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SAMUDRA

REPORT

THE TRIANNUAL JOURNAL OF THE INTERNATIONAL COLLECTIVE IN SUPPORT OF FISHWORKERS



The Lombok Workshop and Statement

The Sámi of Scandinavia

First Nation Peoples of Canada

Vietnam's Traditional Fisheries Management

The Brussels Workshop

Illegal, Unreported and Unregulated Fishing

Fisheries, Communities, Livelihoods



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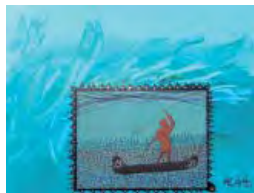
REPORT

THE TRIANNUAL JOURNAL OF THE INTERNATIONAL COLLECTIVE IN SUPPORT OF FISHWORKERS

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OLIVIER BARBAROUX

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*Harvesting sea salt in Bali,
Indonesia*
Photo: Olivier Barbaroux



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BRIGITTE ENGUEHARD

A youth from the fishing village of Cua Lo, Vietnam, waterproofing a bamboo boat with coal tar

Traditional Knowledge Systems

Official recognition of traditional knowledge for resource management should empower, protect and advance conservation and allocation values

Traditional knowledge about aquatic resources and their habitats can be part of a larger, indivisible, world-view of nature—as seems to be the case with many indigenous and local peoples—or as part of a knowledge system based upon perception of fishery resources and fishing activities.

In different parts of the world, traditional institutions that ensure equity and sustainable use of resources are also part of indigenous and local communities. These traditional knowledge systems and institutions, in the inland, coastal and marine contexts, have been adapting to—or been adversely affected by—legal obligations, technology changes, market forces, and new demands on marine and coastal space from extractive, development and polluting activities.

Some of the articles in this issue of *SAMUDRA Report* attempt to set out the contours of how traditional knowledge systems have fared in relation to resource apportionment, conservation and management. While ordinary legal provisions are seen to safeguard old Sámi salmon fishing traditions and rights in Scandinavia, and are believed to secure the material foundation of Sámi culture (see page 4), the First Nations in Canada are concerned about the relevance of formal fisheries management systems (see page 8).

The First Nations of Canada are reluctant to support separation of fisheries from forest activities, hunting and other traditional practices, and view formal legal arrangements based on quota management systems as a threat to their traditional way of life. The First Nations fear that new fisheries management systems would lead to 'corporatization' of indigenous rights, and would displace both independent indigenous and local non-indigenous fishers from local waters, making way for large-scale fishing enterprises.

On the other hand, the traditional indigenous knowledge on coastal/marine environmental use and resource management of the Kuna people of Panama seeks strengths from modern science and technology, particularly on how to withstand the

onslaught of market forces (see page 28). The Kuna would consider utilizing, and effectively applying, national and international laws that support artisanal fisheries, conservation and management of fisheries resources, and protection of the marine environment.

The article on the *van chai* system of Vietnam (page 10) highlights how the modern State finds merit in a traditional system of implementing effective marine conservation and management measures. While communities in Indonesia welcome the newfound interest in recognizing

traditional systems and securing traditional rights under law, they are keen that some of the new legal instruments that allow privatization of coastal and marine resources be put on hold.

Although they vary in form and content, the legitimacy enjoyed by traditional and local knowledge systems is

a major asset in the design and implementation of bottom-up fisheries management systems, especially in nearshore waters. However, the challenge is to win the confidence of indigenous and local communities, who should be convinced that such recognition will not lead to any significant dilution of their values, or redefine their preferred allocation regimes for access to fishery resources, or privatize marine space, or introduce unacceptable quota-based management systems.

The recognition of traditional rights and systems under formal law should, therefore, aim to empower, protect and further the conservation and allocation approaches already embedded in indigenous and local value systems, with men and women playing equally vital roles. They should also serve to protect traditional institutions from external threats. In this sense, a scenario could be visualized where the State comes to the rescue of community values and the communities, in turn, extend cooperation and assistance in implementing a common programme of conservation and management of fisheries resources, and in discharging duties towards international obligations.



Salmon Sans Borders

Fishing for salmon along the Deatnu or Tana river has long been fundamental to the culture of the indigenous Sámi people along the Finland-Norway border

Fishing for salmon (*Salmo salar*) along the over 200-km watercourse on the border of Finland and Norway, called Deatnu (in the Sámi language) or Tana (in Norwegian), has been going on for at least 7,000 to 8,000 years, or for as long as human existence after the last Ice Age. The Tana river valley is situated in an area in which the Sámi are the oldest known ethnic group. Sámi culture, as it exists in northern Scandinavia and the northwestern parts of Russia, is at least 2,000 to 3,000 years old. Salmon fishing remains a fundamental part of Sámi culture on both sides of the Finland-Norway border.

The first written sources from this river district date to the end of the 16th century. They show that none of the surrounding States had gained sole

Danish-Norwegian jurisdiction. This had consequences for the territorial division of the Tana river valley too.

From then until the present border was drawn in 1751, Denmark-Norway had exclusive jurisdiction over the lowest 30-40 km of the river. Juridical and clerical jurisdiction over the rest of the valley belonged to the Swedish realm. But the Sámi still had to pay taxes to Denmark-Norway.

Until 1809, Finland belonged to Sweden. Then it became a Grand Duchy under the Russian Tsar. The border along the Tana watercourse became the border between Finland and Norway. Neither this change, nor the separation of Norway from Denmark in 1814 and its union with Sweden, had any obvious impacts on the salmon fishing carried out by the predominant Sámi population of the Tana river valley.

Through an additional paragraph to the border treaty of 1751 '*1ste Codicil og tillägg*' (The first Codicil with Additional paragraphs), later called the Lapp Codicil, the Sámi—from mid-Scandinavia and northwards—were accorded the right to continue to use the land and waters on both sides of the new border.

The States that drew up this extensive document of rights, consisting of 30 paragraphs, acknowledged the Sámi as a people of their own with fundamental rights and a right to a future. They, therefore, agreed to create rules to secure the future of '*den Lappiske Nation*' (the Sámi nation), even though a border had been drawn straight through their areas of use.

Reindeer herding

Most of the regulations in the Lapp Codicil are related to reindeer

...the Sámi—from mid-Scandinavia and northwards—were accorded the right to continue to use the land and waters on both sides of the new border.

supremacy of the Tana river valley or the Sámi who lived there. Fishing and hunting, especially of wild reindeer, were important. By the start of the 17th century, the Sámi had established an ownership-like grip over the salmon fishery.

Soon after 1595, Russia stopped demanding taxes from the Sámi in this area. After the Denmark-Norway and Sweden-Finland wars in 1611-12, it was agreed, at peace talks in 1613, that the coastal and fjord areas of what is now the northernmost part of Norway should be exclusively placed under

This article, by **Steinar Pedersen** (Steinar.Pedersen@samiskhs.no), Principal at the Sámi University College, Norway, builds on the following of his earlier works: *Laksen, allmuen og staten—Fiskerett og forvaltning i Tanavassdraget før 1888. Die ut nr. 2, 1986. Kautokeino, and Lappekodisillen i Nord 1751-1859—Fra grenseavtale og sikring av samenes rettigheter til grensesperring og samisk ulykke. Die ut nr. 3—2008. Kautokeino*

husbandry. This is probably because the reindeer-herding Sámi was the group of Sámi who most needed to get their access to grazing pastures secured on both sides of the border. Sámi salmon fishery was not explicitly mentioned in the Lapp Codicil. Yet the traditional salmon fishing in Deatnu continued, as if the border had never been drawn. Among other things, new co-operative forms and methods of fishing were developed, with the Sámi on both sides of the river fishing together, indifferent to the borderline or which country they belonged to.

This is in line with the structural principle of the Lapp Codicil, namely, that it should secure the material foundations of Sámi culture. There are many other examples of the Lapp Codicil playing an important role in securing both rights and administration within the salmon fishing sphere. The Danish-Norwegian authorities argued, at the end of the 18th century, that the 1751 regulations were central juridical fundamentals for the salmon fishing rights of the settled Sámi on the Norwegian side of the border.

In 1852, the most important provisions of the Lapp Codicil were disregarded, and the border between Norway and Finland was closed for reindeer crossings. There were several reasons for this: the growth in the population of reindeer owned by Norwegian Sámi who used Finnish territory during winter; restrictions imposed by Norwegian authorities on fishing by Finnish citizens in the fjords and coast of northern Norway; diplomatic pressure from Britain on Sweden and Norway not to give undue concessions in negotiations with Russia and Finland; and growing Norwegian nationalism, which led to greater disregard of the Sámi rights laid down in the Lapp Codicil. Salmon fishing, however, remained unaffected, and writings from the 1880s indicate that the Lapp Codicil remained a juridical fundament for Sámi salmon fishing in the Tana river.

In 1775, the king in Copenhagen introduced the Land Acquisition Resolution, which soon gained legal force and allowed the people living

along the Tana river to claim, for the first time, private land properties.

Paragraph 6 of the Land Acquisition Resolution is of special importance as it evolves around the juridical rights to salmon fishing in the Tana watercourse: "The goods which have so far been common to whole districts or

...new co-operative forms and methods of fishing were developed, with the Sámi on both sides of the river fishing together, indifferent to the borderline or which country they belonged to.

to the general population, be they fish in the sea or the great rivers, as well as docking places and such, will remain available for general use."

This meant that salmon fishing was secured and could be carried out as before, without being hindered by private land claims along the watercourse. It also meant that the general principle in Norway, by which a landowner along a lake or watercourse also owns the fishing rights adjacent to his or her property, would not be applied in this case. This was clearly in favour of the common Sámi fishing methods used then.

In 1888, however, the Norwegian parliament passed an act which tied the fishing rights to land ownership.

KJELL SAETER



A salmon caught more than 200 km from the river mouth. Salmon fishing is a fundamental part of Sámi culture on both sides of the Finland-Norway border

KJELL SAETER



Kjell Saeter, the mayor of Karasjok, Norway. Laws have ensured that fishing is not hindered by private land claims

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The act accorded sole fishing rights in the Tana river to those living in the river area, either on their own or on leased land. These were the so-called 'entitled owners of fishing'. Additionally, it was laid down that the bailiff could allow others to fish with rods, for a fee.

Nonetheless, this did not mean that the old principle of collective fishing rights for the inhabitants of the Tana river valley was broken. The collective principle was emphasized in the preparatory work for the act. It was pronounced that salmon fishing until 1888 had been carried out in accordance with the regulations of 1775, and that the right to fish had been "...considered

Common for the general population along the river, in the Valley, from the Mouth of the River to its Outflow".

Why then did the authorities regard it necessary to approve a new law concerning fishing rights in the watercourse, and link it to land ownership? It was due to the felt responsibility to protect the fishing rights of the population in the valley—mainly Sámi—against large and uncontrolled competition from newly established fishers. Much of this new competition was due to a major immigration to the lower parts of the watercourse from Finland and the southern parts of Norway, which took place in the decade before 1888.

Such protection could come about only through rules and regulations on settlement and land ownership that favoured the inhabitants of the valley. Extensive land reforms had taken place along the entire Norwegian side of the Tana watercourse in the years before 1888. The people living in the area had thus already fully formalized their land ownership. It was to avoid injustice against anyone that the new

law was passed, also to ensure that any possible rights of which the Norwegian parliament was unaware in 1888 should remain.

The permission to allow 'others' to fish with rods for a fee brings up the question of 'others'. Were these the remainder of the valley's inhabitants who did not own land, or were they visitors? Written records indicate that the 'others' were people who travelled in the region, namely, visitors, those who did not belong to the Tana river valley. Neither in the law of 23 July 1888 nor in the Royal Resolution of 4 May 1872—when, for the first time, it was officially stated that the bailiff could grant permission for angling—is the right of the rest of the valley's inhabitants to fish with rods mentioned. The regulations were only meant to secure the admittance of the few anglers (tourists) who visited the area.

Clearly, the 'others' clause was introduced only because the authorities considered the fundamental rights of the valley's inhabitants as already established. There was no contradiction between Paragraph 6 in the Land Acquisition Resolution of 1775, and the stipulation of land ownership to obtain fishing rights in the law of 1888.

Over a hundred years have passed since the law of 1888 and it is, therefore, likely that both customs and conceptions of justice have changed. The true growth of the local hook-and-line rod fishing occurred at the end of the 19th century, after the law of 1888 had gained legal force. At the beginning of the 20th century, large parts of the local population fished with rods. In 1909, the local police chief wrote: "There is no fun fishing in Tana, where Lappish rod-fishers are everywhere, day and night".

Fishing rights

Around then, the future Minister of Foreign Affairs, Arnold Råstad, wrote: "This fishing is mainly carried out by the youngest members of the family, who do not have fishing rights of their own. This kind of fishing is considered free across the whole river for the inhabitants on both sides. Foreign (English) anglers, who rent the river,

pay, on the contrary, a fee on both the Norwegian and the Finnish sides”.

Statistics on fishing fees or fishing permits show that the locals paid none or minimal fees for rod-fishing, which was very common. In the 1920s, during a salmon session on the Finnish side, it was mentioned that the rod-fishing right should be limited to two persons in each family. We can find such statements from different parts of the Norwegian side of the Tana valley: “Those with no weir fish with rod”. “...fished with rods everywhere in the river, without considering the border”. “Rod-fishing is, after weir-fishing, the most important”.

In 1938, negotiations with Finland, which led to the Convention on Fishing in the Tana watercourse, considered a fee for people with no fishing rights. This was probably prompted by the introduction of modern fishing tourism, which increased the number of visitors to the area.

Entitled fishers did not have to pay a fee. Those with no fishing rights were divided into two categories depending on payment of fees: settlers in the Tana river valley without land, and ‘everybody else’. The first group would pay two Norwegian crowns per season, while the visitors would pay the same amount for 24 hours, or 50 Norwegian crowns per season. This schedule remains to date, with the additional proviso that those with the right to fish with nets also have to pay a fee now.

All available historical written source materials indicate that the fishing rights of the watercourse have been common property for all the inhabitants of the Tana valley. At no time have there been any juridical or other moves to exclude anyone from the fishing. While one group has its right to fish with nets guaranteed by law, the other has a customary right to fish with rods.

In 1997 the Sámi Rights Committee suggested legislating rod-fishing. The Norwegian parliament did not, however, explicitly consider the suggestion when, in 2005, it passed the act of management of land and natural resources in the county of Finnmark—the Finnmark Act. The 28th paragraph of the Act states that the local

community “...holds special rights to fishing on the basis of statutes, immemorial usage and local customs”. This is a very relevant section of the Act which recognizes the historical development of the rights to fish salmon in the Tana watercourse.

A representative committee worked for two years to prepare additional regulations, based on

... felt responsibility to protect the fishing rights of the population in the valley—mainly Sámi—against large and uncontrolled competition from newly established fishers.

the abovementioned intentions of the parliament. The committee put forward its proposals on 22 September 2009. They are very constructive and in accordance with old traditions in the Tana river valley. The right of angling for the local population should be made statutory, and a common, local co-management institution, consisting of landowners having the right to fish with nets, and those having the right to fish with rods, should be established.

In conclusion:

- The Tana river is still the only watercourse in Norway where fishing rights are regulated by a separate act.
- It is the only area where extensive, traditional salmon fishing with nets still exists.
- It is also one of very few watercourses where the landowners do not own the fishing rights to their adjacent fishing grounds.
- It will be the only area where local rod-fishing rights, built on traditional custom and practices, will be given statutory status.
- In sum, the old Sámi salmon fishing traditions and rights are safeguarded by ordinary legal provisions, without separating the local population on the basis of ethnicity.

For more



www.eng.samer.se/servlet/GetDoc?meta_id=1214

Sámi Information Centre

www.galdu.org

Resource Centre for the Rights of Indigenous Peoples

www.samediggi.no/artikkel.aspx?Aid=884&back=1&MId1=270

Sámediggi - The Sámi Parliament

How Deep Are Our Treaties

Faced with the commodification of food and livelihoods in the fishery of Canada's Bear River First Nation, a Mi'kmaq community displays remarkable resilience

*As long as the sun shines,
as long as the rivers flow
we will stand fast to what we
agreed to.*

*I'm not sure if all parities
understand,*

How deep our treaties are.

—former Chief Frank Meuse, Jr.,
In the Same Boat, 2007

Until recently, the only mechanism to deal with ancestral land appropriation and displacement of indigenous peoples in Canada was the cumbersome Comprehensive Land Claims Process. The Supreme Court of Canada decision, known as the 'Marshall

as *netukulimk*. Unfortunately, the increasing commodification and privatization of the commercial fishery is leaving little room for sustainable community practices and knowledge. Nowhere is this more evident than with the imposition of the individual transferable quota (ITQ) system on the scallop and most of the ground fisheries. Echoing Chief Frank Meuse, Jr., the BRFN feels that these fishing agreements serve only to integrate First Nations into the commodification process, watering down treaty rights. This is why the BRFN chose not to sign on to any fishing agreements.

While analyses of the Marshall decision of 17 September 1999 and the subsequent qualification, known as 'Marshall 2', of 17 November 1999, have been well documented, the emphasis in the latter has been on 'commercial' fishing rights as being subjected to current regulatory regimes. Marshall 2, however, also emphasizes local community: "The treaties were local and the reciprocal benefits were local. In the absence of a fresh agreement with the Crown, the exercise of the treaty rights will be limited to the area traditionally used by the local community with which the 'separate but similar' treaty was made" (R. v. Marshall, [1999] 3 S.C.R. 533).

Regulatory regimes

BRFN's ancestral lands are located in once-lucrative fishing areas. However, the current regulatory regimes and ITQ systems are displacing both indigenous and non-indigenous fishers from local waters to make way for distant licence—and quota-holders and large-scale fishing enterprises.

