

The Zanzibar Workshop Proceedings

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

24-27 June 2008
Zanzibar, Tanzania



International Collective in Support of Fishworkers

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Proceedings

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ORGANIZED BY



in collaboration with



Asserting Rights, Defining Responsibilities:
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Coastal and Fisheries Management in Eastern and Southern Africa

WORKSHOP PROCEEDINGS

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Acronyms and Abbreviations

AU	African Union
AIDS	acquired immune deficiency syndrome
BMU	beach management unit
CBD	Convention on Biological Diversity
CBO	community-based organization
CCF	Community Council for Fisheries, Mozambique (English version of CCP)
CCP	Conselho Comunitário de Pesca
CCRF	Code of Conduct for Responsible Fisheries
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
EEZ	exclusive economic zone
ESA	Eastern and Southern Africa
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
HACCP	hazard analysis and critical control point
HIV	human immunodeficiency virus
ICSF	International Collective in Support of Fishworkers
ILO	International Labour Organization
IMS	Institute of Marine Science
IUU	illegal, unreported and unregulated
KWDT	Katosi Women Development Trust
MCS	monitoring, control and surveillance
MDT	Masifundise Development Trust
MEA	multilateral environmental agreement
MPA	marine protected area
NGO	non-governmental organization
NHSBS	Ministry of Health National HIV Sero and Behavioural Survey
SADC	Southern African Development Community
SEAFDEC	Southeast Asian Fisheries Development Centre
SFLP	Sustainable Fisheries Livelihood Programme
SMS	short messaging system
SSF	small-scale fisheries
SWIOFC	South Western Indian Ocean Fisheries Commission
TEKS	traditional ecological knowledge systems

TOCBANGH	Tororo Community-based Nursing Homes
UFFCA	Uganda Fisheries and Fish Conservation Association
UNFSA	United Nations Fish Stocks Agreement
VMC	village management committee
WIOMSA	Western Indian Ocean Marine Science Association
WFFP	World Forum of Fisher Peoples
WTO	World Trade Organization

Preface

The Zanzibar Workshop, titled “Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Eastern and Southern Africa” (ESA Fisheries Workshop II), held from 24 to 27 June 2008 in Zanzibar, Tanzania, was organized to examine how far the rights-based framework, being put forward by international agencies for fisheries management, is coherent with notions of rights for equitable and sustainable fisheries of local fishing communities.

The participants of the Zanzibar Workshop were drawn from a diversity of small-scale fisheries and coastal and inland communities, ranging from open-access fisheries to quota-based fisheries, from commercialized fisheries to fisheries that act as social safety nets; from indigenous communities in remote lakes to urban settlements; from areas where fishing communities are marginalized by the tourism industry and the creation of marine protected areas (MPAs), to fishing space where they are threatened by destructive bottom trawling or distant-water fishing operations.

They also came from lakes where women are forced to barter sex for fish, and to areas where fishing assets are forcefully taken away from women when their husbands die. Some of the participants came from fisheries where livelihood and food security interests take precedence over fishery conservation.

At the Zanzibar Workshop were participants who complained of total exclusion from decision-making processes; of fisheries that demanded responsibilities but offered no rights in return; of coastal areas which lacked ownership rights to land; of poor working conditions; of gender inequalities; and of a general lack of awareness among fishing communities about their existing rights.

This publication constitutes the record of the proceedings of the Workshop. The report and the Statement of the Workshop provide a rich understanding of the dynamics of traditional, indigenous, small-scale and artisanal fisheries and fishing communities in the Eastern and Southern African (ESA) context. The issues covered include: the saga of rights denied to coastal lands, fishing, and threats to livelihood arising from lack of recognition of traditional rights and the livelihood needs of people in the region; the aspirations of coastal and inland communities to maintain or improve their livelihoods; and a bottom-up perspective on access rights to fishing, to post-harvest rights and economic and social rights.

This report will be a valuable source of information for community organizers, trade union leaders, government officials, the donor community, including multilateral organizations, researchers, and for all those who are interested in the well-being of ESA fishing communities.

Prospectus

Introduction

In recent years increasing attention has been given to rights-based approaches to fisheries management. Adherents of such an approach argue that it provides an essential tool for tackling the problems of overfishing, and resultant stock depletion and poor economic returns caused by overcapacity.

The organizers of this workshop, ICSF, MDT, and WIOMSA, in collaboration with the WFFP, feel that if such an approach is to be applied to the small-scale, artisanal and subsistence fishing sectors, it needs to take full account of the intrinsic characteristics of the sector, its social and cultural aspects, and human rights implications.

In addition to addressing the above issues, this Eastern and Southern African (ESA) Workshop is designed to provide continuity to the ESA 1 workshop (held in Dar es Salaam, Tanzania in March 2006), and help strengthen regional exchanges on rights issues in fisheries, and to raise awareness of the link between global processes, regional initiatives and local realities.

The workshop will also provide an opportunity to inform local communities in the ESA Region about the October 2008 FAO-Thailand Global Conference on Small-scale Fisheries, to be held in Bangkok, and to enable them to prepare for the Conference. This is particularly important given that the conference will have a special focus on the issue of securing access and user rights by small-scale fishers, indigenous peoples and fishing communities to coastal and fishery resources that sustain their livelihoods.

The International Collective in Support of Fishworkers (ICSF) works on issues that concern small-scale and artisanal fishworkers, with a particular focus on seeking recognition to the rights of small-scale fishing communities to fisheries and other coastal resources, as well as their right to participate in decision-making processes that affect their lives and livelihoods.

Western Indian Ocean Marine Science Association (WIOMSA) has been working with a view toward sustaining the use and conservation of marine resources in the Western Indian Ocean since 1993, especially in countries of the eastern seaboard of Africa and in islands of the region.

Masifundise Development Trust (MDT) has been working with small-scale and traditional fishing and coastal communities in South Africa since 1999. It has been engaged with policy development processes that affect the lives of coastal fishing communities at the local, national and international levels. Over the last few years MDT has been campaigning for the development of a small-scale fisheries policy for South Africa.

World Forum of Fisher Peoples (WFFP) is a federation of mass-based organizations that work towards protecting the rights of fishers, conservation of fishery resources and protection of coasts. It is mainly active in Africa and Asia.

Rationale

The 1995 FAO Code of Conduct for Responsible Fisheries explicitly recognizes the importance of small-scale and artisanal fishers and fishworkers, and their preferential rights to coastal waters (see Article 6.18). However, the rights of fishworkers are threatened in various ways, due to developments both within and outside the fisheries sector. Recognition of these rights, among other things, within the framework of sustainable use of living natural resources, is necessary

if fishing communities are to progressively share the responsibility of managing coastal and fisheries resources at different levels.

A strong view is being held, particularly by international agencies, that if fishing (user, access and property) rights and respective user responsibilities were better defined and respected, fisheries management would be more effective in achieving the objective of sustainable fisheries. Increasing emphasis is being given to rights-based approaches to fisheries management, as a result, based on establishing forms of resource rights (access and property).

Three key assumptions underpin rights-based approaches: (1) Excess fishing capacity exists in both small- and large-scale fisheries, and fisheries the world over are largely overfished, facing the threat of (economic and biological) collapse; (2) core problems of resource overexploitation, stock depletion, and the build up of excess fishing capacity, lie in the open access nature of most fisheries; and (3) rights based-approaches are the only effective way, in the long run, to meet biological, social and economic objectives of fisheries management. The solutions offered include introducing a menu of property-right regimes, such as individual transferable quotas (ITQs) for some fish stocks and territorial use rights in fisheries (TURFs) for some others.

Given that a widespread adoption of rights-based approaches to fisheries could have major implications for the life and livelihood of small-scale fishworkers and their communities, it is essential to examine the underlying assumptions as well as the solutions following from adopting such approaches. It is important particularly to examine how far the rights-based framework being put forward by international agencies for fisheries management is coherent with notions of rights of fishing communities for equitable and sustainable fisheries.

Further, it is important to explore this debate in conjunction with the long-articulated analyses, positions and demands of artisanal fishworkers vis-à-vis allocation and management of fisheries resources, to identify areas of convergence and departure, with a view to proposing sustainable, equitable and socially-acceptable inland and marine fisheries management regimes in the ESA region (excluding the islands).

Objectives

The workshop is targeted at coastal and inland fishing communities in Eastern and Southern Africa. The following are the objectives of the workshop, with gender and sustainable development as cross-cutting themes:

1. To discuss and develop strategies on how access to resources and markets could be maintained or enhanced by securing access and user rights and post-harvest rights at the local, national and regional levels;
2. To discuss international human rights, biodiversity and fisheries management instruments and their relevance for inland and coastal fishing communities; and
3. To enable participating organizations to arrive at common positions on the key themes of the forthcoming FAO Global Conference on Small-scale Fisheries.
4. Outputs
 1. Inland and marine small-scale fishers along with organizations working with them in the region are enabled to share information on key issues and experiences related to securing rights to resources and markets, and social development;
 2. Participating organizations have gained information on selected key legal instruments that protect and promote small-scale fishers, including their rights to

resources; human rights and labour rights and are empowered to engage in national, regional and global processes on these issues;

3. Better understanding of the different ways in which men and women engage in and benefit from small-scale fisheries in the ESA region.
4. Agenda prepared for the FAO Global Conference on Small-scale Fisheries, enabling more clearly articulated bottom-up perspectives to be presented at the meeting in Bangkok in October 2008
5. Implementation

The ESA II Regional Workshop will be held in Zanzibar, Tanzania, from 23 to 27 June 2008, Participants will come from Kenya, Tanzania, Malawi, Mozambique, Uganda, Zambia, and South Africa. All participants will be requested to prepare inputs that document key issues related to the Workshop themes from their particular country and fisheries contexts.

The Workshop will provide the opportunity to develop a perspective on securing rights to fisheries resources and inform local communities in the ESA Region about the FAO Global Conference and the issues at stake, and to raise awareness of the link between such global processes, regional initiatives and local realities. The workshop will cater for up to 50 participants.

Statement from the Workshop

(The Zanzibar Statement)

Preamble

We, 45 participants from Kenya, Malawi, Mozambique, South Africa, Tanzania, Uganda, and Zambia, representing small-scale, artisanal and indigenous fishing communities engaged in inland and marine fisheries; fishworker organizations and non-governmental organizations; researchers; activists; as well as some representatives of government institutions from the Eastern and Southern African (ESA) region;

Having convened at a Workshop 'Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management', in Zanzibar from 24 to 27 June 2008, to develop a shared perspective on the rights-based approach to fisheries in the context of the FAO Global Conference on Small-scale Fisheries, Bangkok, from 13 to 17 October 2008;

Being concerned about the negative impacts of globalization such as threats arising from indiscriminate industrial shrimp-trawling and distant-water tuna-fishing, tourism development, and industrial aquaculture; safety of fishers and fishing operations in marine and inland waters; the creation of non-participatory and exclusive marine protected areas, inland and coastal pollution, discrimination against women and high incidence of HIV/AIDS in fishing communities; and lack of respect for customary land rights of fishing communities;

Being aware of responsible fishing practices and customary rights of coastal and inland fishing communities as well as local and traditional knowledge of fishers in the region;

Affirming that fishing is a way of life for coastal and inland fishing communities who are the custodians and responsible users of marine and inland fishery resources; and

Believing that dependence of fishing communities on fishery resources and associated and dependent ecosystems is shaped by the need to meet livelihood requirements and food security in the struggle to eradicate poverty, as well as the need to recognize cultural and spiritual values;

Hereby, adopt the following statement addressed to our governments and the FAO:

Rights of fishing communities

1. The fishing communities should have the full enjoyment of the Universal Declaration of Human Rights and international human rights law. The indigenous fishing communities should have the full enjoyment of the UN Declaration on the Rights of Indigenous Peoples (2007).
2. The rights of fishing communities to safe drinking water, sanitation, health and HIV/AIDS prevention and treatment services, and education and training, should be recognized.
3. A rights-based approach to fisheries should recognize the customary rights, local knowledge, traditional systems and practices, and the rights to access marine and inland resources of small-scale, artisanal and indigenous fishing communities, as well as the right to land for homestead, fishery-related, and other livelihood-related activities. Furthermore, such an approach should enhance collective, community-based access and management regimes.
4. All the rights and freedoms that are agreed to as relevant for rights-based approach to fisheries, should apply equally to all men and women of fishing communities.

Fishing rights

5. The fishing rights should not be treated as a tradable commodity and they should be seen as an integral part of human rights. A rights-based approach to fisheries should not lead to the privatization of fisheries resources.
6. Efforts should be made to improve the safety of small-scale and artisanal fishing operations and to ensure safety of fishers in marine and inland waters. Labour rights and safe working and living conditions of fishers should be guaranteed by the ratification and implementation of the ILO Work in Fishing Convention, 2007, and by extending its relevant provisions to inland and shore-based fishers and fishing operations.
7. Mechanisms for the monitoring and review of the legislative framework for the effective implementation of this rights-based approach should be developed and implemented.
8. Financial and capacity-building support should be made available to recognized fishworker organizations, community-based, non-governmental organizations and research institutions to implement programmes to promote fishing communities' awareness of rights and to strengthen capacity to lobby and advocate for their rights.
9. Specific measures to address, strengthen and protect women's right to enable them to participate fully in the fishery should be developed. These measures should work towards the elimination of all forms of discrimination against women and should secure their safety against sexual abuse.
10. Conservation initiatives, including MPAs, coastal area management programmes, tourism interventions and industrial aquaculture should respect the rights of coastal communities to unhindered access to beaches, landing sites and fishing grounds.

Fisheries governance

11. The management of inland and marine fishery resources should be devolved to the local level in the region. Programmes for devolution of fisheries management should be preceded, and accompanied, by capacity-building programmes for fishers' and fishing community organizations to enhance negotiating power as well as to build up capacity for responsible fisheries management.
12. The decisions affecting the access and use of land or water bodies currently enjoyed by, or of benefit to, fishing communities, should be made with the full and effective consultation and involvement of the fisher people and should proceed only with their full, prior and informed consent.

Conflict resolution

13. Mechanisms should be developed to resolve and mitigate conflicts between industrial and small-scale, artisanal fishing, as well as between different fishing groups and interests. Particular attention should be given to mitigating conflicts between industrial bottom trawling and small-scale non-trawl fishing.

IUU and industrial fishing

14. Effective and timely initiatives should be undertaken to combat the incidence of illegal, unreported, and unregulated (IUU) fishing in the lakes as well as in the South and East African exclusive economic zones, which impacts the viability of the small-scale fisheries.

Post-harvest issues

15. Measures should be developed to provide access to infrastructure and access to credit to local processing, trade and marketing initiatives. In this context, greater emphasis should be placed on local, national and regional markets within Africa. Further, measures should be put in place to ensure that the benefits of value addition along the fish supply chain are enjoyed by local fishing communities and that vulnerability to middlemen, transporters and global trade processes is minimized.

Coastal and inland pollution

16. Measures should be developed to address all forms of pollution that are degrading the marine and inland aquatic environment and thus progressively destroying the livelihoods of marine and inland fishing communities.

In conclusion

17. For the effectiveness of a rights-based fisheries approach we recognize the indivisibility of: (i) fishery access and user rights, (ii) post-harvest rights and (iii) human rights, and we believe that the development of responsible and sustainable small-scale artisanal and indigenous fisheries is possible only if they are addressed in an integrated manner.

18. We call upon governments and FAO to ensure that the principles, mechanisms, and measures proposed in this Statement are recognized in the development of a rights-based approach to small-scale, artisanal and indigenous, inland and marine fisheries in the ESA region.

Report of the Workshop Proceedings

BACKGROUND

The workshop, titled “Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Eastern and Southern Africa” (ESA Fisheries Workshop II or the Zanzibar Workshop), jointly organized by the International Collective in Support of Fishworkers (ICSF), Masifundise Development Trust (MDT) and the Western Indian Ocean Marine Science Association (WIOMSA), in collaboration with the World Forum of Fisher Peoples (WFFP), was held in Zanzibar, Tanzania, from 24 to 27 June 2008.

The workshop was organized to examine how far the rights-based framework, being advocated by international agencies for fisheries management, is coherent with notions of rights for equitable and sustainable fisheries of local fishing communities.

The workshop, with gender and sustainable development as cross-cutting themes, had the following three main objectives:

- to discuss and develop strategies on how access to resources and markets could be maintained or enhanced by securing access, user and post-harvest rights at the local, national and regional levels;
- to discuss international human rights, biodiversity and fisheries management instruments and their relevance for inland and coastal fishing communities; and
- to enable participating organizations to arrive at common positions on the key themes of the forthcoming World Conference on Small-scale Fisheries, to be organized by the Food and Agriculture Organization of the United Nations (FAO) in Bangkok, Thailand, from 13 to 17 October 2008.

The Zanzibar Workshop had 45 participants from seven countries (both coastal and land-locked fishing nations), comprising representatives from fishing communities, fishworker organizations, non-governmental organizations (NGOs), governments and the FAO.

