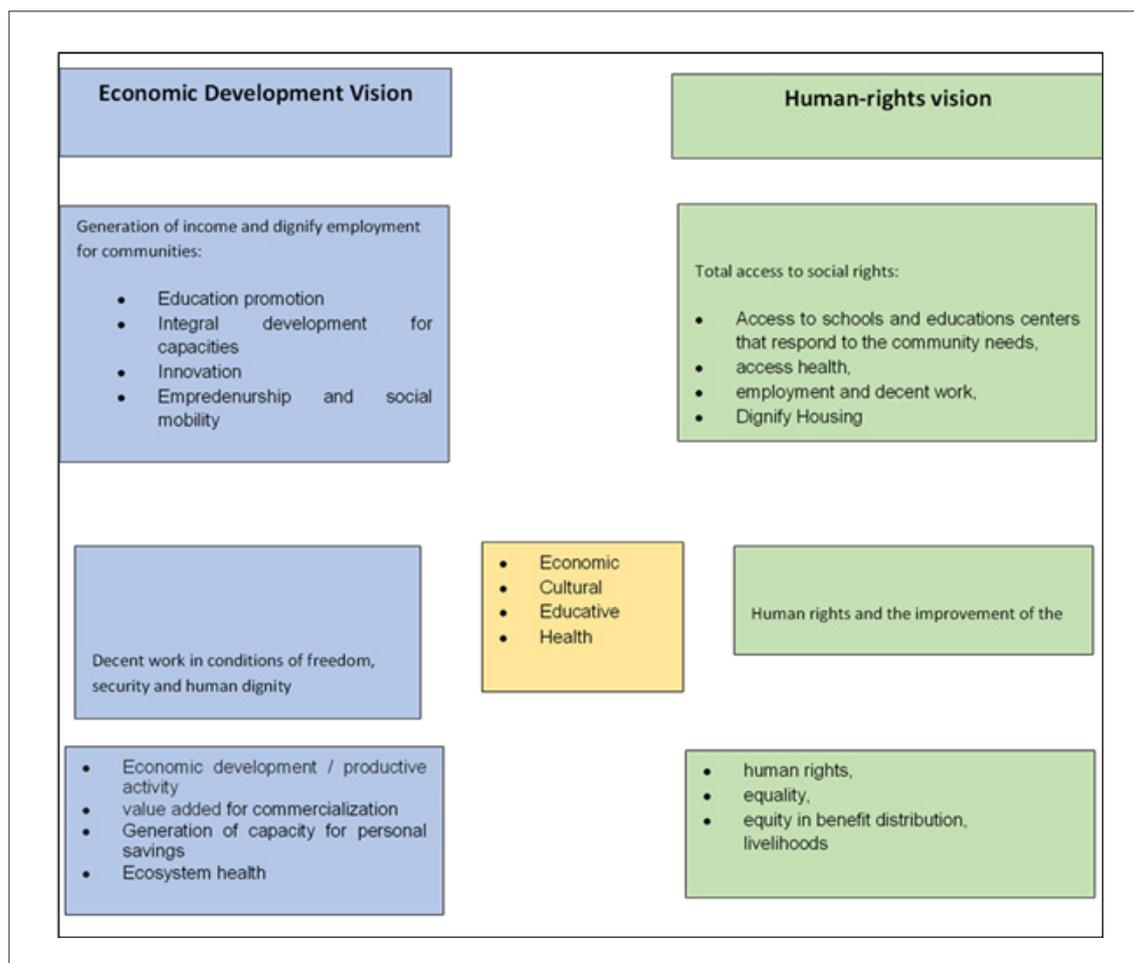


Figure 3: Costa Rica, different views on the meaning and fundamental elements to address the issue of Social Development, according to the interviewees

## Methodology

The general objective of this paper is to provide an objective analysis of the country's actions to promote Social Development in the small-scale artisanal fishing sector

### Specific Objectives

- ❖ Map developed and binding regulations and other commitments in the international arena to promote social development. Review their impact on the people who make up the small-scale artisanal fishing sector in Costa Rica.
- ❖ Map government institutions created with the objective of promoting and guaranteeing social development in Costa Rica and its link with small-scale artisanal fishing.
- ❖ Learn the situation of institutions created to promote and guarantee Social Development in Costa Rica, and review their work on the coasts and small-scale artisanal fishing, based on the vision of its authorities and governing bodies.
- ❖ Learn from men and women linked in the artisanal fishing value chain about their current situation, their rights as fishing workers and their human rights.
- ❖ Propose a set of relevant actions (road map), which will allow the country to advance its UN commitments and commitments assumed at the Social Development Summit.

## Methodological approach for the research

The research was developed and conducted by following and considering the different variables listed below:

- Legal analysis that correlates international commitments, developed regulations, created institutions and their contribution to the social development of the small-scale artisanal fishing sector.
- Development and analysis of open interviews addressed to the authorities of public institutions created for the promotion of Social Development, academic centers and national and international non-governmental organizations, working on social development and human rights issues. These include:
  - o General Chancellery of the Republic,
  - o Ombudsman Office of Costa Rica
  - o Ministry of Foreign Trade,
  - o Costa Rican Fisheries and Aquaculture Institute,
  - o Agricultural Development Institute
  - o Conservation International
  - o MarViva Foundation
  - o Friedrich Eber Foundation
  - o Neotropica Foundation
  - o Costa Rica X Siempre Foundation
  - o People of the Sea Ministry (Catholic Church)
  - o International Labour Organization
- Interviews were carried out with the use of the Excel program, identifying trends, frequencies in mentions and integration of information from the answers provided
- Development and analysis of interviews directed to leaders (men, women and youth), representing the small-scale fishing sector. Identification considers the following criteria:
  - o they represent different coasts of the country (Caribbean, Pacific)
  - o Their work is oriented to sea objectives (scale-fish fishing, mollusk collection, pre and post fishing activities)
  - o Gender perspectives (men, women, youth, and seniors, sea workers)
  - Development and analysis of work around three focus groups: (Annex 3. Instruments for the consultation and Reports of the meetings with the focal groups)
  - o Artisanal fishers from the Network of Marine Areas for Responsible Fishing and Marine Territories of Life
  - o Women
  - o Youth
- Preparation of a status document of the situation and giving recommendations.

## 2. Discussion

According to Organization of the Fishing and Aquaculture Sector of the Central American Isthmus (Ospesca) data, there are 14,800 artisanal fishers—coasts and inland—in Costa Rica. Of these, the Costa Rican Institute of Fishing and Aquaculture (INCOPECSA), formally recognizes 2,049 permit holders. This means around 86 per cent of the sector consists of informal undocumented workers (CoopeSoliDar R.L 2020).

This data is an approximation because the government does not have a fishing census that can accurately determine the people reliant on small-scale artisanal fishing. This also makes it difficult to define deep and comprehensive solutions.

