

SAMUDRA

REPORT

THE TRIANNUAL JOURNAL OF THE INTERNATIONAL COLLECTIVE IN SUPPORT OF FISHWORKERS



Customary Rights in South Africa

Artisanal Fishworkers of Brazil

US Waterfronts

Sea Piracy in Nigeria

Civil Society Guidelines on SSF

SBSTTA 16th Session



ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-governmental International Organizations. It also has Liaison Status with FAO.

As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns

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SAMUDRA

REPORT

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FRONT COVER



Traditional Vaudoo artwork
from Haiti
Photo: Alain Le Sann

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Chandrika Sharma for
International Collective in
Support of Fishworkers
27 College Road
Chennai 600 006, India
PHONE: (91) 44-2827 5303
FAX: (91) 44-2825 4457
EMAIL: icsf@icsf.net

ICSF BELGIUM OFFICE

Sentier des Rossignols 2
1330 Rixensart, Belgium
PHONE: (32) 2-652 5201
FAX: (32) 2-654 0407
EMAIL: briano@scarlet.be

EDITED BY

KG Kumar

DESIGNED BY

P Sivasakthivel

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ILLUSTRATIONS BY

Sandesh (sandeshcartoonist@
gmail.com)

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BACK COVER



An Alaskan Yup'ik setnet
fisherman from Quinhagak
Photo: Deborah Mercy



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A fisher protestor outside the
Constitutional Court of Indonesia



Securing Rights

Policies and legislation need to be put in place to secure the rights of fishing communities to their territories

In South Africa, on 22 May 2012—International Day for Biological Diversity—three members of a traditional fishing community who had been charged with the intention to fish within the Dwesa-Cwebe marine protected area (MPA) were found guilty by a magistrate (see article on page 4). The fishers had argued that they have a customary right to fish in the MPA as it comprised their ancestral lands. The magistrate noted the protection provided by the South African Constitution to the freedom and rights to land and unrestricted practice of their customs by ordinary citizens. However, as it was not within his powers as a magistrate to pass judgment on the constitutional validity of the Marine Living Resources Act (MLRA), under which the MPA was declared, he ruled the fishermen guilty, noting, however, that the constitutional validity of the MLRA was highly debatable.

The fishers will now challenge the MLRA in the High Court on the basis that as traditional fishers with a customary system of law they have a constitutionally protected customary right to access the marine resource in question.

In Indonesia, on 16 June 2011 the Constitutional Court annulled the Hak Pengusahaan Perairan Pesisir (HP3 or coastal water concessions) provision contained in the Management of Coastal Areas and Small Islands Act, 2007 (No. 27), based on a petition by a civil society coalition, the Reject HP3 Coalition (see article on page 22). The HP3 provision allowed for issuing concessions for undertaking business such as aquaculture and mining in coastal areas up to 12 nautical miles from the coastline, covering the sea surface and water column down to the sea bed, through issue of 20-year leases, renewable for a total period of 60 years. The court declared the HP3 provision to be inconsistent with the Constitution, given the constitutional requirement that the State's control over land, waters and natural resources should be to promote "the greatest welfare and prosperity of the people". The court was of the view that the HP3 provision would promote privatization and compromise the rights of the people, including fishing and other traditional communities, to benefit from natural resources from generation to generation.

In both cases, the courts upheld the claims of fishing communities. While the South African case is one of restitution of customary rights based on the

post-apartheid constitution that treats statutory and customary law as equal, the Indonesian case is one of preventing dispossession of the rights of traditional communities and customary law communities based on the 1945 constitution.

Both these cases raise questions about the extent to which legislation on fisheries and coastal area management are in conformity with provisions that protect customary rights and other social, economic and cultural rights of local communities, including fishing communities, particularly in national constitutions and international and national human-rights law.

These questions are extremely valid today. Across the world, fishing communities are being displaced or are being threatened with displacement from their 'territories' to make way for, among other things, tourism, oil and gas exploration, large-scale infrastructure projects, and exclusionary forms of conservation, in violation of their rights.

No wonder that actions by fishing communities in defence of their territories is gaining ground in several countries. Such actions may

take the form of legal challenges, as in South Africa and Indonesia. They may also take the form of proactive campaigns seeking specific legal recognition of the rights of fishing communities to their territories (see article about Brazil on page 8).

Even as fishing communities and their organizations embark on such actions, States and other relevant bodies need to pay heed to the imperative to align policies and legislation on fisheries and related issues with constitutional provisions that protect the rights of fishing communities, and other relevant human-rights obligations. Where constitutions do not have adequate provisions to protect the rights of indigenous and local, as well as fishing, communities to their territories, they should be amended. Policies and legislation that secure the rights of fishing communities to their territories—also essential for enabling fishing communities to contribute to social, economic, environmental and food security goals in the long term—need to be put in place.

It is to be hoped that the international guidelines for securing sustainable small-scale fisheries (see article on page 35), currently being developed by the Food and Agriculture Organization of the United Nations (FAO), will provide an impetus to such processes.



Living Off the Land

A case regarding the customary rights of fishermen in the Dwesa-Cwebe Marine Protected Area of South Africa could be a landmark

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David Gongqose is a fisherman from a remote coastal community on the eastern seaboard of South Africa. On 22 September 2010, David and two other fishers from his community were arrested in the Dwesa-Cwebe Marine Protected Area (MPA) and charged with attempting to fish in the MPA. David and his companions argued that they had a customary right to fish in this reserve as it comprised their ancestral lands. David's father had taught him to fish according to the customary system that he himself

the material basis of their culture and upon which they depended for food security.

Due to successive waves of colonial—and, later, apartheid—conservation planning, many households have been forced to vacate their ancestral homesteads and relocate to surrounding lands. Under apartheid, this section of the country was declared a 'bantustan' (the term used to refer to the area reserved for residence for African persons during the apartheid regime) and, subsequently, the community lived on communal land administered by traditional authority, but within the restrictive constraints of apartheid planning.

In 1991, the Dwesa-Cwebe Marine Reserve was established. Inter-tidal harvesting was prohibited but shore-based angling was permitted under strict regulations. In 1996, after the election of the first democratic government and the introduction of land restitution legislation to provide redress to communities who had suffered under apartheid, the communities' claim to the land comprising the reserve was recognized and negotiations on how they would access their land and natural resources commenced.

Land claim

In 2001, they signed a land claim agreement. Government policy required that the MPA remain under conservation status; however, access to resources was a key principle underlying the Settlement Agreement. Despite the fact that negotiations leading up to the signing of the Settlement Agreement confirmed recognition of the communities' right

The seven communities comprising Dwesa-Cwebe have historically depended on the coastline of the MPA and the adjacent coastal forest for their livelihoods...

had inherited from his father. David further noted that on the night in question, he had been fishing in order to put food on the table and to purchase mourning clothes for his mother as his father had recently died and David was now the sole provider for his family. Harvesting of marine resources is his primary livelihood.

The seven communities comprising Dwesa-Cwebe have historically depended on the coastline of the MPA and the adjacent coastal forest for their livelihoods, and have a well-established customary system of natural resource use. Over the past century, these communities, comprising approximately 2,300 households, were systematically deprived of access to both the coastal and forest resources, which formed

*This article has been written by **Jackie Sunde** (jsunde@telkomsa.net), a researcher based at the Environmental Evaluation Unit, University of Cape Town, South Africa. David Gongqose and the co-accused were represented by the Legal Resource Centre legal team comprising advocate Jason Brickhill, instructing attorney Wilmiem Wicomb and Henk Smith*

to sustainable use of resources and to participate in the co-management of natural resources in the reserve, the marine reserve component was removed from the final Settlement Agreement.

Instead, Dwesa-Cwebe MPA was promulgated as a complete 'no-take' MPA in 2000, just six months prior to the signing of the Settlement Agreement. This was authorized by the Department of Environmental Affairs and Tourism, the department responsible for MPAs at the time, and also a party to the negotiations and signatory to the Settlement Agreement. There was no consultation with the affected communities about the declaration of the MPA; however, the community understood that their right to access marine resources would continue to be negotiated. To date, the fisheries and the conservation authorities have neither recognized the communities' claim to their customary fishing rights along this coastline nor taken steps to establish appropriate co-management arrangements.

In a Statistics South Africa survey published the same year (2000), it was noted that the district in which David resides was the poorest district in the country. There are very few alternative livelihood options, and hence the seven local communities comprising the greater Dwesa-Cwebe community have continued to harvest both marine and forest resources, despite running the risk of prosecution. They cite both their customary system and their lack of alternatives as reasons for continuing to fish. Many fishermen and women inter-tidal harvesters have had to pay huge fines or face imprisonment when they cannot afford to pay the fines. Two persons have been killed by conservation rangers while harvesting resources in the reserve during the past year. The community has embarked on protest action in the past and have made repeated requests to the authorities to re-consider the no-take zonation of the MPA, and make provisions for sustainable use but, to date, the no-take status of the reserve is maintained.