Prior to the main workshop, a small working group, consisting of Tanzanian and Mozambican participants, was convened to discuss questions circulated prior to the workshop. This pre-workshop meeting in Swahili was held on 23 June 2008 at the same venue as the main workshop and its outcome was shared on Day 1 of the main workshop.

1 INTRODUCTORY SESSION

Chair: Ian Bryceson, Norwegian University of Life Sciences, Ås, Norway

Welcoming the participants, Julius Francis, Secretary of WIOMSA, said that the workshop was special as it provided a platform for representatives of fishing communities, fishworker organizations, NGOs and governments to discuss their issues and concerns.

1.1 Introduction to the Workshop

Jackie Sunde, Research and Advocacy Co-ordinator, MDT, South Africa, and Member, ICSF

Issues confronting the countries of the region were similar, namely, the crises of poverty, food security, HIV/AIDS, etc., for which a regional solution ought to be sought, Jackie said. It is important to be aware of the interconnectedness of the communities, not just fishing communities but other communities and ecosystems as well, in the ESA region, thus making a regional solution imperative, she said.

The Zanzibar Workshop aims to strengthen regional exchanges and sharing, which, in particular, could make one aware of the links between some of the global processes that have impacts on the small-scale fisheries in the region. The workshop would also help to link some of the regional political and economic issues with the realities and lives of the small-scale fishing communities on the ground. The idea behind bringing together communities and countries that share common borders and common water sources was initiated during the Indian Ocean Conference, organized by ICSF in 2001 for Indian Ocean partners, and held in Chennai, India. The need to hold a similar meeting for the ESA region was recognized during that meeting. In 2004, MDT organized a small-scale fisheries conference for small-scale fishing communities in the Southern African Development Community (SADC) region. These prior workshops emphasized the need to come together as the ESA region, and culminated in the ICSF workshop titled “Fishing Communities and Sustainable Development in Eastern and Southern Africa: The Role of Small-scale Fisheries” (ESA Fisheries Workshop I or the Tanzania Workshop), held from 14 to 17 March 2006 in Dar es Salaam, Tanzania.

Jackie Sunde added that the Zanzibar Workshop is also in preparation for the forthcoming FAO Global Conference on Small-scale Fisheries, to be held in Bangkok in October 2008. The workshop would try to ensure that the perspectives and voices of small-scale fishing communities would be heard at the FAO conference. She said that the objectives of the Zanzibar Workshop gave an opportunity to fishing communities and their supporters to discuss and develop strategies on how to ensure that the small-scale fishing communities in the region could

- access fisheries resources;
- enhance their access and user rights to fishing grounds and fishery resources; and
- enhance their rights in relation to post-harvest issues such as marketing and trade.

The Zanzibar Workshop would also discuss some of the international human rights, biodiversity and fisheries management instruments, she added.

1.2 Introduction to the Tanzania Workshop

Sebastian Mathew, Programme Adviser, ICSF

Sebastian Mathew highlighted some key issues from the Tanzania Workshop. The Zanzibar Workshop would try to look at ways to address and deal with some of the issues identified in the Tanzania Workshop. Once the issues of fishing communities and fishworker organizations were identified, ways

to negotiate programmes and policies to sustain and improve their livelihoods could be discussed, he said. This could also lead to strengthening networks between fishworker organizations, NGOs and local leaders to promote greater transborder initiatives in the ESA region.

The Zanzibar Workshop would essentially examine three sets of issues and are as follows:

- issues of concern to small-scale fishing communities in the ESA region (marine and inland);
- issues related to fisheries co-management and their implications for coastal and inland fishing communities; and
- cross-cutting issues such as trade and gender.

There were four sets of issues or concerns of the small-scale fishing communities that came up at the Tanzania Workshop, namely:

- Issues of curbing access of small-scale fishing communities due to:
 - insufficient infrastructure (landing centres, harbours);
 - inadequate schemes to increase capital investment in small-scale fisheries to help diversify fishing fleets into the offshore fishing grounds;
 - indiscriminate setting up of marine protected areas (MPAs) and designated tourism areas; and
 - illegal fishing by distant-water fishing nations in the waters and exclusive economic zones (EEZs) of Eastern African countries.
- Issues related to fisheries management:
 - the use of destructive fishing gear like trammel nets, beach seines and bottom trawls; conflicts between semi-industrial and artisanal fisheries;
 - conflicts between the tourism industry and artisanal fisheries; and conflicts between migrant fishers and resident fishers;
 - degradation of marine and inland fish habitats by destructive fishing practices and land-based sources of pollution;
 - lack of efforts to integrate the traditional ecological knowledge systems (TEKS) of fishers into modern fisheries management.
- Issues regarding safety at sea, labour rights and social security; and
- Issues related to quality of life (for example, the HIV/AIDS pandemic) lack of access to clean drinking water, vulnerability to natural calamities, and so on.

Discussions at the Tanzania workshop also reveal two main approaches to co-management in the ESA region:

- co-management as a mechanism to reclaim traditional rights to inland fishery resources of riparian communities (for example, the reclamation of some of the traditional rights in Lake Victoria, Kenya); and
- co-management framework as a pre-requisite for donor assistance.

The main problem identified with top-down co-management regimes was the reluctance to share power with local communities. The local communities were expected to implement management programmes without being allowed to participate in the planning process. Neither the communities' suggestions nor their traditional knowledge systems were considered, resulting in decisions that overlooked the communities' need to combine conservation with livelihood imperatives.

Issues on post-harvest rights that came up during the Tanzania Workshop were discussed. It was pointed out that while national and regional markets in Africa were poorly regulated, the international trade between countries of Africa and other developed countries was highly regulated. Most of the ESA countries had great difficulty in adhering to quality standards such as the hazard analysis control

point (HACCP) system, due to lack of good infrastructure. The lack of access to fishing grounds, and barriers to market and credit across borders, were also discussed.

Naseegh Jaffer, Co-ordinator of WFFP, thanked all the participants for coming together for the workshop. He said that the fishers should make the meeting theirs and should take their learning from the meeting back to their communities. Fishers need to come together as one body and make their collective voice heard all around the world, on national as well as international platforms. Organized around this aim, WFFP brings together 65 fishworker organizations from 65 countries, with as many as 14 countries representing Africa.

Naseegh Jaffer added that as a community that lives closer to water bodies (freshwater or marine), fishing communities have important relationships of livelihood with the environment and the resources within it. This relationship informs the way of life and culture of fishing communities and reinforces the importance of protecting people and water resources together as one, Naseegh concluded.

Ian Bryceson added that the Zanzibar Workshop is not only an input to the forthcoming Bangkok FAO conference but also an effort to allow fishers to generate more ideas to make their work and struggles more effective.

1.3 Country Presentations

Chair: Jackie Sunde, Masifundise Development Trust, South Africa

1.3.1 Tanzania

Letisia Chakumba, Fishing Community Representative, Tanzania

Letisia Chakumba said it is important for fishers to define what their rights are and, in this context, the ability to participate in decisionmaking is of primary importance. At present, there is no consultation with fishing communities and their prior consent is not sought before establishing MPAs. Poverty, she said, has compromised the ability of fishers to use non-destructive fishing gear. She recognized the importance of forming fishworker organizations in Tanzania and added that the leaders of fishing communities should help take decisions that would benefit the entire community. The government, she said, has the duty to protect the rights of fishing communities. Tourism development often conflicts with the interests of small-scale fishing communities, she said.

Ali Mataka, a fisher from Tanzania, complained of low prices for fish catches and the rising cost burdens that fishers face, including high interest rates and obligatory fish inspection fees. He said that the government intervened much in the fish trade and only traders benefitted from it. In the traditional culture of Mafia coastal communities, women engaging in fishery-related activities were looked down upon, he said. Men are also discriminated against if they work with women.

Recommendations from the Workshop of Swahili-speaking Participants

The participants from the Swahili-speaking countries believe that the rights of fishers/fishworkers and fishing communities have to be defined according to the following principles and criteria:

- the ability and right to access and use fishing areas;
- the opportunity to be heard and to participate in making decisions about issues that concern their lives and livelihoods;
- the right to access markets (and not simply sell products);
- the right to food security (through their livelihood activities); and
- the right to be educated in accordance with these principles and objectives, and be given information on key issues regarding fisheries and their regulations.

Theme I: ACCESSING RIGHTS

Fishers/Fishworkers' Organization

There is no common representative platform or organization for fishers to articulate demands. So too is the case with seaweed farmers and those engaged in harvesting other marine products. Organizations like the BMUs do not adequately represent the people's demands, and are more inclined to protect the environment and not the people.

Low Capacities

Most small-scale fishers cannot adequately access or use the fisheries because of low capacities, and continuing competition with large-scale harvesters (both industrial fishers and fish traders), who often possess better gear.

The Role of Government

The government has the ultimate role to delineate and protect the rights of small-scale fishers and fishing communities. The government needs to address, among other things:

- licensing and regulations;
- competition in the fisheries;
- disseminating information and providing scope for the participation of small-scale fishers in policymaking; and
- co-ordinating the activities of multiple stakeholders, such as fishers and tourism and business ventures, to minimize the negative impacts on the lives of fishers and fishing communities.

This is all the more important since other existing laws constrain fishers from using fishing areas freely and benefitting from fisheries activities. For example, an artisanal fisher is required to buy a licence annually, which is not a requirement in other sectors like animal husbandry and farming. Even with a licence, a fisher cannot fish wherever he wants, without permits.

The government also accords greater priority to foreign investors than to its own citizens in the matter of owning the resources that are required to earn a livelihood. The government should respect the decisions of community members regarding investments and ownership of land along the coast. At present, the government has no system of linking coast-based activities such as tourism, commercial enterprises in fishery products and the fishing activities of local fishers.

Fishers' Responsibilities

Artisanal fishers and the artisanal fishing community have the right to manage and control their natural resources in accordance with the following principles:

- confidence in the culture and way of life of fishers;
- observance of rules and practices of sustainable fishing; and
- compliance with government regulations and traditional community laws.

Education and Information Dissemination

At present, fishermen and other community members are not educated or informed about issues that concern them, which limits their capacity to face life's challenges.

Participation in Decisionmaking

Fishers have few opportunities to make decisions on issues related to their lives. The following need to be ensured:

- respect the views and decisions of fisher—with respect to establishing conservation areas; and
- allow fisher—to participate in decisionmaking on laws and regulations on the use of natural resources.

Strategies

Strategies related to the development of the artisanal fisheries sector need to incorporate the potential threats and benefits that the fishing community may face. For example, the impact created by transplanting the Nile perch into Lake Victoria and permitting large trawlers to operate in national waters, has not been assessed.

Poverty

Poverty in most fishing communities are due to:

- dependence on foreign fishing fleets, rich businessmen owning large vessels who offer jobs and incomes (in some instances, encouraging the use of banned destructive fishing techniques); and
- corruption among local leaders, who often do not give correct feedback to the community on decisions made at high levels, which may have an impact on the lives of the fishers.

Changes

Social, economic and political changes have influenced the traditional rights of fishing communities, and, in the process, have affected their rights to benefit from the fisheries, including when and where to fish.

Theme II: MARKETING AND GENDER ISSUES

Standards

Regulations that set quality and health standards for fisheries and marine products have been drawn up but not adhered to because government officers and inspectors are more interested in making collections and raising revenue from taxes and licensing, than putting emphasis on quality. Also, most fishers and traders do not have adequate information on, or knowledge about, what standards should be respected, and thus do not make any effort to ensure compliance.

Benefits from Trade

In the current marketing setup in local fishing communities, buyers and middlemen set prices and benefit more from the fisheries than the fishers themselves.

Freedom to Trade

The capacity to engage in businesses is still determined by high-interest loans and bureaucratic hurdles from officials.

Marketing and Women

In some communities, gender-discriminating traditions still influence the capacity of women to engage in the trade of marine or fisheries products, thus reducing their ability to fend for their families. Lack of adequate working capital (loans are often given to fishers who are automatically assumed to be men), low levels of education which leads to lack of self-confidence often hamper many women in fishing communities.

Theme III: ALTERNATIVE LIVELIHOODS AND SOCIAL SERVICES*Alternative Livelihoods*

Several activities have been introduced in fishing communities with the aim of improving livelihoods and accessibility to social services (such as water and healthcare facilities). These include introducing appropriate gear and technology for fishers, and encouraging small, alternative income-generating entrepreneurial activities like raising livestock and beekeeping. To date, though, most of these activities have not proved sustainable because of the following factors:

- a. A reluctance among some members of the community in accepting 'new' ideas, possibly because of not being used to them, or feeling threatened (unjustifiably, perhaps) that once these 'new' activities thrive, they might be forced to give up fishing.
- b. Introduction of some activities on a trial basis, without intensive follow-up, which led to discouraging results.
- c. The demand of total commitment from fishers for other activities in terms of physical participation, which fishers, not being used to rigid timetables and fixed hours, found difficult to meet.
- d. The entry and active engagement of other, non-fisher community members in 'new' activities in the hope of material benefits and better incomes.
- e. The disincentive of compulsory monetary subscriptions to community schemes.
- f. Lack of adherence to the rules of the game, and the absence of commitment and responsibility.

Social Security For Special Groups

Some communities maintain systems, or have instituted regulations, for supporting special categories of people who are vulnerable, such as widows and widowers, the elderly, orphans and the disabled. This is not common, though. These systems have been derived from local traditions or from government directives. For example, communities in Zanzibar maintain a special fund in every shehia (the primary administrative entity) for disadvantaged groups in society.

— *Written by Farhat Mbarouk (WIOMSA); Julius Francis (WIOMSA) and Rose Mwaipopo (University of Dar es Salaam)*

1.3.2 Mozambique

José Domingos, Community Council for Fisheries (CCF), Mozambique

Fishing is the principal means of livelihood in Mozambique, José Domingos said. The fishers often undertake group fishing, with 10 to 15 fishers in each group. A group mechanism is in place to raise funds during emergencies by keeping aside a portion of the fish sales proceeds. Alternative sources of income come from farming maize and rice, animal husbandry, and ferrying tourists on fishing vessels. José Domingos said it is no longer possible to get a decent catch from nearshore waters, which are believed to be overfished. Immigrant fishers, who target spawning grounds and fish in large quantities in nearshore waters, create many problems for local fishers, so much so that they should be issued licences to fish beyond the coastal waters, José Domingos recommended. Village-level monitoring, control and surveillance (MCS), he said, is important, especially to prevent immigrant fishers from entering local fishing grounds. Although there are some examples of fishers benefitting from the tourism industry, they are facing increasing pressure, he said, since they are not allowed to fish in tourist areas. As a result of tourism development, fishing grounds are dwindling in size.

1.3.3 Kenya

Athman Seif Mohammed, Malindi Marine Association, Kenya

Presenting an overview of small-scale fisheries in Kenya, Athman Seif Mohammed said that the majority of the small-scale fishers in Kenya remain poor, marginalized and disadvantaged. The main issue facing the small-scale fishing communities is excessive competition from commercial fisheries, which included the semi-industrial and industrial shallow-water prawn trawlers, deep-sea trawlers, longliners and purse-seiners, mostly from distant-water fishing nations of the Far East and Europe. Fisheries development policies also favour commercial fishers. The other pressing issues include the lack of access to credit for small-scale fishers, and the absence of infrastructure for processing fish to prevent post-harvest losses.

The following measures could ameliorate the conditions of the small-scale fisheries sector in Kenya:

- policy changes that help promote the small-scale fishing sector. For example, in Somalia, the small-scale fishers benefit from bilateral collaboration for the provision of improved fibreglass boats and inboard engines;
- introduction of appropriate technology;
- promotion of post-harvest preservation techniques like smoking and salting fish;
- provision of credit facilities to small-scale fishers;
- prevention of unfair competition from external actors and fishers, and asserting the rights of small-scale fishers; and
- improving infrastructure in neglected fish-producing and marketing zones like Kiunga and Lake Turkana.

Athman Seif Mohammed then gave a brief overview of the type of fishing and craft and gear used in Malindi.

Salim Ali Mohammed of Malindi Marine Association, Kenya, said the oldest MPA in East Africa was established in Malindi in 1968. Fishing is not allowed in marine parks, he complained, although all the park waters were traditional fishing grounds. A community marine park is currently in the process of being established. He also wondered about the fate of these marine parks in the light of increasing interests in exploration for oil and gas. He also expressed concern that from the funds received by the Kenyan government for granting fishing rights to European Union (EU) vessels in Kenyan EEZ, little money is given to local fishers.

Martha Wangari Mukira, Coastal and Marine Fisheries, Ministry of Fisheries Development, Kenya said that the marine ecosystem is nothing without the people who live off it. They should not be left out of marine conservation programmes. All fisheries in Kenya before the year 1920 were traditional, she said. Afterwards, many such fishing grounds became exclusive sport fishing areas, from which traditional fishers have been excluded. Kenya now has a Ministry of Fisheries, with the Kenyan Maritime Authority implementing the EEZ legislation. The beach management unit (BMU) is an effective co-management tool, she said, to address the problems of fishers, especially in managing conflicting interests.