The debate on small-scale artisanal fisheries is complex and the tension between the government and the fishing sector has been rising. This reached a peak with the Manifesto of the People of the Sea<sup>1</sup>, drawn up jointly between the representatives of different fishing fleets and the Catholic Church. The manifesto detailed out points of conflict between the community and the government. It said that there had been a lack of action to resolve conflicts and most of the government's proposals were sporadic, superficial, and lacking technical, social or economic support.

The manifesto also accused the government of promoting high impact fisheries (like purse seine) to generate revenue from licenses. This came at a cost of alienating a huge section of the community. The manifesto asked that they develop national fishing fleets, which can generate decent work for thousands of Costa Ricans in coastal provinces.

It also brought to the forefront issues regarding closure of fisheries and extraction of mollusks by the government (supported by international organizations) under the guise of sustainability. It was a blatant disregard of their culture, lifestyle and tradition. Moreover, no alternative economic activities were ever created. Those that were benefitted investors who were not local—evidenced in the case of large mariculture projects.

The manifesto also made note of the Covid-19 pandemic which destroyed, both the national and international marketing chains of fishery products, and threatened people engaged in fishing and shellfish extraction with poverty and hunger (Manifiesto de las gentes del Mar, 2020).

In addition, the President vetoing a law—which opened the possibility for INCOPECSA to renew shrimp trawling licenses in Costa Rica—approved by the Legislative Assembly, citing sustainability was a huge source of conflict.

The veto caused frustration and social tension in the province of Puntarenas—Costa Rica's main fishing port. Wild shrimp production generates many sources of employment in the community. Even the Local Government, through the Municipal Council, ordinary session No. 43, unanimously declared the President “non grate” (Municipality of Cantón de Puntarenas, 2020).

The Government's strategy to serve the sector has been twofold. The first, has involved meeting with representatives from the Puntarenas and Guanacaste provinces. The second involves calling for participation in territorial Dialogue Tables being held throughout the country.

According to the Director of Pastoral de las Gentes del Mar, Catholic Church of Costa Rica and former Executive President of the Costa Rican Institute of Fisheries and Aquaculture, Dr. Gustavo Meneses, this has been counterproductive for the sector. The government's divisive agenda has sown confusion and failed to address the underlying issues experienced by the artisanal small-scale fishing sector: Dr Meneses said that “more than a search for comprehensive solutions to fisheries issues, small-scale artisanal fishing and the underlying problems experienced by

<sup>1</sup> Position document for the negotiation with the government: Manifiesto de las Gentes del Mar, 2020. Elaborated by representatives of the Puntarenas fishing fleets, with the support of the Catholic Church through the Pastoral de las Gentes del Mar.

fisheries, what is being done is political management, political management of conflicts. The government seeks to satisfy immediate needs and manage conflicts, legitimizing leaders who do not represent the interests of the sector.”

## Poverty

In 2015, Costa Rica’s constitution was amended to recognize traditionally marginalized groups of Afro-Caribbean origin, indigenous and other social minorities. Article 1 made amendments to recognize the nation “a democratic, free, independent, multiethnic and multicultural Republic” (Article 1 of the Political Constitution of Costa Rica). The reform also recognized people living on the coasts, in particular the Afro fisher communities and river fishing communities in indigenous territories.

Despite historical efforts to combat poverty, 20 per cent of households in the country identify as poor. The impact of the Covid-19 pandemic has seen this figure rise to 26.2 per cent in 2020 the National Institute of Statistics and Censuses estimates. Coastal areas are highly vulnerable to poverty.

In 2015, the government, via a public-private alliance led by the Ministry of Human Development and Social Inclusion, the Presidential Social Council and the Horizonte Association (an initiative made up of 51 Costa Rican businessmen), promoted a project to develop an instrument for measuring poverty called the Multidimensional Poverty Index ”(MPI). Its objective is to complement traditional measures of poverty and aid government institutions, in providing necessary aid—whether through education, housing, internet accessibility, health, work and social protection (INEC, 2015). This measurement complements the one-dimensional poverty index analyzed every year.

In 2020, Costa Rica suffered through an economic crisis brought on by the pandemic. Both, the pandemic and the economic meltdown, directly impacted poverty statistics in the country. According to INEC’s National Household Survey 2020, 26.2 per cent (419,783) households in the country were suffering poverty. 7 per cent of households were in extreme poverty—a rise of 19,445 households in the space of one year. The incidence of poverty rose to 30 per cent. In absolute terms this meant in comparison to the previous year, 321,874 more people were living in poverty in 2020—a statistically significant change.

The survey revealed little change in the number of households in multidimensional poverty (16.1 per cent). The report noted that this was contained in by aid received in the form of food and cash transfers by public and private bodies (INEC, 2020).

The government is implementing public policies to reduce poverty in Costa Rica. The State’s Bicentennial Social Policy 2018-2022, based on the National Strategy for Poverty Reduction “Bridge to Development”, includes four components:

1. Bridge to Wellbeing: its objective is to attend to families in extreme poverty in an integral and inter-institutional manner to create a multi-dimensional impact on their living situation.
2. Bridge to the Community: its purpose is to implement integral urban projects, by considering the capacities of diverse local, community, public, private and civil society actors to build and/or strengthen inclusive, resilient, safe, productive and healthy communities.
3. Bridge to Agriculture: a programme aimed at generating integral attention opportunities for vulnerable agriculture families in rural territories who find it difficult to reach out and seek support of agricultural sector institutions.
4. Bridge to Work: the intention is to promote well-being and the possibility of obtaining employment or self-employment by improving the level of education, technical skills, cross-cutting skills and business management.

An overarching component is the Bridge to Prevention, which aims to stimulate safe environments, reduce violence, promote a culture of peace and generate sustainable links between communities and institutions. (National Strategy for the Bridge to Development, 2019).

There is no explicit mention of small-scale artisanal fisheries in any of the strategies. The Bridge to Wellbeing, directed towards people in extreme poverty, is perhaps the only one geared towards providing incentives and/or aid for fishing communities. The problem with the aid though is that it creates dependency. The state should instead concentrate on strengthening structural and functional conditions for exercising decent work in small-scale artisanal fishing and encourage active and committed citizen participation.

Social development programmes under the ambit of the Ministry of Labour, IMAS and INAMU can be accessed by small scale fishers, but the informal nature of the sector prevents authorities from working with them.

The Ministry of Labour and Social Security (MTSS) has two programmes accessible to small-scale fishers—the National Employment Programme (PRONAE) and the National Programme to Support Microenterprises and Social Mobility (PRONAMYPE) provides subsidies and offers training, technical assistance and community assistance. The second, PRONAMYPE, is more focused on promoting small and medium enterprises through training, seed capital, technical assistance and credit.

In conversation, the Minister indicated that projects aimed at coastal communities (specifically those to do with fishermen handicrafts) were developed in conjunction with state universities (UTN, UNA), and in coordination with other public institutions (IMAS, INCOPECA, MAG, CNP, INTA). Many other projects remain in the pipeline. These include oyster production in the Gulf of Nicoya with a laboratory for the production of the seed and a pilot project of shrimp culture in floating cages in Isla Venado.