At the time that David was arrested, the Committee on World Food Security had commenced an international consultative process in order to develop Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. In the context of National Food Security, in May 2012 at a Special Session held in Rome, the Committee on World Food Security adopted the Guidelines. These Guidelines are intended to contribute to global and national efforts towards the eradication of hunger and poverty, based on the principles of sustainable development. They recognize the centrality of secure tenure rights and equitable access to land, fisheries and forests in this regard.

Most significantly, the Tenure Guidelines recognize that in many countries, communities have pre-existing systems of rights and entitlements that guide access to, and use and management of both land and marine resources. These local systems of tenure might not be recorded or formally recognized in statutory law but are nonetheless legitimate tenure rights that require recognition.

The Guidelines state that:

9.5 Where indigenous peoples and other communities with customary tenure systems have legitimate tenure rights to the ancestral lands on which they live, States should recognize

JACKIE SUNDE



David Gongqose with his legal representative, Jason Brickhill. David was arrested for attempting to fish in the Dwesa-Cwebe MPA, South Africa

DERICK FAY



David Gongqose and co-accused with members of their community and their legal team. The community hopes that their freedom to enjoy their basic human rights will be upheld

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and protect these rights. Indigenous peoples and other communities with customary tenure systems should not be forcibly evicted from such ancestral lands.

In addition, the Guidelines note that:

9.6 States should consider adapting their policy, legal and organizational frameworks to recognize tenure systems of indigenous peoples and other communities with customary tenure systems. Where constitutional or legal reforms strengthen the rights of women and place them in conflict with custom, all parties should co-operate to accommodate such changes in the customary tenure systems.

While many countries, such as those in the Pacific and elsewhere, have long recognized both the existence and importance of customary systems of marine tenure, these Guidelines will have far-reaching implications for countries that to date have tended to develop

statutory regulations with little or no recognition of communities' customary rights to coastal lands and adjacent waters or their right to practise their culture and traditional livelihoods in these spaces.

Although some governments have argued that such statutory legislation in effect extinguishes any pre-existing customary rights, in this South African matter the court heard arguments that drew on precedents established in the Supreme Court of Canada in *Ronald Edward Sparrow vs Her Majesty The Queen* (1990), which found that the fact that an aboriginal fishing right was controlled by regulation did not mean that the right was thereby extinguished.

Clear intention

According to the court, the burden of proving that the Sovereign intended to extinguish an existing right was on the Crown and that intention had to be "clear and plain", now commonly referred to as

the “test of extinguishment”. The defence team also drew on principles established in the highest court in Australia when, in *Yanner vs Eaton* (1999) the court held that:

“It is sufficient to say that regulating the way in which rights and interests may be exercised is not inconsistent with their continued existence. Indeed, regulating the way in which a right may be exercised presupposes that the right exists. [...] Regulating particular aspects of the usufructuary relationship with traditional land does not sever the connection of the aboriginal peoples concerned with the land [...]. That is, saying to a group of aboriginal peoples, “You may not hunt or fish without a permit”, does not sever their connection with the land concerned and does not deny the continued exercise of the rights and interests that aboriginal law and custom recognizes them as possessing.”

In their defence, the South African fishermen acknowledged the need for their use of marine resources to be sustainable and to accommodate the rights of future generations. They also did not deny the need for their use of the resource to be regulated or for the reserve to be an MPA; however, they argued that they have a customary system that can form the basis of any future management arrangements and that their local knowledge of the resource should be included in any such arrangements.

The Magistrate in this case expressed strong criticism of the conservation authorities for their failure to recognize the livelihood needs of this community. He drew extensively on the South African Constitution, noting “the court cannot ignore that the purpose of this legislation was to protect and enforce the constitutional freedom and rights to land and unrestricted practice of their customs by ordinary citizens of which the inhabitants of the Dwesa-Cwebe area, are certainly part”.

As it was not within his powers as a Magistrate to pass judgement on the constitutional validity of the Marine Living Resources Act, the Magistrate

was required to find the provisions of the Act in force and, therefore, to find the fishermen guilty in terms of this act; however, he noted that the constitutional validity of the Act in this regard was highly debatable. This matter will now be taken on appeal to the High Court to confirm the fishermen’s claim to their customary rights. For the first time since 1994, the community of Dwesa-Cwebe have hope that their freedom to enjoy their basic human rights will finally be realized. 3

...the South African fishermen acknowledged the need for their use of marine resources to be sustainable and to accommodate the rights of future generations.

For more



www.fao.org/nr/tenure/voluntary-guidelines/en/

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

www.lrc.org.za/press-releases/1944-2012-05-22-press-release-transkei-fishermen-to-challenge-guilty-verdict-in-high-court-

Transkei fishermen to challenge guilty verdict in High Court

Staking Claims

Artisanal fishworkers of Brazil are mobilizing in defence of their territories through a campaign for a new bill of rights

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In recent years, artisanal fishworkers and their communities in Brazil are being forced out of their traditional territories or are being subject to increasing pressure to leave their territories, multiplying the risks to their economic and cultural survival. The cause is a new wave of development, in the form of public and private investments and construction of large-scale infrastructure projects, which advance by occupying spaces whose populations and traditional uses are considered obstacles to 'progress' and the 'public interest'.

...the Constitution guarantees cultural rights and the protection of Brazilian cultural heritage...

In the face of this, the National Movement of Artisanal Fishermen and Fisherwomen has taken the initiative to draw up a bill for the recognition of their collective right to stay and use their territories. In early June 2012, the Movement launched a national campaign to collect signatures to force the entry of the bill in Parliament.

The recognition of the territorial rights of traditional communities in Brazil is based on a diverse set of legal texts. The main ones are: the 1988 Constitution; the law which created the National System of Conservation Units (protected areas) (2000); and the Decree which established the National Policy for Sustainable Development of Traditional Peoples and Communities (2007).

The Brazilian Constitution of 1988 has introduced advances in the

institution of collective rights for indigenous people and *quilombolas* (isolated communities constituted mainly of black slaves who have escaped from their masters during the slavery period (XVII – XIX)), and has provisions to guarantee the demarcation and possession of their territories. Moreover, the Constitution guarantees cultural rights and the protection of Brazilian cultural heritage in its tangible and intangible expressions, taking into account the identities of different social groups that have formed Brazilian society, including their various modes of creating and sustaining livelihoods, while also defining the obligation of the government to protect it. Further, there is a constitutional injunction that obligates that urban and rural properties be used to fulfill a social function, implying the possibility of expropriation and redistribution of land in the interests of equity and larger social compulsions.

On the other hand, the National System of Conservation Units (NSCU), created in 2000, includes two types of protected areas that provide for the permanence of traditional communities—'extractive reserves' and 'sustainable development reserves'. These categories originate from the struggle of traditional extractive populations in the Amazon region, but after the institutionalization of NSCU, they have become an important strategy in the pursuit of securing the territorial rights of communities all across the country.

Traditional rights

However, the creation of these reserves does not automatically establish rights for all traditional

This article has been written by **Naína Pierri** (pierrinai@gmail.com), Member, ICSF, Brazil, **Natália Tavares de Azevedo** (nataliatavares@ufpr.br), PhD in Environment and Development and **Beatriz Mesquita** (beatrizmesquita@fundaj.gov.br), Member, ICSF, Brazil

communities. They are determined on a case-by-case basis, in a process where environmental conservation criteria often render subordinate the recognition of collective rights to territory. Thus, these protected areas are limited in their ability to ensure the traditional peoples' rights to remain in their territories and enjoy their resources.

To close this gap, the National Policy for Sustainable Development of Traditional Peoples and Communities was formulated in 2007, which addresses the needs of those culturally diverse groups that recognize themselves as such, and have their own forms of social organization, who occupy and use lands and natural resources as a condition for their cultural, social, religious, ancestral and economic reproduction, and who use knowledge, innovations and practices generated and transmitted by tradition. This national policy aims to recognize, empower and guarantee the territorial, social, environmental, economic and cultural rights of these communities, as well as their access to the natural resources on which they depend for their sustenance. However, the government has not yet adopted the necessary laws and regulations for the effective implementation of the national policy.

Thus, despite this broad legal framework, artisanal fishing communities in Brazil have great difficulty in gaining legal recognition for their territories—mainly due to conflicts of interest that hinder the creation of extractive reserves and sustainable development reserves/protected areas, and by the effective implementation of the National Policy for Sustainable Development of Traditional Peoples and Communities.

It is in this context that the artisanal fishworkers took the initiative to draft a bill that recognizes the rights to the territories of traditional fishing communities and that delineates the procedures for their delimitation and granting of title deeds. For this project to be considered by the parliament, it is necessary to obtain the support of a significant number of voters, through a signature

campaign, which has already began throughout the country.

The presentation of bills by popular initiative is a right established in the Brazilian Constitution. It is necessary to collect the signatures of one per cent of the electorate. Currently, this represents 1,385,000 signatures. Once backed by the number of required signatures, the bill will be forwarded to the Chamber of Deputies, where it will be filed and subject to the same process as other legislation projects. Often, however, controversial projects take years before they come up for final voting, after which they must still pass through the senate and gain presidential approval.