The situation of small-scale fishing communities in Loiyangalani Lake Turkana, Christiana Saiti Louwa, El Molo Forum, Kenya

Lake Turkana, the largest desert lake in the world, with an area of 6,405 sq km, is inhabited by the El Molo, Turkana, Dasenach, Samburu and Rendille people. The people of the El Molo tribe are traditional fishers. The community respects the lake and has used their traditional ecological knowledge systems (TEKS) over time to sustain the lake, its species and ecosystem. They realize that the lake has sustained their families for generations. The current land tenure laws in Kenya do not favour the fisher communities and other indigenous peoples to own resources. Land is owned by the government and deemed as trust land.

Some of the factors that hampered fishing communities from realizing maximum benefits from fishing were:

- high level of illiteracy;
- lack of awareness of
 - their human rights and their rights as peoples;
 - policies and reforms governing fishing, post-harvest activities and marketing;
- exclusion from processes that formulate policies and reforms; and
- lack of infrastructure.

Fishing families only had access to fish for domestic consumption, and if they wanted to sell fish they had to buy a fishing permit as well as a fish trade permit. Most families in the fishing community could not afford licences.

The existing fishing co-operative does not have much role in improving the community's access to resources or trade. It was earlier run by non-indigenous people who had a monopoly over fish trade in Kisumu on Lake Victoria.

The access to fishing grounds was affected by an increase in accidents on Lake Turkana, growing insecurity and the rising cost of fuel and fishing gear. Middlemen and Kisumu fish traders benefitted from fish trade in Lake Turkana at the expense of poor fishers.

Women and men do not enjoy equal access to marine fishery resources due to cultural biases favouring the male folk. Women are not allowed to own fishing equipment and cannot venture along the shores out of insecurity, and the threat of rape and sexual harassment. Local communities have no control over the marketing of fish and do not receive any kind of support from the government or any other institutions for processing and marketing fish products.

Recommendations

- countries should incorporate the United Nations Declaration on the Rights of Indigenous peoples into national laws, to enable indigenous peoples to assert their rights holistically and to gain control over their lands and fishing grounds;

- fishers and fishing communities should be involved in decision-making processes affecting them, such as formulation of policies and reforms;
- governments should help communities find markets for fish and fish products, both locally and internationally;
- local communities should be empowered to enable them to take control of the entire process of fishing, processing and marketing; and
- fishing communities should be educated about their rights and be especially made aware of the United Nations Declaration on the Rights of Indigenous Peoples.

1.3.4 South Africa

Solene Smith, Coastal Links, South Africa

Solene Smith of Coastal Links, South Africa, shared her story of how she became an activist fighting for fishers' rights. Her husband lost his brother, one of his brothers-in-law and his nephew in an accident at sea. When her father-in-law decided to give away their boats and engines and not go out to sea again, Solene's husband was clear that he had no life without fishing. Solene decided to stand by her husband in his struggles as a fisherman. Her husband applied for fishing rights in 2005 and got rights for 500 kg of rock lobster and white mussel. Solene now works with the local government to procure a boat for her husband before his rights are taken away. She is currently the chairperson of one of the Coastal Links village committees that is active in fighting for fishers' rights.

In 1994, after the post-apartheid democratic government of South Africa came to power, a new policy of giving fishing rights through a quota system was introduced. The quota dictated how much fish could be caught, after assessing the amount of fish that was available. The South African government allocated fishing rights through this quota system. Large cash-rich companies were the ones who actually procured the quotas. People living outside the fishing community, like lawyers, doctors, teachers and so on, applied and procured quotas, leaving the traditional fishers without their rightful fishing rights.

Fishers were totally excluded from the process of decisionmaking on what happens at sea or how their spaces are used. For example, the competitions for Hobie Cat (a type of catamaran), held by—and for—the wealthy, are conducted in fishing villages like Langebaan. During these competitions, fishers are unable to venture out to sea to earn their daily living, as the sea is crowded with Hobie Cats. Clearly, fishers are not part of decisions that affect their living/working spaces. The lack of access to resources leads to greater impoverishment which, in turn, causes larger social problems like gender and domestic violence, and lack of self-esteem. This is why fishing communities are insisting that they be involved in what happens to their lives and livelihoods, and in the formulation of management plans that will help them decide how, where and what to fish.

Having understood the need for awareness building along the coast of South Africa on the quota system and community-based organizations, Coastal Links was formed to organize fishing communities to engage in dialogue with the government. In 2002, the fishers' voices were heard at the World Summit on Sustainable Development in Johannesburg, South Africa. Marches to Parliament and meetings were organized. The fishers took the government to the Equality Court against the quota system. The fishers won the court case and compelled the government to develop a new policy framework for the small-scale fisheries sector. The government provided relief for an interim period during which the local fishers could fish. That victory has given fishers a newfound confidence and a new space for dialogue with the government.

Hahn Goliath, Coastal Links, South Africa

Hahn Goliath, the chairperson of the community-based organization, Coastal Links, which works mostly along the Western Cape of South Africa, gave a short description of the fisheries sector of South Africa prior to the democratic government of 1994. In the apartheid era, a fair amount of fishing quotas was in the hands of white people, specifically with companies like Sea Harvest. None were in the hands of black people for years and blacks were just employed as workers in these companies. After 1994, when Nelson Mandela was voted to power, the fishers expected a better life. The new government formulated a new fisheries policy to bring down the white dominance in fisheries and give the black community greater access to fisheries. As a result, non-fishers like lawyers and teachers began procuring quotas, and the local traditional fishers were again left out. Quotas cost a lot of money, which the small-scale traditional and artisanal fishers could not afford. For fishers, fishing is not only a source of money but also a source of food security. With the quota system, they could not fish when they wanted to. Very few fishers were successful in getting quotas for West Coast rock lobster, and when they did, they received the smallest amounts. Some of them got 200 kg, 500 kg and 750 kg, and none got quotas as large (100 tonnes, for example) as those that went to the big companies. The South African government has also come up with a long-term policy of allocating quotas for 10 years, which cannot be challenged for that period.

The Marine Living Resources Act of South Africa has avoided the category of small-scale artisanal fishers. The Act has categorized fishers into commercial, recreational and subsistence fishers. The small-scale artisanal fishers fall into the category of subsistence fishers allowed to catch just enough to put food on their table and not allowed to sell their catch. The category of “small-scale artisanal” was excluded due to the lobbying of the large companies in the fisheries.

A very small number of fishers have been successful in the quota system. The fishing communities had leaders who fought against the apartheid system. In 2004, those leaders, along with supporters in Masifundise Development Trust organized the fishers to fight for their rights and also to make their voices heard at all levels of governance. Many letters were sent off to the President, to the Parliament members and to officials at all levels of governance. The fishers undertook marches to the Parliament, which brought the plight of traditional fishers to the attention of the government and officials. Fishers also gathered in Paternoster and went out to sea to challenge the fisheries policy of the government.

As a result of these struggles, the small-scale fishers are now part of the policymaking for South African traditional fisheries, and are now invited to meetings and discussions on small-scale fisheries. The traditional fishers have the following demands:

- grant them the right to take part in all decision-making processes that affect their lives and livelihoods;
- dismantle the current quota system and design a management system of their choice;
- protect and conserve marine fishery resources;
- reserve five nautical miles into the sea exclusively for traditional fishers;
- secure their access to credit and other financial services; and
- permit traditional fishers to participate in the export trade of fish products.

Since fishing is part of the culture and way of life of many coastal communities, the right to practise it should be recognized, it was proposed.

1.3.5 Uganda

Florence Okoth Nyalulu Tushemereirwe, Tororo Community-based Nursing Homes (TOCBANGH), Uganda

An examination of gender rights in fishing communities reveals how men and women assert rights to resources differently, and what their roles and responsibilities are, said Florence Okoth Nyalulu. According to the traditional cultural beliefs of fishing communities, women are not supposed to touch a fishing boat as that is supposed to bring bad luck. This belief denies women access to resources. The national fisheries policy of Uganda requires a boat to be licensed to fish. Few women have the money to buy boats. Even if they can, cultural beliefs deny them access to the boats.

In a country where 51 per cent of Uganda's population are women, and, therefore, they should legally have more representation in all the sectors, women are reserved only 30 per cent representation in the BMU governance structure. The Parliament's gender policy also calls for only 30 per cent reservation for women. While the rights of women are talked about on all platforms, such talk is mere tokenism.

Inheritance also plays a part in the sorry plight of women in Uganda. Women are denied inheritance to productive assets, namely, land. This is mainly due to the cultural factors that prohibit a woman from inheriting property from her father. The issue of inheritance has far-reaching implications. The lack of inheritance and the subsequent economic predicament push women into the fisheries sector. Women who have no social support systems to fall back on—mostly widows driven away from their deceased husbands' homes, and single mothers, or young women—come to fish landing centres as a last resort of survival. Many are forced into commercial sex work in exchange for fish exposing them to HIV infection. Efforts should be made to strategically address the survival needs of women. Women should be trained to manage economic enterprises for alternative sources of income.

Perspectives from Small-scale fishing Communities on Coastal and Fisheries Management in Eastern and Southern Africa, Farouk Bagambe, Uganda Fisheries and Fish Conservation Association (UFFCA), Uganda

The only way for fishing communities to gain access to the resources of Lake Victoria was through the acquisition of fishing permits and vessel licences. BMUs play a role in improving access to fishery resources, credit and market, in registering craft and gear, in issuing fishing and vessel permits on behalf of the government, and in issuing fish movement permits that inform buyers about the source of fish being taken to the market (traceability of fish).

Access to fishing has declined over time due to

- competition from industrial or semi-industrial fishing vessels that catch fish regardless of size and weight, primarily to meet foreign consumer tastes;
- worsening environmental pollution, including pollution of inland waters;
- increase in population, resulting in overfishing pressures;
- rising costs of fuel; and
- lack of markets and alternative income-generating activities.

Traditionally, women were not involved in fishing, other than processing and marketing the catches. Although some women own boats, the vessels are operated by men.

Fishers have already started realizing the effect of overfishing and they have started to move from some areas since fishing operations have become less economically viable, given the distance they have to cover to search for fish.

Protected areas are only just being established in Uganda. The lack of any legal framework to ensure access rights for fishing communities and the high degree of corruption among government officials allow fishery resources within the protected areas to be exploited by outsiders, while the actual fishers are denied access to the resources.

Fish is sold either fresh or in sun-dried or smoked form in local markets. Fish is also sold to processors for export. However, fishers retain no control over the process since buyers determine the prices. Fishers have to meet stringent health and sanitary standards for their products to be sold in the world market. Requirements like the specifications for landing sites often create problems for the fishers. Only 20 per cent of landing sites in Uganda are approved. Fishers from the remaining 80 per cent of the sites are given low prices for their catches. Sometimes fish from other parts of the lake are procured from fishers at low prices and traded on the brand equity of Lake Victoria, which fetches a good price in the export market.

Women who are involved in the post-harvest markets often lose out to the traders due to their lower bargaining power. They often have to barter sex for fish, exposing them to the threat of HIV/AIDS. Many women also become victims of domestic violence if they fail to earn food for the family. In Uganda, no support is given to fishing communities to process and market their fish products. Although BMUs are looked on as vehicles for co-management, fishers are often held solely responsible for resources while no rights whatsoever are assigned to them for access to fish or land resources.

Farouk Bagambe then enumerated the following measures to ensure better protection of fishery resources and improved living conditions of fishing communities:

- formulation of an enabling policy environment for responsible fisheries in the small-scale sector;
- legal recognition and protection of small-scale fishing and fish marketing interests;
- strengthening of community fishing rights;
- promotion of human rights for the social development of fishing communities. These rights include legally mandated rights to decent working conditions, gender equality, children's rights and the rights of other potentially vulnerable groups;
- stronger linkage of small-scale fisheries with national and local poverty-reduction policy strategies so as to ensure equitable access to social service provisions, including those related to health, education and judicial services;
- inclusion of small-scale fisherfolk in the processes of development planning;
- empowerment and mobilization of fishers and BMU institutions to raise awareness of their rights, and enable them to self-organize and articulate their demands, negotiate with government officials and discharge their responsibilities;
- rooting the BMUs in fishing communities rather than in government;
- reduction of conflicts between the pursuit of livelihood objectives and fisheries management, and ensuring that fisheries management contributes to poverty alleviation and equitable distribution of benefits, thus making management pro-people rather than pro-fish; and
- balancing free markets and privatization with the need for sustainability.

Farouk Bagambe added that the current trend towards devolving fishing rights to resource users might have greater benefits if there is a simultaneous effort to reduce vulnerability and social exclusion in small-scale fishing communities.

Experiences/Challenges of Fisherfolk at the Katosi Landing Site in Uganda, Namuuga Vaal Beatrice, Katosi Women Development Trust (KWDT), Uganda

The fisheries sector in Uganda provides a vital source of food, employment, recreation, trade and socioeconomic well-being. The various players in the fisheries include the government, the private sector and civil society organizations. Many of them are involved in fisheries conservation. KWDT, an NGO functioning along Lake Victoria's shores and the Katosi landing site, works with women in fishing communities to improve the living conditions of their communities.

The major economic activity along Lake Victoria is fishing and a decline in fisheries resources is quite visible. Enforcing fisheries management measures—namely, limiting the size of fish and the mesh size of nets, and the introduction of licensing—has been problematic.

The demand for Uganda's fish has been increasing internationally (in EU markets), regionally (in Rwanda and Zaire) and locally (in urban centres). This has attracted many industrial fishers and fish-processing companies to the coast of Lake Victoria, displacing local fishers from fishing and traditional processors, mainly women, from fish processing. It has also increased the vulnerability of fishers to price fluctuations, affecting the food security of the population. Though the Ugandan government earns over US\$90 mn from fish exports, these foreign exchange earnings have not really contributed to the improvement of the livelihoods of fishing communities.

1.3.6 Zambia

Mainza K Kalonga, Department of Fisheries, Zambia

Zambia's fishing sector is based on resources from several major lakes and swamps. In terms of employment and nutrition, fishing is the most important activity for areas closer to these water bodies. The fisheries sector employs more than 30,000 fishing households and an additional one million people or more are employed in ancillary activities. The country's fisheries have been in decline in recent years due to illegal fishing, destructive fishing techniques and the rise in the fisher population.

The country's fisheries policy is enshrined in the National Agriculture Policy, which proposes fish conservation methods and improvement of the economic status and conditions of small-scale fishers, fish farmers, boatbuilders and fish traders, as well as enhancement of benefits from fishing areas to local communities.

Zambia's fisheries have long been open-access. With the collapse of many hinterland businesses and companies, fisheries activities provide a social safety net. Though women were traditionally not allowed into fishing due to cultural beliefs, things are changing, and in the government's point of view everybody has equal access to the resources. Women dominate trading and marketing of fish in Zambia. They are also involved in post-harvest activities, for example, in smoking, drying and freezing fish. The following are some of the challenges associated with fish trading:

- long distances to fishing grounds;
- poor availability of fish;
- lack of good transportation; and
- lack of handling facilities.

The following were some of the recommendations suggested:

- building basic infrastructure in landing sites;
- provision of credit to small-scale fishermen for improved means of production;
- strengthening the organization and institutional competencies of the authorities;
- training of personnel to meet new challenges in the fisheries sector;
- support for lakeshore plans for cage fish farming; and
- strengthening the organization of fishing and fish-processing associations.

Mainza concluded that there are many associations to represent the interests of fishing communities, while the Human Rights Commission was constituted by an act of Parliament to address all issues related to human rights in Zambia, and the Citizens' Economic Empowerment Fund was created to support the economic interests of Zambians.

1.3.7 Malawi

Small-scale Fisheries in Malawi: Access Rights, Post-harvesting Activities and Human Rights, Friday Njaya, Department of Fisheries, Malawi

Fishing is the main source of livelihood for lakeshore-based communities in Malawi. Fish is mainly used for local and national consumption. Licence fees are demanded for some gear like gillnets and all seine-nets, while longlines, handlines, scoop nets, cast nets and fish traps are exempted from licence fee. Industrial fisheries in Lake Malawi are assigned fishing areas for a particular year upon payment of a licence fee, while small-scale fisheries enjoy a common-property regime, with rights and responsibilities assigned to specific groups of fishers.

Fish resources are believed to be declining due to overcapacity in the industrial fishing fleet because of competition between industrial and semi-industrial craft; destructive fishing seines on Lakes Malawi and Malombe; and increase in fisher population.

Gender aspects

Discrimination on the basis of gender occurs due to socio-cultural factors. Women do not own any productive resources or assets. Women are prohibited from coming near canoes soon after their construction. Women are mostly involved in traditional fish processing and marketing. The menace of middlemen is common in Lake Malawi fisheries. The women also complain of difficulty in selling dry fish in the market due to increased incidence of thefts. Though the number of cases is on the decline, there are still incidents where property is grabbed by relatives once a married woman becomes a widow. A new law has been proposed by civil society groups and human rights activists to safeguard the capital assets of widows so that land and other productive assets are left for the women and their children after their husbands pass away.

