



**DISCUSSION DOCUMENT:  
TOWARDS VOLUNTARY GUIDELINES ON SECURING  
SUSTAINABLE SMALL-SCALE FISHERIES**

FAO, Rome, July 2011



### **Preparation of this document**

The 29th Session of the FAO Committee on Fisheries (COFI), Rome, 31 January – 4 February 2011, agreed on the important role played by the small-scale fisheries sector, particularly for developing countries in the context of food security and poverty alleviation. It 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. The new instrument should be voluntary guidelines that address both inland and marine small-scale fisheries and focus on the needs of developing countries. This discussion document has been prepared as an input into the ongoing process of developing the guidelines.

Further information on the development process of the guidelines can be found at the FAO Homepage – [www.fao.org/fishery/ssf/guidelines/en](http://www.fao.org/fishery/ssf/guidelines/en)

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## ABBREVIATIONS

|               |  |
|---------------|--|
| ACFR          | Advisory Committee on Fisheries Research (FAO/UN)                            |
| CBD           | Convention on Biological Diversity   |
| CCA           | Climate Change Adaptation  |
| CCRF          | Code of Conduct for Responsible Fisheries                                    |
| CEDAW         | Convention on the Elimination of all forms of Discrimination Against Women   |
| COFI          | Committee on Fisheries (FAO)   |
| DRM           | Disaster Risk Management   |
| EAF           | Ecosystem Approach to Fisheries  |
| ESCR Covenant | International Covenant on Economic, Social and Cultural Rights               |
| ICSF          | International Collective in Support of Fishworkers                           |
| ILO           | International Labour Organization  |
| IMO           | International Maritime Organization  |
| IPC           | International Planning Committee for Food Sovereignty                        |
| IPOA          | International Plans of Action  |
| ISDR          | International Strategy for Disaster Reduction                                |
| IUU (fishing) | Illegal, unregulated and unreported (fishing)                                |
| MCS           | Monitoring, Control and Surveillance   |
| MDGs          | Millennium Development Goals   |
| MPA           | Marine Protected Area  |
| PRSP          | Poverty Reduction Strategy Paper   |
| RFB           | Regional Fishery Body  |
| SLA           | Sustainable Livelihoods Approach   |
| Strategy-STF  | Strategy for Improving Information on Status and Trends of Capture Fisheries |
| UDHR          | Universal Declaration of Human Rights  |
| OHCHR         | Office of the High Commissioner for Human Rights                             |
| UN            | United Nations   |
| UNFCCC        | United Nations Framework Convention on Climate Change                        |
| UNDAF         | United Nations Development Assistance Framework                              |
| UNCLOS        | United Nations Convention on the Law of the Sea                              |
| UNESCAP       | United Nations Economic and Social Commission for Asia and the Pacific       |
| WFF           | World Forum of Fishworkers and Fish Harvesters                               |
| WFFP          | World Forum of Fisher Peoples  |
| WSSD          | World Summit on Sustainable Development                                      |
| WTO           | World Trade Organization   |

## PART 1: THIS DISCUSSION DOCUMENT

### INTRODUCTION

#### *Background*

The importance of small-scale fisheries and their role as a contributor to poverty alleviation and food security are increasingly being recognised. Recent estimates<sup>1</sup> indicate that small-scale fisheries contribute close to one half (46 percent) of global marine and inland fish catches. In developing countries this share is estimated at 54 percent. When considering catches destined for direct human consumption, the share contributed by small-scale fisheries increases to two-thirds. They employ over 90 percent of the world's more than 35 million capture fishers and support another estimated 85 million people employed in associated jobs, in particular in fish processing, distribution and marketing. About half of the people employed in small-scale fisheries are women. In addition to the large number of full and part time fishers and fish workers, seasonal or occasional fishing often provide vital supplements to other livelihood activities, in times of difficulties or as a recurrent side-line activity. Small-scale fisheries generate income, provide food for local markets and make important contributions to nutrition. They also represent a diversity and cultural richness that is of global significance.

Small-scale fisheries have been accorded a standalone agenda item in the FAO Committee on Fisheries (COFI) since its 25<sup>th</sup> Session in 2003. In collaboration with several partners, efforts have been invested in improving the understanding of the current situation, challenges and opportunities of small-scale fishing communities in inland and marine waters and in raising the profile of the sector. In 2008, a global conference on *Securing Sustainable Small-Scale Fisheries: Bringing together responsible fisheries and social development* was held in Bangkok, Thailand<sup>2</sup>. The Conference was preceded by a civil society preparatory workshop that confirmed the urgency to address small-scale fisheries rights. The Conference re-enforced the claim that small-scale fisheries have yet to fully realize their potential to significantly contribute to sustainable development and the attaining of the UN Millennium Development Goals (MDGs). Following a recommendation of the 28<sup>th</sup> Session in 2009, the FAO Fisheries and Aquaculture Department embarked on a consultative process<sup>3</sup> to examine the need and various options for an international instrument on small-scale fisheries and a global assistance programme for the sector. This consultative process also aimed at identifying good practices – in particular with regard to governance, resource management through the implementation of an ecosystem approach to fisheries, and disaster risk management and climate change adaptation – that could serve as inputs into the development of an instrument.

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<sup>1</sup> See the preliminary report – The Hidden Harvests, Conference edition – of the so called *Big Numbers Project*, a collaborative initiative by the World Bank, FAO and the WorldFish Center (World Bank/FAO/WorldFish Center, 2010).

<sup>2</sup> The conference was convened by FAO and the Thai Department of Fisheries in collaboration with SEAFDEC and WorldFish Center (see FAO, 2009 b).

<sup>3</sup> Inception workshop for the *FAO Extrabudgetary Programme on Fisheries and Aquaculture for Poverty Alleviation and Food Security* (see FAO, 2010 b) and Regional consultative workshops on *Securing Sustainable Small-Scale Fisheries: Bringing together responsible fisheries and social development* in Asia-Pacific, Africa and Latin America-Caribbean (see FAO, 2010; FAO, 2011; FAO, 2011 b). The workshops were part of a programme development phase funded by the Swedish International Development Agency (Sida) and implemented under the FAO FishCode Programme. The regional consultative workshops were co-funded by the Government of Norway.

The outcomes of this process expressed strong support for the creation of an international instrument as well as the delivery of an assistance programme. At the 29<sup>th</sup> Session of COFI in February 2011, the Committee agreed to these suggestions and recommended that the international instrument should take the form of international voluntary guidelines. Accordingly, the FAO Fisheries and Aquaculture Department now continues its support to small-scale fisheries by preparing – in close collaboration with its partners and sector stakeholders – a proposal for *International Guidelines for Securing Sustainable Small-Scale Fisheries* (hereafter referred to as *the Guidelines*).

The preparation of the Guidelines is expected to be contributing the policy development at national and regional levels and both the final product and the process are hence expected to have considerable impact on securing small-scale fisheries and creating benefits. The process is fully supported by fishers and fish workers worldwide who have pledged their engagement and commitment through their civil society organisations, International Collective in Support of Fishworkers (ICSF), World Forum of Fishworkers and Fish Harvesters (WFF) and World Forum of Fisher Peoples (WFFP), and with the support of the International Planning Committee on Food Sovereignty (IPC).<sup>4</sup>

### ***Purpose and structure of this document***

This document has been prepared as an input into the continued consultations and the development of the Guidelines in accordance with the COFI recommendations<sup>5</sup>. It draws on the outcomes from the recent consultative process as well as other work and discussions by and among FAO and its partners. The document takes its basis in recent information papers presented to COFI under the small-scale fisheries agenda item, in particular the one for the 29<sup>th</sup> Session outlining the potential contents of an international small-scale fisheries instrument<sup>6</sup>.

In addition to this introductory chapter, Part 1 of this document discusses the process of developing the Guidelines, including a proposal for the consultative process. The importance of associating all stakeholders, as appropriate, in developing the Guidelines has been stressed on several occasions as well as in the 29<sup>th</sup> Session of COFI. Part 1 also discusses some overall considerations of the Guidelines such as the title, scope and target audience.

Part 2 of the document proposes and discusses the possible thematic coverage of the Guidelines. It is organised into headings representing different subject matters. Each section starts with a brief description of its intended contents after which some text proposing elements that could be included in the Guidelines are given. At the end of the sections, there are boxes giving comments, information, sources and/or additional ideas with a view to help developing the Guidelines draft text.

In this document, text in boxes is generally comments and NOT suggested contents of the Guidelines as such.

The purpose of this document should be well noted – i.e. a basis for *discussion*. Hence, neither the texts nor the structure proposed Part 2 of the document should be considered as a draft of the Guidelines. The document is meant to be used as a tool for facilitating inputs and

<sup>4</sup> A formal letter was received by the FAO Secretariat on 6 April 2011, signed by ICSF, WFF, WFFP and IPC, to this respect.

<sup>5</sup> While COFI also agreed with the suggestions of a global assistance programme, the focus of this document is on the development of the international instrument.

<sup>6</sup> See FAO, 2011 c; FAO, 2009; FAO, 2007; FAO, 2005 b; FAO, 2003.

contributions to the important process of developing a widely accepted and useful international instrument on small-scale fisheries.

References are given as appropriate throughout the document and a list of key, mainly FAO, publications is provided in APPENDIX 1.

## **THE IMPORTANCE OF PROCESS**

Engaging closely with stakeholders early on and involving them in the process of developing the Guidelines is prerequisite for arriving at a final product that is accepted, respected and applied. The Guidelines will only become useful and have an impact if they are implemented. By working closely with stakeholders from the outset, the development of the Guidelines and their implementation will overlap. It is important that the preparation of the Guidelines is not seen as a separate event but as an integral part of other initiatives. The discussions taking place during the preparation of the Guidelines will influence national and regional policies, strategies, plans and actions and strong stakeholder buy-in will ensure that the instrument becomes an integral part of ongoing governance and development processes.

As mentioned above, a consultative process with regard to good practices in the governance of small-scale fisheries has been ongoing during the last few years. This has given a better understanding of the needs of the sector and of those dependent on aquatic resources for their livelihoods. In addition to recommending that an international small-scale fisheries instrument would be needed, the process has also given good indications of its key elements.

These elements now need to be elaborated further into statements and advice that can form part of the Guidelines. The Guidelines should be a document that is agreed by governments, regional organisations and civil society organisations, and that small-scale fishers, fish workers and their communities across the world feel ownership of and can relate to. The Guidelines should be both inspirational and practical. To achieve this, they have to be anchored in the day-to-day reality of small-scale fishing communities at the same time as taking a long-term perspective with a view to ensure sustainability of aquatic-based livelihoods and the environment they depend on. This requires extensive consultations with all parties concerned, sound technical advice and good negotiation skills – to allow for effective compromises when required.