The bill prepared by the Brazilian fishworkers provides “...the recognition of the right to the territory of traditional fishing communities, which is considered material and immaterial cultural patrimony, subject of safeguarding and promotion...” as well as establishes “the procedure for its identification, delimitation, demarcation and titling”, ensuring traditional fishing communities “exclusive access to the natural resources” on which they depend.

The bill defines ‘traditional fishing territories’ as “areas of land and water used by the traditional fishing communities for their housing, productive activities, and for the conservation, shelter and reproduction of the species and other resources necessary for ensuring their livelihoods, as well as physical, social, economic and cultural reproduction, including



The National Movement of Artisanal Fishermen and Fisherwomen has drawn up a bill for the recognition of their collective right to remain in, and use, their territories



Fishworkers, representatives of social movements and officials of public bodies at the launch of the signature campaign for a new bill

spaces which are symbolic, religious, cosmological or historical sites".

In addition, the bill establishes the duty of government to formulate a national policy for sustainable development of traditional fishing communities and incorporate it into plans, programmes, projects and actions, with targets, resources and responsibilities assigned to the agencies involved in implementation. It is proposed that this policy should address the following areas: income generation with environmental sustainability; quality of life; gender, racial and generational equity; strengthening and empowering of communities, and their participation and social control.

Among the explicit objectives of the bill, the following ought to be highlighted: to ensure the full exercise of individual and collective rights pertaining to traditional communities, especially in situations of conflict or threat to their integrity; ensure the full protection of mangroves, *apicuns* (sandy

sediment bordering areas of the mangrove ecosystem), riparian forests and coastal lagoons; ensure free access to communities; and promote fisheries management in watershed and coastal regions, with the wider participation of fishworkers, keeping in mind their traditional knowledge.

Thus, the bill defines its main goal as the sustainable development of traditional fishing communities through the recognition of territorial rights as being fundamental.

The launch of the campaign to collect signatures to support the bill drafted by the fishworkers occurred between 4 and 6 June 2012 in Brasília, in the Exhibition Hall of the City Park, with the participation of 2,000 fishermen and fisherwomen, who arrived from different regions of the country and camped there.

Public ceremony

The official launch was held on the morning of 5 June, at a public ceremony presided over by a board composed of

fishworkers, representatives of other social movements and supporting organizations, as well as officials of public bodies, including the Minister of Fisheries and Aquaculture.

That same day, in the afternoon, a public hearing was held that was attended by representatives of the Federal Public Ministry, the Ministry of Environment and the Heritage Department of the Union. The public hearing exposed how fishing communities are being expelled from, or pressured to leave, their territories.

The climax of the event was the March in Defense of Artisanal Fisheries in Brazil, which occurred on 6 June, between the City Park and the National Congress.

As a culmination of the march, 50 people representing fishermen and fisherwomen met parliamentarians and delivered the bill, announcing that they would return with the signatures required for the project, which could then be received, discussed and eventually approved by the parliament.

Although the signature collection allows the bill to be presented in the parliament, no deadline has been fixed for its discussion, nor is there any guarantee of approval.

However, the fact that the bill is promoted by social movements and supported by a significant part of the electorate ought to work in favour of its effective discussion and eventual approval, which would then make it a fundamental law in defence of fishing communities.

The importance of the signature campaign, however, transcends the legal sphere; its true significance became apparent from the very first day, when fishworkers rallied around the bill and mobilized resources to make known nationwide their situation and their legitimate claims, and garner support from the general public.

The mobilization around the bill seems capable of accumulating the forces needed for success, for various reasons. For one, this is a national campaign that unifies struggles, which are usually fragmented and dispersed among various local fishing communities.

For another, it also overcomes the limitations of the usual, short-term, more reactive actions, by outlining a long-term programme for the next three years, which can be supported by other organizations and sectors.

Finally, the campaign constitutes the most significant mobilization effort promoted by fishworkers in Brazil in the past 20 years, and it expresses the political maturity of the National Movement of Fishermen and Fisherwomen, which is an autonomous organization that maintains a critical

The public hearing exposed how fishing communities are being expelled from, or pressured to leave, their territories.

distance from government and its policies.

Regardless of the final outcome in terms of approval of the bill, the ongoing campaign of the artisanal fishworkers of Brazil is very important because it reinforces the ability of fishermen and fisherwomen to fight and struggle, gives them greater visibility as economic and political agents, and offers a replicable example for other traditional communities and fishermen whose territories are also threatened. 3

For more



www.peloterritoriopesqueiro.blogspot.com

Campanha Nacional Pela Regularizacao de Territorio das Comunidades Tradicionais Pesqueiras

www.icsf.net/en/samudra-news-alert/article/detail/48533-National-campai.html?language=EN

National campaign to secure traditional fishing territories launched in Brazil

Working Waterfronts

Efforts are on in parts of the US to forge innovations to maintain working waterfronts, and safeguard fishing livelihoods and communities

No matter the waters one calls home, every contemporary telling of the fate and future of small-scale fisheries culminates in a tangle of ever-shifting pressures and enduring sanguinity. Such was the underlying sentiment at a recent event sponsored by the Alaska Marine Conservation Council (AMCC) in Kodiak, Alaska, United States (US). Our primary purpose for organizing the forum, “Innovations to Maintain Working Waterfronts in the Nation’s Fishing Communities”, was to bring together fishing-community

Maine, described hope as “essential to counter despair and apathy” among the 3,000 fishermen PERC has been serving since its inception in 2003. Hope, coupled with strategic initiatives and the necessary skills and tools, is ultimately what underpins and ignites the political community-level action essential to ensuring that the 50 fishing communities of eastern Maine survive into the future.

The challenges fishing communities face on this front are well-documented. Here I would like to shift the focus ever so slightly away from the problems we face today, and draw attention to the work, opportunities and experiences of a few organizations at the forefront of creating innovative ways to maintain our working waterfronts.

Following the collapse of groundfish stocks roughly two decades ago, eastern Maine is now a lobster-dominated fishery. Last year’s lobster catch totaled 104 mn pounds. The long-term average is 20 mn pounds. “We are,” explains Robin, “sustained by a bubble of lobster abundance right now that will not last. Our problems are masked by that abundance.”

Regaining access

Working to regain access lost due to depletion of the groundfish fishery is one of the ways in which PERC is responding to a problem not yet fully realized. PERC’s New Entrants Project is an initiative designed to get permits back to the fishermen in eastern Maine who lost their groundfish permits as a result of poor catch history following the collapse. In other words, when the rights were given out, the fish stocks had been depleted for so long they did not have any rights.

...the threats facing small-scale fisheries, and the communities depending on them, are formidable...

representatives from across the US to exchange ideas and insights on the challenges encountered, strategies envisioned and successes achieved in stimulating viable community-based fishing opportunities and safeguarding the long-term health and vitality of fishing livelihoods and communities.

From resource abundance to access rights to profitability, the threats facing small-scale fisheries, and the communities depending on them, are formidable, myriad and bound up in complex political and power structures. The cumulative effects of these pressures are in part what makes hope such a critical resource in our fishing communities.

Invited panel member, Robin Alden, Executive Director of Penobscot East Resource Centre (PERC) in Stonington,

This article is by **Rachel Donkersloot** (rachel@akmarine.org), Fisheries Programme Director, Alaska Marine Conservation Council, Anchorage, Alaska, US

“We have 3,000 fishermen and no active permits,” Robin stresses. “We have fewer than 20 permits in total. So we started a permit bank, not just to buy quota for existing fishermen, but to make sure that we buy permits before they disappear.”

PERC’s aim is to purchase cheap groundfish permits that do not have any rights on them, and to figure out legally how to covenant them to ensure they stay in communities. As part of this effort, PERC works on business planning with younger fishermen to help them figure out how to afford to buy a cheap permit and hold on to it for a time until the fish come back. “And the chief problem for us”, says Robin, “is hope. People don’t even think it’s worth trying to do this. Why would they do that when they’re making money lobstering now...? So we’re trying to counter that and say, ‘If we’re going to have a community, then this is what we’ve got to do.’”

On the other side of the nation, roughly 30 small owner-operator boats call the urban waterfront of San Francisco’s iconic Fisherman’s Wharf home. Among them is Barbara Emley, General Manager of the San Francisco Community Fishing Association (SFCFA), who has been salmon trolling alongside her husband, Larry, since the 1980s.

Established in 2010, the SFCFA was the first community fishing association (CFA) on the west coast. Barbara explains: “We formed our CFA so that we could speak with a stronger voice at the Pacific Fishery Management Council as they considered establishing catch shares in the west coast groundfish fishery.” Unable to thwart the onset of catch shares, SFCFA members then directed their efforts towards becoming vertically integrated like other processors in the area. Their initial efforts proved successful when they secured the promise of a location in the centre of Fisherman’s Wharf to build a retail establishment.

Aided by Ecotrust and leaders in the Fisherman’s Wharf community, SFCFA was able to secure *pro bono* legal services and a grant to develop a business plan and architectural drawings (Ecotrust also agreed to be

the fiscal sponsor of a US\$250,000 urban waterfronts grant from the State of California).

