

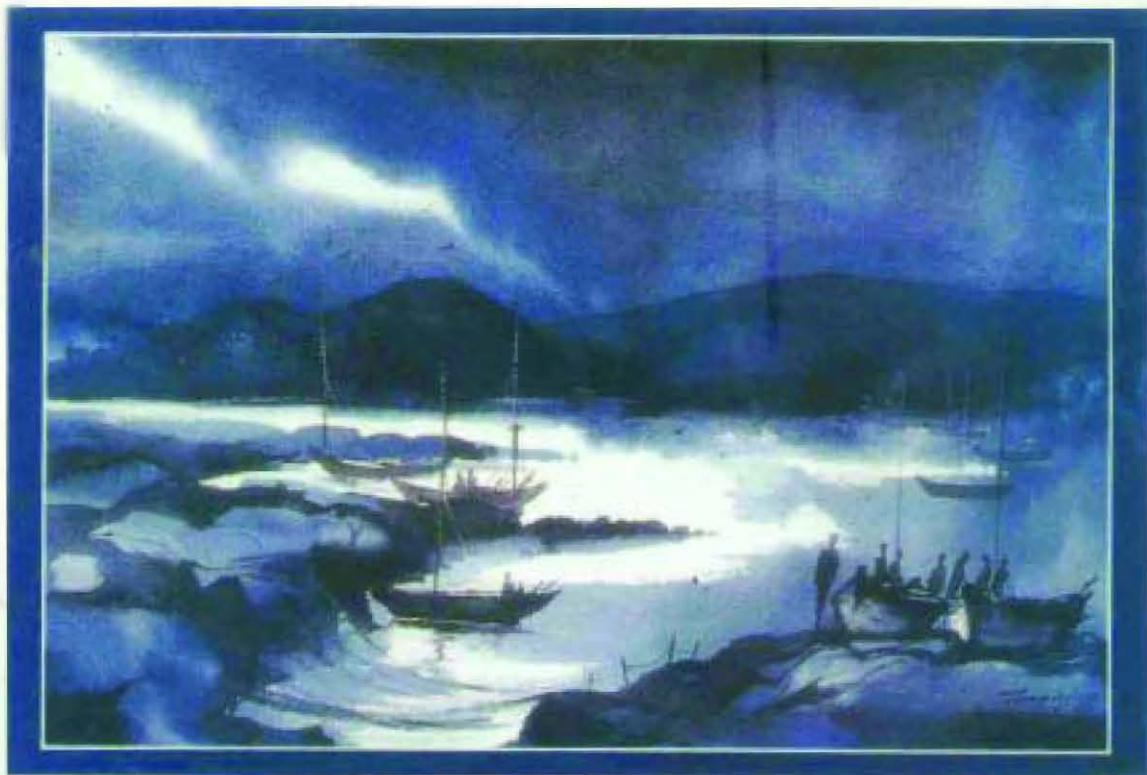
No. 25

August 2000

SAMUDRA

REPORT

INTERNATIONAL COLLECTIVE IN SUPPORT OF FISHWORKERS



THE CEDEIRA CHARTER

MAORI POWER IN NEW ZEALAND

WOMEN IN LATIN AMERICAN FISHERIES

SATELLITE-BASED VESSEL MONITORING SYSTEMS

THAILAND'S SHRIMP FARMS

FILIPINOS ON TAIWANESE LONGLINERS

THE FOÇO ISLAND CO-OPERATIVE'S WOMEN

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Focus on management

At the time of declaring their Exclusive Economic or Fishing Zones (EEZs/EFZs), the developing countries were mainly concerned about utilizing the vastly underexploited marine fishery resources. The general assumption was that resources were abundant in nature. Marine fisheries were seen as an excellent source of employment, income, food security and foreign exchange. In this process, the need for conservation and management was overlooked. Except for protecting fisheries resources from blast fishing, and fine-meshed nets, conservation and management was largely seen as a problem of rich countries.

The situation that prevails since the 1990s is vastly different from that of the 1970s and 1980s. Most of the commercially valuable stocks, especially in the inshore waters, are now overfished. China and Chile, two of the largest fish producers in the world, are going through a major crisis in their fisheries. More disturbing than the drop in production are the unmistakable signs of biological and economic overfishing. The composition of the catch is changing in favour of low-value, small-sized, species. Considering the large resource base and the investment that has been made into the industry in countries like Chile, Peru, India, China, Indonesia and the Philippines, it may not at all be wise to leave the situation to sort itself out. Moreover, the livelihoods of millions of fishworkers depend on healthy fisheries. A joint initiative by the State with the industry, fishing communities and other responsible national and international agencies is required to turn the fishery around. This clearly underscores the importance of moving from a largely *laissez-faire* fishery to a managed fishery with long-term goals and plans.

In general, the fisheries legislation in developing countries mainly target the fishing vessel rather than the fishery per se. What seems to be essentially regulated is access to fishery resources in time and space, that too in a lackadaisical manner. Conservation and management should refer to all of the rules, regulations, conditions, methods, and other measures, which are required to rebuild, restore, or maintain any fishery resource and the marine environment as qualified by relevant economic and social factors. This brings into the scope of conservation and management, not only the supply-side, but also the demand-side of fisheries, especially international trade in fish and fish products.

The architecture of such a regime is already implicit in some of the recent national legislation as well as in the United Nations Convention on the Law of the Sea (UNCLOS), the UN Fish Stocks Agreement and the FAO Code of Conduct for Responsible Fisheries.

Relevant measures are also needed to protect the marine environment from pollution. So far, there are few measures to protect the territorial waters from land-based sources of pollution. This lacuna has to be immediately addressed.

Export-led development of a fishery, although it brings benefits in the short run, could be ruinous in the long run, if there are no clear management plans, especially for entry into, participation in, and exit from, the fishery. Unless the safety net of conservation and management is put into place, any external stimulus to produce more fish will end up in an economic, ecological and social catastrophe. Developing countries have to move from a 'development alone' mode into a mode of 'development with management'. It is high time for this paradigm shift.



Indigenous fisheries

Maori power

The Maori fisheries settlement is a world leader in terms of resource transfer to indigenous people

The management of fisheries through the use of property rights is often perceived as being anathema to the recognition of indigenous fishing rights. Experience in New Zealand suggests that the opposite may, in fact, be the case. Not only are indigenous fishing rights compatible with a property rights approach to fisheries management, such an approach can be used to settle claims involving indigenous fishing rights, to preserve those rights for future generations, and to integrate such rights within a wider fisheries management framework.

Throughout the world, State management of fisheries using regulatory instruments has left indigenous communities subject to the values and aspirations of the dominant culture as represented by the government of the day. No matter how liberal, democratic and egalitarian the State may be, the final result is likely to further erode the ability of indigenous communities to manage, harvest, and use natural resources in ways that are consistent with their cultural needs. A property rights-based system can provide a robust mechanism for ensuring the sustainable utilization of fisheries, while providing for indigenous rights holders to realize their often divergent social and economic aspirations.

Indigenous communities traditionally have their own internal regulatory mechanisms for management of their fishing activity. Such regulatory mechanisms are integral to the nature of their fishing rights.

Recognizing and providing for indigenous and coastal community fishing rights requires empowering the communities concerned to use those mechanisms, and integrating them within

the wider fisheries management framework. In fully exploited, multiple-user fisheries, a system based on well-defined property rights allows the rights of indigenous communities to be recognized and provided for, relative to the rights of other groups.

In New Zealand, the introduction of a property rights system for fisheries not only gave rise to the largest indigenous rights claim in the country's history, it also provided the means for that claim to be settled and for indigenous rights to be recognized and provided for within the wider legislative framework. Maori fishing rights have been recognized by a combination of property rights instruments, vested in tribal or sub-tribal communities rather than individuals. It is up to those communities to decide how they manage those rights.

As the indigenous people of New Zealand, Maori held customary fishing rights under British common law. These rights were guaranteed by the Treaty of Waitangi, signed between the British monarchy and Maori chiefs in 1840. Customary fishing was exempted from the rules and regulations in fisheries legislation made after the signing of the Treaty. However, the exact nature of these rights was never defined.

Slow negation

As a result, Maori fishing rights were slowly negated by the egalitarian principles of the dominant European settler society—one law for all. The statutory provisions protecting Maori customary fishing rights were worthless, unable to define the nature of those rights, and then protect them from encroachment by the activities of other fishers. The Treaty of Waitangi was regarded as a legal nullity by the courts until the 1980s.

In the mid-1980s, the government in New Zealand moved to introduce a quota management system based on individual transferable quota (ITQ) for major commercial fish stocks. It was this move to create an artificial property right to take fish, and then allocate that right to existing commercial fishers, that drove Maori to seek an injunction against the government, saying that their customary fishing rights had not been taken into account.

The task of defining the nature of Maori customary fishing rights then fell to the courts. In an important test case in 1986, a Maori individual was found not guilty of taking undersized shellfish on the grounds that he was exercising a customary fishing right. He had fished in accordance with customary practices by obtaining permission from the *kaitiaki*, or guardian, of the *tangata whenua* from the area where the fishing occurred, and acted in accordance with the instructions of the *kaitiaki*.

The concept of *tangata whenua*, or 'people of the land', is crucial to the definition of Maori customary fishing rights. *Tangata whenua* are the *iwi* (tribe) or *hapu* (sub-tribe) that hold customary authority over a particular area. Rather than being general Maori rights, customary rights belong to *tangata whenua* and can only be exercised within their area. The full nature and extent of customary fishing rights was

elucidated by the Waitangi Tribunal as a result of extensive research into tribal claims to fisheries.

The Waitangi Tribunal is a permanent commission of inquiry, set up in 1975 to investigate claims regarding breaches of the Treaty of Waitangi. Maori customary fishing rights were found to have both a commercial and a non-commercial component (based on evidence that Maori were trading seafood widely, prior to the signing of the Treaty of Waitangi). The fisheries they exploited were extensive, and the methods to catch fish were highly advanced, compared to those of their European counterparts. The Tribunal also ascribed a developmental component to the customary right, giving Maori a right to a share of the deep-sea fisheries off the coast of New Zealand, even if they were not being fished at the time the Treaty was signed.

Customary rights

Most importantly, Maori customary fishing rights pertained not only to the use of fisheries, but also to the management of the resource. While fishing practices differed among the different tribes, customary fisheries had always been actively managed by *kaitiaki*. Traditionally, fishing outside the rules set by the *kaitiaki* could subject the fisher to severe penalties. In 1986, the High Court placed an injunction on the Crown, preventing it from proceeding with the

introduction of the quota management system. The Court advised the Ministry of Fisheries that the aims of the Crown in introducing the quota system were commendable. At the time, the Waitangi Tribunal observed that the ITQ right had much in common with the rights guaranteed to Maori under the Treaty of Waitangi—it guaranteed access, it was perpetual, and it provided opportunities for autonomous management. The problem was that indigenous rights had not been recognized or provided for in the allocation of commercial fishing quota.

An interim settlement of Maori fisheries claims was negotiated in 1989, and full and final settlement signed and legislated for in 1992. The principal effect of the settlement on the customary fishing rights of Maori was to split the commercial and non-commercial components of those rights. This distinction was necessary to accommodate the settlement within the broader fisheries management framework, which was by then based on the use of ITQ for commercial fisheries, while non-commercial fishing continued to be managed by regulation.

The commercial rights of Maori were recognized through the provision of assets comprising quota, shares and cash. The 1989 interim settlement provided for 10 per cent of all existing ITQ to be bought back from fishers and provided to Maori. The 1992 Settlement centred on the Crown's provision to Maori of \$150 million to purchase a half-share of Sealord Products Ltd. Sealords is the largest commercial fishing company in New Zealand, owning over 20 per cent of all commercial fish quota. In addition, the Crown has an ongoing obligation to allocate 20 per cent of quota for fish species newly introduced to the quota management system to Maori.

The Settlement legislation established the Treaty of Waitangi Fisheries Commission, previously the Maori Fisheries Commission, to manage the commercial settlement assets on behalf of Maori. The quota held by the Commission is no different from other ITQ generated under the quota management system. The Commission currently leases quota to tribes on an annual basis. In time, the

quota will be allocated to the beneficiaries of the settlement, giving them all the benefits and obligations associated with quota ownership.

The settlement is a world leader in terms of resource transfer to indigenous people. While other settlements have addressed claims to individual fisheries, no other country has transferred close to 30 per cent of its total commercial fishing industry to its indigenous people. Maori are the single largest player in the rock lobster and paua fishery, and one of the top two players in the snapper fishery. In conjunction with managing these assets, the Commission has become one of the best informed and articulate participants in the New Zealand fishing industry, providing valuable advice both to government and to industry bodies.

The Commission also invests in the future of the Maori fishing industry, spending around \$1 million dollars annually on its scholarship programme, training up to 300 young Maori a year. The programme focuses on three areas: business management, studies directly related to fisheries, and a highly successful seafood processing course. The Commission offers up to nine \$15,000 per year scholarships to study at the Australian Maritime College and the University of Tasmania.

The non-commercial component of the customary right was provided for through regulations that devolve the management of non-commercial customary fishing to *kaitiaki* appointed by the *tangata whenua*. The regulatory framework provides an effective way of recognizing and providing for the traditional fisheries management practices of Maori. The framework is highly flexible about the way *tangata whenua* manage their fishing activity, but prescriptive in terms of mandate issues, recording of catch, and accountability mechanisms.

Mandated representatives

Tangata whenua must establish mandated representatives for their area before they can actively manage their non-commercial fishing activity. The regulations provide for *tangata whenua* to appoint *kaitiaki* who are responsible for managing customary fishing in their area. Disputes over who should be *kaitiaki* or

over tribal boundaries must be resolved by *tangata whenua*.

Kaitiaki manage customary fishing through an authorization system which requires them to specify the exact nature of the fishing activity that is being authorized, including species, quantities, areas, size limits, methods, purpose for which the fish will be used, and instructions for the disposal of any bycatch. Each of these factors is at the discretion of the *kaitiaki*, who must act within the bounds of sustainability and with due regard for the environment.

Regulations also provide for the establishment of areas known as *mataitai* reserves over traditional fishing grounds. *Mataitai* reserves are a form of Territorial Use Right. There is no commercial fishing permitted within these reserves and all non-commercial fishers, including recreational fishers, must act in accordance with bylaws made by the *kaitiaki* when fishing within the reserve area.

Fishers must report back their actual catches to the *kaitiaki*, who record the information for fisheries management and compliance purposes. *Kaitiaki* must report quarterly to the Ministry of Fisheries on how many of each species were taken out of each management area within their traditional boundaries. The information generated by the regulations is then used to set sustainability measures, and provides a powerful tool for *tangata whenua* to participate in wider fisheries management processes.

After setting the Total Allowable Catch (TAC) for a fishery, the Ministry of Fisheries must share the TAC amongst the three extractive fishing sectors—customary non-commercial, recreational and commercial. The customary non-commercial needs of Maori have a *de facto* priority in this process—the needs of Maori are provided for first, to the extent that they are not commercial. In the small toheroa shellfish fishery, this has resulted in the entire TAC being set aside for customary non-commercial needs.

Individual customary fishers are accountable to the *kaitiaki* who authorizes

their activity. *Kaitiaki* are primarily accountable to the *tangata whenua* who appoint them, and to the Ministry of Fisheries, for the sustainable management of fisheries and for the maintenance of effective records for both management and compliance purposes. The State is still ultimately responsible for the overall sustainability of fisheries and for the provision of assistance to *kaitiaki* to enable the effective operation of the customary fishing regulations.

As a result of the 1992 Treaty settlement, Maori now own around 40 per cent of New Zealand's commercial fish quota. Taking joint ventures into account, Maori have a controlling interest in more than 60 per cent of New Zealand's commercial fishing industry. However, the commercial assets of Maori continue to be managed by the Treaty of Waitangi Fisheries Commission on behalf of all Maori, and have yet to be allocated to tribes and/or any other beneficiaries identified under the terms of the settlement.