The Mixed Institute of Social Assistance (IMAS) focuses its efforts and responsibility on the issue of small-scale artisanal fishing communities by offering benefits during the fishing ban in the Gulf of Nicoya. This benefit is distributed to all fishermen in that area for 3 months of the year when fishing is not.

Interviewees at IMAS also indicated that it establishes strategic alliances for the development of joint programmes and projects in coastal communities such as in the canton of Golfito, Brunca Region and in the Chorotega region in Jobo de la Cruz de Guanacaste. In Golfito, it participates in the COSEL-COSAN project, advising organizations seeking to learn about formalizing their organization, viability of projects and resources. In the Chorotega region, IMAS supports the ASOPAR fishermen's association.

Two interviewees indicated that despite interest, a lack of personnel and budget restricted their work in the sector.

Despite multiple institutional regulations, government initiatives are restricted to reactive responses and little large-scale reform.

The government established, through Executive Decree No. 42305-MTSS-MDHIS, the creation of the Proteger Programme. The focus of the programme was to develop a legal mechanism that would allow temporary money transfer to protect households affected by a change in working conditions and / or income because of Covid-19 (Decree No. 42305-MTSS-MDHIS, article 1).

The Proteger Program, known as Bono Proteger (Protect Bonus) is a 3-month temporary financial aid that provided to people who lost jobs, had their working hours reduced, contracts temporarily suspended or faced health risks due to COVID-19.

According to official data from the VI Work Report, October 20, 2020, paid 81,920 million colones (US\$ 135 million) to people in need. 674,990 people were paid for two months, each receiving the equivalent of US\$ 200. Another round of payments totalling 62,793 million colones (US\$ 104 million), was given to 521,825 people—third month payment for the period. (MTSS, IMAS, 2020)

Our research has found that artisanal fishermen found too difficult to avail of the scheme. Completing the application involved complying with requirements that many vulnerable people could not meet. Chief among them was providing a letter from the employer to show unemployment. This was a problem because most fishers work informally and cannot produce such documents. Many did not even have bank accounts—another requirement to avail the scheme. Most applications had to be done online, a setback for people in rural and coastal areas who face connectivity issues—in addition to not owning devices that allowed access.

The Comptroller General's Office conducted a study to evaluate the effectiveness of the scheme. The study found that there were no mechanisms to ensure that those who needed Bono Proteger most actually received it (La Nación, 2020). Additionally, there is no data on how many small-scale artisanal fishermen or mollusk collectors received this support from the government.

Another government strategy to combat Covid-19 was the establishment of a Work Table through the Office of the First Lady, the Ministry of the Presidency, the Ministry of Economy, Industry and Commerce (MEIC), the Minister for Coordination and Liaison with the Private Sector and the National Commission for Risk Prevention and Emergency Care. It aimed to coordinate humanitarian aid, provided by private and civil initiatives, and deliver it to people affected by the pandemic.

A parallel government initiative—through IMAS in co-ordination with INCOPECA and CCSS—to help fishermen affected by Covid-19 budgeted for temporary subsidies of US\$ 240 per month per person. This aid was estimated to reach 1,473, fishermen and helpers accredited and licensed by INCOPECA. The total amount allocated reached US\$ 1 million.

Ground research showed that while these schemes were important, they generated conflict with regard to beneficiary selection. The schemes additionally were not sustainable in the long run and created a dependency within the community. Rehabilitating the economy remains the main challenge. This has to be done keeping in mind cultural identities, capacities, and traditional vocations of the population—which in the case of artisanal fishing, involves food security and environmental sustainability.

Multiple non-governmental organizations—in the particular Fundación Costa Rica X Siempre and the People of the Sea Ministry / CoopeSoliDar RL—provided humanitarian aid and food to vulnerable artisanal fishing communities. There is no definitive estimate on how much this aid was, and therefore it cannot be compared to aid provided to formal fishermen. In the case of CoopeSoliDar RL solidarity aid was provided to 5 communities, all non-formal fishermen, half of which were women.

Another initiative developed to counter the economic effects of Covid-19 was the revolving SoliDario Fund. It ensures fair marketing of seafood products from the network of marine areas for responsible fishing and marine territories for life via the Urban Solidarity Market (Mercado Urbano del Mar). A public-private initiative it is led by CoopeSoliDar RL, People of the Sea Ministry, Bioluris, Arteria, Mexpress and the Network of Marine Areas for Responsible Fishing and Marine Territories for Life, People of the Sea Ministry and support from the Inter-American Foundation. The market hopes to promote fair, ethical marketing with a gender perspective, recognizing all phases of fishing (pre-fishing - fishing and post-fishing) (see the Pesca Artesanal CR Facebook page).

Purchases made by the Mercado Urbano del Mar, between February 25 to September 30, 2020, show very optimistic data. It made an effort to recognize the contribution of women in the different value chains of production and commercialization of fishery products. Between February 25 and

October 19, 2020, fisher women of different marine territories have benefited from the market, earning in total US \$ 3,817 from sales. This was 19.3 per cent of total sales made. Mercado Urbano del Mar's short-term goal is to guarantee a fairer, equitable and gender-sensitive distribution of market opportunities for seafood (CoopeSoliDar R.L, 2020).

## Employment

The right to work is enshrined in the Constitution of the Republic of Costa Rica. The first labour code was drafted in (Law No. 2 of August 26, 1943). The Ministry of Labour and Social Security (MTSS) was created in 1955. It is responsible for governing and executing labour and social security policy, monitor decent work, development, inclusion, equity and social justice (Mission of the Ministry of Labour).

Through the years, Costa Rica has developed robust regulations<sup>2</sup> to improve working conditions. These include:

- Labour Code and its reforms (includes the Labour Procedure Reform), Law No. 2 of August 26, 1943.
- Conventions of the International Labour Organization (ILO), ratified by Costa Rica.
- Labour Procedure Reform. Law No. 9343 of January 25, 2016
- Organic Law of the Ministry of Labour and Social Security No. 1860 and its reforms.
- Law of the National Council of Salaries, No. 832 and its reform.
- Code of Childhood and Adolescence Law No. 7739 and its reforms.
- Approval of Convention 189, on decent work for domestic workers, Law No. 9169.
- Law to regulate Telework. Law No. 9738.

A system that allows every citizen to send complaints on issues has also been developed. This system ensures public officials follow up on citizen demands. If workers feel their constitutional rights are being violated, they can go to the Constitutional Chamber of the Republic of Costa Rica, or take the process through other judicial channels. The Office of the Ombudsman for the Inhabitants of the Republic has offices and officials to follow up on complaints and citizens and.

This institutional framework and policies work for formal structures. A majority of vulnerable sectors (fisheries, afro-descendants, migrants) though, form the informal economy and are therefore left outside of these rights and guarantees. There is a huge lack of knowledge among these communities regarding their rights.

Costa Rica has developed robust regulations to ensure decent working conditions for both men and women. Everyone is regarded equal in the eyes of the justice. The judicial system is accessible to all. Citizens who feel their rights are being violated can approach the judiciary directly.