SFCFA now has its own fishermen-owned facility and is currently working on phase one of a plan to have a wholesale facility on Pier 45. “We have just finished our first year with a profit,” says Barbara. “We have 11 members and I think there will be more. We have a hoist, forklifts and freezers to hold our own bait. Even if we had not had profits to distribute to our members in our first year, our members have a greater sense of independence.”

Vision and innovation in fisheries are enveloped in long-term, often slow-moving, processes. SFCFA continues to work towards opening a retail store on the wharf. In the meantime, Barbara identifies key factors contributing to SFCFA’s successes to date. For one, she notes, the support SFCFA received from the community and Ecotrust has been crucial.

“Equally crucial was my husband’s ability to sell his vision for the future,” she adds. “An additional item is the paperwork—absolutely crucial. Number one was the business plan. Without a business plan, nobody takes you seriously. Number two was the legal service. Our lawyers guided us through the process of incorporating, and helped us figure out what kind of business entity we needed to be and helped us craft our by-laws.”

BARBARA EMLEY



SFCFA members loading pots in front of the waterfront facility on the fisherman’s wharf. SFCFA hopes to open a retail store on the wharf soon

HOLLAND DOTTS



Fresh-caught cod on the deck of a jig boat in Kodiak, Alaska. Kodiak jig fishermen collaborated with the AMCC to ensure entry-level access, and enhance benefits to the sector

Darius Kasprzak is an active small-boat fisherman who grew up on the south end of Kodiak Island on a remote site. For the past six years, Darius has represented the Kodiak jig fleet as president of the Alaska Jig Association (AJA). During these years, Kodiak jig fishermen collaborated with the Alaska Marine Conservation Council (AMCC) to ensure entry-level access, and enhance economic, social, and environmental benefits of the jig-gear sector.

The Gulf of Alaska groundfish fisheries are steadily becoming managed through various kinds of

catch-share systems. Pacific cod is the one fishery that is harvested by all gear groups—trawl, pots, longline and jig—and has recently undergone significant management changes to limit access.

In 2009, federal fishery managers reduced the number of licences, with the most loss of opportunity in the sub-50-foot vessel class. The annual total allowable catch (TAC) was divided among each of these gear groups, forming a sector-based catch-share programme. These steps created new barriers to entry because they raised the value of licences and, therefore, cost to future participants.

Darius explains: “We opposed the sector split starting out because we maintained that those fisheries that were most ecologically responsible and employed the most amount of people should be allowed to compete with the other gear groups, but we were not successful in averting sector splits.”

Instead, their success, which Darius describes as “contributing to our local fishing community, economy and morale” is this: through years of consistent representation, Kodiak jig fishermen, in partnership with AMCC, were able to secure regulatory measures that led to the creation of the jig sector as the entry-level opportunity within two large catch-share programmes for Pacific cod and rockfish.

Federal fishery managers created sector quotas for the jig fleet of up to six per cent of the cod TAC and 2.5 per cent of the pelagic rockfish TAC. The initial allocation of federal quota to the jig fleet figured at one per cent, but with a step-up provision to increase by one per cent a year up to six per cent.

This quota allows for gradual growth far beyond the current catch history of the jig fleet but the fleet must prove the full quota is needed; fishermen must gradually increase harvests up to the sector allocation or quota will be returned to the other sectors.

New programme

“This is the first year of the new programme”, Darius points out, “and we didn’t have any problem with the

first year's portion of [the quota]; presumably, we'll keep stepping up."

On a closing note, Darius stressed, "My hope for the future is this: as fisheries throughout the world become regulated, allocated, chopped up and privatized, there should always be a practical set-aside allocation that accommodates the needs of a traditional fishery operating by environmentally sustainable practices and that employs large numbers of local community members.

The Alaska Jig Association sincerely hopes that the example of a low-impact, set-aside, step-up fishery afforded to our fleet by the North Pacific Fishery Management Council will be recognized and talked about by fisheries managers across the world."

Although AJA's successes thus far have been on the political front in efforts to maintain access to resources, AJA is actually structured as a marketing association. As political work on jig access in the Gulf of Alaska begins to ebb (albeit momentarily), AJA, in partnership with AMCC, is working to further enhance value and create community-based opportunities within Kodiak's jig fisheries.

AMCC recently received one of 18 competitive grants from the National Fish and Wildlife Foundation's Fisheries Innovation Fund. With these funds, AMCC will work with local jig fishermen to transform the fishery into a high-value enterprise by working with the fleet on best careful handling practices, value addition, direct marketing and appreciation in the market for strong conservation performance and social benefits of buying from small-boat, community-based fishermen.

Across the nation, local fishermen and fishing communities face many common challenges. We can confront them more effectively by working together. The organizations featured here—PERC, SFCFA and AMCC—are members of the recently established Community Fisheries Network (CFN).

What I hope for is that this quick account of the good work currently underway in a few of our fishing communities will serve as an important example that local leadership,

involvement and ingenuity are key ingredients in shaping a positive future for our fishing communities. The hopes we harbour for the future should not be conflated with an underestimation of the serious obstacles we have to overcome to ensure a viable future for small-scale fisheries. Rather, hope is the impetus for action. **3**

The Gulf of Alaska groundfish fisheries are steadily becoming managed through various kinds of catch-share systems.

For more



www.akmarine.org/

Alaska Marine Conservation Council

www.communityfisheries.org

Community Fisheries Network

kodiakjiggers.blogspot.in

Alaska Jig Association

Giving Back to the Sea

Victor Rocha, President of the Golfo Dulce Fishermen Federation (FENOPEA) in Costa Rica talks of the challenges facing the region's fishers

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On the challenges facing FENOPEA:

For the small-scale fishermen from the South Pacific coast of the Central American country of Costa Rica, the challenge of promoting a fishermen's organization in this part of the country has to do necessarily with ensuring the economic stability and sustainability of the fishermen and their families. We also need to keep in mind responsible fishing. We don't want to fish out and finish the marine resources; we need to take care of the resources.

Our coastal societies have existed for generations, but because of weak organizations and wrong agreements with the government and local agencies, our communities have been disappearing. Our present effort is aimed at maintaining our culture and valuing our way of living. We need to rescue our way of life, which is akin to that of a peasant, only that we rely on the sea. We believe that a small group of small-scale fishers with the will to achieve the objective of responsible fishing can rescue our culture and way of life.

To tell a fisherman that he has to keep away from the sea is to kill his spirit.

On the difficulties in organizing the small-scale fishing sector:

The hardest part about organizing small-scale fishers is to get them to believe in their value as fishermen and also to get them to realize that other sectors can value their work too. We need to realize that others depend on our work, and we must ensure that other sectors do not harm us, as some have done in the past. In this way, the small-scale fishermen will not only value themselves but also the products that they bring from the sea.

This is the challenge before our federation, which is working with different small-scale fisher associations in the Golfo Dulce region, with a common vision of responsible fishing that it hopes to spread to others.

On marine conservation:

What is wrong is how the resource is being exploited right now, even by the small-scale fishers. In our case, we were using environmentally damaging fishing gears. But having realized the harm, we have made a collective effort through a small group of fishermen who have embraced the objective of conservation and promotion of responsible fishing. Our motto is: "Fishing to conserve and conserving to fish; just as the sea gives to me, I give back to the sea".

On the future vision of FENOPEA:

I think that we are bringing to life a creature that, in time, will motivate the fishermen at the national level. Since FENOPEA is an organization that was born to fight for the rights of small-scale fishermen and to bridge the needs of these fishermen, it not only manages their social and economic affairs but also looks after the fishermen's families. To tell a fisherman that he has to keep away from the sea is to kill his spirit. FENOPEA is an institution that will fight for the inalienable rights of fishermen.

*This interview was conducted with the support of **CoopeSoliDar R.L.**, and its associates, **Daniela Barguil** (dbarguil@coopesolidar.org) and **Vivienne Solís** (vsolis@coopesolidar.org), who helped in transcription and translation*



Researchers discussing the outcome of a study with a fishing community in Costa Rica, which is working to sustain livelihoods and promote conservation of resources

On adaptation to climate change:

The best we can do is not to use damaging fishing gears that will affect our resources in an irreversible manner. We also need to obtain training in climate-change adaptation so that we can all work together towards the common aim of sustaining our livelihoods and promoting conservation.

For more



www.coopesolidar.org/

CoopeSoliDar. R.L.

www.marviva.net/index.php/es/por-una-pesca-artesanal-responsable-en-el-golfo-dulce

Marviva: Responsible Artisanal Fishing in Golfo Dulce

Together against Pirates

Sea piracy and armed sea robbery are major constraints to capture fisheries in the waters of Nigeria

Nigeria lies between latitudes 4°16'–13°52' N and longitudes 2° 96'–14° 37' E. It is bordered by the Republic of Benin to the west, Niger to the north, Cameroon to the east and the Atlantic Ocean to the south. It has a coastline of 853 km. In 1978, Nigeria declared its 200-nautical-miles exclusive economic zone (EEZ), which covers an area of 210,900 sq km over which it has sovereign rights for the purpose of exploiting, conserving and managing its fisheries resources. Nigeria is also endowed

and social well-being of the nation as well as to the maintenance of the livelihoods of fishermen and future generations.