Problems faced by the fishing communities

- access to resources and access to land: Though some informal traditional customary laws exist and are still practised in Malawi, the government does not legally recognize them. There are closed areas in Lake Malawi due to the establishment of national parks, where concessions are given to ecotourists. Although the fishery is open-access and beaches are considered to be public areas, the beach lodge owners do not allow artisanal fishers to land their fish on beaches facing the lodges. There are also issues for small-scale fishers accessing traditional fishing grounds that exist outside the national boundary;
- policies aimed at increasing fish production always favour industrial fisheries;
- limited employment opportunities in small-scale fishing due to the massive displacement of small-scale fishers from fishing by intense competition and unfeasible input costs;
- increase in population of fishers;
- lack of appreciation of local knowledge by scientists and policymakers; and
- lack of government attention on issues of safety and social security for fishing communities.

Friday concluded the presentation by giving some measures for sustainable fisheries management:

- developing mechanisms to resolve conflicts between small-scale and industrial fishers, and between small-scale fisheries and the tourism industry;
- limiting entry into the fisheries;
- developing alternative sources of income;
- enforcing closed seasons for large-scale fishers;
- providing social amenities in lakeshore areas;

- introducing co-operatives;
- introducing safety measures for small-scale fishers operating dugout canoes and boats of less than 22 ft in length; and
- empowering the user community through participatory fisheries management, decentralization and devolution of governance, and policy and legal instruments.

2 THEME I: SECURING SUSTAINABLE RESOURCE USE AND ACCESS RIGHTS

Chair: Friday Njaya, Department of Fisheries, Malawi

2.1 FAO 4SSF Conference, Bangkok, October 2008: Main Themes

Bjorn Fagerholm, FAO Regional Office, Harare, Zimbabwe

The second day of the workshop started with the presentation by Bjorn Fagerholm from the FAO Regional Office in Harare on the 4SSF Conference to be organized by FAO and the Royal Government of Thailand, in collaboration with Southeast Asian Fisheries Development Centre (SEAFDEC) and WorldFish Centre, in Bangkok during 13-17 October 2008. He spelt out the objectives of the conference. The scope of the conference is broad and allows for discussion of a wide range of issues, including wider social and economic development, and human rights issues; governance, fisheries management approaches, and market access; and aspects and means of increasing post-harvest benefits.

There will be a special focus on the issue of securing access and user rights for small-scale fishers, indigenous peoples and fishing communities to coastal and fishery resources that would sustain their livelihoods, he stressed.

Fagerholm said the main focus of the conference would be on three thematic areas, namely securing social, economic and human rights; securing sustainable resource use and access rights; and securing post-harvest benefits.

Fagerholm added that the target number of participants for the conference is around 300, with expected equal participation from fishworkers, NGOs and academics, and representatives of various governments.

It was discussed that a statement developed from the Zanzibar Workshop could be used to influence regional bodies like the African Union (AU) to develop a statement on inland and marine small-scale fishers and fishing communities, projecting the kind of framework they have and what they would like to promote in the ESA region. Such a statement from the AU could be presented to the FAO conference. It was suggested that the government representatives at the workshop should play a leadership role in influencing governments in the region.

Naseegh Jaffer said that processes like the Zanzibar Workshop play a major part in ensuring the participation of fishing communities in the preparatory process leading to the FAO 4SSF Conference.

2.2 Developing a Rights-based Fishing Framework for the ESA Region

Sebastian Mathew, Programme Adviser, ICSF

Giving a short background of the region and its fisheries, Sebastian Mathew said that, in comparison to Asian fisheries, the ESA fisheries situation was not as grim. It was the right time to think through how to manage inland and marine fisheries in the region. One of the main issues highlighted during the discussion on Day 1 of the workshop was the lack of access to fishing grounds. The lack of access of women to resources was also highlighted. The access could be hindered by a variety of reasons

including the creation of MPAs. Post-harvest rights and human rights could not be easily separated from securing access rights to fishing, he observed.

The factors that contributed to the lack of access—or that blocked the prospects—of small-scale fisheries to diversify into the EEZ included industrial fishing practices, illegal, unreported and unregulated (IUU) fishing, and distant-water fishing operations, he said.

Since there were no estimates of the fisheries potential of the EEZs of African countries in general, and ESA countries in particular, it was not necessary to allow other fishing nations to their EEZs. There were possibilities to develop and diversify the small-scale fisheries into the EEZ, he said. Options of employing a self-reliant model, based on smaller craft and gear and their combination, in lieu of larger vessels, to harvest fisheries in ESA waters should be considered, he said. The issue of making conservation and management go hand in hand with fisheries development was very pertinent, he observed. There should also be MCS mechanisms to ensure that the access of coastal States to their coastal waters and resources was not threatened by IUU fishing operations. There was need to enforce strict measures to prevent piracy and pillage of resources by distant-water fishing fleets that have no interest whatsoever in the welfare of coastal States.

The issues under the scanner were how to protect the access of artisanal fishers to fishing grounds and thereby the resources; how to eliminate destructive fishing gear and practices; and how to manage fisheries in inland and marine waters, especially in the EEZs, by ensuring an appropriate management regime. There was need to integrate elements of local/traditional knowledge in such a regime, and ensure a bottom-up perspective on conservation and allocation of fishery resources. Fisheries management regimes should further ensure the participation of communities in decision-making processes. In this context, it was pertinent to strike a balance between conservation and subsistence and livelihood interests of fishing communities, he said.

The forthcoming FAO global conference speaks of securing user and access rights. A rights-based framework would involve a proper realization of both rights and duties. In an open-access system, where fishing space and resources are limited, a community may have to develop rules governing access to the limited fishery resources through a rotational access system. Developing rules was part and parcel of many traditional community management systems. The crux of the rights-based approach to fisheries management is how to negotiate how much of ones' own rights needs to be given up to accommodate those of others. Exploring the space of coherence is the essence of adopting the rights-based approach to fisheries. It is time to recognize fishers and their fishing practices and to come to an understanding about their rights and how to develop the fishers' own system of a rights-based framework. Sebastian Mathew concluded that a rights regime in fisheries could essentially mean that one is aware of one's obligations and duties as a fisher. Attention was drawn to the importance of having stronger fishworker organizations at the national level that can successfully represent the interests of fishers, and elicit positive response from the State, especially in matters related to fisheries management.

Every fishery has its own rudimentary management system. Before imposing superstructures from outside, for example, conditionality of co-management or the requirement of a Japanese fisheries management model in a developing-country fisheries, it is important to discover and examine structures that already exist, he suggested. The rights-based approach should be appropriate for the fishery and the community in question. The challenge would be to develop the elements of such a framework based on already existing structures.

Some of the international legal instruments that recognize the rights of artisanal fishers, for example, Article 6.18 and Article 7.6.6 of the FAO Code of Conduct for Responsible Fisheries (CCRF); Article 24.2b of the United Nations Fish Stocks Agreement (UNFSA); the Jakarta Mandate of the Convention on Biological Diversity (CBD), etc. were discussed.

COMMENTS AND DISCUSSIONS

In spite of having demarcated zones for artisanal fishers, there were incidences of encroachment into these zones by commercial fishers. There were also instances where the fishing vessels of adjacent fishing nations encroached into demarcated zones. Was there a way to ensure that the rights of the small fishers to their fishing grounds are upheld? If there are strong fishworker organizations campaigning for the rights of local fishers, it should be possible to negotiate for protection of fishers' access rights from such encroachments, it was observed.

Christiana Saiti Louwa from Kenya commented that effective solutions should be found for the immediate problems of fishers, and that they need not unnecessarily wait for longer periods to gain recognition for their rights.

Momade Bacar from Community Council for Fisheries, Mozambique, agreed with Christiana and added that there were severe conflicts between resident and migrant fishers who move across zones in Mozambican waters without actually respecting or even being aware of the rules and regulations. He said an immediate solution needed to be found for such transgressions.

The workshop should provide an opportunity to reflect on one's problems and consider options for resolving the same, he said. Sharing experiences could help to consider options to approach, understand and resolve these problems.

Issa Ameir Suleiman, Department of Fisheries and Marine Resources, Zanzibar, Tanzania, commented that all countries that were represented at the workshop had some kind of management measure or the other in their fisheries. Still, destructive or illegal fishing continued. Fishers were quite unaware of their rights or responsibilities and would also be unaware of the status of their fishery resources. Livelihood and food-security issues often come before conservation issues, he said. This, together with weak enforcement of management measures, bred illegal fishing.

It was pointed out that although effective enforcement is crucial to fisheries management, a socially responsible approach can help improve fisheries management. Drawing attention to a study done by Ian Bryceson (Norwegian University of Life Sciences, Ås, Norway), Kassim Kulindwa (Economic Research Bureau, University of Dar es Salaam, Tanzania), Albogast Kamukuru (Faculty of Aquatic Science and Technology, University of Dar es Salaam, Tanzania), Rose Mwaipopo (Department of Sociology, University of Dar es Salaam, Tanzania) and Narrimann Jiddawi (Institute of Marine Sciences, University of Dar es Salaam, Tanzania) in Mafia Island, Tanzania, it was pointed out that the spurt in illegal fishing in Mafia coincided with the reopening of village schools. There was thus a clear link between illegal fishing and school education of children, a human rights issue. If the government can make an effort to provide financial assistance to children of fishing communities to buy schoolbooks and pay school fees, a possible reduction in illegal fishing could perhaps be achieved, it was observed.

In the final analysis, the success of fisheries management was in the moral realm (for example, through peer pressure) and not in the legal realm in countries with poor capacity to invest in fisheries management. It was difficult to implement fisheries management only through command and control structures, and they would not succeed if communities did not take any responsibility for implementation. If the needs of the poor in the community are addressed, there is a greater chance of them taking responsibility to conserve fishery resources. In Mozambique, for example, a certain portion of the income from fishing is set aside to form a village fund for community development.

2.3 Summary of Key Issues from Day One Presentations

Jackie Sunde, MDT, South Africa

One of the major points identified on Day 1 was the linkage between fishers' access rights (including user rights) and post-harvest rights. Human rights underpinned these rights and none of them could be seen in isolation, it was pointed out. The position of women and indigenous people in many communities highlighted these linkages. Without specified rights—for example, the right to land and human rights issues of security and safety—resources are quite inaccessible to certain groups within a community, for example, women.

Currently, the types of access to fisheries in the ESA region vary from open-access regimes to highly regulated systems, such as the individual quota systems of South Africa. Management systems vary from community-based systems to specifically designated artisanal zones or multiple-use zones. Traditions and customary practices with regard to access and management still persist, although they are eroded in many areas in the region. In most cases, the rights of fishers are neither recognized nor secured legally in national legislation, although there had been some efforts and some improvement in the policy environment in several countries where a more 'enabling' policy environment was now present. However, in some countries like Kenya and South Africa, policies continue to favour commercial interests. The issue of differential access, with men enjoying greater access than women, was evident in the ESA region as well.

The following factors were identified as responsible for restricting the access of artisanal fishers in the ESA region:

- the establishment of MPAs and marine reserves;
- conflicts between commercial and industrial fisheries;
- conflicts with migrant fishers; and
- IUU fishing.

Apart from the above, small-scale fishers are also being increasingly squeezed by tourism development. Tourism was seen as both a constraint and an opportunity. Weak—or the absence of—fishworker organizations in the region was also responsible for hindering securing access rights of fishers.

The issues beginning to emerge for securing the access rights of fisheries in the ESA region were identified as:

- greater definition and articulation of small-scale fishers' rights in legal and policy frameworks;
- need to define rights to preferential access to resources (with associated restrictions on industrial/commercial vessels);
- introduction of zonation and vessel/gear/effort controls as mechanisms to secure these rights;
- recognition and integration of indigenous and traditional knowledge systems with scientific knowledge systems;
- improving research on the status of fish stocks and developing a joint decision-making mechanism on sustainable levels of fish harvesting;
- introducing a consultative process to initiate restrictions on fishing craft and gear, also based on indigenous knowledge;
- enforcing regulations related to destructive fishing gear and practices;
- ensuring the right to participate in decisionmaking through structures such as co-management committees or BMUs, to move towards greater balance between conservation goals and livelihood rights, and ensuring sustainable access and use rights within management tools such as MPAs;

- ensuring access to adequate credit and financial support; and
- introducing and protecting measures to promote and protect women's access to resources and to assets.

COMMENTS AND DISCUSSIONS

One of the participants suggested that there was a need to come up with an instrument to be used to lobby for the small-scale fishers, for example, a statement that could be used for lobbying at the forthcoming FAO meeting.

Another participant added that there was need to look not only at the FAO conference but also at how to lobby for small-scale fishers at the respective national, provincial, district and local levels. Leticia Chakumba, a fisher from Tanzania, said that options to rehabilitate fishers who use destructive gear should be thought of, which could ultimately result in sustainable fisheries.

2.4 Problems of Access to the Areas of Fishing for Artisanal Fishers in Cabo Delgado Province

Manuel Daniel, National Institute for Small-scale Fisheries, Mozambique

Manuel Daniel gave a brief account of Mozambican fisheries and said that its development can be divided into three phases, they are,

- Pre-independence phase: Although the resources and their management were under the control of the Portuguese during this period, the traditional authorities were recognized and their power over the resources and related activities were legitimized.
- The first post-independence phase: This phase (1975-1989) saw greater emphasis on centralized management and witnessed many non-consultative processes that led to the failure of the traditional systems.
- The second post-independence phase: This was the open-economy phase (from 1990 onwards), which saw a move towards greater democracy, and promoted the process of decentralization and the devolution of power, leaving decisions on fisheries resources to users. This phase also saw the introduction of the concept of co-management.

Manuel then listed issues such as declining catches, encroachment into Mozambican EEZ by vessels from adjacent fishing nations, and conflicts between fisheries and tourism, and fisheries and marine conservation programmes—issues that are seen in other African countries too. The government is keeping up with its efforts at co-management to ensure community involvement, he said.

The main challenges faced by the Department of Fisheries are to guarantee the rights of fishers such as access to fishing areas, resources and new fishing technology. Another challenge is to assure greater participation of fishing communities in decision-making processes, management and evaluation of projects undertaken by the Fisheries Department in the coastal zone.

2.5 Group Discussions

The group discussions held were based on a set of questions and issues circulated in advance (see Appendix 1).

Participants were divided into three groups. Group I was the Swahili speakers from Tanzania, Group II consisted of fishworkers from South Africa and NGO representatives, and Group III comprised government officials, academics and representatives of multilateral organizations.

2.5.1 Reporting Back to Plenary and Discussions

Group I

To the question of access and user rights, the group opined that being able to fish without being bothered is the first and foremost right of the fishing community. The trawlers should not interfere with the activities of the small-scale fishers. The practice of allocating a licence to fish is important. The licence should mention the range within which the licensee can fish. Issuing a licence should take into consideration whether the applicant is a migrant or a local fisher. The group suggested that the migrant fishers should pay more than the locals for licences. Fishers should also be given the right to refuse to pay for a licence if they feel their needs are not being considered.

Fishers should be required to use only non-destructive fishing gear. The practice of the government imposing a ban on certain gear only to lift it afterwards was not acceptable, the group felt. The government should be firm in its decisions to permit only the use of nondestructive fishing gear.

The group added that fishing communities have the right to be informed about the results of assessments and studies conducted on them and their environment. They should be given a true analysis of whether the community is actually gaining or losing by the various “developmental” processes being initiated. They strongly felt that fishers should be involved with experts in decision-making processes. They stressed that the fishers have the right to benefit from developmental activities such as tourism and establishment of MPAs. The group also stressed the importance of assuring the right of the fishing community to participate in marine and fisheries conservation programmes. Thus, their voices needed to be heard at all stages of development. Fishers should be given more consideration for any project or programme enforced in their area so that they will benefit from the programme and not become victims of it. Fishers have the right to be aware of the rules and regulations in an area, most of which they are unaware of at present. They also have the right to be educated on the management of natural resources.

To the question of how these rights should be achieved, the group said that the responsibility was with the government. Education should be extended to the community; there should be efforts to involve the community in conservation measures and decision-making processes; and credit should be extended to the community in order to alleviate poverty. The group also agreed that the right to use the resources well is the responsibility of the fishing community to ensure sustainability and benefits for future generations.

Group II

The government needs to recognize that fisherfolk have long existed on any given water body and have enjoyed stewardship over the resource, conserving and maintaining them with their indigenous knowledge systems, Group II said. Any legislation should therefore recognize the access rights of fishers, and be sensitive to their culture, especially their indigenous knowledge. The legislation should

take special care that it does not impinge on the livelihood and food security needs of the people, and should take into consideration the health requirements of fishers and their environment. A balance should be struck between protecting human rights and property/resources.

The group came up with some specific demands on access rights. It agreed that there is a need to demarcate critical small-scale fishing zones as areas critical to the livelihoods of small-scale fishers. Preferential rights should be extended to local small-scale fishers, and not to outsiders. Once the rights are recognized, the fishers should be made aware of them and they should be empowered to take up MCS activities.