While many tribes are benefiting from the annual leasing of quota by the Commission at discounted rates, they will not have autonomous control over the management of their commercial fishing activity until allocation has occurred. The commercial interests and objectives of Maori may differ from tribe to tribe. They may also be different from the interests of other commercial fishers in their area. ITQ allocation will allow the different priorities and interests of tribal groups to be realized within the same framework, while minimizing the opportunity or need for the State to interfere with those interests.

Distribution inequities

Property rights instruments such as ITQ are often given a number of negative associations. These include the privatization of what are seen to be collective rights, inequities in the distribution of rights, alienation of traditional fishers from their livelihoods, and even the demise of coastal communities. However, as far as the indigenous fishing rights in New Zealand are concerned, all of these occurred to some degree before the introduction of ITQ. Ironically, it has been the

introduction of ITQ and other property rights instruments that have provided a means of addressing these issues.

The introduction of the quota management system meant that the Crown was able to buy back rights from existing commercial fishers and re-allocate them to Maori. This was meant to compensate them for the attenuation of their rights over the previous 140 years (obviously, if the initial allocation of ITQ had taken Maori rights into account, no buy-back would have been necessary). The Settlement legislation ensures that the ITQ provided to Maori remains under collective ownership until such time as allocation occurs.

The Treaty of Waitangi Fisheries Commission has been working on criteria for tribes to be eligible to receive settlement assets. One such criteria is that tribal bodies must have constitutional arrangements in place to ensure that the collective commercial fishing rights of a tribe, as represented by its share of quota and cash, are not alienated from the tribe without the necessary level of accountability being present. Once allocation has occurred, then the tribes can manage their commercial fishing activity the way that suits them, incorporating whatever combination of economic and social objectives they desire.

Tangata whenua are now regaining control of their customary non-commercial fishing activity. Customary fishing regulations are now in place and are being implemented by tribes and sub-tribes around the country. The primary hurdle facing tribes seeking to utilize the new management framework is the determination of mandate over areas, and the resolution of disputes with neighbouring groups over boundaries and *kaitiaki* appointments.

Customary non-commercial fishing rights, while not represented by ITQ, are still considered property rights within New Zealand's fisheries management framework. Fishers must fish within the rules and limits specified by the *kaitiaki* for the area, and must report back on what they actually caught. The Ministry of Fisheries must then make an allowance for the extent of customary needs when allocating the Total Allowable Catch (TAC) for any fishery. The proportion of the TAC set aside for customary non-commercial take is effectively the property right associated with customary non-commercial fishing.

Management control

The aim of all tribal groups must be to regain control over the management of all their fishing activity, both commercial and non-commercial. Once quota has been allocated, and *kaitiaki* have been

appointed, *tangata whenua* will be in a position to manage their fisheries in a more holistic manner. Importantly, the well-defined rights of *tangata whenua* will ensure that there is always fish available for everything from commercial purposes on *marae* (meeting ground) to personal consumption.

The current direction of fisheries management in New Zealand foresees the devolution of management responsibilities to stakeholder groups, and stakeholder participation in the development of management plans for key fisheries and/or areas. As a result of the indigenous fisheries settlement, Maori are well placed to take advantage of the opportunities offered by such an environment. With well-defined rights firmly secured, Maori are destined to be at the centre of co-operative management initiatives in the future. ¶

This article by Matthew Hooper (Matthew.Hooper@fish.govt.nz), a Senior Policy Analyst at the Ministry of Fisheries in New Zealand, is based on a paper co-authored with Terry Lynch, presented at the FishRights99 Conference in Perth, Australia

Inshore fisheries

The Cedeira Charter

Inshore fishermen from the Cantabrian sea off Spain seek to unite under the banner of a new charter

The Spanish fishing sector, generally portrayed as the 'bad boy of Europe', wears another face. Statistics show that one in four fishermen in Europe are Spanish. There are some 71,000 registered fishermen in Spain, out of a European total of 280,000. These fishermen are said to be highly dependent on fishing in other nation's waters—be it in other European countries' waters or off the coasts of Africa, Argentina, Chile, etc.

The Spanish fishing companies who employ them also have a bad reputation for disregarding regulations, such as quota and size limits, and territorial boundaries, and for ravaging distant-water fishing grounds. Last but not least, the Spanish are big consumers of fish, with a high demand for small (immature) fish for many traditional dishes. Their market exerts strong pressures on the fishing sector to both overfish and target undersized fish.

However, looked at in another way, the same statistics paint a rather different picture of Spain. They also show that one in six European fishermen are from the Spanish small-scale inshore sector, operating small craft and fishing within 12 miles of the Spanish coast. For these fishermen and the communities where they live, how to manage fishery resources in a sustainable way has become a major concern.

The area around the Bay of Biscay, one of the most important fishing areas in Europe, is the mainstay of the inshore artisanal fisheries in both Spain and France. However, overfishing caused by overinvestment, surplus capacity and environmentally destructive fishing methods is affecting the prospects of present and future coastal populations in France and Spain.

To discuss these issues, in March this year, in the small Coruñan port of Cedeira, representatives of some of the most important *cofradías* (traditional fishermen's organizations) in Cantabrico (Saint Jean de Luz, Hondarribia, Lastres, Cedeira and Ares) met with representatives from the local, national and EU authorities, and with the environmental organization, Greenpeace. The 'First Meeting of Inshore Fishermen from the North-West Cantabrian Fishing Grounds' was, in many ways, a watershed, and raised a number of highly important issues.

To begin with, it highlighted the fact that, from all aspects, the situation on the fishing grounds is extremely serious—"the worst in its history"—and that drastic measures must be taken to guarantee resource recovery and to establish sustainable levels of fishing.

In the second place, there is the no less urgent task of defining, once and for all, a fisheries policy with clear lines of responsibility, which includes:

- support directed to the artisanal fishery—the most important sector from a social and economic perspective—using the Financial Instrument for Fisheries Guidance (FIFG—see Box 2), specifically redirected for this purpose. (In the past, only a relatively small part of this was earmarked for inshore artisanal fisheries); and
- a debate on which fishing gear are appropriate for the narrow shelf area and multispecies fishery.

Doubts expressed

Antonio López Cribeiro, a biologist from the Cedeira *cofradía*, wondered whether

Small-scale fisheries in Galicia

In Galicia the fishers of the *Xunta* (autonomous government of Galicia) are classified into three main groups:

- bivalve shellfishers (*marisqueos*), gathering in the inter-tidal zone or by boat;
- inshore fishers (*pesca de bajura*); and
- offshore fishers (in EEZ and distant waters).

According to the 1994 census, there are 8,811 legally registered vessels and 28,014 fishers in Galicia. In practice, there are many engaged in fishing on a part-time basis. For example, there

are over 8,000 women shellfish gatherers (*mariscadoras*), and many (unregistered) people who supplement their incomes seasonally (retired persons, taxi drivers, shopkeepers, unemployed persons, etc.). There are also many people who fish illegally.

In Galicia, the inshore sector employs about 70 per cent of the full-time fishers (i.e. some 5,600 people), operating around 4,300 vessels less than 9 metres in length. The inshore sector comprises a fleet that fishes on the continental shelf (demersal and pelagic fisheries), and a fleet that operates in the coastal embayments (*rias*), shallow oceanic areas.

—by Juan Friere and Antonio Garcia-Allut 2000

fisheries activities should be undertaken by “a few large efficient units, or based on a model of fishing which allows for the fair distribution of resource wealth amongst the coastal populations, and which is environmentally sustainable.” Esteban Olaizola, president of the Hondarribia *cofradia*, put it more graphically: “There are no clear policies, we are like sailing boats having to take whatever wind blows our way”.

The Cedeira Charter, adopted and signed by all those present at the meeting, has subsequently received the backing of 50 *cofradias* and the Galician Environmental Federation. The document (summarized in Box 3) brings together a number of key issues.

First and foremost, it has brought together a large number and wide variety of geographically dispersed *cofradias*, who recognize that they share a common problem caused by excessive fishing effort, increasing efficiency in fishing gear and vessel technology, poor gear selectivity, and the environmental impact caused by their activities. Historically, one of the greatest problems that has afflicted the sector has been the lack of unity and organization. This meeting was thus seen as an important first step in addressing this issue.

From this perspective, the proposal made by Robert Alvarez from the Basque NGO, Itsas Geroa (‘The Future of the Sea’), to

establish a permanent Cedeira Charter Round Table, is highly important. Such a Round Table should be capable of taking forward the negotiation and implementation of the issues raised by the Charter. It should also represent the group of *cofradias* with the administration and with regard to the international dimensions that must be taken into account when dealing with these issues.

Secondly, the fishermen themselves proposed, and agreed on, measures to restrict their own activities, including a revision of mesh size and minimal landing sizes according to biological criteria, the establishment of seasonally closed areas, and the need for strict vigilance and control on the landings of all of the fleets. “The philosophy of the current document is based exclusively on the urgent need to adopt appropriate measures to allow the sea to recover, for all of us in the different sectors and in the fisheries administration to assume our share of the blame, and to be ready to work together in this new millennium to transform our predatory approach into a more responsible attitude towards the sea, with its resource wealth, and the marine ecosystem with its rich biodiversity,” states a letter to the Ministry of Agriculture, Livestock and Fisheries.

Ecological lesson

In this regard, a lesson in ecological economics was given to the whole meeting during the intervention made by Esteban Olaizola: “We do not believe that

Financial instrument for fisheries guidance

Many aspects of the European Common Fisheries Policy, which provides the framework for all aspects of European fisheries both within and outside European waters, are currently under review. Two aspects are particularly important for the European inshore fisheries:

- the decision on how fisheries will be managed and regulated in the 6-12 mile zone after 2002, and
- the decision on how European structural funds (through the Financial Instrument for Fisheries Guidance—FIFG) will be used to restructure the European fishing sector.

Since the early 1980s, a series of Multi-Annual Guidance Programmes (MAGPS) have been the main tools used for managing the structural aspects of the European fishing fleet. In essence, the main, but rather conflicting, objectives of these MAGPS are to maintain a modern, efficient fishing fleet, while keeping the fleet capacity in line with the stocks available.

The FIFG is derived from the European Structural Funds, which were originally intended for supporting economic development

in Europe's remote, less well-developed regions.

Over the last two decades, the lion's share of FIFG has been allocated mainly to a fleet modernization programme based on a 'scrap and build' policy, which has represented more than half the budget of the Common Fisheries Policy. The misuse of these FIFG subsidies has been one of the main factors contributing to the alarming situation today, where the European fishing fleet shows at least 40 per cent overcapacity for the stocks available. It has also led a situation of smaller-sized fleets and lower employment, but a greater catching capacity and a greater concentration of wealth in the sector.

Only a very small proportion has been allocated to the small-scale sector (about 10 per cent), mainly through the PESCA initiative (which has now ended). PESCA was adopted in 1994 to solve the socio-economic problems of restructuring. Monies were made available for such measures as improving the professional qualifications of fishermen, diversification of activities in coastal areas (tourism, aquaculture, etc.), providing medical assistance vessels for the deep-sea fleet, etc.

it is the fishermen who are the producers, it is not like that at all... it is the fishes themselves. We may or may not have a future, depending on how we harvest this production”.

In this, as in so many other areas, conventional economics, let alone fisheries economics, has not been able to address this relationship between production and the ecosystem. It is on this vision that the artisanal fishery must build its credibility, “although, in all probability, our grandfathers did not know about ecology... they were as much fishermen as us,” Esteban added.

The interventions received the agreement of all those present. Fernando Braña, representing the *cofradía* of Lastres (Asturias), called attention to the need to phase out destructive gear like bobbin (rock-hopper) trawls, and the issue of modernization of other gear. Citing the case of the increasing size of trawl doors, he observed that “with such high vertical

openings, these gear could almost be considered as pelagic”. He further stated that “we are not against modernization in areas such as safety, but very much against such innovations in gear design,” adding that “before, we used to live with traditional trawls”.

On the subject of bobbin trawls, which allow trawlers to work in rocky areas, Braña showed his anger: “We no longer haul up live coral as before, we only haul it up dead. How is dead ground supposed to produce?”

Fleet modernization

Félix Cudillero, representing the *cofradía* of Ares, another small Coruñan town, highlighted fleet modernization as a key issue: “We can't think why FIFG monies have been used to renew the trawler fleet in such a fundamental way, when they were created for entirely different purposes.” He went on to add that “although the number of trawlers has decreased, the catching capacity of the

The Cedeira Charter in brief

1. Proposals for demersal fishing:

Three main issues were highlighted:

- the need for an immediate halt on the capture of juveniles;
- the need to regulate the capture of adults; and
- the need to conserve the ecosystem.

To address these issues, we demand:

1.1. An immediate halt to the use of 'rock-hopper bobbin trawls' and semi-pelagic pair trawling. The inshore fishery has no problems with the use of traditional trawling methods, such as those which have been used for over three centuries, and which have always shared in the fishery and complied with the rules.

1.2. The immediate implementation of the regulation which alters the closed season for bottom-trawling on the northwest Cantabrian fishing grounds.

1.3. Review of the minimum size restrictions for target species. It defies logic for species such as hake to have the minimum size restrictions

set below the size at maturity. We demand that biological criteria be applied when setting these limits.

1.4. Review of mesh size regulations. We demand that mesh sizes below 70 mm be banned in bottom trawls fishing in waters less than 200 metres deep, and are permanently banned from use in the 12-mile zone (territorial sea).

1.5. Standardization of weekly rest periods. A rest period of 48-hour duration should be applied which, as a general rule, corresponds to the weekend. This will promote better fisheries management and the well-being of the fishing families. Under special conditions, fishery plans which fulfil the required proportion of two days rest for every seven may be considered.

1.6. Monitoring and control of all the fleets. We demand a permanent increase in the monitoring and control of fish landings, and at all stages in the marketing chain.

2. Proposals for pelagic fishing:

Although there is an alarming reduction in profitability in the fisheries of the Bay of Biscay, Cantabrica and Galicia, the use of pelagic trawls

fleet is much greater. But we must all take our share of the blame and be ready to work to change things.”

The charter also emphasizes the need to develop sustainable fisheries through systems of management that are not based only on the quantitative aspects of the resource. As a basic prerequisite for restoring stocks, there is also a need to conserve a healthy ecosystem.

From this arises the need for a clearly defined fisheries policy, which deals with the artisanal sector from the perspective of its structural characteristics: “The proposals have been formulated by the inshore fishery which, from a social and economic perspective, represents no less than the most important sector of the national fleet, comprising an activity essential to the economy of all small fishing ports. Consisting of fisheries limited in size by our narrow continental

shelf, it is the very antithesis of industrial fishing, and is organized through a structure of family businesses, which is the reason why we are motivated to involve ourselves in the prosecution of a sustainable model of fishing for the sake of both the fishermen of today and for generations to come.”

It is important to place the Cedeira Charter in context. Last summer, the specialized press reported the Fisheries Minister's intention, for the coming season, to modify the areas seasonally closed to trawling “as a measure aimed at improving the protection of juvenile hake, given the highly precarious state of stocks, and the dangers of fishery collapse.”

Seasonal closure

The measures, which entered into force on 1 January 2000, were supposed to widen the seasonally closed fishing area around La Coruña—the main recruitment area—and to create a new area around

and Naveran (high vertical opening) trawls continues to destroy such important species as anchovy, sardine and Northern bonito.

We, therefore, demand:

- the total ban on drift nets in EU waters;
- the adoption of a moratorium on the use of pelagic and high vertical opening (Naveran) trawls in the community waters of the Bay of Biscay and South of the 46th parallel;
- the control of discards made in these zones by independent observers; and
- the adoption of measures which specifically avoid the capture of immature fish.

3. Other proposals:

3.1. Closed seasons (biological rest periods) subsidized by the authorities. No component of the fisheries sector should have to bear the costs created by decades of acquiescence and inertia, and vessels affected by protection measures such as biological and seasonal closures should be able to access compensation from public funds.