The country also has an alternative strategy for conflict resolution. In order to promote alternative dispute resolution mechanisms, there exist regulations that seek to achieve quicker resolution, without having to go through traditional judicial processes. To process this "Centers for Alternative Conflict Resolution (RAC Centers) have been established through the country. The Ministry of Labour and Social Security (MTSS) has authorized that these centers attend to labour issues.

The Ministry of Labour has established a specific strategy for coastal communities and those living in extreme poverty. It has created jobs in the form of mangrove reforestation drives and community clean-ups, where workers are paid for their labour. This has supported some very poor communities.

<sup>2</sup> More legal information can be access in the following link: <http://www.mtss.go.cr/elministerio/marco-legal/marco-legal.html>

Research shows that both non-governmental organizations and state institutions have developed actions and programmes aimed at improving the conditions of people on the coasts. It also aims to provide employment alternatives to this population group as shown in table 3.

**Table 3: Programmes, incentives, or support for the social development of coastal communities of small-scale artisanal fishers**

Type of organization	Programmes, incentives, or support for the social development of coastal communities of small-scale artisanal fishers
NGO	Development of partnerships Development of the revolving Solidarity Fund and Seafood Market Capacity-building Incorporation of professionals with a gender and social issues profile
Government Institutions	<b>Programs, incentives, or support for the social development of coastal communities of small-scale artisanal fishers</b>
COMEX and PROCOMER	Discover Program <sup>3</sup> Foreign Trade Promoter of Costa Rica, accompanied by the development of a commercial scheme with fishing organizations in the province of Guanacaste.
Ombudsman's Office of the Republic of Costa Rica:	Observer and guarantor in roundtables and dialogue processes between the Government and representatives of the fishing and mollusk-gathering sector. Accompanying coastal communities in addressing priority issues, such as social security insurance, licenses, permits and state subsidies. Some fishers (men and women) are supported with a health insurance but there is no support for pension. They have to prove extreme poverty conditions.
INCOPESCA	The Department of Fishing and Aquaculture Promotion has a work agenda on social issues for the development of fishing and aquaculture organizations. It offers training to promote association and corporate work, to unite fishers.
INDER	Development of productive projects of the agricultural activity or of services for the territorial rural development, projects of social and communal interest <sup>4</sup> .

There is a need to regulate the informal nature of the small-scale artisanal fishing sector, so that job opportunities allow for social mobility and well-being of sea peoples, fishers and small-scale gatherers.

3 Discover Program: Initiative promoted by the 2018-2022 administration, led by the Ministry of Foreign Trade and the Costa Rican Foreign Trade Promoter (PROCOMER), with the articulation of the Ministry of Agriculture and Livestock (MAG) and other state institutions, private sector, academia, and Development Banking. This program aims to increase the value added of national production, migrating toward activities that require greater skills and knowledge, increasing the country's exportable supply, promoting the diversification of national agriculture, and attracting more investment resources to rural and coastal areas.

4 1. Development Fund: Rural Credit Program, which has credit at 8% per year, additionally works hard on improving the institutional supply for the sector; Program for the Promotion of Production and Food Security: Consists of non-reimbursable funds that are granted to organized groups or individuals, which according to the initiatives can be: inputs, production equipment, storage equipment, basic infrastructure, materials, among others; Rural Infrastructure for Development: Consists of non-reimbursable funds, executed by the institution for the development of rural infrastructure such as processing plants, roads, aqueducts, training centers, electrification, among others; that, in articulation and coordination, allow for the strengthening of key aspects of competitiveness in the territories; Transfers: Non-reimbursable funds, transferred by the institution to a third party, for the development of an initiative in a rural territory; Capacity Management and Territorial Platform: articulation service for organizational strengthening, as well as for the governance of rural territories throughout the country. 2. Land Fund: Land endowment: According to article 45 of Law 9036, Inder will endow land, as part of the productive assets of a company individually or collectively, through the following modalities: lease, allocation.

In the context of Covid-19, a framework of public policies (decrees, guidelines) has been developed to adapt working conditions to the pandemic. Teleworking and changes in working hours have been promoted. This, however, has not substantially improved the working conditions of the fishers.

In light of the presidential veto of the Trawling Law, the country's authorities have committed to making an effort to generate work and development in the province of Puntarenas. No regulations have yet been developed on the subject.

## Decent Work

The country has institutions, laws and regulations to help avoid labour abuse. These institutions respond to the Executive Power, the administrative offices and to the Judicial Power, to resolve disputes. The Office of the Ombudsman acts as a supervisory and control body for institutional work.

Costa Rica approved a Decent Work Programme to be implemented between 2019-2023. This is a tripartite agreement involving the government, trade unions and corporate organizations, as well as the ILO, which provides technical assistance for dialogue and agreements.

The purpose of this programme is to promote decent work with rights and social protection, and guarantee social and productive equity. It is also supposed to enforce national and international labour standards, encouraging greater quality employment opportunities. ILO-Costa Rica has started to support the INAMU to support the formalization of shrimp peeling women in Barra del Colorado (See Annex 7. Barra del Colorado follow up routever).

The programme also overlooks the formalization of companies, economic reactivation, labour relations, technical-vocational training, fight against child labour, social security, and migration, among others. It establishes four priorities to improve working conditions in the country.

- Protection and respect of labour regulations: This is focused on compliance and enforcement of international labour standards and national labour legislation.
- Promotion of employment policies, labour market, decent work, formalization, and professional training: It proposes to eliminate barriers that prevent the integration of certain vulnerable groups into the labour market, offer better employability opportunities to the groups most affected by unemployment and improve the working conditions of workers and companies in the informal sector.
- Expand and strengthen social protection for working people and strengthen tripartite and bipartite social dialogue.
- Develop organizational capacity for the formulation and implementation of policies, programs and strategies for social and labour development.<sup>5</sup>

It is evident that policies at the national level are very generic, and do not have a focused approach towards specific groups.

The majority of workers in the artisanal fishing sector in Costa Rica work informally and are excluded from many benefits provided by the state. In addition, there is a lack of recognition of work done by women in the sector making them very vulnerable. The system's lack of knowledge about the fishing sector and its workers stops it from evolving and being effective on ground.

The State, through its various institutions, needs to make a greater commitment to improving working conditions and lives of people working in the small-scale artisanal fishing sector. Decent

<sup>5</sup> See information in the Agreement Memorandum for the implementation of the Technical Cooperation Framework of ILO: Decent work program for Costa Rica 2019-2020 in [https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-san\\_jose/documentos/genericdocument/wcms\\_667345.pff](https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-san_jose/documentos/genericdocument/wcms_667345.pff)

work implies the possibility of a job, access to labour rights, opportunity for economic growth and social participation. Investigations carried out by CoopeSoliDar RL reveal that these do not occur in most cases.

A study also revealed that most women fishers do not have social security, denying them the privilege of a retirement fund. All of their income is invested to provide for their family. There are no mechanisms in place to recognize migrant fisherwomen in public policies.

