

SAMUDRA Dossier

Rights First, Rights Forever

Small-scale Fisheries and Fishing Communities from a Human-rights Perspective
A collection of articles from *SAMUDRA Report*



International Collective in Support of Fishworkers

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Preface

The Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO)—the world’s inter-governmental forum for fisheries and aquaculture issues—endorsed the *Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication* (hereafter, SSF Guidelines) at its 31st Session in Rome in June 2014.

By endorsing the SSF Guidelines, FAO recognizes the work, particularly of civil society organizations (CSOs) and others, in valorizing small-scale fisheries and fishing communities since the adoption of the 1982 United Nations Convention on the Law of the Sea. This is patently reflected in the COFI agreement to honour Chandrika Sharma in the SSF Guidelines for her invaluable contributions to small-scale fisheries.

The SSF Guidelines were negotiated in a Technical Consultation at FAO Headquarters in Rome in May 2013 and in a resumed session in February 2014, with Dr. Fabio Hazin, Brazil in the Chair. The sessions were attended not only by governments, but also by inter-governmental and international non-governmental organizations, and by 59 representatives from CSOs.

The vicissitudes of the process leading to the adoption of the SSF Guidelines can be gleaned from various issues of *SAMUDRA Report* between 2007 and 2014. As Vivienne Solis notes (page 23), the genesis of these Guidelines can be traced back to the ICSF Workshop, *Asserting Rights, Defining Responsibilities*, in Siem Reap, Cambodia, May 2007, where it was observed that “responsible fisheries can be assured only if human rights of fishing communities, including the right to decent work and labour standards and human development, are secure”.

The FAO Bangkok Conference on Small-scale Fisheries in October 2008 (abbreviated as “4SSF Conference”), which followed the Siem Reap Workshop, gave a major fillip to twinning responsible fisheries with the social development of fishing communities—perhaps for the first time in the history of FAO. As Anthony Charles argues in his article (see page 20), the 4SSF Conference, in this process, challenged simplistic notions harboured about rights-based management of fisheries, and helped fisheries managers to come out of “an overly narrow approach to rights in fisheries.”

Following the 4SSF Conference, FAO Members expressed the need for an international instrument on small-scale fisheries at the 28th Session of COFI in March 2009 but there was no agreement among COFI Members regarding what form this instrument should take.

A consensus was reached at the 29th Session of COFI in January-February 2011, which approved the development of a new international instrument on small-scale fisheries in the form of voluntary international guidelines, and the 30th Session of COFI in July 2011 expressed support for convening an inter-governmental technical consultation in May 2013.

Following this decision, CSOs, for the first time in the history of their association with any FAO negotiation process related to fisheries instruments, organized over 20 national and two regional meetings between September 2011 and November 2012 in Africa, Asia and Central America. The summary of these recommendations was submitted to FAO as a synthesis document in December 2012, and was instrumental in providing a substantive feedback to the FAO Zero Draft on SSF Guidelines. The articles by Chandrika Sharma reproduced in this *SAMUDRA Dossier* summarize the principles, recommendations and aspirations the CSOs were keen to see reflected in the SSF Guidelines.

The trials and tribulations of the Technical Consultation to develop the SSF Guidelines are well captured in two articles by Chandrika Sharma (pages 69). The second one, *Human Rights First*, is the last article she wrote before her flight Malaysia Airlines MH370 went missing en route to Beijing from Kuala Lumpur. She was on her way to Ulanbaatar, Mongolia, to attend the 32nd Session of the FAO Regional Conference for Asia and the Pacific to promote the SSF Guidelines.

The significance of SSF Guidelines, particularly to CSOs, was highlighted in a letter, dated 15 April 2014, to Mr. Graziano da Silva, Director-General, FAO. The letter, on behalf of the World Forum of Fisher Peoples (WFFP), the World Forum of Fish Harvesters and Fish Workers (WFF), the International Planning Committee for Food Sovereignty (IPC), and the International Collective in Support of Fishworkers (ICSF), observed: “The importance of the FAO SSF Guidelines is that they are comprehensive and deal, in one instrument, with all significant aspects of small-scale fisheries and fishing communities within a human-rights perspective. Their widespread implementation would support the visibility, recognition and enhancement of responsible small-scale fisheries and fishing communities in the context of eradicating hunger and poverty.” The letter went on to say how these guidelines could address the social, economic and cultural needs of small-scale fishing communities and assist them to engage in meaningful dialogue with the State as well as competing sectors to secure their access to living and livelihood space.

This *SAMUDRA Dossier* is a testimony to the successful process that led to the endorsement of the SSF Guidelines, particularly to the unprecedented role that CSOs played in their genesis, development and adoption, especially with a view to strengthening the social pillar of sustainable development, and to restore the balance between the economic, social and environmental aspects of sustainable development, as enunciated in the Rio+20 Outcome Document, *The Future We Want*. We hope it provides inspiration to maintain synergy between State and non-State actors during implementation of the principles and recommendations of the SSF Guidelines, especially by promoting a human-rights-based approach.

Asserting Rights, Defining Responsibilities

Ranjana Das

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

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

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

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

Since its inception in 1986, ICSF has been working on issues that concern small-scale and artisanal fishworkers, with a particular focus on seeking recognition for the rights of small-scale fishing communities to fisheries and other coastal resources, as

well as their right to participate in decision-making processes that affect their lives and livelihoods. For fishing communities, both marine and inland, safeguarding their rights to access fisheries resources and to the continuous possession or enjoyment of coastal residential habitats and other lands traditionally used by them, is of paramount importance.

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

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

Siem Reap Statement

The recommendations of the workshop—in the form of the Siem Reap Statement—were shared with participants of the two-day Symposium that followed, to which government policymakers and

This report has been filed by Ranjana Das (icsf@icsf.net), former Programme Associate, ICSF. *SAMUDRA Report No. 47*, July 2007

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

representatives of regional and multilateral organizations were invited.

Prior to the workshop, studies were undertaken in five countries—Bangladesh, Cambodia, India, Philippines and Thailand—on rights-based fisheries management and attendant issues. Among other things, the studies aimed to document and explore the understanding that fishing communities have about their rights to fisheries and coastal resources, as well as the obligations and responsibilities associated with these rights, and to document and discuss their initiatives to assert these rights and fulfill their responsibilities. Information and analysis from the studies formed the basis for discussions at the workshop.

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

In his inaugural speech, HE Nao Thouk, Director General, Fisheries and Administration of the Ministry of Agriculture, Forestry and Fisheries, RGC, mentioned that the fisheries sector is crucial for the livelihoods of the Cambodian people and the national economy. Consequently, the RGC has

promoted fisheries reforms by designating fisheries as one side of its official ‘rectangular strategy’. In October 2000, the Prime Minister of the RGC initiated historical changes in the fisheries sector by releasing more than 56 per cent of fishing-lot concession areas (536,302 ha) for local people to organize community fisheries. The reform aims to promote broad local participation in fisheries management and the efficient, sustainable and equitable use of living aquatic resources, Nao Thouk said.

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

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

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

Elaborating on the background and rationale of the workshop, Sebastian Mathew, Programme Adviser, ICSF, said

that the rights of fishing communities are currently under threat in various ways, and the workshop would provide an opportunity to discuss them and lay out strategies to mitigate the problems that are prevalent.

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

Community perceptions

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

In his presentation, Sim Buntheon of the Community-based Natural Resource Management Learning Institute (CBNRM-LI), Cambodia, said that after the development of the community fisheries programme in Cambodia, fishing communities have become more aware of their rights to fish, and particularly their right to prevent illegal fishing. They have also become more aware of their responsibility towards fishery management and conservation.

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

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

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

Only 'aquatic reforms', along the lines of the agrarian land reforms, which confer non-transferable community rights to the sea to the fishers as custodians, can bring about a positive change in fisheries management

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

• Harekrishna Debnath of the National Fishworkers' Forum (NFF), India, presented the country study prepared by Direct Initiative for Social and Health Action (DISHA), about the community of fishers and fishworkers functioning around traditional landing centres—the *kebotis*—in the Indian State of West Bengal.

• The main function of these centuries-old organizations, which represent both boatowners and crew, is to ensure harmonious fishing operations and functioning. These organizations, said Debnath, understood the concept of rights, only when faced with 'wrongs', such as displacement by tourism and industry, and overfishing by mechanized boats. They have taken various initiatives for responsible management of resources. Only 'aquatic reforms', along the lines of the agrarian land reforms, which confer non-transferable community rights to the sea to the fishers as custodians, can bring about a positive change in fisheries management, Debnath concluded.

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

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

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

Group discussions

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

- What kind of rights/perceived claims to fisheries resources and coastal management do fishing communities have?
- What are the main threats to the realization of these rights?
- What have been the actions taken to protect rights/exercise responsibility

towards protecting and managing fisheries and coastal resources?

- What institutions—traditional or otherwise—exist to take forward the rights, and define the responsibilities?

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

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

In the Vietnam-Philippines group, participants from Vietnam said that the fisheries in some of their provinces are

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

The Indonesia-Malaysia-Thailand group said that, in general, customary and/or traditional laws had existed in their countries prior to the present rule of States/governments. The group felt that customary laws and rights should be recognized in national legislation. The group highlighted various threats to their rights, from processes at the international, national and community levels. They stressed the need to work with traditional and community-based institutions.

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

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

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

The Siem Reap Statement

1. We, 51 participants representing small-scale and artisanal fishing communities, fishworker organizations, non-governmental organizations, researchers and activists from ten South and Southeast Asian countries, having gathered at the workshop on Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia, from 3 to 5 May 2007 at Siem Reap, Cambodia, Representing a diversity of geographical, social, linguistic, cultural and economic backgrounds, but yet being bonded by a commonality of interests and concerns,

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

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

Further believing that these resources should be equitably and responsibly shared for sustaining life and livelihood and towards the greater benefit of all small-scale and artisanal fishing communities,

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

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

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

Fisheries Conservation and Management

2. The protection of the inland, marine and coastal environments and the sustainable management of fisheries resources, are paramount concerns for small-scale and artisanal fishworkers and fishing communities in Asia. Many communities in the region have been implementing measures to restore, rebuild and protect coastal and wetland ecosystems, drawing on traditional ecological knowledge systems and deep cultural and religious values, reiterating the right of traditional and community-based organizations to conserve and co-manage coastal and inland fishery resources, and to benefit from them.
3. Fisheries conservation and management measures exist that are appropriate to the multi-gear, multi-species fisheries of the region. There is thus no need for the blind adaptation of fisheries management models from the temperate marine ecosystems, which stress individual rights and do not fit the collective and cultural ethos of Asian countries.

Coastal/Wetland Area Management

4. Coastal/wetland habitats are under threat from pollution,

indiscriminate conversion of flooded forests and mangroves, upstream deforestation, damming of rivers, creation of special economic zones, construction of ports and harbours, urban sewage, farm effluents and other waste disposal, defence installations, industrial aquaculture, including mariculture operations, mega-development projects, nuclear plants, tourism, mining, and oil and gas exploration, among others.

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

of coastal fishing communities and their customary practices to the extent compatible with sustainable development.” These Articles should form the basis for the effective implementation of coastal area management.

Marine Protected Areas

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

Aquaculture

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

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

Sustainable Fishing Gear and Practices

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

Illegal, Unreported and Unregulated (IUU) Fishing

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

Co-management and Community-based Approach

12. While the State has a central role in developing the broad framework for fisheries management, fishing communities have vital roles in co-managing fisheries resources.

Increasing the accountability of national and provincial governments to fishing communities, devolution of power to fishing communities, and efforts to enhance the capacity of communities in fisheries management are thus essential.

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

Preferential Access of Small-scale and Artisanal Fishers

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

Fishing vessels that are larger in size should be considered for waters under national jurisdiction only after progressively exhausting the possibility of employing smaller fishing units, in conjunction with the use of selective fishing gear and practices.

Trans-border Movement of Small-scale and Artisanal Fishers

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

Women in Fisheries

17. Women play important, though largely invisible, roles in fisheries and in sustaining fishing communities. Coastal and fisheries management policies must protect and ensure women's rights to fishery resources, to their legitimate spaces in the fisheries sector, to coastal lands inhabited and used by them, and to decision-making processes affecting their lives and livelihoods. It is important that States extend support to women's work in fisheries, including through

provision of credit and appropriate infrastructure for fish processing and marketing. Gathering gender-disaggregated data on employment in fisheries is essential for policy formulation.

Trade in Fish and Fish Products

18. In the absence of effective fisheries conservation and management measures, international trade in fish and fish products has led to the overexploitation of fisheries resources and has had adverse impacts on the livelihoods of small-scale and artisanal fishing communities. In several instances, liberalized imports have depressed prices of local fish in domestic markets. It should be ensured that policies and practices related to the promotion of international fish trade, do not adversely affect the livelihood and nutritional rights of small-scale and artisanal fishing communities. Asian governments should exercise caution in negotiating bilateral, multilateral and other trade agreements that have adverse impacts on fishing communities, especially in the context of increasing trade liberalization and economic globalization under the aegis of the World Trade Organization (WTO), and explore the option of taking fisheries out of the WTO negotiations.

Fair Access to Social Services, Social Security and Credit

19. Considering the contribution of fisheries to employment, food security and foreign exchange earnings, the right of fishing

communities to social security and social services, including education and healthcare, with special emphasis on the prevention and treatment of diseases like HIV/AIDS, should be recognized.

20. Access to credit and product markets of small-scale and artisanal fishers is constrained by exploitative practices of middlemen. Mechanisms that provide an enabling environment for fishers to access credit and receive better market prices, should be established.

International Labour Organization (ILO) Fishing Convention

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

Disaster Preparedness


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

with the representation of fishing communities.

Establishing a Coherent Management Framework

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

Asserting Rights, Defining Responsibilities

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

their rights (through bilateral agreements) to fish in waters they were traditionally fishing in.

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

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

In their presentation, titled “Rights to Coastal and Fisheries Resources: A Gender Perspective”, Nalini Nayak, a Member of ICSF from India, and Duangkamol Sirisook of SDF, Thailand, highlighted the invisibility of women despite their active contribution to the fisheries sector. Nayak said that the present developmental paradigm is basically patriarchal as it largely depends on production for the market and on control of resources by a few in an unsustainable way. If women’s roles are made more visible and given value, and their role in decisionmaking is taken

seriously, there would be a greater focus on life and livelihood rather than mere profits from centralized production and market-centred development.

Questions discussed

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

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

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

Presentations on the remaining questions centred on the need to balance short-term development goals with the long-term sustainability of natural resources, taking into consideration the culture of the community. Also stressed was the

need for gender-disaggregated data and an enabling environment for the equitable participation of women in fisheries and in decision-making processes. Local institutions, and the capacity of women in these institutions, should be developed, apart from enhancing their role in marketing fish, and guaranteeing them equal participation in the fisheries through appropriate legislation.

Panel discussion

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

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

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

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

In his presentation, titled “How Can We Use/Strengthen Traditional Organizations to Establish/Regain Rights in Order to Protect the Identity and Dignity of Riparian Communities?”, Muhammad Adli Abdullah of the Panglima Laot, Indonesia, traced the history of Panglima Laot, a traditional fishermen’s association in the Indonesian province of Aceh on the island of Sumatra. One of the oldest organizations in the world, the Panglima Laot traces its origins to 400 years ago, to the time of the Sultanate of Aceh. Stressing its continuing relevance and importance, Adli highlighted the role played by the Panglima Laot in the reconstruction of Aceh following the December 2004 Indian Ocean tsunami.

Edward Allison, Senior Lecturer, School of Development Studies, University of East Anglia, UK, in his presentation, titled “How Can We Broaden the Concept of

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

Rights Beyond the Realm of ‘Rights to Fishery Resources’ and Into the Larger Social/Cultural Dimensions of Life and Livelihood of the Communities?”, discussed the human-rights perspective on responsible fisheries. Participation in ‘responsible fisheries’ is more effective if communities’ basic human rights are secure, he stressed.

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

The two-day symposium that followed the workshop had an additional 16 participants, representing the fisheries departments of 10 countries from the South and Southeast Asian region, namely, Bangladesh, Cambodia, Indonesia, Laos, Malaysia, Maldives, Pakistan, Philippines, Thailand and Sri Lanka, as well as the WorldFish Centre.

Inauguration

The symposium was introduced by John Kurien of ICSF, and inaugurated by Nao Thouk, Director General, Fisheries and Administration of the Ministry of Agriculture, Forestry and Fisheries, RGC. Rolf Willmann, Senior Fisheries Planning

Officer, Fisheries Development Planning Service, Fisheries and Aquaculture Development, FAO, delivered the keynote address on behalf of Ichiro Nomura, Assistant Director General, Fisheries and Aquaculture Department, FAO.

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

Government representatives

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

Southeast Asia

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

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

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

South Asia

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

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


The Chair of the panel discussion, David Thomson, Team Leader, Tonle Sap Environmental Management Project, Project Support Office (TSEMP-PS), Cambodia, emphasized the inherent advantages of small-scale fisheries from an economic, social, environmental and technical perspective. Yasuhisa Kato, Special Adviser, SEAFDEC, in his presentation, titled “Fisheries Co-Management: Using Group User

Rights for Small-Scale Fisheries”, stressed the importance of user rights for community institutions, to achieve sustainable and responsible fisheries. He also stressed the need for decentralization and delegation of fisheries management responsibilities to resource users within a co-management framework. Blake Ratner of the WorldFish Centre spoke on “Resilient Small-scale Fisheries: The Role of Rights”. He emphasized the importance of adopting a human-rights perspective and of securing rights as a cornerstone to improving fisheries governance.

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

Stewardship

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

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

Also online at:

http://www.icsf.net/images/samudra/pdf/english/issue_47/3061_art01.pdf

The Responsibility of Stewardship

Edward Allison

The Siem Reap meet demonstrated collective goodwill and an impressive commitment to strengthening rights, shouldering responsibilities and finding spaces in the fast-changing coasts and wetlands of Asia

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

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

The fight for rights also constitutes a means of creating new institutions, as exemplified by the efforts of the Royal

Government of Cambodia (RGC), which seems to have fully appreciated the link between responsible fisheries and wider rights.

The shift in rights to Cambodia's fisherfolk has been demonstrated in actual practice, with, for example, 509 community fisheries organizations now operating in the Tonle Sap Lake. The RGC's pioneering and socially responsible actions in the fisheries sector are a fine example of what we are all striving towards.