3.2. The new FIGG 2000-2006 should be used to strengthen the inshore fishery. Although

thousands of millions of pesetas (hundreds of millions of dollars) have been spent, the crisis has worsened and the Spanish Atlantic fishery is now in the most critical phase in its history.

We, therefore, demand that the new FIGG be used to rehabilitate the sea, and be directed towards specific objectives:

- halt overexploitation of fishery populations by subsidizing fishery closures (biological rests and other closures) that the scientists consider necessary;
- bring the capacity of the fleet into line with the resources available, with the priority of removing permanently those vessels which are most destructive;
- renew and strengthen the fleet practising selective fishing, which is environmentally sensitive and avoids catching immature fish; and
- elaborate the measures and services necessary to guarantee the strict compliance with the protection measures adopted.

Agreed in the port of Cedeira, La Coruña, March 4th 2000.

Cedeira, along with the removal of the closed area around Muros, where the concentration of juveniles is not so high and where the closure has not been very effective. The seasonal closure of this area was to be extended from three to six months, from 1 September to 31 March.

The response of the trawler sector was twofold: (a) a basic call for any closure to be applied equally to everyone. "The impact of this fishery regulation could be classified as persecution against this fishing method (trawling) which, it seems, is being made a scapegoat for all that is wrong," was a typical response; and (b) a call for more scientific research.

As regards the latter demand, scientific opinion is unanimous. The same recommendations have been made for over 20 years. Given that recruitment is relatively independent of the size of the breeding stock and given the habits of

juvenile hake to accumulate in groups in muddy, trawlable areas, "this situation can only be improved through reductions in fishing effort and through technical conservation measures, like the increase in mesh size, and the establishment of closures in those areas and seasons where there are the greatest concentrations of juveniles."

The trawl is the main gear catching juvenile hake and, if any fishery closures are made to protect the breeding stock that will affect all the other gear, it seems that this would have to involve defining distinct zones during distinct periods. There are other measures, such as increasing mesh size (one of the points raised in the Cedeira Charter), which could also be used for this goal.

Multi-species catch

In the case of trawling, increases in mesh size would not take into account the multi-species nature of the catch and the

fact that hake is not the main species caught. (Mackerel, scad, blue whiting, monkfish and ray are also caught.) Above all, we are faced with the need to define, once and for all, the kinds of fishing gear that are compatible with our fishing opportunities, under what conditions and under what levels of fishing.

Once this is decided—and we are talking about a political decision of some magnitude, where it will be difficult to reach an agreement that will keep both sides happy—it will be necessary to find ways of achieving the objectives of sustainability proposed. The new FIG 2000-2006 should play a major role in solving these problems, created by so many years of irresponsible fisheries policies.

The Greenpeace representative, Arnau Mateu, proposed several criteria that could be used to guide the process of eliminating the excess capacity (fishing effort) and that would help to transform the use of fishing gear towards achieving sustainable fishing that respects the ecosystem. More important than the need to reduce global fishing effort, the priority of the hour must be to eliminate those fishing gear which cause the greatest damage to the marine environment as well as those which cause the greatest social impact. This would involve applying criteria such as:

- the levels of bycatch and discards of non-commercial species. (The Spanish Oceanographic Institute warns in their report that discards of hake in the size range 8-25 cm could be more than 30 million individuals per trawl.)
- the damage caused to the marine ecosystem—for example, alterations produced in the benthos (which has reached extreme levels with the introduction of new fishing gear like the bobbin trawl).
- the impact on key species in the food chain (an aspect which has hardly been studied).
- the quality of the product which arrives on the market (Fernando Gonzalez Laxe, president of the Fisheries Committee of the EU, placed particular emphasis on this aspect. As well as mentioning the need to establish protected areas from fishing activities, he highlighted the possibilities for ecolabelling and the need to influence outlets not to sell immature fish).
- employment generated (one of the characteristics of the artisanal sector, which, in Galicia, has more than 8,000).

Despite continued calls from the inshore sector, the fisheries closure proposed by the Ministry of Fisheries has never been implemented. It remains to be seen whether it will be implemented in September. The organizations party to the Cedeira Charter are particularly concerned that the lack of political will to deal with this chronic fisheries problem will mean the continued demise of the fishery.

The Ministry of Fisheries, for its part, has continued to promise that it would apply the restrictive regulations needed to ensure the recovery of stocks in the Cantabrian Sea. It has also been trying to get the trawler and artisanal fleets to agree on the new measures to be adopted. According to the ministry, they should submit their own proposals once its scientific report has been made available. But what about the precautionary principle, which places burden of proof on the authorities and the fishing industry to show that fishing activities are not damaging the resource? And why must we wait for new reports before acting, when, for so many years, all the reports have been saying exactly the same things?

These issues were discussed at a meeting organized by the Ministry of Fisheries with representatives of the inshore and trawling sectors. In a subsequent statement, Samuel Juarez, General Secretary of Fisheries, announced: "There is general agreement that measures must be taken to allow the fishery to recover. But not that some areas should be reserved only for certain fleets or that some gear should be banned from the fishing grounds, because the fishing grounds are unique and belong to everybody."

This outcome was not unexpected, and was the main reason why the cofradia of Cedeira, which called for the Charter, boycotted the meeting. The closing remarks of the Fisheries Chancellor of the Galician *Xunta* certainly came as no surprise, when he announced that "there are neither good nor bad fishing gear; it depends on how they are used" and that "we must be prepared to tighten our belts."

Finally, at least we have the opportunity to continue working on the Charter which provides an opportunity for the artisanal sector to push their demands forward on a joint platform. We are waiting expectantly to see how this conflict evolves.

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Fisheries agreements

Socializing costs, privatizing benefits

As more and more supertrawlers are being built, it is time to critically review the EU's fisheries policy

On his first official visit to France after winning the elections in March, president-elect Abdoulaye Wade called on French entrepreneurs and vessel owners to consider investing in the Senegalese fishery. According to the CFFA (Coalition for Fair Fisheries Arrangements) Newsletter No. 9, August 2000, he promised such investors "a highly liberal legal and fiscal framework" to facilitate their ventures.

Increasingly, European fishing companies are seeking 'private' deals to secure access to distant-water fishing grounds. This alarming trend was commented on four years ago, in an article written for SAMUDRA Report ("On to the next generation", 15 July 1996) by Helene Bours. "The trend is clearly towards privatization of the agreements and liberalization of trade..." which, "...appears to depart from 'classical' bilateral fisheries agreements, which have their faults, but which at least have been subject to some—although very limited—form of democratic control."

The conclusion of such deals is increasingly the norm for European fishing companies seeking alternative access rights to secure fish supplies in a context of dwindling local resources, increasingly strong (and unsatisfied) market demand, and decreasing access opportunities within European waters. A recent article in the French paper *Le Marin* highlighted the dependence of the Brittany fishing port of Lorient on *poisson avion* (fish by air) coming from Guinea, thanks to fishing activities secured through private French deals.

The article also said that such deals are, in fact, far from 'private'. Considerable amounts of European taxpayers' monies

are being used to subsidize them. In the case of Guinea, French trawlers have been transferred, thanks to subsidies from the 'structural funds'—the Fisheries Instrument for Fisheries Guidance (FIFG)—of the Common Fisheries Policy (CFP). In the words of one operator, "To get grants for building new trawlers, fishermen must sell their old boats outside Europe. Why shouldn't they go to fish in Guinea?"

Thanks to FIFG support, fishermen can now transfer their vessels to third countries rather than scrapping them. Such transfers may be temporary (joint ventures) or permanent (joint enterprises). In the latter case, they must be re-flagged. These subsidies provide the mechanism through which Europe is increasingly able to achieve two urgent objectives: reduce surplus domestic fishing capacity, and meet the supply needs of its market.

However, and as noted by Bours, at least in the 'classical' agreements, there is some form of democratic control. Such possibilities do not exist in the use of other financial instruments to subsidize 'private access agreements'. This lack of transparency came in for particular criticism in a 1998 European Court of Auditors report (No 18/98) on subsidized joint ventures which noted that, once funding had been transferred to the applicant country, it was extremely hard to trace how the monies were used.

Changing relations

In November 1999, CFFA documented the changing nature of European fishing relations with countries in the South in a brochure titled *A Fishy Business: ACP-EU Fisheries Relations: Who Benefits at What Cost?*. Based on six case studies from Mauritania, Senegal, Kenya, South Africa,

Argentina, Madagascar, and an analysis of European Union policies and instruments, it clearly shows that the trend is from 'fisheries agreements' (formal framework agreements) to 'fisheries arrangements' (less structured arrangements, which combine several policy and financial instruments).

In its introduction, *A Fishy Business* comments: "ACP fisheries are being integrated into the world economy through a wide variety of often overlapping ways. While trade relations are mainly responsible for this integration, various other mechanisms are also at play. These include: fisheries access agreements; private access agreements; various schemes for the promotion of joint enterprises and joint ventures; direct investment and, in some cases, outright illegal fishing."

The EU policies which directly affect the integration of ACP fisheries into the world economy include: EU Development Co-operation; the Lome Convention (a new agreement was recently concluded in Cotonou, Benin); Trade Policy; and the international and structural policies of the Common Fisheries Policy.

It was for this reason that that CFFA decided to change its name from the Coalition for Fair Fisheries Agreements to the Coalition for Fair Fisheries Arrangements.

With the signing of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, and its ratification in 1994, the unilateral declaration of national 200-mile Exclusive Fishing Zones received the full support of international law.

The UNCLOS process exerted considerable influence on the EU (the then European Economic Community) decision that all member States should extend their national fishing limits to 200 miles in January 1977, and that competency for all jurisdictional and policy matters should be ceded to the European Commission. This included providing the Commission with the authority to negotiate "with certain third countries with a view to concluding 'framework agreements' on fishing access." The first such 'framework agreement' to be signed with a developing country was with Senegal in 1979.

'Framework agreements' were based on the issue of the 'surplus stocks' not caught by the local sector (UNCLOS Article 62.2), and the other UNCLOS provisions (for example, those listed in Articles 61 and 62) relating to the conservation and management of living marine resources.

First-generation agreements

These so-called 'first-generation agreements' came to be the norm for all subsequent fisheries access agreements negotiated between Europe and

The coherence commitment

Under Article 130v of the Treaty of the European Union, the EU has a legal obligation to take into account the objectives of its development co-operation policy “in the policies that it implements which are likely to affect developing countries.”

These objectives are set out in Article 130V of the Treaty of European Union and commits the EU to:

- the sustainable economic and social development of developing countries, particularly the most disadvantaged;
- the campaign against poverty;

- the smooth and gradual integration of developing countries into the world economy;
- respect for human rights, fundamental freedoms and the rule of law;
- the promotion and consolidation of democracy.

This means, in effect, that all EU policies which affect fisheries sectors in ACP countries should contribute to sustainable economic and social development to the benefit of the most disadvantaged.

developing countries. They are, in the words of Bours, “pay, fish and scoot” agreements. Initially, they were seen as providing a kind of ‘manna from heaven’ to the revenue of developing country governments, in the form of ‘no-strings attached’ funding for depleted State coffers.

In this regard, they became powerful tools for subverting the spirit of the UNCLOS provisions. Instead of providing a transitory bridge to enable coastal States in the South to develop their fisheries, they used fisheries resources as a bargaining chip, to be negotiated against other interests (political, foreign exchange, commercial, etc.). In effect, the first generation of fisheries agreements have created a State dependency on foreign access to provide necessary foreign exchange and other patronage, and reduced development concerns to the market value of fisheries resources to the fleets of the North.

The signing of the Maastricht treaty in 1995 (The Treaty of the EU) with its ‘coherence clause’ (see box), provided citizens’ groups with important opportunities to influence EU policies, and led them to campaign for coherence in fisheries agreements (see CFFA Report *Squaring the Circle*, 1995). This campaign sought to find ways to ensure coherence between fisheries agreements practice (under the provisions of the Common Fisheries Policy), on the one hand, and, on

the other, the policy objectives for development co-operation.

Consequently, the importance of achieving coherence was addressed by a Council of Development Ministers Regulation on Fishery and Development in June 1997. This “stressed the need for an integrated policy approach to sustainable fishing in third countries, which takes into account, besides the interests of the EC, the interests of the local fishery sector, as well as the principle of sustainability of the resources.”

The importance “of achieving coherence between these agreements and European development policy” has also been acknowledged by the EU Council of Fisheries Ministers (CFFA Newsletter No. 6, 1998). They also proposed that the Commission carry out a full cost-benefit analysis of fisheries agreements, urging that this exercise take into account “non-quantifiable elements such as the Union’s political relations, the strategic importance of the Community’s fleet presence in the waters of the third country...”

Simplistic conclusion

However, disappointingly, the consultants chosen to carry out this work—the prestigious French Government Marine Research Institute, IFREMER—have hardly addressed the ‘non-quantifiable aspects’. Rather, they draw the simplistic conclusion that

fisheries agreements provide two million tonnes of fish annually, with most of the value being added in Europe. Also, in their estimation, fisheries agreements provide the EU fishing industry some 2000 million euros annually. Fisheries agreements are, therefore, 'a good thing' for the EU!

Such positive conclusions are in sharp contrast to the conclusions of a report by the same institution commissioned by the Development Committee of the European Parliament. This study on co-operation in the fisheries sector between the EU and ACP States by IFREMER and Cofrepeche concludes that such value-added processing should be carried out in the ACP States themselves.

However, the debate on coherence could become a dead-end if the existing trends towards privatizing agreements continue, and research is not objective and independent. There is a need to ensure that agreements are transparent and parties to them are held accountable, and that research is in the public domain. Also that, as CFFA has emphasized in the introduction to *A Fishy Business*, "policies need to be set in place to ensure that the poor, resource-dependent and vulnerable communities increasingly benefit from the exploitation of fisheries resources and the integration of the country fisheries sectors into the world economy."

While they still remain the norm for EU-ACP fisheries agreements, it is clear that the days of the first generation of fisheries agreements are over. In 1996, Emma Bonino, the then Commissioner for Fisheries was quoted as saying: "New agreements will replace an unfair system... where we arrive, fish, pay almost nothing and leave—with zero control. I share the opinion of those who say that the first-generation accords simply wiped out the fish, as has happened in Senegal and Guinea, because, generally, there is no control. We must set out from the basis that such (developing) nations, both those interested in developing their fishing capacity, and the ones that have other priorities, sell their resources, and thus hold bilateral accords. But I think that the old and unfair accords are gone forever."

As noted above, there are worrying signs that new arrangements are already in place, having slipped in through the back door. The writing is no longer on the wall. New arrangements are a fact of life, and NGOs, fishworker organizations and other promoters of socially and environmentally responsible and sustainable fisheries need to move with the times or get left behind.

New-generation agreement

The first and only 'new generation' of agreements was signed between the EU and Argentina in 1993. The

environmental, political and social impacts of this agreement have been far-reaching. As noted in the CFFA Fishy Business case study on Argentina, “Overall, the agreement has resulted in: the severe depletion of the hake resource, the emergence of a substantial overcapacity in the Argentine fishing fleet, the emergence of stock depletion in the inshore fishery, and a socioeconomic crisis in the local fisheries sector.”

Argentinean hake stocks were already a cause for concern at the time of the signing of the agreement in 1993. For this reason, strict ceilings were applied to the numbers of hake licences and quotas, with the agreement making a clear demarcation over access rights between hake (non-surplus) and non-hake (surplus) species.

CeDePesca, a local citizens’ group based in Mar del Plata, noted in several reports that EU fishing companies were systematically abusing the provisions of the agreement. And, according to an official Argentinean government report, “each incoming vessel licensed to catch surplus (hake) species has tried, with or without success, to diversify into catching non-surplus species or species not included in the original licence.”

The EU vessels were able to abuse the provisions of the agreement mainly

thanks to the lack of proper monitoring, control and surveillance (MCS), but also because the Fisheries Sub-Secretary was himself the Director of the Gallician trawler owners’ society—the biggest interest group in Argentinean fisheries.