According to the above, it is suggested that a wide range of stakeholders are asked to provide inputs into the development of the Guidelines. The following ‘consultation strategies’ are proposed:

- Discussions on the Guidelines are included on the agenda of relevant regional and subregional workshops and conferences that deal with issues that are related to the small-scale fisheries sector.
- Dedicated regional and national consultations take place on the Guidelines development and inform relevant national and regional policies, strategies and action programmes.
- Comments and inputs on the discussion paper and on drafts of the Guidelines are formally requested from selected key partners and organisations.
- Drafts of the Guidelines are placed on an FAO small-scale fisheries website that allows for providing comments and inputs.
- FAO convenes an Expert Consultation (to draft text and ensure technical contents).
- FAO convenes a Technical Consultation (to finalise the text and agree on the final contents and wording).



Key milestones in the process include the organisation of an Expert Consultation at the end of 2011 or early 2012 and a progress report to be presented to the 30<sup>th</sup> Session of COFI in 2012. Negotiated final draft Guidelines will be presented for adoption to the 31<sup>st</sup> Session of COFI in July 2014 (see APPENDIX 2 for more details on the tentative time schedule).

## OVERALL CONSIDERATIONS

### *Title*

The title of the Guidelines should appropriately reflect their purpose and contents. While they are likely to be referred to as the ‘Small-scale Fisheries Guidelines’ for short, a more descriptive full title should be sought. Some preliminary ideas include:

- Voluntary Guidelines on Securing Sustainable Small-Scale Fisheries
- Voluntary Guidelines on the Governance and Social Development of Small-Scale Fisheries.
- Voluntary Guidelines to Support the Realization of Secure Livelihoods and Responsible Fisheries in the Small-Scale Sector

It could also be considered not to include the word ‘voluntary’ in the title but rather refer to the instrument as ‘International Guidelines’ or just ‘Guidelines’. This would not imply a change in their formal status but would indicate less emphasis on their voluntary character.

### *Contents, scope and structure*

It is suggested that the Guidelines be divided into a number of sections, each dealing with a certain subject matter or thematic area. The sections would provide recommendations to States (and other stakeholders – see discussion on *Target audience* below) together with information and guidance on the different themes.

The thematic scope of the Guidelines needs to be discussed and decided on during their development process. There is a wide range of themes and issues that relate to the small-scale fisheries sector, in particular when taking a wider livelihoods perspective, and there are different options with regard to the thematic boundaries of the Guidelines. Questions to discuss include, *inter alia*:

- Recognising the need to combine resource management and social development, to what extent should the Guidelines address the wider concept of livelihoods? Should they be limited to aspects that have a direct link to sustainable resource management and responsible fishing, or should they include broader livelihood considerations in coastal and shore-based communities (health, education, etc)?
- To what extent should the Guidelines address concerns of stakeholders outside the small-scale fisheries sector itself? In addition to small-scale fishers, fish workers and their communities who are directly dependent on the sector, there are fish consumers whose livelihoods are influenced by its sustainability and development from a food security and nutritional point of view – should the Guidelines deal with this perspective (food safety, availability of fish locally at affordable prices, etc)? Are there other aspects indirectly linked to the small-scale fisheries sector that need to be included (generation of national income, demography/urbanisation aspects, etc)?

### ***Target audience***

The suggested target audience are all that are concerned with small-scale fisheries and activities related to – influencing or being influenced by – the sector. It includes governments; local, national, subregional, regional and international government and non-governmental organisations; research and academic institutions; civil society and community based organisations; fishers, fish workers and their communities; fishing entities and the private sector including private corporations and investors. The Guidelines could also be directed toward those that are engaged within the fisheries sector as well as those in related fields, e.g. in fisheries management, the food industry or concerned with poverty alleviation, rural development and biodiversity conservation.

With regard to the way the Guidelines assign responsibilities, it needs to be discussed to what extent the Guidelines should address recommendations directly to entities/stakeholder groups other than governments. Typically, international instruments address States (using language such as “States should...”). States are commonly the signatories to conventions and those that formally agree to international instruments, also when voluntary. It should be decided whether the Guidelines should direct explicit recommendations also to other stakeholder groups than those included in the term ‘States’. It could, for example, be important to spell out the role and responsibilities of local governments considering the decentralisation process with regard to natural resources in coastal areas that has taken place or is still ongoing in many countries. The relationship small-scale fishing communities have with governments is often primarily at the local level.

### ***Linkages to other instruments***

It is suggested that the Guidelines be conceived as a standalone document at the same time as they should not duplicate what already exists. They should be consistent with other international and regional instruments and agreements, and constitute a complement to these by providing provisions specific to small-scale fisheries. However, some repetition will be unavoidable – for clarity or because some statements merit being spelled out again.

While there is an important number of instruments that are relevant to the Guidelines, those dealing with human rights (the Universal Declaration of Human Rights – UDHR – and related conventions and declarations) and the Code of Conduct for Responsible Fisheries (CCRF) would appear to be of particular importance. In Part 2 on the potential thematic areas of the Guidelines, these linkages are discussed further.

## **PART 2: THE GUIDELINES – SUGGESTED THEMATIC COVERAGE**

### **PREFACE**

*This section could give a brief background to the Guidelines – along the lines of the Background in the Introduction of this discussion paper.*

### **INTRODUCTION**

#### *Nature and scope*

*This section replies to overall questions about what the Guidelines are, who they are for, what they are intended to apply to and their scope.*

The Guidelines are voluntary and there is no legally binding obligation to endorse or implement them.

The Guidelines are aimed at governments (FAO members and non-members); local, national, subregional, regional and international governmental and non-governmental organisations, research and academic institutions, the private sector, fishing communities, and all others concerned with the fisheries sector, coastal and rural development and the use of the aquatic environment.

The Guidelines apply to small-scale fisheries in all contexts but with a focus on the needs of developing countries and allowing for local solutions when circumstances so require. They are relevant to small-scale fisheries both in marine and inland waters and apply to all parts of the fishery system, i.e. up and downstream activities and actors in addition to fishing operations and fishers (availability and access to inputs, fishing operations and access to resources, and post-harvest activities including processing, distribution and access to markets).

Members of small-scale fishing communities include all those dependent on the aquatic resources for all or part of their livelihoods and well-being: fishers, those involved in post-harvest and upstream activities, and their family members. The Guidelines recognise that small-scale fishers and fish workers can be engaged in the sector full time or part time, or on an occasional basis as a supplement to other livelihood strategies. The activities can be for commercial purposes or for subsistence needs, or a combination of the two. The Guidelines also recognise the interactions between small-scale fisheries, large-scale fisheries and other resource users. [see also section on *CHARACTERISATION AND DEFINITION OF SMALL-SCALE FISHERIES* below]

The Guidelines are in support of national, regional and international initiatives for poverty alleviation and equitable social and economic development, for improving governance of fisheries and promoting sustainable resource utilisation. They are complementary to other international instruments with similar purposes, in particular those related to human rights, sustainable development and responsible fisheries. [see also section on *Linkages to other instruments* below]

The Guidelines are intended to be interpreted and applied in accordance with existing obligations under national and international law. However, where national legislation is inconsistent with the provisions of the Guidelines, the Guidelines may guide amendments and inspire new legislative provisions as well as help supplement customary norms and regulations.

**COMMENTS:**

The Guidelines are *voluntary* but here it may be stated how they relate to other international instruments (see, for example, Art. 1.1 of the CCRF – FAO, 1995). It should also be noted that the fact that they are voluntary does not necessarily make them weaker – it may allow for a broader scope and clearer language than if negotiated as a binding agreement.

***Objectives***

*This section states the purpose and objectives of the Guidelines as well as their expected outcomes.*

The Guidelines are being developed with the purpose to support the accomplishment of a small-scale fisheries vision<sup>7</sup> in which their contribution to sustainable development is fully realized and where:

- they are not marginalized and their contribution to national economies and food security is recognized, valued and enhanced;
- fishers, fish workers and other stakeholders have the ability to participate in decision-making, are empowered to do so and have increased capability and human capacity, thereby achieving dignity and respect; and
- poverty and food insecurity do not persist and where the social economic and ecological systems are managed in an integrated and sustainable manner, thereby reducing conflict.

The objectives of the Guidelines are to give advice and recommendations, establish principles and criteria, and provide information to assist States – including decentralised and local government structures – as well as relevant non-state actors in attaining the vision. Accordingly, the Guidelines intend to:

- Provide a comprehensive framework that enhances the understanding of the actions needed to support small-scale fisheries governance and sustainable development.
- Establish principles and criteria for the elaboration and implementation of national policies and strategies for the enhancement of small-scale fisheries governance and development, and provide practical guidance for implementation of these policies and strategies.
- Serve as a reference tool for governments, their development partners and other stakeholders in the area of small-scale fisheries governance and development with a view to assist in the formulation and implementation of relevant actions and the establishment or improvement of required institutional structures and processes.
- Facilitate cooperation in support of small-scale fisheries governance and development.

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<sup>7</sup> This vision is from the 2004 FAO/UN Advisory Committee for Fisheries Research (ACFR) working group on small-scale fisheries (see FAO, 2004).

- Promote further research and the advancement of the knowledge on small-scale fisheries governance and development.

Within this context, the Guidelines are intended to promote the contribution of small-scale fisheries to the fulfilment of the MDGs and support the implementation of the CCRF and other international instruments for sustainable development and human rights.

### ***Relationship with other international instruments***

*This section clarifies how the Guidelines link to other relevant international instruments and are part and parcel of a larger framework promoting good governance and sustainable development.*

The Guidelines take into account other relevant international instruments, in particular those relating to human rights, sustainable development and responsible fisheries. The Guidelines complement these other instruments and do not intend to alter their provisions or related commitments but to add clarity with regard to their implementation in respect of small-scale fisheries<sup>8</sup>.

\* \* \* \* \*

#### **UDHR**

##### *Article 25.1*

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

#### **International Covenant on Economic, Social and Cultural Rights (ESCR Covenant)**

##### *Article 1*

(1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

(2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

(3) The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

#### **United Nations Declaration on the Rights of Indigenous Peoples (Indigenous Peoples Declaration)**

##### *Article 20*

(1) Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of

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<sup>8</sup> References in this document to international instruments do not prejudice the position of any State with respect to signature, ratification or accession to those instruments.

subsistence and development, and to engage freely in all their traditional and other economic activities.

(2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

*Article 26*

(1) Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

(2) Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

(3) States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

**CCRF**

*Article 6.18*

Recognizing the important contributions of artisanal and small-scale fisheries to employment, income and food security, States should appropriately protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction.