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

Community action

We have heard from fishworkers and their development partners in 10 Asian countries how communities have mobilized to:

- demonstrate their commitment to responsible fishing and their ability to manage their own resources when given the rights and responsibilities to do so;
- claim their space in the coastal zone, against competing interests from

This synthesis of the Siem Reap Workshop and Symposium is by Edward Allison (E.Allison@uea.ac.uk) of the School of Development Studies, University of East Anglia, UK. *SAMUDRA Report* No. 47, July 2007

VIEWPOINT

More work needed

The Siem Reap Workshop and Symposium were among the more challenging meetings that ICSF has organized in Asia, not least because of the high profile, with fisheries bureaucrats from several South and Southeast Asian countries present, together with officials from the Food and Agriculture Organization of the United Nations (FAO) in a gathering co-hosted with the Royal Government of Cambodia.

The Workshop focused on understanding how different fishworker organizations (FWOs) and community representatives understood rights to, and responsibilities for, the coastal resources. The Symposium provided a platform for the governments to explain their official positions on the management of fisheries.

There was a fairly good representation of organizations and initiatives from the different countries of the region, and a fair mix of men and women—though not the desired 50:50 ratio—with the women being outspoken. As usual, though, translation was a problem, and only the Thais, Indonesians and Vietnamese got a full translation of the proceedings.

The Tamil, Sinhala and Bangladeshi participants could not have understood much, although they all did participate in the group discussions.

Several of the case studies could not be fully presented as they came in late. That must have hindered the participants' understanding of the different issues. There was not much of a focus on the geopolitics of the two regions. Yet, on the whole, the Workshop and Symposium processes were participatory, and led to the Siem Reap Statement.

While the discussions did highlight the role and scope of traditional institutions to affirm rights and execute responsibilities, it is difficult to juxtapose such micro-institutions—most of which are male-dominated—with the State.

There was also some discussion on the understanding of rights from a human-rights perspective or as a strategy within the struggle for a shift in the development paradigm. People are asking for more than use or property rights. They are asking for the right to also decide who can use the resources and for what purpose. Rights imply

There is now a recognition that economic growth alone is not enough to eradicate poverty, and that rights, freedoms and social justice are needed

industry, water resources management and tourism, to name a few development processes;

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

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

- We have dwelt somewhat on problems affecting small-scale fisheries, but we have also taken time to appreciate and celebrate the dynamism, technical

entitlements, and the entitlement to self-determination is the main step to empowerment.

The Symposium highlighted a great contrast between the positions and presentations of the South and Southeast Asian countries, with the latter displaying greater clarity and focus. The presentations of SEAFDEC and the WorldFish Centre were also interesting. While the former highlighted the role of traditional institutions and knowledge in fisheries management, the latter spoke of management being more about relations between people, and highlighted the factors that influence livelihoods.

There was general agreement that in multispecies fisheries, there is no way of assessing stock size to assign community quotas, but, in a context of co-management, fishers themselves can best determine how to regulate the fishery if they are given custodial rights.

There was some focus on traditional community organizations. While I would think they are still the only organizations in some Asian countries that can implement common decisions, they are still male-dominated, and we would have to find creative ways of drawing women into the decision-making process. All along, it was admitted that there is no

data on women's role and space in the fisheries, and the general focus remained on fishing rights. There was little time to analyze local, national and global linkages, and how to strategize. Though there is still an important role for union-type organizations, their existing dynamics are limiting, and they do not exist everywhere. The Philippines is the only country that has a Fisheries Code using which organizations can act. Cambodia also has a progressive fisheries policy, but organizations have to be built up. Aceh in Indonesia has very clear traditional laws and rights, and the fishers there are able to negotiate their rights with the central government.

I feel the main problem in Asia continues to be the lack of good FWOs that have an understanding of coastal rights and responsibilities, and can develop the means to establish them. While meetings like the one at Siem Reap certainly give organization leaders a broader vision, there is need for intensive work in each country to widen the understanding at the base level and evolve strategies of action.

—These views come from Nalini Nayak
(nalini.nayak@gmail.com),
a Member of ICSF

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

One of the most obvious broader issues to emerge from this workshop—and as demonstrated by the Statements to the Symposium from the Convention on Biological Diversity (CBD) and the United Nations Convention on the Law

of the Sea (UNCLOS)—has been the sense of a growing recognition of, and commitment to, the rights of small-scale fishworkers by the international institutions. The International Labour Organization (ILO), for instance, has been working on the small-scale fisheries sector—on issues related to safety at sea, rights to decent work, migrant labour, child labour, and women's rights in the workplace, among others.

Strikingly enough, several governments in the region, like those of Indonesia, Malaysia and Sri Lanka, have formally recognized traditional rights

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

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

There has also been a growing awareness internationally that development means more than economic growth, as shown by the series of global commitments to managing the environment and using the link between sustainable environment and sustainable livelihoods. There is now a recognition that economic growth alone is not enough to eradicate poverty, and that rights, freedoms and social justice are needed—not only to sustain growth, but as ends in themselves—to better reflect what it means to be ‘developed’. The discussions at the Siem Reap Workshop and Symposium reflected this sense that the quality of life—manifested as wellbeing, job satisfaction, security, social cohesion and cultural survival, among other factors—were important considerations—not just fish and money.

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

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

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

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

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

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

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

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

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

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_47/3062_art02.pdf

The Right Form of Rights

Anthony T Charles

Deliberations at the 4SSF Conference at Bangkok seemed to offer hope for a shift away from the customary simplistic thinking on rights-based management in fisheries

The Global Conference on Small-scale Fisheries (officially titled “Securing Sustainable Small-scale Fisheries: Bringing Together Responsible Fisheries and Social Development”, and abbreviated as 4SSF), co-organized by the Food and Agriculture Organization of the United Nations (FAO) and the Department of Fisheries, Thailand, from 13 to 17 October 2008, at Bangkok, will surely go down in history as signalling an end to the simplistic approach to rights in fisheries.

For long, the simplistic view held that fishery managers could solve problems merely by handing out the right to fish to whomsoever they pleased. This perspective did not really differentiate those who are allocated fishing rights, be they fishers, corporations or communities: All will be well as long as rights are just handed out—so goes the simplistic view.

Despite the element of credibility in that view—that if fishers have secure access to their fisheries, they will find it worthwhile to take care of the resources and hence management is more likely to succeed—it misses some key ingredients. Among these are: the different forms of rights (to access the fishery, to take part in management); the various holders of rights (fishers, communities); the frequent occurrence of pre-existing rights in many locations; and the need to link fishing rights with social, economic and human rights. Figuring out the right form of

rights requires an understanding of all this, something that the simplistic view ignores.

The simplistic view is popular with those promoting property rights in fisheries. It has dominated the ‘rights-based management’ paradigm, the subject of many treatises and conferences. The result has been the excessive promotion of one form of rights—individual transferable quotas (ITQs)—which is remarkably unsuitable and damaging to small-scale fisheries.

Unfortunately, FAO, the principal organizer of the 4SSF Conference, has been party to these simplistic confluences on rights-based management, the worst example perhaps being the various ‘FishRights’ conferences it has facilitated. However, it is not only FAO that has been at fault. Academics—including myself—have been writing fairly thoughtlessly about ‘rights-based management’, though admittedly taking a reasonably broader approach that avoids the worst of the simplistic thinking. But that’s still not enough. Frankly, too many of us have been caught up in an overly narrow approach to rights in fisheries.

Basic premise

So how do we move to a bigger, better, non-simplistic vision of rights? First, let’s consider the term ‘rights-based management’. True, this expression has been misused, but let us look at those two words to examine what they really mean.

This commentary is by Anthony T Charles (tony.charles@smu.ca) of Saint Mary’s University, Halifax, Nova Scotia, Canada. *SAMUDRA Report* No. 51, November 2008

Surely, the basic premise behind them is that fisheries management needs to take place in the context of rights—all the various forms of rights.

What then are the rights to be considered? Given their mandate, fisheries agencies may be inclined to focus only on so-called ‘use rights’ over access to the fishery. That is where the attention has been focused, and it is worthy of some attention. But we need a broader vision of rights; so we will have to add social, economic and human rights to the picture—rights that are fundamental and cannot be given out or taken away by governments. To this we ought to add a focus on collective, or community rights, which may work particularly well in some small-scale fisheries, but which have received too little attention. Management rights need attention too—the right to be involved in managing a fishery (as in co-management). Finally, let’s not forget that along with rights come responsibilities. Why not talk then about ‘responsibilities-based fisheries management’?

The broader view of rights in fisheries is then a multi-faceted mix that, in its entirety, can be good for small-scale fisheries, good for communities, and good for the sustainability of coastal ecosystems. Moving out of the simplistic mode of thinking into a broader view of rights can, and will, have a big impact—just as how challenging the equally simplistic ‘tragedy of the commons’ thinking has moved us ahead over the past couple of decades.

So when we talk about access rights and management rights, let us do it within the context of social, economic and human rights—of individuals and communities. Let us recognize that rights may already be in place; there are certainly many documented cases of this in small-scale fisheries. And let us move towards the

‘bigger picture’ that comes with the realization that the fisheries ‘silo’ really must connect to broader policy and legal frameworks, and to the well-being of coastal communities, in order to address, in a holistic way, the many issues facing small-scale fisheries. For example, ensuring access rights to subsistence fishing in coastal communities may serve food-security goals, and incorporating post-harvest aspects in rights discussions may help reinforce the rights of women involved in marketing fish.

To get started, let us push for a re-defining of ‘rights-based management’ in fisheries. Every time we hear someone promoting fishing rights, or rights-based management, let us ask them whether they are speaking of the full range of rights that has to be considered, or whether they are still talking simplistically...

And now to look back on the 4SSF Conference. I had the opportunity to put forward the above thoughts early in the conference. Admittedly, my ‘prediction’ was as much a hope as anything, but that hope arose from two key realities. First, the conference itself was structured in a manner that lent it the potential to make progress. Of the three main themes of the conference itself, two focused on rights: (i) access rights and (ii) the links of fishing rights with human rights. This set the scene for progress in broadening the vision of rights in fisheries.

Civil Society Workshop

Second, a majorly successful event took place before the conference began—the Civil Society Preparatory Workshop organized by fisherfolk organizations, non-governmental organizations (NGOs) and other civil society organizations. Over a hundred people from around the world succeeded in developing a statement on the policies and directions needed to

So when we talk about access rights and management rights, let us do it within the context of social, economic and human rights—of individuals and communities.

Now the momentum needs to be maintained—through research and documentation of the conceptual advances in connecting the various forms of rights...

improve the well-being of small-scale fisheries worldwide. The consensus document that they ironed out galvanized the main conference, and will undoubtedly be used in later discussions on many fronts. A key element of the Statement was the need to factor in social, economic and human rights into our thinking on fishery rights.


Progress at the 4SSF Conference was not all smooth. The first day focused largely on access rights, and, to some extent, management rights, but not on building the linkages to human rights and community rights. The second day turned to post-harvest and trade aspects. While these are certainly relevant to small-scale fisheries, the emphasis on them did not really advance the agenda of developing a broader vision of rights. The third day of the conference, however, managed to bring everything together, as it were, and one could sense the palpable energy in the air as a strong set of plenary speakers and excellent discussions synthesized the ideas on rights into a package that could potentially move things forward.

On the final, fourth day of the conference, a panel of diverse participants spoke positively of the progress made thus far. By then, fisher organizations were already beginning to move to the next step of consolidating and presenting their positions to the forthcoming meeting of the FAO Committee on Fisheries (COFI) early in 2009. (The ups and downs over the course of the week-long conference were well documented in an impressive newsletter, Daily Rights, produced by the civil society group, and available at <http://sites.google.com/site/smallscalefisheries/>).

Will all that happened at Bangkok lead to a transformation in thinking on fishery rights? Will there be success in moving

beyond the simplistic thinking that has become commonplace in too many quarters? Such a paradigm shift will be a challenge, no doubt, but I feel more confident about my prediction about the end of simplistic thinking in rights-based fisheries management, having seen momentum in the right direction. In particular, the 4SSF Conference has, hopefully, once and for all, institutionalized a recognition of the need to:

- connect fishery rights to social, economic and human rights;
- take into account traditional or pre-existing rights;
- pay attention to community-level rights and local stewardship opportunities;
- broaden perspectives to include post-harvest aspects; and
- look beyond the fishery 'silo' in addressing rights.

Now the momentum needs to be maintained—through research and documentation of the conceptual advances in connecting the various forms of rights, through ongoing interactions between fisher organizations and FAO (notably to prepare for the 2009 COFI meeting), through the linking of rights to broader frameworks such as the ecosystem approach to fisheries, and through an evolution, particularly at the national level, of comprehensive multi-sectoral approaches to rights. The coming months will surely be critical in making progress. 

Also online at:

http://www.icsf.net/images/samudra/pdf/english/issue_51/3236_art_ART-01.pdf

Beyond Bangkok

Vivienne Solís Rivera, Patricia Madrigal Cordero, Marvin Fonseca and Annete Fishchel of CoopeSoliDar R.L, and from notes provided by ICSF Members Naína Pierri, René Schärer and Juan Carlos Sueiro

A recent civil society workshop in Costa Rica brought to the fore issues confronting small-scale fishers in Latin America

The Global Conference on Small-scale Fisheries (4SSF), organized by the Food and Agriculture Organization of the United Nations (FAO) in Bangkok, Thailand, in October 2008 launched what has become known in civil society circles as the ‘Bangkok process’. Prior to this, a preparatory workshop organized by the International Collective in Support of Fishworkers (ICSF) in Siem Reap, Cambodia, in May 2007, highlighted that “responsible fisheries can be assured only if human rights of fishing communities, including the right to decent work and labour standards and human development, are secure” (see “Asserting Rights, Defining Responsibilities”, *SAMUDRA Report* No. 47, July 2007). That assertion placed the human rights of fishing communities centre stage in the debate on rights-based approaches to fisheries and the responsible and sustainable development of fisheries and fishing communities. The Bangkok process is all about placing human rights centre stage in the campaign to secure sustainable and responsible small-scale fisheries.

Subsequently, when the 28th session of FAO’s Committee on Fisheries (COFI) discussed the outcome of the 4SSF conference, several FAO Members expressed the need for an international instrument on small-scale fisheries that would guide national and international

efforts to secure sustainable small-scale fisheries and create a framework for monitoring and reporting. They also supported the need for FAO to establish a specific global programme dedicated to small-scale fisheries.

In response, the FAO Secretariat convened three regional workshops—for Africa (in Maputo, Mozambique), Asia-Pacific (in Bangkok, Thailand) and Latin America and the Caribbean (in San José, Costa Rica) in October 2010, with the objectives, *inter alia*, of receiving guidance from national and regional stakeholders on the scope and contents of a possible international instrument on sustainable small-scale fisheries development, as well as on priorities and implementation modalities of a global assistance programme. Recommendations from these regional consultations will be presented to 29th session of COFI in Rome in early 2011.

Thanks to assistance from FAO, channeled through the International Planning Committee for Food Sovereignty (IPC), 20 representatives of organizations of artisanal fishers and their supporters, as well as men and women workers from the artisanal fisheries sector from Mexico, Honduras, Costa Rica, Guatemala, Nicaragua, Panama, Brazil, Peru and Chile were able to meet prior to the regional workshop for Latin America and the Caribbean.

This report is based on inputs from Vivienne Solís Rivera (vsolis@coopesolidar.org), Patricia Madrigal Cordero, Marvin Fonseca and Annete Fishchel of CoopeSoliDar R.L, and from notes provided by ICSF Members Naína Pierri, René Schärer and Juan Carlos Sueiro. *SAMUDRA Report* No. 57, November 2010

CIVIL SOCIETY DECLARATION

Regional Latin American 4SSF Preparatory Meeting: Securing Sustainable Small-scale Fisheries: Bringing Together Responsible Fisheries and Social Development.

19 October 2010

Tárcoles, Costa Rica

Preamble

We, artisanal fishers, indigenous people, people of African descent, fishery workers, men and women from Latin America, both as individuals and representing regional and international organizations working with artisanal fishers, met in the community of Tárcoles.

We re-state that coastal-marine communities and artisanal fishermen and fisherwomen, as well as fishers from inland waters not only contribute significantly to the global production of food, but constitute communities with claims to a particular territory and cultural identity that must be recognized and strengthened.

We affirm that the human rights of fishing communities are indivisible and for responsible and sustainable fisheries to be achieved, it is crucial for the political, civil, social and cultural rights of fishing communities to be guaranteed.

We call on States to recognize these principles so that the full and effective participation of fishing communities can be assured in sustainable fishing, and we demand that our access rights to our territories, to land and water are respected.

We recognize and denounce the fact that proposals previously put forward by civil society have not been heeded by our governments when formulating their policies, strategies and actions.

We are here to apply our ideas to this process, through the strategic axes defined for the Latin American workshop organized by the FAO entitled “Securing Sustainable Small-scale Fisheries: Bringing Together Responsible Fisheries and Social Development”.

SUSTAINABILITY

To achieve sustainable production for optimal societal benefits through an ecosystem approach, it requires that

- industrial fishing is eradicated in the coastal zone within five nautical miles, measured from the low-tide mark, while the fishing grounds and natural banks beyond the five-mile zone where artisanal fishing activities take place are respected;
- mangroves, river mouths, estuaries, fishing banks and other important fishery ecosystems are protected;
- fishing gears are regulated and fishing methods that are damaging to the resources and do not protect juvenile fish are eliminated;

- closed seasons are implemented during periods of reproduction for fishery resources that are overexploited and in danger of extinction; and
- management plans are jointly developed and implemented with artisanal fishers.

VULNERABILITY

The vulnerability of communities to natural disasters and climate change must be reduced by .

- eliminating corruption at all levels, and the trafficking of influence in public bodies;
- respecting artisanal fishermen's and fisherwomen's rights in all their forms;
- finding solutions to mitigate the effects of climate change on artisanal fishing communities;
- establishing and implementing public policies for the development of artisanal fishing communities; and
- recognizing the importance of women and their work within families and in the fisheries, and guaranteeing them their due rights.

POVERTY

For increasing the contribution of small scale fisheries and aquaculture to poverty alleviation and food security, it is essential that the above proposal be complied with, noting that sustainability and eradicating vulnerability are crucial issues for our artisanal fishing communities.