The only legal instrument designed to address the work of small-scale fishermen and mollusk collectors, in force in the country is via Executive Decree No. 39195 MAG-MINAE-MTSS of August 7, 2015—Official application of the Voluntary Guidelines for Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. This decree is a significant step forward in advancing decent work for Costa Rica's artisanal fishers.

## **Social Inclusion**

Costa Rica has a series of policies and regulations on social inclusion issues. However, there is no specific policy that focuses on the small-scale artisanal fishing sector, whose main objective is to generate protection, inclusion and social mobility for these communities.

The INAMU, launched the National Policy for effective equality between men and women (Spanish acronym PIEG), from 2018-30. The policy is supposed to understand the needs and interests of Costa Rican women in both rural and urban areas of the country by engaging in dialogue with them. For the purposes of this study, Axis 1 "A culture of rights for equality" is of great importance. It highlights how a series of factors, ranging from ethnicity to age, influence the treatment they receive—in contrast to their male counterparts.

Costa Rica has a National Policy for Children and Adolescents 2009-21. It has an integrated development approach that defines how public institutions must offer social arrangements so that development opportunities are present in all communities, under an equity approach.

The country's Indigenous Law 6172 has been in effect since 1977. It and establishes the general and essential principles of indigenous autonomy. Linked to this law is Convention 169 of the International Labour Organization (ILO) which mentions what governments must do in order to respect their people, making this the main social action that can be rescued from this convention.

Costa Rica has a comprehensive migration policy with a scope of 10 years. It is currently in force, since its period includes 2013-2023. The National Integration Plan 2018-22 is also in force currently. As of 2010, Costa Rica decreed that migrant people residing in the country must contribute to the Health and Pension Insurance administered by the CCSS. If migrants do not have sufficient income to access the benefits of the health system, they can avail Social Security on behalf of the State, even if it does not include the necessary fees for a secure retirement. Beneficiaries must be regularized.

Nicaraguan immigration is one of the highest in Costa Rica. Both in censuses and in surveys, it is observed that the majority (40 per cent) of migrants are between 20-39 years. Nicaraguans are commonly working along the coasts of the country. For Nicaraguan fishermen though, there are no specific policies to address their integration and social inclusion needs. Men and women in coastal areas with migrant or refugee status are covered by the policy, or the Integration Plan for Costa Rica.

Data reveals that women in artisanal fishing have little or no access to health services or minimum wage. Studies conducted in 2019 show that in the fishing value chain a vast majority of women have access to social security. In the shrimp and mollusk value chains though, women do not have access to social security to cover their retirement or to be able to use the medical centers of the Costa Rican Social Security Fund (CCSS). (CoopeSoliDar R.L, OIT, INAMU,2019).

None of Costa Rica's many laws respond to the diversity of needs for specific communities. They also do not cater to communities that have historically been marginalized and made vulnerable—as is the case with coastal communities and those directly involved in small-scale artisanal fishing.

## Health

Created in 1989, the National Health System is responsible for the coordination and technical control of the services directed to achieve health and well-being for the entire population. It is made up of: MINSA, CCSS, INS, INA, AYA, Universities, Municipalities, private Medical Services and the community. Their chief objective is to implement universal health care, decentralize and de-concentrate health services in accordance with the guidelines of the National Health Policy (Executive Decree No. 19276-S).

The Health Ministry has decentralized offices called health steering units, and under national guidelines these offices try to attend to particular situations (dengue, infectious diseases and reproductive health). The system is universal and serves not only Costa Ricans but also the migrant population that needs it in emergency conditions. It is operated by the Social Security Fund through the EBAIS and clinics located throughout the country.

While efficient, the system again leaves out people not covered by the social security system. It is only in exceptional cases, when a citizen's life is at stake, that the system is obliged to deal with emergencies.

The Costa Rican health system is funded by contributions of all the country's workers. Everyone who contributes to the system has access to it. The country has not yet defined a particular protocol for small-scale artisanal fishermen and the payment they must cover. In many cases the contribution is too high and inaccessible for fish workers. CoopeTárcoles RL reached an agreement with the Costa Rican Social Security Fund to define a lower and more accessible average payment for its partners. The presence of a strong organization and a collective effort was favorable for negotiation. There are no other examples of this type of agreement with small-scale organizations.

The Ministry of Health has played a leading role in defining strategies for the containment of the pandemic. Many of these—beach closures, cancellation of collective work—were counterproductive for the fishing sector. Multiple institutions have tried to develop alternative protocols, within the Ministry's framework, to aid the fishing sector. (See Annex 8 . Protocolo Parque Nacional Cahuita Prevención del COVID-19 y Protocolo para el Trabajo con Grupos Locales al Instituto de la Mujer Prevención del COVID-19).

## Literacy and Education

Costa Rica historically has a robust educational system, enshrined in the Political Constitution of the Republic of Costa Rica. The Constitution decrees that basic education be provided for free of cost, and the state divert no less than 8 per cent of its GDP towards educational spending

The Fundamental Law of Education, made official in 1957, has promoted universal education for all children and young people and citizens of the country. It has helped establish a wide network of education centers—mainly primary schools—in the country's communities. The Indigenous Education Subsystem, created in 2013, respects the beliefs, languages and aspirations of indigenous peoples (Executive Decree No. 37801-MEP) (Estado de la Nación Program, 2017).

Data from the State of the Nation Programme (2019), reports 93.1 per cent primary school enrollment in 2018. This has declined from 97 per cent, recorded between 2005-11. The figures are a reflection of an increase in inequality and poverty in vulnerable communities.

The government provides scholarships to families in rural and poor communities as an incentive to send young people to study. A family can avail of two or three scholarships for their children, of approximately 30,000 colones (US\$ 50) each, if they are in primary school and 35,000 to 40,000 colones (US\$ 60-70) if they are in secondary school. (CoopeSoliDar R.L, OIT, INAMU, 2019).

The country is still exploring a system of education that considers the ways of life of indigenous territories with a policy for teachers from indigenous communities. The Report of the State of the Nation Programme (2012), points out a set of relevant facts that explain the existing gaps in indigenous education. A key fact that emerged was that in areas with smaller indigenous populations there were better provisions for education. It created a narrative that to access good education one must follow a process of deculturation.

Access to information technology was limited in most schools in these areas. Additionally, graduate teachers with training in indigenous education and local language were lacking. It is therefore unfair to say there is indigenous education in the country. What exists is education in indigenous territories.

There is no specialized educational initiative or programme for artisanal fishing communities. In rural and coastal communities, there is a high dropout rate in secondary school. This is mainly because secondary schools are not located directly in the communities. In addition, young people enter started working early consequently dropping out of school.

Non-governmental organizations have played an important role in strengthening people's capacities for non-formal education. Four of the six non-governmental organizations interviewed as part of this research indicated they have worked with women and young people on developing projects such as restoration of mangroves, oyster farming, conservation efforts, education and sustainable production.