When the authorities tried to take corrective measures, they were challenged in the courts by the Gallician shipowners of “applying discriminatory measures” against them. This led to prolonged legal battles, while the pillage of the hake and other Argentine fish stocks continued with impunity. The cost to the Argentinean marine environment and the resource-dependent fishing communities has been high. It will take time and further costs to rectify the structural, political, socioeconomic and environmental damage caused by this EU agreement.

There are, however, signs of hope. Twelve months after the EU-Argentine fisheries agreement ended, Argentina’s new President promised to ban hake fishing by foreign-owned vessels. This essentially refers to the Spanish-owned vessels transferred to the Argentine register through the 1992 EU-Argentine fisheries agreement.

Socioeconomic objectives

It is clear that if the fisheries of developing countries are to continue to contribute to social and economic objectives, then the environmental and social costs of fisheries

arrangements with distant-water nations must be fully taken into consideration.

In the context of Europe, CFFA are calling for full environmental and social impact analyses to be carried out prior to any new fisheries initiative being approved. Fisheries access arrangements should also conform to a set of independently agreed criteria, or a Code of Conduct for Responsible Fisheries Arrangements. CFFA propose that such a code should be based on the FAO Code of Conduct, including five basic principles from the FAO Code:

- the principle of protecting the livelihood rights of coastal communities;
- the principle of ensuring the use of selective and non-destructive fishing gear and practices;
- the principle of ensuring effective monitoring and control;
- the principle of transparency and stakeholder participation;
- the principle of guaranteeing safe and adequate working conditions aboard distant-water fishing vessels.

Also, and particularly in the case of shared stocks, a regional approach should be adopted. This issue was the subject of a recent meeting in Guinea Conakry, jointly organised by CFFA and the local NGO ADEPEG (see CFFA Newsletter No. 9, September 2000). Involving organizations from Mauritania, Senegal, France, Benin and Guinea, the meeting highlighted the need for a full involvement of the artisanal fisheries sector in the decision-making processes. One of the invited guests was a representative of the Sub-regional Committee on Fisheries, an organization represented by the Fisheries Ministers of six West African States (Mauritania, Cape Verde, Guinea Conakry, Guinea Bissau, Senegal, and Gambia). A shared stock of particular concern is the sardinelle, which migrates between Morocco, Mauritania and Senegal.

Recent catches of this species in West African waters have risen from 300,000

tonnes to 500,000 tonnes. Of this, some 300,000 tonnes is the estimated catch of the artisanal fishing fleet of Senegal and Mauritania, employing around 100,000 fishermen. For them, sardinelle is the 'staple of the poor'. A further 150,000 tonnes is the estimated catch of five Dutch supertrawlers.

In the light of the recent new building in Europe of more pelagic supertrawlers (the largest and most powerful fishing vessels in the world), and the activities of European companies to secure subsidized access through a number of 'backdoor' arrangements, the question arises as to whether the activities of such large and powerful vessels should be made illegal.

The EU is currently reviewing several aspects of its CFP. Of particular interest are two aspects:

- the conclusions and recommendations that will be applied as a result of the 'cost-benefit analysis of fisheries agreements';
- the framework through which EU subsidies will be applied to the restructuring of Europe's overcapacity in fishing fleet;

The common thread running through these review processes is how European taxpayers' monies will be used to arrange European fisheries sector access to resources, in domestic, third-country and international waters.


Since June, European development and environmental NGOs have been participating in the European Commission's Advisory Committee on Fisheries and Aquaculture (ACFA). Thanks to a large extent to the efforts of the previous Fisheries Commissioner, Emma Bonino, this mainly industry-interest group has recently been opened up to other interests (including NGOs, consumer groups, trade unions, etc).

NGO collaboration

The common platform of the NGOs is sustainable development, where environmental and social aspects are seen as two sides of the same coin. Their collaboration is trying to address the

question of whom and what 'sustainable fisheries development' is for. Both groups recognize the central role of coastal communities and artisanal fisheries in achieving sustainable development. For this reason, the seat allocated to development NGOs has been taken up by Daniele le Sauce, President of the French Branch of the World Forum of Fish Harvesters and Fish Workers, and the wife of a French fisherman who takes an active role in the promoting role of women in fisheries.

In the next few months, the Commission will publish a 'green paper' which will set the scene for the CFP review. Delegates of development and environment NGOs in ACFA are being asked to participate in the production and formal approval processes of this document. On the development aspects, their inputs include the CFFA proposals for fisheries arrangements outlined above (Code of Conduct and Environmental and Social Impact Assessments).

It is too early to assess whether the involvement of NGOs in the formal Commission processes will lead to improvements in fisheries policies and access arrangements. But it could be a step in the right direction, particularly with regard to getting access to information. To a certain extent, information is power, and being forewarned is being forearmed. Watch this space! 

This article is by Brian O'Riordan (icsfbrussels@yucom.be), Secretary of ICSF's Brussels office

Women in fisheries

Invisibly yours

The useful work and energy that women expend in fisheries remain invisible and undervalued, as participants at a workshop in Brazil reported

A six-day workshop on *Gender and Coastal Fishing Communities in Latin America* was organized recently, in June 2000, in the coastal fishing village of Prainha do Canto Verde, in the State of Ceara, Brazil, as part of ICSF's Women in Fisheries (WIF) programme.

The workshop had the following objectives:

- to develop an understanding of trends in fisheries development and their implications for coastal fishing communities in the Latin American context;
- to make visible women's roles in fisheries and in fishing communities in Latin America, and to reflect on strategies to strengthen their meaningful participation; and
- to facilitate greater networking among organizations representing, and working with, artisanal fishworkers in the Latin American context.

A total of 36 persons participated in the workshop, including representatives from five countries in the Latin American region, i.e. Chile, Peru, Brazil, Ecuador and Mexico, and representatives of ICSF from India, Belgium and Brazil. The group that came together was diverse and rich in experience. It included representatives from the Confederacion Nacional de Pescadores Artesanales de Chile (CONAPACH), Federacion de Integracion Y Unificacion de Pescadores (FIUPAP), Movimento Nacional dos Pescadores (MONAPE) and Federaci3n Nacional de Cooperativas Pesqueras del Ecuador (FENACOPEC), the national fishworker

organizations from Chile, Peru, Brazil and Ecuador respectively. It also included representatives from NGOs, research institutes and organizations supporting fishworkers from Brazil, Chile, Peru and Mexico.

Participants included both men and women. This was a conscious decision, since gender was seen as an issue which both men and women of fishworker organizations, NGOs, etc. need to engage with. Equally significant, all the country delegations felt similarly, and both the male and female leadership of the organizations invited participated in the workshop.

As part of the pre-workshop preparations, five background papers on gender and fisheries were prepared from four countries in the Latin American region: one each from Chile, Peru and Mexico and two from Brazil. These papers were useful in highlighting important issues *vis-à-vis* gender and fisheries in several countries of the region, and they provided the backdrop for discussions during the workshop.

The main sessions included presentations and discussions on the following:

- a global overview of trends in fisheries development, with special reference to the Latin American context;
- background papers on gender and fisheries in countries of the Latin American region;
- World Forum of Fish Harvesters and Fish Workers (WFF);
- the development debate and a framework for social analysis as a

possible tool to analyze social reality and the reality of fishing communities;

- globalization and social movements in Latin America; and
- fishworker organizations in the Latin American region.

During the workshop, it became clear that in all the countries represented, i.e. Chile, Peru, Brazil, Ecuador and Mexico, the pressure on coastal fishing communities and on their livelihoods is increasing. This is also a consequence of globalization and the neoliberal policies being adopted by States in the region.

The picture that emerged about the work of women within the fisheries and within fishing communities was revealing. It was clear, of course, that this differs by culture and region and between rural and urban areas, and that, it is not possible to generalize. The common factor, however, is that the work of women is rarely seen as 'productive'. It has low social value and is normally seen as an extension of the 'domestic' space. Little value is attached to the domestic and community tasks performed by women.

This is despite the enormous diversity of tasks performed by women. Within the fisheries, women may work in marketing,

preparing bait, making and repairing nets, collecting crabs and shellfish, gathering and cultivating seaweed and algae, smoking, salting and drying fish, and, in rare cases, fishing itself.

Women also take on work on behalf of their fishermen husbands, such as dealing with financial institutions for credit for fisheries operations and for repayment, dealing with the governmental fisheries agencies, and so on.

They are very active in the processing sector, as either part-time or full-time workers in processing plants. The nature of the work they do is typically repetitive and low-paid. The conditions of work and social security leave much to be desired.

Often, women of coastal fishing communities take on activities outside the fishery, that give them some form of stable monetary income, since the income from the fishery is inherently unstable and unpredictable. Also, given the nature of work of the fishermen and their frequent absences, women are almost entirely responsible for the family and its sustenance, and it is often such additional sources of income that help them take the family through lean periods.

Political struggles

Women of fishing communities have been active in political struggles. The issues they have mobilized around have

differed. In Chile, for example, women have been active in the struggle against individual transferable quotas (ITQs); in Peru and Brazil, they have campaigned for better access to social security; and in Mexico, against pollution by oil companies.

In addition, women, as everywhere else, are entirely responsible for the care and nurture of the family. Where the men stay away fishing for long periods, as in North Chile, women run the household in the absence of their husbands. They are important actors in the fishing community and also in maintaining social networks and the culture of the community.

Why then does the work of women continue to be invisible? It was in this context that the workshop saw several interesting and thought-provoking discussions on gender issues. There were many debates on what the concept of gender actually was or meant, and how this conceptual understanding could be translated into practical initiatives. There were, as can be expected, several different positions.

There was consensus that women have always been important in the fisheries and in fishing communities. They have always formed the core around which family and community life has been organized. However, on several other issues, there were debates and discussions, with different positions and many questions emerging from the participants.

One position articulated by a participant was that 'gender' is very much a concept introduced from the West. Traditional societies in many parts of the developing world are based on relations of complementarity, where both men and women perform different, but complementary, roles. In indigenous societies, the sea is seen as a woman, as a source of life, and there is respect for both. These societies are based on a respect for women and nature. There is no concept of inequality and competition in relations between men and women; rather, the emphasis is on oneness and complementarity. However, modernization and the influence of other cultures, have modified these positive

features. The need, therefore, is to value or own culture, and to revive it.

However, the position of many others differed. Some felt it is important to recognize that women are discriminated against in many ways within our communities. While men and women may be born with the same potential, they do not have the same opportunities in life. Women face more obstacles. Men tend to have more power within the family and community, and this has been used and abused, sometimes taking the form of violence within the family. This kind of violence seemed to be common, and as one of the participants from Mexico put it, "violence will never end since our children are being raised in it. They will imitate their fathers."

It was also recognized that the work of women, especially within the household, has not been valued. There is need to change this perception and to ascribe value to this work.

It is as important, though, to be cautious of creating conflicts between men and women over differences in perspective on gender issues. There was also some concern about professionals, who may not have the same perspective, working with fishing communities on gender issues, as this could lead to divisions within the community. Discussions on such issues need to take place within a larger context of affirming the culture and identity of coastal fishing communities, and of strengthening these communities. It should take place within a context of creating a new type of society, which values the labour and role of women. Another position closely connected to this emphasized the creation of a society based on a respect for women and nature.

In general, there was a commitment and receptiveness among the participants to gender issues within their own contexts. Several participants spoke of the work they had already initiated along similar lines.

Verbal concern

However, as one pointed out with some bitterness, the issue may remain a merely verbal concern, with little actual implementation taking place. According

The proposals

These proposals are geared to increase, as much as possible, the role of women in the fisheries sector, to grant them recognition and participation, to reinforce the visibility and political power of artisanal fishing communities, and to search for socially just and responsible strategies for fisheries development.

The proposals were classified into the following categories:

1. Information and Analysis

Work towards a detailed collation and systematization of data and analyses concerning fishing communities, with specific reference to gender relations. The data and analyses must be shared between communities and organizations.

National co-ordinating committees should be formed to carry out this analysis. Those undertaking the assessment must work out a proposal for participatory analysis to be undertaken in different regions, with the objective of identifying:

- the status of women in the fishing communities (coastal and riverine)
- their activities, both in the public and private (domestic) sphere;
- the impact of existing pressures on fishing communities, especially with relation to the life of women.

2. Stimulation and Participation

Facilitate, stimulate and increase the participation of women within the fisheries and in fishing communities, through a combination of actions and events. These programmes

must provide a forum for women to meet and to evolve methods for ensuring their participation. They must open up spaces for women, in their daily life and in professional and community organizations.

Facilitate discussions on fisheries organizations and on promoting the participation of women in them.

Stimulate and guarantee the presence, and effective participation of, women, as well as their proposals and demands, in the national and international activities of fishworkers.

Facilitate the creation of women's departments within fishworker organizations, and promote the opening up of spaces within these organizations, which would help women define and defend their interests and needs.

All these actions should aim to:

- highlight the contribution of women within the fisheries sector and within community life;
- facilitate the legal recognition of women workers in this sector;
- take measures against the exploitation suffered by women in the workplace.
- ensure that the demands and the interests of women are taken into consideration in public policies, employment and income-generation programmes, educational programmes, training, credit and health programmes.

to her, some colleagues talk of gender, but when they come to power, they do not create a space for women fishworkers within the organization. The projects they pursue have nothing to do with women. Practice, not talk, is important, she stressed.

In the same vein, another participant stressed that increasing the participation of women should also mean creating the spaces within organizations to discuss issues that are of concern to women, and in which they are the subjects. Women should not be seen merely as agents

supporting the agendas of their men. One participant cautioned about the way mainstream agencies are interpreting gender in fisheries issues.

These are often reduced to the need for increasing women's economic participation in the fishery, without an understanding of the larger social context. To strengthen the participation of women, the promotion of their role in aquaculture is being mooted as one answer. It was generally agreed that this was a reductionist approach.

- contribute towards making the relationship between women and men more just, so that both have access to the means to aid their personal, professional, familial and cultural fulfilment.
- contribute, at the same time, towards reducing domestic violence.

3. Education and Training

Facilitate training programmes that enable fishing communities themselves to carry out surveys, and document their work and activities, so as to have at their disposal permanent means to aid and evaluate their work.

Encourage the conduct of training programmes for communities, from the perspective of gender, among other issues.

Popularize the Chilean and Brazilian experience, where the effort is towards the generation of information which aids the fishworker movement.

Develop the gender focus within the sector.

Collect and share information on fisheries and policies relating to fisheries.

4. Sharing of Experience

Facilitate the establishment of a permanent working group which allows for an exchange of experiences.

Promote alliances with other sectors in civil society so that the fisheries sector comes to be accepted as an important social entity.

Seek an exchange of experiences with relation to areas reserved for artisanal fisheries, highlighting the role of women in the management of these areas.

Build up relations and exchange with other organizations (of workers, farmers, educational entities, etc.) which have more experience on gender issues.

Promote ways by which women from the fisheries sectors can be present at, and participate in, international and national events pertaining to women.

Encourage the setting up of forums and exchanges among women in the coastal and riverine areas.

5. Judicial Landmarks and Public Policies for Fisheries

Seek a review of legislation that defines a fishworker as one who engages only in fish-capture activities.

Seek a review of fisheries legislation from a gender perspective.

Collaborate in redefining the significance of the term 'artisanal fisheries' in such a manner that there exists a common understanding of it, taking into consideration the differences between countries and continents.

Seek to define the concept of artisanal fisheries and of artisanal fishworkers, sharing experiences with other countries.

Promote the recognition by governments of women fishworkers, seaweed and shellfish collectors, vendors and traders, makers of fishing equipment, etc. Ensure that this recognition has an impact on public policies. Ensure the rights of women fishworkers to social security (unemployment insurance and other forms of social security).

The discussions were by no means conclusive. They raised many issues and questions. In all probability, the process represents but one step in what is no doubt a long and continuing process of exploring such issues.