We recommend:

- setting up a COFI subcommittee on artisanal fisheries that will include the participation of representatives of artisanal fishing organizations and legitimate parties;
- elaborating, approving and implementing an International Declaration on artisanal fishing that is binding on States;
- developing, approving and implementing, in consultation with artisanal fishers' organizations, representatives and legitimate parties, a programme and international plan of action in support of artisanal fishing; and
- supporting the creation of a specific chapter on artisanal fishing within the FAO Code of Conduct for Responsible Fisheries.
- We demand that the programme and global plan of action for artisanal fishing:
 - sets up a Steering Committee for Global Assistance that includes international and regional organizations from the artisanal fishing sector ; and
 - takes into account the ethnic, cultural and gender differences, and ensures that these are reflected in the composition of the Steering Committee and in the regional offices.

The Bangkok process is all about placing human rights centre stage in the campaign to secure sustainable and responsible small-scale fisheries.

Preparatory meeting

The preparatory meeting, facilitated by CoopeSoliDar R.L., with the support of CoopeTárcoles R.L., was held in the artisanal fishing community of Tárcoles on the central Pacific coast of Costa Rica. Most of the participants had already engaged with the Bangkok process—in Chile at the Punta de Tralca workshop (see “Common Concerns, Lasting Bonds”, *SAMUDRA Report* No. 50, August 2008), at the Bangkok 4SSF conference, and at the 28th session of COFI meet in March 2009.

The pros and cons of the Bangkok process and associated meetings were discussed at the Costa Rica workshop. Cairo Laguna, representing artisanal fishers from Nicaragua, said that the process had been important since the issue of artisanal fisheries had been brought onto the international agenda. There was now an opportunity “to identify the problems that we face in the region and to feed these back to FAO centrally.”

David Chacón, an artisanal fisher from Costa Rica, referred to the September 2008 Tárcoles Declaration, made prior to the 4SSF conference, to highlight the importance of collaboration between Central and South American countries in providing a common front.

Zoila Bustamante, President of Confederación Nacional de Pescadores Artesanales de Chile (CONAPACH), Chile’s National Confederation of Artisanal Fishermen, highlighted the need for space to be given to artisanal fishers in the discussions, and the importance of artisanal fishers as a “driving force for food production”.

According to delegates from Central America, despite FAO meetings being open to civil society representatives, fishers were often at a disadvantage

because they had no prior access to information. On the other hand, government representatives were much better informed.

It was also pointed out that often the participation of government representatives is not systematic or regular since meetings are attended by different representatives. This makes it difficult for civil society organizations to ensure that official positions take their views into account.

The Costa Rica workshop also discussed the importance of strengthening organizations at the local level, and ensuring that information is provided to grass-roots sectors in an understandable form. The four key themes of the FAO workshop were discussed in groups, following which artisanal fishers and their representatives met independently to agree on the key issues to be included in their declaration.

In conclusion, it was felt that the opportunity to work and reflect in a collective way prior to the FAO workshop strengthened the participation of leaders from Latin America’s small-scale fisheries sector. The Costa Rica workshop highlighted the need to use such spaces to prepare and strengthen legitimate strategies and to share progress—or the lack of it—in fulfilling international commitments, both by international organizations and by governments.

The FAO workshop that followed in San José, from 20 to 22 October 2010, was attended by representatives from most of the countries in the region, with the exception of Venezuela, Mexico, Chile and the Dominican Republic. Civil society participants played a very important role in the workshop, and Latin American States were very open to the proposals under consideration,

including for an international instrument for small-scale fisheries.

Presentations were made by officials from FAO and from the Organization of Fisheries and Aquaculture for the Isthmus of Central America (OSPESCA) on the three thematic issues and the key cross-cutting issues, including gender in artisanal fisheries in Latin America. But the debate around this latter issue was not sufficiently in-depth, despite its importance.

On the theme of “Increasing the Contribution of Small-scale Fisheries and Aquaculture to Poverty Alleviation and Food Security”, civil society participants emphasized the need for a human-rights-based approach, the need for exclusive zones, the regulation of destructive gear, inclusive MPAs, fairer market access, and complementary activities like community tourism in Prainha do Canto Verde in Ceará State, Brazil.

It was felt that an ecosystem-based approach, though complex and relatively costly, should be used to manage resources in a sustainable manner. In several fisheries, it was pointed out, decisionmaking is based only on the target species and investment in modern vessels and gear. There is a need to widen and document the interrelation between scientific knowledge and local knowledge.

The group discussing climate change and its impact on small-scale fisheries saw greater participation of civil society than of government representatives. There was agreement that public policies are required to deal with the social causes of climate change and the conditions that favour natural disasters and the vulnerability of communities. Funding must be made available and instruments for spatial planning, integrated coastal area management and vulnerability assessment

and monitoring must be developed. Also highlighted was the need to take account of social, economic and cultural aspects, and not just environmental ones, in the application of such instruments.

Better understanding

ICSF Members noted that it would be particularly useful, over the coming months, to better understand the characteristics, potential and difficulties (for getting approval) of the various options under discussion. They felt that the promotion of an international instrument and a global programme dedicated to small-scale fisheries would be most appropriate, taking into consideration the fact that in 2009 opening up the FAO Code of Conduct for Responsible Fisheries had been rejected. An FAO subcommittee on small-scale fisheries runs the risk of reducing the importance of the sector, they felt.

The field trip to the fishing community of Tárcoles was greatly appreciated by the workshop participants, as it allowed them to get to know the fishers better, and to deepen ties and linkages. The Costa Rica meet resulted in a Civil Society Declaration (see box).

Also online at:

http://www.icsf.net/images/samudra/pdf/english/issue_57/3530_art_sam57_art09.pdf

Securing Small-scale Fisheries

The following document, adopted at a recent FAO workshop in San José, Costa Rica, proposed strategies for securing sustainable small-scale fisheries

At the FAO workshop on “Securing Sustainable Small-scale Fisheries: Bringing Together Responsible Fisheries and Social Development” (4SSF) in Bangkok, Thailand in October 2008, there was a call, *inter alia*, for an international instrument on small-scale fisheries, and for a dedicated global programme on small-scale fisheries under the purview of FAO which would be guided by COFI. These calls were reiterated by the 28th Session of the FAO’s Committee on Fisheries, held in Rome, Italy in March 2009.

In this context, the Regional workshop for Latin America and the Caribbean (LAC), held in San José, Costa Rica from 20 to 22 October 2010 recognized that:

- the importance of inland and marine small-scale fisheries as a provider of livelihoods, food, employment and income is not yet sufficiently known and appreciated by policymakers and the public at large;
- small-scale fisheries face serious threats due to growing overexploitation of fishery resources, conflicts from other sectors competing over land and water and other natural resources, and often do not benefit from public amenities and social protection measures;
- the participation by small-scale fishing communities in decisionmaking is progressing in several countries but continues to be hampered in many instances by inadequate organizational development and institutional structures;

- the impacts of climate change, including the growing intensity and frequency of natural disasters, is exacerbating the vulnerability of small-scale fisheries; and
- there is a need to promote small-scale fisheries and secure their access to the resources necessary for sustainable livelihoods. The workshop also recognized the important work already done at the local, national and regional levels to empower fishing communities and fishworkers’ organizations to develop and implement improved policies and practices that strengthen the social, economic, cultural and political rights of small-scale fishing communities.

The LAC workshop recommended that a small-scale fisheries international instrument and assistance programme should:

- be informed by human-rights principles and existing international and regional instruments relevant to good governance and sustainable development;
- draw upon the available experiences with good governance practices in small-scale fisheries at national, regional and global levels;
- strengthen mechanisms for information sharing and communication including by regional and subregional organizations such as OSPESCA, CRFM, CDEMA and OLDEPESCA and by associations and networks of fishworkers organizations, both of

These conclusions and recommendations were arrived at by participants of the workshop in San José, Costa Rica, held during 20-22 October 2010. *SAMUDRA Report* No. 57, November 2010

- men and women, and civil society organizations such as CONFEPESCA and ASCR, ICSF, CONAPACH, CIAPA, FENISCPESC, FENAPESCAH, FACOPADES, FENHPESCH, WFF and WFFP;
- foster co-operation among countries and regional bodies in relation to sustainable small-scale fisheries development;
 - encompass a broad characterization of small-scale fisheries and the requirement, if not yet done so, to develop national definitions in consultation with the concerned communities, fishworkers' organizations and the private sector;
 - assess how various fishing rights systems in the region are performing and their impacts on the livelihoods of small-scale fishers and communities;
 - include the ecosystem approach to fisheries (EAF) as a guiding principle for resource management and development; and
 - incorporate disaster risk management (DRM) and climate change adaptation (CCA) as an integral part of any assistance programme, considering that DRM is a process that exists before, during and after a disaster.

Three concurrent working groups discussed these three topics—governance, EAF and DRM/CCA—and arrived at a number of conclusions and recommendations for the rights, principles and thematic areas that the instrument and assistance programme should refer to;

Recognition of the rights of small-scale fishing communities relating, in particular, to the following:

- human rights and rights as workers;
- permanence of their communities in coastal and riverine areas;
- just and equitable access to fishery resources;

- exclusive inshore zones for small-scale fisheries;
- safe working and secure living conditions;
- guaranteed access to information concerning the sustainable and integrated development of their communities;
- social security and protection of persons and goods; and
- capacity and resilience to the impacts of natural disasters and climate change.

Adherence to the following principles and practices:

- transparency, accountability, inclusiveness and participation; empowerment; gender equality; holistic, integrated and adaptive management and development approaches; and social responsibility, protection and solidarity;
- free, prior and informed consent by affected small-scale fishing communities before adopting and implementing projects, programmes or legislative and administrative measures which may affect them;
- participatory decisionmaking to take place at the lowest possible decentralized level of government that is as close as possible to the people who are affected by them (the principle of subsidiarity);
- recognition and respect of their cultures, forms of organization, traditions, customary norms and practices, and traditional knowledge;
- recognition of customary, traditional or otherwise preferential access to fishery resources, land and territories, by small-scale fishing communities, including indigenous peoples and Afro-descendant people;
- combating poverty and ensuring food security and sustainable resource uses;

The LAC workshop recommended that a small-scale fisheries international instrument and assistance programme should be informed by human-rights principles.

- avoidance of adverse development impacts;
- fostering an environment to promote advocacy and conflict resolution mechanisms among stakeholders using common geographic space and/or shared space;
- capacity development in all areas;
- facilitation of access to markets and credit;
- promotion of co-management and community-based management, including for marine reserves and protection areas that are informed by the precautionary approach;
- ensuring that DRM and CCA policies and interventions respond to the specific needs of small-scale fisheries;
- giving special considerations to fishing communities who live in small islands that are vulnerable to disasters and climate change; and
- ensuring policies and political commitment by governments to reduce green house gases according to their common and differentiated responsibilities.

An international instrument would include the following thematic elements.

I) GOVERNANCE OF SMALL-SCALE FISHERIES

Preface: The instrument should be informed by existing relevant instruments such as the FAO Code of Conduct for Responsible Fisheries and the international voluntary guidelines that are being developed under the auspices of FAO on land tenure and natural resources. There is a continuing need to promote the Code in small-scale fisheries.

The proposed instrument should focus on:

Fisheries management, including aspects relating to access regimes; co-management and community-based management; management institutions such as management councils; habitat protection; protection of juveniles and spawning stocks; promotion of environmentally friendly fishing gear; MPAs that guarantee the participation of small-scale fisheries; management of shared fishery resources and water bodies, including combating transboundary water pollution; combating of IUU fishing by promoting integrated enforcement between governments, fishing industry and small-scale fisheries.

Building the resilience and adaptive capacity of fishing communities (including in relation to DRM and CCA).

Promotion of trade of products from small-scale fisheries, ensuring greater benefits to them

Capacity building by strengthening and empowering fishers’ organizations and associations through free, continuing training

Conflict resolution in fishing communities

Generation of complementary and alternative livelihoods for small-scale fishers such as community tourism, agriculture, aquaculture and other small business opportunities

Promotion of gender equality in small-scale fisheries

Social benefits such as social security, retirement benefits, maternity benefits and unemployment insurance during closed seasons

Integration of science with traditional knowledge, including ecological knowledge

Government responsibility to clean inland waters from pollution, and regulation of the use of pesticides in agriculture to combat water pollution

Combating crimes against fishers, including piracy and theft

Eliminating subsidies for unsustainable fisheries and other unsustainable activities

Promoting and supporting networks of communities and organizations that promote sustainable small-scale fisheries.

2) ECOSYSTEM APPROACH TO SMALL-SCALE FISHERIES

Priority Action 1

Generation of ecological, socioeconomic and institutional baselines within the region, for the development of EAF.

Priority Action 2

Identify and start dialogue with other sectors that are concomitant users of ecological services and natural resources of ecosystems where small-scale fisheries thrive, for a multi-sector approach to EAF.

Priority Action 3

Develop a comparative analysis of EAF-based SSF management models both within the region and outside the region, whose success examples can be replicated in other countries.

Priority Action 4

Incorporate local traditional uses and knowledge into national management policies for SSF.

Priority Action 5

Incorporate scientifically based policy instruments to eradicate the use of harmful fishing gear and methods that affect fish resources in small-scale fisheries.

3) DRM AND CCA

Priority Action 1

Ensure that DRM and CCA policies and institutional frameworks are in place for small-scale fisheries.

Priority Action 2

Identify, assess and monitor disaster and climate change risks affecting small-scale fisheries and enhance early warning systems.

Priority Action 3

Use knowledge, innovation and education to build a culture of safety and resilience within artisanal fishing communities as well as at local and national levels.

Priority Action 4

Reduce underlying risk factors related to small-scale fisheries

Priority Action 5

Strengthen DRM and CCA for effective response within the small-scale fisheries sector

4) GLOBAL PROGRAMME ON SMALL-SCALE FISHERIES

The **Global Programme on Small-scale Fisheries** that many members of COFI recommended FAO to develop **should be informed by the principles and elements recommended by this and the other regional workshops**. Other assistance programmes in support of small-scale fisheries at national, regional and international levels should equally take account of these conclusions and recommendations. ¶

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_57/3531_art_sam57_art10.pdf

Small-scale Fisheries Upfront

Chandrika Sharma

The recent meet of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations had a special focus on small-scale fisheries

Small-scale fisheries was pretty much part of the flavour of the 29th Session of the Committee on Fisheries (COFI 29) of the Food and Agriculture Organization of the United Nations (FAO). Indicative of this was the fact that States, while reporting on the progress made in the implementation of the Code of Conduct for Responsible Fisheries (CCRF) and related instruments, had ranked addressing the interests of small-scale fisheries in marine and inland fisheries management plans quite high on their priority list. From being ranked fifth in 2005, and fourth in 2007 and 2009, it was ranked second. Regional fisheries bodies also reported on accommodating the interests of small-scale fishers.

A sizeable delegation of about 25 persons representing small-scale fishworker and support organizations, including the World Forum of Fisher Peoples (WFFP), the World Forum of Fish Harvesters and Fishworkers (WFF), the International Collective in Support of Fishworkers (ICSF) and the International Planning Committee on Food Sovereignty (IPC), were present at COFI. At stake for them was the adoption of an international instrument on small-scale fisheries by COFI, a demand that has been pending since the 2008 FAO conference on small-scale fisheries in Bangkok, Thailand, titled “Securing Sustainable Small-Scale Fisheries: Bringing Together Responsible Fisheries and Social Development”. To seek greater support for, and debate on

the content and scope of, such an instrument, WFFP, WFF, ICSF and IPC organized a lively side event during lunchtime on 3 February (see box), prior to the discussion on Agenda Item 10 on small-scale fisheries.

In the end, civil society efforts met with qualified success. During discussions on Agenda Item 10, COFI agreed that, in view of the important role played by small-scale fisheries, FAO should continue to give priority to the subsector and ensure adequate visibility for it, particularly in relevant international forums that deal directly or indirectly with these fisheries. COFI also approved the development of a new international instrument on small-scale fisheries to complement the CCRF, drawing on relevant existing instruments.

Countries' support

The proposal to develop a new instrument was supported by over 20 countries, including Brazil, Norway, Thailand, South Africa, Morocco, Namibia, Russia, Chile, Mauritania, Indonesia, Oman, Mozambique, Afghanistan, Mexico, the United States (US), Angola, Algeria, Mauritius, Cameroon and Ivory Coast. Two members—Bangladesh and Maldives—expressed reservations about such an instrument. There was also support from some members for the setting up of a subcommittee on small-scale fisheries. Several developing countries also stressed the need for increased funding to support

This article is by Chandrika Sharma (icsf@icsf.net), Executive Secretary, ICSF. *SAMUDRA Report* No. 58, March 2011

small-scale fisheries-related assistance programmes.

There were specific issues raised in the interventions made by States on the options before COFI for supporting small-scale fisheries.

Norway said it would support international guidelines on small-scale fisheries to address the rights and interests of fishers, including of women, as well as an international support programme. The instrument, Norway suggested, could take account of the “Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security” adopted by the FAO in 2004 as well as the “Voluntary Guidelines on responsible governance of land and natural resources tenure”, now being developed by the FAO.

Russia welcomed an instrument on small-scale fisheries, especially a set of guidelines that are recommendatory and voluntary in nature. These guidelines could focus on social and cultural rights and economic development, and be based on human-rights principles, including those related to the human rights of indigenous peoples. The guidelines could develop the concept of small-scale fisheries and criteria for defining it, as well as offer protection to the access rights of indigenous people. They could also include sport fishing and coastal fishing, and focus on issues such as labour protection, safety at sea and gear-related issues, said Russia.

Brazil said it fully endorses a global assistance programme for small-scale fisheries, with full consideration to food security, poverty alleviation and gender. It stressed the importance of taking the question of gender into consideration in all initiatives related to the promotion of the sustainable development of small-scale fisheries. Given the importance of small-scale fisheries, including from an environmental sustainability perspective,

and the higher levels of vulnerability their communities are exposed to, it expressed support to the development of an international instrument. Brazil noted that this should take the form of an International Plan of Action (IPOA) as this carried greater political weight, but that it was open to exploring any other avenues that COFI might deem appropriate.

South Africa also supported the development of a negotiated international instrument to guide and manage small-scale fisheries, to complement the CCRF. Such an instrument could provide COFI, and, therefore, the United Nations with a better tool to protect the socioeconomic rights of small-scale fishers, contributing to the eradication of poverty, and helping to work towards the sustainable use of natural resources. South Africa further suggested that such an instrument be developed with the participation of affected parties.