## **Housing**

The National Policy on Housing and Human Settlements (PNVAH) guarantees coverage to all inhabitants of the country. It understands that habitat is a determining factor for the adequate exercise of rights and fundamental freedoms, as well as for the human development of all persons, without distinction of ethnicity, sex, religion, political opinion, or any other class, national or social origin, birth or any other condition (Decreto No 38209-PLAN-MIVAH, 2014).

The PNVAH also highlights the need to actively involve local governments and people living in the community in planning construction of the houses with relation to the cities and communities they are in. Various sectors can participate in management and evaluation. Chief among these sectors is civil society, which “would benefit from the policies as an active player in the formulation of problems, definition of solutions and citizen oversight.” (Decreto No. 38209-PLAN-MIVAH,2014.)

The country does not have specific guidelines on housing for artisanal fishermen and coastal communities. The PNVAH however points to the need to develop and implement a housing policy that differentiates between urban and rural areas. It also sets the objective of recognizing and immediately responding to specific needs of the most vulnerable populations such as the coastal marine communities of Costa Rica.

## **Water and Sanitation**

Access to water was enshrined as a human right in the Political Constitution of the Republic of Costa Rica, recently on June 5, 2020. A modification made to article 50, through Law no. 9849 says that “current laws, concessions and use permits, granted in accordance with the law, as well as the rights derived from them, remain in force until a new law that regulates the use, exploitation and conservation of water comes into force”.

According to Executive Decree 30480-MINAE (2002), in the National Water Policy access to drinking water is an inalienable human right and must be constitutionally guaranteed. Water is also considered within the legislation as a good in the public domain and consequently it becomes an unattachable, inalienable and imprescriptible good.

In addition to the above, the Constitutional Chamber of the Republic of Costa Rica developed jurisprudence around the fundamental right derived from the right to life and health, attached to General Observation 15 of the International Covenant on Economic, Social and Cultural Rights (General Assembly in its resolution 2200 A (XXI), of December 16, 1966)<sup>6</sup>.

Costa Rica has the Costa Rican Institute of Aqueducts and Sewerage (Spanish acronym AyA) as its point of reference, from which it exercises technical leadership in drinking water supply and wastewater sanitation. The country has a National Drinking Water Policy 2017-2030 (PNAP) that guides strategic actions aimed at water resource sustainability. In a fair, equitable and inclusive manner, it favours the most vulnerable groups in society.

The Policy aims to contribute to governance on the basis of principles such as:

- Territoriality: as an opportunity to maintain the country's drinking water coverage in an equitable manner, accessible throughout the territory (equally for urban and rural areas)
- Interculturality: by trying to guarantee its availability to indigenous groups, migrants and people with a lower socioeconomic status living in extreme poverty
- Human rights: making water safe for human consumption in adequate quantity and quality.
- Gender equality and equity: creating facilities of access to women, who structurally and culturally have carried the weight of activities in the domestic sphere.
- Citizen participation: as part of governance and as actors in decision making, with respect to water resources and sanitation.

The country has identified many interventions to ensure adequate supply of water for its population and reduce vulnerability. Many challenges remain. These include improving interconnection of water systems, increasing water storage capacity, reducing pollution, protecting vulnerable populations, such as women in poverty, the disabled, the elderly and children within the most vulnerable territories... without compromising the quality of the resource and the ecosystems. (MIDEPLAN, 2018. National Policy for Potable Water of Costa Rica 2017-2030).

The Policy makes no mention of small-scale artisanal fishing sector that inhabits the coasts, island territories and the vicinity of rivers and wetlands.

The Administrations Associations of the Communal Aqueduct and Sewer Systems in Costa Rica (ASADAS) was created to guarantee supply and access to quality water outside urban areas and rural communities. ASADAS administers communal aqueduct and sewerage systems, under an administration delegation scheme with the AYA, and through an Administration Delegation Agreement. According to official data, there are currently more than 2,000 community organizations that function as non-profit organizations, under the legal framework of the Associations Law<sup>7</sup>.

97.8 per cent of the population receives water inside the home, research shows. 1.8 per cent receives water through pipes in the yard, and 0.4 per cent is supplied by unprotected wells and springs. 92.4 per cent receive drinking water through 2,145 aqueducts. There are still 557 aqueducts that supply non-potable water (AyA, 2019).

75.4 per cent of the population relies on septic tanks to dispose of excreta. 22.9 per cent have sewage systems, of which only 14 per cent are treated. 1.4 per cent use latrines and other

<sup>6</sup> Implementation date: January 3rd, 1976, in agreement with article 27.

<sup>7</sup> More information concerning the system in <http://www.da.go.cr/asadas/#:~:text=Las%20Asociaciones%20administradoras%20de%20los,de%20la%20Ley%20de%20Asociaciones.>

systems, and 0.3 per cent dispose of faeces in the open. Coverage with septic tanks can be considered as part of the concept of a safely managed Treatment System (AyA,2019).

There are still coastal communities that currently do not have access to drinking water in their own homes. They access water through the construction of wells and river water sources and, in the best of cases, they receive the water through cisterns. Access to water and sanitation is a challenge in our country. Based on the field work carried out by CoopeSoliDar RL, coastal communities, islands and indigenous territories are the most vulnerable groups in terms of access and sanitation of water resources.

## **Climate Change**

Costa Rica has a National Climate Change Strategy (2009) that aims to respond to climate change through mitigation and adaptation. The National Climate Change Strategy Action Plan's adaptation measures, are aimed solely at the agricultural sector, leaving aside the small-scale artisanal fishing sector. The agricultural sector has been identified as most sensitive to the effects of temperature variations and changes in the country's rain and drought patterns, with small farmers in the most vulnerable territories facing the greatest negative consequences of this phenomenon (39114-MINAE).

There is no mention of any interventions that address the fishing sector. This, despite the National Climate Change Strategy, pointing out that studies by the Intergovernmental Group of Experts on Climate Change (IPCC), show irreversible impacts of climate change. These include extinction of species, increase in rainfall, relocation of people to coastal areas due to the rise in sea level and adverse effects for fishing and aquaculture (MINAE, 2009). Two advisory councils that aid in citizen participation and discussion outside of government spheres—Scientific Council of Change Climate Change (4C) and the Citizen Advisory Council on Climate Change (5C)—have been established.

The Citizens' Consultative Council on Climate Change (5C) was created in 2018 by Executive Decree no. 40616-MINAE in Costa Rica as a platform to give voice to civil society. It integrates various sectors represented in discussions on climate change and need to participate in decision-making. It is a commitment to multi-sectoral, multi-dimensional work with a territorial approach, where different actors and sectors that make up the organizational fabric at the country level are represented.

It also serves to audit, analyze, discuss and support the implementation of the Nationally Planned and Determined Contribution presented by Costa Rica to the 21st Conference of the Parties held in Paris in December 2015. It also works with governance bodies established to implement the United Nations Sustainable Development Goals, generating inputs on the progress made in the fulfillment of Goal 13 (on combating climate change and its effects).

A representative of the Marine Area for Responsible Fishing Paquera-Tambor participates in the council. In general though, this platform is in a very incipient stage, where the focus is mainly on participation itself. It rarely creates impact on territories through actions, programmes and/or projects that can combat or mitigate the effects of climate change. During the pandemic the meetings were held virtually, making it difficult for people in remote areas and vulnerable communities to participate.