The fisheries within the Nigerian territorial waters and its EEZ can be broadly classified as follows :

(a) brackishwater or estuarine small-scale artisanal canoe fishery in lagoons, creeks and estuaries;

(b) coastal artisanal canoe fishery within the five-nautical-mile non-trawling zone, mainly with gillnets, which targets pelagic species as well as sharks and sail fishes in deeper waters; and

(c) industrial coastal inshore fishery, made up mainly of trawlers targeting demersal fish and shrimps usually up to 50 m depth. Deep-water fisheries resources with high economic potential, including tuna and driftfish (*Arioma*) species, have remained largely unexploited by the local fleet.

The population of fishermen in Nigeria has been estimated at about 1.2 mn; there are about 6 mn employed in the sector, including processors, marketers and other ancillary workers.

Landing sites

Many coastal towns, villages, communities or settlements adjacent to the Atlantic Ocean provide natural landing beaches/sites (on the waterfronts), scattered along the entire coastline, which are used by small-scale artisanal fishermen, who have consistently contributed between 81.4 and 89.6 per cent of the 0.6 mn tonnes of annual fish production.

The Nigerian Trawler Owners Association (NITOA), an umbrella organization of all the fishing

Nigeria, with a population currently estimated at 140 mn, is Africa's largest consumer of fish and fishery products.

with a large number of brackishwater bodies, including estuaries, creeks and lagoons.

Fishing has been a major source of very rich animal protein/nutrients, direct and indirect employment and wealth creation as well as immense economic benefits to Nigeria. Fish forms a key ingredient in global menus, and Nigeria, with a population currently estimated at 140 mn, is the largest consumer of fish and fishery products in Africa. Shrimps have now become an important and valuable export commodity in Nigeria, where oil and gas, with the current daily production of 2.4 mn barrels, contribute about 90 per cent of the foreign-currency earnings of the country.

Therefore, it is very important to ensure the sustainable contribution of fisheries to the nutritional, economic

*This article is by **B B Solarin** (bolsolarin@yahoo.com) and **O A Ayinla** of the Nigerian Institute for Oceanography and Marine Research (NIOMR), Victoria Island, Lagos, Nigeria*

Table 1: Pirate attacks on trawlers in Nigerian coastal waters and their outcome

Year	2003	2004	2005	2006	2007	2008	2009	2010
No. of vessels	10	11	38	91	107	95	105	115
No. of deaths recorded	0	0	0	2	6	9	13	15

Source: FDF & NITOA (Pers. Comm.)

companies, operated 153 Nigerian-flagged registered vessels in 2011 (down from 221 vessels in 2001), and contributed between 4.3 and nine per cent of the local fish production.

However, fishing operations by small-scale artisanal and industrial fishermen, as well as research activities in the coastal waters, are being hampered by incessant armed robbery or pirate attacks in the coastal waters of Nigeria, leading to the maiming of captains, fishermen and crew as well as loss of lives and equipment. Pirates have forcefully deprived small-scale artisanal fishermen of their outboard engines, often inflicting bodily harm.

In recent years, piracy has been a major threat to fishing trawlers. However, of late, the ferocity and frequency of pirate attacks have grown out of proportion and beyond the realms of reason. Fishing grounds from Calabar to Lekki are no longer safe or accessible to fishing vessels, both during the day and at night. The NITOA president once asked in desperation: "How productive can you be if you always have to look over your shoulder?"

According to the *Sunday Punch* of 27 February 2011, a Maritime Watchdog Group confirmed the 853 km coastline of Nigeria as the most dangerous in the world because of the sporadic increase in the number of pirate attacks. Reports obtained from Federal Department of Fisheries (FDF) and NITOA indicate that pirate attacks on fishing vessels increased from 10 in 2003 to 115 in 2010 (see Table 1). The frequency of deaths from the attacks increased tremendously from two in 2006 to 15 in 2009. There were about 50 pirate attacks on fishing vessels in January 2011. Of those, 20 occurred in one week during which 10 crew members were killed.

This trend has continued unabated to date.

The adverse effects of pirate attacks on the fishing operators include the following:

- maiming and loss of lives and materials;
- payment of huge compensation to the families of the deceased crew by the fishing companies;
- rendering fishing grounds unsafe and inaccessible, resulting in low catches;
- loss of the outboard engines of artisanal fishermen, and irreplaceable damage to the assets on board trawlers; and
- negative psychological impacts on fishermen and technical crew and sailors.

The fishing industry has high capital outlay on vessels, nets, trawl gear, accessories, jetties, cold storage and processing facilities, workshops and slipways worth more than 150 bn naira (approx. US\$1 mn). It also has an effective market distribution network

B B SOLARIN



Fishing operations of small-scale and industrial fishermen in Nigeria are being hampered by pirate attacks



Fishing provides direct and indirect employment to over six million people in Nigeria, including fishermen who are affected by pirate attacks

and provides direct and indirect employment to over six million, including fishermen, crew, net makers, processors, marketers and others. The industry earns large amounts of foreign exchange, mainly through shrimp exports worth US\$50-60 mn annually (see Table 2). The industry, however, is now on the verge of total collapse as crew members no longer wish to sail.

The operators continue to incur huge financial losses as a result of these pirate attacks.

Competent hands are now moving to the oil industry where they are better assured of safety. In addition, it has become very risky for scientists to conduct research like resource surveys in the inshore coastal waters or board fishing vessels as observers. Placement of students for at-sea, on-board experience, skills acquisition and capacity building for the fishing industry has also been put in abeyance. The situation is more worrisome because of the multi-purpose fisheries and oceanographic research vessel that has been approved by the federal government for acquisition by the

Nigerian Institute for Oceanography and Marine Research (NIOMR). All these prospects, including commercial exploitation of tuna and other pelagic resources in the Nigerian EEZ (dominated by skipjack tuna, which is estimated to have an annual potential yield of 10,000 tonnes) are likely to be jeopardized by continuing sea piracy.

In a nutshell, there is a tremendous cost in terms of economic value from disruption of fishing activities and loss of lives as well as from the hampering of the collection of invaluable research data and information required for sustainable fisheries development.

Stakeholders

The problem of sea piracy should be solved through multi-dimensional and concerted efforts from all stakeholders, including the Nigerian navy, air force, army, marine police, NIOMR, FDF, NITOA, the Nigerian Maritime Administration and Safety Agency (NIMASA), customs and immigration services as well as the artisanal fishermen themselves.

Table 2: Quantity and value of shrimp/prawn exported between 2000-2011

Year	Quantity (Tonnes)	Value (US\$)
2000	6,303.25	39,495,886.22
2001	6,694.21	48,820,467.00
2002	7,372.54	54,053,120.00
2003	6,900.00	48,215,030.00
2004	7,316.16	52,706,370.00
2005	7,179.27	53,379,750.00
2006	7,736.22	46,804,100.00
2007	5,136.67	38,311,320.00
2008	4,694.17	38,207,610.10
2009	4,321.42	38,167,336.24
2010	4,082.95	37,800,022.38
2011	4,390.52	47,843,932.60

Source: FDF, 2007 and 2011. (Pers. Comm.)

At mid-sea, large volumes of shrimp bycatch are bought off the trawlers by canoe fishermen. Proceeds from such transactions, worth millions of naira, which are kept on board the trawlers, have been figured to attract the pirates. It is recommended that sales of bycatch at sea should be prohibited.

Vessel monitoring system (VMS) or other cost-effective communication technology that is compatible with existing technology within the sub-region, should be adopted after due consultations. Harmonization of the fisheries laws and regulations in the sub-region is long overdue and should be undertaken on a priority basis to bring about a uniform regime of application and enforcement. Alternative employment generation for the youth should be explored.

The construction of the proposed east-west coastal road, spanning all the eight coastal States, is long overdue and should be completed fast in order to open up the area and permit access from the hinterland to prevent the unhindered movement of pirates in and out of the coastal waters.

Vigilante groups should be encouraged to be formed in coastal communities.

Recently, the Nigerian navy imported *NNS Thunder* from the US to boost its fleet capability. The March 2012 workshop organized by

the Africa Partnership Station (APS), involving a joint exercise (code named 'Obangame', which is a Cameroonian word meaning 'togetherness') on the fundamentals of policing and fighting sea piracy in the Gulf of Guinea, by the US Navy, in collaboration with Nigeria, Ghana, Cameroon, Sao-Tome and Principe and observers from the Caribbean, is most welcome.

In addition, joint operations of NIMASA and the Nigerian navy are being revamped through the acquisition of platforms and associated electronic surveillance systems through federal government-approved public-private partnership (PPP) arrangements. Under the auspices of NIMASA, a draft sea piracy bill is being prepared with inputs from all stakeholders.