\* \* \* \* \*

The Guidelines also take into consideration the commitments of the MDGs and the outcomes of the UN conferences and summits on sustainable development, including the principles expressed in the **Rio Declaration on Environment and Development** (United Nations Conference on Environment and Development), e.g.:

*Principle 1*

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

*Principle 3*

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

COMMENTS:

In accordance with the text provided above, it is suggested that key elements of relevant international instruments could be quoted in the Guidelines (see, as an example, the introduction of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security – FAO, 2005). Other international instruments that could be mentioned in an introductory section, and/or in subsequent parts of the document, include<sup>9</sup>:

- 
- Declaration on the **Right to Development**
- International Convention on the **Elimination of All Forms of Racial Discrimination**
- Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**)
- **Beijing Declaration and Beijing Platform for Action** (1995)
- Convention on the **Rights of the Child**

<sup>9</sup> Instruments related to human rights are available at <http://www2.ohchr.org/english/law/>.

- **International Labour Organisation (ILO) Conventions** relevant to child labour (Nos 138 and 182), indigenous and tribal peoples (No 169), and work in fishing (Nos 188 and 199).
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (**Migrant Workers Convention**).
- United Nations Convention on the Law of the Sea (**UNCLOS**)
- **Rio Declaration on Environment and Development and Agenda 21**
- Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (**Fish Stock Agreement**)
- Convention on Biological Diversity (**CBD**)
- International Strategy for Disaster Reduction (**ISDR**) and the **Hyogo Framework**
- United Nations Framework Convention on Climate Change (**UNFCCC**)
- The World Summit on Sustainable Development (**WSSD**) and the Johannesburg Plan of Action

It would appear important to convey a balanced framework in the introductory section of the Guidelines, referring to both rights and obligations with regard to human development and the environment (with a view to show how the Guidelines will contribute to both socioeconomic and bioecological sustainable development – for small-scale fishing communities and others, today and in the future). [see also *GENERAL PRINCIPLES* below]

## CHARACTERISATION AND DEFINITION OF SMALL-SCALE FISHERIES

*This section discusses the issue of defining small-scale fisheries and provides guidance in this respect.*

The Guidelines recognise the great diversity of the small-scale fisheries sector and do not prescribe a universal definition of small-scale fisheries.

However, it is important to define, at a national level or in each particular context, what activities and operators that are considered small-scale to ensure transparency and accountability in the application of the Guidelines.

A number of criteria can be used when defining what would constitute small-scale fisheries in a local or national context. These criteria could include:

- Size of fishing craft/vessel and engine
- Type of craft/vessel
- Fishing unit
- Ownership
- Time commitment
- Fishing grounds
- Disposal of catch
- Utilisation of catch
- Knowledge and technology
- Integration into economy

[see also *COMMENTS below and APPENDIX 3*]

The importance of fishing as part of a traditional way of living could also be a key consideration, e.g. among indigenous people who have engaged in fishing traditionally. It could be argued that because of the cultural importance of their profession and their dependence on aquatic resources for their traditional livelihoods, their choice to be fishers/fish workers should be respected. [see United Nations Declaration on the Rights of Indigenous Peoples, Article 20, above]

Definitions should be aligned with the inclusive view of fishing communities and include those employed in the postharvest subsector and in other shore based activities. It is particularly important to ensure that the often 'hidden' work carried out by women (because of lack of data and/or a gender biased perspective of the sector) is included.

### COMMENTS:

The fisheries sector is extremely diverse and there is no globally agreed definition of small-scale vs. large-scale fisheries. While the Guidelines could attempt to offer such a definition, this is likely to be difficult and it may be more relevant to provide guidance on how to approach the issue at the local and national level.

An FAO Working Group on small-scale fisheries that convened in Bangkok, Thailand, in 2003 concluded that it is not possible or useful to attempt to formulate a universal definition of small-scale fisheries considering their diversity and dynamism. The following description of the sub-sector was agreed upon:



*Small-scale fisheries can be broadly characterized as a dynamic and evolving sector employing labour intensive harvesting, processing and distribution technologies to exploit marine and inland water fishery resources. The activities of this sub-sector, conducted full-time or part-time, or just seasonally, are often targeted on supplying fish and fishery products to local and domestic markets, and for subsistence consumption. Export-oriented production, however, has increased in many small-scale fisheries during the last one to two decades because of greater market integration and globalization. While typically men are engaged in fishing and women in fish processing and marketing, women are also known to engage in near shore harvesting activities and men are known to engage in fish marketing and distribution. Other ancillary activities such as net-making, boatbuilding, engine repair and maintenance, etc. can provide additional fishery-related employment and income opportunities in marine and inland fishing communities. Small-scale fisheries operate at widely differing organizational levels ranging from self-employed single operators through informal micro-enterprises to formal sector businesses. This sub-sector, therefore, is not homogenous within and across countries and regions and attention to this fact is warranted when formulating strategies and policies for enhancing its contribution to food security and poverty alleviation. (FAO, 2004, quoted in Béné, Macfadyen and Allison, 2007, p 7)*

The issue of defining small-scale fisheries was discussed in the context of the so called “Big Numbers Project”. In APPENDIX 3, a table on categories and characteristic of fisheries similar to one prepared during the work of the project is included (see also World Bank/FAO/WorldFish Center, 2010).

## GENERAL PRINCIPLES

*This section deals with the basic principles that are proposed to underpin the Guidelines.*

The Guidelines are based on principles of good governance, including transparency and accountability. They promote participation and are inclusive. Social responsibility and solidarity are supported.

The Guidelines take a human rights approach to development, recognising that everyone – including disadvantaged groups – have legally mandated rights.

Equitable development is fundamental and the Guidelines promote gender equality, non-discrimination, and respect and involvement of all relevant stakeholders.

The Guidelines promote holistic and integrated approaches that combine natural resource and ecosystem management and social and economic development. Equal consideration of the environment, social and economic development needs, and community rights should be given<sup>10</sup>. Sustainability is a key concept that is valid both for bioecological aspects and human dimensions. Actions should be guided by the precautionary approach and risk management to guard against undesirable outcomes, including not only overexploitation of fishery resources and negative environmental impact but also unacceptable social and economic consequences.

The Guidelines adhere to the framework provided by the CCRF and recognises the Ecosystem Approach to Fisheries (EAF) as an important guiding principle, embracing the notions of participation, comprehensiveness and sustainability of all parts of ecosystems – including people's livelihoods.

### COMMENTS:

The general principles cited above are not exclusive to the Guidelines but tend to be the basis of many international instruments. Most of the principles are also dealt with under the subsequent thematic headings below. However, it is suggested that some principles are fundamentally important and hence merit special mention at the beginning of the document.

*Good governance* can be described to have eight major characteristics: “participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.” (UNESCAP. 2008. What is good governance? Web site of the United Nations Economic and Social Commission for Asia and the Pacific).

<sup>10</sup> See also Kurien & Willmann, 2009.

## **PARTICIPATION OF STAKEHOLDERS AND REPRESENTATION**

*This section discusses the importance of effective participation of concerned communities and other stakeholders in decision-making and actions relating to the governance and development of small-scale fisheries.*

The Guidelines promote the application of inclusive and participatory approaches in all decision-making, planning and implementation processes that concern small-scale fishers, fish workers and their communities.

Meaningful consultations and participation by all stakeholders (directly or through their selected representatives), and particularly the disadvantaged, should be fostered and promoted in relevant decision-making processes. Promotion of gender equality, integration of gender concerns and perspectives and empowerment of women are required. Consultation processes and means should take account of the occupational specificities of stakeholders, customary practices and facilitate access to the consultations by all concerned people. Everyone has a right to participate directly or indirectly in decisions that affect them and provisions should be made through capacity building, organisational development and the use of communication methods that are appropriate to the target group to ensure that those concerned have the capabilities and incentives to engage effectively.

The Guidelines encourage participatory decision-making at the lowest possible decentralized level (principle of subsidiarity). Relevant overarching policies, legal and organizational frameworks should be based on public consultation and participation. The Guidelines recognise small-scale fishing and associated activities as economic and professional operations (also when part time or occasional for subsistence since they contribute, often in a vital way, to livelihoods). Hence, small-scale fishers and fish workers should be represented in relevant local and national professional and sector bodies (e.g. fisheries and coastal resources management councils). Furthermore, vertical links in decision-making processes – from the local level to the provincial, national, regional and international levels – with appropriate representation of different interests at each level should be established, ensuring that local concerns are appropriately reflected in broader policies and action programmes.

Planning and implementation processes should entail that free, prior and informed consent by affected local small-scale fishing and indigenous communities is obtained before adopting and implementing projects, programmes, or legislative and administrative measures which may affect them in order to avoid adverse development impacts.

Conflict resolution mechanisms need to be in place for addressing potential disputes among stakeholders in participatory decision-making processes. The means for appropriate conflict resolution are context specific and must be culturally relevant.

**COMMENTS:**

Participation, stakeholders' rights to influence decisions concerning their lives and livelihoods and to be represented as well as the need for conflict resolution mechanisms are mentioned in and supported by several existing instruments:

**CCRF** (Article 6.13) affirms that "States, in accordance with appropriate procedures, should facilitate consultation and the effective participation of industry, fishworkers, environmental and other interested organizations in decision-making with respect to the development of laws and policies related to fisheries management, development, international lending and aid.", and (Article 10.1.2) "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", as well as (Article 10.1.5) "States should promote the establishment of procedures and mechanisms at the appropriate administrative level to settle conflicts which arise within the fisheries sector and between fisheries resource users and other users of the coastal area".

The **Indigenous Peoples Declaration** (Article 18) states that "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions." The Declaration also states the right to "Free and Prior Informed Consent" (e.g. in Articles 11 and 28).

The **Rio Declaration on Environment and Development** (Principle 22) states that "Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development."

The **Migrant Workers Convention** (Article 42.2) pronounces that "States of employment shall facilitate, in accordance with their national legislation, the consultation or participation of migrant workers and members of their families in decisions concerning the life and administration of local communities".

**CEDAW** (Article 14) states that, in the context of rural development and on a basis of equality of men and women, States should ensure that women have the right to "participate in the elaboration and implementation of development planning at all levels".

One issue in the context of participation that the Guidelines may want to clarify is how *relevant* stakeholders are identified, i.e. who should be involved and how. While the Guidelines are suggested to take an inclusive approach overall, the identification and involvement of stakeholders may not always be straight forward in practice. The range of potential stakeholders spans from those directly engaged in small-scale fisheries activities (fishing, post-harvest operations, etc), and their family members and communities, to other members of local and national economies, and other entities of the larger fisheries and aquaculture sector.