The Bear River First Nation (BRFN) have their own vision for a food and livelihood fishery based on a long historical relationship to the natural world...

case', based on the Mi'kmaq treaties of 1760 and 1761, extended those claims to the waters, and initiated a treaty negotiation process for the Nova Scotia Mi'kmaq. In the interim, however, the Government of Canada implemented 'commercial' fishing agreements, styled as 'MacKenzie agreements', after James MacKenzie, the negotiator for the federal government.

As a point in case, the Bear River First Nation (BRFN) has its own vision of a food and livelihood fishery based on a long historical relationship with the natural world, premised on respect and self-sufficiency to avoid hunger and sickness. This relationship is known in the Mi'kmaq language

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activist and educator, and Co-chair,
Co-ordinating Committee, WFFP

SHERRY PICTOU



Carol Thompson and Royden Messer, mother and son, with their catch of lobsters

The integration of First Nations into the commercial fishery is often noted as a success. BRFN, however, feels that it has undermined their treaty rights, as industrial activities like mining or wind power generation encroach on their ancestral lands and waters.

Although there is a legal obligation to consult First Nations on activities that threaten 'aboriginal' rights, consultation rarely reaches the local level, and when it does, it is usually in very fragmented government- or industry/market-driven processes that serve only to divide communities. One exception was the 'White Point quarry case', in which an environmental assessment panel recommended the quarry not be approved since the 'core values' of communities would be adversely affected.

BRFN continues to pursue its vision of a small-scale food and livelihood fishery by aligning with other local non-indigenous fishermen who have also been affected by privatization and commodification, and by continuing to learn and practise *netukulimk*. It has undertaken several initiatives to support *netukulimk*, such as restoration of fish habitats and streams, building

up a food fishery for the entire community, and exploring community-based governance models. BRFN has also been involved in the making of *In the Same Boat*, a film by Martha Steigman, a doctoral candidate and activist from Concordia University. It has also worked with Coastal Learning Communities Network, alongside Arthur Bull, Executive Director of the Bay of Fundy Marine Resource Centre, and social anthropologist John Kearney. It has also been involved with World Forum of Fisher Peoples (WFFP).

Proponents of corporatism find it difficult to grasp the fundamental principles

of balanced human-ecological inter-relationships. Indigenous peoples around the world seem to instinctively know that overexploitation of natural resources for the profit of a few will only spell ultimate demise.

Canada's disregard of traditional practices and technologies was evidenced in March 2009 when it refused to support small-scale fisheries at the 28th session of the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO). Canada has further eroded its credibility by refusing to endorse the United Nations Declaration on the Rights of Indigenous Peoples, which contain the principle of "free, prior and informed consent".

However much Canada tries to deny its colonial history and neglect of the rights of indigenous peoples, the plain fact is that indigenous, traditional and customary practices are necessary to cope with hunger and poverty around the world.

For more

www.bearriverculturalcenter.com/aboutbearriverfirstnation.aspx

Bear River First Nation

www.muiniskw.org

Mi'kmaq spirit

www.mikmaq-assoc.ca

Mi'kmaq Association of Cultural Studies

mikmawey.uccb.ns.ca/overview.html

Overview of the Mi'kmaq

clcn.seedwiki.com

Coastal Learning Communities Network

inthesameboat.net

***In the Same Boat*: film**

citizenshift.org/node/1053&term_tid=81268

***Treaty Rights are not for Sale*: film**

www.ainc-inac.gc.ca/ap/ia/pubs/ddr/ddr-eng.asp

Canada's Position on the UN Declaration on the Rights of Indigenous Peoples

Remembering the Source

The traditional Vietnamese system of social and community organization, called *van chai*, can be the basis of a viable fisheries management system

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In parts of Vietnam, the *van chai* is an old, established institution for managing local fisheries and fishing communities. Its principal objectives are: (i) religious functions; (ii) mutual assistance; (iii) specification of the behaviour, rights and obligations of fisheries stakeholders; (iv) catch disposal; (v) governance of fishing operations; (vi) conflict conciliation; and (vii) sanctions. Although locally varied, everywhere the veneration of deities and ancestors, plus the sacred obligations of mutual assistance, provide the *van chai* with its moral authority. The term ‘*van*’ has two meanings. In the central region of Vietnam, it approximates the English term ‘guild’, or an organization of

(*dinh van*) in *van chai* were established, mostly in the 18th–19th centuries, and shrines became the principal cultural and organizational centre of a village.

Although fishing communities in the south-central region are no longer linked with farming, as they are in both the north and south of Vietnam, the ancestors of most fishers in the south-central region were northern farmers who had migrated and then became fishers along the coast. Present-day fishers in this region pay great reverence to their ancestors, with village founders worshipped as tutelary deities. The moral basis of Vietnamese society is anchored in the tradition of “remembering the source from which one drinks water”, an expression of the deep sense of gratitude to the ancestors for their labours and struggles to survive and build a prosperous community. In earlier times, the appeasement of a mysterious, and often hostile, natural environment was also important, and led to a strong belief in the power and salvation of numerous deities. The *van chai* reflected the traditional folk and professional beliefs of home regions, and resulted in the intensification of mutual respect and assistance within the fishing community.

The moral basis of Vietnamese society is anchored in the tradition of “remembering the source from which one drinks water”...

people following the same profession. But for riverine fishers, *van* means a ‘village’, that is, an administrative unit.

In this article, I focus on the guild meaning in the south-central region of Vietnam, where fishing villages were established during the southwards expansion of the ethnic Vietnamese, which began in 1693. The three-level social organization used in the north—province, district and village—was applied in the south-central region. When the economic basis of a new settlement had been established, villagers constructed a shrine for the village’s tutelary genie, ancestral sages and wise elders. Dozens of temples

Whale temples

From the late 18th century, marine fishing villages enlarged their shrines for the worship of the deity of the South Sea. This deity is a ‘whale’ (a local concept that embraces all cetaceans). The ‘whale shrine’ became the locus of moral authority of a fishing community’s life, and the foundation on which fisheries management was, and remains, based. Whale temples are traditional institutions where fishers

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worship their marine gods, together with their ancestors who developed and managed the community's fisheries. Most temples in the south-central provinces are dedicated to the whale, and ceremonies are conducted to venerate it, since fishers believe that the whale is the deity who protects men at sea, and so should be venerated to demonstrate gratitude.

Although the details vary considerably by locality, the underlying principles of the veneration of deities and ancestors, combined with the sacred obligations of mutual assistance, remain all-pervasive. The information provided here is based on the case of Van Thuy Tu, Phan Thiet City, Binh Thuan Province.

An elderly man of high prestige and profound understanding of local society and fishing usually heads a *van chai*. At Van Thuy Tu, the administrative committee is composed of seven to 15 members, elected to a three-year term of office. All boatowners and fishers 18 years of age or older elect them, and all over 21 years old can run for election. The elected administrators themselves elect the three heads of the subsections of administration that manage routine affairs. These are the Head of Worship, Head of the *van*, and Secretary of the *van*.

A major function of *van* administrators is the maintenance of the shrine and conduct of festivals and routine ritual performances. The linkage between annual festivals and mutual assistance in the codification document of Van Thuy Tu implies that mutual assistance is a sacred duty of *van* members, and thereby demonstrates the traditional moral authority of the *van*. It is reiterated that the sea gods must be solemnly and sincerely worshipped by owners of fishing boats and fishers. The rituals performed at these festivals emphasize the importance of harmonious relationships among the various stakeholders in the fishery, and the vital importance of mutual assistance, both of which ensure the continued prosperity of the community and thereby venerate the ancestors. Mutual assistance obligations are specified in detail.



Women hauling in a beach seine at Van Binh An *van chai*. Resource use in the *van chais* is governed by use rights protected by customary law and practice

The 'design principles' that characterize the *van chai* comprise use rights, various sets of detailed rules that govern how those rights are exercised legitimately and by whom, monitoring and accountability regarding the rules, conflict resolution that governs settlement of disputes if rules are broken, and punishment that is applied to those who break the rules. In the case of the *van chai*, the predominant design principles are those reflecting and governing human relationships among

Under pre-existing community-based systems, such as the *van chai*, resource use is governed by use rights protected by customary law and practice.

the various stakeholders in the fishing community, in the context of mutual assistance and respect as governed by the precepts of the whale shrine.

Primary rights

Under pre-existing community-based systems, such as the *van chai*, resource use is governed by use rights protected by customary law and practice. The main ones are primary rights (or birthrights), residential proximity rights, the right to sell, lease or bequeath the right, and that to share rights. The commonest primary right is a birthright. A fundamental, but not nationwide right, governing coastal

fisheries management is the right to operate small-scale fixed gear in waters proximate to one's residence. In the Dong Hoi area of Quang Binh Province, for example, fishing spots for fixed gear (such as those suitable for employing a lift net to catch small pelagics) near one's residence can be claimed exclusively by the householder.

Rules govern how rights may be exercised. They are generally complex and locally varied as social and ecological conditions require. The main

...the core of the *van chai* system has proven remarkably resilient, undoubtedly because its salient characteristic is regulation of inter-relationships among fisheries stakeholders...

rules applied in areas under *van chai* control are shown in the table.

In Vietnam most problems like gear conflict or infringement of first-comer's rights and rights of residential proximity are resolved in the fishing community by the village elders. If not resolved, they are taken before the People's Committee, whereas once they would have been dealt with by the village magistrate. Interpersonal disputes within an individual fishing unit are handled differently. As is clearly set forth in the codification document of Van Thuy Tu, violators are punished according to the national penal code.

As throughout the Asia-Pacific region, sanctions are widely invoked in Vietnam for the infringement of fisheries rights and the breaking or ignoring of locally formulated rules governing fishing and marine resource use. These days, either social or economic sanctions are applied. Implicit for those fishers whose belief in the moral authority underlying traditional shrine-based management remains strong is that failure to abide by locally made rules, particularly those pertaining to mutual assistance, would invite supernatural sanction in the form of hazards at sea.

Despite years of turmoil, the core of the *van chai* system has proven remarkably resilient, undoubtedly

because its salient characteristic is regulation of inter-relationships among fisheries stakeholders, within the framework of the strong moral authority of the community shrine, rather than regulation of fishing and the fishery *per se*.

Following the colonial era, the successor governments of the independent Vietnam paid no attention to the pre-existing management systems, and in the provinces that comprised the former Democratic Republic of Vietnam, as well as at various locations in the central and southern regions, the traditional religious characteristics have lapsed, and only the secular administrative functions remain. During the French colonial era, religious functions were still performed in the northern provinces, but nowadays nothing remains.

In contrast, at Van Lach Thang Tan, near Vung Tau City, Ba Ria Vung Tau Province, for example, the *van chai* now retains only its religious functions, and has been developed as a tourist attraction. However, fisheries regulations lapsed in the late 1940s, when the provincial government established an open-access system for provincial vessels. Since they were never documented, knowledge about them was gradually forgotten as the *van chai* management system fell into disuse.

Then, following national reunification, fishing vessels were put under public ownership, during the Collectivization Period (1975 - 1988). Fishery co-operatives were developed by the State, so the role and operations of *van chai* were overshadowed, and many *van* temples were neglected.

Cultural identity

Investment in the sector was renewed during the Market-oriented Economy Period (1988 to the present), with the implementation of policies to revive fisheries. However, after a long period of idleness during the preceding Collectivization Period, many *van chai* had become derelict. In recent years, the government has made many attempts to preserve or revive national cultural identity, based on


Table: Summary of the Main Rules in a *Van Chai*

Type of Rule	Comments
First-comer	A first-comer always has the exclusive use of a fishing spot, regardless of the gear type being employed.
Exclusive sea territories	Formerly widespread. A village's sea territory was usually defined by proximity or adjacency to its settlement, and by lateral and seawards boundaries. The depth or other limits at which gear could be operated defined seaward boundaries.
Access for outsiders	Commonly, rules specified that some form of fee, compensation or royalty be paid once permission has been granted.
Gear-related	These are widespread, and were made usually to overcome gear externality problems. At Van Thuy Tu, detailed rules were applied to the 11 main gear types used. Rules pertained mostly to eligibility, seasonality and profit-sharing among boatowners, captains and crew. Further detailed rules are applied to some gear, and particularly to the fixed sardine net.
Temporal allocation	Enforced to promote both orderly and equitable fishing.
Remuneration of labour	Extremely complex and varies greatly by fishing port and gear type.
Relationships among boatowner, captain and crew	Mutual respect for the rights and dignity of all persons involved in a fishing unit must be respected. Boatowners are forbidden to beat or humiliate captains and crewmembers, and vice versa.
Operational rules	These govern fishing behaviour, gear externalities, assignment issues, and temporal allocation of space, seasonality of fishing, conservation practices, and distribution of the catch, and other matters within the community.

van chai. This has included support for rebuilding or repairing whale temples, and re-organization of fishing community festivals. As a result, many large and key temples have been reconstructed, and gradually the role of *van chai* has revived. The fishing communities welcomed such positive changes. However, so far, the activities of *van chai* have focused mainly on cultural and religious traditions, rather than on their important direct roles in community cohesion and in the organization, management and development of fisheries production and resource protection.

It goes without saying that every social entity emerged in accordance with its own innate production capacity in terms of prevailing cultural and social standards. The centuries-old *van chai* and fishing community system of Vietnam, established in locations with a small and local demand for fish, was shaped by small population groups under conditions of little pressure on aquatic resources, and based on small-scale and simple but sophisticated means of production. Such fishing communities usually existed independently, and were little affected by forces outside their immediate, local social system. In

social terms, the *van chai* was based on the principle of mutual assistance or 'neighbourly affection', and rooted in ethical and behavioral standards based on the Confucianism all-pervasive in Vietnamese culture. Satisfaction of the spiritual needs of the fishers and their community was of fundamental importance, and was among the main functions of a *van chai*.

However, all this has changed in fundamental ways over the years. This implies that if the *van chai* is to play a role in the administration of modern fisheries and fishing communities, its underlying principles must be adapted and applied within an entirely different framework than the one under which it initially arose. In particular, it must become both integrated within a larger administrative framework and locally, within the general coastal zone, embrace more than just fisheries. 

For more

www.intresmanins.com/publications/vietnam.html

Ruddle, Kenneth and Tuong Phi Lai (Eds.) The *Van Chai* of Vietnam: Managing Nearshore Fisheries and Fishing Communities. International Resources Management Institute, Hong Kong, 2009

www.fao.org.vn/Uploaded/Books/Responsible%20management%20for%20marine%20fisheries%20in%20Vietnam.pdf

Responsible Management for Marine Fisheries in Vietnam

www.sciencedirect.com/science/journal/09645691

Ruddle, Kenneth. Traditional Community-based Coastal Marine Fisheries Management in Vietnam. Ocean and Coastal Management 40(3): 1-22, 1998

Not Rigorous Enough

Cry Sea, a 55-minute documentary by Luca Cusani and Cafi Muhamud, produced in 2007 in Italy, deals with the crisis facing artisanal fishermen in Senegal

14

The documentary, *Cry Sea*, by Luca Cusani and Cafi Muhamud, examines the fishing crisis from the point of view of artisanal fishermen from Kayar, Senegal, northwest Africa. These men have to face despair and poverty because of the cost of fuel as well as diminishing resources. Quite often, the only solution they can think of is emigration to Europe. Indeed, hundreds of fishermen from Kayar have tried this adventure, heading for the Canary Islands aboard their *pirogues*. Scores of them have drowned, and more than 500 have been sent back to their villages, ruined and even more desperate than before.

...through gripping images and testimonies in the port of Lowestoft, *Cry Sea* documents the collapse of catches, as well as the crash of European fleets.

The Senegalese fishermen are particularly affected by the disappearance of numerous high-quality species of fish, in high demand from the interior domestic and export markets. They blame the invasion of European boats, especially Spanish trawlers, as leading to stock overexploitation in their waters. For their part, the Spanish crews acknowledge the fact that the fish resources have been depleted, and accuse the Senegalese government of distributing too many fishing licences. In the film, a European Commission representative defends the fishing agreements, while admitting that they are, first and foremost, commercial agreements. In 1979, Senegal was the

first State in the Africa-Caribbean-Pacific (ACP) region to sign this type of agreement, but it is also one of the first to question them, refusing to renew them in 2006, following the depletion of the resource, and the fishermen's protests.

Then, through gripping images and testimonies in the port of Lowestoft, *Cry Sea* documents the collapse of catches, as well as the crash of European fleets. Despite this grim situation, salesmen at a professional fair in Iceland continue selling electronic devices and more and more sophisticated tools to catch the last fishes in the oceans with boats that are increasingly expensive. Meanwhile, they admit that the efficiency of their tools endangers the ocean's resources.

The film demonstrates the dilemma of Senegalese fishermen clearly and movingly. The film is sober and well built, yet the well-informed spectator feels there is something missing. He is surprised to hear that 500 to 600 European boats are present in the Senegalese waters—a figure that is certainly an overestimate, even if illegal, unreported and unregulated (IUU) fishing exists. Such IUU fishing is also done by Asian and Senegalese boats, which are mostly owned by European shipowners.

Fishing agreements

The European Union (EU) has not signed any fishing agreement since 2006, and more than half of the Senegalese industrial fishing boats are European boats that operate with Senegalese licences as well as Senegalese flags. The absence of fishing agreements with the EU has not put an end to the presence of European boats. For some categories, such as trawlers,

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it would appear that the absence of an agreement has not diminished the EU presence; on the contrary, their number has risen from around 30 at the time of the last agreement to more than 60 today. For other vessel categories, the decreased EU presence since the last agreement was due to the lack of interest of some EU operators following resource overexploitation. That explains why the EU did not 'fight' to renew the agreement. Their fleets had either lost interest or found easier ways to get access to Senegalese waters, particularly through reflagging.