## **SSF Allied Institutions**

According to the agreement of the Board of Directors of INCOPESCA AJDIP / 085-2010, a fishing organization is defined as "groups of fishermen legally organized for scientific purposes, to promote fishing activity, to protect the environment, for charity, for recreation and any other legal purposes that do not have profit or profit as their sole and exclusive purpose. It includes, in addition to the specific Associations determined by the Associations Law, trade unions, mutual aid, welfare and patronage associations and cooperative associations with limited liability which

have legal status and identity card. Commercial companies determined by the Commercial Code are excluded from this concept”.

Costa Rica has various types of fishing organizations. These include cooperatives, associations, federations, chambers etc. There are mixed organizations and others specifically for women, as in the case of associations created to defend the rights of women shrimp peelers. It should be noted that many organizations are not constituted in accordance with the law.

These organizations have been central to educating fishing communities about their rights, raising their living conditions, operating in a planned manner and introducing responsible fishing practices in the communities. They are essential in dealing with public institutions, especially INCOPECA, because it is from them that important advances for implementation of differentiated management of marine-coastal spaces. They play an important role in engaging in dialogue with public institutions, due to their legitimacy.

These organizations are mainly local, although there are some at the national level, such as the Network of Marine Areas for Responsible Fishing and Marine Territories of Life.

86 per cent of artisanal fishermen and small-scale mollusk collectors carry out their activity in the informal sector, do not have permits and operate outside the institutional framework (CoopeSoliDar RL, 2020). This has important implications at the organizational level, since a majority of artisanal fishers are excluded from participating in these organizations. A study by the IDB-Golfos Project (2012) pointed out that the main motivation for organizing in the fishing sector to help carry out the administrative procedures of mandatory compliance with INCOPECA and IMAS (MarViva, 2013).

Public institutions were activated in the wake of the crisis caused by the pandemic. In recent months, there has been a notable institutional effort to help artisanal fishing communities, mainly through INCOPECA and the National Production Center (Spanish acronym CNP). These institutions have provided a large amount of food to many fishing families. Although the coverage has not been total, it is significant.

On the other hand, there have also mutual aid initiatives among fishers themselves. For example, the fisher's cooperative CoopeSoliDar R donated close to 600 food items to various fishing families. Since a vast majority of fishers do not have fishing licenses, most families are not eligible for government aid. This is deeply concerning considering that informal fishers are the ones most vulnerable. Unfortunately, this is the sector most removed from the vision of the institutional framework.

## **Gender based and sexual violence**

Costa Rica has many policies and laws to protect women and girls exposed to gender-based violence and sexual harassment. None of these measures however cover the specificities of those who live in coastal areas or engage in small-scale artisanal fishing.

A law against Domestic Violence has been in place since 1996. It has a series of protective measures that competent authorities must make effective immediately to ensure the safety of victims. They include:

- Ordering the alleged aggressor to immediately leave the common home and dependent on the nature of the violence, to an area far from that of the allegedly attacked person. Within 24 hours, the aggressor must inform the judicial authority of the exact address of the new residence. The process must be followed each time the residence is changed. If the order is resisted or violated, it will be enforced by the police, and they will testify to the noncompliance with a protection measure.

- Authorizing a different address for the victim, upon his/her request, in order to protect him/her from future assaults.
- Ordering a search of the home where someone is at risk. This measure shall be carried out in accordance with the provisions of the Criminal Procedural Code.
- Prohibiting the alleged aggressor from possessing or carrying sharp or blunt weapons.

Created in 1998, Article 4 of the Code of Children and Adolescents State must: “Adopt administrative, legislative, budgetary and other measures to guarantee the full realization of the fundamental rights of minors”.

The code puts special focus on enforcing the rights of girls and young women. Among these rights, it is important to highlight a life free of any kind of violence, including sexual harassment or bullying to which they may be vulnerable (Ley No. 7739). The Law of Criminalization of Improper Relations works on similar lines. Article 1 of the law reforms Article 159 of the Criminal Code stating that “Anyone who has access to or has carnal knowledge of a minor by oral, anal or vaginal means, provided that it does not constitute rape, shall be punished by imprisonment.” The punishment ranges from 3-6 years (when the victim is over 13 and under 15 years of age, and the perpetrator is older than the victim), 2-3 years, (when the victim is over 15 and under 18 years old, and the perpetrator is 7 or more years older than the victim), and 4-10 years, whenever the perpetrator is a relative, uncle, aunt, brother or sister, cousin or cousin by blood or marriage, or guardian, or is in a position of trust or authority with respect to the victim or her family, whether or not he is a relative.

There also exist laws to protect women from violence in marriage and from sexual harassment on the streets.

## **Access to Justice**

Costa Rica has made significant progress in developing institutions that guarantee rights to all citizens and residents of the country. The country does not have specific regulations aimed at small-scale fishermen and mollusk collectors.

Local Governments do not have responsibility over the marine spaces. According to the spatial order established by Law 6043, maritime-land zone is subdivided into two territorial strips—Public Zone and Restricted Zone—as specified in Executive Decree No. 36642-MP-MOPT-MINAET, Regulation of Specifications for the Delimitation of the Public Zone of the Maritime-Terrestrial Zone.

No land development or land ownership can be carried out in the public zone. Development activities are allowed in the restricted zone. This spatial planning instrument is absent in most coastal areas and is one of the reasons why artisanal fishermen do not have access to land in coastal areas.

This situation has repercussions in the fishing production centers—collection centers—as well as residences. Fishers can access land outside the public zone, but they have to adjust to the regulation plans, compete with land for tourism and live far away from where they work.

Access to justice for even these basic rights, is greatly hampered because most fishers do not have licenses, and because of this informality, they are unable to enforce their rights.

## **Sustainability**

The country’s legislation for conservation of marine and continental water resources comes in two forms. The first is via MINAE’s conservation area system to create marine protected areas under the state governance model. The second is through INCOPESCA for responsible fishing under shared governance.

All water bodies, lakes and lagoon systems are protected by Costa Rican regulations. The country has ratified the Convention on Biological Diversity and the RAMSAR Convention. According to national legislation all wetlands are forest reserves. Since wetlands are considered protected areas, the only activities allowed by MINAE are recreation, ecotourism and research. This means there is no possibility for mollusk-gathering communities to make sustainable use of wetland resources until there is a management plan for these areas. This community is one of the most socially vulnerable in the sector.

The problem is not a lack of environmental protection, but the rigidity with which they are implemented disregarding social problems and community needs. Problems arise due to public resistance and inadequate response from government authorities. Dialogue needs to be created to adequately understand the needs of the sectors and local communities.