The onus should be on the government to create an enabling environment for empowering small-scale fishers to articulate their rights. They should be encouraged to form associations, and conduct meetings and demonstrations. They should not be looked on as adversaries. Rather, they should be given the right to be involved in decisionmaking, policy development, and implementation and monitoring of policies relating to fishing and fisheries resources. Since marketing is a key component of fisheries, it is important to improve the access of fishers to marketing infrastructure and market/price information.

The group also highlighted some of the existing rights that need to be strengthened. The government should ensure exclusive user rights for small-scale fishers to the fishing grounds for the protection of their livelihoods. Commercial fishers should not be allowed entry into critical areas or fish-breeding grounds that need to be protected for the survival of small-scale fishers. Existing legislation should incorporate traditional fishing practices. There is also a need to review the extent to which national governments have implemented international protocols and agreements, the group observed. If there are certain agreements that do not take into consideration the interests and concerns of small-scale fishers, these should be reviewed and the concerns of fishers addressed.

Group III

The group pointed out that as the custodians of order, it is the duty of the government to guarantee ownership of the fishing ground to the small-scale fishers. Such ownership should be free of restriction, and be backed by regulatory mechanisms, including licences and registration requirements.

The government participants also thought that fishing communities should be helped to take full benefit of the EEZ through technology enhancement. They also felt that education was an important part of empowering the fishing communities. The need of people to have sufficient access to capital was also important.

The government officials also raised concerns about the safety of fishers, including threats of kidnap or arrest in foreign waters. Therefore, there should be greater MCS as well as monitoring of the movement of fishers. An MCS regime would also help the fisheries department to act expeditiously when a crisis at sea was reported.

There should be efforts to conserve fishery resources with the support of people through an ecosystem approach, the government participants said. There should be a greater thrust towards community MPAs, with fishing moratoriums and enforcement being established in consultation with communities. There should be an alternative, participatory system of management where the government and the people agree on the type of management. There should also be suggestions on what fishers should do if their livelihoods are affected. There should also be efforts to take stock of the fisheries resources and use the information to negotiate management measures. In conclusion, the government participants said that governments should recognize the tradition and culture of the fishers and the fact that fishing is their way of life.

COMMENTS AND DISCUSSIONS

The group presentation was followed by a debate on people's participation in management. One of the participants said that though Tanzania has a Fisheries Act and a Marine Life Act, and advocates the involvement of the local fishing community in co-management, illegal fishing is still rampant. How can local people defend their livelihoods? The BMU is one grass-root organization working on the principle of co-management. Mechanisms are in place through such grass-roots organizations for fishers to suggest improvements.

Florence Okoth Nyalulu from Uganda opined that BMUs are namesake structures, established in the name of the communities but actually functioning as extensions of the government. To illustrate, she said that when the chairperson of a BMU in Uganda is sworn in, he takes an oath stating that he will be faithful and bear true allegiance to the sovereign State of Uganda and will principally serve the government of Uganda in the office of the BMU. The section in the BMU legislation that talks about the role of the chairperson does not mention communities. She wondered, therefore, whether these are really institutions working for the fishing communities, and whether they are able to advocate for the rights of the community.

Manuel Daniel from Mozambique, said that the functionality of the BMUs differs from region to region and from country to country. In Mozambique, he said, the BMUs are quite functional, with active community participation. It needs to be seen how a BMU could be organized to be effective and true to its objectives. All the members of a community are members of a Conselho Comunitário de Pesca (CCP) (a structure equivalent to a BMU in Uganda). The heads of the BMU are elected during a General Assembly in a process that is democratic and transparent.

Farouk Bagambe of Uganda added that there should be a way to oversee whether community interests are taken on board in a BMU. Was it the fisheries officer or fishers who oversaw the whole process of electing BMU members, he asked. At the end of the day, the Fisheries Department appoints the BMU chairperson, who is responsible for enforcing laws. Farouk added that the donors and their conditionalities are a large part of the problem. The government programmes are, to a large extent, decided by the objectives of the donors. The crucial question is how aware the fishers are of their rights, he concluded.

Ian Bryceson, Norway, stated that BMUs, formed as a model of co-management, are supposed to be a meeting point for both the government and the community. It is neither a top-down organization nor a fishers' union. It is, therefore, not going to fight for the fishers' rights, he observed. BMUs can be used as a vehicle for co-management. But there should exist fishers' unions/organizations/associations to represent fishers and fight for their rights. The BMU is just a platform for co-operation between communities and government, and it cannot replace a fishers' union or a fishworker organization. The presence of a BMU does not obviate the need for an organization of fishers, Ian Bryceson said.

Chief Chipepo, from Lake Kariba Interzonal Fisheries Management Association, Zambia, shared his experience with the Village Management Committees (VMCs) in Zambia, which provided a platform for all stakeholders to meet and exchange views. He said it is important to engage the government in a dialogue. In most cases, the NGOs working in an area soon become a political force opposing the government. In Zambia there is now an effort to bring together the government, NGOs and the communities. For example, the draft Zambian Fisheries Act was formulated in a meeting attended by the chiefs who are considered to be people's representatives. The people themselves make the byelaws of the VMCs which are put down in a language easily understood by the people, concluded the Chief.

3 THEME II: POST-HARVEST BENEFITS AND MARKETING CHALLENGES FROM A RIGHTS-BASED PERSPECTIVE – INTERNATIONAL, REGIONAL AND NATIONAL INSTRUMENTS AND POLICY GUIDELINES FOR THE SSF

Chair: Kassim Kulindwa, University of Dar es Salaam, Tanzania

3.1 What is a Possible Rights-based Framework for Post-Harvest Benefits?

Sebastian Mathew, ICSF

The presentation put together some of the rights-based approaches to post-harvest benefits for the small-scale fisheries in the region. It started off with a snapshot of the trade scenario in the region. Sebastian Mathew said that the movement of fish within Africa is quite large and the major share of fish production came from the inland sector, which also contributes to 90 per cent of international trade in fish and fish products. Looking at intraregional or national perspectives, one of the possible post-harvest rights issue is how to ensure that benefits of fish production and fish trade actually reach fish producers and processors. Is it possible to ensure that the right of the first sale is vested with producer organizations so that the price received by the producer might be higher than what it would be if the trader has the right to auction the fish caught?

There were various other rights that needed to be considered, Sebastian Mathew said:

- Right to hygienic infrastructure for fish landing

This is an important factor influencing access to most international markets, and needs to be considered for all countries in the region.

- Right to timely market information

Timely information about the price of fish and fish products helps in effective negotiations with traders and exporters for better prices.

- Right to non-discrimination in market access

There are cases where the same standard is applied differently to different countries. For example, when Seychelles had problems of market access in exporting swordfish caught by Seychellois longliners to the EU markets, the swordfish caught by the European fleet in Seychellois waters had easy access to the EU markets.

- Right to participate in planning and implementation of trade policies and programmes

Alongside efforts to ensure participation in planning and implementation of fisheries management programmes, it is important to lobby for the right to participate in trade policy negotiations.

- Right to minimum food safety standards

There are various standards for food safety, and each country had its own national protocol on food standards. There is legislation in the US, Japan and EU for implementation of the HACCP system. Therefore, it should be ensured that the food safety standards implemented in the ESA region are equivalent to the standards in these markets.

- Nutritional rights

The rights of consumers had to be considered, too, in the basket of post-harvest rights. If fish that is normally consumed by local communities is exported, and affects local consumption, then nutritional rights would become an important issue to be addressed in the exporting country.

Sebastian Mathew then gave examples of how post-harvest rights are mentioned in international legal instruments. He elaborated on Article 11.2.15 of the CCRF, which urges: 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.

Taking cues from the current debates going on in the World Trade Organization (WTO) on fisheries subsidies, it was evident that the production standards are going to be very important in the future for market access. Even for trade, practices relating to production and protection of marine habitat need to be clarified. There are several multilateral environmental agreements (MEAs) that list protected species that cannot be traded, like the Washington Convention or the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) and the Convention on Migratory Species (CMS). It is important to examine measures to protect such species in ESA waters. Only by keeping in mind the convergence of international trade and national production standards can we arrive at a final picture of a rights-based approach to fisheries, post-harvest rights and human rights, Sebastian Mathew concluded.

COMMENTS AND DISCUSSIONS

Athman Mohammed, from Kenya, said that international standards were important when it came to market access. However, there are more basic and urgent problems to be addressed in the ESA region, such as post-harvest losses that arose mainly due to lack of electricity and poor road conditions. Efforts should be made, he said, to have more exchanges of appropriate technology that could help poor fishers reduce post-harvest losses.

It was clarified that the right to better infrastructure in relation to fish processing and market access was integral to post-harvest rights. Attention was drawn to the work of the Sustainable Fisheries Livelihood Programme (SFLP) of FAO in reducing post-harvest losses in West Africa. The participants were also informed that the South Western Indian Ocean Fisheries Commission (SWIOFC) has a mandate to look at SSF issues. The information needed to minimize post-harvest losses could be requested from national governments, FAO, SWIOFC or SFLP, it was suggested.

Florence Okoth Nyalulu, from Uganda, asked whether there were any legal instruments that would protect the rights of post-harvest workers. Health is an important issue in the post-harvest sector, she said. She gave the example of post-harvest workers in Uganda, who smoke and salt fish. They have a higher incidence of muscle and skeletal disorders due to excessive exposure to salt, she said.

It is important to consider processing workers' right to health when post-harvest rights are talked about. The occupational health concerns of fish processing workers should be dealt with as occupational safety and health issues. The Ministry of Labour and Health should be competent to deal with such issues. Information on specific issues in the fish processing industry could be requested from the Department of Occupational Safety and Health Department of the International Labour Organization (ILO). While no specific reference to the fish processing industry has been made, broad provisions for any industry are mentioned in the ILO Occupational Safety and Health Convention, 1981. The possibility of extending some of those provisions to make them applicable to the fish processing sector should be looked at, it was suggested. Drawing on the Convention and looking at the situation in the ESA fish processing industry, some key areas should be developed for further enquiry. The international community should be lobbied to develop some standards for the fish processing industry. It would be interesting to study the good practices in other similar processing industries, or in the fish filleting or food processing industries in other countries, and try and adapt those standards to the conditions of the ESA region, it was suggested.

3.2 Securing Post-Harvest Benefits

Chair: Friday Njaya, Department of Fisheries, Malawi

3.2.1 Fisheries Study in Tanzanian Coastal Waters: the Effect of Trial Exports of Finfish from Mafia Island on Ecological-Social Resilience and Vulnerability

Ian Bryceson (Norwegian University of Life Sciences, Ås, Norway), Kassim Kulindwa (Economic Research Bureau, University of Dar es Salaam, Tanzania), Albogast Kamukuru (Faculty of Aquatic Science and Technology, University of Dar es Salaam, Tanzania), Rose Mwaipopo (Department of Sociology, University of Dar es Salaam, Tanzania) and Narriman Jiddawi (Institute of Marine Sciences, University of Dar es Salaam, Tanzania)

A study on the above subject looked at the possible impacts, both positive and negative, of a policy change to allow export of finfish from the coastal areas in Tanzania. This was shared by the research team headed by Ian Bryceson. Since the trawl fishery in Lake Victoria is becoming less and less profitable, the trawling industry is keen to access coastal waters to exploit marine fishery resources. While the previous fisheries and trade policy reserved the coastal and inshore resources for the livelihood and food security of the coastal population and prohibited the export of finfish, the new policy allows export of marine species, including finfish, which has attracted new entrants into coastal fishing. The Mafia Island Marine Park and the Fisheries Division, however, had reservations about the change in the fisheries policy, Ian Bryceson said.

Mafia Island was selected as the research site since 70 per cent of the fish in the Dar es Salaam market come from Mafia. The first fish factory to come up on the coast, an Indian company, was built in Mafia on the border of the park. The research study was done through consultation with local fishers, the Mafia Island Marine Park Authority, the Fisheries Division and others. Concerns have been expressed about the impacts of globalization on the fish stocks and on the lives of fisherfolk. Although there are some positive impacts such as better incomes to some fishers, there are quite a few negative impacts on the livelihood and food security of the local coastal population. These impacts fall into different categories—ecological, biological, etc. There are also many concerns about the impacts on households, markets and the value chain. The study also analyzed how globalization would affect the social structure and power relations in society.

While Albogast Kamukuru outlined the methodology adopted for the Mafia study, Narriman Jiddawi gave a brief overview of how the stock assessment was carried out with people's involvement. Fishers' knowledge about the marine resources was sought. The study was able to generate refined data on when, how long and what they fish, and their preferences, which were useful in designing fisheries management strategies. Kassim Kulindwa then gave a brief outline of the economic and social aspects of coastal fisheries. He said that discussions were held with various stakeholders in the marketing chain to know how the fish is marketed, where and for how much.

Kassim Kulindwa said that the sense of rights that came up during discussions could be categorized as follows:

- *Right to access fishing grounds:* The encroachment of trawlers that target prawns in inshore areas was a major problem for the local fishers in Mafia, and hence the importance to emphasize this right.
- *Right to access fisheries resources* is very important for fishers in Mafia Island in the face of declining resources, which has forced them to diversify from inshore to offshore fishing. The right to access offshore fisheries needs to be granted. Access to fisheries resources should also incorporate the right to get trained in using superior fishing gear to fish in the EEZ, it was argued.

- *Right to credit*: The right of access to fisheries resources is possible only if there is a right to appropriate technology, which, in turn, is decided by the right to access credit. If this is not addressed, private individuals or migrants can find their way into the fisheries. The type of credit arrangement currently in place in fishing communities is very exploitative. A fisher who has borrowed money from a moneylender should sell his catch to the moneylender at a rate decided by the moneylender. Moneylenders get the fish from the borrower at nearly one-fifth the selling price. Though this relationship is exploitative, it remains popular since the moneylender is usually from within the community and there prevails a sense of trust, which is not reposed in other lending institutions. There is also no fear of losing any collateral pledged against the loan.
- *Right to fair trade* is an important issue as the market benefits are currently reaped by middlemen and not by real fishers. In Mafia these middlemen get fish from fishers at very low prices and sell to women vendors at exploitatively higher prices. The fishers normally have no say in setting fish prices. The fishers are at the bottom rung of the market benefit ladder as they do not take into consideration the high risks taken to catch fish, although the other tangible production costs are factored in.

Rose Mwaipopo from the University of Dar es Salaam, Tanzania, focused on how people lived their lives in the changing national and international agendas in the face of the new policy that allowed new entrants into fishing and fish marketing. With the change in policy and greater emphasis on exports, there are multiple users coming into Mafia and its fisheries and markets, a phenomenon the locals are not used to. The entry of outsiders into fishing in Mafia could displace locals through competition.

The fishers in Mafia had a sense of owning their fishing grounds and wanted to remain identified with fishing as their principal occupation. Alternative income-generating activities do not seem to interest them. The right to fishing for Mafia fishers implies their right to livelihood, the right to work and earn incomes for food. In the face of new developments, fishers realize that they no longer have a platform to make their voices heard against exploitative practices. They do not have large organized structures, although there are small village-level structures.

The fishers in Mafia fear the loss of their capacity to decide about which fish to catch. They also fear that all kinds of exploitative fishing will be carried out based on international agendas for production in the area. Jobs of traditional processors are being taken away by new processing industries like the octopus processing fishery. While it cannot be denied that some fishers do benefit from these changes, most are left without their traditional source of livelihoods, Rose concluded.

COMMENTS AND DISCUSSIONS

To a question by George Msumi, warden, Mafia Island Marine Park, Tanzania, on why Tanzanians have not come together to form a common platform to make their voices heard and tackle their problems, Rose replied that Tanzania as a country never encountered sharp conflicts like those faced by Kenya, Uganda, etc. that would, in a way, have forced the people to become more aware of their rights. There was also a great sense of tolerance in society, to the extent that the people accepted the top-down dictates of what models of organizations should be.

It is very heartening to see that countries like Zambia still accept and respect traditional leaders and consult them during policy formulations, she said. Traditionally, it is also seen that most Tanzanian fishers are individualistic. This could be another reason for the lack of organization within the fishing community.

José Domingo, Mozambique, commenting on the right of access to credit, said that the government of Mozambique was trying its best to bring credit to the poor fishers but was hampered by the uncertain repayment prospects of fishers.

As the chairperson of Jibondo island community, Fakhi persuaded men to give up octopus fishing and to allow women to continue collecting octopuses using traditional methods. Ian Bryceson, adding on to Fakhi's intervention, said that the prices in domestic and international markets for octopuses are extremely important. Just as women seaweed collectors get low prices for their produce, the price for octopuses collected by women is extremely low. There is a huge difference between domestic and international market prices. The value chain research being done will make efforts to make fishers aware of this unfair disparity in prices, and make them understand how much they are being exploited. The Tanzanian Fisheries Department should make this a national issue so that the loss of value for the fishing community is taken up as a serious matter to be addressed, concluded Ian Bryceson.

