

Statement from the Workshop

(The Siem Reap Statement)

We, 51 participants representing small-scale and artisanal fishing communities, fishworker organizations, non-governmental organizations, researchers and activists from ten South and Southeast Asian countries, having gathered at the workshop on Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia, from 3 to 5 May 2007 at Siem Reap, Cambodia,

Representing a diversity of geographical, social, linguistic, cultural and economic backgrounds, but yet being bonded by a commonality of interests and concerns,

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

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

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

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

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

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

Fisheries Conservation and Management

2. The protection of the inland, marine and coastal environments and the sustainable management of fisheries resources, are paramount concerns for small-scale and artisanal fishworkers and fishing communities in Asia. Many

communities in the region have been implementing measures to restore, rebuild and protect coastal and wetland ecosystems, drawing on traditional ecological knowledge systems and deep cultural and religious values, reiterating the right of traditional and community-based organizations to conserve and co-manage coastal and inland fishery resources, and to benefit from them.

3. Fisheries conservation and management measures exist that are appropriate to the multi-gear, multi-species fisheries of the region. There is thus no need for the blind adaptation of fisheries management models from the temperate marine ecosystems, which stress individual rights and do not fit the collective and cultural ethos of Asian countries.

Coastal/Wetland Area Management

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

5. As a result, coastal and inland fishing communities in Asia face deteriorating quality of life and the threat of eviction on an ongoing basis. Coastal/wetland area management policies that recognize the preferential rights of coastal and inland fishing communities to inhabit lands, including lands traditionally used for fisheries-related activities, such as berthing boats, and drying fish, are thus essential.

6. Article 10.1.2 of the 1995 FAO Code of Conduct for Responsible Fisheries states: "In view of the multiple uses of the coastal area, States should

ensure that representatives of the fisheries sector and fishing communities are consulted in the decision-making processes and involved in other activities related to coastal area management planning and development”; and Article 10.1.3 states: “States should develop, as appropriate, institutional and legal frameworks in order to determine the possible uses of coastal resources and to govern access to them, taking into account the rights of coastal fishing communities and their customary practices to the extent compatible with sustainable development.” These Articles should form the basis for the effective implementation of coastal area management.

Marine Protected Areas

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

Aquaculture

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

Sustainable Fishing Gear and Practices

9. The negative impact of bottom trawling, in particular, on fish habitats and fishing communities has been

highlighted by fishworkers in several Asian countries. Proscription of all forms of destructive gear and practices, keeping in mind local conditions and the status of fish stocks, should, therefore, be considered.

10. Environmentally friendly small-scale and artisanal fishing gear and practices should be promoted since they involve smaller quantities of gear in greater diversity, often used in tandem with seasonal patterns in fishing, which have potentially less negative impact on fish habitats and fishery resources, and which employ more people per unit of fish output.

Illegal, Unreported and Unregulated (IUU) Fishing

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

Co-management and Community-based Approach

12. While the State has a central role in developing the broad framework for fisheries management, fishing communities have vital roles in co-managing fisheries resources. Increasing the accountability of national and provincial governments to fishing communities, devolution of power to fishing communities, and efforts to enhance the capacity of communities in fisheries management are thus essential.

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

consultation with fishing communities, including fishworkers.

Preferential Access of Small-scale and Artisanal Fishers

14. Guaranteeing preferential access rights of traditional inland fishing communities to water bodies is an important requirement for protecting their life and livelihood.

15. It is important to create an enabling environment for small-scale and artisanal fishers to access fishery resources within waters under national jurisdiction. Such a policy of preferential access would be consistent with the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement, and the 1995 FAO Code of Conduct for Responsible Fisheries. Fishery resources beyond territorial waters provide an opportunity for expansion and diversification of small-scale and artisanal fisheries. Fishing vessels that are larger in size should be considered for waters under national jurisdiction only after progressively exhausting the possibility of employing smaller fishing units, in conjunction with the use of selective fishing gear and practices.

Transborder Movement of Small-scale and Artisanal Fishers

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

Women in Fisheries

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

and fisheries management policies must protect and ensure women's rights to fishery resources, to their legitimate spaces in the fisheries sector, to coastal lands inhabited and used by them, and to decision-making processes affecting their lives and livelihoods. It is important that States extend support to women's work in fisheries, including through provision of credit and appropriate infrastructure for fish processing and marketing. Gathering gender-disaggregated data on employment in fisheries is essential for policy formulation.

Trade in Fish and Fish Products

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

Fair Access to Social Services, Social Security and Credit

19. Considering the contribution of fisheries to employment, food security and foreign exchange earnings, the right of fishing communities to social security and social services, including education and healthcare, with special emphasis on the prevention and treatment of diseases like HIV/AIDS, should be recognized.

20. Access to credit and product markets of small-scale and artisanal fishers is constrained by exploitative

practices of middlemen. Mechanisms that provide an enabling environment for fishers to access credit and receive better market prices, should be established.

International Labour Organization (ILO) Fishing Convention

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

Disaster Preparedness

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

Establishing a Coherent Management Framework

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

Asserting Rights, Defining Responsibilities

24. While the above assertions pertain to our perceptions of rights, we are fully mindful of the responsibilities, obligations and duties that we collectively have towards nurturing the fishery resources and related habitats. These responsibilities, obligations and duties are necessarily oriented toward our collaborative relationship with our communities, the nation State and the international community. 3