In the currently common move in many countries towards decentralisation and devolution of decision-making and resource management responsibilities to the local level, increased attention is given to the use of traditional and customary structures and procedures to ensure community participation. However, while empowering local traditional institutions is appropriate in many

cases, they do not necessarily represent social equality. Fishing communities are generally heterogeneous entities and there is no guarantee that a redistribution of powers from central governments to local leadership automatically creates an equitable distribution of rights and benefits within the community<sup>11</sup>. There may exist, for example, cultural barriers to the participation of women or migrants that would need to be addressed. To the extent that the Guidelines will promote traditional institutions and customary practices, this potential caveat may need to be considered.

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<sup>11</sup> See, for example, Béné C. & Neiland A. 2004. Empowerment reform, yes... but empowerment for whom? Fisheries decentralization reforms in developing countries: a critical assessment with specific reference to poverty reduction. *Aquatic Resources, Culture and Development*. (1) 1. Pp35-49.

## RESOURCE GOVERNANCE, ACCESS REGIMES AND ENFORCEMENT

*This section discusses the need for securing sustainable resource use and applying access regimes that are commensurate with the livelihood needs of small-scale fishing communities.*

### ***Access and governance principles***

The Guidelines recognise the necessity for a sustainable use of aquatic and other natural resources and to fulfil the right to development by meeting both developmental and environment needs of present and future generations.

The Guidelines acknowledge EAF as a guiding principle for resource management that takes both human and bioecological considerations into account. The approach should be applied in a way that is community-centered and consistent with the livelihood reality of small-scale fisheries and human rights principles. The protection of the rights of the most disadvantaged groups needs to be given particular attention. Co-management and other participatory arrangements should be promoted for all inshore and inland waters, including in the context of marine protected areas (MPAs). The Guidelines support the promotion of awareness raising with regard to rights and for enabling small-scale fishers, fish workers and their communities to claim their rights.

The Guidelines also recognise the need for small-scale fisheries communities to secure access to the resources (lands and waters) that form the basis of their livelihoods. Local norms and practices as well as customary or otherwise preferential access to fishery resources, land and territories, by small-scale fishing communities including indigenous peoples, should be considered in ways that are consistent with human rights<sup>12</sup>. Management regimes need to be attuned to socio-cultural realities and recognise that these are often based on conception of coastal lands and fishing grounds as community resources.

The Guidelines realize that there is often competition over resources and multiple user issues exist, in particular in inland waters. The same waters are used for a number of human activities other than fisheries including aquaculture, power generation, agriculture, navigation, tourism, urban and industrial water supplies and waste disposal, oil exploration and drilling, and siting of ports and harbours. Considering the fast growth of aquaculture in many places, the interaction and competition between this sector and small-scale fisheries may need to be given special attention. Competition for coastal areas in a context of economic growth is a growing concern. It is important that concepts of social and economic value and use are developed for fisheries so that fisheries interests can be properly represented in the allocation debate and development plans.

### ***Responsibilities and enforcement mechanisms***

Small-scale fishing communities should be bestowed the right and responsibility to restore, protect and manage local aquatic and coastal ecosystems on which they depend for their well-being and that they have used traditionally for their livelihoods. There is a close link between fisheries management and biodiversity conservation, made explicit in EAF, and small-scale fishers have an important role and responsibility to take on in this context.

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<sup>12</sup> See also Sharma, 2008.

Destructive fishing should be eradicated and small-scale fishers encouraged to develop environmentally friendly fishing methods and practices suitable to their needs and their environment. Illegal, unregulated and unreported fishing (IUU) and marine and other pollution, within and outside the sector, should be tackled. The Guidelines encourage the development of appropriate technologies and practices for responsible fisheries and minimum ecosystem impact, and for enforcing existing management regulations.

The Guidelines recognise the existence of conflicts between small-scale fishers and large-scale fishing operations over resource access and that the former often are the weaker party in such conflicts. Mechanisms for resolving conflicts are needed and small-scale fishers should be supported in reasonable claims for exclusive access to (traditional) fishing grounds. Their fishing rights need to be protected through the putting in place and support to adequate monitoring, control and surveillance (MCS) systems.

The Guidelines support approaches to resource governance that combine fisheries management and social and economic development. They recognise the need for appropriate incentives (institutional, legal, economic, social) for small-scale fishing communities to sustainably manage, also in the short-term, the aquatic resources they and future generations depend on for their well-being. The Guidelines support the elimination of harmful and inequitable subsidies and other unsustainable economic practices.

### ***Safety-at-sea***

The Guidelines recognise the complexity that surrounds safety-at-sea issues, the multiple causes behind deficient safety and the link between safety-at-sea and responsible fisheries. Designing and implementing an appropriate system of fisheries management can reduce pressure on fishers to harvest fish before others do so and hence remove the incentive to ignore safety. An effective approach to safety-at-sea involves prevention, survival and self-rescue, and search and rescue. Holistic and participatory approaches are required, including technology development and boat construction improvements, training and awareness raising, and management regulations and enforcement. Relevant considerations and safety-at-sea components should be integrated in all relevant fisheries projects and initiatives. The Guidelines strongly support safety-at-sea measures and the improvements of working conditions such measures entail.

#### **COMMENTS:**

The theme of this section (resource governance and access regimes) is, together with social and economic development below, central to the Guidelines and possibly the areas where most of the new thinking – based on human rights approaches – will appear and be translated into provisions on securing rights for small-scale fishing communities with a view to promote good governance and sustainable development. This rights based framework is already reflected in several existing international instruments (e.g., **UDHR** and the **Indigenous Peoples Declaration** – see above) but there is a need to articulate how it could be applied to small-scale fisheries, linking fishery rights with human rights.

This is also an area where both socioeconomic and bioecological sustainability needs to be considered and reconciled for truly long-term benefits. **CCRF** and **EAF** form a valid framework in this respect but, again, further guidance is needed for its application to small-scale fisheries.

Based on the general principles of the Code, a number of other instruments have been developed addressing specific needs in relation to sustainable resource management. Several of these

International Plans of Action (IPOA) have particular relevance to small-scale fisheries (see FAO 1999; FAO, 2001):

- IPOA for the conservation and management of sharks (1999)
- IPOA for the management of fishing capacity (1999)
- IPOA to prevent, deter and eliminate illegal, unreported and unregulated fishing (2001)

The **CBD** focuses on biodiversity conservation and its intrinsic value. The Convention states, among other things, that contracting parties shall “integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies”(Article 6). At the same time it recognises “the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components” (see also below). The **Rio Declaration on Environment and Development** also emphasises the need for equitably meeting developmental and environmental needs, e.g. in Principle 4: “In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it” (see also Principle 3 quoted on page 14 above).

FAO is currently developing *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*. These will also address tenure in the context of fisheries – a concept closely related to access rights. These guidelines are likely to suggest that tenure of land and other natural resources be addressed in a coordinated manner since the livelihoods of many people, particularly the rural poor, tend to depend on access to a range of natural resources (see <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>).

The Guidelines can provide advice on different issues and at different levels of detail. Issues that would appear to fall under the overall heading of resource governance and access regimes include, *inter alia*, assignment of overall access rights and responsibilities for management (measures) and enforcement.<sup>13</sup> The Guidelines could give recommendations in these areas, either promoting certain approaches in general terms (e.g. implementation of EAF, promotion of participatory and co-management arrangements) or be more precise (e.g. defining areas for exclusive use by small-scale fisheries, or suggesting “scale subsidiarity” whereby larger fishing units are considered in a fishery only after exhausting the possibility of employing smaller fishing units). The Guidelines could also prescribe considerations and criteria to be taken into account with regard to fisheries access agreements (distant-water fleets gaining access to foreign waters) and advice on what status to give customary governance systems.

The essence of an access regime is to decide who can fish where, when and how. This is likely to lead to questions of definition – who is a small-scale fisher, what does ‘traditionally’ mean? While it may be difficult to include precise judgments in the Guidelines, they could attempt to provide guidance with regard to the criteria and processes that could be used to clarify these issues at the local and national levels (see also the section on *CHARACTERISATION AND DEFINITION OF SMALL-SCALE FISHERIES* above).

The functioning of and compliance with desirable resource governance regimes tend to require incentives. These can be both negative, i.e. enforcement through penalties, and positive that induce the desired behaviour. The Guidelines may provide guidance in this respect, including on the abolishment of perverse incentives, i.e. those with harmful effects such as certain types of

<sup>13</sup> See for example Cochrane & Garcia, 2009.



subsidies. The CBD (Article 11) urges contracting parties to “adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity”.<sup>14</sup> In the context of small-scale fisheries and poverty, incentives may be created by using an integrated approach, combining fisheries management with social and economic development (see also the section on Social and Economic Development below). Fisheries subsidies are currently part of the World Trade Organization (**WTO**) negotiations on the Doha agenda. While no agreement has been reached yet, there are proposals to forbid certain types of subsidies (those leading to overcapacity and overfishing) and allowing others on the condition that there are basic fisheries management systems in place.

The issue of enforcement and needs for improvements in MSC systems were discussed in a meeting – *Third Global Fisheries Enforcement Training Workshop* – organised in Maputo, Mozambique, on 28 February – 4 March 2011 by the the International MCS Network (see <http://www.gfetw.org/>). In the context of small scale fisheries, MCS issues were considered to fall largely into two categories: (i) concerns over large-scale vessel encroachment into coastal areas and fishing grounds reserved for, and used by, small-scale fishers and the damage this causes (to stocks, catches, gear, vessels, fishers, communities, etc), and (ii) concerns over illegal fishing done by small-scale fishers themselves, including destructive fishing practices (especially the use of toxins) and overfishing. These concerns also relate to the low or deficient barriers to entry (*de facto* open access) and a lack of controls given the high number of vessels and beach landing sites, as well as the often poor quality of vessel construction and an overall lack of priority given to MCS.

FAO, ILO and the International Maritime Organization (IMO) cooperate in the area of safety-at-sea and have recently produced a final draft on *Safety Recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels*. There are also **ILO** international instruments that specifically target the fishing sector and the working conditions of fishers: Work in Fishing Convention (No. 188) and Work in Fishing Recommendation (No. 199). These instruments aim at providing decent work to fishers. On the website <http://www.safety-for-fishermen.org/en/> more information on the issue is available.

The above comments refer particularly to fishery resource management and fishers access to these but similar reasoning could be applied to related issues and stakeholders; access to other resources (e.g. land in coastal areas) and by other socioprofessional groups (e.g. fish processors having secure access to fish – see also the section on *POSTHARVEST, EMPLOYMENT AND VALUE CHAINS* below).