A lack of incorporation and recognition of the traditional knowledge of these communities has also been a source of the problem. This has an important value for environmental conservation but is ignored by the authorities. Artisanal fishers from the communities of Tárcoles and Cabuya have submitted an appeal to the Constitutional Chamber for protection against INCOPESCA's inaction in recognizing their rights and responsible fishing. Table 4 lists regulatory frameworks to ensure marine conservation

**Table 4: Relevant policies and instruments for marine conservation**

Year	Relevant policies and instruments for marine conservation
1991	Ratification of the Convention Relating to Wetlands of International Importance. Especially as Habitat for Aquatic Birds "Ramsar Convention" by Costa Rica. Law No. 7224 of April 9, 1991.
1998	Biodiversity Law. Law no. 7788 – 1998
1995	Organic Law of the Environment No 7554. Declares wetlands and their conservation as public interest.
2009	Regulation of two new management categories for Marine Protected Areas, in accordance with the Regulation of the Biodiversity Law No. 35369-MINAET - 2009  Marine Reserves: Preserve coastal and / or oceanic marine and guarantee the maintenance, integrity and viability of their natural ecosystems, benefiting human communities, through a sustainable use of their resources. They are characterized by their low impact according to technical criteria of the National System Conservation Areas (SINAC) in accordance with article 72 of the Regulation to the Biodiversity Law by Executive Decree No. 34433-MINAE, of March 11, 2008, published in La Gaceta No. 68 of April 8, 2008.  Marine Management Area: Guarantee the protection and maintenance of marine biodiversity in the long term in coastal and marine areas that have high resource extraction activities, and generate a sustainable flow of natural products and environmental services to the communities. Its main objectives, in that hierarchical order, are the following: guarantee the sustainable use of marine-coastal and ocean resources; conserve biodiversity at the level of ecosystems, species and genes; and maintain environmental services, culture and tradition.
2009	Regulations for the Establishment of Marine Areas for Responsible Fishing and Declaration of National Public Interest of Marine Areas for Responsible Fishing No. 35502-MAG - 2009
2016	Executive Decree 39519-MINAE: - 2016. Recognition of Governance Models in the ASPs of Costa Rica

Social development and sustainability are difficult issues to conquer in the sector. Interviews with various stakeholders have shown that despite efforts, a lot remains to be done. Our observations reveal that across sectors there is a lack of clear process and commitment to improve the living conditions of coastal residents. The lack of a clear development model proposed and prepared after dialogue with coastal communities hurts most initiatives. There is a lack of articulation among stakeholders and/or those with responsibilities in the matter and a lack of partnering and commitment to coastal communities.

### 3. Conclusion and Key Messages

Social development initiatives for small-scale artisanal fisheries, from public institutions and Non-governmental organizations are not homogeneous. One aspect focusses heavily on productive development, linked to the generating employment opportunities (often unrelated to fishing knowledge and culture). Another is closer to a social development vision implemented with a human rights approach, for the dignified development of this sector, involving educational, health, decent work and cultural value.

There have been some tentative advances in innovative rights-based approaches in public policy, but there is still a tendency for them to remain on paper. Putting them into practice is a major challenge.

Rural development efforts are often directed at the agricultural sector, rendering small-scale artisanal fishers invisible, and women fishers even more so. Research reveals that due to the institutional rectorship of the women INAMU, concrete efforts have been made to recognize the work of women linked to small-scale artisanal fishing across different value chains. The National Women's Institute has coordinated with the agricultural sector to ensure that public policy instruments recognize women in this sector and provide them with opportunities. This process is relatively recent.

A vast majority of women fishers say that they do not have the support of public institutions for their work. Projects offered to them are generally unrelated to their knowledge and fishing tradition.

Interviewees identify the importance of their own actions in changing living conditions, and therefore they consider fisher organizations a fundamental means of influencing public policies linked to small-scale artisanal fishing.

Despite an interest from the youth, more needs to be done to enhance their capacities and create greater involvement in the sector. Weak policy inhibits growth. More attention needs to be paid to technological development and education.

There is a need for greater inter-institutional co-ordination to ensure implementation of policies and schemes for social in coastal marine areas. Despite the country's commitment to providing for and protecting all communities and protecting diversity, policies enacted have so far failed to make much headway.

The issue of land tenure continues to be an unresolved problem in the country. This has a direct impact on the social development of coastal towns, and an institutional framework that has tried to generate jobs and enterprises that does not consider the needs of women, youth, and fishers in fishing communities.

The sector continues to be very vulnerable to the effects of climate change, and there are no measures to help mitigate and adapt to that. More needs to be done to protect them from the impact of climate change.

Despite Costa Rica's Indigenous Law, there are no regulations that encourage indigenous populations to recover their connections with the seas and rivers, in ways that knowledge and resources linked to terrestrial and marine biodiversity can be enhanced, protected, and used sustainably.

The different sectors interviewed are aware of the Guidelines as international policy, but recognize that implementation is slow. For the country, it continues to be an instrument that still lacks positioning and political will to put proposals into practice.

## 4. Recommendations

At the national level, public policies need to be oriented to the small-scale artisanal fishing sector. Currently policies are being developed in a generalized way to address fishing.

The Ombudsmen Office must be urged to recognize and formalize the small-scale artisanal fishing sector.

An urgent call needs to be made to the country's National Emergency Commission (CNE) to consider a differentiated and specific budget for attention to the coastal marine communities. They are the ones most affected by climate variability and change at the national level.

The "Route to Recognition and Formalization of Women Fishers in the different Artisanal Fishing Value Chains" needs to be held up as a national example towards a mainstream approach to gender issues.

It is essential that the country promotes forums to discuss the social and environmental scope, and impact of the blue economy in the life of the artisanal fishing sector.

A focus on intersectionality is still lacking. Women fishers, indigenous people and Afro-descendant populations need to be made visible. It is important to follow up on the SDG, especially Goal 14 and Goal 5 to ensure significant progress in the small-scale artisanal fishing sector.

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# Social Development and Sustainable Fisheries: Costa Rica

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The country's commitment to providing for and protecting all communities and its diversity, while admirable, has thus far been ineffective. Enacted policies have failed to make much headway, due to a lack of co-ordination between different government institutions. The country's rural development efforts have mostly been directed towards the agriculture sector, rendering small-scale artisanal fishers invisible, and women fishers even more so. Our research reveals that the current system of land tenure and the threat of climate change are huge problems for the sector. More needs to be done to mitigate and protect fishers and aid in their overall development. Despite existing laws, almost no existent regulations aid and assist indigenous communities to enhance and sustainably uplift their lives. For Costa Rica, the Voluntary Guidelines to Guarantee Sustainable Fishing Small Scale (FAO) remain an instrument yet to be put into practice.



ICSF ([www.icsf.net](http://www.icsf.net)) 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 Organizations. It also has Liaison status with the FAO. ICSF works towards the establishment of equitable, gender-just, self-reliant and sustainable fisheries, particularly in the small-scale, artisanal sector.

ICSF draws its mandate from the historic International Conference of Fishworkers and their Supporters (ICFWS), held in Rome in 1984, parallel to the World Conference on Fisheries Management and Development organized by the Food and Agriculture Organization of the United Nations (FAO). As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and action, as well as communications.