Some sequences in *Cry Sea* offer another reason for the fishing crisis in Senegal: the explosion in the number of fishermen. Between 1960 and 2009, the population of Kayar has multiplied tenfold, with the number of inhabitants rising from 2,000 to 20,000, not taking into account the thousands of seasonal migrant workers. The number of fishermen must have risen in more or less the same proportion, with the overall demographic increase, and the arrival of people from the hinterland, driven away by the drought.

Currently, in 2009, there are about 1,300 *pirogues* in Kayar. Some data tends to show that landings have remained stable for pelagic species, but as the number of fishermen and *pirogues* has doubled in a few years, it is nowadays impossible to find sufficient catches for each boat. Quite often, as the film shows, fishermen are no longer able to earn enough from their landings to cover the expenses for their fishing trips. This reality is a feature of the evolution of artisanal fishing, though there is no denying that foreign fleets are also responsible for the crisis in Senegal's fisheries.

Cry Sea depicts an appalling situation, largely verified. It provides a platform and lends voice to those who suffer and are usually never heard of, namely, fishermen from the South. At the same time, the film is really one more pessimistic documentary that fails to bring out the complexity of the situation in Senegal and the responsibilities involved. It offers few solutions, and it doesn't give the slightest hope, although there do exist initiatives—both in Senegal as

well as in Europe—that offer possibilities to secure the future of artisanal fishermen, even if the task may not be easy.

The film shows fishermen who are desperate, but says nothing about their organizations, their struggles, their demands and initiatives. Senegalese fishermen have been among the first to

...the film is really one more pessimistic documentary that fails to bring out the complexity of the situation in Senegal and the responsibilities involved.

organize themselves around issues of livelihood and to rebel against fishing agreements.

The film's only interview with a representative from *Fenagie Pêche*, Senegal's fisheries federation, saying how disappointed he was with the conditions in which negotiations were being held, is not enough to present vividly the dynamics that exist in the fisheries of Senegal and elsewhere in western Africa. Such a deficiency may only reinforce in the European viewer of *Cry Sea*, the traditional, paternalistic view of 'poor' fishermen who are forever crushed.

The sequence in the film on the role of marabouts, interesting in a way, depicts a society unable to cope with modern challenges. European

PHILIPPE FAVRELIÈRE / PÊCHE ET DÉVELOPPEMENT



Drying fish at Kkafountine village, Senegal. As the population of fishermen has doubled in the past few years, catches have dwindled



A Senegalese fisherman building a *piroque*.
There are about 1,300 *piroques* in Kayar and their numbers are growing

fishermen face similar conditions too. They have to cope with acute resource availability crises, but to reduce their plight to sheer melancholy or a furious race towards technology-driven solutions is to forget that there are also plenty of initiatives being taken in fisheries management. These fishermen haven't waited for the alarm cries of environmental organizations or green documentaries to find solutions to restore some of their resources, and to manage them. Of course, these initiatives do not always cover all the fishermen in a community, but if they have proved effective, sometimes for decades, why should they be ignored?

It is urgent to show that artisanal fishermen have the capacity to be actors of their own future. Bereft of such an approach, *Cry Sea* offers more of sensationalism than an attempt to be a rigorous, committed documentary. 3

For more

www.peche-dev.org

Collectif Pêche et Développement

www.journeyman.tv/?lid=57437

Journeyman Pictures

www.sustsea.org/index.php/en/menu-link/initiative-videos/74-cry-sea

Sustsea

Contesting Claims

Spain's traditional fishermen's organizations—the *cofradías*—have undergone drastic changes and no longer truly represent the interests of the artisanal fishery

In Spain, fishermen's *cofradías* continue to be the most important organizations for the coastal or inshore fisheries sector. *Cofradías* are formal public organizations assigned exclusive territorial areas for their activities and represent the interests of the entire fisheries sector. They also act as formal consultative and collaborative bodies of the State administration. There are 299 *cofradías* in Spain today.

Over the last eight years, Spain's *cofradías* have been changing and adapting to the different historical, economic, political and ideological circumstances that have arisen in the management of fisheries as a naturally renewable resource of public use.

Historically, *cofradías* have evolved through an assemblage of objectives and functions. To begin with, they were organizations of a religious-welfare nature, like the first *cofradías* between the 12th and 16th centuries, when their main function was religious advocacy. Later, from the 17th to the 19th century, they functioned as professional guilds or *gremios*. With the abolition of the *gremios* in 1873, free associations of producers or vessel owners came into existence, and also mutual assistance organizations (*montepíos*, *positos*, etc.). These were maintained until 1939, when, with the end of the civil war, the dictatorship forced a single organizational model onto the fisheries sector in line with the then ruling fascist ideology. It is in this context that the 'new *cofradías*' were imposed as the only organizational form, obligatorily linked to vertical trade union structures and displaying an organizational and representative structure of a corporate nature. In this way, by creating a new model of corporate organizations, the

Franco regime institutionalized direct intervention in the fisheries sector, dominating it politically.

Once the dictatorship was over, in 1978, the *cofradías* had to be transformed to adapt themselves to the new democratic order. However, paradoxically, they maintained their character of public corporations, as well as their organizational and representative structures. But, in the new democratic context, the possibility for the existence of free trade unions opened up in the fisheries sector. Until then, all the new kinds of associations were banned including those that represented the interests of boatowners or producer organizations.

As publicly owned non-profit corporations, *cofradías* can be created or disbanded only through a special legal statute. It is legally obligatory for them to be constituted where they do

...Spain's *cofradías* have been changing and adapting to the different historical, economic, political and ideological circumstances...

not exist and where there is professional fishing activity. They report directly to the public administration. In order to engage in his profession, every Spanish fisherman must be, in some way or other, associated with a *cofradía*, although some exceptions do exist.

Governance bodies

Organizationally, the *cofradías* have a representative structure that must include, in equal parts, the interests of the workers (seafarers) and capital

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(boatowners) in all their governance bodies. The *cofradías* are formed by an Assembly of all the members of the *cofradía*, including those who are retired. The General Body comprises all active members with voting rights, while the *cabildo* (the executive organ) is elected every four years, ensuring parity between workers and owners,

The *cofradías* represent, defend and promote the social and economic interests of their members...

and equality between the different sectors that exist in the *cofradía*, namely, trawlers, seiners, shell fishers, artisanal fishers, and so on.

Executive powers are vested in the Chief Skipper (*Patrón Mayor*), who acts as president and legal representative of the *cofradía*. The Secretary of the *cofradía* is responsible for its day-to-day administration and communication with the public administration. For this reason in some *cofradías* the secretary may even be a public functionary.

Since the law enjoins the *cofradía* to represent everyone in the fisheries sector, seafarers and boatowners, small artisanal producers (owners and skippers of vessels) as well as the owners of industrial vessels that fish in coastal or inshore water must be present

in the decision-making bodies. However, the owners of offshore or distant-water industrial vessels organize themselves through vessel owners associations and not necessarily through the *cofradías*. These vessel owners may be affiliated to the *cofradías* but normally they use private associations to organize and represent their interests.

Structurally, the *cofradías* are vertical and co-operative in nature, and are regulated as a public, not private, body, in contrast to trade unions or boatowners' associations which have a horizontal character. Each *cofradía* is provided with an area of coastline over which it has jurisdiction to organize the fishery activities of its members; these are not exclusive fishing areas, but are coastal zones where the *cofradías* have jurisdiction to organize the logistics of their fishery activities by providing a base for each vessel, and scope for trade through fish auctions.

Functionally, the *cofradías*:

- represent, defend and promote the social and economic interests of their members;
- use sources of credit to facilitate the acquisition by their members of vessels and gear;
- promote the construction of houses, buildings and installations of a social and welfare nature;
- use the co-operative movement as an instrument to achieve the objectives of managing and protecting the sector;
- promote the management of areas under their jurisdiction in the different production, processing and trade sectors; and
- develop the services necessary for the productive process, and for regulating and controlling the primary sale of fish.

Vessel owners

The *cofradías* organize fish auctions but do not fix prices. They offer advances to vessel owners from the sales realized in the auctions. They also collect payments from the merchants who normally pay up only after a few days of the auction. The risk of non-payment has proved problematic for a number of *cofradías*.

JUAN L. ALEGRET



A view of the harbour at Palamos. *Cofradías* in Spain are provided with areas of coastline over which they have jurisdiction to organize fishery activities

Through fish auctions, the *cofradías* guarantee a certain degree of protection to the producers by ensuring free competition and a continuity of demand. The 'Dutch' auction system, in which prices are bid down, offers each productive unit a more or less assured market for its products, with the *cofradía* acting as the mediator between the buyers and the sellers (vessel owners) but without intervening to fix prices. The *cofradías* retain a percentage from the buyer and/or the seller, ranging between 0.5 and 3 per cent of the net amount realized.

Politically, the *cofradías* have a double role: first as formal mediators between the interests of the different administrations and the fisheries sector; and second as mediators in the conflicts that are generated within the fisheries sector.

In reality, though, not all *cofradías* carry out all the functions described. The 'large' *cofradías* have commercial markets for their fish catches, while the 'small' *cofradías* have none. Another division is between *cofradías* that have vessels from the so-called 'industrial' fleet—seiners or trawlers—and those that only have an artisanal fleet.

The *cofradías* do not represent the interests of the offshore and distant-water fleet, which are represented by owners' associations.

Today an institutional change can be seen in the *cofradías* with the breakup of the collective model of co-management. This has, in turn, lessened negotiating powers and increased transaction costs.

One indicator of this loss of negotiating powers is the increasing importance of other organizations, like those of the vessel owners and the associations of fish merchants. These associations are beginning to occupy an important part of the political and negotiating space on all issues related to fisheries management and trade, which, until now, was the exclusive province of the *cofradías*.

For some years now, the *cofradías* have begun to demand direct State intervention on many issues that traditionally they themselves managed, urging the administration to assume responsibility for the legal framework



Pole-and-line fleet at Hondarribia harbour, País Vasco, Spain. The industrial fleets are represented by owners' associations

that they are no longer capable of implementing.

In view of the new economic circumstances arising from the globalization of markets, and the importance of the European Union's proposed revised Common Fisheries Policy, most vessel owners are opting not to engage collectively in trading their catches through the *cofradías*. As a result of new autonomous laws that govern the *cofradías*, such as the Marine Fisheries Law, they can now act directly and legally to commercialize the fish catches of their members. All this is causing an exponential growth in the capital invested by the traders in

Today an institutional change can be seen in the *cofradías* with the breakup of the collective model of co-management.

all aspects of the fish-catching chain, and an associated increase in power of this segment, to the detriment of the owners/fishers/*cofradías* who no longer have control over the market. Additionally, the political clout of the *cofradías* is being diminished.

The artisanal sector is characterized by a certain confusion in terminology—inshore fishing (*pesca de bajura*),

coastal fishing (*pesca de litoral*), small-scale fishing and artisanal fishing are all used to describe the sector. Depending on the contexts, the fisheries activity that members of the *cofradías* carry out are considered generically as inshore or coastal fishing, which would include trawling, seining, longlining and fishing with small gear.

As corporations, the *cofradías* organize their management bodies on a 'parity' basis, sharing the interests of the vessel owners and the seafarers-workers on a fifty-fifty basis. But these representatives of owners and workers

...the *cofradías*, as they are currently structured and functioning, are not in a position to represent or defend the interests of the small-scale sector...

are elected and organized according to the different fleets or gear that exist in each port. Thus, in some *cofradías* we find a single artisanal section, as in a *cofradia* catering to vessels that employ small gear, while in others we may find two, three, four or five sections that divide up the power of the *cofradías* according to whether they use, in addition to the small gear, trawls, seines or longlines, or whether the members are shell fishers using vessels or fishing on foot.

Organizationally, thus, it becomes problematic for the *cofradías* to ensure full representation of the specific interests of the Spanish small-scale or artisanal fisheries sector (*artes menores*). It is also difficult to apply differentiated management regimes or forms of representation and participation that would strengthen and revalorize artisanal fishing.

There are now demands from Spain's artisanal fishing sector for the exclusive use of the coastal zone out to 12 miles, and the restriction of trawling. Demands are also being made for the creation of more marine parks for fishing, which would function like exclusive zones for artisanal fishing.

In the contesting claims between the artisanal fishing sector and the more capitalized, intensive forms of fishing

that is growing in Spain, the *cofradías*, as they are currently structured and functioning, are not in a position to represent or defend the interests of the small-scale sector, as they are mainly composed of representatives of the other fleets. Also, the power of the small *cofradías* pales into insignificance against the larger ones, or compared to the provincial, regional or national federations.

As things stand, the *cofradías*, though formally representing the interests of all the fleets, really represent the interests of the majority, which is not the artisanal fishery. Any move to develop and strengthen artisanal fishing in Spain will not succeed unless the minimum pre-conditions are created to enable the sector to exercise its rights and meet its demands under conditions of equality with the rest of the fleets.

3

For more



www.gemub.com/pdf/218.pdf

**Fishermen Guilds in Spain
(*Cofradías*): Economic Role and
Structural Changes**

www.univ-brest.fr/gdr.../PP/.../11h00_12h00-Ramon-Franquesa-Spain.pdf

**The Fishermen Guilds in Spain
(*Cofradías*): History, Functionality
and Present Difficulties**

This Belongs to Us

The fishers of the Indonesian island village of Lamalera have an age-old tradition of whaling that mixes social, cultural and economic practices to sustain livelihoods

Lamalera village is located at the southern tip of Lembata Island (previously called Lomblen Island) in the Indonesian province of Nusa Tenggara Timur (NTT). The principal occupation of the Lamalera community is fishing, an age-old tradition inherited from ancestral times. The Lamalera fishing community displays a rare and distinctive character, and a lifestyle different from other traditional fishing communities elsewhere in the world. The Lamalera fishing community specializes in catching large fish and marine mammals, mainly whales.

As traditional whalers, the Lamalera people are bound to a series of traditions and customs related to their daily lives, starting with the construction of special vessels for catching whales, known as *pelédang* (also called *téna lamafaij* in the local dialect), backed by unique gear, and a system of rules of engagement, proscription and taboos relating to fishing, as well as special ways of dividing the catch.

As a community that relies entirely on catching fish for a livelihood, going out to fish is a daily routine for the Lamalera people. Traditional factors and seasonal conditions determine how fishing activities are undertaken.

The official fishing season (*mussi léffa* or *léffa nuang*, meaning 'dry season') is from May to September. During this period, many whales and fish appear in the Sawu Sea off east NTT. The *léffa nuang* starts with a ceremonial customary declaration requesting the community from both the villages (*Tétti Leffo* and *Lali Fatâ*) and the landowners (*tana alep*) to gather to discuss the *ola nuâ* (all activities related to earning a living from whaling). This event is called *tobu*

nama fattâ. The Lamalera community always starts the *léffa* season with this ceremony, which is characterized by the following elements:

- a benediction for a satisfactory catch;
- an assessment of all *léffa* activities in the previous year; and
- an absolution of the mistakes and misunderstandings between the *Tétti Leffo* and *Lali Fatâ* communities, between the *méng* (*matros*) and the *téna alep* (vessel owner), between the shareholders (*Ummâ alep*) and those operating the vessel, and between the Lamalera community and the landowners (*lango fujjo*).

The Lamalera fishing community displays a rare and distinctive character, and a lifestyle different from other traditional fishing communities elsewhere in the world.

The unofficial fishing season called *Plaé ba léo*, is marked by Lamalera fishermen yelling, "*Ba léo...ba léo...!!*" This repeated yelling is meant to urge other fishermen to immediately go out to the sea to chase the whales.

Fewer vessels

Usually, vessels entering the sea during the *Plaé ba léo* are not as many as during the *léffa nuang*, and only those vessels that are in good condition venture out. *Plaé ba léo* can occur anytime, depending on when and where the whales show up. The Lamalera fishermen employ a procedure to catch whales. In case a whale breaks through the sea surface, spraying water, the Lamalera fishermen will first lower the sail and the mast of

This article is by **Pieter Tedu Bataona** (glttedu@yahoo.com), Chairman of Lembaga Gelekat Lefo Tanah, Indonesia

the vessel they are in. This is to signal to the people ashore that the vessel is preparing to catch a whale. This period is called *téna mété pérra kotéklema*.

After the sail and mast of the vessel have been lowered, under the leadership of the *lama fa* (the chief member who harpoons the whale),

The Lamalera people's motto of "life and death at sea" imparts a fighting spirit that makes them risk their lives...

all crew members pray together, and then the *lama fa* sprinkles holy water on all the crew members as a symbolic gesture of cleansing body and soul. This constitutes the taboo period during which crew members are forbidden from mouthing rough or unmannered words to one another. They are also refrained from uttering the names of members that are related to locations like *serani*, *kupang*, etc. Should this prohibition be violated, a disaster may occur, so runs the traditional belief.

If unkind words are uttered, the chances of catching a whale are slim, the Lamalera believe. The *lama fa* may find it difficult to harpoon a whale or, if he does succeed, the harpoon may break loose from the whale's body. This condition is called *ikâ nabé tobang liér héna*. In the event of utterance of prohibited names, the whale, it is

believed, will drag the vessel to the location wrongly mentioned.