It is hoped that all these efforts and recommendations will bring about a drastic reduction or elimination of armed sea robbery/piracy in the West Africa sub-region. 3

For more



www.gaf.mil.gh/index.php?option=com_content&view=article&id=147:ghana-nigeria-navies-to-combat-sea-piracy-in-the-sub-regional-waters&catid=13:headlines&Itemid=34
Ghana, Nigeria Navies to Combat Sea Piracy in the Sub-regional Waters

nimasa.gov.ng/
Nigerian Maritime Administration and Safety Agency

www.niomr.org/
Nigerian Institute for Oceanography and Marine Research

Beyond Paper

The annulment of inequitable provisions in an Indonesian coastal area management act spells victory for fishers

At its plenary session on 26 June 2007, Indonesia's House of Representatives (DPR) passed the Management of Coastal Areas and Small Islands (PWP-PPK) Act, 2007 (No. 27). It was meant to make a breakthrough in resolving the conflicts that resulted from sectoral regulations in coastal areas and small islands. Another aim was to ensure that the State protects the interests of families of fishers and indigenous peoples. It was assumed that this legislation would lead to

Development Bank (ADB) and the World Bank.

Though there was a prolonged process involving discussions with different experts, it is unfortunate that the final legislation passed did not have an integrated coastal management approach. The legislation, as adopted in 2007, did not correct the inequality of control of coastal and small island resources, nor did it address the growing complexity of overlapping pieces of legislation governing the areas (as there are over 20 laws governing coastal areas and small islands). Instead, the legislation puts more emphasis on the investment aspect and is pro-business in approach, not leaving much space for communities, especially traditional fisherfolk and indigenous peoples, to participate and propose management plans.

The legislation (as adopted in 2007) had provisions whereby concessions could be granted to coastal waters. The PWP-PPK Act legally promoted the granting of concessions (HP-3) to the private sector, including from other countries, for aquaculture, tourism and mining in coastal waters and small islands.

Concessions

More specifically, the concessions can be granted for the sea surface, and the water columns down to the seabed valid for a cumulative period of 60 years. Moreover, the concessions can be transferred, routed and used as collateral for bank loans. This kind of commercialization and privatization model has been applied earlier for the management

...the 2007 legislation puts more emphasis on the investment aspect and is pro-business in approach, not leaving much space for communities...

maximum development of coastal areas and small islands.

It is essential to note that the process for drafting the legislation took a long time, and involved a number of stakeholders, and it was more than seven years before the process was complete. The process, initiated in 2000, involved academics, legal practitioners, non-governmental organizations (NGOs), as well as a number of foreign experts, especially from the University of Rhode Island, United States (US), besides public policy activists from the US. There was also foreign funding involved, either directly or indirectly, in the form of funds from organizations such as the United States Agency for International Development (USAID), and banks such as the Asian

*This article is by **M. Riza Damanik** (mriza_damanik@yahoo.com), General Secretary of KIARA*

of forests and mineral resources over the last four decades, and have proved a failure, resulting in increased poverty and ecological disasters in Indonesia.

The access to coastal and small-island resources are then open to be controlled by investors with financial muscle since only such investors can meet all the requirements stipulated in the law to obtain the HP-3 certificate, namely, administrative, technical and operational qualifications. Often, coastal communities do not have the capacity (financial, technical, access to information and technology) to compete with the investors and local government, thus leaving no space for the coastal communities, especially the fisherfolk. The social, economic and cultural activities of fisherfolk, and coastal cultivators will be drastically affected by such investments, leading to further exacerbation of their poverty.

In essence, HP-3 legalizes the revocation of the rights of families of fishers, indigenous and coastal communities to access resources in coastal and marine areas, and small islands.

The degradation of the ecosystems of the islands, the allotment of marine areas, and the eviction of fishers from their traditional spaces are continuing. The People's Coalition for Fisheries Justice (KIARA) notes that during the span of four years, no less than 42 ecologically important areas along the coast and in small islands have been 'excavated' by the mining industry for the extraction of coal, oil and gas.

Furthermore, over 20 islands, including in Nusa Tenggara Barat, Kalimantan Timur, Kalimantan Selatan, North Maluku, South Sulawesi, Papua and Nusa Tenggara Timur (NTT), have been earmarked by foreign parties for the industry; around 50,000 ha of aquaculture area have been handed over as concession for foreign exploitation, and are being 'adopted' by oil, gas and mining companies.

Around one million ha of coastal area have been converted to facilitate the expansion of palm oil plantations

and beach reclamation. All these developments potentially increase the pressure of poverty on the families of fishers.

Based on these considerations, a civil society grouping, called the "Reject HP-3 Coalition", filed a petition with the Constitutional Court on 13 January 2010 for the judicial review of the articles related to HP-3 in Act No. 27 of 2007. The coalition, consisting of nine civil society organizations (CSOs) and 27 leaders of fisherfolk organizations, was also supported by various experts from the academic community, as well as three representatives from among artisanal fisherfolk and indigenous peoples.

While the practice of privatization of the management and exploitation of natural resources in Indonesia is shifting from land to marine areas, the Constitutional Court of Indonesia annulled, on 16 June 2011, the provisions of the HP-3 concessions as stipulated in the PWP-PPK Act of 2007. On paper, the policy of privatizing the living spaces of traditional fishers and indigenous peoples in coastal waters and small islands has been revoked.

The review procedure of the Constitutional Court focused on two major questions:

1. Does the granting of the HP-3 concession regulation contravene the principle of



The Reject HP-3 Coalition in front of the Constitutional Court of Indonesia, campaigning for the rights of communities to access resources

KIARA



The Constitutional Court of Indonesia in session to discuss the annulment of HP-3 concessions

State power/ownership over natural resources for the greatest welfare of its people; is it in conflict with the constitutional guarantee regarding the right to life and livelihood for the coastal community (socioeconomic rights), and with the principle of non-discrimination and the principle of legal certainty and justice?

2. Is the design/development of the Strategic Plan for Coastal Regions and Small Islands (RSWP-3-K), Zonal Plan for CR & SI (RPWP-3-K), Management Plan for CR & SI (RPWP-3-K) and the Action Plan for CR & SI (RAPWP-3-K) not in contravention with the constitutional rights of the petitioners (Reject HP-3 Coalition) since no representative of the people participated in the consultation procedures?

The Constitutional Court discourse resulted in several interesting elaborations.

First, the sentence “to be used for the greatest welfare of the people”, as mentioned in the Constitution (UUD 1945, Article 33/3), implies that the greatest welfare of the people is the main criterion for the government to determine the policies, regulations and management regarding land and water resources and the natural richness that is part of them.

Second, the State power over land and water resources and their natural richness has to consider the already

existing rights, be it individual rights or collective rights of traditional groups, communal rights and other constitutionally granted rights of the people, such as the rights of passage for access and right to a healthy and clean (aquatic) environment.

Third, the HP-3 concession regulation will result in a loss of the rights of traditional communities that have been handed down over generations. These traditional community rights have a specific characteristic, that is, they cannot be revoked as long as the traditional community still exists.

Fourth, HP-3 will lead to an exclusion of traditional communities as HP-3 concession holders, due to their lack of working capital, technology and knowledge. However, the State—in this case, the government—has the duty to promote the general welfare and social justice of all its people (UUD 1945, Intro. And Para. 34/2).

Fifth, the purpose of Act 27 of 2007 is the legalization of concessions in coastal areas and small islands, that is, to establish private ownership and closed ownership for individuals, legal entities or certain communities, so that a major part of the coastal areas and small islands can be managed by the above mentioned entities through concessions as regulated by HP-3. Thus, the aim is to promote the privatization of management and exploitation of the coastal waters and small islands by private companies and businessmen.

Last, the design/development of the Strategic, Zonal, Management and Action Plans, which only includes regional governments and the business community, constitutes unequal treatment, and neglects the rights of individuals for personal advancement and the collective development of the community, the people and the State.

Small-island resources

Based on the abovementioned elaborations, the means to privatize and commercialize the coastal areas and small-island resources are proven to be in contravention of the provisions of the Constitution. The relevant paragraphs of the HP-3

concession regulation does not have any legal sanctity.

In examining the ruling document, which is 169 pages long, at least three breakthroughs by the Constitutional Court can be discerned, which strengthen the essence of the struggle of fisher communities and indigenous peoples.

First, in assessing how far HP-3 benefits the greatest welfare of the people, the Constitutional Court used the following benchmarks: (i) the benefit of natural resources for the people; (ii) the level of distribution of the benefits of natural resources for the people; (iii), the level of public participation in determining the benefits of natural resources, and; (iv) the respect for people's rights in utilizing natural resources from generation to generation.

Thus, the Constitutional Court, in its ruling on HP-3, has provided and defined a constitutional instrument to measure the operational meaning of "for the greatest welfare of the people" regarding the often-debated management of natural resources.

Second, the Constitutional Court contributed to the awareness and articulation of the existence of constitutional rights, which also apply for traditional fisherfolk, among which are the rights of passage (access); the right to manage resources in accordance with cultural principles and traditional wisdom handed down over generations; and the right to exploit resources, including the right to a healthy and clean aquatic environment. All these rights of the traditional fisherfolk are inherent individually and collectively, and cannot be exchanged (read sold). In areas where the fishers are not dominant, it depends on their customary rights, not on the number of people.