Thailand, supporting an international instrument, suggested that microcredit and vessel insurance schemes should be considered under the global assistance programme for small-scale fisheries.

Chile highlighted the importance of improving governance and transparency, and of adopting an ecosystem approach to fisheries. It extended support to an international instrument on small-scale fisheries, underlining that the diversity within small-scale fisheries should not be used as an excuse to do nothing.

Mexico, stressing the importance of participatory management, training, organization and alternative jobs, said that there is need to extend support for realizing the human rights of small-scale fishers. Indigenous people should have priority to fishery resources, it noted. It supported an international instrument, especially an IPOA, linked to a national plan for assisting small-scale fisheries.

...in view of the important role played by small-scale fisheries, FAO should continue to give priority to the subsector...

India said that small-scale fisheries was the most important agenda item for COFI 29. It, however, expressed concern that no progress had been made in taking forward the suggestion made during COFI 28 on the setting up of a subcommittee as an exclusive platform for small-scale fisheries. On the international instrument, India cautioned that should COFI decide to develop it, the scope should be carefully developed so that it does not become a barrier to trade. India also noted that it did not want an overemphasis on human rights in any such instrument as such commitments already existed in the constitutions of most countries.

The Islamic Republic of Iran, supporting a subcommittee on small-scale fisheries, noted that addressing the problems of small-scale fisheries is not merely a technical exercise.

Maldives said that, keeping in mind its experience with a third-party ecolabelling certification, it is uneasy about an international instrument. Such an instrument might lead to costs of production going up. It, therefore, supported India's proposal to have a subcommittee on small-scale fisheries.

Bangladesh also favoured a subcommittee on small-scale fisheries.

New Zealand said a focus on human rights would considerably extend the mandate of COFI; the focus should be on fisheries issues, it stressed. Assistance to small-scale fisheries should be provided to generate wealth and remove people from poverty. For this, coherent partnerships, avoiding duplication of work between donors, are needed. New Zealand further pointed to the several instruments that already exist, which can be used to support small-scale fisheries. If anything at all, it favoured a chapter dedicated to small-scale fisheries in the CCRF.

Costa Rica also opined that human-rights issues were beyond the mandate of COFI. El Salvador, speaking on behalf of seven Central American countries, said it is important to support the human rights of those involved in small-scale fisheries, as also mentioned in the declaration from the regional consultative workshops organized by FAO. It called for regional action plans on small-scale fisheries, as well as specific programmes, including for inland fisheries. It also drew attention to issues of indigenous peoples. The need for a regional approach, as through the Bolivarian Alliance for the Peoples of Our Americas (ALBA), was reiterated by Venezuela.

The US wanted greater attention to be paid to small-scale fisheries, while ensuring greater clarity on what this constitutes. The mere size of fishing vessels as a criterion, for example, is not enough. The proposed instrument should focus on developing countries, it stressed, with due attention paid to social, economic, cultural and rights-based themes. Planning and management of risks and disasters, and plans to cope with climate change to reduce vulnerability of small-scale fisheries to such risks, is important. The US supported an IPOA or guidelines as a preferred way forward, rather than opening up the CCRF. The IPOA or guidelines can be an associated document to the CCRF, the US proposed.

The European Union (EU) said though small-scale fisheries is an important subsector requiring systematic attention, it was not convinced that a new international instrument is needed. Rather, effective implementation of existing instruments, such as the CCRF, is important. However, the EU said it will not block any emerging consensus to develop an international instrument on small-scale fisheries for developing countries.

Small meet, large attendance

The Side Event organized jointly by WFF, WFFP, ICSF and IPC titled “What COFI Should Do: Agenda Item 10 on Small-scale Fisheries”, was well attended, to say the least. A panel comprising WFFP, WFF and ICSF presented civil society perspectives on the action that COFI needs to take to secure small-scale fisheries. They made a strong case for an international instrument with a rights-based approach, which incorporates economic, social, cultural, political and civil rights, and which has a specific focus on women. The panel also included Rolf Willmann of the FAO Fisheries and Aquaculture Department, who presented the proposal prepared by the FAO for a Global Assistance Programme for Small-scale Fisheries, for comments and feedback.

The discussion was opened for debate soon after. Taking part in the discussion were several national delegations, including from India, Mauritania, Japan, the EU, Brazil, Norway, Spain, the US and Chile. Present too were representatives from the African Union, the World Bank and several multilateral and intergovernmental organizations, and fishworkers’ and fishing industry representatives.

Among most of the developing countries that attended, there was consensus that a global programme of work guided by an international instrument geared towards poverty alleviation and food security would be a boon for small-scale fisheries development in their countries.

Chile noted that the sector was highly diverse and complex, and that such an initiative would require defining small-scale fisheries more clearly.

The US voiced concerns about basing fisheries policies and instruments on the basis of size alone; “size is a complicated criteria”, it was noted.

Some delegations questioned the need for a new instrument. The EU made a particularly strong intervention, stating that a focus was needed at the national and regional levels to implement instruments that are already available, and that national policies were needed to improve the livelihoods of coastal populations. This viewpoint was countered by those who felt that, despite the number of existing instruments, small-scale fisheries were not getting the attention they deserved. Many of these instruments, notably the CCRF, do not pay specific attention to small-scale fisheries, it was pointed out. There are many new challenges being faced to confront which a new international instrument is needed, it was argued.

Two impassioned interventions were made by representatives of fishers from France and Spain. The French accused the European Commission of adopting a position that was both backward and incoherent, while the Spanish stressed that this space at the FAO should not just focus on poverty and hunger, and that small-scale fisheries all over the world share many problems and a common vision—and there is an urgent need for small-scale fishers to organize themselves.

The discussions at the side event were a precursor to the formal debate in COFI, serving to draw attention to the perspectives and aspirations of civil society and to take forward the debate on the demand for an international instrument. **3**

Japan recognized the importance of small-scale fisheries in both developed and developing countries and the fact that they are often socially disadvantaged. Given the diverse realities facing the sector, it called for a case-by-case response to deal with issues facing the subsector. Small-scale fisheries, it further noted, also has negative impacts on fisheries resources. There is need for integrating small-scale fisheries into international fisheries management systems to ensure policy coherence, and to promote bottom-up approaches like participatory co-management.

Canada stressed the importance of an ecosystem and a value-chain approach to fisheries, and of managing small-scale fisheries as part of an overall approach. It also pointed to the need for engaging all stakeholders in the management process.


The civil society statement, following the interventions by States, was read out by Zoila Bustamante, the President of the Chilean artisanal fishworker organization, CONAPACH, on behalf of WFFP, WFF, ICSF and IPC.

The statement noted that over 20 countries had supported an international instrument on small-scale fisheries to complement the CCRF. Such an instrument should guide regional and national plans of action. It should be global in scope and should recognize the social, economic, cultural, civil and political rights of small-scale, artisanal and indigenous fishing communities.

Such an instrument, as well as a global programme of assistance for small-scale fisheries, should be developed and implemented in consultation with civil society. This would go a long way in ensuring a better and more dignified future for small-scale fishing communities, the statement concluded.

There was concern, particularly among small-scale and artisanal fishworker and

indigenous peoples' groups from Europe and Canada, that the focus would be mainly on developing countries, in keeping with the interventions by the EU and the US. Civil society groups agreed, however, to continue advocating for an instrument that is global in scope, focusing also on issues facing small-scale and artisanal fishing communities as well as indigenous fishing communities in countries of the North. 3

Also online at: 

http://www.icsf.net/images/samudra/pdf/english/issue_58/3573_art_sam58_art10.pdf

Mere Window Dressing

Oliver Schultz

South Africa's draft small-scale fishing policy seems situated outside current realities of fisheries governance and management in fishing communities

In 2007, an Equality Court in the Western Cape of South Africa ordered the national fisheries authority, together with representatives from the small-scale sector, to devise a national sector policy specific to the needs of artisanal fishers. After the circulation of numerous drafts of varying quality and credibility, the current draft small-scale policy was gazetted in August 2010. A month later, the newly appointed fisheries authority within the Department of Agriculture, Forestry and Fisheries (DAFF) presented the draft to fishers along the Cape Peninsula through a series of road shows. As invited spaces of public participation, the road shows were ostensibly represented as participatory interactions, where the government could debate the draft with resource users. Those events represented a potentially crucial interface between the State and the citizens in whose interests the small-scale fishing policy was drafted.

The road shows were held in areas commonly associated with small-scale fishing. Through their inclusion in the proposed policy, it is envisaged that these 'fishing communities' will have their historic rights to marine resources restored, and be eligible for developmental support from the State. With the exception of one senior scientist who attended the Kalk Bay road show, none of the officials facilitating these events were in high-ranking positions, nor did they have

the decision-making power necessary to revise the policy in line with views expressed by fishers. No other government departments were represented. This was problematic because the policy emphasizes a developmental approach that relies upon collaboration between different government agencies. Another important absence was that of the policy's key architects. By presenting the policy in a descriptive, technical manner, without being able to explain the process behind its design, the DAFF officials acted as messengers, effectively playing the role of de-politicizing the road shows.

Though most fishers in the Western Cape speak Afrikaans, the draft was presented in English. Fortunately, a DAFF employee managed to provide some clarification in Afrikaans. The draft itself was written and presented using a technical discourse that was virtually impenetrable to the average artisanal fisher. Terms and phrases such as 'holistic', 'bold new paradigm shift', 'implementation', 'empowerment', 'progressive realization of livelihood rights', and 'integrity of ecosystems' echoed through community halls without sufficient explanation. The technical jargon presented in PowerPoint slides led one woman at the Hangberg road show to comment: "We don't understand this 'nice' stuff".

Follow-up process

Considerable anxiety was expressed at the road shows about the follow-up process,

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with one woman arguing that without meaningful integration of their input, “this policy is nothing but window dressing for my people”. The official presenting the draft was only able to relay his instructions in this regard. These were simply that “all comments will be considered”. As a senior DAFF official emphasized, “We are not here to debate the policy; after the road show, we will take account of your comments”. The mandated role of road shows is to facilitate rational and democratic interaction between fishers and the State. Though the DAFF should be acknowledged for creating these participatory spaces, it must be noted that there was little meaningful communication.

The draft policy rests on principles and objectives that reflect a human-rights-based approach by recognizing the cultural, political and economic rights of small-scale fishers. The inclusion of these principles and objectives is significant in the context of South Africa’s colonial and apartheid history, during which the rights of artisanal fishers were not formally recognized by the State. For this reason, the small-scale fishing policy process is symbolically significant.

The draft claims to represent a “paradigm shift” in the way artisanal fishing in South Africa is governed. This fundamental shift is encapsulated in the policy’s emphasis on ‘community’ as the principal unit of small-scale fisheries governance. The key components of the draft constellate around this focus on community. They include the fostering of co-management between fishers and the State, the allocation of fishing rights on a collective basis, and the possibility of formalizing the preferential access of local fisher groups to coastal and marine areas adjacent to them. These policy components are all part of the policy’s

“developmental approach” that seeks to increase the capacity of small-scale fishers to have greater control of their own fishing activities, from compliance to post-harvest processing and marketing. This developmental approach depends fundamentally on a particular conception of community.

The policy implies that a community is spatially distinct and socially bounded. Point 5.4.2 of the policy states: “Small-scale fishing rights must be allocated to community-based legal entities. The community-based legal entity will be made up of members who are individual persons that make up a small-scale fishing community”. While this conception of community may be more appropriately applied to parts of South Africa like the rural coastal villages of the Eastern Cape, it remains the case that the ideal type of the spatially bounded community has no empirical basis. The Western Cape, broadly, and the Cape Town Metropole, in particular, provide stark examples of this fact. Here, small-scale fishers often reside far from the coastal settlements where their fishing activities are based. They move between different areas to live and to fish—social and economic networks and relations flow between different places, contradicting the idea of a spatially bounded community. It is in the urbanized Cape Metropole in particular, that the paradigm shift towards community-based fisheries management will be most difficult to implement.

In addition, the draft policy requires that social boundaries be drawn to designate small-scale fishing communities, who are expected to function as the basic unit for achieving pre-determined governance outcomes outlined in the draft. The assumption of socially bounded communities reveals another flaw in the conception of community implied by the

language of the draft policy, namely, that in community there is significant unity and cohesion. The people who fall within, and between, the constructed borders of a particular community are not homogeneous in their interests or aspirations. As with the problem of imposing artificial spatial and social boundaries on small-scale fishing communities, the assumption of social cohesion is in tension with the reality experienced by small-scale fishers on the Cape Peninsula and in the Western Cape, more broadly.

Here, the history of poverty and social fragmentation among urbanized artisanal fishers has undermined not only their organizational capacity, but also their collective solidarity in a more dramatic way than in coastal towns and villages in rural areas. Yet the draft emphasizes the role of communities in co-management committees, and community-managed fishing rights, both of which require a substantial degree of social cohesion and organization. For example, the policy states that “the members of the small-scale fishing community will draw up a list with the names of the fishers who, in their view, may be entitled to harvest or fish for marine living resources”. The policy’s neglect of power relations and spatial complexity within a constructed small-scale fishing community means that this burden of self-identification will likely exacerbate pre-existing fault lines. Yet point 5.4.8 stipulates that the government will not mediate community disputes: “[N]o appeal is available to the Minister”. For all other disputes, individuals must make use of internal conflict resolution mechanisms within the community-based legal entity. Individuals are effectively left by the State to resolve these conflicts at the community level. This assumes that fishers are equipped to negotiate critical

issues in an equitable manner, and that conflict is peripheral and can be solved by the same players who are themselves involved in the conflict. Yet the necessary conditions for assuming a greater role in decisionmaking are not fully in place. According to one exasperated community member, “Each area is different! Who will come in to say: ‘This is the community?’ They fight like cats and dogs”.

The reality facing many of these fishers is that they may need support to resolve conflicts emerging from the increased role envisioned for communities in fisheries governance and management. These conflicts revolve around access to resources in a context of resource scarcity—the stakes are so high that conflict is inevitable. The flawed conception of community underpinning the policy creates practical challenges for implementation on the Cape Peninsula because it does not adequately reflect the situation on the ground.

The viability of the policy is further hindered by the fact that the draft does not include specific plans for implementation. A footnote in the document indicates that the “draft policy is not a strategy, implementation plan or procedural guideline, and, therefore, does not spell out the operational details”; these “will be determined and may be spelt out in regulations or operating procedures once the draft policy is adopted”.

Broad principles

Yet the implementation plan or procedural guidelines are as crucial as the broad principles and objectives upon which they are based. While it is critical to get stakeholder support on principles before deciding on details, the lack of even preliminary proposals for implementation makes it difficult for fishers to engage with, and assess, the document.

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• An example of the lack of clear guidelines for implementation is the proposal for “legal entities” to be set up in each small-scale fishing community. These legal entities would work with the State as local partners in co-management, and would administer their own collective fishing rights and post-harvest processes. The document recognizes the need for State and non governmental organization (NGO) support to assist communities in establishing and running these bodies, and includes suggestions of what this legal entity could look like (for example, closed corporation, co-operative, trust).

• It is understandable that the architects of the policy were concerned to leave room for communities to establish the kind of legal entity that best suited them. However, the general lack of clarity regarding the paradigm shift to community-based legal entities is significant in shaping perceptions of fishers towards the draft. As mentioned, the community-based approach is more feasible—and thus has more grass-roots support among fishers in rural coastal areas, compared to the Cape Peninsula. Here, community-based legal entities have an infamous history associated with economically unviable quotas and an unequal distribution of benefits.

• Many people at the road shows expressed opposition to the idea of ‘community quotas’ managed by community-based legal entities. One fisher claimed that these arrangements “rob the people over time... we have had bad experiences”. Indeed, on the Cape Peninsula, it appears that the lack of clarity regarding community-based legal entities has invigorated support for the policy to adopt an individualized rights system. A theme throughout the road shows was eloquently expressed by one fisher: “We need individual transferable quotas (ITQs) to control our destiny”.

It is important to note that some of the opposition to the community based approach set out in the policy stems from the common misperception that the policy is proposing to implement ‘community quotas’. This misperception is itself the result of the ‘bad experiences’ mentioned above - many fishers are suspicious of any mention of ‘collective’ or ‘community-based’ arrangements. Yet the policy does not propose a quota system, where small-scale fishers would have to compete with other sectors for a quota. Rather, the intention is to implement a *rights-based* system where small-scale fishers would have their historical rights restored, and would have access, as a class, to all nearshore resources. This access would be managed jointly with State fisheries managers and scientists.

On an institutional level, the draft does not acknowledge that the DAFF lacks the skills and resources required to implement the developmental approach envisaged in the document. As a DAFF employee explained, the department is struggling to fulfil its mandate to manage inshore fish stocks sustainably; it is even less equipped to deal with the additional policy mandate of developing social capacity among small-scale fishers. It is common knowledge that the State does not have sufficient institutional capacity to implement the policy’s proposal. As one DAFF official admitted, the policy is “something that DAFF doesn’t yet have the capacity for, but it is something the department would like to investigate”.

Asked about the cost of implementing the policy, a senior DAFF scientist responded to one fisher: “At this draft stage, no one has worked out exactly how much all of this will cost. You are right, there needs to be more money. The minister has said building the required resources and capacity will take 10-15 years”. To which an elderly

fisher replied: “Captain, I am 72 years old, I will be dead by then, Captain”.

Ultimately, the draft also evades several ‘elephants in the room’. The fact that small-scale fisheries are embedded within a broader fisheries system is alluded to, but the implications of this critical issue are not confronted explicitly. Just how small-scale fisheries are governed in relation to these other sectors is crucial to the success of the draft policy. It is not clear how DAFF will accommodate the new small-scale sector in relation to other sectors in the broader fisheries system.

The fundamental dynamic is how marine resources will be distributed. Exactly how the small-scale sector is to be accommodated within the broader system of allocation is not clearly dealt with in the draft; yet it is the case that more equitable quota allocation across all sectors is a pre-requisite for realizing the policy’s objectives.

Another ‘elephant in the room’ is the critical concern raised by stakeholders (in both the fishing and scientific communities) about the potential space opened by the policy for unsustainable levels of fishing in inshore waters. According to section 4.2.1 of the draft, the three tiers of government will “provide support to ensure that the small-scale fisheries sector is able to contribute to poverty alleviation and food security as well as to the growth and development of vibrant economies based on principles of social justice, participatory democracy and sustainable marine resource utilization”.