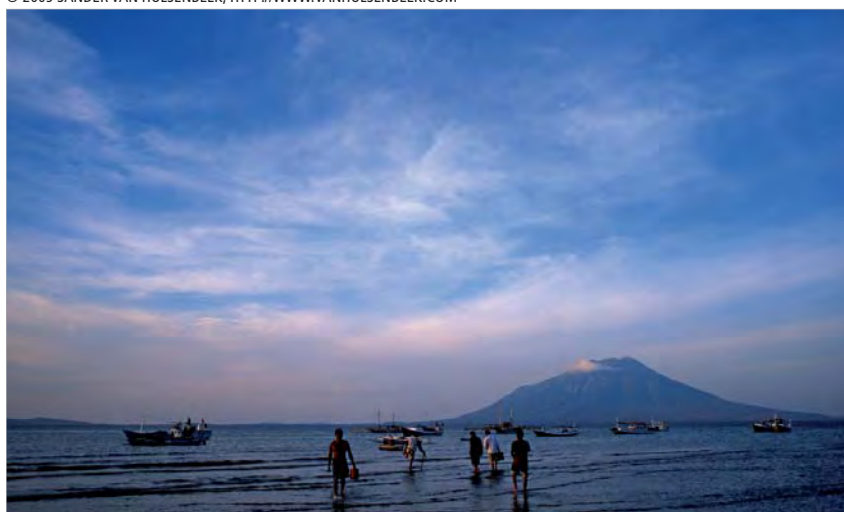
The *lama fa*, assisted by the *bréung alep*, ties the harpoon to the *lékka* (long bamboo pole). The *lama fa* then starts walking towards the *hâmmâ lollo*, and takes position to harpoon the whale. Before this, he seeks the approval of all crew members. Approval is indicated by the crew members saying "*Ikâ titté*" ("that belongs to us"). In case of disapproval, the crew will say "*Ongaro*".

Once the crew's approval is obtained, the *lama fa* immediately harpoons the whale, while jumping into the sea (*tuba nabé dopâ*). The vessel is now commanded by the *lama uri* (helmsman) and the *bréung alep*. The helmsman's main task is to steer the vessel while it is being pulled by the whale, and the *bréung alep*'s duty is to pay out the rope attached to the harpoon. The safety of the vessel and its crew depends very much on the skills of these two persons. In case the *lama uri* is unable to manoeuvre the vessel, it could capsize or crash on to other vessels, endangering the lives of the *lama fa* and the other crew members. The Lamalera people's motto of "life and death at sea" imparts a fighting spirit that makes them risk their lives for the sake of the *lefo tana* (homeland) and *atta kiddé knuka* (widows and orphans).

Whale's resistance

It is difficult to imagine the physical resistance that a whale can put up. However, experience shows that a whale will surrender after being harpooned thrice. Once the whale's spittle gets mixed with blood, it is a sign that it has surrendered. The crew then have to only haul in the giant mammal to the shore. Slowly, the powerless whale is pulled near the vessel and several crew members jump on its body to knife it with the *duri* (a long knife) and *beladda* (bayonet), while other crew members stick the *ganco* (*kenaté*) into its nose and rear fins. Then the dead whale is fastened to one side of the vessel and taken to shore. As a token of gratitude, all the crew members then pray to the gods for their blessings. They oar out to the

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Fishermen prepare their boats for the nights' catch at the harbour of Lewoleba, capital of the Indonesia island of Lembata, east of Flores and north of Timor

shore with the catch, singing happy songs like “*Ribu lefo golé, tubo béra raé mai*” (“All the people of the village, let’s quickly pull the whale to the shore”).

It is the *lama fa*’s duty to choose the right type of whale to be caught. According to the Lamalera tradition, certain types of whales should not be harpooned to avoid potential danger to the vessel and the crew. Among these are :

- whales in puberty, which are ferocious and do not easily surrender when harpooned;
- female whales who have just given birth, also known to be ferocious; and
- mating whales, of which the male will defend his partner to the death in case she is caught.

Both the meat and the skin of the whale are dried to extract oil. They are also bartered for food from the hinterland, while the whale oil is used as fuel for lamps. The whale’s teeth are used to make souvenirs, like rings and cigarette holders. The bones are burnt and used, along with crushed rocks, for building construction. *Mudu* is the whale’s fat preserved by salting, which maintains its quality for two or three years. *Mudu* can be consumed as such or used as an accompaniment to vegetables. Another part of the whale, called *ika napung*, which is the meat remaining stuck to the bones, is dried and preserved for hard times or to go with the palm tree drink.

Ola nua or catching the whale is a way of life that supports the spirit of the Lamalera community. This longstanding practice reflects many aspects of life and living among the Lamalera people, including theological, spiritual, social and cultural dimensions, and not just economic aspects. 



Crew preparing the boat to go whaling in Lamelara, Indonesia. The Lamalera fishing community specializes in catching large fish and marine mammals, mainly whales

For more



sciencestorm.com/award/0514559.html
**Food Sharing in Lamalera,
 Indonesia: Tests of Adaptive
 Hypotheses**

[www.joshuaproject.net/peopctry.
 php?rog3=ID&rop3=211103](http://www.joshuaproject.net/peopctry.php?rog3=ID&rop3=211103)
**Lamalera of Indonesia: People-in-
 Country Profile**

[www.therai.org.uk/film/volume-ii-
 contents/the-whale-hunters-of-lamalera-
 indonesia/](http://www.therai.org.uk/film/volume-ii-contents/the-whale-hunters-of-lamalera-indonesia/)
**The Whale Hunters of Lamalera,
 Indonesia (synopsis of film)**

In the Balance

The institution of *Prud'homies* (fishermen's tribunals) in the Mediterranean offers a viable form of collective coastal resource management

For centuries, the French institution of *Prud'homie* (the tribunal of wise or reputable men, elected by the fishing community; from the Latin, *probi homines*) has adapted itself to the times, more or less comfortably, in ways that preserve the artisanal activity of fishing communities in France. Until the start of the 1960s, the responsibility for managing fisheries in their localities was conferred to the *Prud'homies*, who shared out amongst the members of

A fishing community may elect between four and seven *prud'hommes* to organize fishing activities in a well-demarcated locality. These *prud'hommes* have regulatory, legal and disciplinary powers over fishermen. They act as recognized 'controllers' and manage the assets of the community. They seek to preserve fishing areas and ensure regeneration of resources.

The State assigns resources and marine zones to the *Prud'homies*, who often forbid or constrain large-scale fishing techniques, and strive for a low catching capacity, so that everyone in the community can make a living from fishing. This collective way of sharing use rights technically, spatially and seasonally leads to homogenous production methods, and encourages the fishermen to invest in diverse techniques and knowhow.

Governance rests mainly with the *Prud'homies*, with the State playing a supervisory role through the mediation of local administrations. The fishing regulations are decided by a general assembly, or by the council of *Prud'hommes*, through community principles founded on respect for the individual and for future generations, which translates into protection of resources and localities.

Good living

The *Prud'hommes* say: "Everyone must be able to make a living from their profession; the sun rises for all; we must avoid the displacement of one profession by another; it is better to regulate than to ban a profession which provides a living; species (the 'stones') must be allowed to rest; we should aim to make a good living from the sea, not

These *prud'hommes* have regulatory, legal and disciplinary powers over fishermen. They act as recognized 'controllers' and manage the assets of the community.

their communities, access rights to marine resources and local fishing areas. Faced with the current capital-intensive development of the fisheries sector, the *Prud'homies* have tried to maintain the artisanal character of their communities.

The history of the *Prud'homies* is marked by conflicts with immigrant fishermen little accustomed to such a form of local regulation, and by the costly processes of bringing fisheries into the public domain and under the management of the *Prud'homies*. Though disbanded by the French Revolution, the institution was re-established in 1792, and by the end of the 19th century, when the entire national fisheries sector was codified under five decrees, the institution was reaffirmed and its field of regulatory action defined through a decree dated 18 November 1859.

This article, by **Elizabéth Tempier** (elizabeth.tempier@gmail.com), Mediterranean Antenna of the French NGO, Collectif Pêche et Développement, and Editor of *L'encre de mer*, has been translated by Brian O'Riordan and James Smith

exhaust it, and leave its resources for our children..."

In sum, the *Prud'homies* constitute a localized administration that is simple and democratic, allows fairly large communities of fishers to make a living from coastal fishing, and is able to accommodate several waves of in-migration to the profession, while preserving the fishing grounds and their resources; the *Prud'homies*, thus, encourage sustainable development.

From the 1960s to the end of the 1980s, the *Prud'homies* had to resist the expansionist development of the fisheries sector. With the State encouraging capital-intensive fishing units in an enlarging market, including a common market for canned products, the pressure on some stocks (sardines, anchovies, tuna and cod) increased. The production-oriented logic of the State is based on strong intervention and deregulation, in contrast to the sound management practices of the *Prud'homies*. In addition, the State encourages ocean research and maritime prospecting; distribution and commercial channels for highly perishable products; port infrastructure; and financial incentives for modernization, technological innovation and specialization in intensive fishing techniques.

This dynamic of competition leads to segmentation of the fleet into one sector with a strong catching capacity, and another with fewer and fewer small-scale operators who tend to specialize in artisanal techniques, or to focus on high-market-value species for increasingly well-supplied local coastal markets.

Their resistance to these developments has increasingly alienated the *Prud'homies* from their supervisory administrations, which are putting in place other professional structures like fisheries committees and producer organizations. The *Prud'homies* continue to organize small-scale operators; they also sometimes attempt to reconcile small- and large-scale operations and protect the fishing localities from the ill effects of industrialization, urbanization and the spread of tourism and leisure activities.

With Europe's borders opening up, internal and external markets are expanding, and fishing zones and fishery resources are being redistributed, even as public aid and finance are increasing. In brief, there are new opportunities in organizing access to resources and marine zones. Three scenarios seem possible.

First, if the European Union (EU) continues its expansionist dynamic, it could encourage large-scale, internationally competitive, integrated fishing enterprises, and confer on them special rights to stocks through, for example, individual transferable quotas (ITQs) and fisheries agreements in non-European areas. The bio-economic model of fisheries management, which seeks to limit global thresholds for fish catches, could also lead to the scrapping of vessels (mainly the older ones, so as to strengthen the competitiveness of the more modern ones) and resource management through a market for quotas.

Ocean space

Second, the growing campaigns by international environmental non-governmental organizations (NGOs) can influence policymaking. Aimed at protecting species in danger of extinction, and the biodiversity of fish habitats, these campaigns revolve

ELIZABETH TEMPIER



Prud'homies (tribunals of wise or reputable men) provide a way of organizing fishing by locality. They make up a localized administration that is simple and democratic

JOSEPH MARANDO



Small-scale fishing vessels at Sanary. Technological competition has led to a segmentation of France's fishing fleet

are then charged with organizing access to resources and marine areas. On the rocky Mediterranean coast, for instance a mosaic of *Prud'homie* management plans, strung out along the bays, together with an archipelago of small MPAs, managed through links to the *Prud'homies*, constitute a basis for the regional management of the resource and the coastal territories.

The first scenario of expansion of the fisheries sector gives priority to the overall European demand for seafood products, and seeks to maintain a source of supply at all costs, through imports, increased catches via new fisheries agreements, and by the liberalization of trade.

The second 'green' scenario views the market as a place where information for buyers is all-powerful. A series of actions is thus designed to 'guide' buyers to choose products that are 'good' or 'bad' for the environment, through the creation of certification schemes and environmental labels or ecolabels, and lobbying fish merchants, wholesalers, supermarket buyers and restaurateurs.

The third market scenario envisages maritime regions differentiating and valorizing their products in line with their chosen specialization, focusing on the issue of quality and harmony with the environment. For example, products coming from fishery areas that follow specific sustainable resource management practices could enjoy a premium in the market.

An international network of large companies could be pointed in the 'right' environmental direction. Alternatively, specific networks could be adapted to regional maritime specializations, as, for example, in the Mediterranean, where various systems have evolved for the direct sales of fisheries products.

Labour networks

The other issue relates to employment networks. Should labour networks be strengthened by facilitating the circulation of workers from one country to another within the EU and by increasing information flows about the profession of

around charismatic or iconic species like dolphins and whales. They also strive for the creation of sanctuaries or marine reserves or marine protected areas (MPAs). To further their objectives, these NGOs often align with others who use the ocean space, like recreational fishers, or pole-and-line fishers from Spain, and purse-seiners. It is thus foreseeable that resource management—as also management of marine, especially coastal, areas—will ultimately become the responsibility of pan-European and national-level departments in charge of the environment.

...products coming from fishery areas that follow specific sustainable resource management practices could enjoy a premium in the market.

Third, individual regions will themselves build up the competitiveness of their economic, social and environmental territories, by specializing them at the European level. Fishing will then become integrated as part of larger regional specializations. For example, in the Mediterranean, the quality of the coastal areas encourages tourism and residential activities, and fishing has to subsume itself to the heart of this larger maritime heritage. The regions

fishing? To do so would mean raising awareness through the media and developing specific training modules for different regions.

Each of these models of development carries within it a particular, potentially perverse, effect. The multinational operations of companies, as envisaged in the first scenario, and notably their international financing, could lead to a drain of European resources, and the transfer of wealth to countries outside Europe.

Granting priority to a single group of stakeholders like the environmentalists, without considering the larger socioeconomic implications, could be counterproductive. Thus, for example, the overall environmental impact of banning tuna fishing with the *thonaille* (small-scale drift-nets) in the Mediterranean could be quite negative since it could lead to a substitution effect of increased catches of coastal fish species.

In the context of the proposed reform of the EU's Common Fisheries Policy, it is tempting to mix several possibilities—for example, an allocation of rights for the industrial offshore fishing fleet and an allocation for the coast that is shared among regions and environmentalists. To open up the fisheries sector to a strongly capitalistic development which shuns territorial limits, and encourages resource depletion and increased demand, would marginalize the artisanal fisheries sector. In any case, considering the marine ecosystem as an interaction between plankton and fish species, any spatial segmentation has no real ecological basis, since offshore species depend on coastal management, and benthic species depend on the small pelagics.

The environmental movement tends to undermine the very conditions for a profitable and varied artisanal fisheries, based on a diversity of species and products. The artisanal sector is thus forced to try and 'negotiate', step by step, the conditions for its survival.

The development of specialized maritime regions in Europe should aim to integrate a large part of the artisanal fisheries with forms of collective management, such as

the *Prud'homies*. Mobilizing professional organizations and local citizens' associations around a common objective linked to environmental specificities would be best for the people and their social, economic, environmental and political foundations. 3



A French fisherman's wife filleting fish. Large communities make a living from coastal fishing

For more



fr.wikipedia.org/wiki/Histoire_des_conseils_de_prud%27hommes_en_France

History of the Councils (in French)

terrain.revues.org/index3314.html

Fishermen Tribunals (in French)

www.l-encre-de-mer.fr

L'encre de mer journal

Fishing for Traditions

The resource management practices of the indigenous Kuna people of the central American Republic of Panama are based on a world-view of interconnectedness

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To understand the systems, institutions and traditional practices of a *comarca* (territory, traditional region or local administrative subdivision) of the indigenous Kuna people in the central American Republic of Panama, you must, first of all, understand their world-view. According to that, nothing in this world is isolated or secluded; rather, the opposite is true: everything is interconnected and in motion. Humans, plants, animals and spirits represent dynamic parts within a much greater, more complex, system known as *Nabguana*, a Kuna term that refers to Earth as nature in its widest sense.

The Panama government recognizes the rights of the indigenous Kuna people over their lands and forms of traditional culture.

For the Kuna people, all elements have their space, time and function within *Nabguana*. A work by Valerio Núñez, titled *La Obra de Baba* ('God's Work'), describes the earth as "the mother of all, the Great Mother. She is the guardian and she takes care of everything with loving attention; she is spirit and we live in her. The great Mother Earth has an attractive force that enables us to keep in balance. Our fathers taught us that the world has eight spiritual layers that contain gold, iron and many other minerals, which serve to sustain Mother Earth. If we allow all of this to be exploited, the trees will dry up and production will diminish. Because of this, we must guard them and not kill them."

One of the five indigenous *comarcas* in Panama, the Kuna Yala *comarca* is situated in the northeast of Panama and is administered as a special spatial regime, established under Law 20 of 31 January 1957. The Panama government recognizes the rights of the indigenous Kuna people over their lands and forms of traditional culture. The governing bodies of the *comarca* are the General Congress of Kuna Culture, the General Kuna Congress, the Saila Dummagan, the local Congress and the Sailagan.

In 2000, the Anmar Igar, the codification of Kuna norms, was published. It sought to fill the gaps in some Articles of Law 16, above all, those that related to the administrative boundaries of the *comarca*. The Anmar Igar also contains certain Articles concerning fisheries. Article 44 of Chapter VII deals with natural resources: "The General Kuna Congress, through the authorities and organs that were established for this purpose, will protect, conserve and guard over the natural resources, such as the flora or forest cover, the fauna, the soils, the waters, the marine and freshwater species, and all biodiversity, in co-ordination with the respective traditional authorities and private organizations".

Article 45 states: "There will be a closed season for all animals threatened with partial or total extinction, as determined by the regional authorities; large-scale techniques for exploitation will not be used in ways that put the existence of the seas, coasts and lands of the Kuna Yala in danger".

Protected areas

According to Article 46: "The General Congress will declare marine or land spaces as protected areas and adopt

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other measures for the conservation and reproduction of species”.

Besides the supreme authority of the Kuna General Congress, there are other groups in the *comarca* engaged in the administration of fisheries, at the local level, especially for the sale of spiny lobster or crawfish. These are the *langostero* (spiny lobster) groups, usually made up of five or more persons who manage the group and sell their catch.

The Kuna people have spent fewer than 100 years on the coast. However, they have applied the knowledge acquired on dry land to the coastal and marine areas. This can be seen in their resource management practices, and in the institutions that comprise the *comarca*. They have also gained new knowledge from their daily man-sea relations, which have enabled them to make a much more profound analysis of the sea and its systems.

Most of the existing traditional fisheries practices in the Kuna Yala *comarca* are based on the Kuna dryland cosmos vision or world-view; their fishing practices are derived from those undertaken in the rivers. Before they migrated to the coast, the Kunas lived along the large rivers of Panama and Colombia (like the Atrato, Cuenca and Tuira, among many others). From the 17th century, they began to be gradually displaced from these rivers and their tributaries to the coast and from there to the islands where they currently live. This migratory process was gradual, and it was not until the mid-19th century that they had migrated completely to the islands. Thus the Kunas' settlement on the Caribbean islands is relatively recent. It is thus not strange to hear the great wise Kunas in the Onmaked Nega (the Kuna General Congress) affirm that the ultimate destination of the Kunas is on the mighty rivers, which is where the Kuna soul is driven for its final rest.