\* \* \* \* \*

**CCRF** (Article 10.1.3) affirms that “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”.

Key features of **EAF** (see FAO, 2003 b; FAO, 2009 c) include:

- it is participatory, at all levels of the planning and implementation steps;
- it is comprehensive: it ensures that all key components of the fishery system are taken into consideration, including those related to the ecological, social-economic and governance dimensions, while also taking into account external drivers;
- it encourages use of the ‘best available knowledge’ in decision-making, including both scientific and traditional knowledge, while promoting the precautionary approach including

<sup>14</sup> See also FAO, 2009 c, and De Young, Charles & Hjort, 2008, for a discussion on incentives in relation to EAF.

the notion that decision making should take place also in lack of detailed scientific knowledge;

- it promotes the adoption of an adaptive management system and stresses the importance of establishing mechanisms for feed-back loops at different time scales to adjust the tactical and strategic performance based on past and present observations and experiences;
- it evolves from existing fisheries management institutions and practices.

**CBD** (Article 10) on *Sustainable Use of Components of Biological Diversity* states that Each Contracting Party shall, as far as possible and as appropriate:

- (a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;
- (b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;
- (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- (d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and
- (e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

## **SOCIAL AND ECONOMIC DEVELOPMENT**

*This section addresses the need for taking a holistic approach to social and economic development in order to address poverty and reduce the vulnerability of small-scale fishing communities.*

### ***Holistic perspective on poverty and related vulnerabilities***

The Guidelines recognise the multiple roles played by small-scale fisheries in employment – including for women in post-harvest activities – and income, and for food supplies. The importance of small-scale fisheries for nutrition should be given priority attention.

The Guidelines acknowledge the diversity and complexity of livelihoods in many small-scale fishing communities. While livelihoods tend to be predominantly based on aquatic resources – and fishing and related activities – there are also parallel and complementary strategies forming a web of cross-sectoral linkages. The many influences of other, including land-based, activities (agriculture, aquaculture, industry, mining, etc) on small-scale fisheries and their resources are also noted. In particular in inland waters, multiple use competition over resources often exists and needs to be constructively addressed, taking care not to marginalise small-scale fishing communities.

The Guidelines stress the need to understand that poverty in small-scale fishing communities is a multidimensional issue that is not only income-based but refers to a combination of basic civil, cultural, economic, political and social rights. Small-scale fishing communities often exhibit high levels of vulnerability that is not only due to their dependence on exploiting a limited natural resource and the inherent unpredictability of the fishing profession, but that is also influenced by their often remote locations, low levels of education, ill-health, lack of access to housing, safe drinking water and social services (sanitation and child care facilities), and weak economic and political powers. Increased attention to social development is needed to ensure that small-scale fishing communities are not marginalised and that their members can enjoy their rights as human beings and members of society.

The Guidelines promote integrated and holistic approaches to governance and development that take this complexity into consideration and are based on a human rights perspective. Increased attention to social development (health, education, etc) is needed to ensure that small-scale fishing communities are not marginalised and that their members can enjoy their rights as human beings and members of society. Access to other services that are essential to social and economic development, e.g. savings, credit and insurance schemes (appropriate for the needs of small-scale fishing communities) should also be promoted.

### ***Income security and alternative livelihoods***

The Guidelines recognise the need for small-scale fishing community members to have secure incomes and they support actions that aim at improving earnings from fisheries related activities or creating complementary or alternative income-generating activities. Post-harvest losses should be avoided and value addition created for increased product availability, quality and value. Small-scale fishing communities should equitably benefit from developments such as tourism and aquaculture.

The Guidelines support the development and dissemination of technologies and practices that reduce the energy consumption of fishing and other related activities. Such developments could include, for example, gear modifications that lead to decreased fuel use or more efficient fish smoking ovens requiring less fire wood. The small-scale fisheries sector is encouraged to minimise its environmental impact at the same time as improving the financial viability of its operations.

When value chain structures are altered (because of, for example, changes in trade patterns), careful attention should be given to how small-scale fishers and fish workers are affected, especially women and poorer groups. The Guidelines encourage the provision of support to improve access to necessary assets, credit, services, and markets – including to information on new technologies, consumer preferences and export trade requirements. Greater benefits for small-scale fishers and fish workers should be sought by improving their access to regional and international markets while taking local food security needs and the development of domestic markets into consideration (see also the section on *POSTHARVEST, EMPLOYMENT AND VALUE CHAINS* below).

**COMMENTS:**

The topic of this section – social and economic development – is very broad and the Guidelines could cover a multitude of aspects and issues related to the wider concept of livelihoods (see also the section on *Contents, scope and structure* in Part 1 above). Several issues have been incorporated in the text above but a summary list of needs mentioned during the consultative process include<sup>15</sup>:

- Diversified livelihoods, equitable benefits from alternative economic activities (e.g. tourism and aquaculture) and empowerment of communities to better benefit from their resources;
- Post-harvest value-added and access to national, regional and international markets (including issues relating to consumer preferences, eco-labelling and certification schemes) at the same time as considering local fish supply needs;
- Improved post-harvest and marketing infrastructures;
- Access to adequate saving, credit and insurance schemes;
- Access to social services (health, education, safe drinking water, sanitation);
- Addressing HIV/AIDS.
- Vulnerabilities to natural disasters and need for appropriate DRM and CCA strategies and actions.

The right to a decent standard of living is part of the fundamental human rights (see UDHR, Article 25, cited on page 13 above). This right is further enforced in other instruments, for example, in the **Declaration on the Right to Development** (Article 8.1) which affirms that: "States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices."

<sup>15</sup> See also footnote 17 and FAO, 2011; FAO, 2011 b; FAO, 2011 c; FAO, 2010. Other related topics, e.g. the need for capacity building and cross-sectoral coordination, which constitute key means for achieving social and economic development, are discussed in the sections below.

The **Rio Declaration on Environment and Development** (Principle 5) emphasises the need to address poverty: “All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world”.

Moreover, the importance of education and health is emphasised in the **MDGs** that includes targets for Universal educational, child health and maternal, and combating HIV/AIDS.

With regard to compensation for protection of ecosystem services, the Guidelines may want to provide advice through best practices. Moreover, there is a need to provide guidance on how to deal with cases of expropriation or loss of (or restrictions on) access to resources.

Also in **UNFCCC**, the need for development is stated: “The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change” (Article 3.4).

On the issue of international fish trade, CCRF makes reference to the **WTO** and its provisions should be interpreted and applied in accordance with WTO agreement. CCRF (Article 11.2.15) also declares that “States, aid agencies, multilateral development banks and other relevant international organizations should ensure that their policies and practices related to the promotion of international fish trade and export production do not result in environmental degradation or adversely impact the nutritional rights and needs of people for whom fish is critical to their health and well-being and for whom other comparable sources of food are not readily available or affordable.”.

## DISASTER RISKS AND CLIMATE CHANGE

*This section discusses the specific vulnerability of small-scale fishing communities with regard to disaster risks and climate change.*

The Guidelines recognise that many small-scale fisheries communities are vulnerable to natural disasters and climate change. They are often located in areas that are prone to natural disasters; where land and water meet is one of the most environmentally dynamic environments that exist.

While considerable uncertainties and research gaps remain, it is clear that climate change will have a variety of impacts on fisheries and aquaculture. Among other things, climate variability and change are leading to generally more frequent extreme weather events and natural disaster hazards. Population growth and demographic changes contribute to increasing the effects of disasters. At the same time, climate change and disasters will influence migration patterns and may induce displacements. Disaster risk management (DRM) and climate change adaptation (CCA) policies and interventions that respond to the specific needs of small-scale fisheries, recognising that special considerations must be given to fishing communities living on small islands, thus need to be an integral part of policies and action programmes for small-scale fisheries governance and development.

The Guidelines note that fishing communities, as other communities, can be subject to difficult circumstances in cases of conflicts and wars. The impact of such emergencies need to be considered in the light of fishing communities' dependence on aquatic resources and sometimes fragile marine or inland water ecosystems.

In the context of disasters, the relief-development continuum, and how emergency response and disaster preparedness are related, need to be understood and considered. Longer-term development objectives need to be considered throughout the emergency sequence, including in the immediate relief phase, and the rehabilitation, reconstruction and recovery should include actions to reduce vulnerabilities to potential future threats.

### COMMENTS:

The International Strategy for Disaster Reduction (**ISDR**) is a UN initiative and a partnership system that "aims at building disaster resilient communities by promoting increased awareness of the importance of disaster reduction as an integral component of sustainable development, with the goal of reducing human, social, economic and environmental losses due to natural hazards and related technological and environmental disasters"<sup>16</sup>. Within this framework, a strategic and systematic approach to reducing vulnerabilities and risks to hazards was agreed at a world conference in Japan in 2005 (the **Hyogo Framework** – see also page 39).

Disaster response and management of disaster risk can be described as a sequence of events or phases, each requiring different and specific actions. This disaster cycle – or emergency sequence – consists of a continuum of activities before and immediately after the disaster, and in transition to longer-term development. These three main phases include the following types of actions:

#### Reducing vulnerabilities:

- *Risk assessment* to understand the potential hazards, existing vulnerabilities and possible threats

<sup>16</sup> ISDR Mission statement (see <http://www.unisdr.org/>).

- *Prevention and mitigation* of events and processes that could result in disasters
- *Preparedness* to respond rapidly and effectively if disasters occur
- *Early warning* to provide information before potentially disastrous events and as soon as possible immediately after

Emergency response:

- *Search and rescue* and other immediate response to a disaster
- *Impact and immediate needs assessment* following a disaster
- *Relief, or emergency response* to address humanitarian needs and to protect livelihoods following a disaster

Transition planning:

- *Rehabilitation* to initialise the restoration and rebuilding of livelihoods
- *Reconstruction* for replacing destroyed infrastructure
- *Sustainable recovery* for longer-term re-establishment and enhancement of livelihoods and livelihood support structures

(see also Thematic Background Paper No 3 in Appendix E of FAO, 2010 b, and Westlund *et al*, 2007).

## POSTHARVEST, EMPLOYMENT AND VALUE CHAINS

*This section discusses the importance of the postharvest sector and addresses issues related to processing, distribution and marketing.*

The Guidelines recognise the importance of the postharvest sector, comprising all activities from when the fish has been caught until it reaches the consumer. This integral part of the fishery system employs more people than the primary production subsector and most of these are women. In addition to its direct role in providing livelihoods and supporting food security, the sector plays an important role at the national level, generating tax revenues and foreign exchange. Full consideration and adequate integration of the postharvest sector and value chain aspects in small scale-fisheries governance and development are prerequisites for the sustainability of sector as a whole.

The Guidelines acknowledge that the way the postharvest sector is structured influences the earnings made by the different actors of the value chain as well as the quality and price of the fish that reaches the consumer. It is recognised that especially marginalised small-scale processors and traders can be caught in a poverty trap because of their situation of dependence on fishers, consumers and stronger value chain actors. In other situations, post-harvest operators occupy a powerful role in financing primary production, including equipment and working capital for fishing trips. Recognising the potential dilemma of balancing the need for decent incomes for fishers and postharvest workers with the necessity to supply products within reach for poor consumers, the Guidelines promote fair marketing practices and equitable pricing of fish and fishery products as well as just access to working capital at the different stages of the value chain allowing small-scale fishers, fish processors and traders to make a decent living from their profession. It is recognised that earnings made in the female dominated postharvest sector can be particularly important for household wellbeing since women tend to spend their income on family support.