There is no need to wait. Technically, the government and parliament need to revise all rules, both national and regional, that still foster the spirit of privatization reflected in HP-3, and 'clean' the coastal, marine and small-island areas of various forms of impoverishing commercialization. In North Sumatra,


for example, a Local Regulation No. 5 of 2008 on the Management of Coastal Areas and Small Islands clearly holds commercial provisions regarding coastal water concessions.

In line with the annulment of HP-3 by the Constitutional Court, the State has the duty to reinstate the constitutional rights of the fisherfolk, including the guarantee not to pollute the sea (read living environment and livelihood of the fishers). For the fisher families who have been 'driven out' from their marine environment, the annulment of HP-3 is a conscious effort to strengthen their living as

...the means to privatize and commercialize the coastal areas and small-island resources are proven to be in contravention of the provisions of the Constitution.

traditional fisherfolk and also to seize their rights in a constitutional way. At the same time, the dignity of the State must be upheld by preventing its apparatus from exercising misguided policies that are contradictory to the Constitution.

Furthermore, the decision of the House of Representatives to insert a bill on the protection of fishers into the National Legislation Programme (Prolegnas) for the period 2009 to 2014 should be followed up by ensuring the involvement and participation of organizations of fishers and indigenous peoples in its formulation process.

If this can be achieved, the constitutional victory of fishers, indigenous peoples and their families will not remain on paper. 

For more



www.kiara.or.id/

Koalisi Rakyat Untuk Keadilan Perikanan

www.un.org/Depts/los/nippon/unnff_programme_home/fellows_pages/fellows_papers/nurhidayah_0910_indonesia_PPT.pdf

Towards Integrated Coastal Zone Management in Indonesia: Framework Assessment and Comparative Analysis

Managing Biodiversity

On the 16th session of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the Convention on Biological Diversity (CBD)

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The 16th session of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the Convention on Biological Diversity (CBD) was held from 30 April to 5 May 2012 in Montreal, Canada. More than 400 representatives from governments, intergovernmental and non-governmental organizations, indigenous and local communities, business and academia attended the meeting.

SBSTTA 16 adopted 15 recommendations, including a package on marine and coastal

(COP 11) to be held during 8-19 October 2012 in Hyderabad, India.

Ecologically or biologically significant marine areas: Agenda item 6.1 on EBSAs saw a lot of discussion, with some delegates pointing to the ambiguity of whether the reference is to EBSAs in areas within or beyond national jurisdiction.

The Canadian delegation stressed that the three regional workshops organized by the CBD secretariat, in collaboration with other regional organizations, were meant only for 'describing' EBSAs, not for 'identifying' EBSAs. This position was supported by other delegates. The SBSTTA recommendation, therefore, stresses that the identification of EBSAs and the selection of conservation and management measures is a matter for States and competent intergovernmental organizations, in accordance with international law, including the United Nations Convention on the Law of the Sea.

Iceland, Norway, the United States, Argentina and the United Kingdom questioned EBSAs that had been described, as they were in overlapping jurisdictions. The suggestion to declare EBSAs as marine protected areas (MPAs) was challenged by a number of countries, including Canada, Mexico, Argentina, China and India.

Scientific validity

Delegates also questioned the scientific validity of the information collected, pointing to other regional processes that have also gathered relevant information. There is need to review the present data in light of other available information, it was stressed.

SBSTTA 16 also adopted recommendations on biodiversity and climate change...

biodiversity. The marine and coastal biodiversity recommendation covered three agenda items—ecologically and biologically significant areas (EBSAs); sustainable fisheries and adverse impacts of human activities on the marine environment; and marine spatial planning and voluntary guidelines for the consideration of biodiversity in environmental assessments in marine areas.

SBSTTA 16 also adopted recommendations on biodiversity and climate change, an in-depth review of the programme of work on island biodiversity, incentive measures, and new and emerging issues. These recommendations have been forwarded to the 11th meeting of the Conference of the Parties

This report has been written by **Ramya Rajagopalan** (ramya.rajagopalan@gmail.com), Consultant, ICSF

Representatives from countries in Africa pointed out that as no regional workshop on EBSAs had been organized in their region, it was difficult for them to comment on the recommendations to COP.

The lack of participation of indigenous and local communities in regional workshops was discussed. SBSTTA recommended that indigenous and local communities should be invited to participate in future workshops on the issue.

Social and cultural criteria: A study, undertaken within the context of Article 8(j) of CBD, identifying specific elements for integrating the traditional, scientific, technical and technological knowledge of indigenous and local communities and social and cultural criteria for the identification of EBSAs and the establishment and management of MPAs, was discussed. The study focuses on the social conditions that determine the long-term biological viability of conservation initiatives. It highlights the importance of taking into account humans and their needs, including the needs of future generations, while designing schemes for conservation and management of marine resources, including the identification and management of EBSAs and MPAs.

The study notes that traditional knowledge could be important not only for identifying areas that meet EBSA criteria, but also for identifying traditional marine management systems and strategies that have great significance in how biodiversity is managed in the world's oceans. These traditional systems have concepts of stewardship and intergenerational responsibility for sustainable use of marine resources, and employ multiple tools and approaches that lead to sustainable, and adaptive management practices.

The draft recommendation to SBSTTA acknowledges the report and asks countries to use these criteria for the description and identification of EBSAs. During discussions on the issue, delegates called for including the traditional knowledge of

indigenous and local communities, with the approval and involvement of the holder of such knowledge, for the description of areas that meet the criteria for EBSAs. Canada, supported by Peru, suggested that this be strongly recommended to COP. The recommendation, based on suggestions from Canada, further notes that socially and culturally significant areas may require enhanced conservation and management measures, and the criteria for identification of such areas should be developed with appropriate scientific and technical rationale.

In its statement, the International Collective in Support of Fishworkers (ICSF), recalling also decisions from COP 9 (IX/20) and COP 10 (X/29), asked Parties to take concrete steps to integrate the traditional scientific, technical, and technological knowledge of indigenous and local communities, at all stages of the process of identifying and describing EBSAs, including through the full and effective participation of indigenous and local communities at all regional workshops organized for the purpose. ICSF pointed out that as this has not happened so far, the process of describing EBSAs undertaken to date must be considered preliminary.

With reference to the training manual and modules on EBSAs prepared by the CBD secretariat,



Braulio Ferreira de Souza Dias, CBD Executive Secretary; Senka Barudanovic, SBSTTA 16 Chair; and David Cooper of the CBD Secretariat at the plenary session

SBSTTA requested the Executive Secretary “to further refine the training manual and modules, as necessary, including through further consultation with Parties and the development of training materials on the use of traditional knowledge”.

Adverse impacts of human activities: Agenda item 6.2 was on addressing the adverse impacts of human activities on marine and coastal biodiversity, including coral bleaching, ocean acidification, fisheries and underwater noise. With reference to the workshop on sustainable fisheries organized in Norway in December 2011, it was noted that the background study and the discussions focused more on areas beyond national jurisdiction.

Japan highlighted the fact that regional fisheries management bodies play a leading role in conservation and management of fisheries in areas beyond national jurisdiction. The SBSTTA recommendation encourages constructive collaboration between biodiversity and fisheries bodies, recognizing that fisheries management bodies are competent bodies for managing fisheries.

Delegates also agreed that coral bleaching and ocean acidification are important areas, especially for small island developing countries, where communities are dependent on fish for food security and livelihoods.

On the issue of underwater noise, delegates called for more research to improve understanding and awareness of the issue among relevant stakeholders.

MSP, MPAs, EIA and SEA: Agenda item 6.3 was on marine spatial planning (MSP), MPAs and voluntary guidelines for the consideration of biodiversity in environmental impact assessment (EIA) and strategic environmental assessment (SEA) in marine and coastal areas.

The question of whether the draft voluntary guidelines, which focus more on areas beyond national jurisdiction, are also relevant for waters within national jurisdiction, was debated. Parties, especially Australia, Argentina, Brazil and Mexico, pointed to the need for more discussion and feedback from

countries. The entire guidelines were, therefore, placed within square brackets in the final recommendations to COP. The CBD secretariat was requested to circulate the guidelines and provide more time for Parties to study and comment on them.

ICSF, in its statement, highlighted that EIA processes for waters within national jurisdiction must integrate additional aspects. For example, given that tenure rights of indigenous peoples and small-scale fishing communities in coastal and marine areas within national jurisdiction are often not well recognized, it is essential that the EIA guidelines specifically require their identification.

ICSF, therefore, called on Parties to seek the additional elaboration of the guidelines for coastal and marine areas within national jurisdiction, with the full and effective participation of indigenous peoples and local communities in the process, and drawing on their traditional knowledge systems.

ICSF further urged that the proposed guidelines fully integrate principles from two important CBD guidelines, namely, the Tkarihwaie:ri Code of Ethical Conduct and the Akwé: Kon Voluntary Guidelines.