Overall, however, the following broad consensus emerged:

- the work and roles of women within the fisheries and within fishing communities have historically been, and continue to

be, important, though often invisible and undervalued;

- there is a need to valorize the work and labour of women, and to recognize this as an important part of the productive chain within family enterprises. This may involve redefining what is seen as fisheries;
- however, these efforts need to take place within an overall context of strengthening and affirming the

way of life and cultural identity of coastal communities, and on fostering mutual respect between men and women. There is a need to be wary of triggering a divisive conflict within the community;

- women's participation in fishworker organizations should be seen as vital in not just supporting issues important to men. There are issues that are specific to women that need to be addressed too. The role of women should not be seen as complementary, but as an issue in its own right.

Participants agreed to work together on gender issues. A set of proposals for follow-up actions was finalized (see box). The participants also proposed the creation of a group, with representatives from each of the countries present, to see through the implementation of the proposals.

This report has been filed by Chandrika Sharma (icsf@vsnl.com), Programme Associate of ICSF, who was one of the organizers of the workshop

Satellite-based vessel monitoring systems

Beam it to me, Fishie!

Space-age satellite technology has all the potential to become an important management tool in fisheries

Satellite technology is useful for the exploitation and exploration of marine living resources in a variety of ways. Remote sensing techniques improve our understanding about the seas and oceans in general, but also more specifically about abundance and distribution of target stocks. Satellites are also increasingly used for two-way communication between ship and shore or between ships. Many of the larger fishing operators depend on this to optimize their business strategies. The focus of this article is on relatively recent developments in using satellite technology for the monitoring and surveillance of fishing vessels.

So-called 'satellite-based vessel monitoring systems (VMSS)' provide management authorities with near real-time information about fishing vessels and their activities. In most cases, this information is limited to the vessel's identity and location, but a range of other data could be transmitted as well. This could be information that is 'voluntarily' provided by the master of the ship (e.g. catch reports) or information that is automatically generated. For instance, on-board sensors could disclose the vessel's speed and direction, the operational status of the engine or the hydraulic boom used for fishing gear, or the sea temperature and salinity in the vessel's vicinity. The latter option is already in operation in the Maldives, for instance.

All vessels covered by a satellite-based VMS are equipped with an automatic location communicator (ALC). Sometimes referred to as a 'blue box', an ALC ascertains its position through a fully integrated global positioning system (GPS) and transmits this and other selected information via a satellite to a fisheries

monitoring centre (FMC) on shore. Many alternative applications are possible. The main providers of satellites are Inmarsat, Argos and Eutelsat.

Depending on the manufacturer and satellite system used, the cost of an ALC currently ranges between US\$1,500 to US\$3,500. Data entry terminals (if necessary) range from US\$400 to US\$1500. The latest types of ALCs are smaller than a soccer ball. Some are even fully self-contained, with their own power supply and thus suitable for artisanal fisheries. The amount of training needed to operate ALCs depends on the type of information to be transmitted. If this is limited to automatically generated information (e.g. identity, location, speed and direction), only very little instruction is necessary. More training is required with extended applications, for instance the transmission of catch reports. However, it can be expected that technological innovations will continue to simplify operation.

Data on the vessel's identity and location allow the FMC to check compliance with closed areas or seasons, or restricted fishing effort through fixed fishing days. A vessel's speed and navigation patterns often reveals a so-called 'fishing signature', which indicates it is engaged in fishing. This can even be used for multiple-licence (multiple-species) fishing, as most types of fishing have a more or less unique fishing signature.

Sophisticated features

Features of sophisticated systems such as the one operated by the South Pacific Forum Fisheries Agency (FFA), include remote 'polling' where the frequency of vessel position reports can be varied at wish, and 'decision engines' which automatically carry out the polling

function and generate recommendations on the necessary steps of enforcement.

The advantages of satellite-based VMSS have appealed to many fisheries management authorities at the national and regional level. Not only do most developed States already use or intend to use this technology, more and more developing States are following suit. Regional fisheries management organizations in the Central and Western Pacific, in the Atlantic (three different organizations), and in the Southern Ocean already have the systems in place or have installed pilot programmes. Many more are expected to follow. These developments indicate that the obligatory use of ALCs is likely to be introduced in all major industrial fisheries within the next few years.

The popularity of this new technology relies, to an important extent, on its proven utility in two key tasks: data gathering and ensuring compliance with management objectives. It is evident that satellite-based VMSS enables the compilation of a wealth of data on a near real-time basis and, at the same time, it is significantly more economical, compared to traditional means of surveillance by boat or aircraft. The integration of this information with data obtained through other sources will ultimately create a sophisticated and powerful tool for enhancing not only compliance but fisheries management in general.

At the same time, care should be taken not to regard this technology as an absolute necessity in all situations or a panacea to all management problems. The 'high-tech' character might be so alluring that a blind eye is turned to the technology's shortcomings. The first thing policymakers should, therefore, do is to assess whether, in the specific circumstances, a satellite-based VMS is the most cost-effective compared to other means of data gathering and ensuring compliance. The need for such an assessment addresses essentially the same concerns as those on the suitability of management through individually transferable quotas (ITQs). Previous issues of SAMUDRA Report clearly revealed the need for a balanced approach, instead of

either regarding ITQs as ideal solutions or dismissing them as utter failures.

Assessing the cost-effectiveness of satellite-based VMSS should, among other things, take full account of the system's principal limitations:

- vessels not equipped with ALCs, or whose ALCs are not functioning properly, can not be located. Complementary means of surveillance, such as by boats or aircraft, will, therefore, always be necessary. Alternatives are over-the-horizon radar (OHR) or remote sensing through synthetic aperture radar (SAR). The feasibility of the latter option is currently being investigated by Indonesia with the help of Argos;
- traditional means of surveillance will, at any rate, generally be required to bring or order offenders to port and thus ensure prosecution; and
- a satellite-based VMS is most effective in conjunction with management based on measures such as closed areas or seasons, or restricted fishing days.

A noticeable distinction in regulatory approaches that are currently pursued by States and regional organizations is that between imposing satellite-based VMSS on individual fisheries or, instead, more generally on all fishing vessels or those above a certain size. It is, therefore, very pertinent to ask whether a satellite-based VMS is in general suitable for small-scale or artisanal fisheries. This should be assessed by taking into account a number of factors, including:

- the size of the regulatory area, the part in which the actual fishing takes place and the topography of the coastline;
- the type of stocks and their level of exploitation;
- the type and size of fishery, i.e. industrial/artisanal or domestic/foreign;

- the nature and extent of infringements and the effectiveness of flag State control (if relevant);
- other social and economic considerations, such as the human and financial resources available for enforcement in relation to the fisheries' revenue in social and economic terms;
- the (lack of) support of stakeholders;
- the potential for successful co-operation with other States at a regional or sub-regional level; and
- the political will and commitment to make optimal use of the chosen VMS.

This non-exhaustive list underscores the need for a tailored and balanced approach. At the same time, it seems safe to say that satellite-based VMSS would, in general, be more appropriate for industrial than for small-scale and artisanal fisheries, as the latter commonly involve a large number of fishers, mixed gear and landing points. But the reference made above to the latest model of a self-contained ALC indicates that new technology can resolve initial impediments. This implies that

satellite-based VMSS will become suitable for more and more types of fisheries.

One of the factors included in the second list above is the significance of support by stakeholders. Crucial in this context is the extent to which confidentiality and security of information is guaranteed. In many fisheries, the possibility that near real-time location and/or catch data ends up in the hands of (non-participating) competitors is bound to have enormous impact on acceptance and, if already in operation, on compliance and co-operation.

Confidentiality and security risks exist in every phase of transmission and will, in general, increase when more parties share VMS information. All those involved—States, companies and (satellite-) organizations alike—should, therefore, exercise the utmost diligence. This may, for instance, require the enactment of legislation to counter breaches of confidentiality or security.

Broadened support

In certain situations, but particularly for small-scale or artisanal fisheries, support by stakeholders could be broadened through providing ALCs free of charge. Moreover, stakeholders should be thoroughly informed about the way in which satellite-based VMSS function and how they contribute towards fair

competition and optimizing fisheries management.

Evidently, efforts to secure wide support should eventually be complemented by a solid legal framework to deal with regulatory violations detected by satellite-based VMS and attempts to tamper with ALCS. New technology also raises the issue of its evidentiary value in legal proceedings. Although several legal hurdles have already been taken, cases recently instituted in Australia and the US are expected to address the question whether a prosecution can rely on VMS data exclusively, without subsidiary sightings by boats or aircraft. An affirmative answer to this question is expected to lead to a wider use of VMS technology.

In designing a legal framework, a fisheries management authority will also have to abide by international law. This is particularly relevant for the scope of application of a satellite-based VMS. From a legal perspective, there is a wide margin of discretion in relation to domestic ships and foreign ships with fishing licences. Domestic ships can be asked to install ALCS and have them switched on, in principle, anywhere on the globe. Foreign ships with licences can only be asked to do this when they are in the maritime zones of coastal States. Unfortunately, international law does not grant coastal States the power to impose similar

requirements on foreign ships that merely want to pass through a coastal State's maritime zones. Such ships may therefore still be tempted to engage in illegal fishing. However, international law is not static. Broader acceptance of information sharing in general and specifically through a widespread use of satellite-based VMSS will certainly have an impact on this limitation.

In conclusion, satellite-based VMSS have all the potential of contributing to more sophisticated and cost-effective fisheries management. Despite these obvious advantages, a thorough assessment should be made to ascertain if a satellite-based VMS is, under the specific circumstances, the most cost-effective, compared to other forms of monitoring and surveillance. Finally, in designing the regulatory framework for a satellite-based VMS, account should be taken of a wide range of factors, including the need for consistency with international law. ¶

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Aquaculture

Shrimp farms or shrimps harm?

Myths abound about how the farmed shrimp industry can alleviate rural poverty, as the case of Thailand shows

During the last two decades, shrimp aquaculture has become an increasingly important alternative to ocean-caught shrimp. By the late 1990s, roughly a quarter of the world's 2.5 million tonnes of shrimp came from farms, up from just one-twentieth in the early 1980s.

Globally, the farmed shrimp industry, which represents a substantial component of the increasingly important aquaculture, has often borne the brunt of criticisms especially about environmental damage. In fact, whether from the North or the South, concerned NGOs have often, quite rightly, campaigned against the industry's negative impacts upon mangrove systems, its salinization of waterways and its transformation of coastal ecologies.

Shrimp farming in countries such as India, Indonesia, Thailand and Ecuador has developed because of the relative cheapness of coastal land, the poor regulatory frameworks governing land use and title, the eagerness of local and foreign elites to profit, and the seemingly insatiable desire for shrimp among consumers in countries like Japan, the US and the European Union.

Yet, what has been remarkably absent from much of the analysis of the shrimp industry is an assessment of the labour conditions in the industry. The boosters of shrimp farming, be they government agencies, multilateral banks or transnational corporations, wax lyrical about the benefits which accrue to shrimp farmers in the developing world.

However, shrimp farm owners only constitute a small proportion of the total numbers of participants in the sector. Besides the industry's environmental

impact, one must ask whether people have benefited from the increased opportunities for employment shrimp farming has created in rural areas?

A case study of Thailand might answer this question, apart from providing some background to the circumstances of the industry's development. Thailand became the world's leading exporter of farmed shrimp in the mid-1990s. It is also the home of the developing world's leading transnational agribusiness company, Charoen Pokphand, otherwise known as the CP Group.

Thailand's shrimp industry grew through the co-ordinated efforts of the World Bank, the Asian Development Bank, the CP Group and Thai government agencies, all of whom helped construct an institutional and infrastructural framework to facilitate rapid expansion, minimal regulation and maximum profits. Tax incentives, tariff-free technology imports, income tax-free holidays, and export credits formed part of the generous packages offered to Thai and foreign companies setting up operations in Thailand's rural areas.

Within a short time, factories were springing up in coastal rural areas to process the shrimp produced on surrounding farms. Each factory employed upwards of 2,000 workers.

More jobs

Farms also became sites of employment, and in the 10 years between 1985 and 1995, the occurrence of wage labour rose from 14 per cent to 33 per cent in all the farms. By the end of the 1990s, farmed shrimp generated over US\$1 billion in exports, although this was down from a peak of US\$2 billion in 1995. This made shrimp one of the most valuable of Thailand's exports

and an industry central to the economy. One might think that with its high value, this would transfer into better conditions for those working in the industry, but one would be wrong.

Workers who are employed on farms are often locals whose previous occupations are no longer viable. For example, on the eastern coasts of southern Thailand, many shrimp farm workers were previously small-scale fisherfolk, who obtained most of their catch within the 3-km coastal zone. Shrimp farms, however, have caused significant pollution through the silting of tidal zones and the increased presence of organic matter. The net effect has been to reduce coastal fisheries and thus damage the possibilities for local fisherfolk, generally meaning they must seek alternative sources of income.

But making the move to working on a shrimp farm is not necessarily an advancement. Firstly, most shrimp is grown over a 4-month period, with a one- or two-month break in between each crop, during which there is no employment. Secondly, continuous wages during the crop depend on successful harvests, and with the very high rates of crop loss in the industry, there are no guarantees of income. Thirdly, the rates of bankruptcy at the farm level are very high, and there is often little security of employment, with workers often changing farms every year.

More importantly, even if all the right conditions are met and there is a good harvest, farm workers, if their incomes were to be spread out over a single year, would not even receive Thailand's legal minimum wage (about US\$4 a day).

However, the main source of employment generated by the shrimp industry is in the large processing factories. However, rather than 'liberating' people through wage labour, these factories can actually reinforce existing inequalities, as well as create new ones.

The factories are industrial plants whose workforce is entirely female. The work conditions involve standing all day, with workers having to seek permission to go to the toilet. Management of the factories is quite clear on the reasons behind the all-female labour force: they are cheaper than male workers. While workers generally receive the minimum wages, they must pay for their own transport to the factories. There are no unions, overtime is compulsory, all hiring is casual and there are no employment guarantees.

New opportunities

Those supporting the industry have argued that by employing women, the factories are, in fact, giving women an income they once never had, and are allowing them to pursue new opportunities. Yet this is only one side of

the story. Surveys done at the factories have found that around two-thirds of the women are married, with children. The immediate consequences of their employment is not greater freedom but actually a reinforcement of the gendered division of labour which, under these arrangements, expects women to perform child-rearing duties and provide additional family income.

None of this takes into account the undocumented workers whose position within the farmed shrimp industry is even worse. In southern Thailand, there are factories where Burmese workers are housed in locked-in conditions (that is, they can not leave the factory premises), where average wages are half the legal minimum and where strike activity has been met with violence and harassment.

Clearly, the picture of employment in the farmed shrimp industry in Thailand is not one of simple improvement in people's livelihoods. There are complex and contradictory issues at play. Yet, it is obvious that new forms of exploitation have emerged. In an industry where significant export revenues and profits have accrued to transnational companies, such as Charoen Pokphand and Mitsubishi, and to local elites, it is time that increasing attention was drawn to the means by which such wealth can be redistributed more equitably. While the environmental impact of shrimp farming will continue to garner campaigns and protests, the conditions and future of the shrimp industry's workers should now be of equal concern to interested parties. 🍄

This article is by Jasper Goss (j.goss@sct.gu.edu.au), a research student at Griffith University, Brisbane, Australia, who has studied the shrimp industry since 1995 for a PhD on the social impacts of rural industrialization in Thailand

Distant-water workers

Another Filipino story

The experience of seven Filipino workers on board Taiwanese longliners is a tale of breach of contract

All seven of them come from the northern Luzon province of the Philippines, but until they met at the Manila office of Cristie Fernandez, the main recruiting agent in the country for Taiwanese longliners, they had not known one another.

Jerson Hipol and Ronel Agtang each have a bachelor's degree in Marine Transport, while Teodulo Aban holds a degree in Marine Engineering, apart from having done a year's apprenticeship at sea. Rufino Pinacate and Alfredo Ramos have a diploma in electronics and automobile engineering respectively. The remaining two, Arthur Umalos and Domingo Soliva, however, were farm hands.

Teodulo is 23, Rufino, 27 and Domingo is 28. All the others are 25 years old. Rufino is the only one who is married—his wife works in a factory in Manila. He also has three children being brought up in his village by his wife's sister.