The Guidelines appreciate the central role the postharvest sector and its actors have in the value chain, constituting the link between resource utilisation (supply) and consumption (demand). The sector is in a sensitive position as its performance is influenced by practices and factors in both the upstream (fishers/primary production) and downstream (consumers/consumption) segments. At the same time, the postharvest sector is in a potentially powerful position to influence resource utilisation. The impact of consumer demand, channelled through marketing and processing structures (including through financing as mentioned above) on fishing effort and practices is recognised and the Guidelines support organisational development and empowerment of the postharvest sector as a means to improve fisheries management. Postharvest actors need to be sensitised about the importance of effective fisheries management and their responsibilities in this respect.

In this context, it is recognised that eco-labelling and certification schemes may have potentially beneficial effects with regard to promoting sustainable resource utilisation. However, care has to be taken that such arrangements do not exclude small-scale producers from markets because the administrative requirements and costs of certification are beyond their reach.

It is recognised that postharvest losses can be important in the small-scale sector due to suboptimal handling and lack of appropriate equipments and infrastructure (e.g. preservation and processing, storage, transport). Improved postharvest handling can increase the amount and



quality of fish available to consumers without intensifying fishing pressure. Limited access to market information as well as insufficient capacity to manage and use such information can further impair the possibilities of the small-scale sector to effectively supply markets and to secure incomes. The Guidelines encourage support to minimise postharvest losses, increase value-added creation and improve market information for the benefit of small-scale fishers, fish workers and consumers. At the same time, it is recognised that quality improvements do not always entail a price premium but consumer preferences are shaped by socio-economic and cultural factors. Lack of knowledge and information on behalf of consumers may also influence purchase decisions and the Guidelines hence support better information for and sensitisation of consumers.

Recognising that fish and fishery products are among the most traded food commodities in the world, the Guidelines support actions towards improving the access to lucrative export markets by the small-scale fisheries sector. However, access to national, regional and international markets need to be given attention at the same time as considering local fish supply needs and food and nutrition security. Development of local and national markets and distribution structures is encouraged.

The Guidelines support technology developments, improvement of processing and marketing practices and development of adequate infrastructures that enhance the quality of fish, limit the use of other inputs needed for fish processing (e.g. water, fire wood) and improve the working conditions for fish processors and traders. The negative health effects of in particular fish smoking are particularly urgent to address. The availability of financial services and credits is also an important component of a wholesome postharvest sector as it influences bargaining positions and capacities to invest in value-added and quality improvements.

**COMMENTS:**

Article 11 of the Code [of Conduct for Responsible Fisheries] deals explicitly with postharvest practices and trade and promote responsible fish utilisation. Among other things, the article states that “due consideration to the economic and social role of the post-harvest fisheries sector when formulating national policies for the sustainable development and utilization of fishery resources” (11.1.5) and that “States should cooperate in order to facilitate the production of value-added products by developing countries (11.1.10).” States are also urged to “encourage the use of fish for human, consumption and promote consumption of fish whenever appropriate” (11.1.9) and there should be “appropriate measures to ensure the right of consumers to safe, wholesome and unadulterated fish and fishery products”. In this context, it can be noted that a study of postharvest losses in small-scale fisheries in Africa found that “balancing technical interventions to improve fish quality with the potential increase in selling prices, associated with better quality fish with the demand for cheaper fish by low-income consumers, is an important dilemma.” (Akande & Diei-Quadi, 2010). With regard to fish trade, the Code points out that its provision should be “interpreted and applied in accordance with the principles, rights and obligations established in the World Trade Organization (WTO) Agreement” (11.2.1).

A study of the effects of international fish trade on food security notes that it has an impact “(a) indirectly, as a source of livelihood through employment and income generated by the fisheries sector; and (b) directly, in the form of fish as food (page xiii, Kurien, 2005). The study finds that fish trade can have a positive impact on food security but cautions that “sustainable resource management practices are a necessary condition for sustainable international trade” (page xiii). Moreover, “understanding the impact of international trade in fishery products on food security

cannot be achieved by examining the quantitative and economic dynamics of trade alone. It needs to be supplemented with analysis of the institutional and technological options; nature specificities; gender and cultural differences; consumption patterns and information needs that can influence trade.” (page 57).

The *Ecolabelling guidelines for fish and fishery products from marine capture fisheries* (FAO, 2009 e) acknowledges the “often high costs of accreditation and certification” (page 3) and encourages “States, relevant intergovernmental and non-governmental organizations and financial institutions [...to] provide developing countries and countries in transition with financial and technical assistance to develop and maintain appropriate management arrangements that will allow them to participate in such [schemes]” (page 2) as well as to consider support towards the costs involved” (page 3). A review of current practices and emerging issues with regard to private standards and certification in fisheries in aquaculture (see Washington & Ababouch, 2011) notes that “certification to private standards schemes is problematic for many developing countries. Developing country operators remain underrepresented particularly among the ranks of certified fisheries (ecolabels) and certified fish processors” (page 17). The Guidelines may want to include proposals for how ecolabelling arrangements can be set up to provide incentives for sustainable small-scale fisheries.

## **SOCIAL AND GENDER EQUALITY**

*This section outlines considerations concerning social and economic equality and equity, including the need for gender mainstreaming, addressing child labour in fisheries and avoiding discrimination or marginalisation of certain stakeholder groups.*

### ***Social and economic equality and equity***

The Guidelines promote social and economic equality and equity. They apply in the context of small-scale fisheries without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. All policies and actions with respect to small-scale fisheries governance and development should be non-discriminatory.

The Guidelines support awareness of the socioeconomic conditions and basic needs of fishing communities in general and of women, children, migrants and other marginalized groups in particular.

The Guidelines support actions that aim at ensuring security and safety and combat crimes against fishers and their families (piracy, theft, mafia activities in fishing communities). In the context of gender, it is particularly important to secure an environment of safety and freedom from violence and sexual abuse for women within households and communities. Moreover, the Guidelines recognise the need to address underlying causes and consequences of border violations, leading to the arrest or detention of fishers in neighbouring countries, and to promote fair and just treatment.

Recognising that social, economic and political marginalisation is a cause for increased vulnerability and hence contributes to poverty, the Guidelines promote actions that foster fair and equal treatment of all socioprofessional and stakeholder groups. Policies and action programme should be based on a quest for justice, fair treatment, provision of equal opportunities and generation of equitable benefits among small-scale fisheries community members and other relevant stakeholders.

The Guidelines support the UN/ILO Decent Work Agenda and its four pillars: (i) employment creation and enterprise development; (ii) social protection; (iii) standards and rights at work; and (iv) governance and social dialogue.

### ***Gender***

The Guidelines support gender equality and equity. It should be recognised that women and men play important and complementary roles in the governance and development of small-scale fisheries sector, and that they should enjoy equal respect and rights.

The Guidelines recognise that, while the concept of gender, by definition, deals with both men and women and the socially, culturally and economically established roles and relationships between them, women are often more disadvantaged than men. Gender equality efforts hence often mean supporting and empowering women whilst working with both men and women.

The Guidelines support gender mainstreaming. Gender concerns and perspectives, and the empowerment of women, should be integral parts of governance and development policies and action programmes.

### ***Child labour***

The Guidelines support the abolition of worst forms of child labour and the regulation of child work and labour, in the small-scale fisheries sector as elsewhere. Existing relevant international conventions should be ratified and implemented.

The Guidelines recognise that child labour exists in the informal small-scale fisheries sector and that poverty and social inequalities are two of the main causes behind child labour. Child labour tends to be part of a vicious circle of poverty where low levels or lack of education lead to continued marginalisation. Integrated and holistic approaches addressing the wider context of poverty are needed alongside actions directly targeting child labour concerns.

### ***Integration of migrants***

The Guidelines recognise the prevalence and importance of migrants in many small-scale fisheries communities. They further recognise that where migration is a common livelihood strategy, integration may become an issue that requires special attention with regard to participation and institutional requirements for small-scale fisheries governance and development.

The Guidelines encourage a political environment that is supportive of the protection of the rights of migrant small-scale fishers, fish workers and their household members.

#### **COMMENTS:**

Considering social and economic equality and equity closely related to non-discrimination, it is suggested that the Guidelines state their adherence to these basic rights and principles. They are stipulated in the human rights instruments, e.g. in the International **Covenant on Civil and Political Rights** (Article 26): “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (see also the Declaration on the Right to Development, Article 8, cited on page 28).

The provisions of UNCLOS Article 17 states the right to “innocent passage through the territorial sea”. The Guidelines may want to make reference to this article as well as to spell out some of the possible mechanisms that can be set up to address detention, arrest and unjust treatment (see, for example, pages 22-23 and statement by civil society, Appendix B, in FAO, 2009 b.).

Gender equality is supported by the human rights instruments through the affirmation of equal rights of men and women (and no discrimination because of sex). There are also two instruments dealing specifically with the rights of women, **CEDAW** (see also above) and the **Beijing Declaration and Beijing Platform for Action** (1995). CEDAW is often described as an international bill of rights for women and it spells out the meaning of equality and how it can be achieved. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination (see also summaries of presentations made in the regional workshops

during the consultative process<sup>17</sup> and the proceedings of the **ICSF International Workshop on Recasting the net: Defining a gender agenda for sustaining life and livelihood in fishing communities**<sup>18</sup>).

In the ICSF International Workshop on *Recasting the net: Defining a gender agenda for sustaining life and livelihood in fishing communities*<sup>19</sup>, participants called for freedom and safety from violence and sexual abuse, hence confirming that these are issues within families and communities. A related issue in the context of gender relations is the phenomenon of fish-for-sex transactions when women traders buy fish from fishers in some places, particularly in Africa, and that may require attention. There is also a strong link between fish-for-sex and HIV/AIDS<sup>20</sup>.

The FAO Gender website (<http://www.fao.org/gender>) provides some definitions:

*Gender equality* is when women and men enjoy equal rights, opportunities and entitlements in civil and political life.

*Gender equity* means fairness and impartiality in the treatment of women and men in terms of rights, benefits, obligations and opportunities

*Gender mainstreaming* is the globally recognized strategy for achieving gender equality. It is the process of assessing the implications for women and men of any planned action in all areas and at all levels.