3.2.2 Coastal Developments, Alternative Livelihoods, Land Rights and Human Rights of Fishing Communities

Chair: Ian Bryceson, Norwegian University of Life Sciences, Norway

Land Rights: Tanzania

Ng'wanza Kamata, Hakkiardhi, Tanzania

Rose Mwaipopo introduced Ng'wanza Kamata of Hakkiardhi who is working on people's right to land. The problems with the land tenure system in Tanzania dates back to the colonial times, he said. Land was nationalized and alienated from the indigenous people in 1923. The principles established then have changed little even after the 1999 land legislation changes. All land is "public" land in Tanzania. The term "public" means that it belongs to the government, with the President, on behalf of the public, acting as its custodian.

There are two types of arrangements with regard to land occupancy with some given the land title and the right of occupancy and the others given the deemed right of occupancy without the land title. Both categories can occupy lands for dwelling purposes or cultivation until the owner, the State, demands it back. However, there is a slight, but important, difference between the above two categories. While it is difficult to take over land from those who have the right of occupancy with the title, it is relatively easier to take over the land from the latter. Most of the lands under customary right come under the second category and the majority of people in Tanzania (80 per cent of the population) are accommodated thus.

Most struggles in Tanzania have been over the issue of land and, the issues identified as causing conflicts are land acquired for conservation, land acquired for development and land taken up for cultivation of fuel crops.

Land acquired for conservation

Conflicts over the issue of land for conservation date back to the colonial period when Serengeti, the land of the Masais, was taken over for conservation and the Masais were evicted. This trend continues till date resulting in 30 per cent of Tanzanian land, mainly those under customary ownership, earmarked for conservation. The design of conservation is devoid of people. Though the government gives compensation to the evictees, the problems faced by them when relocated are barely looked into. This was a serious problem in the 1970s, when the people were moved en masse from one place

to another. The situation can be much better if government demarcates areas inside conservation zones allowing for access to traditional communities for sustainable use of resources.

Land acquired for development

Land is taken away from the poor in the name of development and poverty alleviation. The government's drive for increased tourism translates into more hotels along the coastline, resulting in privatized beaches that deny fishers' access to the sea, taking away their right to earn a livelihood.

The President has the power to evict people from any land at any time. Where there is resistance from people, the President can exercise his power to change the category of land; for example, converting village land to national land or conservation land.

Land taken up for cultivation of fuel crops

The fuel crisis has also gripped Africa. There is a major push towards plantations for biofuel (jatropha, sugarcane, etc.) in Africa for which government is acquiring vast stretches of land, mostly those of the poor communities.

Before the expansion of the market economy in Tanzania, the Tanzanian government could acquire land in public interest. In 1999, with the enactment of the land acquisition laws, 'public interest' was equated with 'investment' (this could also mean private investment). Any transfer of land to private companies became legal tender and could not be thwarted by the people's protests or agitation. Nonetheless, land acquisitions by government have not been accepted without resistance. People have resisted the acquisitions and evictions in different ways. When, in the 1970s, the government took up large-scale wheat farming to provide food for the nation, it alienated many people from the lands that they had been occupying since generations. Despite resistance, the people were forcefully evicted. Though the case was taken to court, the people lost the case after 15 years of struggle to reclaim their rightful land. Such evictions often happen where projects like mining are taken up. The government, Ng'wanza Kamata alleged, acts as the mediator in taking away people's rights to their traditional land. One favourable aspect of the Tanzanian land legislation, however, is that foreigners cannot legally own land in Tanzania.

NGOs often come forward to help the communities in their struggles but increasingly the focus soon shifts to the problems of the NGOs themselves, rather than the people in the communities. Despite the NGOs initial loud posturing, their ultimate weakening or withdrawal from the original objectives robs the people of their ability to organize and fight for their own rights.

There is also the danger of NGOs creating expectations for people, and then abandoning the community in the midst of a struggle. There are also instances of corruption involving the NGOs and NGOs agenda being decided by the donor agenda rather than the community agenda. In sum:

- NGOs often fail to induce a community agenda; and
- NGOs and fishers fail to find common ground and come up with a common agenda.

Such experiences, which often kill the spirit of the people, reconfirm the need of fishers to repossess their own struggle. There is also a need to share experiences and link different struggles among different communities, and to re-emphasize the power of organizing and the communities' obligation to stand up for their rights, added Ng'wanza Kamata.

COMMENTS AND DISCUSSIONS

Ian Bryceson, from Norway, talked about the struggles that took place in the Rufiji delta against shrimp farms, which were, to an extent, successful. The struggles saw a confluence of fisherfolk and their supporters, including lawyers, scientists, journalists, researchers, etc. The fight was to resist a project to establish the largest prawn farm in the world in Rufiji delta. The project was stalled due to the struggle. Though there were instances of opportunism between NGOs, academics and other players, the struggle was a huge inspiration to the people of the delta.

Ian Bryceson mentioned the ongoing struggle in the tiny fishing island of Chole, where a South African hotel, supported by the government, is trying to annex land previously occupied by ruins, schools, landing beaches, etc. People, including women's groups, are part of the struggle, and there is much hope that such struggles will continue even in the face of opportunism and abandonment by NGOs.

Andrew Mwangura, Seafarer's Assistance Program, Kenya, said that large projects (for example, the Songa-songu project for mining soda ash) that are coming up in Tanzania could affect even neighbouring Kenya. He emphasized the need for regional protests against such developments.

Chief Chipepo from Zambia said that land is very crucial while considering a rights-based approach. When land that is historically handed down through generations, is taken away from the community, it affects the economic and cultural aspects of the people. The community needs to be aware of how the land governance policies are formulated and whether their traditional rights are compromised. Land demarcation should be done properly, with a precise idea about the intended beneficiaries, added Chief Chipepo.

Christiana Saiti Louwa of Kenya added that the situation in Kenya is not very different from Tanzania where assets like land are controlled by the government. There are no laws to protect people from foreign invasion, said Christiana. It is also important to bring in the gender aspect into the discussion of productive assets. She said that in Kenya, women are never consulted in any decision-making processes involving assets like land. There was a proposal in Kenya in 2005 for a Women and Children's Rights Bill, which, if passed, would have allowed women to enjoy equal rights as men. The people of Kenya, especially the women, should fight to get the Bill passed, a very important step towards recognition of women.

Narriman Jiddawi shared an example from Tanzania of a fish landing site that was left incomplete as the authorities waited for negotiations to be complete to allow a hotel to come up at the site that could also displace fishing community and dismantle the fish landing site.

Concluding the presentation and the discussion, Ng'wanza said that the government, in most cases, intervenes in the name of development, on behalf of investors. In the process the lives and livelihoods of the poor fishing community is trod upon. It is, therefore, important to keep up the struggles for the rights of the fishing communities, whose access and source of livelihood is being largely threatened by investors in tourism and other development projects.

All participants joined Ng'wanza in different languages to re-emphasize that the struggle must continue.

4 THEME III: SOCIAL, ECONOMIC AND HUMAN RIGHTS IN FISHING COMMUNITIES IN THE ESA REGION

Chair: Florence Okoth Nyalulu Tushemereirwe, TOCBANGH, Uganda

4.1 An Introduction to the Contours of the Subject

Jackie Sunde, MDT, South Africa

The issue of land rights is an essential ingredient in the rights-based approach, as land-related issues (access and tenure security) are critical socioeconomic rights. Fishers' rights are indivisible from their human rights. We cannot hope to implement a responsible, sustainable fisheries regime without securing certain basic socioeconomic rights for the fishing community, because poverty and lack of food security are increasingly going to pressure people to exploit the resources more.

Human rights issues figured in discussions around what participants wish to consider for a rights-based framework for the ESA region, are as follows:

- *Right to human dignity.* People cannot be forcefully removed from their source of income and livelihood.
- *Right to basic health services.* For example, adequate HIV-related healthcare services need to be provided to fishing communities where the prevalence of the disease is higher.
- *Right to education.*
- *Women's rights to freedom from all forms of discrimination.* The countries of the ESA region have signed several international legal instruments (CEDAW, Protocol of African Charter on Human Rights) that outlaw discrimination against women, which, in particular, mention sexual harassment and rape.
- *Securing labour rights and safe working and living conditions for fishers.* This will include self-employed persons, owner-operators and workers (in fish-processing plants, on fishing vessels, shore-based fishworkers, vendors, traders, etc.), including enhancing social-security coverage and social safety nets.
- *Recognition of the right to participate fully and effectively in decisionmaking and management of fisheries.* This is a right that is secured or promoted in the CCRF. This can be easily linked to an established protocol.
- *Recognition of the right to practice one's culture and traditions*
- *Right to access credit and financial support for development*
- *Right of freedom of association and the right to organize*
- *Right to be empowered, to obtain training and information about one's rights*

The aforementioned could be considered for a rights-based fisheries regime for the ESA region.

The term 'secure human rights' is high on the agenda, added Jackie, but it is also important to make clear what one means by 'securing' basic socioeconomic rights and how one can secure substantive, de facto rights and not just 'paper rights'. There might be rights that are enshrined on paper but, on the ground, women face obstacles in realizing these rights inside their households or within their communities, where men often actively resist women enjoying aspects of these rights. This can also be seen in the case of access to marine resources. Even if women have access to use the resources, they might not necessarily have control of the resources or the benefits that flow from them.

The challenges in the implementation of fishers' rights includes:

- strengthening fishers' social and economic rights in national and regional legal instruments; and

- developing appropriate institutional and policy linkages between fisheries policies and other socioeconomic policies to ensure that the broader rights of fishing communities are addressed.

4.2 Work in Fishing Convention, 2007

Sebastian Mathew, Programme Adviser, ICSF

The Work in Fishing Convention, 2007 adopted by the ILO in 2007 is significant and can be extended to both small-scale and large-scale fisheries. From 2001 onwards, there have been negotiations, data collection and discussions on what could be the content of such a convention.

Quite a large number of accidents and mortality cases are reported in small-scale fisheries. For example, 300 people have been reported dead due to fishing accidents in Lake Victoria, according to the National Lake Rescue Institute, recognized by the East African Community Secretariat as a partner in the development of a marine search-and-rescue system on the lake (Source: *The East African*, 3 March 2008). The magnitude of safety issues in small-scale fisheries is yet to be understood.

The ILO Work in Fishing Convention, 2007, could be used to address various dimensions of living and working conditions of fishers. It has a rights framework and if used well, it has significant scope for small-scale and large-scale fishing operations. A large number of foreign fishing fleets in the Indian Ocean hire local crew to work on board. Several Kenyans, Tanzanians, Malagasys and Senegalese, and a few from European communities, are recruited as workers on board these fleets. Although it is necessary to look at the safety and living conditions of workers on board domestic fishing vessels, it is equally necessary to look at the safety, working and living conditions of people from the fishing community of ESA working on board larger foreign fishing fleets.

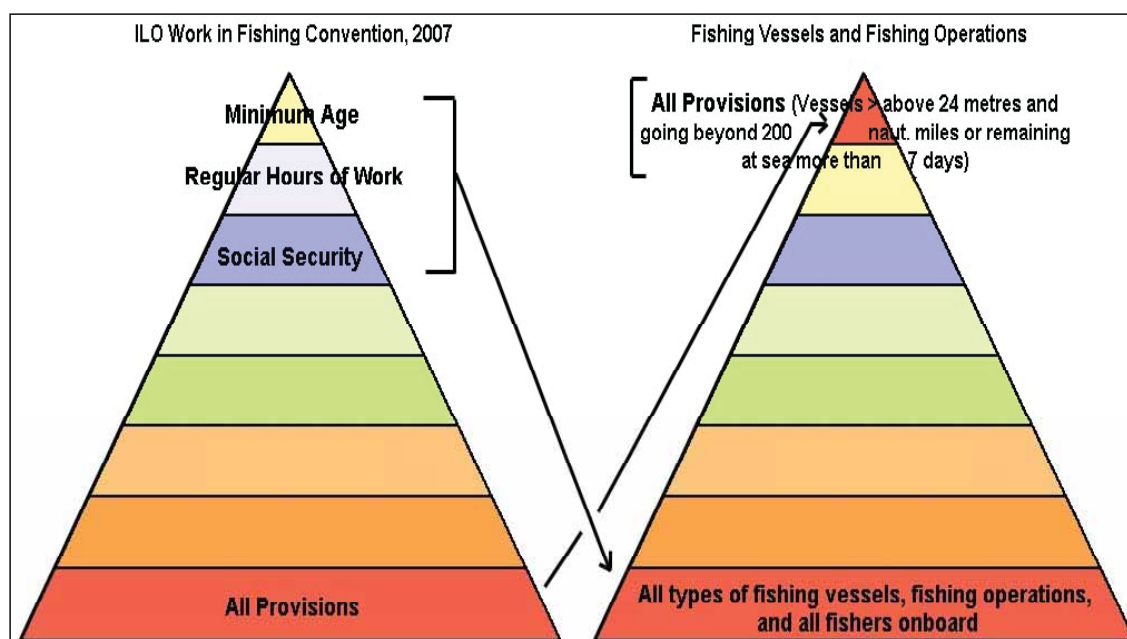
There are discussions on diversifying the small-scale fishing fleet into the EEZ to harvest deep-sea resources. In this context, it is necessary to consider the rough seas and the difficult and dangerous conditions that the small-scale fishers will be exposed to. There should be an understanding of how people can be properly trained to harvest the resources of the EEZ, and how to survive in rough seas and dangerous zones. When access to resources is discussed, we usually talk of environmental safety and food safety issues. It is equally, or more, important to consider the safety of fishers. Along with the safety of the fishers, it must be made sure that fishing is done predictably so that fishers do not lose all their investments in one incident at sea. This could be achieved with better training. In view of all these perspectives, the issue of working and living conditions of fishers gains great importance.

The objectives of the ILO Work in Fishing Convention, 2007, and the means to achieve them, are:

- Ensure safe navigation and operation of fishing vessels. Fishing is not only about fishing, it is also about reaching the fishing ground and paying the net. There are instruments in the Convention to protect fishers during both operations.
- Ensure safety and health of fishers. This is a very important consideration for workers on board fishing vessels.
- Guarantee decent work and living conditions. This would ensure enough rest and other living conditions, like safe and adequate drinking water and food, on board vessels.
- Protect young persons at work. This stipulation decides the minimum age at which people would like to take up fishing. Should children be exposed to very dangerous work? For example, in Indonesia, children are employed in muro-ami fishing, where they dive into coral reefs and pound the coral to scare fish into a net. This has led to the impairment of hearing of these children. In Lake Volta, Ghana, children are used in the reservoirs for fishing, to detach nets from tree trunks, for which they have to dive deep, resulting in damage to their eardrums.

All these are relevant issues that need to be addressed and the Convention could be searched for measures to deal with them.

Two diagrams (given below) explain the provisions of the Convention. While all its provisions apply to vessels above 24 m in length, or vessels going beyond 200 nautical miles, or vessels remaining at sea for more than seven days, all types of fishing vessels, fishing operations and all fishers on board vessels can benefit from three basic requirements, namely, those relating to minimum age, regular hours of work, and social security.



By examining a particular fishery and the fishing operation used, we can determine which provision could be applied to which type of fishing vessel or fishing operation and fishers employed in them. This should be done at the national level by talking to the fishers and different groups of craft-gear categories, so as to determine the different categories and who can benefit from the Convention. What provision is to be applied to whom can be decided by the following factors:

- Extending standards to some categories (based mainly on duration of fishing trip, area of operation and type of fishing operation). In Lake Victoria, for example, although fishing operations are in inland waters, since fishing occurs on an industrial scale and leads to many accidents, the provisions of the Convention could be extended to include it.
- Excluding certain categories from the provisions. Fishing vessels engaged in inland fishing, and limited categories of fishers or fishing vessels could be excluded from the purview of the Convention.
- Exceptions on implementation of certain provisions. Some exceptions can be made to certain provisions of the Convention, based on relevant factors.
- Exempting certain categories from certain provisions. Exemption, on medical examination, of those fishers who do not remain at sea for more than a day could be considered.

The Work in Fishing Convention, 2007, is a flexible instrument and each country can configure its own standard after taking stock of the fishery and then weighing all the detailed elements of the Convention. Fishing activity should be viewed as a continuum from the time of entry into the fishery until the time of exit from the fishery, and the Convention is structured after taking into account various important aspects of this approach. Labour standards in fishing could be developed by

examining which provisions are relevant and where, and by working for an instrument that ensures safe and dignified living and working conditions for all fishers.

Some categories of workers are not included in the Convention. It only applies to those who work on board fishing vessels. When the Convention is implemented at the national level, an effort to extend some of the provisions to some of the excluded categories should be looked at. For example, shore-based fishers who do not use vessels should benefit at least from the provision dealing with social security. Fishers involved in shore-based fishing are often exposed to many dangers, it was pointed out. Attention was also drawn to the guidebook published by ICSF on the Convention.

The Work in Fishing Convention, 2007, is one of the enabling pieces of legislation for labour rights of fishers, Sebastian Mathew concluded. National governments should ratify and develop legislation as a follow-up to the Convention. Attention was also drawn to the preamble of the Convention, which refers to several human rights instruments. Ratifying and implementing the Convention would be equal to implementing some of the international commitments in human rights, said Sebastian Mathew.