These Filipinos had to pay different amounts of money—ranging from 18,000 to 25,000 pesos—to be recruited as fishermen. The better the qualification, the more you pay. A couple of them used their savings or family money to pay up, while the others had to borrow at high interest rates either from banks or from moneylenders. The loans have to be paid back on their return on completion of their contracts with the longliners.

None of them had any prior experience in fishing. They had different motives for joining the fishing industry. The technically trained ones wanted to gain experience at sea and graduate to the merchant navy. They thought fishing would give them such an opportunity. The farm hands wanted to be masters of their own destiny. They wanted to make

some money, return to their respective villages and invest their savings in tractors. They would then make a living renting out their tractors.

Their contracts, all individually signed, were for a period of three years. A contract typically offered them a monthly salary of US\$200 to work on board *Jin Long Fa*, a Taiwanese longliner. (The exception was Ramos, who had a contract to work on *Ta Fu 3*.) In addition, there would be free meals. Coffee, tea and toiletries, however, had to be bought with their own money. The contract clearly laid down the nature of their work: to put in 18 to 22 hours at a stretch in tuna longlining. They were not entitled to any leave unless the captain, at his own discretion, gave them an off-period.

Alfredo Ramos, who left the Philippines on 2 June 1997 and was flown further to Mauritius on 5 June, had to join the crew of *Jin Long Fa*, although his contract was for *Ta Fu 3*. The others were flown from Manila to Singapore on 5 June, and, after three days, they were further flown to Mauritius to join the crew of *Ta Fu 3*, instead of *Jin Long Fa*. In the meantime, all of them had to surrender their signed contracts to the representative of Victor Lim, the broker of the fishing vessels in Singapore.

Many responsibilities

The Filipino lads were trained in longlining on board by four other Filipinos, who subsequently left the vessel on completion of their contracts. Their main job was to bait and pay the line; to retrieve it after a gap of seven hours; and to remove the fish to the hold. There were additional responsibilities such as attaching/removing the baited line to/from the main line, throwing the buoys, gutting and gilling the fish,

maintaining the temperature of the fish hold, and locating, with the aid of a searchlight and radio buoys, the snapped lines. There was some degree of automation to pay the line.

After putting in a year of service on *Ta Fu 3*, those on board were transferred, that too at mid-sea, to *Jin Long Fa*. The captain of *Ta Fu 3* told them that the captain of *Jin Long Fa* was the brother of the master (meaning, the owner) of his vessel and assured them that they will be paid for the months they had worked on *Ta Fu 3*. The transfer apparently was because the captain of *Ta Fu 3* had completed the tenure with the master and the vessel had to return to Taiwan. Also, it was prohibited to return to Taiwan with foreign workers on board. While transferring six Filipinos to *Jin Long Fa*, six Chinese workers were exchanged for *Ta Fu 3*. Also, all the equipment on board *Ta Fu 3* was transferred to *Jin Long Fa*.

The captains on both vessels and the first engineer of *Ta Fu 3* were Taiwanese. All others were either Chinese or Filipinos. There were 26 people working on board, including the captain; the first and second engineers; the first and second bosons; the cook; and the crew, numbering about 20. This comprised 13 Chinese (mainland) and seven Filipinos on *Jin Long Fa*, and 14 Chinese and six Filipinos on *Ta Fu 3*. The Chinese were younger and less

experienced than the Filipinos and could be bossed over on board *Jin Long Fa*. They were also less paid, about US\$120 a month. On board *Ta Fu 3*, the pecking order, however, was different because the more experienced hands were the Chinese and the Filipinos were the ones who were bossed over! This was in spite of the fact that the Chinese were earning less than the Filipinos. There were occasional brawls between the two nationalities, which they attributed to “small misunderstandings”.

The vessel would carry about 50 tonnes of mackerel and 30 tonnes of squid as bait, either in fresh or frozen form. (The mackerel would be in 10-kg cartons, and the squid in 15-kg cartons). The baiting was done according to the instructions of the captain and was implemented by the boson. Both mackerel and squid were simultaneously baited and the order of baiting would depend on the captain. Sometimes, it would be two hooks in a row with mackerel, followed by two with squid. Or it would be two with mackerel, followed by four with squid.

Time at sea

The fishing was either in the cold waters south of Australia or in the warm waters off Somalia. *Ta Fu 3* would also fish off Oman. Most often, before *Ta Fu 3* returned to Taiwan, both vessels would be fishing more or less in the same waters. The time spent at sea would vary from four to seven months, depending on cold

or warm waters. In warm waters, the 50-m vessel would carry about 3,000 hooks, and, in colder waters, about 3,600.

The cold waters were more difficult for fishing because the sea would be rough and there would be more fish to catch, which meant a lot more of work. The main species caught in the colder waters were bigeye tuna. In warm waters, albacore, blue marlin, and swordfish were the main species caught.

Normally, fishing trips to warmer waters were longer. At least every 60 days, the catch would be transferred mid-sea to another reefer ship. Re-fuelling was done at sea in warm waters, about twice every six to seven months. In cold waters, re-fuelling was not done because of the rough sea. There were times when the crew had to work continuously for two days at a stretch, but such instances were rare. If the catch was poor, they got more time to rest. There was more work (and fish!) and less sleep in the colder waters. After each fishing trip, the vessel with the crew would spend about a month in Mauritius.

On completion of the contract, the Filipinos wanted to collect their salaries for three years and get back home. When they approached the captain, they were informed their salaries had been paid to the agent in Singapore. But on contacting the agent, they learnt that the master

(owner of the vessel) had paid no money! On advice from an anonymous well-wisher, who works at the agent's office in Singapore, they sought the help of the *Apostolat de la Mer*, Port Louis, Mauritius, on 11 May 2000.

They had no complaints about the working conditions on board the fishing vessel. The food was good and sufficient. They got rice gruel for breakfast with fried fish or fried peanuts. For lunch and dinner, they were served fish, chicken, vegetables and rice. In fact, every six hours, food was served. The fourth meal, however, would be light. The timing of the meals depended on when the fishing operations for the day would begin. If it started at 3 a.m., food, in the form of light refreshments, would be served at 6 a.m. and proper breakfast at 9 a.m.

Aboard *Jin Long Fa*, the crew was divided into three groups (say, A, B and C). Each of these groups had two Filipinos. Ramos, the seventh Filipino, was always in charge of the fish hold. The composition of the groups was not changed during their tenure on board. Two groups would work for three hours each, while the third would rest for six hours. The groups took turns so that everybody got an equal chance to rest.

Different grouping

On board *Ta Fu 3*, the group configuration was different. They were divided into two

groups of eight each, and each worked for a shift of seven hours. The third group, comprising four (two Chinese and two Filipinos), were assigned to the freezer, to gut and store fish, unlike in *Jin Long Fa*, where everybody had to do everything, except for Ramos.

The operation of the main line was automated. The captain would instruct the crew to wake him up when the fishing operations commenced. If the fishing day began at 3 a.m., group A crew would throw the baited hooks into the sea for three hours, followed by group B for another three hours. While group A worked, group B could rest and, after their shift to pay the line, Group A could rest for three hours. In the meantime, group C would rest for the entire six hours.

The captain would give his full attention to fishing operations when the lines were being paid out, to make sure that the lines were not getting entangled and also to make sure that there was no obstruction in the form of a boat. Once the line was paid out, there would be an hour's break for breakfast when the three groups would eat together.

The first part of the job was over. The second part then began, which took longer, about 18 hours. The operation has a cycle: work-standby-rest-work or rest-standby-work-rest. At a given point in time, there will be 15 workers on the deck, six retrieving the line, and nine standing by.

The first shift after paying the line is for three hours, say, from 10 a.m. to 1 p.m., and the subsequent ones for a period of two- to two-and-a-half-hours. The first shift is longer because the group has been resting longer hours. Also, during the first shift, the first boson will sleep for the entire duration of three hours. In the retrieving operation, two of the groups are further divided into two, say A1, A2, and B1, B2, those who are the standby and those who can rest. The group that could sleep for six hours remains as an undivided group.

After breakfast, at 10 a.m., group C, which had been resting for six hours, will start retrieving the line. A2 and B (both B1, B2) will be the standby, while A1 would be

given rest. The standby can not rest. From 1 p.m. to 3 p.m., while B (both B1, B2) retrieves the line, A1 and C will be the standby, and A2 will be given rest. From 3 p.m. to 5 p.m., group A (both A1, A2) will retrieve the line, while B2 is the standby and C and B1 would rest. From 5 p.m. to 5.30 p.m. is the break for refreshments. From 5.30 p.m. to 7.30 or 8 p.m., while C works, A (both A1, A2) and B1 would be the standby, and B2 would rest. From 8 p.m. to 10 p.m., while B (both B1, B2) works, C will be the standby together with A2, and A1 will be given rest. From 10 p.m. to midnight, A (both A1, A2) will work, B (both B1, B2) will be the standby and C will rest. From 12.30 p.m. to 1 a.m. there is another break for refreshments. From 1 a.m. to 3 a.m., C will work. B (both B1, B2) and A2 will be standby and A1 will be given rest. And the new cycle would start from 3 a.m. This time it is the turn of B to sleep six hours. At least once in three days, each of the group got a six-hour rest.

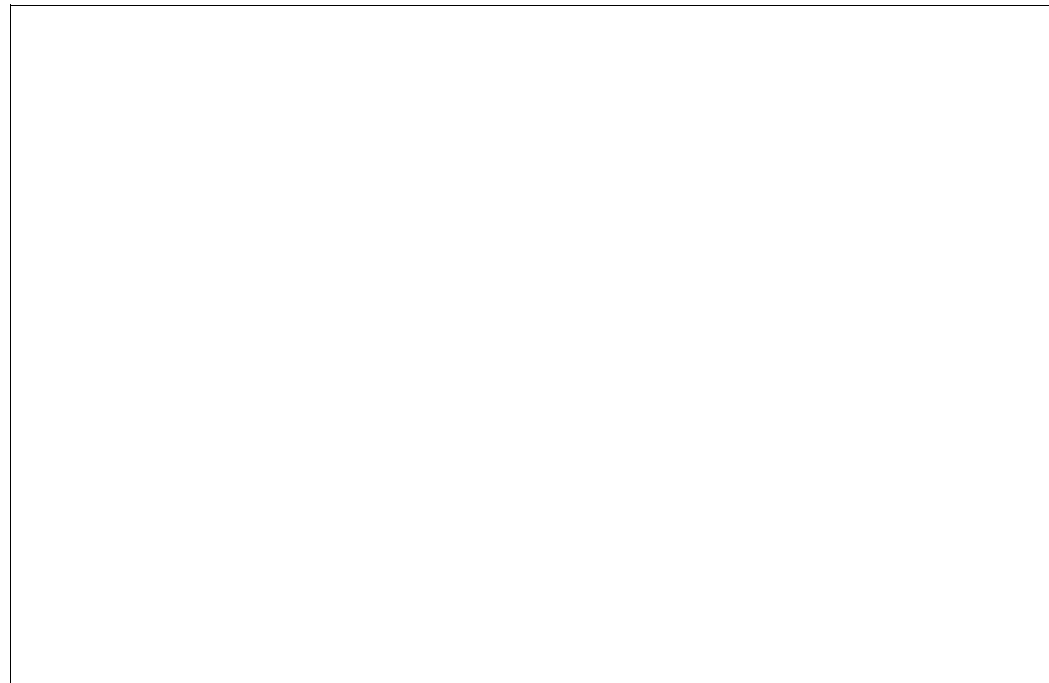
All the crew had individual beds with mattresses. There was also an electric fan. In cold waters, warm clothing was provided. The only hazard that they encountered during the trip was with hooks occasionally getting caught in their fingers, for which the captain would administer medication.

If there was no fish or if there were many dolphins in the fishing ground, the captain will move to a new ground, as dolphins eat up most of the fish. The workers would then get a break of two to five hours, the cruising time between the two fishing grounds. However, they were not permitted to sleep during this time.

The Filipinos enjoyed their time on board the fishing vessel. Asked to comment on what they liked about working on board a fishing vessel, they said, "We enjoyed the bonhomie on board, especially when there was no fish to be caught!"

Contacts established

The *Apostolat de La Mer* has established contact with Lee First Marine, the ship agent in Mauritius, and negotiations were undertaken. Contacts were also established with Victor Lim of the Step-up Marine Enterprise in Singapore. The fishermen left Mauritius for the Philippines on Sunday, 21 May. Ramos



was paid for the entire period of his contract. The others, who spent two years on board *Ta Fu 3*, got only one year's salary, the period for which they had worked on board *Jin Long Fa*. They were not paid for the period they had worked on board *Ta Fu 3*. Aladdin Villacorti, the Ambassador of the Philippines in South Africa, who is responsible for Mauritius, has promised to mediate and to ensure, through the Philippine Embassy in Singapore, that the full salaries will be paid. The Filipinos are also yet to get certificates that they have worked on board a fishing vessel for three years, an important requirement to join the merchant ships. Meanwhile, the seaman's jobs and the tractors of their dreams will have to wait as well. ❧

This article by Sebastian Mathew (icsf@vsnl.com), Executive Secretary of ICSF, is based on interviews with the Filipino workers in Mauritius

Newfoundland

Island notes

Although the Fogo Island Co-operative is a successful venture, women members are still unjustly treated

Since the late 1960s, Fogo Island, on the northeast coast of the Canadian province of Newfoundland and Labrador, has been the site of a remarkably successful fishing co-operative which serves six island communities, home to over 2,500 people. Over the years, the Fogo Island Co-operative has made it possible for people to continue to live on the island, depending on the inshore and nearshore fisheries for income and employment.

The co-operative was always seen as both an economic and a social institution. During the 1980s it was able to expand the work opportunities for islanders by developing fish and crab plants, which came to employ up to 500 women and men. Today it runs a plant for filleting and freezing groundfish as well as capelin, lumpfish roe, herring, and other products; another for crab processing; and, as of July 2000, one for shrimp processing.

Both the fishers and the fish-plant workers have the opportunity to be members and hence owners of the co-operative. The fish-plant workers have resisted efforts to bring them into a union that represents almost all the fish-plant workers and fishers, in the rest of Newfoundland and Labrador. "We are all in the same boat" this seems to have been the ideology.

However, there is often tension between management and the fish-plant workers, and even more so, between the plant workers and the large-scale longliner fishers.

These fishers are heavily represented on the co-operative's board of directors and have a strong say in its policies, including fish plant policy. The fact that their large vessels, equipped for turbot, crab and shrimp fishing, supply the plants with

most of the raw product upon which fish-plant jobs depend, plays a major role in the story that follows.

In July 1999, a group of women met at a local motel with a representative of the province's Human Rights Commission, upset and angered because each of them had lost her job at the co-operative's crab plant. The reason was a new hiring policy: it was based on ability and seniority, but "with preference given to family members" of fishers who delivered all of their fish and shellfish to the co-operative, rather than to other buyers. The July 1999 meeting, and others, resulted in a formal hearing at the end of March 2000. As of this writing (the end of July 2000), no decision has been reached in the matter, and most of the women are no longer working for the co-operative. They are struggling to make ends meet as low-paid home-care workers, baby-sitters, or by simply trying to make do with no income of their own.

The following report of the situation includes testimony at the March 2000 hearing as reported in the island's monthly newsletter, the *Fogo Island Flyer*. Many of the 33 women who filed complaints had long been co-operative members in good standing. A typical situation, as seen below, was where their spouses had been small-scale inshore fishers who shipped their lobsters traditionally to a buyer off the island.

Women's problems

Another typical situation was where a woman's spouse or boyfriend worked on a nearshore longliner vessel, and the owner decided to ship his fish or crabs off the island. Another issue was whether all members understood and agreed with the policy, which was brought up at a general meeting in March. The long-standing local

dilemma is that the co-operative depends on the raw product of the fishers, and the fishers thus claim some 'right' to ask that their own family members get special consideration in the fish and crab plants.