ILO has developed the **Decent Work Agenda**, subsequently adopted by the UN System, as the basis for a more just and stable framework for global and rural development. “Decent work sums up the aspirations of people in their working lives. It involves opportunities for productive work that delivers a fair income, security in the workplace and social protection for families; better prospects for personal development and social integration; freedom for people to express their concerns, to organize and participate in the decisions that affect their lives; and equality of opportunity and treatment for all women and men” (page 4, FAO, 2011 d. See also [www.ilo.org](http://www.ilo.org)). According to the **Convention on the Rights of the Child** (Article 1), “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. Child labour is defined by the International Labour Organisation’s (ILO) as work that “harms children’s well-being and hinders their education, development and future livelihoods. It is work that is damaging to a child’s physical, social, mental, psychological and spiritual development because it is work performed at too early an age or under hazardous conditions. It deprives children of their childhood, their dignity and rights”. There are several **ILO conventions** addressing child labour (Nos 138, 182 and 188). In the fisheries sector, **Guidelines for Addressing Child Labour in Fisheries and Aquaculture** are under development through collaboration of FAO and ILO (see <http://www.fao-ilo.org/fao-ilo-child>).

The **Migrant Workers Convention** is a set of binding international standards and principles that aim to protect the specific human rights of migrants,<sup>21</sup> defined as persons who are engaged in

<sup>17</sup> See the *Background* on page 6 regarding the consultative process and FAO, 2010; FAO, 2011; FAO, 2011 b.

<sup>18</sup> ICSF. 2010. Webpage of ICSF International Workshop on Recasting the net: Defining a gender agenda for sustaining life and livelihood in fishing communities. Chennai, India, 7-10 July 2010 (available at <http://icsf.net/icsf2006/jspFiles/wif/wifWorkshop/english/about.jsp>)

<sup>19</sup> See footnote 18.

<sup>20</sup> See, for example, Béné, C., & Merten, S. 2008. Women and Fish-for-Sex: Transactional Sex, HIV/AIDS and Gender in African Fisheries. *World Development*, Vol 36, No 5, 2008, pp 875–899, and Allison, E.H. & Seeley, J.2004. HIV and AIDS among fisherfolk: a threat to ‘responsible fisheries’? *Fish and fisheries*. 5. Pp215-234.

<sup>21</sup> For a review of fisheries migration in West and Central Africa, see Njock, J-C. & Westlund, L. 2010. Migration, resource management and global change: Experiences from fishing communities in West and Central Africa. *Marine Policy* Volume 34, Issue 4, July 2010, Pages 752-760.

remunerated activity in a state of which they are not a national. While the convention excludes fishermen (as well as other 'seafarers') that are "employed on board a vessel registered in a State of which he or she is not a national" (Articles 2 and 3), it is still relevant to many small-scale fisheries migrant communities or individuals who tend to bring their own means of production or do not work on board registered vessels. The convention details what is required of national governments – of both sending and receiving countries – in order for these rights to be protected. Besides reassertions of basic human rights, a number of articles in the convention are of particular relevance to migrant fishing people, in particular:

- Article 8 presenting migration itself as a right;
- Articles 27-30 and 43 giving migrants and their children the right to equal access to social security, medical care, housing and education as nationals of the host country;
- Article 33 articulating the right of migrants to be informed of their rights as well as obligations under the law of the receiving country;
- Article 39 containing the right to liberty of movement or to choose residence within the receiving country.

(OHCHR. 2003. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Office of the High Commissioner for Human Rights).

Other potentially marginalised groups within fishing communities could also be mentioned specifically in the Guidelines. For example, in the **Rio Declaration on Environment and Development** (Principle 21) the importance of youth is mentioned: "The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all". There are also **UN Principles for older persons** stating, among other things, "Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations".

## **POLICY COHERENCE, INSTITUTIONAL COORDINATION AND COLLABORATION**

*This section highlights the need for integrating small-scale fisheries concerns into overall development processes, the requirement for institutional coordination to allow for integrated approaches and avenues for cooperation and collaboration.*

The Guidelines support policy coherence and enhanced linkages between small-scale fisheries, overarching fisheries sectoral policies and strategies and national planning processes such as Poverty Reduction Strategy Papers (PRSPs) and national development plans, as well as in the context of international development cooperation (e.g. the United Nations Development Assistance Framework – UNDAF – and One UN processes). This need for policy coherence and integration applies to all relevant areas including in relation to DRM and CCA policies and action programmes: DRM and CCA considerations should be integrated into fisheries policies and strategies, and fisheries aspects included in DRM and CCA frameworks.

The Guidelines embrace holistic and integrated governance and development approaches and consequently promote cross-sectoral linkages and the fostering of an environment that facilitates collaboration.

Local-regional-global linkages and networks are needed at all levels. The Guidelines encourage international, regional and sub-regional cooperation, including, among other things, establishing transboundary information-sharing and resource management protocols and systems, and combating IUU fishing by promotion of integrated enforcement arrangements in collaboration with concerned small-scale fishing communities, as appropriate.

### **COMMENTS:**

The need for better visibility of the fisheries sector and improved integration of small-scale fisheries concerns and needs into overarching development frameworks was highlighted during the consultative process<sup>22</sup>. It has been noted on several occasions that particularly the small-scale fisheries sector should be brought higher up on the poverty alleviation, food security and disaster risk reduction agenda, and that its profile should be raised.<sup>23</sup>

As the need for integrated approaches, such as EAF, is increasingly being recognised, new requirements on cross-sectoral coordination and collaboration become apparent at all levels (local, national, regional and international). The CCRF (Article 10.1.1) points out, in the context of coastal area management, that “States should ensure that an appropriate policy, legal and institutional framework is adopted to achieve the sustainable and integrated use of the resources, taking into account the fragility of coastal ecosystems and the finite nature of their natural resources and the needs of coastal communities.” Several other instruments also imply linkages across sectors and the very concept of sustainable development is based on a balance and fulfilment of different sectoral needs. The Sustainable Livelihoods Approach (SLA), extensively referred to in the development cooperation context particularly during the 1990s,

<sup>22</sup> See footnote 17.

<sup>23</sup> See, for example, FAO, 2101 b; FAO, 2005 c). Information on mainstreaming fisheries in development is found in FAO, 2007 b; Thorpe, 2005; Westlund, L., Holvoet, K., & Kébé, M, 2008.

conceptualised this multidisciplinary perspective.<sup>24</sup> However, challenges remain with regard to how to ensure the appropriate institutional structures and procedures for effective coordination and collaboration. The Guidelines may want to provide advice on how this can be achieved with respect to the small-scale fisheries sector.

Cooperation at the international, regional and subregional levels is promoted in the CCRF where certain emphasis is given to the role of regional fishery bodies (RFBs), i.e. Article 7.3.4 declares that “States and, where appropriate, subregional or regional fisheries management organizations and arrangements should foster and promote international cooperation and coordination in all matters related to fisheries, including information gathering and exchange, fisheries research, management and development.” It can be noted that the “position of small-scale fisheries in RFBs has varied [... but] greater realization of their social and economic importance, the regional nature of many small scale fisheries, and the collective impact of large numbers of small fishing units, have moved the sector more closely into focus for strategic, policy development, and implementation aims”. However, there are challenges involved in building capacity in RFBs and “the complexities and dispersed characteristics of the small-scale sector add further demands to these” (<http://www.fao.org/fishery/topic/16637/en>).

The 10-year plan of the **Hyogo Framework** reflects an intention to take a holistic approach in identifying and putting into action complex multidisciplinary disaster risk reduction measures. It calls on the ISDR system to facilitate the coordination of effective and integrated action among the organizations of the UN system and among other relevant international and regional entities, in accordance with their respective mandates, to support its implementation (see <http://www.preventionweb.net/>).

Also during the consultative process, the need for enhanced coordination and cooperation, particularly at the regional level, was mentioned. Considering the call for holistic and integrated approaches, it would appear that a wider range of partners from different sectors should be involved in such collaboration. Moreover, partnerships and networks at different levels and scales, not only among governments but also between donors, civil society organisations and communities, could be promoted by the Guidelines.

The **Paris Declaration on Aid Effectiveness** calls for action to move from “donorship to ownership”. The development agenda needs to be set by the partner (recipient) countries, be aligned with national and local policies and programmes, and use existing partner systems. Among donors, there need to be better coordination and harmonisation of activities. This can be achieved by establishing common arrangements, simplifying procedures and sharing information. The Guidelines may want to support this ambition.

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<sup>24</sup> See, for example, Westlund, L., Holvoet, K., & Kébé, M.2008.



## RESEARCH AND INFORMATION NEEDS, SOURCES AND EXCHANGE

*This section looks at information needs and flows.*

The Guidelines recognise the need for a wide range of information for decision-making, including bio-ecological, social and economic data. They promote the use of a combination of scientific data and local, traditional or indigenous knowledge.

The Guidelines acknowledge that access to information is essential for human dignity, equity and justice. Lack of access to knowledge tends to disproportionately affect the poor, women and other vulnerable and marginalised groups.

The Guidelines support the collection, compilation and analysis of disaggregated data allowing for an improved understanding of the importance of small-scale fisheries and its different components, including gender roles. Moreover, the availability, flow and exchange of information should be improved through the establishment of platforms and networks at community, national, subregional and regional levels. The Guidelines promote horizontal and vertical two-way information flows (among communities or countries; between communities and national and regional structures).

### COMMENTS:

The role of relevant information in decision-making is emphasised throughout the **CCRF** and the need to also use traditional knowledge is stated: “Conservation and management decisions should be based on the best scientific evidence available, also taking into account traditional knowledge of the resources and their habitat as well as relevant environmental, economic and social factors” (Article 6.4).

On the issue of research, CCRF makes specific reference to small-scale fisheries: “States should investigate and document traditional fisheries knowledge and technologies, in particular those applied to small-scale fisheries, in order to assess their application to sustainable fisheries conservation, management and development (Article 12.12).

The **Indigenous Peoples Declaration** recognises “that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment”.

The Strategy for Improving Information on Status and Trends of Capture Fisheries (**Strategy-STF**) is a voluntary instrument that applies to all States and entities. Its overall objective is to provide a framework, strategy and plan for the improvement of knowledge and understanding of fishery status and trends as a basis for fisheries policy-making and management for the conservation and sustainable use of fishery resources within ecosystems. Within the Strategy-STF, high priority is given to capacity building and the provision of technical assistance to developing countries. Furthermore, the particular requirements of the small-scale fisheries sector are emphasised because of its importance to food security and poverty reduction (see FAO, 2003 c).