It was in these rivers that the Kuna developed their fishing gear and techniques. They fished with lances (*sur emaked*), tipped with poison whose effects were localized and did not contaminate the rest of the river system, and small traps (*nasa*). Though their fishing activities were once



Traditional Kuna fishing uses nature's means, and sustains family consumption. Canoes are small in size and made from the wood of selected trees

community-based, subsequent contact with the Caribbean coasts from the 19th century caused them to diversify their fishing activities, which became much less organized and community-oriented. Today commercial fishing for cash has replaced community-based fishing among the Kunas.

The Kuna people's traditional fishing techniques have a low environmental impact and involve the use of small wooden canoes that operate in coastal areas at distances of no more than 12 to 15 miles from the coast, within what is known as the territorial sea. Their catch—moderate

The Kuna people's traditional fishing techniques have a low environmental impact...

quantities of fish, shellfish, molluscs and crustaceans—is delivered to local markets. The Kunas depend on the coastal ecosystems for most of their animal protein needs.

Resource management

The Kunas' resource management measures are generally spiritual in nature and depend on taboos, stories, tales and songs, most of which have

not been much studied or well documented. The Kunas believe that all marine species were once human beings, with names like Olobiskaliler and Olonaidiginya, until the appearance of Ibeler, who established the *inna nega* (a tavern). He got everyone drunk and converted them into animals, so that Olobiskaliler became Dulup (spiny lobster) and Olonaidiginya became Nali (shark). It may be for this reason that many of the traditional management practices forbid the consumption of some of these animals.

Rules once existed among the Kunas for the sustainable management of marine Hawksbill turtles (*Eretmochelys imbricata*)—only half the number of eggs laid could be harvested, and turtles could not be hunted or consumed, since their spirit could cause serious illness. Today, however, turtle meat is traded and consumed in the *comarca*, turtle eggs are harvested to the maximum, and turtle shells are traded. These commercial activities have caused a decline in the population of turtles in the *comarca*, despite the existence of a closed season, mandated by a General Kuna Congress resolution of 8 November 2006.

Currently, in many areas of Kuna Yala cash-based trade has displaced the traditional values of hospitality and exchange; fishing and hunting, once strictly subsistence activities, are increasingly practised for the money that can be made. The teachings of Pab Igala (Gods' laws), and the historical traditions of the Kuna General Congress, which have a great ecological component, are nowadays ignored by the younger generation of Kunas.

Taboos and attitudes towards management and use of natural resources are being rapidly replaced by the logic of the market, which converts everything into saleable products. Though the incentives for this new orientation come from outside the indigenous Kuna realm, the Kuna have only themselves to blame for the current pillaging of their resources for commercial ends. Nonetheless, some attempts have been made to defend their natural resources, language and

culture through institutional initiatives and self-government.

It is vitally urgent for the *comarca* to find new ways to strengthen its model of conservation and sustainable resource management by drawing on elements from the modern world of science and technology. The following basic courses of action can be proposed:

- strengthen, protect, rejuvenate and disseminate traditional indigenous Kuna knowledge on coastal/marine environmental use and resource management and their model of participative, adaptive community-based management;
- manage, protect and revive coastal and marine fishery ecosystems;
- utilize, and effectively apply, national and international laws that support management of the marine environment and artisanal fisheries;
- undertake studies and research on fisheries issues;
- improve community-based communication, awareness raising and participation;
- promote the right to self-development; and
- strengthen environmental education on the sustainable use of coastal marine resources and artisanal fishing.

For more



www.iwgia.org/sw32477.asp

Indigenous Peoples in Panama

www.lighthouse-foundation.org/index.php?id=215&L=1

Sustainable Use of Marine Resources in Kuna Yala, Panama

www.ilo.org/indigenous/Activitiesbyregion/LatinAmerica/Panama/lang--en/index.htm

Indigenous and Tribal Peoples - Panama

Towards Fishing Safely

A regional tripartite seminar for the Americas on the ILO Work in Fishing Convention, 2007, was held in Rio de Janeiro, Brazil, during 24–26 August 2009

From 24 to 26 August 2009, representative delegations of governments, employers and workers in the fishing sector met at Rio de Janeiro, Brazil, to discuss the Work in Fishing Convention, 2007, of the International Labour Organization (ILO). The following countries were represented: Argentina (government, employers and workers); Brazil (government, employers and workers); Chile (employers and workers); Colombia (government and workers); Ecuador (government, employers and workers); Honduras (government, employers and workers); Mexico (employers and workers); Panama (government, employers and workers); Peru (government, employers and workers); Dominican Republic (government); and Uruguay (government and workers).

Brazil's delegation was headed by the Ministry of Labour, accompanied by the Ministry of Fisheries and Aquaculture. The meeting was opened by Lais Abramo of Brazil's ILO office, who asked for the observance of a minute's silence in memory of the seven fishermen who recently died at sea after their boat overturned in the south of Brazil, a tragic incident that was also a reminder that fishing is among the most hazardous professions in the world.

This was the second regional seminar promoting the ILO Fishing Convention, and the first in the Americas. The Rio meeting gave participants an opportunity to clear doubts about aspects of the Convention, and for ILO staff to increase their knowledge about the social and labour situation in the member countries, to get updates

on the status of the Convention's ratification process, and to recognize the potential roadblocks in its implementation.

The presentations by government, employer and worker representatives provided important information about obstacles to the ratification of the Convention in each country, allowing for the identification of concrete actions to improve working conditions for fishworkers, and how to facilitate the ratification process.

In many countries, it was realized, there is a need to improve co-ordination among different agencies involved in the application of the Convention, such as those related to labour, fisheries

The Rio meeting gave participants an opportunity to clear up doubts about aspects of the Convention...

and maritime affairs. The need to strengthen tripartite processes of consultation and technical assistance in all the countries to further the ratification process was also stressed. The seminar was also informed of the need to determine flexibility in the 'progressive implementation' of the Convention in each country.

Most important

The Work in Fishing Convention, 2007, is the most important international instrument that seeks to foster the concept of decent work in fisheries by promoting the harmonization of working and living conditions,

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including accommodation and contract issues on fishing vessels, besides including mechanisms that permit a gradual implementation of certain provisions of the Convention, depending on the ground reality in each country and the type of fishing fleet involved.

Channels of dialogue should be established to advance the process of discussion of the Convention at a national level...

Before starting procedures for submission and ratification, the labour authorities in each country should ask all public agencies and social actors to identify aspects relative to the progressive implementation of the Convention, so that each country can select exclusions and progressive application of provisions, through national legislation. Such a consultation process, as well as advances in harmonization of national laws and the resolution of doubts regarding the Convention, should be done prior to the ratification of the Convention.

Countries should ask ILO to continue with technical assistance and information campaigns, workshops and seminars, and modules for training and communication. All these should aim to reveal the potential of the Convention

so that stakeholders have all the information necessary to take informed and conscientious decisions. Channels of dialogue should be established to advance the process of discussion of the Convention at a national level, as is already happening in Argentina, Brazil and Chile.

The implementation of the Convention will contribute to reducing unfair competition, and bring about a safer industry that can incorporate advances in technology and fishing vessel design so as to mitigate accidents and health hazards in fishing operations.

A country-by-country forecast for ratification of the Convention was attempted at the Rio seminar. **Argentina** expects the Convention to be ratified. **Brazil** is on the way to ratification, as promised by the Fisheries Minister in 2007. However, there are over 90,000 vessels in the country that do not offer sufficient safety measures for fishers. The Labour Ministry expects the Fisheries Ministry to go ahead with fleet modernization. Brazil's legislation already reflects the provisions of the Convention; it now needs to be put into practice, and there is also a great need for training. **Chile** expects the Convention to be ratified. **Colombia** will start dissemination of the Convention's provisions, and begin dialogue prior to working on legislative proposals. **Ecuador** will have tripartite discussions after the national elections. **Panama** will hold dialogue with the sectors before presenting the Convention to parliament. National legislation will also consider the interest of artisanal fishers. **Peru** has been working on discussions and dialogue, and needs time to work with employers and employees to clarify issues. Peru's employers have provided funds for fishworkers' social security, and training for fishers' safety. **Uruguay** has been holding tripartite consultations since December 2008.

Important participation

At the conclusion of the Rio seminar, the importance of the participation of groups like the International Collective in Support of Fishworkers (ICSF) and the

BRIAN O' RIORDAN / ICSF




Trawlers at San Antonio harbour, Chile. The country expects to soon ratify the ILO Work in Fishing Convention, 2007

International Christian Maritime Association (ICMA) was specifically mentioned. It was also pointed out that Spain, whose ambassador was present, was one of the countries that had financially supported the seminar.

On the last day of the seminar, participants visited the naval simulator of the Rio de Janeiro Port Authority, where an impressive assembly of technology for training ships' captains was displayed. The concluding dinner at a typical *churrascaria* (a Brazilian steakhouse) brought the seminar to a happy end.

Personally, at the beginning of the seminar, I did feel somewhat like a fish out of water, due to my limited knowledge of the subject and also because the main focus was on industrial fisheries. Even though artisanal fisheries were mentioned by several speakers, it was obvious that the Convention was mainly geared towards fishers on board industrial vessels. But conversations with the leader of the Brazilian delegation, Vera Albuquerque of the Labour Ministry, showed that at least within the Brazilian government, there is genuine concern for artisanal fishers and, as far as social-security benefits are concerned, Brazilian fishers are well protected. It is up to representatives of artisanal fishers to lobby their fisheries authorities to address their constituents' concerns. Unfortunately, at the seminar there was hardly any representative from the artisanal fishery of any country of the region. (One representative of the National Federation of Fishermen of Brazil was present, but stayed only for an afternoon.)

My personal impression, which was shared by several representatives I talked to, is that the Work in Fishing Convention, 2007, has a very good chance of being ratified, but it may take some time to happen. 



Unloading cargo from a fishing boat, Argentina. Fishing is among the most hazardous professions in the world

For more



labour.icsf.net

Labour Page of ICSF

www.fao-ilo.org/fao-ilo-fisheries/en

**ILO and FAO Working Together:
Fisheries**

www.ilo.org/public/english/dialogue/sector/sectors/mariti.htm

Maritime Activities at the ILO

www.safety-for-fishermen.org/en/

Safety for Fishermen

Smalls Have Their Say

A recent workshop on small-scale fisheries in Europe in the context of the proposed reform of the Common Fisheries Policy stressed the need for fair treatment and access to resources

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Seventy-one delegates attended a workshop organized by the International Collective in Support of Fishworkers (ICSF) gathered in Brussels, Belgium, on 28 September 2009 to discuss the forthcoming, reform of the Common Fisheries Policy (CFP) of the European Union (EU). The participants included fishers, fishers' representatives, EU officials, non-governmental organizations (NGOs) and academics.

Brian O'Riordan, Secretary of ICSF's Belgium office, set the scene for the workshop, labelling it a unique event that would discuss EU fishing policy from the viewpoint of small-scale fisheries.

On behalf of the European Commission (EC), Joost Paardekooper, Policy Officer for the CFP Reform, DG Mare, EC, introduced the EC's Green Paper, pointing out that the EU's fish

the idea of a differentiated fisheries management regime that would explicitly cater for the industrial and inshore sectors separately.

Casto Lopez Benitez, Policy Officer for Fleet Matters, DG Mare, also from the EC, presented data describing the EU small-scale fleet as a small part of the total fleet and suggested that overall, the number of boats in the EU has been reducing by two per cent each year. The bulk of this reduction is likely to have come from the over-12 m fleet, as States were not asked to reduce the capacity of the small-scale fleet. The funds for capacity reduction were directed towards larger vessels, which resulted in an increase in the number of inshore vessels. Landings from the small-scale (under 12 m) fleet would appear to be worth more than those from the industrial sector.

Defining what is 'small-scale' at the EU level is problematic, and individual States should be allowed to come up with regional definitions. The difference between industrial and non-industrial sectors should be recognized, so that appropriate management tools can be adapted to protect fishing communities.

Xoán Lopez Alvarez of the Federación Galega de Cofradías de Pescadores (Galician Federation of Fishermen's Cofradías) said that even as small-scale fishers strive to achieve something collectively, they should not stumble at the first hurdle—over the definition of a small-scale fisher.

Quota process

Jerry Percy of the Welsh Federation of Fishermen's Associations highlighted the problems faced by the English and Welsh small-scale (under 10 m) fleets.

Defining what is 'small-scale' at the EU level is problematic, and individual States should be allowed to come up with regional definitions.

stocks are decreasing so much that it has to source two-thirds of its fish requirements externally. Highlighting the EU's inability to control fishing capacity, he pointed to the bias towards short-term fixes to reduce economic and social impacts on communities.

Central to the CFP, he added, is the idea of a more regional, devolved management, perhaps through regional advisory councils (RACs). In conclusion, Paardekooper reiterated

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Since they were initially excluded from the quota process, they have access to just three per cent of the quota, despite comprising 75 per cent of the fleet by number. Since the authorities do not record their catches, they have no 'track record' and no formal claim to quotas. Small-scale fishers have no mechanism for representation since the authorities prefer to negotiate with producer organizations and fishing industry representatives.

Liberato Fernandez of the Federação das Pescas dos Açores, (Azores Fishing Federation) Azores, pointed to the problems of simply using vessel length to define the small-scale fisheries sector. Some of the boats in the Azores are large because, although they use simple, highly selective gear to fish tuna, they have to go out over 200 miles into the Atlantic.

Antonio Garcia Allut of the Lonxanet Foundation for Sustainable Development, Spain, supported this view, saying that a dimension-based definition will not capture the diversity of artisanal small-scale fisheries, and there is a need to incorporate social and economic attributes, especially considering that the beneficiaries of the sector are primarily communities rather than investors.

Olivier Guyadier of IFREMER (Institut français de recherche pour l'exploitation de la mer, the French Research Institute for Exploitation of the Sea) pointed out that vessels of different sizes may pursue the same stocks in the same area. Smaller vessels using fixed gear and targeting a larger variety of species tended to be less capital-intensive and less likely to depend upon subsidies to remain viable.

Dolores Bermúdez of the Galician Shellfish Gatherers Association, Areal, Spain, said that shellfish gatherers should be included within the gambit of the CFP, considering that they maintain a viable, sustainable and self-regulating fishery.

Pierre-Philippe Jean of the Federation of Small Islands pointed out that islanders often had no alternative to fishing, other than migration, to make a year-round living. Echoing this concern, John O'Brien, an Irish fisher

from Inis Bo Finne, said his community had first been banned from catching salmon due to pressure from angling organizations and later from catching cod since they were located in a cod recovery zone. They are now restricted to catching crab and lobster.

Arthur Bogason of Iceland's National Association of Small Boat Owners (NASBO) talked of how individual transferrable quotas (ITQs) had affected the Icelandic small-boat fleet. The trawler sector has accumulated 70 per cent of the ITQs, and 1,000 small vessels that had formed part of the ITQ system were scrapped, and their quotas merged with those of the trawlers. NASBO was eventually able to negotiate a separate arrangement. Bogason said that small-scale fishers should be managed separately, to reflect their importance to coastal communities.

Christian Décugis of Saint-Raphaël Prud'hommie and CLPM du Var, France described the *Prud'hommes* system as a grouping of fishers who have traditionally managed their own fishing grounds through arrangements recognized by the government. By putting people at the centre of the system, the *Prud'hommes* remain robust.

Arjan Heinen of the Netherlands Inland Fishers Association pointed to well-organized recreational anglers exploiting the inshore eel fishery.