On the other hand, workers claim the right to be judged and rewarded on the basis of their commitment and experience (i.e. seniority) and their ability, no matter whom they live with and are related to. Complaints about hiring for other reasons—the so-called 'fishermen's wives' preference—are long-standing. Bringing the situation to a head is increased competition with other buyers for the fish and crabs caught by Island fishers.

In 1999, a large number of longliners began to ship their catches elsewhere, in many cases because they needed financing to do well in the new crab and shrimp fisheries. The co-operative's board of directors can not legally force members to sell to it. They found another pressure point: the jobs of fishers' family members.

In the March 2000 hearing, the first witness who took the stand was long-time employee, Irene Nippard, who had begun her employment with the co-operative under its first manager, back in the early 1970s.

Nippard stated for the court that in losing her position, "it was as if someone belonging to me had died. It couldn't have hurt any worse. To be employed for so many years in the same industry and to be let go because my husband didn't ship his lobster to the co-op hit me hard. I looked forward to every spring when the plant would be up and running, but last year, when the plant opened and work started, I didn't get a call, while the rest of my shift went in to work. It was odd because I was on top of the seniority list and, under normal circumstances, would have been among the very first. Soon the phone started ringing and I began talking to other workers who also didn't get called in [to work]. I spoke to Pad Shea [the crab plant manager] and he told me that I lost my job because my husband didn't ship his lobster to the co-op. I questioned him further. He said my husband would have

to sign an agreement to sell all his lobster to the co-op. We decided to attend the board meeting the next morning and find out what was going on."

Although Nippard was upset, she continued with her story: "I told my husband about the agreement and he was willing to sign it, but I said 'no way'. After 20 years of working with the co-op, I shouldn't have to do this." Irene also stated, "The Fogo Island Co-op always said that hiring was done by seniority, but they have never done it properly." However, in the end, Irene was among the few workers who had their spouses sign the co-operative's agreement and, as promised, found herself back at work within a day or two.

Daphne Bailey was next to take the stand. Like Nippard, Bailey too felt pressured into having her husband sign the agreement and, when asked by her lawyer how it made her feel, her response was, "I felt like a nobody. I wasn't a person." Bailey too had been employed at the plant for 21 years and stated she had no clear understanding of the new hiring policy.

The next witness called was Doreen Keats, an employee of almost 20 years. She stated that she contacted management for verification of the new policy, as her husband is a crew member on his brother's longliner, which doesn't ship to the co-operative. Doreen stated that Kirk Decker, manager of the plant where Doreen has worked for almost 15 years, acknowledged to her that "he felt as though he was caught between a rock and a hard place". Keats explained that she was forced to look for work and eventually was employed as a home-care worker.

Betty Brett was next to testify. She was told she was not on [the call-in] list either and was told that management assumed that her spouse/boyfriend was fishing as a crew member aboard a vessel that did not ship their product to the co-operative. Brett did go to work, but only received five to six days of employment, as her spouse did get a berth with a longliner.

Last testimony

The final witness to be called on behalf of the employees was Rita Penton. Her

testimony was a little different, as she held a supervisory position as a forelady, and also because her husband was part owner of a vessel that did not ship to the co-operative.

She explained that her husband and his partner could not get financial backing from the co-operative to enter the new shrimp fishery and so looked elsewhere, which meant a commitment to deliver the shrimp elsewhere too. She also explained exactly how the list of workers to be called in was created, including a new category called “non-affiliated”, resulting in many women being moved to the bottom of the seniority list. She talked about how surprised and upset she was when she found out that she too had lost her seniority and job: “I was shocked at losing my job because of something my husband had done that I had no control over?The plant had become my second home, my second family, and that in the year 2000, this should not be happening.”

On the second day, George Lee testified that he had been a part of the formation of the Fogo Island Co-operative Society, which became internationally known as the ‘Fogo Process’ and “was a means of educating people on solving their own problems and furthering economic development.” He explained that the process involved several growing pains all through the years, with moments of

crisis, perhaps among the worst being the cod moratorium beginning 1992, and the most recent being the decline in raw material with vessels leaving the co-operative to ship elsewhere. Lee stated, “The fishermen who stayed around and continued selling their catch to the co-op have helped economic growth and have kept the plants in operation. Fogo Island would have had difficulty surviving if it were not for their continued support.”

Wayne Cull, Project Co-ordinator for the co-operative was the next to testify. Regarding the last hiring policy, he commented, “With approximately 20 Fogo Island boats shipping their catch elsewhere, we were forced to do what was in the very best interest of the co-op to ensure its survival.” Cull also stated, “To accommodate members whose spouses are supporting other businesses, we would be helping to subsidize another business, often at our own expense.”

The lawyer for the plant workers then asked Cull to sum up the management decision on hiring. Cull replied, “It was only fair to hire workers who were full supporters of the co-op.”

President’s testimony

Cecil Godwin, current President of the Board of Directors, and Vice President of the Federation of Co-operatives, was the next to testify. He stated, “The hiring problems have been going on for years

and that, in an attempt to find closure to the very festering problem, the co-op had gone out and arranged community-based meetings to hear from members and to listen to their complaints and try to come up with a solution that would be in their best interest.”

General Manager Hugh St. Croix was the last witness called to the stand on behalf of the co-operative’s lawyer. St. Croix described the state of affairs that the business was in [allegedly close to financial bankruptcy] when he came to the position. He described the low morale and the every-present seniority issue and how it could not be rectified to suit everyone.

Day Three saw the closing arguments from Barry Fleming, for the Human Rights Commission, and Christine Fagan, for the Fogo Island Co-operative Society. Briefly, the Human Rights Commission’s argument was that the women workers were discriminated against because they were not hired because of their spouse’s activities. In addition, the new “preference policy” had no rational basis because it had nothing to do with the efficient work of the women. Moreover, the co-operative was not acting in good faith because the membership voted down a resolution to amend the constitution to reflect this policy but the board of directors passed it. “The fact is that the ability of these workers had nothing to do with being a family member of a 100 per cent supporting fisherman. Essentially, it’s a case of ‘The Devil made me do it.’ They had to secure products to keep the plant operations going. They were responding to a threat by fishermen and they wanted to ensure employment for their families”, Fleming said.

Christine Fagan invited the court to recognize the unique aspects of this case. “It is a unique industry that has been owned and operated by its members. We heard in Mr. Cecil Godwin’s testimony that the co-operative has a social conscience, and that the co-operative has delivered a service that no other entity could have filled back then. The fish-plants would not have survived without the establishment of the co-operative. Thirteen million dollars were paid out to its employees last year,

and it doesn’t take a rocket scientist to figure out the co-operative’s contribution to the Island,” she said. She also discussed the problems in plant and employee management which had escalated during 1998, and the need to “restore fairness and balance, and to find some sort of control within the business and to ensure its economic survival.”

Although Fogo Island, a small island in the North Atlantic, is remote, it is firmly enmeshed in a globalized system. In this case, globalization and its regional and local echoes have played a role in making life very difficult for women whose only income-producing opportunity, by and large, is working in the fishery. Fogo Island’s co-operative is an institution created to provide some buffer to the worst side-effects of globalization, the displacement of people due to overexploitation of natural resources and the movement of capital. As a co-operative rather than a private business, it can endure far more belt-tightening and non-profit years on behalf of its members and workers.

More recently, the Fogo Island Co-operative has been in the throes of competition for raw product with numerous other buyers, with other communities struggling with unemployment and failed fisheries, and with its own members trying to make the best of the very bad situation of the cod moratorium of the 1990s. It has diversified, and its crab fishery and crab plant helped families get through the groundfish crisis. However, the crab fishery’s season gets shorter by the year, reducing the chances that plant workers will qualify for unemployment benefits during the long winter off-season. Forced to compete on a global market, the co-operative has invested in a new, more efficient crab plant—with a much-reduced workforce. Competition for jobs at the plant increases, and the need for clear rules about hiring and firing goes up.

No financing

Meanwhile, competition for the crabs caught by Fogo Island’s large longliner vessels, and the inability of the co-operative to offer them financing to upgrade their vessels for the crab fishery

and the new shrimp fishery, combined with more specific issues, has resulted in the loss of many boats to other buyers. Plant capacity is far higher than the raw product available. This means less work. The co-operative's board of directors hit upon a solution to both problems in its 'preferential hiring' policy—increase incentives to deliver fish and crabs to the co-operative by requiring that the spouses or boyfriends of workers at the plants do so, and, at the same time, have a way to rationalize the reason for 'calling in' some women and not others.

Those made to pay the price of this survival strategy in an increasingly competitive environment are women workers at Fogo Island's fish and crab plants. As their testimonies indicate, their very identities, shaped by the intense, seasonal work at the plants, gets collapsed into those of their husbands and boyfriends by the new policy. No matter that they have their own memberships, share capital and work history, if their 'men' do not support the co-operative by shipping their lobsters, fish or crabs to it, neither do they support the co-operative — or such is the implication of the controversial new hiring policy. As one of the women said, "There is no winner here. There has been a great injustice done to the members of the Fogo Island Co-op." And as another said, "In the year 2000, this should not be happening." 3

This article is by Carol Penton of Joe Batt's Arm, Newfoundland, a reporter for the *Fogo Island Flyer*, a monthly magazine which serves Fogo Island, and Bonnie McCay (mccay@aesop.rutgers.edu), who teaches anthropology and ecology at Rutgers University, New Jersey, US

Fisheries policy

Own and operate

In the year 2000, owner-operators should become the cornerstone of our fishery, says the Canadian Council of Professional Fish Harvesters

The Department of Fisheries and Ocean (DFO)'s decision to review its Atlantic fishery policy is good news for fish harvesters. The Atlantic Fisheries Policy Review is an ideal opportunity to turn the spotlight on the importance of owner-operator fleets to our fisheries.

When the Federal Government extended its fisheries jurisdiction to 200 nautical miles in 1977, it also supported an ambitious expansion of corporate fishing and processing capacity. In response to concerns in Atlantic Canada about corporate concentration of fishing privileges, the government developed what became known as the 'fleet separation' policy.

Under the fleet separation policy, the government guaranteed that, in certain fisheries, the fishing fleet would be kept separate from fish processing operations. In other words, fish processors would not be allowed to own fishing licences or to establish vertically integrated operations.

The fleet separation policy has kept traditional inshore fisheries like the lobster fishery in the hands of independent owner-operators, and ensured that the benefits of this fishery would be shared broadly up and down the coast.

In Atlantic Canada and Quebec, harvester organizations also lobbied successfully for additional protection for independent fish harvesters by having 'owner/operator' clauses added to licensing policy. That is to say, fishing licences could only be owned by individuals who **owned** and **operated** fishing vessels for their livelihood. The owner/operator policy was designed to keep licences from falling into the hands

of corporations, absentee investors or 'slipper skippers' with no attachment to the coastal communities.

The owner/operator and fleet separation policies are essential tools for keeping control over access to Canada's fishery in the hands of small family enterprises and sustaining the economic vibrancy of hundreds of coastal communities.

Unfortunately, the fleet separation and owner/operator policies are not airtight. Loopholes in the regulations have allowed companies and non-harvesters to buy up licences and quotas through under-the-table deals.

The Canadian Council of Professional Fish Harvesters is concerned about this drift towards corporate concentration in the fishery. We firmly believe that access to licences and quotas should be strictly reserved for owner-operators and crew members who meet the professional standards developed and accepted by their peers.

We know that nearly half of today's fish harvesters will be retiring from the fishery over the next 10 to 15 years. Under current conditions, without a clear overall policy in favour of owner-operators, a good number of their licences could end up under the control of the processors.

Economic backbone

That can not be allowed to happen. Small owner-operator fishing enterprises are the economic backbone of many coastal communities. The viability of these businesses is, to a great extent, dependent on their control over fishing licences. These licences are part of the wealth of these coastal communities, and must be protected at all costs. The future of our communities depends on it.

The public consultations to be undertaken by DFO as part of its review of the Atlantic Fishery Policy are an excellent opportunity for fish harvesters, municipalities, community development organizations and concerned individuals to put forward clear proposals in favour of a strengthened owner-operator fishery.

We need to eliminate the legal loopholes in the fisheries regulations that allow fish processors and 'slipper skippers' to own and control licences and quotas.

We also need concrete measures to encourage and support the new generation that will enter the fishery and take over existing owner-operator fishing enterprises over the next 20 years.

We need solid support from the government for professionalism so that the new generation of fish harvesters can meet the challenges of globalization and an industry that is constantly having to adapt and change.

Above all else, we need reforms guided by a vision that makes owner-operators the cornerstone of our fisheries. 🐟

This piece is by Danier Bernier (ccpvh_b@fox.nstn.ca) Executive Director, the Canadian Council of Professional Fish Harvesters

SAMUDRA editorial

Whose side are you on?

An editorial in SAMUDRA Report No. 24 on the Seattle protests against the World Trade Organization has elicited this spirited response

I was surprised by the editorial comment in SAMUDRA Report No. 24, "Sloganeering in Seattle". There are a number of reasons why I think the editorial was, unusually, unfortunate.

First, I personally found the title offensive for those many NGOs that have prepared for months both the forms and the contents of the Seattle protests. In fact, together with street demonstrations, a host of activities had been arranged for information sharing and strategy planning.

Demonstrators in Seattle were far from limiting themselves to mere sloganeering, but were actively networking and educating about the huge concentration of unaccountable decision-making power vested in the WTO ministerial and best expressed in the infamous 'green room meetings'.

As an activist working on issues related to the impact of the industrialization of the fisheries and agricultural sectors in the South, I was more than delighted to see how committed citizens and irritated governments from the South were able to break the public credibility of WTO into tiny little pieces. Just compare this to the virtual lack of monitoring of the Uruguay Round negotiations and the signing of the Marrakesh agreement in 1995 and you realize what a revolution has taken place.

Beyond a more or less fancy header, though, my real concern is the failure of the editorial to separate the issue of the need for the South to access markets in the North from the WTO—to the point that any person unfamiliar with the ICSF could conclude that our organization considers the WTO to be the legitimate forum to guarantee such an access. I think this is a regrettable confusion.

I do not intend to list here the reasons why many think the WTO should be scrapped. I want, though, to focus on that issue which, in my view, is at the very core of the organization: the assumption that an ever-larger area of societies' structures and economic activities should be subordinated to the requirements of international trade and traders—most of them transnational corporations—rather than to their genuine concerns and needs. Should ICSF consider that fisheries—and access to them—would be better managed under such premises? What would then be the role for food security, access to resources, or the protection of the environment?

I can understand the concern of the editorial about fishing communities' access to rich markets in the North and generating income through food processing, but gambling for the WTO as a mechanism to ensure such an access would seem quite a politically naive proposition. WTO has continually been shaped to favour the interests of the powerful. Look at what happened to agricultural subsidies when agriculture was introduced into the WTO: the formula in place to limit agricultural subsidies for both developed and developing countries turns out to allow both the US and the EU to actually increase (and even to double!) their financial support to agro-industries.

Importance downplayed

Another aspect of the editorial that I find worrying is the downplaying of the importance of fish for the food security of the poor in its quest for access to Northern markets. Along these years, I have always understood that the pressure of Northern markets has resulted in a decreased access for local, non-fishing but fish requiring, population. This seems to have been the case at least in Chile, India, Lake Victoria

and now in Southeast Asia, particularly as a result of trash fishing for shrimp aquaculture. I might be unaware of recent studies indicating a different trend. If this is the case, please let me know them.

And a word for child labour. I agree that it is a sad reality that children in rural families often have to join their parents to ensure a living for all of the family, and I agree they need to learn their likely future profession. My own father, the son of a small-farmer family, helped his parents as a child. However, in my opinion — and if the circle of poverty is to be broken one day — this should never condemn those children to a lack of access to schooling and formal education and to the overexploitation of their working capacity.