The shift from restitution to an emphasis on small-scale fisheries as a means of poverty alleviation implied in the draft could be dangerous in the context of a developing country such as South Africa, where unemployment and poverty levels in coastal areas are high, and opportunities are scarce. The policy

is not sufficiently explicit about the limited capacity of marine resources to absorb new entrants. In the period that the policy has been drafted and made public, expectations have been raised, and there is a sense among many individuals that being poor and living in a coastal area makes one eligible to access marine resources through the implementation of community-based fishing rights. This may result in increased legal and illegal fishing effort, placing even more pressure on DAFF’s already overburdened enforcement capabilities.

Fisheries governance

These evasions betray the fact that the policy does not fit with the broader context of fisheries governance and management in South Africa, embodied by the Marine Living Resources Act of 1998 (MLRA). DAFF remains oriented toward conventional resource-based management of large-scale commercial sectors, and does not have the institutional capacity to adopt the development-focused management of small-scale fisheries. In addition, it is not clear where the space required for the creation of this new sector will be found in terms of the existing sectors, and in terms of available marine resources. The small-scale fishing policy is thus situated outside current realities of fisheries governance and management; yet its successful implementation depends fundamentally on the manner in which it is integrated into the broader fisheries context.

The alienation experienced by fishers at the road shows on the Cape Peninsula serves to undermine their support for the policy process, and further erodes their relationship with the government. It must be emphasized that a policy for artisanal fishers marginalized by the MLRA is long overdue, and is a move towards

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• promoting “transformation and the
• redress of past injustices in the sector”.
• However, the significant opposition to
• the draft’s key elements observed in
• places like the Cape Town Metropole has
• to be properly considered by the State.
• History, communal politics and geographic
• specificity should not be glossed over or
• they will inevitably undermine the viability
• of the interventions to be guided by the
• policy. For fishers on the Cape Peninsula,
• it is highly likely that the policy’s flawed
• conception of community will introduce
• a new set of inequalities, and entrench
• many that already exist.

• It appears that the policy should be
• designed and implemented in a flexible
• manner, allowing for prescriptions to be
• moulded to local contexts. This would
• allow for the gradual and selective
• implementation of the community-based
• approach to fisheries management in
• suitable situations. At the same time,
• this would avoid having to impose the
• community-based approach upon fishers
• in communities on the Cape Peninsula,
• where local social dynamics may not be
• conducive for its implementation. 3

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_59/3612_art_Sam59_eng_art04.pdf

A Bottom-up, Pro-fisher Policy

ICSF Secretariat

A recent workshop and symposium in Kolkata, India, highlighted issues and concerns in the run-up to the proposed international guidelines on marine and inland small-scale fisheries

A National Workshop and Symposium on Sustainable Small-scale Fisheries, organized by the National Fishworkers' Forum (NFF), in collaboration with the International Collective in Support of Fishworkers (ICSF), was held in Kolkata, India, between 19 and 21 September 2011, to draw attention to fishery and non-fishery threats facing inland and marine small-scale fishing communities and to contribute to the proposed international guidelines on marine and inland small-scale fisheries being developed by the Food and Agriculture Organization of the United Nations (FAO).

Matanhy Saldanha, Chairperson, NFF, welcomed the participants and said that this was the first time NFF was inviting representatives of inland fisheries to one of its meetings. Speaking at the workshop, Madan Mitra, the Minister of State for Fisheries, West Bengal, spoke of plans being formulated by the State government to support fisheries. He invited two representatives from the workshop to present the workshop proposals at a State-level meeting on fisheries. Pradip Chatterjee, Secretary, NFF then read out a message of support and solidarity from an eminent Bengali author, Mahasweta Devi.

Introducing the workshop, Chandrika Sharma, Executive Secretary, ICSF, said small-scale fisheries (SSF) mainly contribute towards direct human consumption, and are known for seasonality of operations, and low energy

use. Small-scale fisheries are more equitable and sustainable, she said, and are part of the culture of coastal and inland communities, besides being a way of life. Women often are an integral part of small-scale fish processing and marketing, she pointed out. There is, however, need to be clear on what constitutes small-scale fisheries, she stressed. The workshop, she hoped, could develop proposals on policy and action needed to support inland and marine small-scale fisheries at the local and national levels.

Sharma provided a brief background to the decision of FAO to develop voluntary guidelines on sustainable small-scale fisheries (VG-SSF). Civil society groups across the world had mobilized prior to, and around, the FAO conference on "Securing Sustainable Small-scale Fisheries: Bringing Together Responsible Fisheries and Social Development", in October 2008, in Bangkok, seeking greater support for small-scale fisheries and, specifically, for an international instrument on SSF. Following FAO's subsequent decision to develop such an instrument, civil society organizations had formed a joint co-ordination group.

National workshops

National workshops were being organized in Asia, Africa, Central America, Latin America, Oceania and Europe during the period 2011-2012. The output of these workshops will be synthesized, consolidated and used to influence the

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content of the VG-SSF, Sharma said. The current workshop is the first in the series, she observed.

Presentations from inland fisheries groups followed in the next session of the meeting, chaired by V Vivekanandan, a Member of ICSF. Sriram, an inland fisherman from Tikamgarh district, Madhya Pradesh, spoke about fishing and fish farming in leased irrigation tanks, originally built by the Chandela dynasty in the 10th century AD. The traditional fishers got organized to challenge a 1996 provincial policy defining anyone who fished as a 'fisherman'; they had the support of a local non-governmental organization (NGO), Vikalp. They wanted only traditional fishers to be legally recognized to fish in inland water bodies. After a struggle lasting nearly ten years, the fishers got their demand met by the provincial government in 2008. The inland fisheries policy of Madhya Pradesh is now based on the recommendations of inland fishers. Likewise, the lease amount is also fixed in consultation with fishers. Sriram sought a national campaign to address issues such as rights of traditional inland fishers, enhancing fish stocks in inland waters, and increasing budget allocations for inland fisheries development. He proposed setting up a national network of those working in inland fisheries.

Three types of inland fisheries and aquaculture operations were presented from West Bengal to highlight the rights demanded by, or denied to, inland fishing communities. Rabin Soren from the *Santhal* community of Birbhum district talked about a campaign to stop destructive stone quarrying, and about stocking fingerlings in abandoned *khadans* (stone quarries), managed and fished by women's groups. There are many illegal quarries in the region, which tribal communities are trying to convert into fish ponds, and get their rights secured to fish in them, he

said. Gobinda Das from the Sunderbans narrated problems encountered in fishing in the vicinity of a tiger reserve (a protected area), and how the community is constantly under the threat of fishing artefacts being confiscated by the West Bengal Forest Department. He sought the implementation of the Forest Rights Act, which recognizes the right to livelihood of local communities, including in national parks, reserves and sanctuaries. Beg, an employee of the Mudiali fisheries co-operative, talked about how large quantities of industrial and domestic waste water of Kolkata are being recycled to successfully rear different carp species. Although their co-operative is a good example of nutrient recycling, low-impact aquaculture and low-external-input sewage/fish system combining the need to increase fish production by decreasing pollution, it still operates under the threat of eviction by the Kolkata Port Trust Authority, which owns the land where the fish-rearing activities are located.

Suman Singh from Sakhi, an NGO in Bihar, narrated the struggle waged by women of traditional fishing communities for fishing rights over ponds and water bodies. Women of traditional fishing communities are now organized into self-help groups and co-operatives, and are undertaking fishing in ponds and tanks in northern Bihar, employing local material and local indigenous knowledge. In spite of the difficulty in getting recognition for women's right to fish, 50 per cent of the ponds in Bihar are now being allocated to women for fishing. Since 2010, a new inland fisheries policy has been implemented in Bihar. Singh drew attention to the extremely poor socioeconomic status of traditional fishing communities in Bihar, and the high rate of illiteracy in the State. With girls often getting married at a very young age, the situation of women is even more

precarious. Urgent attention is needed to improve the socioeconomic situation of fishing communities, she said. Singh welcomed the proposal to form a national network. Manju Devi, a landless fisherwoman from Bihar, said she and her husband had received a pond on a ten-year lease to undertake fish farming; this, she added, is an illustration of how fish ponds on lease can be an effective tool for redressing the poverty of landless people.

Prakash Malgave of the Vidarbha Federation of Fishermen's Co-operatives, Maharashtra, highlighted the basic contradiction between rearing fish in irrigation tanks and agriculture. While the farmers are keen to take the water out, the fishers are interested in keeping the water in the tank. Fishermen's co-operatives have to pay the full lease amount to the *zilla parishad* even if there is no water in the irrigation tank, he said. Fishing co-operatives have water to undertake fish culture only during the months of July to September—about 100 days in a year. Fishers have to seek other forms of livelihood for the rest of the year. Instead of granting subsidies for construction of fishing vessels and setting up fish-processing facilities, subsidies should be granted for water conservation in rivers, tanks and ponds, as well as for fish seed production, he said. Subsidies should be extended for the conservation of natural seed production areas. The rights of inland fishers are not recorded anywhere. The provincial government should properly identify and record the historic rights of inland fishers. A comprehensive policy on inland fisheries is needed, Malgave concluded.

Raja Rao from Srikakulam, Andhra Pradesh, described the campaign undertaken by local fishing communities against the location of a power plant in the productive wetlands that have been

their traditional fishing grounds. The fishermen of Chilika Lake of Orissa—the largest lagoon in India—described the negative impact of illegal prawn farms that had come up in the lagoon, an issue they have been agitating against for the past couple of decades, including through legal means. Even as many of the farms continue to operate illegally, the opening of a new outlet in the lake has affected the water exchange and productivity of the lagoon. The livelihoods of local fishing communities have been badly affected, and they have even been forced to migrate to work on board multi-day fishing vessels in Gujarat.

On the second day of the meeting, participants were divided into three groups. While two of the groups comprised participants from marine fisheries, one group focused on inland fisheries. Participants were asked to reflect on key issues of concern to their lives and livelihood, as well as to make specific proposals to address these issues. They were also expected to reflect on how small-scale fisheries can be defined or characterized in the Indian context. The discussions in all the groups were extremely animated and lively. The resulting statement from the workshop (see box...) is based on the reports of the working groups.

Hotly debated topic

How to define small-scale fisheries and small-scale fishers in the Indian context was a topic hotly debated in one of the marine fisheries groups. According to fishers of southern Maharashtra, traditional fishing employing non-mechanized and non-motorized fishing craft within 10 fathoms from the shoreline should be considered small scale fishing. For mechanized fishing vessel owners in Karnataka, small-scale fishing would include only vessels with engines up to 10

hp, or without engines. Mumbai fishers said non-mechanized vessels or those with engines up to 32 hp undertaking any territorial-water fishing operations other than trawling could be considered small-scale fishing vessels. For the Tamil Nadu fishers, all fishing vessels up to 37 hp undertaking fishing operations, except trawling and purse-seining in territorial waters, could be considered small-scale. Small-scale fishers would include owner-operators of the above categories, workers engaged in fishing operations in these vessels, and allied workers and processing workers, especially women. It was agreed to consider non-trawl 20 hp fishing vessels below 20m in length, with manually operated gear, especially with no mechanized towing and hauling power, and whose owners regularly go out to sea, as small-scale fishing in the national context. It was also agreed that small-scale fishers in India would include: owner-operators from fishing communities, and workers on board, and allied to, small-scale fishing, including resident and migrant workers as well as women fish processing workers. Traditional fisheries can be divided into traditional small-scale and traditional large-scale, it was suggested; the latter would fish in waters beyond the territorial limits. The traditional large-scale should be licensed to fish in the exclusive economic zone (EEZ) and the Central government should facilitate this, it was held.

On fisheries subsidies, the group was of the view that these should be discontinued for building new fishing vessels. It was proposed that tax rebates on diesel fuel for purse-seiners and trawlers should be withdrawn considering their destructive impact on fishery resources. The group debated, inconclusively, whether or not it is better to consider a one-time subsidy to shift to more fuel-efficient engines, instead of continuing with the current regime of

recurring fuel subsidies. The group also discussed the desirability of re-targeting existing fuel subsidies towards better health and education programmes for fishing communities.

Discussing the equity dimension of ownership, the group was of the view that each fishing family should not own more than one or two vessels. It is ideal to restrict the number of fishing vessels to one per ration card (a card issued by the provincial government for a family to obtain food or other essential commodities, which is treated like a family identity card in India). It was also suggested that community consent should be obtained before registering new fishing vessels.

While discussing bottom-up processes for fisheries management, several questions were raised for consideration, such as how far self-regulation is effective; how far existing traditional arrangements could be useful; the relevance of traditional knowledge in a fast-changing fishery scenario; and the role of government in fisheries management. The group was keen that the government should have an oversight role in all fisheries-management arrangements.

In the second marine group, which included the fishworkers' groups from India's eastern seaboard, attention was drawn to a gamut of problems that continue to face fishworkers and their communities. Several proposals were mooted, with priority being given to the need to recognize the rights of fishworkers to the coastal lands customarily used by them, as well as their rights to access and manage fishing grounds and water bodies. This was particularly in the context of ongoing developments, such as those related to tourism, ports, industrial development and conservation initiatives, which were leading to the displacement of fishing communities from their lands and

waters, and causing widespread pollution and destruction of habitats and resources. The group stressed the need for equipping landing centres with basic infrastructure and facilities at markets, and access to healthcare. It highlighted the importance of decent housing, sanitation, education and roads. Specific attention was drawn to the need to recognize women fish processors and vendors, including through issuing identity cards and ensuring their coverage under various government social-security schemes. The problems faced by women vendors related to transport and harassment at market places needed to be specifically addressed, it was noted. Attention was also drawn to the persistence of child labour in some poor coastal regions. Many of the participants in the group highlighted the continuing hold of moneylenders and traders, and the need for well-functioning co-operative societies that also provided access to credit at affordable rates.

The inland fisheries group observed that the right over water bodies for fishing should be granted to fishery co-operatives comprising exclusively of fishing communities and traditional fishers. To facilitate this process, the group said, a census of inland fishing communities should be held. The group sought a uniform fishing policy for all inland water bodies. It further wanted the responsibility for dealing with fishing rights in water bodies to be handed over to the Fishery Department. The group upheld the importance of recognizing the role of fisherwomen in inland fisheries and aquaculture, and their right to a secure workplace and dignified treatment. The women fish vendors were sometimes evicted from local market places without prior notice. The group sought an end to harassment and exploitation of women in the name of paying a tax for using the market space.

Lack of education was identified as the main problem behind the exploitation of fishing communities. The group urged that a targeted educational programme should be implemented for fishing communities. They pointed out that inland fishers are regularly exposed to disasters such as floods and droughts, and to climate-change-related processes. Steps should be taken to prepare them for these disasters, it was suggested. The group sought establishing and strengthening a network of community organizations within the inland sector, with the support of the State.

In the symposium that followed the workshop, the draft statement drawn from the group reports was presented. Speaking at the symposium, Yugraj Yadava, Director, the Bay of Bengal Programme Inter-Governmental Organization (BOBP-IGO), said the Central government should circulate a model inland fisheries bill for all States and finalize it through a participatory process. He said it is important to plan fishing capacity according to the potential of harvestable resources. Instead of building fishing harbours, it would make better sense to build smaller fish-landing centres, he said. He suggested that school curricula should include lessons on climate change, hygiene and sanitation. The allowance for closed fishing seasons, currently disbursed to marine fishing and a few inland fishing States, should be disbursed to all inland fishers, he proposed. A small-scale fisheries policy can form the subset of a revised comprehensive marine fishing policy, he added.

Pradip Chatterjee, Secretary, NFF, stressed the need for fishing communities to be recognized as the natural custodians of water bodies, with a role in their management. There is urgent need to effectively control activities that lead to pollution and habitat destruction, he said. This message was strongly reinforced by

How to define small-scale fisheries and small-scale fishers in the Indian context was a topic hotly debated...

THE KOLKATA STATEMENT

National Workshop on Sustainable Small-scale Fisheries: Towards FAO Guidelines on Marine & Inland Small-scale Fisheries

Organized by the National Fishworkers' Forum (NFF) in collaboration with
the International Collective in Support of Fishworkers (ICSF)

19 – 21 September 2011
Kolkata, India

We, 62 participants representing the inland and marine fishing communities, fishworker organizations, and non-governmental organizations, having gathered at the National Workshop on Sustainable Small-scale Fisheries: Towards FAO Guidelines on Marine and Inland Small-scale Fisheries, from 19 to 21 September 2011 in Kolkata, West Bengal, India;

Welcoming the decision of the 29th Session of the Committee on Fisheries (COFI) of the Food and Agriculture Organization (FAO) of the United Nations to develop a set of voluntary guidelines addressing both inland and marine small-scale fisheries that would draw on relevant existing instruments, and would complement the FAO Code of Conduct for Responsible Fisheries;

Noting that about 14 million people are directly dependent on fisheries in India for their lives and livelihoods, and that the vast majority of them are dependent on small-scale fisheries;

Recognizing that fishing has a long tradition in India, and that social development issues are common to all fishers from traditional fishing communities;

Further noting that small-scale inland and marine fisheries provide employment, income and nutritional security, especially to the poor;

Drawing attention to the critical role played by women within fisheries and fishing communities and the need for specific focus on supporting and empowering women;

Call upon the Government of India, the States, the Union Territories, and the *panchayats*, as appropriate, to address our concerns and to recognize and defend the rights of small-scale fishing communities, as mentioned below:

Small-scale Fisheries

1. In the Indian inland sector, both freshwater capture fisheries and sustainable forms of culture-based capture fisheries, primarily dependent on indigenous species, are small-scale fisheries for us. In the Indian marine fisheries sector, however, only fishing operations by vessels below 20m length that do not operate trawl, employ no mechanized towing or hauling power, where owners are full-time fishers and where fishing gear is manually operated, are considered small-scale fishing operations by us. Small-scale fishers would include: owner-operators from traditional fishing communities, fishworkers, allied workers in the above fishing operations, as well as women engaged in post-harvest activities.