BRIAN O'RIORDAN / YANN YVERGNIAUX



Juan Manuel, Patron Mayor, Cofradia de Lira, Galicia, Spain, at the Brussels workshop on 'Common Fisheries Policy Reform in the European Union and Small-scale Fisheries'

Statement from the Brussels Workshop on Common Fisheries Policy Reform in the European Union and Small-scale Fisheries: Paving the Way to Sustainable Livelihoods and Thriving Fishing Communities

We, participants from seven countries¹, representing diverse small-scale fishing interests, NGOs, scientists and others, meeting in Brussels on Monday, 28 September 2009 at the workshop on "Common Fisheries Policy Reform in the European Union and Small-scale Fisheries":

Stating our commitment to the sustainable use of fish stocks and of the wider aquatic and coastal environment;

Emphasizing that small-scale fisheries represent the overwhelming majority of fishing activities in all EU Member States; provide the most employment; are highly adaptable; lend themselves readily to integration into the diversity of regional particularities across Europe; and

Declaring that if given fair treatment and due recognition, our sector can be viable, sustainable and with a promising future;

Call on the DG Mare of the European Commission, on the European Parliament, on the Council of Ministers, on fishing industry representatives, on trade unions, on NGOs, on scientists, and on national and regional fisheries authorities to:

Fair treatment and fair access to resources

1. Provide fishers and fishing communities dependent on small-scale, artisanal, inshore, inland, and small-scale fish and shell fish farming activities, fair treatment in the allocation of access rights to resources and support services, with access to information and to the decision-taking processes that affect their lives and livelihoods;
2. Ensure that marginalized groups, including small-island communities dependent on fishing, women in fishing communities and independently organized fishers and fish farmers, are not unfairly discriminated against in the allocation of access rights to resources, and that measures are applied to ensure that their views are taken account of in the policy decision-taking processes on fisheries;

Apply definitions of small-scale fishing at the most appropriate level

3. Recognize and respect the nature, importance, potential and diversity of small-scale fisheries activities. Defining small-scale fisheries should be done and applied at the most appropriate level, be it regional, national or local. Such definitions should take account of regional particularities and geomorphology, technical aspects (fishing capacity), environmental aspects (selectivity, low discards, low seabed impact, low energy use, etc.), social aspects (decent work, high degree of benefit sharing, and links with local shore-based activities and local employment, and ownership and control of operations);

Recognize and Valorize small-scale fisheries

4. Ensure that the reformed CFP recognizes and valorizes the contributions to social, cultural, economic and environmental sustainability provided by many small-scale fishing activities;

5. Recognize and respect the role of women in fisheries, valorize the contributions they make to the fisheries sector and to the wider community, accord them their proper status as collaborating spouses, as economic actors, and recognize the importance of the social, cultural and economic activities they engage in;

Secure small-scale fishing and fishing community rights

6. Define and defend the rights of small-scale fishers and their communities in accordance with Article 6.18 of the FAO Code of Conduct for Responsible Fisheries² and in line with regional specificities and priorities, and incorporate these rights into law on a just basis with the rights of other resource users³;
7. Ensure that rights-based policies and rights-based approaches to the management of small-scale fisheries take account of the collective nature, and the livelihood, economic, social and cultural dimensions of their activities;
8. Avoid the use of rights-based fishery management tools that promote individual interests at the expense of collective interests, especially those that incorporate market-based allocation mechanisms. The logic of tools such as individual transferable quotas (ITQs) and the logic of artisanal fishing are not compatible;
9. Rectify past injustices arising through the perverse use of quota allocations at the national level based on fishing track records. Where possible and appropriate, replace such national-level individual track record-based quota systems with alternative community-based measures, specifically where the landings of the small-scale sector have not been fully documented;
10. Ensure that fishing policies, quota and other management systems, and fishing methods do not promote discards of biologically, nutritionally and economically important fish and other aquatic species, whilst reducing by-catch through improved gear selectivity;
11. Indemnify fishing communities and their livelihoods from the destructive impacts of pollution, including oil spills and spills of toxic chemicals into the aquatic environment;

Apply a differentiated approach to small-scale fisheries

12. Apply a differentiated approach to sector-specific management and regulatory problems. The need for capacity reductions in one sector should not result in the losses of fishing opportunities, employment or other benefits in other more sustainable sectors;
13. Apply the principle of subsidiarity to the management of small-scale fisheries, where management systems incorporate, and are otherwise guided by, local knowledge, experience and proven good practice;
14. Valorize local fisheries, ecological and oceanographic knowledge, and promote collaboration and information

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sharing between fishers and scientists in the process of informing decision-taking processes in fisheries;

15. Based on existing good practices⁴, implement management plans, recovery plans and other regional and local management measures, such as for marine protected areas, in participation with local small-scale fishers, shellfish gatherers and their communities, ensuring that their access rights are protected. Such measures should be responsive to the demands of small-scale fishers, shell fishers and their communities, and should incorporate the monitoring of biological and sociological indicators in their design so that their social and biological effectiveness can be measured over time;
16. Support the establishment and effective functioning of co-management institutions with small-scale fishers and shellfish farmers, and provide the necessary training and support to enable such institutions to take on the necessary responsibilities and powers;
17. Support the derogation to the principle of equal access to a common resource by safeguarding the 12-mile zone (and other areas exploited by small-scale fisheries) for fishery activities that are small in scale, environmentally benign, socially equitable, and which provide important cultural and economic contributions to the local communities;

Develop and apply appropriate measures for sustaining and diversifying livelihoods

18. Provide access to subsidies and other support measures (credit, training, etc.) on a flexible basis to enable existing small-scale activities and operations to renew their vessels and equipment, and where appropriate, to switch to new technologies that are small in scale, and environmentally, socially and economically sustainable;
19. Take proper account of the inherent vulnerability and resilience of fishing communities in the reform process. Based on detailed impact assessment studies and baseline

community profiles, provide and promote real alternative activities and livelihood diversification schemes, based on local realities and capacities for change and adaptation to changing circumstances;

20. Pay particular attention to the role of women in fishing communities and ensure that alternative livelihood options do not increase their workload and otherwise add to the burdens placed on them; and
21. Given the significant interdependence that exists between community fisheries and maritime policies, (a) ensure that the new framework for integrated maritime policy (IMP) maintains and prioritizes the customary access rights of fishers to fishing areas and resources; and (b) strengthen the role of fishers in defining policies through this new governance framework towards assuring the quality of the marine environment and its biodiversity in coastal areas.

Endnotes

¹ The 67 participants included small-scale fishing representatives, fishermen, fisherwomen, workers in the fishing sector, NGOs and researchers from Iceland, the Azores, Madeira, and mainland Portugal, Canary Islands, Galicia, Cantabria, Asturias, Basque Country, the Mediterranean and Atlantic coasts of France, Ireland, England, Wales, and the Netherlands.

² "States should appropriately protect the rights of fishers and fishworkers, particularly those engaged in... small-scale and artisanal fisheries... to preferential access.... to traditional fishing grounds and resources in the waters under national jurisdiction."

³ Industrial fisheries and other extractive industries, industrial and intensive aquaculture, real estate, construction, production and other industries, tourism, and so on.

⁴ Initiatives include the Prud'hommes de Pêche in the French Mediterranean, the marine reserves of Lira and Cedeira in North Spain, the Restinga Marine Reserve (El Hierro (Canary Islands), Mar de las Calmas, Spain), the Iroise National Park in West France, Bay of Biscay selective langoustine/nephrops trawl fishery, the Mid Channel Agreement between France, UK and Belgium, and the Inshore Potting Agreement in Devon.

They should be asked to pay a licence fee which would contribute towards the management of the fishery for all, he added.

Jerry Percy, Chief Executive, of the Welsh Federation of Fishermen's Associations said that the United Kingdom government took quotas back from small-scale fishers due to pressure from representatives of industrial fishers. He added that there is a need to promote environmentally sustainable and locally viable fisheries co-managed by the fishers and advised by decent science.

Paul Joy of the Hastings Fishermen Protection Society and Co-chairman of New Under Ten Fishermen's Association (NUTFA), said that quotas force fishermen to discard fish that they are not allowed to land.

Bastien Malgrange of Pêche et Développement, Lorient, Brittany, France, said that the good practices and positive initiatives of fishers should be highlighted to change the negative perception of them as predators.

He pointed to the example of a profitable clam fishery co-managed by IFREMER scientists and the local community, where the fishermen's

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Katia Frangoudes of AKTEA, the European Network of Women's Organizations in Fisheries and Aquaculture

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licence fees were used to fund patrol vessels.

Marie Hélène Aubert, former Member of the European Parliament, said that prior to the Lisbon Treaty, (an international agreement to change the working of the EU) the EU Parliament had no power over fisheries policy other than to give an opinion to the council of ministers, which could be easily ignored. She highlighted the difficulties that can arise from the various structures that member States have for managing their small-scale fisheries.

Katia Frangoudes of AKTEA, the European Network of Women's Organizations in Fisheries and Aquaculture, berated the EC for neglecting the presence of women in the fishing industry. Women do

not find mention in the Green Paper, which is a clear violation of the wording and spirit of the European Treaty (the Maastricht Treaty, formally the Treaty on European Union, which established the EU).

By sustaining communities, promoting cultural identity and maintaining networks among fishing communities, women form an integral part of the social structure of coastal and fishing communities, she stressed.

José J. Pascual-Fernandez of the Department of Political Sciences, Universidad de La Laguna, said that diversification has been a feature of small-scale fisheries, and many fishers have also been farmers. In the Canary Islands, for instance, fishers have diversified into tourism-related activities. Encouraging such diversification is perhaps one way to reduce technological 'creep' in small-scale fisheries and avoid fishers opting for larger boats with more powerful engines.

Alyne Delaney of Innovative Fisheries Management, Aalborg University, said that a reduction in the numbers of boats will damage the

support infrastructure for the fishing industry and rural coastal communities. She questioned the need to see fisheries management in terms of either fish stocks or people, a biased perspective that is driven by the influence of fisheries biology.

As far as the CFP is concerned, small-scale fishers have until 31 December 2009 to submit their written proposals, comments and views on fishing policy reform.

For their part, the Brussels workshop participants have made an important contribution by drafting a 21-point Declaration (see box) that calls on the EC to:

- provide small-scale fishers with fair treatment and fair access to resources;
- define small-scale fishing at the most appropriate level;
- recognize and valorize small-scale fisheries;
- secure small-scale fishing and fishing community rights;
- apply a differentiated approach to small-scale fisheries; and
- develop and apply appropriate measures for sustaining and diversifying livelihoods.

For more



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Small-scale Fisheries and EU CFP Reform

ec.europa.eu/fisheries/reform
Reform of the CFP

eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0163:FIN:EN:PDF
Green Paper on the CFP Reform

Hitting Where It Hurts

The European Community's move to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing is fraught with problems

According to data from the Food and Agriculture Organization of the United Nations (FAO), in 2007, the European Community (EC) of the European Union (EU)—an economic and political union of 27 member States, often abbreviated as EU27—with imports of nearly nine mn tonnes of fish and fish products, valued at over US\$40 bn, accounted for the world's largest import market for fish and fish products. The EC accounted for over 32 per cent of quantity, and 43 per cent of value, of global imports of fish and fish products. These came from over 130 countries. Norway alone accounts for the largest share of EC imports of fish products, but developing countries such as China, Vietnam, Morocco, Argentina, India and Chile figure among the top ten exporters of fish and fish products to the EC market. Based on this market power, the EC is now flexing its muscles to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

At one stroke, by creating strong market provisions, the Council Regulation (EC No. 1005/2008) establishing a system to prevent, deter and eliminate IUU fishing, and the Commission Regulation (EC No. 1010/2009) dealing with rules to implement the system, shift the burden of proof for demonstrating compliance with conservation and fisheries management measures to the fishing vessel and the flag State.

The EC feels that IUU fishing—namely, fishing without permission or which flouts State rules and regulations; or which does not report catches; or fishing in marine space having no fishing regulation in place—constitutes one of the most serious threats to

the sustainable exploitation of living aquatic resources. The EC believes that IUU fishing jeopardizes the foundation of its Common Fisheries Policy, that it undermines international efforts to promote better global governance, and that it poses a major threat to marine biodiversity. The EC is keen to ensure that the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU) is endorsed as widely as possible. The EC feels that such an endorsement will be in line with discharging duty under international law as flag, port, coastal or market States.

In line with its international commitments, and given the scale and urgency of the problem, the EC is keen to substantially enhance its action against IUU fishing and adopt new regulatory measures to

The EC believes that IUU fishing jeopardizes the foundation of its Common Fisheries Policy...

cover all facets of the phenomenon. The EC is implementing its resolve to prevent, deter and eliminate IUU fishing through establishing a Council Regulation whose scope would extend to fishing activities on the high seas and maritime waters, including the internal waters and territorial seas under the jurisdiction of all coastal States.

Serious damage

The aim is to target IUU fishing activities that cause the most serious damage to the marine environment, to

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sustainability of fish stocks, and to the socioeconomic situation of fishers.

Since 1993, the EC believes, it has provided for a comprehensive system designed to monitor the legality of catches from EC fishing vessels. The current system that applies to fishery products caught by non-EC vessels and imported into the EC does not ensure an equivalent level of control. The EC would like to, therefore, address this

As the world's largest market for—and importer of—fishery products, the EC thinks it has a responsibility to ensure that fishery products imported into its territory do not originate from IUU fishing.

weakness, which is a strong incentive for foreign IUU operators to profitably trade their products in the EC. As the world's largest market for—and importer of—fishery products, the EC thinks it has a responsibility to ensure that fishery products imported into its territory do not originate from IUU fishing. It is thus asserting its role as a market State. The fishery products, however, would exclude items such as freshwater fishery products, Atlantic and Pacific salmon, live oysters, scallops, mussels, aquaculture products and ornamental fish.

The EC is thus introducing a new, three-level regime to ensure proper

and equal control of the supply chain for fishery products imported into the Community. Firstly, trade with the EC in fishery products originating from IUU fishing will be prohibited. A certification scheme that applies to all trade in fishery products with the EC will be implemented. This would apply to transshipments as well as re-export of fish and fish products. It will be mandatory for flag States to furnish certificates establishing the legality of fishery products. EC member States can refuse import consignments if the catch certificates violate the prescribed conditions. The EC will set up an alert system to spread information about such violations.

Third-country fishing vessels—classified as those (a) with an overall length of up to 12 m, without towed gear; (b) with an overall length of under 8 m, with towed gear; (c) without superstructure; and (d) with less than 20 gross registered tonnes (GT)—will be allowed simplified catch certificates if their catches are landed in their respective flag States. Thus, one certificate would suffice for many such vessels if their catch would together constitute a consignment. The flag State has only to indicate in the certificate the species caught, the landed weight, applicable conservation and management measures, and a list of vessels with names and registration numbers. It will not be required to provide information on, for example, area of fishing, licences, type of onboard processing, and the live weight of the catch, as would be required of other fishing vessels.

Conservation measures

Secondly, a fishing vessel would be presumed to have engaged in IUU fishing if it is shown that it has, contrary to the conservation and management measures applicable to the fishing area concerned, undertaken fishing activities that are considered to constitute IUU fishing. These include: fishing without a valid licence, not fulfilling obligations to record and report catch, fishing in closed areas or during closed seasons, engaging in fishing for a stock that is subject to a moratorium or prohibition, using

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Vessels at the port of Las Palmas, Canary Islands, Spain. It will be mandatory for flag States to furnish certificates establishing the legality of fishery products imported into the EC

prohibited gear, landing undersized fish, and carrying out fishing activities in the area of a regional fisheries management organization (RFMO) inconsistent with, or in contravention of, its conservation and management measures. The EC can prohibit the importation of fishery products caught by such vessels. Both EC and non-EC fishing vessels suspected of carrying out IUU fishing will be identified by the EC and put on its IUU vessel list after a due process of allowing the competent flag States to take effective action.

Thirdly, flag, port, coastal or market States would be required to ensure that their fishing vessels or nationals comply with rules on conservation and management of fisheries resources. Failing this, the EC would be entitled to identify them as non-co-operating States. If a country has not taken adequate measures to address recurrent IUU fishing by its vessels or nationals, or by vessels operating in its maritime waters or using its ports, or if access of fisheries products stemming from IUU fishing is allowed to its market, then the EC might identify it as a non-co-operating State. In identifying a non-co-operating State, the EC might also consider the status of ratification of third countries of the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Fish Stocks Agreement and the FAO Compliance Agreement, and their status in relation to RFMOs.

The EC can act against non-co-operating third countries through trade measures such as prohibiting importation of fishery products caught by fishing vessels flying the flags of such countries. The catch certificates accompanying such products would not be accepted. Trade measures would also include prohibition on EC operators from purchasing the catches of fishing vessels flying the flags of such countries. Exports by EC vessels to such countries could also be prohibited. The EC would not negotiate fisheries partnership agreements with such countries.

Significant implications

The implications of the proposed measures are significant, considering



Pamariles, wooden hulled vessels in the Philippines targeting yellowfin tuna. The EC will soon make mandatory certificates establishing the legality of imported fishery products

that almost every marine fish-producing country exports to the EC. While countries with conservation and management regimes that have equivalent provisions as in the EC would benefit, those that are yet to establish such mechanisms would suffer. The requirement to comply with conservation and management measures to access the EC market and to exercise equivalent level of flag State control would reduce competition from cheap imports into the EC, especially from developing countries, and would help EC fishers to receive a better price for their fish.

Unlike most international trade measures dealing with conservation and management of overfished resources or protected associated or dependent species, the EC Regulation 1005/2008 focuses on compliance with applicable national and international laws, regulations or conservation/management measures, irrespective of the status of fish stocks. Although measures proposed for third-country flag States and fishing vessels are consistent with measures applicable to the EC member States and their fishing vessels, it is moot if they are, in fact, essential for the protection of fish life and for the conservation of an exhaustible natural resource such as fish.

It remains to be seen how far cleaning up IUU fishing operations by the market State would actually make a difference to the status of fish stocks in general, considering that only a limited share of total capture fishery production would end up in the EC market. In light of the experience with food safety standards, the IUU regulation would, most likely, lead to a dualistic scenario where fish production for the EC market would be forced to comply with national and international conservation and management measures as required by EC, and fish production for domestic and other less demanding export markets would continue to function as

explored or exhausted all other measures to deter IUU and whether these have already proved to be unsuccessful. The temptation within the EC seems to be too great to hit where it really hurts. One has to wait and watch to see if asserting market power is indeed the silver bullet for the problem of IUU fishing, especially by turning up the pressure on coastal, flag and port States to uphold their duties towards conservation and management of fishery resources. 3

It is unclear if the EC has explored or exhausted all other measures to deter IUU and whether these have already proved to be unsuccessful.

before. It remains to be seen if such a scenario, in the long run, would benefit all fisheries.

The scarce financial resources of developing countries would probably be redirected to set up conservation and management measures for high-value fishery resources for the EC's export market, at the expense of similar measures for low-value species for the domestic and other less demanding, but potentially more destructive, international markets. Establishing conservation and management priorities in accordance with the dictates of the import State, and not in accordance with the actual status of fish stocks, could deprive fish stocks and fisheries habitats of effective management intervention.

The IPOA-IUU—which the EC is keen to see endorsed as widely as possible—cautions that “trade-related measures should only be used in exceptional circumstances, where other measures have proven unsuccessful to prevent, deter and eliminate IUU fishing, and only after prior consultation with interested States. Unilateral trade-related measures should be avoided”. It is, however, unclear if the EC has

For more



ec.europa.eu/fisheries/cfp/external_relations/illegal_fishing_en.htm

Combating Illegal Fishing

www.illegal-fishing.info

Illegal fishing

www.apfic.org/modules/newbb/viewtopic.php?forum=9&post_id=12#forumpost12

Technical Forum of Asia-Pacific Fishery Commission on IUU

The Wisdom of Tradition

A recent workshop in Indonesia focused on customary arrangements and traditional ecological knowledge systems in coastal and fisheries resources management

Sixty delegates from Indonesia, the Philippines, Thailand, Malaysia and India, met at Lombok, Indonesia, during 2-5 August 2009 for the workshop on “Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?”. The workshop was organized by the International Collective in Support of Fishworkers (ICSF), in co-ordination with the Ministry of Marine Affairs and Fisheries (MMAF), Indonesia, and the Provincial Department of Fisheries and Oceans (DKP) of the Government of West Nusa Tenggara (NTB).