COMMENTS AND DISCUSSIONS

Jackie Sunde of MDT, South Africa, commented that the issue of shore-based workers is important from a gender perspective as women have a significant presence in shore-based work. This activity is seasonal and unorganized. It is a challenge, both at national and international levels, to ensure that the provision of social security is extended to shore-based workers.

Andrew Mwangura from Kenya, opined that the government should recognize the Convention and have a national policy toward its implementation.

4.3 Panel Discussion

How could Fishing Communities be Better Organized in the ESA Region to Secure their Fishing, Post-harvest and Human Rights?

Facilitator: Naseegh Jaffer, WFFP

The session was organized principally to share and learn things from one another's experience. Naseegh Jaffer said that there is advantage in joint action where a larger number of people come together to achieve more visible results. There should be efforts to cut to size the problems faced by the community, rather than get intimidated by the magnitude of the problem, added Naseegh. This session focused on what enables or prevents people from organizing and also look at possibilities to organize as a region to tackle the problems of the region, he added.

Bahati Issa, a fisher from Mafia Island, Tanzania, said that mobilizing women was easy, while mobilizing men was the most difficult task she had faced. The information gathered from this meeting will be taken back to the people to raise awareness on issues of concern to the region.

José Domingos, Mozambique, thanked the Mozambican Fisheries Department for having taken the initiative to create awareness within local communities about their rights through the BMUs. These meetings saw the participation of several stakeholders, leading to the formation of an association where fishers share their problems with the government. There is a district forum, which has two representatives from every local association. They are planning to mobilize other districts to form such associations. Forming associations is an important step in organizing, and such forums help the fishers to take up their issues with the government, he said.

Farouk Bagambe from Uganda said that the Uganda Fisheries and Fish Conservation Association (UFFCA) started its work by advocating and struggling for the fishing community of Uganda to get them involved in fisheries management. There are several stakeholder processes in Uganda, including the process of co-management, aimed at bringing together fishers and governments at the local and central levels. UFFCA works on issues of poverty and human rights abuse in the fishing sector. It works with the BMUs and has brought out a register in which fishers can record any cases of human rights abuse.

There are also issues of monitoring and surveillance, he added. UFFCA has helped set up a body within the BMUs in the lake sector to monitor the implementation of co-management. UFFCA has also worked towards ensuring fair trade in fish and fish products.

Sithembiso Gwaza, MDT, South Africa, said that in South Africa most of the small-scale fishers are denied human rights. They are not allocated any fishing quotas, and are thus denied of their right to fish. Given the lack of organizing among fishing communities in South Africa in the past, there was a felt need to organize especially around the issue of quota system in South Africa and win back their rightful livelihood. People inspired by the idea of organizing, and what the community could achieve by coming together as one single force, resulted in the formation of Coastal Links, a community-based organization (CBO) in 2004. Currently, it has organized 15 villages within the Western Cape. They went out to different communities in the Western Cape, raising awareness of what was happening with quota allocation. Coastal Links is on its way towards making the government aware that the legislation on fishing allocation, allowing big companies to fish while small-scale fishers are denied access to sea, violates the human rights of small-scale fishers. In 2005, the fishers decided to take the government to court, stressing that the right to fish is a human right. Since the case was one of violation of human rights, the case was heard in the Equality Court. In 2006, the Minister for Environmental Affairs decided to settle outside court. Coastal Links encouraged the fishers to have a settlement on paper. As a result of negotiations and struggles, the Minister gave an interim relief to the fishers by giving them access to the sea and the resources within. Fishers stressed that the law needs to recognize the small-scale fishers. Agreeing to the demands of the fishers, a small-scale fishing committee was formulated to accommodate the issues and concerns of small-scale fishers in South Africa. Even though the struggle for fish allocation continues, the government has given some recognition to the fishers by involving the small-scale fishers in the formulation of the policy and by allowing them to be in the drafting committee working on the new fisheries policy.

Solene Smith, the chairperson of one of the branches of Coastal Links, was elected to the post through a democratic process. She said that, initially, communities were divided on the lines of haves and have-nots. The communities could not understand why the government did not allocate fishing rights to them. Through awareness programmes by Coastal Links, communities have united against this move of the government.

She added that, as a woman, she has faced initial resistance from men to accept her as a leader. She used to hold community-level meetings after she attended any workshop. The first meetings saw only very few participants but now each meeting has about 70-80 participants. The most critical thing is perseverance until the end is achieved, Solene concluded.

Namuuga Vaal Beatrice from Uganda congratulated the representatives from Coastal Links on their fight to ensure the fishing rights to small-scale fishers. She added “not giving up” is the secret behind the success of community organizations. Communities need to organize and fight to retain their livelihoods.

The Katosi Women Development Trust, she said, started by organizing people through existing weak community structures. There was an association formed around Lake Victoria to organize fishers around the Lake on the Uganda side. This association was unable to organize people due to its weak

structure. Katosi took over and organized people around this structure. The community and the government now recognize Katosi for its activity and the issues it works on. From the efforts Katosi is making, it is clear that people's committees are important. There are so many pressing issues within the fishing communities of Uganda, namely, the lack of roads, poverty, etc., which the people, along with the help of Katosi, are striving to tackle.

Ahmed, Chairperson of Juani Island, Mafia, Tanzania, said that negotiations and discussions between stakeholders should be an ongoing process. The Mafia Island Marine Park's plans and recommendations, formulated years earlier, need to be reviewed. For example, the fishers in the district of Pemba in Mafia Island practise sustainable fishing. Nevertheless, they are being progressively eliminated from the district in the name of conservation. In the light of such incidences, the plans and recommendations have to be reviewed, and the fishers' cause reconsidered, he demanded.

Salim Ali Mohammed, from Kenya, said that to develop a successful organization and conservation of marine resources, it is important for collaboration between different stakeholders. Efforts should also be made to educate small-scale fishers about environment and conservation.

Naseegh wrapped up the session and said that it was inspiring to see a lot of organizing taking place in the ESA region, though at local levels. These efforts should be brought together under one umbrella, where sharing can take place collectively. This could be difficult due to various issues in the fishing communities, namely, low level of education, and gender conflicts arising from the fact that men do not want women to lead them. It is also important to have perseverance in organizing and continuing the struggles.

Three key factors are required for communities to get organized:

- *A structure around which people can organize.* It could be some sort of committee that could be the beginning of a broader organization at the local/provincial/national/regional level.
- *Information sharing.*
- *A tool to facilitate action and organization.* Memorandums, statements, petitions, newsletters, etc. could be used as tools that could be taken back to the communities to organize and mobilize them around issues like access rights, post-harvest rights or human rights.

COMMENTS AND DISCUSSIONS

Athman Seif Mohammed, from Kenya, said that as a result of the workshop held in March 2006 in the ESA region, Malindi Marine Forum was able to mobilize local communities to fight for their rights to livelihoods and help strengthen their struggle against massive habitat destruction by semi-industrial prawn trawlers. As a result of this struggle, there was a ban on prawn trawlers from fishing in critical marine habitats. Athman said that the Forum has difficulty in organizing when financially powerful semi-industrial or industrial trawlers corrupt the small-scale fishers, capitalizing on their abject poverty and vulnerability which divides the community and makes the struggle lose its grit.

Rose Mwaipopo, Tanzania, responded to a comment that Mafia fishers have already been organized in groups (primarily for economic activities such as beekeeping) that also serve as nodal agencies for excellent information on respective villages. These groups are formed through a top-down process with the village representatives being nominated by the State and not by the people. Their decisions, also influenced by the State, hardly represent people's concerns, she observed. These groups were not empowered to articulate the rights of communities to a decent and rightful livelihood. It needs to be understood that the issue of organizing or organizations is not just about having a structure in place but more about the issues around which the fishers are organized and how effective these organizations are in upholding fishers' concerns. It is important for Tanzanian fishers to have a

platform around which they could organize to flag their issues and demands, rather than a platform where the government sets the agenda.

Naseegh Jaffer agreed with Rose Mwaipopo and said that the organizations should be in communities, by communities, and around communities.

Christiana Saiti Louwa, Kenya, reinforced that fishing communities need to be better organized in the ESA region to secure their human, fishing and post-harvest rights. The way forward is mainly through creating awareness of the plight of fishing communities and of their rights. Talking about rights/issues is the first step towards gaining what one aspires for, or the first step towards internalizing the issues/rights. Internalizing the issues/rights gives ownership of these rights to those who are fighting for them. The people should initiate the fight from below. It is important to have a vision about what should be achieved and a commitment to attain the goals and rights as fisherfolk. Another crucial step is to educate governments on these issues from the fishworkers' perspective. Meetings with governments to appraise them about the conditions and what fishers want at every level are very crucial in this process. It is also important to network and communicate with other fishing communities and organizations working on lakes, coastlines, other nations, regions, etc. Issues need to be supported internationally to bring the voice of fishers as one single voice flagging the concerns of the small-scale fishers to the world. For example, the issue of the small-scale fishers of South Africa needs to be taken up by the region and should be supported by all the countries of the ESA region, in Africa and by the rest of the developing world, etc. Christiana concluded her comments by adding that platforms such as the one provided by the Zanzibar Workshop are also important vehicles for making fishers aware of their rights and providing them a place where they could raise them and seek help and suggestions when their rights are abused.

Naseegh Jaffer said that a statement from the Zanzibar Workshop, if welcomed by the communities, could be taken further to national and international levels to engage with governments and international agencies as a tool vetted by the fishing communities. Momade Bacar added to Naseegh's intervention saying that the statement should show respect and solidarity by capturing the demands and issues raised by all participating communities and countries.

4.4 Discussions on Issues Needing Greater Clarification

José Domingos said that in Mozambique, although certain fisheries have been banned, some of the fisheries that were beneficial to women were reconsidered and they were allowed to fish. He also added that although government provided loans to help small-scale fishers, access to credit was still a problem, and fishers are unable to benefit from these loans.

Issa Ameer said that it was the responsibility of fishers to use less destructive, more sustainable methods of fishing for the benefit of future generations. Fishers all over should strive for one common language and one common goal to help future generations earn respectable livelihoods, he concluded.

Rose added that there is need to increase research in the fisheries sector. There are several aspects that contribute to the poverty of the fishers, like the issue of land rights.

Fakhi said the time has come to realize that fishers are being increasingly dispossessed and their rights are severely abused. This is the correct time to demand that the government recognize small-scale fishers. The fishers should demand for social-security measures to be extended to fishers. It is very important to make use of such initiatives like the Zanzibar Workshop and move forward to address the issues and concerns of fishers and make their voice heard all over the world.

Leticia commented that fisherfolk should be definitely provided with education but special care should be taken that women in the community are also educated.

Chief Chipepo said that though the workshop had discussed fighting for fishers' rights and rights of fishing communities, the responsibilities of the communities or individual fishers were not discussed. It is important to encourage governments to demarcate areas where fishers could fish and areas on land that could be used for drying and processing. Once these rights are in place, fishers should exercise responsibility to manage the resources. The chief added that the resources should be used and not abused. Fish in almost all lakes in Zambia are overfished. It is the responsibility of the fishers to look after the fish in the river and avoid destructive gear like mosquito nets.

Commenting on the intervention made by the chief, Sebastian said that responsibility is indeed an important issue, but one should be cautious to avoid putting the onus or responsibility only on fishing communities. It is also important to discuss the responsibilities of others in the larger society towards the fishers, as well as that of the government. This is an important point to be kept in mind when we talk of rights and responsibilities. When a fisher is asked not to use a particular fishing gear or to fish in a particular fishing ground or not to catch a particular fish, it is the responsibility of the larger society to offer an alternative so that the children of the fishing community can go to school and be fed. When fishers comply with all regulations and make a catch after a huge effort, they may end up receiving only a meagre return from marketing the catch. It has to be realized that in such a scenario, it is the responsibility of the government to make sure that fishers who comply with regulations get a fair price for his/her catch.

There should be mechanisms by which the profits of the hoteliers made by utilizing coastal spaces are taxed and the money redistributed for the benefit of the community. This money can be pooled together as a community fund and used for establishing schools, hospitals and other amenities for the community. Returning some benefits to the community—or giving back to the community for things taken from them—should be the responsibility of the government.

It is not right or workable to view everything as the fishers' responsibility. The fishers and the fishing community are sometimes made victims of conservation. If the larger society opts for conservation measures, it should make sure to pay or compensate for consequent the loss of livelihoods of the fishing community. There should be some mechanism for redistribution of profits. Facilities could be created in coastal areas so that the community feels their needs are looked after by the larger society in response to conservation measures that disrupt their fisheries. It is important to deal with responsibility within this framework, said Sebastian Mathew.

Florence Okoth Nyalulu of Uganda said that the issue of the fishing community's access to credit should be addressed. In Uganda, fishers are demanding that financial institutions come to the landing sites to offer credit.

Julius Francis of WIOMSA said that one participant in the Tanzania Workshop in 2006 shared the experience of mobile banks trying to register all fishers and collecting their savings on the beach and landing sites. This arrangement resulted in more than 1,000 fishers registering with the mobile bank. When money was needed, the fishers could withdraw their savings from the bank.

Hahn Goliath, from Coastal Links South Africa, reflected on the discussion on responsibilities, and said that it is very difficult in South Africa to talk to fishers about their responsibility to protect and conserve resources for sustainable use, when the rights of fishers are not recognized. The small-scale fishers cannot be asked to practise sustainable fishing when the big companies have no restrictions. The argument of the small-scale fishers is that they are taking what rightfully belongs to them to put the days' food on the table.

A rights-based approach should legally and formally recognize the rights of small-scale fishing communities to practise their livelihood. It is a common practice among the players of the tourism industry in South Africa to use pictures of traditional fishers carrying baskets full of catch, to exotically

market their tourist cottages and promote their business. In reality, the traditional fishers do not even have the right to put fish in their baskets, let alone sell them near the tourist cottages.

One needs to be careful in criticizing fishers for spending their money on drinking and other social 'vices'. The fishers' dignity is violated when they go back to their respective homes empty-handed. They feel valueless for being unable to put food on the table for their children. The feeling that the value of their livelihood and tradition is not recognized leads them to such indulgences.

It is important to see what fishers would like to assert and ensure in a rights-based approach in terms of coastal development (which should include tourism development), alternative livelihood issues, land issues, and conservation issues like MPAs. "What would we want to assert in a rights-based approach around these issues?" Building upon the earlier suggestion on taxing hoteliers profit and plough it back to the community, arrangements should be worked out for issues like conservation and MPAs. The community's right to participate in planning of some of these developments also needs to be ensured.

5 PERSPECTIVES ON A RIGHTS-BASED APPROACH TO GENDER IN FISHERIES

Chair: Sebastian Mathew, ICSF

5.1 HIV/AIDS and Problems Faced by Women Living in Rural Fishing Villages in Uganda

Florence Okoth-Nyalulu Tushemereirwe, TOCBANGH, Uganda

The presentation started with a brief overview of the HIV/AIDS situation in fishing communities in Uganda. Florence said that in 1982, the first AIDS case in Uganda was identified in the fishing communities of Lake Victoria, Kasensero Rakai District. HIV/AIDS, currently classified as a generalized epidemic in Uganda, has a prevalence rate of over 18 per cent in fishing communities, compared to the national rate of 6.4 per cent (NHSBS 2005). This is attributed to the abject poverty in the fishing sector.

In Uganda, there is a saying that "where there is a woman, there is AIDS". The national HIV survey, held in 2005, shows that the prevalence rate among women is 7.5 per cent, while that for men is 5 per cent and studies also show that AIDS is more prevalent among younger women.

The denial of women's economic and legal rights is one of the root causes for their vulnerability. Discriminatory laws and economic policies prevent women from gaining equal access to productive resources, land, property, education and employment opportunities as men, which perpetuates the economic dependency on men, increasing their subordination, submissiveness and thereby vulnerability. When a woman becomes a widow and has no right to any productive resources, she is often expelled from her husband's home. Many such women come to coastal areas to earn a living from selling fish. They approach landing centres in search of fish to trade and often end up bartering sex for a few heads of fish. The economic empowerment of women could be one of the possible solutions for stalling HIV/AIDS.

Sithembiso Gwaza from South Africa thanked Florence for the presentation and said that the problem of HIV/AIDS is not just a Ugandan problem but also a problem in South Africa, and those with HIV/AIDS have no rights. The government should recognize the role of NGOs and CBOs in eradicating or containing HIV/AIDS and therefore should extend capacity building for these organizations.

5.2 PANEL DISCUSSION

Gender and Fisheries in the ESA Region

Panelists: Jackie Sunde, MDT, South Africa; Florence Okoth-Nyalulu Tushemereirwe, TOCBANGH, Uganda; and Namuuga Vaal Beatrice, KWDT, Uganda

The panel discussion was aimed at drawing out issues on gender and fisheries in the ESA region from the three themes that were discussed: access rights, post-harvest rights and human rights

Jackie Sunde of South Africa said that the objective of the panel is to reflect on some of the gender issues that came up for discussion during the preceding days of the workshop. The session also looked at what would be a rights-based approach to women in fisheries in the ESA region. The rights-based approach in the region had to acknowledge the systemic discrimination that women in small-scale fisheries in the region have faced, she said. Important international instruments that could be used to uphold the rights of women and protect them are:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which has a specific clause focusing on rural women and their need to participate equally in development. It also talks about the need for women to have access to infrastructure, and their need, among other things, for credit and finance facilities.
- SADC Protocol also talks about the development of women.
- African Charter of Human Rights has a protocol amended and attached to it that specifically looks at women in Africa and their rights.