Resource Management

2. Respect, protect and secure the rights of traditional fishing communities to fishing grounds and resources, considering the importance of fishery resources to their life, culture and livelihood.
3. Recognize and protect the traditional rights of small-scale fishing communities to fish, including in national parks and sanctuaries. The provisions of the Forest Rights Act, 2006, and those of the Wildlife (Protection) Amendment Act, 2006, that protect the rights and occupational interests of traditional fishing communities should be implemented in this context.
4. Facilitate bottom-up processes for managing marine and inland fisheries by revitalizing traditional institutions and by employing the traditional knowledge of fishers, within an appropriate policy and legal framework.
5. Make appropriate arrangements to facilitate utilization of water bodies such as ponds, lakes, wetlands, reservoirs and canals for the purpose of fishing.
6. Develop a uniform inland fisheries policy through a participatory process.
7. Protect or grant the right to fish, and to manage fisheries, in inland public water bodies to traditional inland fishing communities.
8. Vest fishing communities with the right to manage resources, including in national parks and sanctuaries.
9. Implement the marine fishing regulation act (MFRA). The MFRA and related instruments should be amended to facilitate participatory management of fishery resources.
10. Adopt measures to phase out bottom trawling from territorial waters over a period of five years, considering its negative impact on marine ecology, biodiversity and the distribution of marine fishery resources.
11. Promote selective and location-specific fishing gear. Prohibit destructive fishing gear such as purse-seine and fine-meshed gear in shrimp seed collection, considering their negative impact on biodiversity.
12. Prohibit the construction of new trawlers and purse-seiners under the National Co-operative Development Corporation (NCDC) schemes for fisheries development, with immediate effect.
13. Restrict the ownership of fishing vessels to one vessel per fishing family. Community-based organizations may be involved in regulating the number of fishing vessels at the local level. Community consent may be taken before registering a new fishing vessel.
14. Cancel fishing vessels under the Letter of Permission (LOP) facility and promote vessels fully owned and operated by Indian fishing communities that have the capacity to safely harvest fishery resources such as tuna and tuna-like species in the Indian exclusive economic zone (EEZ).
15. Guarantee preferential access to small-scale fisheries in the Indian maritime zones, also upholding the spirit of the Murari Committee (1996) observations and updating its recommendations.

16. Urgently enact legislation for managing fisheries in the Indian EEZ, also taking into consideration the recommendations of the Majumdar Committee (1978).

Coastal and Marine Environment Protection

17. Protect inland, coastal and marine ecosystems from pollution and habitat destruction.
18. Do not permit nuclear and thermal power plants, chemical and other polluting industries to be set up near the coast and water bodies, including wetlands.
19. Consider all factors, including ecological ones, and the threat of coastal erosion, while designing ports and harbours.
20. Establish an inter-departmental co-ordination mechanism to address coastal, marine and inland pollution, encroachment and other issues, with all concerned ministries and departments on behalf of small-scale fishers. The State fisheries departments should take up this responsibility.

Rights to Land and Housing

21. Secure the rights of fishing communities to land for housing and for fishery-related activities. Land titles (pattas) should be issued for housing, and space used for fishery-related activities should be protected as common property.
22. Protect the rights of fishing communities to housing in urban and tourist areas. Land, as required, should be acquired to assure decent housing for fishing communities.
23. Recognize and secure the land rights of fishers and fishing communities (in relation to both private and

common property) in land revenue records.

Rights to Social and Economic Development

24. Guarantee specific forms of protection to traditional fishing communities to enable them to improve their socioeconomic status.
25. Equip fishing villages with basic services, such as healthcare, potable water, sanitation and electricity.
26. Extend primary healthcare to all fishing communities. The Yeshasvini Health Insurance Scheme of the Karnataka government could be a good practice to be followed by other States.
27. Deliver nutritional support to pregnant women and children in food-insecure fishing communities.
28. Ensure access to education in fishing villages. Education up to matriculation, including residential facilities at educational institutions, should be made freely available.
29. Provide access roads to fishing villages where they are lacking, as in States on the east coast of India.
30. Develop hygienic landing centres and all-weather approach roads in fishing villages. Basic facilities such as ice boxes, storage facilities for fishing gear, and toilets for women should be provided at the landing centres.
31. Undertake a census of inland fisher/fishing communities.
32. Enumerate women's work in both inland and marine fisheries.
33. Revive and strengthen fisheries co-operative societies, and support appropriate forms of economic organizations, including self-help

- groups (SHGs), and fully respect their autonomy.
34. Ensure that access to credit and government schemes, and other economic benefits, are not restricted to the members of co-operative societies.
 35. Guarantee credit at reasonable rates of interest to enable all fishworkers to attain economic empowerment and to free themselves from unscrupulous moneylenders.
 36. Consider production-enhancing subsidies in small-scale fisheries, subject to the status of fishery resources.
 37. Provide adequate compensation to fishers whose livelihood activities are affected due to activities such as oil spills, oil and gas exploration and exploitation, conservation programmes and maritime transport.
 38. Ensure diversified livelihoods and appropriate training to fishing communities to reduce pressure on the fishery sector. In this context, fishing community-based tourism, production of value-added products, and employment of local fisher youth in marine and coastal police, and as lifeguards, should be promoted.

Post-harvest Activities

39. Provide hygienic fish markets, basic amenities, transport facilities and assistance to maintain cold chains.
40. Redevelop/upgrade existing fish markets, to ensure hygiene and access to basic facilities such as water, sanitation, and storage.
41. Issue identity cards to fish vendors, including women fish vendors.
42. Protect access of women of fishing communities to fish resources for processing, marketing and food.
43. Provide transport facilities to fish vendors, particularly if they lack access to public transport, or are denied access to it.
44. Take steps to eliminate harassment faced by women in fish markets, in particular, and ensure safe workplace for women.

Labour, Working and Living Conditions

45. Ratify and implement the ILO's Work in Fishing Convention, 2007, and extend its provisions to all fishers, to improve their working and living conditions.
46. Implement uniform social security for all fishers and fishworkers across all States and Union Territories and reduce the minimum age for their old age pension to 50 years.
47. Guarantee access to social security for all those who are engaged in fishery-related activities.
48. Enhance the contribution of the Centre and State governments to the Saving-cum-Relief Scheme to ensure higher monthly payment during closed season. The scheme should be inclusive of inland fisheries and women fish vendors of all States, as well as fish sorters, driers and vendors.
49. Provide toilets on board fishing vessels, considering that many fishers meet with accidents while using the gunwale as toilet or while using portable toilets on board trawlers and purse-seiners.
50. Prevent child labour in fisheries and fishing communities, and protect the right of the child to

education. Schools for child workers below the age of 14 years should be set up in coastal areas. In this context, the school for child workers in brick kilns of Orissa may be considered a model.

51. Provide training in, and access to, diversified livelihoods to fishing communities to prevent distress migration.

Climate Change and Disaster Preparedness

52. Utilize effectively the financial resources earmarked for disaster preparedness in the context of natural or man-made calamities of concern to fishing communities.
53. Take steps to prepare both inland and marine fishing communities for disasters such as flood, sea surge and drought, and other unexpected forms of natural or man-made calamities.
54. Train traditional fishers in disaster preparedness. Periodic drills should be conducted to prepare coastal communities to speedily evacuate from affected areas in the event of an industrial or nuclear accident, or catastrophe.
55. Take steps to ensure that incidents of old ships being accidentally or deliberately sunk in coastal waters are minimized, given the devastating impact of such incidents on fishing activities.
56. Develop, in a participatory way, the adaptive capacity of fishing communities to meet challenges of climate variability and change, such as floods and cyclones, and shift or extension in distribution of fishery resources.
57. Introduce fuel-efficient engines and promote biodegradable fishing

gear, towards mitigation, employing financial incentives. Training programmes should be developed to facilitate improved navigation and fishing methods to reduce fuel consumption, as well as to facilitate fishing community initiatives to protect and develop coastal vegetation and features.


58. Create a special fund for cyclone relief, especially to ensure speedy response. Cyclone shelters should be provided in all cyclone-prone States, especially on the east coast of India.

Capacity-building

59. Strengthen capacity-building programmes among fishing communities to enhance their awareness of rights, government schemes and resource management.
60. Establish systems to ensure that fishing communities are consulted during the process of formulating legislation or policy that could have an impact on their lives and livelihoods, and to enhance their capacity to engage meaningfully in such processes.

Keeping in mind the above, we urge the Government of India to develop a national policy on small-scale fisheries to protect the rights and interests of small-scale fishing communities.

The States, the Union Territories and the panchayats may also draw upon this Statement in their policies and programmes for sustainable small-scale fisheries.

We also call upon FAO to draw elements from this Statement in its preparation of voluntary guidelines on sustainable small-scale fisheries. 

Ram Bhau Patil, an NFF leader from Maharashtra. Suman Singh from Sakhi, Bihar, spoke of the high levels of corruption that deprive communities of access to government schemes and welfare programmes. She also highlighted the importance of capacity building, particularly for strengthening community institutions, to enable them to manage and benefit from inland fisheries. Ujjaini Halim of the World Forum of Fish Harvesters and Fishworkers (WFF) said it is important to consider how to move forward through a bottom-up, pro-fisher policy, and participation of fishers in decision-making processes. International human-rights law would assist in holding States accountable, she said. Civil society can assert the rights of fishing communities, and the State can create an environment conducive for respecting their rights, she added. She hoped the Government of India would support the VG-SSF, especially by drawing elements from the Kolkata Workshop Statement. 3

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_60/3662_art_Sam60_art09.pdf

Unity in Diversity

Brian O’Riordan

Voluntary Guidelines to Secure Sustainable Small-scale Fisheries (VG-SSF) promise an overarching framework that recognizes the rights of fishing communities to life and livelihood

Twenty-five years on, the rights of fishworkers and their communities, notably those in the small-scale and artisanal sectors, to life and livelihood continue to be a central plank in the work of the International Collective in Support of Fishworkers (ICSF). In the years since its founding in 1986, considerable support has been garnered towards defending the rights of fishworkers and their communities. Indeed, there are now increasing calls for the adoption of a 'human-rights approach' to fisheries. Such an approach places human rights at the centre of fisheries policy dialogue and at the centre of the debate on fisheries development. It is an approach that challenges a more technical rights-based approach, which tends to promote economic interests and economic development over social development. Often based on assigning property rights to individual fishers or companies, this latter approach tends to favour the individual over the collective, and corporate interests above community interests, and to see fisheries through a productionist lens.

A human-rights approach to fisheries recognizes that development efforts in fisheries should contribute to securing the freedom, wellbeing and dignity of all fisher people everywhere. The adoption of a human-rights approach has an intrinsic rationale, in as much as achieving the human rights of all citizens is an end in itself. Adopting this approach also has an instrumental rationale in that it is likely to lead to better and more sustainable human-

development outcomes, recognizing that the development of responsible and sustainable small-scale fisheries is possible only if the political, civil, social, economic and cultural rights of fishworkers are addressed in an integrated manner.

Interest in, and support for, a human-rights approach to fisheries is on the increase, and is being discussed in many forums, notably in the Food and Agriculture Organization of the United Nations (FAO). The UN’s Special Rapporteur on the Right to Food has also taken up the issue of fisheries and the right to food, making explicit the link between the right to food and the rights of those who produce it to fair access to productive resources such as land and water, and to obtain a fair share of the benefits from their labour.

In the document on The Contribution of the Right to Food to Combating Hunger and Malnutrition: What It Means and Why It Matters, Olivier De Schutter, the UN’s Special Rapporteur on the Right to Food, notes: “Governments now understand that hunger is not simply a problem of supply and demand, but ... a lack of access to productive resources such as land and water ...and of insufficient safety nets to support the poor. They understand... (that) they should now pay greater attention both to the imbalances of power in the food systems and to the failure to support the ability of small-scale farmers to feed themselves, their families and their communities.”

This article is by Brian O’Riordan (briano@scarlet.be) of ICSF’s Brussels Office. *SAMUDRA Report* No. 61, March 2012

We could add 'small-scale fishers' in this regard, and demand greater attention to supporting them in their endeavors “to feed themselves, their families and their communities”.

Indeed, the report from the 28th Session of the FAO’s Committee on Fisheries (COFI 28) in March 2009 highlighted that: “the often precarious conditions of small-scale and indigenous fishing communities... are mainly due to insecure access and user rights to land and fishery resources, inadequate infrastructure facilities such as rural roads and landing sites, high vulnerability to natural disasters and adverse impacts of climate change, risky and harsh working and living conditions, inadequate access to basic social services, as well as weak representation and participation in decisions affecting their lives.”

So, when in February 2011, COFI 29 approved “the development of a new international instrument on small-scale fisheries that would draw on relevant existing instruments, complementing the Code (of Conduct for Responsible Fisheries)”, this was a signal to ICSF and its partners to invest time and effort in raising awareness about the importance of such an instrument. It was also a signal to start preparing a common civil society position on the scope and content of such an instrument that would inform the process of its development.

ICSF, together with the World Forum of Fish Harvesters and Fishworkers (WFF), the World Forum of Fisher Peoples (WFFP) and the International Planning Committee for Food Sovereignty (IPC), have made some significant progress towards raising awareness about, and achieving consensus amongst fishworker organizations and their support organizations, on the importance of the proposed instrument tentatively titled "VG-SSF".

Since August 2011, the civil society partnership referred to above has rallied support for and, through their various networks, implemented at least 12 national-level and two regional-level consultation workshops across Asia (India, Sri Lanka, Philippines, Thailand and Pakistan), Africa (Uganda, South Africa and a regional workshop in Senegal), and Latin America (Brazil, Honduras, Nicaragua, Costa Rica, El Salvador, Panama, and a regional workshop amongst six central American countries in Nicaragua).

The consultations have focused on developing countries, given the COFI mandate that the instrument should “focus on the needs of developing countries”, and given that it is difficult to mobilize funds for such consultations in industrialized countries. However, until otherwise decided, the VG-SSF guidelines are to be “global in scope”, and there is considerable interest to see how the guidelines could apply to small-scale fisheries, both North and South. As noted by John Kurien, ICSF Founder Member: “There is a widely held opinion that small-scale fisheries are largely restricted to the developing countries with a maritime tradition. This is not true. In fact, small-scale fisheries flourish in the marine, riverine or lacustrine ecosystems of many developed and developing countries with a fishery tradition worthy of mention.”

One of the difficulties facing such a process is how to define or otherwise characterize small-scale fisheries, when one of the characteristics is diversity. According to Kurien, “Small-scale fisheries the world over have evolved in time and space from specific ecological, and changing socioeconomic and cultural, contexts which are marked by diversity rather than homogeneity. Any discussion on small-scale fisheries must, therefore, reckon with the fact that there is a definitional

Interest in, and support for, a human-rights approach to fisheries is on the increase...

problem, which, despite the prolific nature of the literature on the subject, has not been sorted out...” and therefore, “definitions are not universally applicable and that which may be called small-scale in one situation may be large-scale in another.”

While national-level consultations have celebrated this diversity, they have also highlighted unity in the face of the diverse problems shared. Perhaps nowhere more so than in central America is such diversity and unity apparent. Wedged between the two American subcontinents, the central American region is characterized by a wide diversity of fishery ecosystems and resources (both marine and inland), on the one hand, and, on the other, by a huge melting pot of races and cultures, whose ethnic origins can be traced to all parts of the globe—with communities identifying themselves with a plethora of indigenous peoples, mixed races, and with people of African or European descent. All these communities have strong traditions and have strong cultural ties to the land, sea and water bodies, which are reflected in the diversity of fishery-related activities and cultures.

Coastal areas of the central American region, being situated in the hurricane belt, are particularly prone to the impact of extreme weather conditions. In the first decade of 2000, notably in 2005, there was a very high incidence of tropical storms and hurricanes. It remains to be seen whether this is a rising trend, and, if so, what kinds of disaster-mitigation measures could be effective in making fishery activities safer, and fishing communities more secure.

The main issues arising from the central American region include the following:

- The small-scale fishing sector comprises fishers as well as all sectors of society who play a role in the production chain

and who pursue a way of life with its own cultural identity, including women, youth, and the elderly.

- The high degree of heterogeneity of artisanal fisheries is reflected in the variety of different communities—of African descent, indigenous communities, *mestizos* (mixed race), and settlers of various kinds; it is reflected also in the structures of organizations and associations (co-operatives, community-based organizations, indigenous institutions); and in the diversity of geographic areas and ecosystems—coastal and inland areas, Pacific and Caribbean coasts, islands, lakes and rivers; therefore, any policies, regulations and measures put forward should consider and accommodate these conditions and differences.
- The main issues in common are poverty and marginalization. Achieving responsible and sustainable fisheries is not possible in a context of poverty and hopelessness. It is equally important to maintain equality between men and women, and the equality of artisanal fishing communities before the law.
- Fishery-dependent communities face competition, encroachment and pollution from aquaculture, from intensive agriculture (notably of sugarcane), tourism, urban and industrial development, trawling in coastal waters, and so on. Another issue is violence from drug trafficking.
- There is a prevalence of, and need to defend, exclusive artisanal fishing areas. (In Nicaragua these extend to three miles on the Pacific and Caribbean coasts, and 25 miles around the islands and bays; in Costa Rica, three miles out to sea and with special provisions for 'marine areas for responsible fisheries'; in Honduras, industrial fishing and trawling are allowed outside nine miles or outside 60-m depths). There are also calls for

protecting inland waters that are reserved for artisanal fishing.

- Support is required for forming fishworker associations that can represent communities and groups in decision-making processes. Associations are weak and marginalized in the fishery-management and decision-making processes. Communities and groups need to be enabled to plan and implement fisheries management and conservation programmes with the authorities.
- In the post-harvest sector, there is a need for support to market the fish catch and ensure a fair return on labour for fishworkers.
- Calls have been made for the provision of social security (sickness and retirement benefits) and basic amenities like water, healthcare and education.
- In the face of climate change, extreme weather conditions and events, disaster-mitigation programmes are needed to deal with such impacts as invasive species and coastal flooding, and to establish early warning systems.

While many of these issues need to be addressed at national or even local levels, they highlight the need for an overarching framework that recognizes the rights of fishing communities to life and livelihood. We hope the VG-SSF Guidelines will provide us with such a framework. 📌

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_61/3704_art_Sam61_art09.pdf

Towards Synthesis

Chandrika Sharma

A draft synthesis document offers a sound basis for consolidating civil society views on the Guidelines for Securing Sustainable Small-scale Fisheries

Since the Bangkok Workshop of Civil Society Organizations (CSOs) in October 2008, held prior to the Food and Agriculture Organization of the United Nations (FAO) conference titled “Securing Sustainable Small-scale Fisheries: Bringing Together Responsible Fisheries and Social Development” (4SSF), fishworker and support organizations have been advocating for an international instrument on small-scale fisheries. The decision of the 29th Session of FAO's Committee on Fisheries (COFI) in 2011 to develop such an instrument to complement the Code of Conduct for Responsible Fisheries, was, therefore, widely welcomed by them.