Indonesia, and other parts of southeast and south Asia, have a long, often centuries-old, tradition of fishing. Not surprisingly, systems of internal governance, including over coastal and marine living resources, have also evolved over the generations. While some of these systems continue to exist, albeit in changed forms, some have disappeared due to a number of factors. Today, as the limitations of centralized, top-down management systems are increasingly evident, co-management and decentralization processes are being put in place across the region. Do customary arrangements and related traditional knowledge systems still have relevance for fisheries and coastal areas management in such a context? It was to explore such issues that ICSF organized the workshop with the following objectives:

- to discuss the role and relevance of traditional knowledge and customary arrangements in fisheries and coastal area management in Indonesia;
- to review how customary rights to resources and arrangements can be better recognized and adapted

to meet fisheries and coastal area management objectives, consistent with national and international obligations; and

- to strengthen understanding and links between customary institutions, policymakers, researchers and others.

Participants from Indonesia included representatives of customary institutions such as the *Panglima Laot*, Aceh; *Sasi Laut*, Haruku, Central Maluku; *Parompong*, Spermonde Islands, South Sulawesi; *Mane’e*, Talaud, North Sulawesi; *Awig Awig*, Tanjung Luar, NTB; and *Awig Awig Lombok Utara*, Gili Indah, NTB, as well as whale hunters from Lamalera,

Indonesia, and other parts of southeast and south Asia, have a long, often centuries-old, tradition of fishing.

East Nusa Tenggara (NTT). Also attending were representatives from community-based management groups, fishermen's unions, non-governmental organizations (NGOs), women's groups, universities and government departments.

Formal recognition

Opening the workshop, John Kurien, co-ordinator of the ICSF Animation Team, welcomed the participants. Ali Syahadan, head of DKP, NTB, pointed out that the NTB government has formally recognized the *awig-awig* system as part of its fisheries

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co-management efforts. Chandrika Sharma, Executive Secretary, ICSF, provided a brief introduction to the activities of ICSF.

In his keynote address, Suseno Sukoyono from the MMAF pointed out that Indonesia is one among the few countries in the Asian region to have developed comprehensive fisheries

such as *awig-awig*, *panglima laot*, *sasi*, etc. There is a need to develop nested management systems, with clearly defined roles for national, provincial, district and local stakeholders, especially on rights and responsibilities. The full participation of all stakeholders in developing realistic, successful, co-management programmes is one of the major challenges and opportunities of decentralization, he stressed.

The opening session was followed by presentations by representatives of customary institutions, in a session moderated by Luky Adrianto. Elliza Kissya from Maluku, described the region's *sasi* system. *Sasi*, literally meaning 'ban', determines what people should or should not do, based on traditional social values. The system has been in existence for at least 400 years, Resource use is regulated through open and closed seasons, with the *kewang*, or chief, vested with the authority to implement regulations and impose sanctions on those who violate them. Kissaya made a strong case for government recognition and support of customary law (*adat*) and traditional knowledge for resources management. "If the State does not acknowledge us, then we do not acknowledge the State, because we are truly the ones who make the State", he said. Kissaya

The full participation of all stakeholders in developing realistic, successful, co-management programmes is one of the major challenges and opportunities of decentralization.

legislation—Law Number 31 of 2004—to manage the national fishing industry in its exclusive economic zone (EEZ). The law recognizes the role of customary laws and local wisdom as well as community participation in fisheries management. The change initiated during the Reform Era, especially by the decentralization process, has led to a shift in fisheries governance system from a top-down to a bottom-up approach, which encourages community participation. This has revived community involvement in fisheries management, especially of traditional institutions

T. MUTAQUIN



60 delegates from Indonesia, the Philippines, Thailand, Malaysia and India, met at Lombok, Indonesia, for the ICSF workshop on "Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?"

also highlighted the problem of coastal erosion, which needs serious attention from the government.

In their presentation, Pieter Tedu Bataona and Bona Beding described the whaling practices of Lamalera, a village in the southern coast of Lembata Island, NTT. Whaling has been practised for centuries, and whales are caught mainly during the May-September period. Elaborate ceremonies to seek ancestral blessings are performed before the whaling season starts. Several customary rules bind the *lama fa* (chief harpooner). On no account, for example, must a pregnant or nursing whale be harpooned. Lamalera's traditional practices ensure that whaling is sustainable and contributes to the food security of the islanders.

Tony Liusanda described the *mane'e* customs in Kakorotan in the Talaud Regency of North Sulawesi. The Kakorotan islands in the easternmost part of Indonesia are rich in coral reefs. Traditional rules that determine when and where fishing is allowed or prohibited (through *ehá* or *ban*) have served to conserve coral reefs. Elaborate rituals and ceremonies are associated with fishing. The sea and its resources are likened to the milk of a mother. The *kepala desa*, or village leader, is vested with the authority to make and implement rules and impose sanctions.

The presentation on the *parompong* system of Makassar, South Sulawesi, was by Chairil Anwar. *Rompongs* are fish aggregating devices made from natural materials. There are traditional rules that define the rights to fish near the *rompongs*, as well as rules that define the distribution of catch.

The presentation on the *awig-awig* system in North Lombok, NTB, was by Samsul Muhyin of the Lembaga Musyawarah Nelayan Lombok Utara (LMNLU, Fishermen's Forum Institution). The LMNLU, formed in March 2000, presently comprises 32 fishermen's groups, with a total membership of 1,572. The LMNLU functions in the three districts of Pemenang, Tanjung and Gangga. The LMNLU has revived the traditional system of *awig-awig* (meaning

'ban'), based on customary values and institutions. This revival has been supported by local government initiatives towards co-management, which formally recognize the authority of customary institutions to manage resources. Zones have been demarcated, and regulations put in place to prohibit destructive fishing techniques, like dynamiting, especially if they destroy coral reefs. Sanctions for dealing with violations have also been agreed on. Repeated violations would lead to confiscation of fishing gear. As a result of the system, violations have reduced.

Another presentation on the revival of the *awig-awig* system in East Lombok, NTB, supported by the provincial government as part of co-management efforts, was made by M. Saifullah. He described the formation of the Kelembagaan Komite Pengelolaan Perikanan Laut (KPPL,

Traditional rules that determine when and where fishing is allowed or prohibited (through *ehá* or *ban*) have served to conserve coral reefs.

the Marine Fisheries Management Committee), responsible, among other things, for preparation of management plans, monitoring and enforcement of *awig-awig* regulations prepared by communities, and liaison with government. The regional KPPL comprises six persons—five representing villages in the region and one from the government. A system of resolving conflicts, handling violations and meting out punishment has been put in place Saifullah said, adding that such participatory management has proved successful.

State recognition

M. Adli Abdullah provided information on the *panglima laot*, an institution that has existed for several centuries in Aceh. During the early years of Indonesia's independence, the *panglima laot* was relatively dormant. It re-emerged in 1982, and following the Indian Ocean tsunami of 2004

The Lombok Statement

Indonesia is an archipelago with deep historical roots in its maritime affairs and fisheries. The sea is seen by traditional fishing communities not just as a means of livelihood but as a way of life that accommodates the whole social arrangement of the society, its ethics and morals.

WE, representatives of *adat* (a term in Bahasa Indonesia for customary law) communities, traditional fishermen, coastal communities, women in fisheries, environmental and other civil society organizations, and academe, who attended the workshop on "Customary Institutions in Indonesia: Do They Have A Role In Fisheries and Coastal Area Management?" from 2–5 August 2009, in Lombok, West Nusa Tenggara, Indonesia, believe that *adat* law and traditional knowledge make significant contributions to the protection of marine and coastal ecosystems, and the sustainability of marine and fisheries resources, as well as environmental sustainability.

WE have demonstrated that *adat* law, in existence since the 16th century, and traditional knowledge can make a significant contribution towards providing a just and sustainable marine and fisheries resources management regime. We believe that strengthening the social and cultural capital of *adat* law communities, traditional fishermen, women in fisheries, and coastal communities can assist in managing marine and fisheries resources, and be instrumental in addressing the multi-dimensional crisis currently faced by fisheries, and marine and coastal ecosystems.

WE believe that marine and coastal resources management regimes should uphold environmental sustainability, social justice and gender equality, especially of marginalized members of coastal communities, including poor widows, neglected children, the disabled and the permanently ill.

WE have discussed the root causes that adversely impact the livelihood of *adat* law communities, traditional fishermen and coastal communities. We have united and corroborate our voices to:

First, reversing the practice of privatization, monopolization and liberalization of marine and coastal resources, as, for example, in provisions contained in Law No. 27, 2007, on Coastal Area and Small Islands Management, especially the provisions regarding the issue of Coastal Waters Utilization License (*Hak Pengusahaan Perairan Pesisir – HP3*), as well as Regulation No. 5 of 2008 issued by the Minister of Marine Affairs and Fisheries, which has now been revised and reissued as Regulation No. 12 of 2009, on Capture Fisheries, especially its provisions for Cluster Fisheries. It is better to grant priority to the Constitutional rights of *adat* law communities and to harmonize them with the universal principles guaranteed in the 1945 Constitution, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the United Nations Declaration on the Rights of Indigenous Peoples, as well as Law No. 39, 2009, on Human Rights.

Second, in urging prioritization of the interests of *adat* law institutions above the interests of investors and international conservation organizations, through the creation of an *adat* Institution Communication Forum.

In this context, we are seeking strengthening of *adat* law institutions, especially through constitutional recognition of the *adat* law institutions in marine and fisheries resources management, and through undertaking documentation and giving due publicity to *adat* law institutions.

By strengthening of the *adat* institutions, we imply that the State should:

1. Acknowledge and protect *adat* law and traditional knowledge that have been handed down from generation to generation, have become part of our nation's cultural identity and have helped in conserving and managing marine and fisheries resources. This can be achieved by recognizing and integrating *adat* law and traditional knowledge into the

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its role has been recognized by the State through Law No.2 of 2006 on Aceh's administration. The main task of the *panglima laot* is to regulate fishing at sea through customary marine law. Sanctions are meted out to violators by a customary court assembly that meets on Fridays. Regulatory measures include confiscation of boats and prohibition of fishing on certain days, like Fridays, festivals and holidays. At present, the *panglima laot*, along with the local government and the Food and Agriculture Organization of the United

Nations (FAO) is involved in designing and formulating a draft *qanun* (law) on fisheries, guided by Aceh's customary marine law. The *panglima laot* has also established the Pangkai Merurenou Aneuk Nelayan Foundation (YPMAN) to improve the quality of life of fishing communities. YPMAN received substantial funds in 2001, when the *panglima laot* confiscated a Thai vessel fishing illegally in Indonesian waters, and kept the proceeds from its sale (IDR11.6 bn, or US\$1.2 mn). The *panglima laot* now has IDR60 bn (US\$6.4 mn), which is used

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national legal system, giving due consideration to diversity of value systems, national unity and gender equality.

2. Grant greater preference to sustainability of coastal and fisheries resources, and to the growing domestic fish consumption needs.
3. Adopt an economic paradigm that prioritizes the principles of social justice and environmental sustainability over economic growth; that effectively prevents environmental violations in relation to marine affairs and fisheries, especially from illegal, unreported, and unregulated (IUU) fishing; extractive activities; and various policies at local, provincial, and national levels that threaten the marine ecosystem and the sustainability of living resources.

Last but not least, we invite all members of society, the government, and the international community to lend political recognition to the model of an economy based on the needs of the people, built upon *adat* law arrangements and traditional knowledge that uphold the principles of social justice, equality and environmental sustainability.

Lombok, 5 August 2009

This Statement is hereby endorsed by:

1. Panglima Laot Aceh
2. Sasi Negeri Haruku, Central Maluku
3. Sea-farming of Thousand Islands (Kepulauan Seribu)
4. Ola Nua Lefa Hari, Lamalera, East Nusa Tenggara
5. Parompong Pulau Barrangcakdi, South Sulawesi
6. Mane'e Pulau Kakorotan, North Sulawesi
7. Taluak Impian Women Fisheries Group, Lake Maninjau, West Sumatra
8. Mina Bada Lestari, Lake Maninjau, West Sumatra
9. KIARA (Koalisi Rakyat untuk Keadilan Perikanan—People's Coalition for Fisheries Justice)
10. KPPL (Komite Pengelolaan Perikanan Laut—Marine Fisheries Management Committee), East Lombok

11. LMNLU (Lembaga Musyawarah Nelayan Lombok Utara—North Lombok Fishermen Forum Institution)
12. KNTI (Kesatuan Nelayan Tradisional Indonesia—Indonesian Traditional Fishermen Unity)
13. SNI (Serikat Nelayan Indonesia—Indonesian Fishermen's Union)
14. SNSU (Sarekat Nelayan Sumatera Utara—North Sumatra Fishermen's Union)
15. WALHI (Wahana Lingkungan Hidup Indonesia—Friends of the Earth Indonesia)
16. Centre for Legal Research of Coastal and Marine Resources Management, Faculty of Law, Pattimura University
17. Social Division, Lab. SEPK, Faculty of Fisheries and Marine Sciences, Brawijaya University, Malang
18. JALA (Jaringan Advokasi untuk Nelayan Sumatera Utara—Advocacy Network for North Sumatra Fishermen)
19. Bina Desa Jakarta
20. Fishermen of Negeri Ouw, Saparua, Central Maluku
21. East Lombok Marine and Fisheries Committee

The Workshop was also attended by representatives from:

1. International Collective in Support of Fishworkers (ICSF),
2. Sustainable Development Foundation (SDF), Thailand
3. Sahabat Alam Malaysia (SAM)
4. Jaringan Orang Asal Se-Malaysia (JOAS)
5. CBCRM Learning Centre Philippines
6. YADFON Foundation, Thailand
7. Penang Inshore Fishermen Welfare Association (PIFWA), Malaysia
8. Lanao Aquatic and Marine Fisheries Center for Community Development (LAFCCOD), Philippines
9. Integrated Rural Development Foundation of the Philippines (IRDF) Inc.
10. Centre for Limnology Research (LIPI)
11. Centre for Coastal and Marine Research (Pusat Penelitian Pesisir dan Laut – P3L), Mataram University

primarily for the education of needy children.

The workshop also saw several presentations from non-indigenous organizations in a session moderated by Dede Irving Hartoto. They focused on organizational efforts to improve fisheries management and the livelihoods of fishing communities. The following groups made presentations: Mina Bada Lestari, Maninjau Lake, West Sumatra; Sea Farming group, Provinsi Kepulauan Seribu; coral conservation group from Jambianom, Lombok; the clam

and sea snail collection group from the Saparua community, Ambon, Maluku; the Serikat Nelayan Indonesia (SNI, the Indonesian Fishermen Union); and the Serikat Nelayan Sumatera Utara (SNSU, the North Sumatra Fishermen Union).

On the second day of the workshop, there were two presentations in the session moderated by Adli Abdullah. The first, by Luky Adrianto, on “Constructing the Role of Customary Institutions in Fisheries Management in Indonesia”, was based on the background study prepared for the

workshop. Adrianto said that current community institutions for fisheries management can be categorized as ancient (*sasi*, *panglima laot*, *mane'e* and *lamalera*), pre-modern (*awig-awig*, *rampong*), and modern (*Mina Bada* Lestaria farming group, SNI, SNSU). Institutions differ in their levels of complexity and how they have been modified over time to incorporate different components of fisheries

The relationship between customary institutions and various levels of government under co-management arrangements needs to be based on equal partnership and mutual respect.

management, such as delineation of boundaries, rules, rights, sanctions, monitoring systems and management authority. Indonesia recognizes the role of customary law and local wisdom. The challenge now is to implement effective co-management systems based on this recognition, Adrianto said. Elaborating on this aspect, Arif Satria reflected on how existing community institutions can be strengthened, and how co-management arrangements for coastal and fisheries resources can be put in place.

A presentation by Adrian Lasimbang dealt with the *tagal* system practised in Sabah, Malaysia. *Tagal*, based on age-old customary law or *adat*, means

'prohibition' in the Kadazandusun language, and aims at collective ownership and responsibility for the sustainable use of resources. *Tagal*, also known as *bombon* in some areas of Sabah, has been used by the indigenous Kadazandusun and Murut peoples for generations. A *tagal* is normally governed by the village headman and endorsed by the native chief. The system varies from community to community in terms of rules, proscriptions and management structure, but common to all are the concept of closed and open seasons, equal sharing and sharing of responsibility. The successes of the *tagal* system have been recognized by the Sabah Inland Fisheries and Aquaculture Enactment Act, 2003, which led to the creation of district and State-level *tagal* committees. The fisheries department works closely with NGOs to build up the capacities of *tagal* committees. Lasimbang also dwelt on some of the problems and tensions that have emerged as a traditional system gets adapted to a modern context.

Active discussions followed the various presentations. One issue raised was on women's participation in fisheries. In general, it was pointed out, women are denied any role in decisionmaking within customary institutions. How can positive values of sharing and equity be built up, while ensuring that women are not denied a role in decision-making processes, it was queried. Several workshop participants touched on the need for sensitivity. Customary knowledge and institutions must not be objectified by researchers and others. The relationship between customary institutions and various levels of government under co-management arrangements needs to be based on equal partnership and mutual respect. Otherwise there is the danger of these institutions getting destroyed, along with the knowledge and values they support.

Customary institutions

The second day of the workshop featured group discussions. Participants were divided into four groups representing (i) customary institutions and traditional fishermen;

T. MUTAQUIN



Discussions during the field visits to Jambianom village in Lombok. Local authorities and community members described their efforts to protect the region's coral reefs

(ii) NGOs; (iii) academia and government institutions; and (iv) foreign (non-Indonesian) participants. The groups were asked to discuss two questions: (a) Do customary institutions and traditional knowledge systems have relevance in today's context?; and (b) If yes, how can this relevance be better recognized and integrated in fisheries and coastal area management?