It is disturbing for me to find out that SAMUDRA seems to indicate that “Sloganeering in Seattle”—the work of NGOs from North and South—is against the interests of the South, and, ultimately, promotes ecoimperialism. I would really appreciate a clarification on the opinion of the editorial team, and also the views of other readers. If you did not intend to express an endorsement of the WTO as the international body regulating fish trade, I would like to see an editorial in SAMUDRA making the point clear. If the impression I get from the article is the right one, I would invite ICSF members and other SAMUDRA readers to promote an

open-ended and critical discussion on the role of the WTO and its stand. This could encompass an in-depth discussion about the dialectic that arises from this editorial comment: the competition between food security strategies centred on self-sufficiency and those centred on access to international markets (the comparative advantage approach). ¶

This response comes from Anna-Rosa Martinez i Prat, (armartinez@grain.es), an Associate Member of ICSF, who works with Genetic Resources Action International (GRAIN)

SAMUDRA editorial

Fait accompli?

Another response to the editorial in SAMUDRA Report No. 24 seeks to spark off a larger debate on what position to take *vis-à-vis* the WTO


I am very grateful to Anna Rosa for raising an alarm and highlighting an ambiguity that plagues several people regarding their positions in relation to the World Trade Organization (WTO).

As an individual, I do not support a pro-WTO position. In fact, this subject was seriously discussed at the last ICSF Animation Team meeting in 1998. Then, Diegus from Brazil and I took a firm position that ICSF should be on the side of the protestors. Diegus also categorically stated that our secretariat should be spending more time with the protestors' lobby than with the ongoing deliberations of the WTO and other UN bodies. This got reported in the minutes of the meeting, which all the members should have read and responded to. But again, unfortunately, members seem to prefer to keep silent on such issues.

As supporters of the inshore fishery, we are called upon to assess the ongoing political and economic processes that marginalize the toiling fishworkers. This is not merely an academic question. As supporters of the fishworker movements, our affinity with the actual reality of people should help us take political positions in their favour. Unfortunately, it seems that the majority of us in the ICSF probably look at the creation of the WTO as a *fait accompli* and adopt a TINA (there is no alternative) position. This either means we are distancing ourselves from the reality of the masses or, as an international organization, which now has quite an international profile, we are not free to pursue our pro-people stand. Both of these positions are serious and call for immediate introspection.

Regarding the role of the WTO, there could be a serious lack of information. In fact, at our last Animation Team meeting, a

couple of the members felt it wasn't possible to grapple with these macro-issues when we are so totally absorbed with the immediate micro-issues. If this is so, there is need for us, as a network, to appraise ourselves of these international dynamics that affect our daily lives, and, in the present context of fast-changing global equations, we should restate our positions and role as an international support network of the inshore fishery.

It is also a fact that we are not infallible. We have to learn from our mistakes. If this SAMUDRA Report editorial kicks off a serious debate among us, then it has served a purpose. The test will be to see how many of us are keen on such a debate so that we can inform ourselves better and are able to arrive at a decision by consensus. 

This response comes from Nalini Nayak (nalinin@md5.vsnl.net.in), co-ordinator, Animation Team, ICSF

Never lose your cool

The sixth instalment on the pioneer of Japan's co-operative movement talks of dealing with the military at the end of World War II

By the end of 1944, the Japanese army was suffering great defeats in the South Pacific, but the military government controlled the media and did not allow the public to hear any such information. The army, in their desperation, made certain absurd demands, and I would here like to relate how I responded to such demands.

A certain operation official—whom I will call K and who was with the Akatsuki Regiment stationed in Otaru—paid me a visit and requested that we co-operate in the defense of northern Japan against possible invasion. He informed me that in order to perform the defense operation, they needed fuel for cargo ships, but that the army had a severe shortage of oil. They had planned to use herring oil instead, and asked me if we would send them fishing boats to catch herring.

Herring oil was obtained from herring which migrated through the Sea of Okhotsk. I was sure that we would not be able to produce enough oil to support a military operation. I rejected his request, telling him that our primary responsibility was to fulfil the production quota for food for the citizens. He became angry and left.

A few days later, the chief of the Hokkaido government's Fishery Department informed me that we had to send 200 boats and their crews, which were fishing for mackerel around Matsumae near Hakodate, to the Sea of Okhotsk, where they were to be used to catch herring. The official implied that the military would force the government to replace me if I didn't agree.

Since nobody was in any position to disobey an order from the army at that time, we were obliged to obey this order. I tried to resist as long as I could, so that

the fishermen would suffer as little as possible. For instance, when I negotiated with the Akatsuki Regiment regarding this matter, I persuaded K to accept two conditions. The first was that the regiment would supply the fuel for the trip from Matsumae to the Sea of Okhotsk and back, and the second was that they must compensate the fishermen for the lost catches of mackerel, based on the average catch. K approved the requests and we concluded a formal agreement.

Two hundred fishing boats then gathered in the Sea of Okhotsk. I suggested that a trial operation be carried out first with only 20 boats, since we would, therefore, be able to conserve fuel and determine the potential amount to be harvested. The results were very unpromising, as only a small amount of herring was caught.

Soon after the operation began, World War II came to an end, on 15 August 1945. The Akatsuki Regiment's operation turned out to be a pointless venture, and the fishermen came back home. I was concerned about how to compensate them, so I went to Otaru, accompanied by an official of the Hokkaido government, to meet the leader of the regiment. To my surprise, however, the Akatsuki commander claimed to know nothing of the contract between us, and he flatly rejected our claim.

Large-scale operation

I responded that, as commander, he must surely have known about the operation, particularly since it has been such a large-scale operation and since K had been sent directly to us. The commander, who seemed to be shocked by Japan's defeat, rattled his sword and once again denied any knowledge of the operation. He then asked who was responsible for Japan's defeat, and answered his own question by

asserting that we, the civilian leaders, were responsible because we had not co-operated.

He then stopped and asked the absurd question, “Do you have any calluses on your hands?” He implied that civilians had not fought bravely for the good of the nation. I was rather unnerved by his rattling of his sword, but he did not seem to be an ill-natured man. I calmly replied that I had no calluses, since my job involved holding a pen, not a sword.

He regained his composure and asked what had happened with the operation. I explained about the contract documents I had made with K of the operation staff, and told him how K had not sent them back to me.

The commander called a lieutenant and asked him who had made the contract. The lieutenant replied that K had, but that he had torn it up when the war ended. The commander became furious, as did another official, a colonel who had come into the room and heard the story.

The latter said he wanted to kill K and end his own life by committing *seppuki*. (Many military leaders, who came from the samurai class, felt responsible for Japan’s defeat, and, therefore, committed suicide by *seppuki* after the war. *seppuki* involves ritual disembowelment, and this practice

was originally carried out by samurai who had dishonoured their superiors.)

I came to understand that the commander truly had not known about the contract, due to a communications breakdown, but that was not our business. As I was afraid that our claim would be passed on to be handled by the army, I requested the commander that at least five million yen be paid to the 200 fishermen of Matsumae to settle this affair in a businesslike manner.

The commander then reprimanded the colonel by telling him that there was no point in crying over spilt milk. He said he would honour the claim for five million yen, but that they had no money at that time. He suggested we take payment in the form of goods, such as fishing nets and rope, instead of cash. I was surprised to hear that they had secret supplies of such goods stored in warehouses.

Cash payment

I asked about the value of this gear, and found that it was six times as expensive as the regular prices. We would receive only a limited amount of gear to cover our losses, so I insisted on cash. The commander finally told me to wait for a few days, while he tried to get the money from the Hokkaido headquarters of the army. When I returned to his office a few days later, I was told that he had obtained the money. I thanked him for his efforts,

and went to Matsumae, where I began distributing it. Some of the fishermen claimed at first that the amount was too small, but they understood after I told them about the negotiations I had to go through in order to get the money.

That was over 30 years ago, but I can still vividly remember the commander. He was quite arrogant on the surface, but, at heart, he was an honest person. If I had not negotiated bravely, the Matsumae fishermen would not have received the money, and they would have suffered through extremely hard times after the war.

As a point of interest, I'd like to note that the Akatsuki Regiment did not consist of battle troops. It was in charge of procuring goods which the army needed. They had numerous warehouses in Sapporo stocked with goods such as clothes and shoes. In the post-war confusion, some soldiers took advantage of the lack of discipline and began to sell these goods on the black market. There were many rumours about such activity, but nobody made any accusations, as everyone was frightened of the army.

I, therefore, went to see Hokkaido Governor Kato and advised him to look into this matter. I told him that these goods, which were purchased with tax money, did not belong to the Akatsuki Regiment anymore, since the war was over. With the severe shortages of food, clothing, and other goods, I told him, the soldiers should not be allowed to engage in such illegal behaviour. I suggested that the Hokkaido government take control of these provisions.

I also told him that, in certain regions, army officials had been selling trucks and keeping the money for themselves. I recommended that the government distribute these trucks to the agricultural and fisheries organizations, as they would then be of great help to ensure a stable supply of food for the people.

At that time, Governor Kato was not the head of the Hokkaido government, since the military government had placed a president in power over him during the war. Nevertheless, the governor reacted

quickly by proposing to the Prefectural Assembly that these goods be placed under civilian control. This policy had a great effect in preventing chaos from breaking out. In particular, ten regional branches of Dogyoren received trucks, greatly facilitating the distribution of food.

I hope it does not appear as if I am boasting. I simply hope to make clear that we must never lose our cool, and that, if we are brave, we will be sure to find strong supporters who will co-operate with us. 3

This is excerpted from the *Autobiography of Takatoshi Ando*, translated by Naoyuki Tao and James Colyn

News Round-up

Supertrawler ahoy!

The world's biggest-capacity fishing ship has just been launched. Atlantic Dawn, 144 metres long and sporting a 24.3 metre beam, is a midwater trawl and purse-seiner that belongs to Irish skipper and businessman Kevi McHugh of Atlantic Dawn Ltd.

The supertrawler cost US\$65 million and was built by the Umoe Sterkoder shipyard in Norway. Atlantic Dawn is the biggest and most powerful in a trio of 140-metre plus new-generation pelagic freezer stern trawlers being put into service this year. The other two, from Spanish shipyards, are for Dutch owners.

Atlantic Dawn is expected to catch sardinella, mackerel and horse mackerel in West African waters, starting off Mauritania, fishing under the new European Union fishing arrangements.

The supertrawler has a freezing capacity of about 350 tonnes per day and can carry around 7,000 tonnes of fish.

Far too many

Overcapacity is still the main problem facing the **European Union's** fishing industry, says the EU fisheries commissioner Franz Fischler. His comments came in the wake of the announcement of a Green Paper which discusses options for the future of a sustainable Common Fisheries Policy (CFP), reports Fishing News International.

Fischler said that EU fleet reduction programmes have not proven sufficiently effective in tackling "this scourge of most fishing industries." He also expressed concern at the weakness of the implementation of CFP measures in the Mediterranean.

Hot Chile

The **European Union** (EU) has said it will demand a process of consultation in the World Trade Organization (WTO) to resolve the differences caused by the ban that **Chile**

has imposed on the use of its ports to unload the catches

made by the community's industrial fleet on the high seas.

The decision comes on the heels of a study which, Brussels says, proved that the Chilean measures were incompatible with the policies of the multilateral organization. The Chilean government defended its position on the grounds of marine resource conservation in the framework of the Law of the Sea.

The EU's high-seas fleet has caused the overexploitation of the swordfish fishery, a species which is both highly trans-zonal and highly migratory. This has badly affected the Chilean artisanal fisheries sector. EU officials say the aim is to remove the restrictions in force since 1991, which prevent vessels, mainly Spanish, from trans-shipping swordfish catches in

Chilean ports. The EU argues that environmental concerns in a commercial context must be resolved multilaterally, and not through arbitrary or discriminatory unilateral measures.

Pushed out

Trang's provincial fishery office in **Thailand** has launched a programme to encourage push-net fishermen to use less destructive and more environmentally friendly fishing gear, reports the Bangkok Post.

Provincial fishery chief Suporn Suthanurak said he hoped all the province's 150 push-nets would be gone by the year's end. He would not say what cash incentives the fishermen would be offered, but said the authorities would not enforce harsh measures.

Environmentalists, however, have said that fishermen who maintained sound practices were being unfairly treated. Pisit Charansnoh chairman of Yadfon Association, said

push-nets should be banned unconditionally. He said the money should go to activities which improve the ecological balance, such as mangrove reforestation and education.

Pesky for the fish

Pescanova, the multinational fishing and processing giant based in **Spain**, has become the world's largest fishing vessel operator, following its acquisition of a

majority shareholding in financially troubled Pescafina.

Pescanova, which has operations worldwide, is now said to corner a 65 per cent share of the Spanish frozen food market. Pescafina, which was fishing on quotas in **Iran**, **Namibia** and **Cuba**, fell into financial difficulties over two years ago when a joint venture partner went bankrupt. It reportedly owed 15,000 million pesetas to 20 banks.

New worry?

A new deal renewing the Euro-Ivorian

fisheries agreement between the European Commission and the **Ivory Coast** will allow an increased number of EU vessels to fish for tuna off the Ivory Coast. The permitted tonnage, however, will remain at 8,500 a year.

The agreement, which lasts until June 2003, also features a high level — 71.3 per cent — of EU financial compensation to the Ivory Coast. This will be used to promote scientific and technical programmes, and monitoring and control. The previous agreement had only 20 per cent as financial compensation.

Go, Goa, gone

A High Court at Panaji, Goa, **India** recently put its foot down on violations of its trawl ban order. It suspended the licences of all trawlers registered with the Fisheries Department of the Goa government, sealed the use of the seven official jetties by the trawlers for unloading their fish catch, and directed the Goa government to publicize its order in the newspapers so that the public is made aware that there exists a ban on all mechanized fishing activities till 15 August.

Earlier, a local citizen had written a letter to

the High Court complaining that the government had reduced the ban on fishing in the State of Goa from 90 days to 54 days during the monsoon period, despite full knowledge that this was the breeding period for the economically important varieties of fish including mackerel and sardines.

The petitioner pleaded that such indiscriminate fishing would impact negatively on fish stocks and this would affect his right to life guaranteed under Article 21 of the Constitution of India. He also stated that fish protein is the principal staple food of the coastal population of Goa. Traditional fishermen would also be deprived of their livelihood.

The High Court converted the letter into a Public Interest Litigation (PIL) and directed the Goa government including the Chief Secretary, the Director of Fisheries and the country's premier ocean research institution, the National Institute of Oceanography (NIO), to file affidavits. The Goa Government was unable to produce any documentation in support of its decision to reduce the ban from 90 days to 54 days.

The NIO, however, filed a fairly detailed affidavit in which it informed the court that it was of the opinion that the ban on the fishing season from 1 June to 31 August could offer a degree of protection to several varieties of fish including mackerel and sardines.

A mega event

The World Forum of Fish Harvesters and Fish Workers (WFF) will hold its Constituent Assembly from 2 to 6 October 2000 in Loctudy, France, when it will be formally giving itself a constitution.

The three-year old WFF was founded on 21 November 1997 at a meeting in New Delhi, when representatives of small-scale fish harvesters from Asia, Africa, South America and North America came together to battle the reckless plunder of the seas by the world's large industrialized fleets. WFF has a registered membership of 28 fishworkers/harvesters' organizations.

Empty Nets

*Get up in the morning, at a quarter to four
Try not to make much noise, as you go to the door
Jump in the boat, you can hear the gulls roar
At the start of a brand new day*

*Fire up the engine, you're ready to go
Head out the harbour, you don't want to be slow
What's out there today
Well, you never know
Just hope that it turns out OK*

*But it's empty nets
That's what he gets
When you're out on the water
No time for regrets
Those empty nets
That's what he gets
How's the poor fisherman to pay off his debts
When he goes out each morning
To haul in the nets*

— from the album *Empty Nets* by Jim Payne



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. Registered in Geneva, ICSF has offices in Chennai, India and Brussels, Belgium. 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. SAMUDRA REPORT invites contributions and responses. Correspondence should be addressed to the Chennai office.

The opinions and positions expressed in the articles are those of the authors concerned and do not necessarily represent the official views of ICSF.

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