CSOs representing fishworker and support groups set up a co-ordination committee to engage with the process of developing the Guidelines. The committee comprises representatives of the World Forum of Fisher Peoples (WFFP), the World Forum of Fish Harvesters and Fishworkers (WFF), the International Collective in Support of Fishworkers (ICSF) and the International NGO/CSO Planning Committee for Food Sovereignty (IPC).

Between September 2011 and April 2012, a period of just eight months, CSOs conducted 14 national consultations as well as one regional consultation in Africa that brought together representatives from 16 countries. Indonesia, Sri Lanka, Pakistan, Thailand and the Philippines held more than one sub-national consultation, with Thailand hosting one specifically for

women fishers. More than 1,600 people participated in these consultations. Reports and statements from all these workshops have been made available on the civil society website <https://sites.google.com/site/smallscalefisheries/>

The team at the Environmental Evaluation Unit, University of Cape Town, South Africa, was requested by the civil society co-ordination committee to develop a synthesis report, based on the reports and statements from all the above workshops.

The first draft of the synthesis report was made available for discussion at the civil society workshop, held on 7 and 8 July, prior to the 30th session of COFI from 9 to 13 July 2012. It remains a draft as it will be updated based on reports and statements from the next round of national and regional consultations to be held between August and December 2012.

The final version of the synthesis report will be made available in January 2013. It will be used to provide feedback on FAO's zero draft of the Guidelines that is now available for comments on the FAO website (ftp://ftp.fao.org/FI/DOCUMENT/ssf/SSF_guidelines/ZeroDraftSSFGuidelines_MAY2012.pdf).


Comprehensive

The draft synthesis document provides a comprehensive compilation of principles considered key by CSOs. These include: recognition of human rights; commitment to the right to equality and freedom from

This article has been written by Chandrika Sharma (icsf@icsf.net), Executive Secretary, ICSF. *SAMUDRA Report* No. 62, July 2012

discrimination; recognition of the right of women and men to full and effective participation in all aspects of governance and management of fisheries resources; recognition of the right to free, informed and prior consent; promoting and securing good governance and creating the conditions necessary for such governance; and the 'do-no-harm' principle to assess the costs of conservation and development.

The draft synthesis document also brings together proposals from CSOs on interventions needed in 11 key areas: the governance and management of marine and inland fisheries resources; securing social and economic development rights; protection of the environment and sustainable use; support across the value chain; improved labour and social-security rights and conditions; gender equality and equity; promotion of food security and sovereignty; safety at sea; climate change and disaster preparedness; awareness raising, capacity development, training and education; and research and information needs.

In short, the draft synthesis document provides an excellent basis for CSOs to consolidate and compile their views, identify key gaps and debate contentious issues on which various perspectives may exist. The process adopted to develop it sets the stage for CSOs to engage in the FAO negotiation process in an accountable, legitimate, coherent and systematic manner, and provides the basis for CSOs to spell out in clear terms, what they would actually like to see in the Guidelines for Securing Sustainable Small-scale Fisheries. 

CSOs representing fishworker and support groups set up a co-ordination committee to engage with the process of developing the Guidelines.

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_62/3752_art_Sam62_eng-art10.pdf

A New Beginning

Nalini Nayak

A consultation organized in Myanmar to discuss the FAO guidelines for small-scale fisheries proved significant

The consultations for the guidelines of the Food and Agriculture Organization of the United Nations (FAO) on small-scale fisheries (SSF) have been rather extensive. In the case of Myanmar, they have also provided a possibility for the SSF community to participate in the process. It was also a first-time opportunity for the International Collective in Support of Fishworkers (ICSF) to interact with the fishworkers of Myanmar.

The Myanmar consultation was organized jointly by the Myanmar Fisheries Federation (MFF), the National Activities Group (NAG) and ICSF in Yangon between 12 and 15 September 2012. It brought together 35 fishworkers (including five women) and their organizations from the three coastal States (administrative regions) of Myanmar. The participants also included 10 parliamentarians (including one woman) as well as non-governmental organizations (NGOs) like Oxfam, Green Earth and the Myanmar Livestock Group and the local FAO Programme Chief who participated on all three days. On the final day there were members who represented the State and national departments of fisheries and other concerned people from Yangon. The local press was well represented too. While the majority of the fishers were from the marine sector, there were a few from the inland fishery—nearshore and brackishwater fishers as well as aquaculturists, mainly from the MFF.

Having got involved with fishing communities in the delta region after the Nargis cyclone, NAG was ideally placed to do the organizational groundwork for the consultation. As elsewhere, the small-scale fishery of the delta is different from the fisheries of the two neighbouring regions. Since this was the first time the fishers of these regions were getting together, it was felt important for them to not only interact with one another but also to understand the specificities of the small-scale fisheries of each region. Hence the consultation shunned formalities and grand speeches and got down directly into serious work in the form of discussion groups. That was the pedagogy for the first two days—a series of group discussions followed by feedback at plenary sessions, concluding in responses from a panel of selected and representative participants.

The four sessions focused on the following themes:

- Definition of SSF
- Problems and challenges faced by SSF
- Legislative provisions for SSF
- Proposals to sustain livelihoods of fishing communities

Wider understanding

Through discussions and feedback, the entire group gained a wide understanding of the fisheries of the different coastal regions. While all the fishers are expected to obtain fishing licences, it was revealed that in one region fishing grounds were

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tendered out, leading to large-scale operations of fixed bag-nets that require the hiring of smaller-scale fishers to carry the catches to the shore. As a result, access to the common fishing grounds was limited for the family of the smaller-scale fishers who fish for subsistence.

Another issue was the control of fish catches by the traders who either lease out the fishing grounds or advance capital for fishing operations. They also control prices and marketing networks. Direct access to markets is another major issue as there are no cold-chain facilities and distances to the large towns are considerable. Although closed seasons exist, the coastal fishers complain that large foreign and other deep-sea vessels are not controlled, and they also fish within the inshore waters, raising conflicts with local fishers and limiting their fish catches.

The consultation found it difficult to concretize what actually comprises SSF. According to some participants, it only included the very small boats using 8-hp outboard engines and operating in the nearshore waters. But there were also mini-trawlers and larger boats of 50 hp that carried catches of the fixed bag-nets, and others that used hooks-and-line and gillnets, all of which operated within the territorial waters and were owner-operated with hired crew. Why should these not be included in SSF, some wondered. Even as the consultation opened up an area of discussion, it will take time for some form of clarity to settle on the issue.

On the third day of the consultation, a larger group that included members of the fisheries department gave inputs, which were followed by presentations from selected participants of the earlier sessions. The resultant feedback proved to be excellent: A local parliamentarian spoke of the need to think anew of fisherpeople having social, political and economic rights.

A local community-based organization stressed the right to organize, a right not yet institutionalized in Myanmar's legislative framework. Fishers articulated their problems. MFF outlined its role as a national platform for all fisher organizations.

These discussions pointed to the focus of future fisheries governance. From the discussions at the consultation, it appeared that Myanmar's Fisheries Department was handicapped in relation to fisheries as it had no mandate other than issuing and renewing fishing licences. No development programmes have been undertaken for SSF, and no details of fisheries budgets are available for public scrutiny. National budgets seem to allocate only the salaries of departmental personnel. As elsewhere in the region, aquaculture in Myanmar—both brackish- and freshwater—is gaining importance, but there was not much discussion on the issue at the consultation.

NAG made two presentations on the history of fishing rights in Myanmar, which revealed the new framework required for governance of fisheries. On behalf of ICSF, this writer presented the FAO process for the SSF guidelines, which received positive responses, since most of the participants had not yet heard about them. The presentation was followed by a lively panel discussion on questions that emerged from the floor.

Since the 2011 elections, Myanmar has been going through a process of democratization. Since fisheries is a district/regional subject, local districts are busy creating their own fisheries laws within the framework of the national law. Unfortunately, as Myanmar has been rather isolated during the last two decades, the issues of customary rights, rights to livelihood and the role of the State towards the unorganized sectors are not concepts that greatly influence contemporary debates on legislation. Nonetheless,

...a series of group discussions followed by feedback at plenary sessions, concluding in responses from a panel of selected and representative participants.

...it appeared that Myanmar's Fisheries Department was handicapped in relation to fisheries as it had no mandate other than issuing and renewing fishing licences.

the parliamentarians present at the consultation showed great interest in understanding these issues and how governance could be made more democratic and people-oriented, given the fact that most of them are critical of how the military regime of the past has dealt with the national wealth and resources of the country.

In that sense, the Myanmar consultation was opportune. Despite the fact that the country has been under a rather controlled regime for the last few decades, the level of discussion at the consultation was in no way indicative of a lack of freedom of expression. Despite linguistic and ethnic differences, the overall atmosphere was one of positive interaction.

At the end of the consultation, the fishers and parliamentarians parted only after exhorting NAG to organize many more similar processes at the regional level to impart information to people so that they could organize themselves locally too. The Myanmar consultation was thus successful in highlighting issues related to SSF and in instilling a commitment to address them more seriously. ¶

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_63/3797_art_Sam63_E_art04.pdf

A Voice for the Coast

Md. Mujibul Haque Munir

A countrywide consultation was held in Dhaka, Bangladesh, on the proposed FAO International Guidelines on Small-scale Fisheries

A national consultation process on the International Guidelines for Small-scale Fisheries (IGSSF) of the Food and Agriculture Organization of the United Nations (FAO) was recently organized in Dhaka, Bangladesh. The Coastal Association for Social Transformation Trust (COAST) organized the consultation to gather recommendations from stakeholders on the proposed guidelines. The International Fund for Agricultural Development (IFAD) provided financial support, while the International Collective in Support of Fishworkers (ICSF) rendered various resource services.

The consultation was the first of its kind to be held in Bangladesh. National-level programmes on fisheries, especially on small-scale fisheries, with the participation of members of the fisher community, are rare. There are few effective local or national platforms that fishers can use to raise their voices, which is why the Dhaka consultation process was taken as an opportunity to highlight the challenges facing small-scale fishers in the country.

They depend mainly on ponds, *beels* (small water bodies), lakes, canals, rivers and estuaries, which together cover 4.57 mn ha and employ 1.4 mn people. Bangladesh has a coastal area of 2.3 mn ha and a coastline of 714 km along the Bay of Bengal, which is also a great source of fish. About 296 fresh- and brackish-water fish species (including freshwater prawns) and 511 marine species (including shrimp) are available in the waters of Bangladesh.

Most of the members of the country's fishing communities are illiterate and poor. They enjoy few basic civic facilities, are not organized, and are not even aware of their rights as a result of which they are often exploited by moneylenders, musclemen and politicians.

In Bangladesh fishing has traditionally been the occupation of members of the Hindu Jaladas caste. Given the low social status associated with fishing, these communities historically occupied the lower rungs of the social hierarchy in rural communities. Even within the country's Muslim society, where caste is not recognized, groups traditionally involved in fisheries have been generally accorded a low social status.

The problems facing fishing communities in Bangladesh include:

- natural disasters like floods, cyclones, tidal surges and droughts that damage crops and assets;
- social problems like dowry, polygamy, divorce, sexual harassment and land disputes;
- health problems that erode incomes due to unexpected medical expenses for the main wage earners; and
- financial problems resulting from high-interest loans from informal sources of credit, theft of assets like fishing gear and harvest, accidents, death of wage earners, lack of alternative employment opportunities, legal expenses for dispute settlement, and so on.

This report is by Md. Mujibul Haque Munir (munir@coastbd.org), Assistant Director-Food Security and Education Advocacy, COAST Trust, Bangladesh. *SAMUDRA Report* No. 63, November 2012

National-level programmes on fisheries, especially on small-scale fisheries, with the participation of members of the fisher community, are rare.

In recent years, the impact of climate change has been increasingly felt on the small-scale fisheries sector. Fishers are more vulnerable to natural disasters than others of the coastal area as they are the ones who depend primarily on rivers, estuaries and littoral waters for their livelihoods. Coastal fishers contribute to between 22 and 25 per cent of the total fish production of the country, although they are the first victims of natural disasters. Each cyclone or tidal surge kills hundreds of fishers (as happened in 2007 with the super-cyclone Sidr), and force many others to seek out the coasts of foreign countries, where they often face harassment and even imprisonment.

The effects of climate change can be seen in the coastal areas of Bangladesh in the form of sea-level rise (which can destroy mangrove forests and fish nurseries), a reduction of freshwater availability due to salinity intrusion, and an increase in the frequency of cyclones. Increasing salinity affects freshwater fish production, while rising sea temperatures may affect the distribution patterns of some fish species. These days Bangladesh's fishers find it increasingly difficult to fish near the shore, and have to venture into deeper waters.

In the face of natural disasters like storms and cyclones, many small-scale fishermen in Bangladesh have had to abandon their fishing trips in order to safeguard their lives, often losing their fishing nets and boats in the process. A successfully completed fishing trip generally requires about 14 days. If a 'potentially dangerous' Level 3 signal is sent out from a fishing port to warn of extremely rough sea conditions, the fishers, who normally spend 14 days at sea for a complete fishing trip, return to shore and take shelter. In 2007, around 22 warnings indicating a disaster intensity above Level 3 were issued.

Fishing trips that are abandoned during the peak seasons cause a significant erosion of incomes, and drastically affects the livelihoods of fishing communities. Yet there is little support from the Bangladesh government to help the small-scale fishers in crisis. On the contrary, some of its recent policies have been designed to support the large-scale sector, with water bodies being leased out to influential persons rather than bona fide fishermen.

It was in this context that the Dhaka consultation sought to:

- bring together under one roof all government agencies, non-governmental organizations (NGOs) and private-sector parties involved in small-scale fisheries;
- develop co-ordination among the groups working with the small-scale fisher community;
- ensure interaction with national-level policymakers on IGSSF, and engage in advocacy for the betterment of the lives and livelihoods of the small-scale fishers of Bangladesh; and
- prepare recommendations on IGSSF and also on how to engage in greater networking and advocacy for sustainable small-scale fisheries in Bangladesh.

Ensuring participation

To realize these objectives and to generate maximum and effective participation of fishers and related stakeholders, COAST organized the Dhaka consultation in a different manner. To ensure participation from all possible regions of the country, COAST selected five sample regions of fisher communities—one from the coastal area, three from the riverine area (one sweet-water, one mixed-water and one saline-water) and one from a *haor* (a large water body) area.

In each area, two focus-group discussions (FGDs) were arranged with 15 participants

in each FGD. Regional workshops were also arranged in each area to validate the FGD findings and to make a wider assessment. To complete the regional-level FGDs and workshops, a national-level workshop was organized in Dhaka with representatives from all the five regions, followed by a seminar to sum up the grass-roots consultations and presentations for the benefit of national policymakers.

A two-day orientation programme was held for the field resource persons in which 25 participants from five regions participated. Of the five from each region, three were small-scale fishermen community leaders and two were NGO officials who led the FGDs and district-level workshops. The regions represented were Bhola, Cox's Bazar, Khulna, Bogra and Sunamganj.

A total of 500 persons participated in the Dhaka consultation—300 fishers, 17 government officials, 19 political leaders, 35 journalists, 26 NGO workers, 40 businessmen, 34 academicians and 29 representing other professions.

One of the key objectives of the consultation was to create an effective platform for the marginalized fishers of Bangladesh and to identify who small-scale fishers are and what comprises small-scale fisheries. The participants defined small-scale fishers as those who earn their living and ensure their livelihoods by capturing fish from rivers and the sea. Other characteristics of small-scale fishers are: social and economic marginalization; the use of small fishing gear and vessels; nearshore (not deep-sea) fishing operations; reliance on open water bodies; manufacture of vessels and nets on a small scale; and culture and processing of fish with investments of under 40,000 Bangladesh taka (BDT) or around US\$490.

The major problem identified by the participants at the consultation was the lack of legal recognition of fishers or fishworkers in the policies or laws related to the fisheries sector of the country. That was the reason for one of the key recommendations of the consultation—to provide identity cards for small-scale fishers. It was strongly suggested that fisher community members themselves should be asked to prepare the list of bona fide small-scale fishers.

Another major recommendation of the consultation was to search for alternative livelihood or income-generating options, considering that fishing is often seasonal. Financial support should also be provided during official fishing embargoes. A social-security net in terms of special quotas for the fisher community members was also demanded. Female members of the community should be trained for employment in fish culture and poultry farming.

Inadequate healthcare services for the fishers was pointed out as a severe problem. Demands were expressed for community clinics and mobile health centres on the rivers and the sea so that fishermen in distress can get free emergency treatment and medicines.

Educational demands

In the sphere of education, demands were made for primary schools in embankment areas, free educational material for the children of fishing communities, and special scholarships to help eliminate child labour.

There are various anomalies in the distribution of *kbhas* (government land) among the poor. At the consultation, fishers, who are mostly landless, demanded proper distribution of *kbhas* land.

The major problem identified by the participants at the consultation was the lack of legal recognition of fishers or fishworkers...

• Considering the power exercised by
• middlemen and moneylenders on
• the community, participants also
• recommended easy access to credit for
• fisher community members, which would
• help them access markets better.

• Fishers in Bangladesh do not enjoy any
• health insurance or emergency medical aid
• schemes. In this context, demands were
• made for potable water supply, ambulance
• services and free health insurance.

• Cancellation of the leases on open water
• bodies was strongly recommended to
• make sure that small-scale fishers enjoyed
• continuing access to fisheries resources.

• Perhaps the most important outcome
• of the Dhaka consultation was the
• creation of an organization for the fisher
• community of Bangladesh, the National
• Fisher Folk Solidarity Forum. COAST
• will provide the secretarial and technical
• support for the Forum, which is expected
• to become an effective community-based
• platform that fishers can use to make
• their voices heard locally and nationally. 3

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_63/3798_art_Sam63_E_art05.pdf

Towards Synthesis

Chandrika Sharma

A synthesis document summarizes the approach of civil society organizations towards the proposed SSF Guidelines

Civil society organizations (CSOs) have engaged closely with the process led by the Food and Agriculture Organization of the United Nations (FAO) in developing the International Guidelines on Securing Sustainable Small-scale Fisheries (SSF Guidelines). The Guidelines, they feel, are an opportunity to ensure much needed recognition and support for small scale fisheries (SSF), and especially for marginalized and vulnerable groups within SSF.