In general, there was consensus among all groups that customary arrangements and the traditional knowledge systems associated with them continue to be highly relevant. The group reports stressed various needs: to document and map existing arrangements and knowledge systems, and seek their formal recognition; to develop the capacity of customary institutions, and empower them to become equal partners with the government to carry out coastal and fisheries resources management; to work towards recognition of the rights of communities to use and manage resources, drawing on positive values of social justice, equity and sharing; and to seek recognition of their collective rights over fisheries and coastal resources, given that these rights are being threatened by corporate and other interests. In this context, the need to ensure that the Coastal Area and Small Islands Management Law (No. 27, 2007), especially the provisions regarding the issue of Coastal Waters Utilization Licence (*Hak Pengusahaan Perairan Pesisir-HP3*), does not displace and deny access of traditional communities to coastal and fisheries resources, was highlighted.

On the last and final day of the workshop, participants debated a draft statement that had been prepared based on group discussions on the previous days. The statement (see box) that was adopted reaffirmed the important role of customary law and traditional knowledge in resources management.

Workshop participants were also taken on field visits to two villages, Jambianom and Gili Sulat, to see for themselves how the *awig-awig* systems are being revived in the NTB province. In Jambianom, North Lombok, local authorities and community members

described their efforts to protect coral reefs and transplant corals, drawing on the *awig-awig* system. In Gili Sulat, in East Lombok Regency, the visitors were told about how rules, based on *awig-awig*, have been put in place to protect and manage mangrove forests and coastal resources.

The Lombok workshop was perhaps the first where representatives of customary institutions from various parts of Indonesia had come together with NGOs, researchers, government representatives and fishermen's unions, to discuss coastal and fisheries resources management issues. The final message from the Lombok workshop was unequivocal—customary arrangements and associated knowledge systems can, and should, play a central role in coastal and fisheries resources management. 3

The final message from the Lombok workshop was unequivocal—customary arrangements and associated knowledge systems can, and should, play a central role in coastal and fisheries resources management.

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For more



[icsf.net/icsf2006/jspFiles/icsfMain/
programmes/english/currentFocus.jsp](http://icsf.net/icsf2006/jspFiles/icsfMain/programmes/english/currentFocus.jsp)
ICSF Lombok Workshop

www.dkp.go.id
**Indonesia's Ministry of Marine
Affairs and Fisheries**

HUNGER AND POVERTY

Committee on World Food Security

Faced with rising world hunger and unacceptable poverty and in response to calls for greater coherence and coordination, members of the Food and Agriculture Organization of the United Nations (FAO) Committee on World Food Security (CFS) have agreed on a wide-ranging reform.

The reform aims to make CFS the foremost inclusive international and intergovernmental platform dealing with food security and nutrition and to be a central component in the evolving Global Partnership for Agriculture, Food Security and Nutrition. The CFS reforms are designed to focus the

Committee's vision and role on the global coordination of efforts to eliminate hunger and ensure food security for all. This includes supporting national anti-hunger plans and initiatives; ensuring that all relevant voices are heard in the policy debate on food and agriculture; strengthening linkages at regional, national and local levels; and basing decisions on scientific evidence and state of the art knowledge.

The new CFS will be inclusive. In addition to member countries, participation in the Committee will be made up of a wider range of organizations working with food security

and nutrition from UN agencies like the International Fund for Agricultural Development (IFAD), the World Food Programme (WFP), the UN Secretary-General's High-Level Task Force on the Global Food Security Crisis and other UN bodies.

The CFS will also include civil society and non-governmental organizations, particularly organizations representing smallholder family farmers, fisherfolk, herders, landless, urban poor, agricultural and food workers, women, youth, consumers and indigenous people.

Participation will also include international agricultural research

institutions, the World Bank, the International Monetary Fund, regional development banks and the World Trade Organization. The Committee shall also be open to representatives of private sector associations and philanthropic foundations.

Another important part of the new Committee is that it will receive advice from a high level panel of experts on the subject of food security and nutrition. This will ensure that effective solutions to ending hunger are based on scientific and knowledge-based analysis.

<http://www.fao.org/news/story/en/item/36446/icode/>

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ORGANIZATIONAL PROFILE

Lonxanet Foundation for Sustainable Development

Based in Galicia, in the north of Spain, the Lonxanet Foundation for Sustainable Development, (www.fundacionlonxanet.org), was launched in 2002. The name 'Lonxanet' is derived from 'Lonxa' the market where the first sale of fish takes place.

The overall aim of the Foundation is to involve artisanal fishers in human development, business and environmental projects, and resolve or reduce fishers' problems through a systematic approach and within a sustainable development framework.

Today, the Foundation works with artisanal fishing communities and their organizations whose livelihoods are based on all kinds of aquatic ecosystems (sea, river, estuaries, lakes, etc.). Lonxanet is developing and partnering projects with Galician, Latin American and African artisanal

fishing communities, but with global aspirations. Its work includes an innovative approach to establishing marine reserves for fishing (icsf.net/icsf2006/uploads/publications/samudra/pdf/english/issue_53/art04.pdf).

The Foundation is a founder member of RECOPADES, a network of fishing community organizations across Latin America and Spain.

The Foundation wishes that "artisanal fishermen and women lead dignified and sustainable lives, with a pride in their profession and culture, and be recognized as caretakers of the sea and custodians of the various aquatic ecosystems where they work, which are the heritage of all humanity."

The mission of the Foundation is "to valorize and spread good practices as developed by artisanal fishing organizations through civil society, political, and scientific communities so as to highlight the efforts and contributions of artisanal fishers towards achieving a more sustainable world."

The Lonxanet Foundation is the major shareholder in Lonxanet Directo SL, a socially responsible company that distributes fresh Galician fisheries products directly to consumers through the Internet. Consumers are guaranteed quality fresh fish, at a reasonable price.

Fishermen receive the market price (sold at auction) for their fish, plus a three per cent bonus. Fifty per cent of the profits are ploughed into sustainable fisheries projects

undertaken through the Lonxanet Foundation.

It recently made a documentary film, 'Fishery Guardians', which tells the story of seven artisanal communities in Latin America and Spain, who took up the challenge of sustainability to achieve a better quality of life for their people.

(www.youtube.com/watch?v=u8hM5BTfyw4)

RECOPADES, the Network for the Sustainable Development of Artisanal Fishing Communities, works for artisanal fishing communities through concrete actions and projects aimed at solving their problems. It was founded in 2004 by communities from Argentina (Puerto Madryn), Spain (La Restinga and Lira) and Uruguay (la Laguna de Rocha).

(<http://recopades.org/>)

FUNDACIÓN
LONXANET

NOBEL PRIZE IN ECONOMIC SCIENCES

Ostrom, First Woman Nobel Economics Laureate

On 12 October 2009 the American social scientist Elinor Ostrom became the first woman to win the the Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel, awarded by the Royal Swedish Academy of Sciences, better known as the 2009 Nobel Memorial Prize in Economic Sciences.

Ostrom shared the Economics Nobel with Oliver Williamson, Edgar F. Kaiser Professor Emeritus of Business, Economics, and Law at the University of California, Berkeley.

The Royal Swedish Academy of Sciences cited Ostrom "for her analysis of economic governance," saying her work "had demonstrated how common property could be successfully managed by groups using it".

Born on 7 August 1933, Ostrom, currently the Arthur F. Bentley Professor of Political Science, and Co-Director of the Workshop in Political Theory and Policy Analysis at Indiana University, Bloomington, is considered one of the leading scholars in the study of common-pool resources. In particular, Ostrom's work emphasizes how humans

interact with ecosystems to maintain long-term sustainable resource yields.

As the first woman to bag the prize in its 40-year history (the Economics Nobel was instituted in 1968), 76-year-old Ostrom has shown how communities can successfully manage common property or common-pool resources such as fisheries, forests, grazing systems, wildlife, water resources, irrigation systems, agriculture, and land tenure and use, among others.

An official press release noted: "Elinor Ostrom has challenged the conventional wisdom that common property is poorly managed and should be either regulated by Central authorities or privatized. Based on numerous studies of user-managed fish stocks, pastures, woods, lakes, and groundwater basins, Ostrom concludes that the outcomes are, more often than not, better than predicted by standard theories. She observes that resource users frequently develop sophisticated mechanisms for decision-making and rule enforcement to handle conflicts of interest, and she characterizes the rules that promote successful outcomes."

Ostrom's work shows that commonly owned resources can be preserved and managed by stakeholders as well as—or better than—by governments or through systems of private ownership, like 'catch shares' or individual transferable quotas (ITQs).

The conventional wisdom of management of common property resources draws on a seminal 1968 article by Garrett Hardin, titled 'The Tragedy of the Commons'.

Ostrom and four colleagues noted in a 1999 article in *Science* that Hardin concluded, from a look at fisheries' history, that "the users of a commons are caught in an inevitable process that leads to the destruction of the very resource on which they depend."

In an interview to the Editor-in-Chief of Nobelprize.org, the official website of the Nobel Foundation, Ostrom used the example of lobster fishermen in Maine, in the United States. "In the 1920s, they almost destroyed the lobster fishery," she noted. "They regrouped and thought hard about what to do and over time, developed a series of ingenious rules and ways of monitoring that have meant

that the lobster fishery in Maine is among the most successful in the world."

"There are many other small to medium-sized groups that have taken on the responsibility for organising resource governance," she added. "We've studied several hundred irrigation systems in Nepal. And, farmer-managed irrigation systems are more effective in terms of getting water to the tail end, higher productivity, lower cost, than the fancy irrigation systems built with the help of Asian Development Bank, World Bank, USAID etc."

The day after she bagged the Nobel, Ostrom said, "I think we've already entered a new era and we recognize that women have the capability of doing great scientific work. I think it's an honour to be the first woman, but I won't be the last."

For more, see:

www.elinorostrom.com

newsinfo.iu.edu/news/page/normal/12185.html

nobelprize.org/nobel_prizes/economics/laureates/2009/ostrom-telephone.html

WORLD FOOD SUMMIT

Parallel Forum to the World Food Summit on Food Security, Rome, 13-17 November 2009

We, 642 persons coming from 93 countries and representing 450 organizations of peasant and family farmers, small-scale fisherfolk, pastoralists, indigenous peoples, youth, women, urban people, agricultural workers, local and international non-governmental organizations, and other social actors, gathered in Rome from the 13 to 17 of November, 2009, have united in our determination to work for, and demand, food sovereignty in a moment in which the growing numbers of the hungry has surpassed the one billion mark. Food sovereignty is the real solution to the tragedy of hunger in our world.

Food sovereignty entails transforming the current food system to ensure that those who produce food have equitable access to, and control over, land, water, seeds, fisheries and agricultural biodiversity. All people have a right and responsibility to participate in deciding how food is produced and distributed.

For the full text of the Civil Society Declaration, see http://peoplesforum2009.foodsovereignty.org/sites/peoplesforum2009.foodsovereignty.org/files/Final_Declaration-EN.pdf

WEBSITE

Fisheries and Fishing Communities in India

ICSF has just launched a new website, 'Fisheries and Fishing Communities in India', indianfisheries.icsf.net

For India, with a coastline of over 8,000 km, an exclusive economic zone of over 2 mn sq km, and extensive freshwater resources, fisheries is an important sector. It provides employment for over 14 mn people, and contributes significantly to food security and the economy.

The new site provides an overview of the marine and freshwater fisheries sector in India. It provides information on coastal fishing communities and their traditional governance systems, on fisheries development and management, and on coastal issues. It also provides information on five specific themes: women in fisheries; labour; trade; aquaculture; and legal instruments, with exhaustive bibliographic references and links to online resources.

VERBATIM

Nature and religion are more intimately interfused in many indigenous cultures than in the West.

—R E JOHANNES
IN "USE AND MISUSE OF TRADITIONAL ECOLOGICAL KNOWLEDGE AND
MANAGEMENT PRACTICES"

INFOLOG: NEW RESOURCES AT ICSF

ICSF's Documentation Centre (DC) has a range of information resources that are regularly updated (dc.icsf.net). A selection:

Videos

A Sea Change

A Sea Change is the first documentary about ocean acidification, directed by Barbara Ettinger and co-produced by Sven Huseby of Nijiji Films. Chockfull of scientific information, the feature-length film is also a beautiful paen to the ocean world and an intimate story of a Norwegian-American family whose heritage is bound up with the sea.

Weather the Storm: The Fight to Stay Local in a Global Fishery

This 35-minute video, directed by Charles Menzies and Jennifer Rashleigh, and produced in Canada in 2008, documents the struggle of small-scale fishermen in France in the face of the storm of globalization.

The fishing communities on France's western coast are determined to fight back. These small-town fishermen have launched a sophisticated and multi-faceted strategy to stay small and successful in the face of global competition.

The battle to save the oceans is often publicly waged between environmentalists and corporations. Yet this film gives voice to an important group who just may have the solutions we need: small-scale artisanal fishers.

Un Siecle de Lutte/Fighting to Fish

Adapted from Charles Menzie's thesis 'Red Flags and Lace Coiffes', this film uses animated archival images to tell the turbulent history of industrialization and resistance over the last century in the French fishing region of Brittany. The film illustrates the Bigouden fishers' determination to defend their way of life through direct action within their borders.

Publications

Fisheries, Sustainability and Development

This 'Academy Blue Book', published in 2009 by the Swedish Board of Fisheries, the Swedish International Development Cooperation Agency and the Royal Swedish Academy of Agriculture and Forestry, describes global fisheries and aquaculture from the points of view of sustainable ecosystems, economy, trade and development

The main objective is to provide an overview of production and aquaculture, their natural conditions and their significance for economic development and people's livelihoods.

This publication brings together contributions from 52 authors from academia, international organizations and public administrations. Special attention has been paid to fish stock conservation and to fisheries in developing countries.

FLASHBACK

Reserving a Role for Communities

Coastal fishing communities, threatened as they are by biodiversity loss and degradation of coastal ecosystems, have been demanding effective action to protect and manage coastal and marine habitats and resources. In several parts of the world, they have been known to take their own initiatives to protect and manage their resources, given the close links between their livelihoods and the health of the resource base.

Clearly, communities can be powerful allies in efforts for conservation and management of coastal and marine resources. Problems arise, however, due to conservation approaches with pre-determined agendas that serve to alienate indigenous and local fishing communities. The current target orientation in

some countries to expand areas under marine protected areas (MPAs), while short-circuiting participatory processes, is a case in point.

Not surprisingly, such approaches are proving ineffective from the perspective of both conservation and livelihood.



Empowering indigenous and local fishing communities to progressively share the responsibility of managing coastal and fisheries resources, in keeping with Programme Element 2 on Governance, Participation, Equity and Benefit Sharing in CBD's Programme of Work on Protected Areas (Annex to Decision VII/28), would undoubtedly meet the goals of both conservation and poverty reduction.

For this, however, much work remains to be done in ensuring that provisions in existing international legal instruments supporting the rights of indigenous and small-scale fishing communities with respect to conservation initiatives, are reflected in national legislation, policy and practice. In particular, there is a need to recognize the traditional and customary rights of fishing communities to resources, as well their rights to engage in responsible fisheries, in keeping with the principle of sustainable use of biodiversity.

Communities traditionally dependent on the resource base must be seen as rights holders in decision-making processes. This means that the choice of appropriate management/conservation tools, objectives and plans, governance structures, provisions for community representation, and implementation and monitoring, should be decided in consultation with local communities, and the governance structure itself ought to represent the various social groups within the community, including women.

— From Comment in SAMUDRA Report No. 48, November 2007

ANNOUNCEMENTS

MEETINGS

12th Session of the Indian Ocean Tuna Commission (IOTC) Scientific Committee, Victoria, Seychelles, 30 November to 4 December 2009.

COP 15 of the United Nations Framework Convention on Climate Change (UNFCCC) Conference, Copenhagen, 7-18 December 2009.

The 16th meeting of the Scientific and Technical Review Panel (STRP) of RAMSAR, Gland, Switzerland, 22-26 February 2010.

The 15th meeting of the Conference of the Parties (CoP15) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Doha, Qatar, 13-25 March 2010. Among other things, the CoP will focus on various trade control and marking mechanisms. Besides it will also consider trade in Humphead wrasse, Atlantic bluefin tuna, and conservation and management of sharks and stingrays.

WEBSITES

Safety for Fishermen

The **Safety for Fishermen** website is the gateway to information and material related to safety for fishermen. The website is hosted by FAO and managed by a selected group of experts contributing information and material on safety at sea in the fisheries sector. <http://www.safety-for-fishermen.org/en/>

World Hunger

This new website from FAO provides the Hunger Report, 'The State of Food Insecurity in the World'. It offers statistics on hunger in different parts of the world, highlighted through an interactive world hunger map.

<http://www.fao.org/hunger/en/>



Endquote

The Purse Seine

*Lately I was looking from a night mountain-top
On a wide city, the coloured splendour, galaxies of light: how could
I help but recall the seine-net
Gathering the luminous fish? I cannot tell you how beautiful
the city appeared, and a little terrible.
I thought, We have geared the machines and locked all together
into interdependence; we have built the great cities; now
There is no escape. We have gathered vast populations incapable
of free survival, insulated*

*From the strong earth, each person in himself helpless, on all
dependent. The circle is closed, and the net
Is being hauled in. They hardly feel the cords drawing, yet they
shine already. The inevitable mass-disasters
Will not come in our time nor in our children's, but we and our
children
Must watch the net draw narrower, government take all powers
or revolution, and the new government
Take more than all, add to kept bodies kept souls—or anarchy,
the mass-disasters.*

— excerpts from a poem by Robinson Jeffers