In the **FAO Technical Guidelines for Responsible Fisheries on Information and Knowledge Sharing**, special chapters are included on small-scale fisheries and on information constraints in

developing countries. The Guidelines may want to reflect some of the suggestions made in this document, e.g.:

- Acknowledging the crucial role of information and the sharing of information for dialogue and for effective participation, decision-making, implementation of policies and management towards sustainable development.
- Recognising small-scale fishing communities as holders, providers and receivers of knowledge; there are information needs *about, from* and *to* them.
- Supporting the need to improve the information available and awareness about the situation of small-scale fisheries and the complex problems facing fishing communities.
- Promoting a greater appreciation of traditional ecological knowledge systems and resource governance mechanisms.
- Stressing the importance of availability and access of appropriate information by small-scale fishing communities and their organisations in order to facilitate their coping with existing problems and empowering them to improve their livelihoods. These information needs depend on current issues facing communities and span across biological, legal, economic, social and cultural aspects of fisheries.

Five general areas for action are identified: identification and filling of information gaps; enhancement of access to information; use of appropriate formats and dissemination methods; and ensuring that there is a multidirectional flow of information.

Considering the shifting perspective and understanding of small-scale fisheries livelihoods, recognising their complexity, the data and information needed for governance and development are shifting. Areas that have been identified for improvement in this respect include (see page 93, Béné, Macfadyen & Allison, 2007):

- Integration of indigenous knowledge and participatory research in the co-management of small-scale fisheries;
- Development of information systems that are low on data requirements;
- Adoption of information systems that allow evaluation and monitoring of poverty/vulnerability in fishing communities;
- Elaboration of assessment methodologies that allow a better understanding and documentation of the true contribution of small-scale fisheries in the livelihoods of fishing communities;
- Information systems on the pro-poor impact of decentralization reforms.

## CAPACITY DEVELOPMENT, IMPLEMENTATION SUPPORT AND MONITORING

*This section emphasises the need for capacity building and other support to the implementation of the Guidelines as well as to monitor the progress and success of this implementation.*

The Guidelines recognise the need for capacity development – including organisational development, training and information – in all areas and at all levels as well as for support to awareness-raising and empowerment. Attention is needed to ensure that different stakeholder groups within small-scale fishing communities have the capabilities to effectively participate in relevant institutions and decision-making processes. In particular, people’s self-determination capacity should be enhanced and their right of choice promoted.

The Guidelines encourage support to fisher and fish worker organisations to ensure their representation in professional and sector institutions and decision-making processes. Organisational development and support to community networks and organizations that encourage good governance and sustainable development in small-scale fisheries are also promoted.

The Guidelines support capacity building on behalf of governments, in particular with regard to decentralised and local government structures directly involved in governance and development processes together with small-scale fishing communities but also in, for example, the area of research.

The Guidelines recognise that building the resilience and adaptive capacity of fishing communities as in relation to DRM and CCA is another important aspect of capacity building.

The Guidelines encourage the putting in place of monitoring mechanisms allowing assessing progress towards implementing the objectives and provisions set out in this document. Participatory monitoring and evaluation mechanisms are supported.

### COMMENTS:

The consultative process<sup>25</sup> strongly emphasised the need for capacity development at all levels. The lack of capabilities and capacities, both at the level of government administrations and communities, is a common constraint to effective participation and sustainable results. In situations of change – for example with regard to climate CCA – new skills may also be required.

Capacity development and implementation support are addressed in several international plans of actions, e.g. the WSSD Johannesburg Plan of Implementation mentions the need for capacity building in a large number of areas, both with regard to natural resource management and social and economic development.

The Guidelines may provide advice on how capacity building and organisational development could be addressed with regard to small-scale fisheries governance and development, referring to needs defined within the framework of the objectives and contents of the Guidelines. Aspects of socio-cultural identity and the need for collective action could be explored in this context.

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<sup>25</sup> See footnote 17.

The Guidelines may include detailed advice on how their implementation will be monitored. This could cover criteria for choosing success indicators and best practices for monitoring processes.

## APPENDIX 1: Key references and resource material (mainly FAO publications)

Akande, G. & Diei-Ouadi, Y. 2010. Post-harvest losses in small-scale fisheries: case studies in five sub-Saharan African countries. *FAO Fisheries and Aquaculture Technical Paper*. No. 550. Rome, FAO. 72p.

Béné, C., Macfadyen, G. & Allison, E.H. 2007. Increasing the contribution of small-scale fisheries to poverty alleviation and food security. *FAO Fisheries Technical Paper*. No. 481. Rome, FAO. 125p.

Cochrane, K.L. and S.M. Garcia (Eds). 2009. *A Fishery Manager's Guidebook*. FAO, Rome and Blackwell Publishing, Oxford. 518pp.

De Young, C., Charles, A. & Hjort, A. 2008. Human dimensions of the ecosystem approach to fisheries: an overview of context, concepts, tools and methods. *FAO Fisheries Technical Paper*. No. 489. Rome, FAO. 152p.

FAO. 2011. Report of the African Regional Consultative Meeting on Securing sustainable small-scale fisheries: Bringing together responsible fisheries and social development. Maputo, Mozambique, 12-14 October 2010. *FAO Fisheries and Aquaculture Report*. No 963. Advance copy. Rome, FAO. 66p.

FAO. 2011 b. Latin America and Caribbean Regional Consultative Meeting on Securing sustainable small-scale fisheries: Bringing together responsible fisheries and social development. San José, Costa Rica, 20-22 October 2010. *FAO Fisheries and Aquaculture Report*. No 964. Advance copy. Rome, FAO. 75p.

FAO. 2011 c. Good practices in the governance of small-scale fisheries: Sharing of experiences and lessons learned in responsible fisheries for social and economic development (COFI/2011/8).

FAO, 2011 d. Guidance on how to address rural development and decent employment in FAO country activities. *Guidance Material #1*. 57p. (available at [http://www.fao-ilo.org/fileadmin/user\\_upload/fao\\_ilo/pdf/GuidanceRE.pdf](http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/GuidanceRE.pdf)).

FAO. 2010. Report of the APFIC/FAO Regional Consultative Workshop "Securing sustainable small-scale fisheries: Bringing together responsible fisheries and social development". Bangkok, Thailand. 6-8 October 2010. *FAO Regional Office for Asia and the Pacific. RAP Publications 2010/19*. 56p.

FAO. 2010 b. Report of the Inception Workshop of the FAO Extrabudgetary Programme on Fisheries and Aquaculture for Poverty Alleviation and Food Security. Rome, 27–30 October 2009. *FAO Fisheries and Aquaculture Report*. No. 930. Rome, FAO. 68p.

FAO. 2010 c. Report of the Workshop on Child Labour in Fisheries and Aquaculture in cooperation with ILO. Rome, 14-16 April 2010. *FAO Fisheries and Aquaculture Report* No 944. Rome, FAO. 24p.

FAO. 2010 d. Agricultural value chain development: Threat or opportunity for women's employment? *Gender and Rural Employment Policy Brief No 4*. Rome, FAO, 4pp.

FAO. 2009. Securing sustainable small-scale fisheries: Bringing together responsible fisheries and social development (COFI/2009/7).

FAO. 2009 b. Report of the Global Conference on Small-scale Fisheries – Securing Sustainable Small-scale fisheries: Bringing together responsible fisheries and social development. Bangkok, Thailand, 13-17 October 2008. FAO Fisheries and Aquaculture Report. No 911. Rome, FAO. 190p.

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## APPENDIX 2: Tentative time schedule for Guidelines preparation

May 2011:

- A discussion document entitled *Towards Voluntary Guidelines on Securing Sustainable Small-Scale Fisheries* is made available and posted together with other relevant material at an FAO Small-scale Fisheries website. The paper will be translated into French and Spanish and widely circulated to governments, regional fisheries organizations and civil society organizations.

From mid-May 2011:

- Inputs are solicited from relevant regional and sub-regional meetings on fisheries matters where organizers agree to include a discussion of the Guidelines on the agenda. Depending on the structure of the particular meeting, comments would be solicited in plenary discussions, through working group arrangements and/or in writing.
- Dedicated regional and national consultations provide inputs to the Guidelines development process (FAO is seeking extrabudgetary funding to support participation in these consultations).

Feb 2012 (at the latest):

- FAO convenes an Expert Consultation to develop a first draft text of the Guidelines.

2012 (after Expert Consultation):

- A Zero Draft version of the Guidelines text becomes available.

Jul 2012:

- A progress report is presented to the 30<sup>th</sup> Session of COFI (on 9-13 July 2012)

Sep 2012-Apr 2013:

- Consultations at national and regional level on the Zero Draft version, as amended subsequent to COFI 2012, continue.

Jun 2013:

- The Draft Guidelines become available as the basis for negotiation by an inter-governmental Technical Consultation (subject to the direction given by COFI 2012).

Date to be decided:

- FAO convenes a Technical Consultation to agree on final draft text.

Jul 2014:

- The negotiated final draft Guidelines are presented for adoption to the 31<sup>st</sup> Session of COFI.



## APPENDIX 3: Categories and characteristics of fisheries and characteristics of fisheries

| Characteristics                                | Categories of fisheries  |   |   |
|--|--|---|---|
|  | Small-scale  |   | Large-scale   |
|  | Subsistence  | Other small-scale   |   |
| <i>Size of fishing craft/vessel and engine</i> | Non or small (< 12m), with low power engine or non-motorised   | Small (< 24m) usually with low power engine (<375 kW)   | Large (≥24m) with high power engine (≥375 kW)   |
| <i>Type of craft/vessel</i>                    | Undecked wooden boat, such as a canoe or dinghy                | Decked or undecked vessel of wood, fibreglass, aluminum or steel                                | Steel hull vessel, trawler, factory vessel  |
| <i>Fishing unit</i>                            | Individuals, or family or community groups                     | Small groups, some specialisation and division of labour; importance of household and community | Smaller and larger groups; specialisation and division of labour  |
| <i>Ownership</i>                               | Craft/gear owner-operated                                      | Usually owned and operated by senior operator; some absentee ownership                          | Concentration of ownership, often by non-operators; cooperative ownership   |
| <i>Time commitment</i>                         | Mostly parttime/occasional                                     | Fulltime or parttime  | Usually full time   |
| <i>Fishing grounds</i>                         | On or adjacent to shore; inland or marine                      | Inshore/coastal; inland or marine   | All marine areas  |
| <i>Disposal of catch</i>                       | Primarily household consumption but some local barter and sale | Sales to local, national and international markets; household consumption                       | Primarily sale to organised markets   |
| <i>Utilisation of catch</i>                    | Fresh or traditionally processed for human consumption         | Fresh or processed – generally traditionally – for human consumption.                           | Mostly processed; large share for reduction for non-food products   |
| <i>Knowledge and technology</i>                | Premium on skills and local knowledge; manual gear             | High skills and knowledge needs; manual and mechanised gear; some electronic equipment          | Skills and experience important but supported by technology; mechanised gear; automation and electronic equipment |
| <i>Integration into economy</i>                | Informal, not integrated                                       | Partially integrated  | Formal, fully integrated  |

This table was prepared under the Big Numbers Project (see World Bank/FAO/WorldFish Center, 2010) and adapted from:

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