CSOs, comprising the World Forum of Fish Harvesters and Fishworkers (WFF), the World Forum of Fisher Peoples (WFFP), the International Collective in Support of Fishworkers (ICSF) and the International Planning Committee on Food Sovereignty (IPC) set up a co-ordinating group with the purpose of engaging with the Guidelines process.

Between September 2011 and December 2012, the CSO platform organized 20 national-level workshops spanning Asia, Africa and Latin America, and two regional workshops in Africa. Consultations were also organized among small-scale fishers and fishworkers in the European Union and Canada. More than 2,300 people participated in these consultations, sharing their aspirations and proposals in relation to the Guidelines. The proposals that emerged were compiled into a synthesis document, which, after integrating another round of comments, was also uploaded on the CSO website in January 2013.

The synthesis document compiles several detailed proposals in relation to the SSF Guidelines, including their scope and the basic principles that should underpin them. It also makes detailed proposals on key thematic areas of relevance to SSF, which reflect the aspirations of many.

The Guidelines, it is stressed, should not attempt to arrive at a definition of SSF, but rather what characterizes the diversity of SSF. The use of the term 'small-scale fisheries actors' should be applied in such a way that it covers men and women working in the full range of activities along the value chain, including the pre- and post-harvesting and trading sector, and in all fishing and harvesting activities, whether at sea or on land.

The SSF Guidelines should be binding (not voluntary), given that many of the principles and much of the content of the Guidelines are already accepted language in obligatory Conventions and Treaties signed by the Parties. They should be underpinned by the recognition of the human rights of all and should stress the need for a human-rights-based approach. The term 'human rights' should be understood to include collective rights as well.

Synthesis document

For CSOs, the synthesis document will form the basis for their engagement with the SSF Guidelines process. It also formed the basis of their comments on FAO's Zero Draft of the Guidelines.

This article has been written by Chandrika Sharma (icsf@icsf.net), Executive Secretary, ICSF. *SAMUDRA Report* No. 64, March 2013

The SSF Guidelines should be binding (not voluntary), given that many of the principles and much of the content of the Guidelines are already accepted...

With the Technical Consultation to negotiate the SSF Guidelines coming up soon, from 20 to 24 May 2013, in Rome, Italy, CSOs are hopeful that States will recognize the participatory and bottom-up nature of the CSO process, and that the key proposals that have emerged from this process are reflected in the Guidelines that are finally adopted.

CSOs also hope that the participatory nature of the process will be continued, both during the negotiations, and in the implementation of the Guidelines, once adopted, as this will only serve to strengthen implementation and the achievement of common objectives. ❧

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_64/3855_art_Sam64_e-art10.pdf

Sticky Issues

Chandrika Sharma

An update on the recent Technical Consultation on the International Guidelines for Securing Sustainable Small-scale Fisheries

The Technical Consultation (TC) on International Guidelines for Securing Sustainable Small-scale Fisheries (SSF Guidelines), organized by the Food and Agriculture Organization of the United Nations (FAO) from 20 to 24 May 2013, in Rome, Italy, was well attended. There were delegations from 68 countries and the European Union (EU).

Also represented was the Office of the United Nations High Commissioner for Human Rights and the UN Special Rapporteur on the Right to Food, as well as observers from six intergovernmental organizations.

There was a substantial 37-member-strong civil society delegation, with men and women from 18 countries, representing the civil society organization (CSO) platform comprising the World Forum of Fish Harvesters and Fish Workers (WFF), the World Forum of Fisher Peoples (WFFP), the International Collective in Support of Fishworkers (ICSF), and the International Planning Committee on Food Sovereignty (IPC). Included in the CSO delegation were several small-scale and artisanal fishermen and fisherwomen from both developing and industrialized countries.

Fabio Hazin from Brazil was elected as the Chair. The task before the TC was ambitious from the start. The Draft of the SSF Guidelines, titled 'Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication', contained 13 sections and 108 paragraphs, apart from the Preface. In the hope that the

negotiations could be completed within the week, three night sessions were scheduled.

However, the time available still proved to be inadequate. Only about two-thirds of the text (until para 7.8) could be discussed. There was agreement on about half of the 59 paragraphs discussed, implying that they are closed for further discussion.

The remaining paragraphs, however, still contain bracketed text or are fully bracketed, meaning that the text within the brackets is open to further discussion. The second round of negotiations, tentatively scheduled to be held during 3 to 7 February 2014, thus has its work cut out.

So what were some of the 'sticky issues'? There was reluctance on the part of a few delegations to recognize the rights of small-scale fishers and fishworkers to participate in the governance of aquatic resources and, in fact, an antipathy in some quarters to the use of the term 'governance' itself.

Customary rights

The right to participate in governance could undermine the authority of the State, it was feared. The recognition of customary rights and systems, and of the rights of indigenous people, consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), was not forthcoming from some delegations.

There was unwillingness on the part of some delegations to keep the focus on 'marginalized and vulnerable groups' within small-scale fisheries, fearing that the term could be interpreted too

This report has been written by Chandrika Sharma (icsf@icsf.net), Executive Secretary, ICSF. *SAMUDRA Report No. 65*, July 2013

There was unwillingness on the part of some delegations to keep the focus on 'marginalized and vulnerable groups' within small-scale fisheries...

The CSO voice

Joint Opening Statement: World Forum of Fish Harvesters and Fish Workers (WFF), World Forum of Fisher Peoples (WFFP), International Collective in Support of Fishworkers (ICSF) and the International Planning Committee on Food Sovereignty (IPC), made on 20 May 2013 at the Technical Consultation on International Guidelines for Securing Sustainable Small-scale Fisheries, Rome, Italy, 20 to 24 May 2013.

Thank you, Mr. Chair.

My name is Zoila Bustamente Cardenas. I am the President of the Chilean National Confederation of Artisanal Fishermen, an organization that unites 35,000 artisanal fishers, men and women, along the length of Chile's 4,500-km coast.

I speak on behalf of the World Forum of Fish Harvesters and Fish Workers, the World Forum of Fisher Peoples, the International Collective in Support of Fishworkers and the International Planning Committee on Food Sovereignty.

We are a platform of small-scale food producers who include fishworkers and indigenous people. Our international member-based organizations represent fishworkers from over 50 countries, from both North and South, and people actively engaged in supporting our communities.

Artisanal and small-scale fisheries represent the majority fisheries sector, and we provide the most sustainable model of fishery exploitation from a social, economic and environmental perspective.

Our engagement with FAO to develop this international instrument began in 2008 following the Global Conference on Small-scale Fisheries in Bangkok, Thailand. However, we have been knocking on the door of FAO since 1984 when small-scale fishers and their supporters were excluded from participating in decision-making processes that affected their livelihoods.

broadly. There were even reservations about keeping the phrase "both men and women", which was mentioned in several paragraphs of the draft text to ensure a gender focus. Some delegations objected to the term 'informal economy', equating it with the 'illegal economy', though significant small-scale fisheries, particularly in the developing world, can be considered to be part of the informal economy.

Some of the other areas on which agreement was not forthcoming related to: the need for redistributive reforms to facilitate equitable access to fishery resources for small-scale fishing communities; the need for effective and meaningful consultations with fishing

communities prior to commencing a commercial or development project which impacts them; the extent to which, and the manner in which, the role of migrant fishers, and of transboundary movements of fishers, should be reflected in the Guidelines; and the extent to which the Guidelines should stress the need for consistency with the mandate, principles, rights and obligations established in WTO agreements.

For fishworker organizations and support groups present in Rome, the reluctance of some delegations to support certain issues of fundamental importance to them was disappointing. CSOs consistently pointed out that the issues being raised were


We welcome the fact that we can now engage with FAO in developing this instrument. In fact, over the last two years we have co-operated with FAO to organize around 30 national and regional-level consultations across Africa, Asia, South and North America and Europe. Through these consultations, over 2,500 people, men and women from small-scale fishing communities, have had the chance to contribute to this process.

For us, the process of developing these Guidelines represents an important milestone by adopting an inclusive approach to small-scale fisheries, an approach which places equal emphasis on social development, the human rights of fishing communities and the responsible governance of the fisheries on which their food security, livelihoods, and wellbeing depend.

We welcome the visibility the Guidelines give to women and the serious way in which they address gender issues. The

Guidelines also take the unprecedented step of addressing as a whole the different aspects of small-scale fisheries from the perspective of governance, production, trade, labour and quality of life.

The Guidelines also take account of the fact that small-scale fisheries face a multitude of threats from more powerful interests both from within and outside the fisheries sector. They come at a critical juncture of global transition when we face challenges of an economic, social and environmental nature where small-scale fisheries provide the best hope for generating employment, livelihoods and food for the burgeoning world population.

We are committed to working with FAO and its member States to develop effective Guidelines and to engage wholeheartedly with you in their development and implementation once adopted by the Committee on Fisheries (COFI) next year. 

...there is much at stake for fishworkers in the next round of negotiations...

the result of an intensive, participatory, bottom-up process of consultation with small-scale fishworker groups.

Between them, CSOs had organized 20 national-level workshops spanning Asia, Africa and Latin America, two regional workshops in Africa, as well as consultations among small-scale fishers and fishworkers in the EU and Canada in the period between September 2011 and December 2012. More than 2,300 people had participated in these consultations and shared their aspirations and proposals in relation to the Guidelines.

On a more positive note, at least some of the interventions made by CSOs on issues of critical importance to small-scale

fishing communities found the support of delegations, ensuring that reference to them was retained or included in the text. As per FAO rules, CSOs were only allowed to make interventions after delegations had done so. Also encouraging was the fact that some delegations included CSO representatives.

The statement presented by CSOs (see box) at the start of the negotiations reflected the hope that fishworker and support groups had from the Guidelines process and from their delegations.

However, at the end of the first round of negotiations, Ramida Sarasit, a woman leader representing the Fisherfolk Federation of Thailand, said: “I feel we

have not gained much as yet. Most of the States, as far as I can see, are not ready to respect the rights of small-scale fishing communities. Day by day, we are losing our rights, our coastal and inland water bodies, our livelihoods. We cannot see any progress unless States pay serious attention and address the root causes of our issues.”

Clearly, there is much at stake for fishworkers in the next round of negotiations; so too, to be an effective tool, the SSF Guidelines must reflect, and be relevant to, the day-to-day realities and problems faced by fishworkers. ❧

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_65/3892_art_Sam65_e_art01.pdf

Human Rights First

Chandrika Sharma

A recent Technical Consultation discussed the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries (SSF Guidelines)

Eighty-eight Members of the Food and Agriculture Organization of the United Nations (FAO), and representatives of nine inter-governmental organizations (IGOs) and around 80 civil society organizations (CSOs) and non-governmental organizations (NGOs) participated in the Technical Consultation on International Guidelines for Securing Sustainable Small-scale Fisheries, held in Rome over two sessions, during 20-24 May 2013 and 3-7 February 2014.

The Consultation followed the forms and procedures of the FAO Committee on Fisheries (COFI). The Members said the Guidelines should be applied within the context of each country. The Chairperson noted, at the outset, that the outcome of the Consultation would become a Chairperson's text if the review of the document (No. TC-SSF/2013/2) was not completed by the conclusion of the session.

The resumed session began discussion with Chapter 7 of TC-SSF/2014/1, related to value chains and post-harvest and trade, followed by discussions of Chapter 8 on gender equality, Chapter 9 on disaster risks and climate change, Chapter 10 on policy coherence, institutional co-ordination and collaboration, Chapter 11 on information, research and communication, Chapter 12 on capacity development and Chapter 13 on implementation support, monitoring and evaluation. It also opened up for discussion square-bracketed or partially agreed upon paragraphs from chapters discussed in the May 2013 session.

The objection to the term 'governance' was mainly from one Member State. Its delegation stated that the term has not been properly defined anywhere and thus opened up ambiguous—and thus not universally acceptable—procedures that could jeopardize decisions about international access rights to resources in presently 'international' areas. In an international context, the delegation said, the use of the term 'governance' may undermine national processes and sovereignty.

The delegation clarified that it had no problem if the reference was to local or national governance.

Thus, governance has been retained in the text where the reference is obviously to local/national processes.

In all other contexts, the term was either removed altogether or replaced by 'management'. Thus, very few references to the term governance remain.

No consensus

Since States could not arrive at a consensus, the square-bracketed paragraph on recognizing and addressing the underlying causes and consequences of transboundary movement of fishers, leading to the arrest and detention of fishers outside the jurisdiction of their countries (see TC-SSF/2014/1) was dropped despite a strong plea from CSOs to retain this para, given the number of fishermen in every region who are being arrested for transboundary crossings, and whose human rights are being violated on a daily basis.

This article was written in February 2014 by Chandrika Sharma (icsf@icsf.net), Executive Secretary, ICSF. *SAMUDRA* Report No. 67, April 2014

The Consultation followed the forms and procedures of the FAO Committee on Fisheries (COFI).

The issue of ecolabelling and certification proposed under paragraph 7.7 of TC-SSF/2014/1 proved very contentious. Many delegations and CSOs stressed that ecolabelling schemes had little relevance for small-scale fisheries, going by past experience, and they served only to discriminate against them. The need to support small-scale fishers to benefit from ecolabelling schemes and to access markets, particularly in the North, was stressed by some States.

However, as there was no consensus, it was agreed to drop the paragraph altogether. In the agreed text, there is no reference to ecolabelling and certification, reflecting the lack of consensus.

On the whole, this stand was acceptable to CSOs.

There was some discussion on where and how the World Trade Organization (WTO) should be mentioned, given the fact that some States are not WTO members, and some felt that the WTO rules have little relevance in the context of small-scale fisheries. Finally, the reference to WTO was dropped from Section 4 (relationship with other international instruments). It is mentioned only in para 7.6 in Section 7 (on value chains, post-harvest and trade).

In the last round of negotiations there was considerable resistance from some delegations on the use of the term 'informal'. This was seen to be the same as 'illegal'. During this round, there was much debate on the issue. CSOs explained to delegations the meaning of the term. As a result, 'informal sector' is now included in the text, as a separate para 6.6 in TC-SSF/2014/2. This is a considerable achievement, given how important the sector is in many developing countries.

Marginalized groups

The term 'marginalized and vulnerable groups' was not opposed during this round of negotiations, and all references to it have been retained. There is also reference to 'ethnic minorities'.

In the agreed text, there are several reference to the need to pay attention to indigenous peoples, and to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIPS). However, some delegations, watered down the language on free, prior and informed consent (FPIC), and replaced 'consent' with 'consultation' (both in the context of indigenous peoples and local communities). This represents a considerable weakening of the text, particularly for indigenous peoples, as the principle of FPIC is clearly recognized in UNDRIPS.

In a similar vein, several delegations watered down references to 'human rights standards', replacing it with 'human rights law'. This change apparently then excludes voluntary commitments of States, as under UNDRIPS. However, it is to be noted that in the earlier sections of the text, as in the Guiding Principles, there are several references to human rights standards.

A new paragraph was introduced by one delegation, in consultation with civil society groups on protecting the human rights and dignity of small-scale fisheries stakeholders in situations of occupation, to allow them to pursue their traditional livelihoods, to have access to customary fishing grounds and to preserve their culture and way of life, as well as their effective participation in decisionmaking in matters that impact them (paragraph 6.18). It needs to be noted that this was an entirely new proposal, not included in earlier rounds of negotiation or in the the zero draft.

The paragraph found support among many of the delegations present, and it was also accepted, with some modification, by all delegations except one, which could not accept the term ‘occupation’. The delegation was also not inclined to accept the paragraph (given that it was supported by a majority of the delegations present) with reservation.

It is relevant to note that a similar reference to ‘occupation’ is found in the recently adopted Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. This is in Section 25 on “Conflicts in respect to tenure of land, fisheries and forests”.

An alternative text proposed by one delegation was also discussed. Consensus on this text was almost achieved (with the exception of the mention of Section 25 in brackets, opposed by one delegation). The Guidelines (including the bracketed paragraph) will now go to COFI as the Chairperson’s text. It is hoped that the impasse can be resolved and the Guidelines can be formally endorsed by COFI.

The text on implementation that is finally agreed is quite weak, as all delegations present agreed that this was a subject that needs to be discussed and agreed on at COFI. Issues such as ensuring regular monitoring of implementation of the Guidelines by COFI, requesting the Committee on Food Security (CFS) to monitor implementation of the Guidelines from the perspective of food security, and ensuring that participatory mechanisms are put in place at all levels (international, regional, national and local) for implementation of the Guidelines (at present there is reference to the formation of national-level platforms) need to be brought to the attention of COFI.

Overall, from a CSO perspective, the Chairperson’s text, on the whole, is welcome, and is notably and firmly anchored in a human-rights-based approach. This is a considerable achievement. It is now up to everyone concerned to interpret the document, give it flesh, and ensure that it is a tool they can work with. **3**

Also online at:



http://www.icsf.net/images/samudra/pdf/english/issue_67/3988_art_Sam67en_art09.pdf

Rights First, Rights Forever

Small-scale Fisheries and Fishing Communities from a
Human-rights Perspective

A collection of articles from *SAMUDRA Report*

Small-scale and artisanal fisheries contribute about two-thirds of the global fish production destined for direct human consumption. They also accommodate over 90 per cent of those who make their living from fisheries. Women comprise at least half the workforce in small-scale fisheries.

Despite the important contributions made by small-scale fisheries to poverty eradication and food security, small-scale fishers and fishworkers continue to be marginalized at different levels. It is in this context that the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) has developed the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines).

The SSF Guidelines hope to promote a human-rights-based approach to fisheries development and management as well as the use of aquatic, coastal, riparian and lakeshore space. The vicissitudes of the process leading to the adoption of the SSF Guidelines, as well as various aspects of small-scale fisheries and fishing communities from a human-rights perspective, have been extensively covered in *SAMUDRA Report*. This Dossier brings together the articles published in the journal that focus on the subject. It will be found useful for fishworker organizations, civil society organizations, policymakers, researchers and anyone interested in human-rights issues.



ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-Governmental International Organizations. It also has Liaison Status with FAO. 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.