To uphold women's rights in fisheries, it is important to understand the:

- role of women in different types of fisheries in the region;
- type of resources women have access to;
- type of access women have to the resources;
- areas where women manage to retain control over the resources; and
- differences between men and women's control over access and resources.

Jackie Sunde said that conventional definitions of small-scale fishers took into consideration only the harvesting aspect of fisheries, and not the pre- and post-harvest activities; hence, by default, it is quite a male-dominated definition, which fails to value the activities of women prior to the fishing, which include nurturing, producing and reproducing their families and households, and also engaging in a range of post-harvest activities in the fisheries.

It is important to state, very clearly, the commitment with regard to empowering women in the region through a rights-based approach. A strong statement that talks not only of the rights and the need for recognition of small-scale fisheries is needed, but it should also focus on the need to recognize women's rights within the sector. This should be spelt out in the principles and objectives. For example, when talking of the ILO Work in Fishing Convention, 2007, it must be remembered that women do a lot of shore-based work and they need protection. Women in processing factories are exposed to various health hazards, namely, working in wet conditions by standing on cold surfaces for hours on end. There are also cases where women are forced to have sex in exchange for access to fish.

The statement from the Workshop should also focus on women's right to participate in the fisheries, which, in general, is applied largely to men only. It is also clear that if a rights-based approach has to be given effect in management regimes, it should be a community-based rights approach. An individualized, privatized sort of fishery needs to be strongly opposed. Even within the community-based approach, women's voices tend to get lost. There is need for specific measures within communities to ensure that within a community-based rights-based approach, women are protected. A code of conduct or technical guideline needs to be developed for those community entities (whether BMUs or

any co-management institutions) to ensure that women enjoy equal benefits along with men. Equal benefits do not necessarily mean exactly the same thing, but the ability to enjoy similar and equal benefits along the entire fish supply chain. A range of issues related to implementing supportive measures to promote value addition, income generation and redistributing benefits through processing, marketing and trade needs to be looked at because women are located at specific points in these sectors. Therefore, incentives from government are needed to promote labour-intensive work, local trade, and support for women at this level is critical in a rights-based approach. Governments need to be requested to put more money into research to deepen understanding of the role of women and of the things that would empower and enable them to become more economically independent. This could change the material basis of their oppression.

It is important to call on FAO and the governments to dedicate resources for capacity building to make women aware of their rights, understand them and thereby realize them. There is also need to develop indicators that will track some of the tangible facts of discrimination that women experience, so that when the rights-based approach is evaluated in, say, three years, it would be possible to see to what extent women in small-scale fisheries are benefiting more equally. To what extent do we see clear progress in achieving a vision of a gender-just fishery? 'Gender equity', 'gender mainstreaming', etc. are terms generally used in an instrumental way in some technical, donor-driven programmes, merely to add some spice of gender into the pot and stir it up a bit. It is pertinent to really work towards gender-just fisheries and recognize that women have rights and also the right to realize these rights. A rights-based approach needs particular focus and thoughts on how women will benefit from it in practice and not just on paper.

Namuuga Vaal Beatrice, Uganda, said it needs to be recognized that women have responsibilities even if they do not go fishing. In places where globalization has begun to bite, women do not have access to fish for processing and hence have been thrown out of jobs. They used to smoke or sun-dry fish, but fish is no longer available due to the entry of fish export houses. Fish, once the major source of food, is no more readily available. It is important to recognize that the responsibility of finding food for the family in a fishing community still rests on the women's shoulders. Women's access to assets like land is also an important issue. There is a clear need to mainstream gender in every aspect of the work of NGOs and governments.

Florence Okoth Nyalulu, Uganda, pointed out that, earlier, researchers in fishing were almost always men. This is a factor that unconsciously made them look at fishing only from a male-dominated, harvest point of view, leaving out the post-harvest sector. These researchers do not even have an idea of issues and concerns of women in the fishing communities. A rights-based approach without gender as a particular focus will have major flaws.

Ian Bryceson, Norway, reflected on a major difference found along the Tanzanian coast. Traditionally, in Mafia, collecting fish from corals was considered to be a woman's job. When prices went up and the sector became lucrative, fish collection was monopolized by men, who pushed the traditional women fishers out of business. Some of the customs relating to gender roles in different fishing activities can easily be questioned, and equality issues addressed, he said.

Momade Bacar, Mozambique, said that women are not considered as a group that can go fishing or engage in productive activities. The real conflict comes when profits have to be shared in the family, when it comes to who gets what and how much. It is because of this conflict that most women have decided not to engage in productive activities and limit themselves to those aspects of fisheries where they are now discriminated against.

Hahn Goliath, South Africa, had some serious issues and concerns on gender equality, based on the South African experience. In South Africa, women never went to sea. The new fisheries policy, which gives fishing rights to women, insists that if women get fishing rights, they should go to sea. This will

mean that some other traditional fisher will be denied his traditional right of access to the sea. “What will the term ‘equal’ mean in this context?” he asked.

Most boats used by small-scale fishers in South Africa are small, undecked vessels. Women on board such vessels will have to face issues such as lack of toilet facilities. If women were to go to sea to fish, what would be the implications for families and households? What would it mean for a mother who cares for her children and their security? If the children are girls, what will it mean in a place like South Africa, which reports one of the world’s highest incidence of rape of women, irrespective of age? What are the implications of sexual abuse and the girl-child’s vulnerability if both parents go out to sea? In such circumstances, the implications of a policy on equality need to be thought through.

Solene Smith, South Africa, said that women are indeed moving into new positions. For example, one of the biggest companies in South Africa, Sea Harvest, employs 64 women in important positions as captains, skippers and other workers on board large vessels. There are other women who inherited craft and gear from their men who drowned at sea, and who now wish to go to sea. Such women should not be stopped or discouraged; rather they need to be empowered to go fishing, even as the culture of those women who do not want to go to sea should be respected.

Appendix 1

QUESTIONS FOR GROUP DISCUSSIONS

What are the access rights of relevance to a rights-based approach to fisheries in your context?
How could the existing rights of fishing communities be further strengthened?

Issues

- Access to fishing grounds
- Development and diversification of small-scale fishing fleet into the EEZ
- Threats from foreign fishing fleets, including IUU fishing fleets
- Conserving fishery resources and protecting fish habitats

How to address these issues?

- Protect access to fishing grounds of artisanal fishers; eliminate destructive fishing gear and practices; and manage fisheries in all waters
- Provide financial support (credit and subsidies)
- Integrate local and traditional knowledge systems into fisheries management regimes
- Develop mechanisms to devolve power, while recognizing organizations of fishers or fishing communities
- Ensure rights of fishing communities to participate in planning processes and fisheries development and management programmes as well as in activities that could have potential impacts on them
- Reconcile conservation and economic activities with the subsistence and livelihood interests of fishing communities

Secure Access and User Rights

- What are access and user rights?
- What should “secure” access rights or user rights mean?
- Right to fishing space
- Right to fishery resources, in general, subject to certain conditions
- Right to a particular resource
- Right to a fishing season or time slot
- Right to use a particular gear
- Right for a fee or right for free
- What are the duties associated with these rights?
- What are the pros and cons of not having a rights regime?

How to reconcile your rights with those of other stakeholders?

Appendix 2

Zanzibar Workshop

Asserting Rights, Defining Responsibilities: Perspectives of Small-scale Fishing Communities on Coastal and Fisheries Management in Eastern and Southern Africa

24 to 27 June 2008
Zanzibar, Tanzania

Programme

DAY – I, TUESDAY, 24 JUNE 2008	
0900 – 0930 hrs	REGISTRATION
0930 – 1000 hrs	<p>INTRODUCTION <i>Chair: Ian Bryceson, Norwegian University of Life Sciences, Ås, Norway</i></p> <p>Welcome Address Julius Francis, Executive Secretary, WIOMSA</p> <p>Introduction to the Workshop Jackie Sunde, MDT</p> <p>Introduction to the Tanzania Workshop: Main Issues Sebastian Mathew, ICSF</p> <p>Felicitation Naseegh Jaffer, Director MDT; Co-ordinator, WFFP</p>
1000 – 1030 hrs	TEA BREAK
1030 – 1230 hrs	<p>PRESENTATION BY PARTICIPANTS: MARINE FISHERIES <i>Chair: Jackie Sunde, MDT</i></p> <p>Tanzania Leticia Chakumba, Ushirika wa kuvua na kuuza samaki Ali Mataka, Fishing Community Representative, Tanzania</p> <p>Mozambique José Domingos, Community Council for Fisheries Momade Bacar, Community Council for Fisheries</p> <p>Kenya Athman Seif, Malindi Marine Association Salim Ahmed Muhammed, Malindi Marine Association Andrew Mwangura, Seafarer’s Assistance Program Martha Mukira, Coastal and Marine Fisheries, Ministry of Fisheries Development, Kenya</p> <p>South Africa Solene Smith, Coastal Links Hahn Goliath, Coastal Links</p>
1230 – 1430 hrs	LUNCH BREAK

1430 – 1730 hrs	<p>PRESENTATION BY PARTICIPANTS: INLAND FISHERIES Chair: Jackie Sunde, MDT</p> <p>Kenya Christiana Saiti Louwa, El Molo Forum</p> <p>Uganda Vaal Namugga, Katosi Women Development Trust Florence Okoth-Nyalulu Tushemereirwe, Tororo Community-based Nursing Homes, TOCBANGH Farouk Bagambe, Uganda Fisheries and Fish Conservation Association</p> <p>Zambia Chief Chipepo, Lake Kariba Interzonal Fisheries Management Association Mainza Kalonga, Department of Fisheries</p> <p>Malawi Friday Njaya, Department of Fisheries</p>
1930 hrs	EVENING EVENT & DINNER
DAY - II, WEDNESDAY, 25 JUNE 2008	
0900 – 1100 hrs	<p>SECURING SUSTAINABLE RESOURCE USE AND ACCESS RIGHTS <i>Chair: Friday Njaya, Department of Fisheries, Malawi</i></p> <p>FAO 4SSF Conference, Bangkok October 2008: Main Themes Bjorn Fagerholm, FAO Sub-regional Office for Southern Africa, Harare, Zimbabwe</p> <p>Developing a Rights-based Fishing Framework for the ESA Region Sebastian Mathew, ICSF</p> <p>Comments & Discussions</p>
1100 – 1130 hrs	TEA BREAK
1130 – 1200 hrs	<p>Summary of Key Issues from Day 1 Presentations Jackie Sunde, Research and Advocacy Coordinator, MDT</p>
1200 – 1230 hrs	<p>Problems of Access to the Areas of Fishing for Artisanal Fishers in Cabo Delgado Province Manuel Daniel, National Institute for Small-scale Fisheries, Mozambique</p>
1230 – 1400 hrs	LUNCH BREAK
1400 – 1600 hrs	<p>GROUP DISCUSSIONS What are the access rights of relevance to a rights-based approach to fisheries in your context? How could the existing rights of fishing communities be further strengthened?</p> <ul style="list-style-type: none"> • Issues <ul style="list-style-type: none"> - How to address these issues? - Secure access and user rights - How to reconcile your rights with those of other stakeholders? <p>Facilitators: Rose Mwaipopo, University of Dar es Salaam, Tanzania; Naseegh Jaffer, South Africa; Chief Chipepo, Zambia</p>
1600 – 1630 hrs	TEA BREAK
1630 – 1700 hrs	<p>PLENARY SESSION <i>Chair: Friday Njaya, Department of Fisheries, Malawi</i></p> <p>Comments & Discussion</p>

DAY – III, THURSDAY, 26 JUNE 2008	
0930 – 1030 hrs	<p>MANAGING FISHERIES, SECURING POST-HARVEST BENEFITS AND SECURING THE WELL-BEING OF FISHING COMMUNITIES IN EASTERN AND SOUTHERN AFRICA: CONTOURS OF A RIGHTS-BASED FRAMEWORK <i>Chair: Kassim Kulindwa, University of Dar es Salaam, Tanzania</i> What is a Possible Rights-based Framework for Post-harvest Fisheries Benefits? Sebastian Mathew, ICSF</p> <p style="text-align: center;">Comments & Discussions</p>
1030 – 1100 hrs	TEA BREAK
1100 – 1230 hrs	<p>THE CHALLENGES OF GLOBALISATION TO FISHERS' RIGHTS <i>Chair: Friday Njaya, Department of Fisheries, Malawi</i> Fisheries Study in Tanzanian Coastal Waters: The Effect of Trial Exports of Finfish from Mafia Island on Ecological-Social Resilience and Vulnerability Ian Bryceson (Norwegian University of Life Sciences, Ås, Norway), Kassim Kulindwa (Economic Research Bureau, University of Dar es Salaam, Tanzania), Albogast Kamukuru (Faculty of Aquatic Science and Technology, University of Dar es Salaam, Tanzania), Rose Mwaipopo (Department of Sociology, University of Dar es Salaam, Tanzania) and Narrimann Jiddawi (Institute of Marine Sciences, University of Dar es Salaam, Tanzania)</p> <p style="text-align: center;">Comments & Discussions</p>
1230 – 1330 hrs	LUNCH BREAK
1330 – 1430 hrs	<p>COASTAL DEVELOPMENTS, ALTERNATIVE LIVELIHOODS, LAND RIGHTS AND HUMAN RIGHTS OF FISHING COMMUNITIES <i>Chair: Ian Bryceson, Norwegian University of Life Sciences, Ås, Norway</i> Land Rights: Tanzania Ng'wanza Kamata, HAKIARDHI</p> <p style="text-align: center;">Comments & Discussions</p>
1430 – 1530 hrs	<p>SOCIAL, ECONOMIC AND HUMAN RIGHTS IN FISHING COMMUNITIES IN THE ESA REGION <i>Chair: Florence Okoth Nyalulu Tushemereuwe, TOCBANGH, Uganda</i> An Introduction to the Contours of the Social, Economic and Human Rights in Fishing Communities Jackie Sunde, MDT ILO Work in Fishing Convention, 2007 Sebastian Mathew, ICSF</p> <p style="text-align: center;">Comments & Discussions</p>
1530 – 1600 hrs	TEA BREAK
1600 – 1730 hrs	<p>PANEL DISCUSSION How could Fishing Communities be Better Organized in the ESA Region to Secure their Fishing Rights, Post-harvest Rights and Human Rights? Facilitator: Naseegh Jaffer, Director MDT; Co-ordinator, WFFP</p> <p style="text-align: center;">Comments & Discussion</p>

DAY – IV, FRIDAY, 27 JUNE 2008	
0900 – 1000 hrs	<p>Discussion on Issues Needing Greater Clarification</p> <p>Comments & Discussions</p>
1000 – 1100 hrs	<p>PERSPECTIVES ON RIGHTS-BASED APPROACH TO GENDER IN FISHERIES <i>Chair: Sebastian Mathew, Programme Adviser, ICSF</i></p> <p>HIV/AIDS, Problems Faced by Women Living in Rural Fishing Villages in Uganda Florence Okoth Nyalulu Tushemereuwe, TOCBANGH, Uganda</p>
1100 – 1130 hrs	TEA BREAK
1130 – 1230 hrs	<p>PANEL DISCUSSION Gender and Fisheries in ESA Region Panelists: Jackie Sunde, MDT, South Africa; Florence Okoth Nyalulu Tushemereuwe, TOCBANGH, Uganda; and Namuuga Vaal Beatrice, KWDT, Uganda</p> <p>Comments & Discussions</p>
1230 – 1400 hrs	LUNCH BREAK
1400 – 1600 hrs	<p>FINALISATION OF THE WORKSHOP STATEMENT</p> <p>Closing</p>

Appendix 3

Zanzibar Workshop

Asserting Rights, Defining Responsibilities: Perspectives of Small-scale Fishing Communities on Coastal and Fisheries Management in Eastern and Southern Africa

**24 to 27 June 2008
Zanzibar, Tanzania**

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THE ZANZIBAR WORKSHOP

Proceedings

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

The Zanzibar Workshop Proceedings consists of the report and the Statement of the Workshop and provides a rich understanding of the dynamics of traditional, indigenous, small-scale and artisanal fisheries and fishing communities in the Eastern and Southern African (ESA) context. The issues covered include: the saga of rights denied to coastal lands, fishing, and threats to livelihood arising from lack of recognition of traditional rights and the livelihood needs of people in the region; the aspirations of coastal and inland communities to maintain or improve their livelihoods; and a bottom-up perspective on access rights to fishing, post-harvest



rights and economic and social rights. This report will be a valuable source of information for community organizers, trade union leaders, government officials and the donor community, including multilateral organizations, researchers and for all those who are interested in the well-being of ESA fishing communities.



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

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