For more



www.icsf.net/en/statements.html?radio=1
**ICSF statement on Agenda Item 6:
 Marine and Coastal Biodiversity**

www.cbd.int/sbstta16/documents/
SBSTTA 16 – Official Documents

Rebel with a Cause

In this interview, Honorino Angulo, a fishermen leader from southern Chile, talks about his battle for the rights of coastal communities

In March 2012 he was charged with inciting violence. In June, he was bestowed a human-rights award. Meet Honorino Angulo, a fishermen leader from southern Chile, who has long battled the dictatorial measures imposed in the Pinochet era, which still prevail.

In awarding him the Helmut Frenz medal, the Ethical Committee against Torture commended Angulo for his struggle against the privatization of fishery resources and for defending the right of coastal communities to food sovereignty.

Angulo was one of the leaders subjected to the Internal National Security Law, a law created under the Pinochet regime, for leading last summer's people's protest in Patagonian cities, styled as "Aysen, Your Problem is My Problem", which demanded that the valuable natural resources of the southern region be exploited sustainably for the benefit of citizens.

Angulo's response: "I am not a delinquent. I am a social leader and I will continue to demonstrate until I am 100 years old, God willing."

Excerpts from an interview with this feisty leader:

How did you become a fisherman?

I come from a rural (*campesino*) family which arrived in Patagonia to escape poverty in the countryside. In the 1980s I became an artisanal fisherman, despite not having completed primary education. It was only two years ago that I completed basic-level studies. When I started fishing, we caught *congrío* (kingklip, cusk eel), hake, and manta ray, using for bait species native to our region,

such as *pejerrey* (sandsmelt), sardine and *cabrilla* (wreckfish). But since the arrival of salmon aquaculture in the region, we have lost these smallest of resources (*pejerrey* and sardine). Now we have to depend on other regions to get bait. The salmon industry is a major threat to artisanal fishing. Rearing centres have been established in our region and are polluting all the coastal and marine areas. Large amounts of antibiotics and chemicals are administered to the salmon reared in cages, which are now occupying our traditional fishing areas and polluting the sea.

...I am a social leader and I will continue to demonstrate until I am 100 years old...

Three companies in the southern zone—Pescanova, Nippon Suisan and the Chilean company Friosur—own all the quota of some of our fisheries, like the Patagonian grenadier (*merluza de cola*), and southern blue whiting (*merluza tres aletas*) and 50 per cent of the quota for austral hake (*merluza del sur*) and manta ray. The government wants to give them these quotas in perpetuity. They have never been penalized for overexploiting marine resources nor do they pay taxes for extracting these fishery resources. Worse, a large part of the resources are destined for fishmeal production to feed salmon.

Where do your catches go?

Our catches go to feed people in towns in the region and also in other parts of central and northern Chile.

This interview was conducted by **Patricio Igor Melillanca** (patricio@ecoceanos.cl) of Ecoceanos, Chile. It was translated by **Brian O'Riordan** (briano@scarlet.be) of ICSF

A small percentage is exported for human consumption. But almost all the industrial production goes for fishmeal and oil, and a small percentage for the export markets.

How did you become a leader of fishermen?

I have been a leader for 20 years. I took up the struggle of our fishermen to save our resources, and our work and families. We must feed our families; we must never allow the companies to abuse us. Longueira's Law attempts to hand over fishery resources for life to six families of the country, who have become millionaires through fish, but who have also jeopardized the sustainability of the fisheries. Today our organization—the National Council for the Defense of the Artisanal Fishery Heritage—has 50,000 fishermen as members, including various leaders from CONAPACH and CONFEPACH.


You were one of the leaders of the movement “Aysen, Your Problem is My Problem”, which, at the start of the year, made political demands, calling for better infrastructure, and sustainable exploitation and equitable use of resources. Months later, how do you see the situation in Patagonia?

That movement began by rejecting the law for privatizing the fisheries. The fishermen started demonstrating, and then other sectors began to join in with their own demands, which were very similar. The workers' union joined the demonstration, as did public employees, lorry drivers, health and education workers, and rural labourers from the *campesinios*. The movement was able to highlight forgotten issues, like fair salaries, better health and education infrastructure, and subsidies. The demands of artisanal fishers have been overlooked. We would like a new fishing quota system, modified fishery calendars and a region-by-region revision of the law to privatize fisheries resources.

What is the position of the National Council for the Defense of the Artisanal Fishery Heritage on this law, which gives property rights as individual transferable quotas (ITQs)?

We have mobilized throughout Chile against the government's lack of interest in formulating this law exclusively for artisanal fishworkers. At the moment, the bill favours industrial trawling and the operation of large vessels in Patagonia's internal waters and canals. It does not respect the five-mile zone reserved for the artisanal fishery. We emphatically reject the issue of ITQs and the privatization of the fisheries.

How does the human-rights award from the Ethical Commission against Torture link with the artisanal fishers' struggle?

This award recognizes the rights of the individual, and the freedom to feed oneself. As fishers, we want good-quality resources for our country, especially those produced by the artisanal sector. The award recognizes our struggle for food sovereignty, and we are proud to defend the right to food for all our families and our children. This is why we reject Longueira's Law, which seeks to hand over ownership of these resources to six families. Our struggle to defend our fisheries heritage is society-wide. We can't allow the Economy Minister to take this quality food away from us and hand it over to six of his friends, the industrial fishing companies. 

For more



www.santiagotimes.cl/national/human-rights-a-law/24059-chiles-lower-house-passes-new-fishing-law-amid-protests

Chile's lower house passes new fishing law amid protests

fis.com/fis/worldnews/worldnews.asp?monthyear=6-2012&day=28&id=53386&l=e&country=&special=&ndb=1&df=1

Chile's fisheries Act contents presented

Caged in

The aquaculture industry in Malaysia is plagued by a range of problems that need to be addressed immediately

Aquaculture has a long history in Malaysia. Initially, aquaculture started as a traditional practice, integrated with agriculture and done on a small scale. Around 1970, the aquaculture industry began to grow in the country when semi-intensive shrimp farming was introduced in Johor State. Cage culture also began to be developed at that time, followed by cockle and mussel farming.

Between 1970 and 1980, the aquaculture industry collapsed due to land degradation in ponds as a result of increased acidity in the soil, which interferes with the immune system of organisms, and affects the rate of production of livestock and aquaculture resources.

Aquaculture activities began to increase rapidly in early 1990 with the introduction of high-capacity commercial aquaculture and supplements in fish and shrimp hatcheries set up by the government and private companies.

A widespread shrimp disease hit aquaculture farms in many countries in 1999 and led to the closure of farms and hatcheries in Malaysia. Poor management practices also contributed to the collapse of aquaculture farms.

At present, the industry is growing fast and is being promoted by the government, which views it as a good source of foreign exchange, since most of the output of intensive aquaculture is exported.

The Annual Fisheries Statistics of 2010 indicate that the total area of brackishwater aquaculture ponds is 7,722.82 ha, compared to 5,623.69 ha in 2006. An analysis of changes in mangrove areas in Manjung district

in the State of Perak, conducted by the Forest Research Institute of Malaysia (FRIM), showed a notable decline of 64 per cent in the extent and distribution of mangrove forests between 1989 and 2009. One of the causes of this decline is aquaculture development.

The Malaysian government has taken various initiatives to develop the aquaculture industry, such as the introduction of Aquaculture Industrial Zones (ZIAs), zoning of land and waters as areas for

The aquaculture industry has contributed to the destruction of mangrove forests and agriculture...

aquaculture development in the Ninth Malaysia Plan, a specific provision of RM119.12 mn (approx. US\$38 mn) for aquaculture development in the Tenth Malaysia Plan, and a Code of Good Aquaculture Practice (GAqP).

Mangrove destruction

However, Sahabat Alam Malaysia (SAM) believes the development of the aquaculture industry will have more negative effects on ecosystems and the economy. The aquaculture industry has contributed to the destruction of mangrove forests and agriculture; reduction of natural habitats; deterioration of coastal protected areas; catching of juvenile fish to feed livestock; pollution and deterioration of water quality; introduction of alien species; and deterioration of land quality.

*This article has been written by **Azrilnisam Omar** (azrilo@gmail.com) of Sahabat Alam Malaysia (SAM)—Friends of the Earth Malaysia*

SAHABAT ALAM MALAYSIA (SAM)



Malaysia's aquaculture industry has destroyed coastal areas and adversely affected the ecosystem

The development of aquaculture industries in coastal areas has indirectly affected the quality of life of coastal communities, especially of fishermen. SAM believes the preservation and conservation of natural coastal areas should be a priority. The Indian Ocean tsunami of 26 December 2004 should be a lesson on the importance of mangrove forests in the preservation of coastal areas.

The Malaysian government believes that the development of aquaculture will help meet the country's requirement for protein, which cannot be met by marine fishery resources alone. SAM, however, feels that these initiatives are only temporary and not sustainable. The government should focus on efforts to conserve natural fisheries resources and should not encourage aquaculture as a solution to the depletion of fishery resource.

SAM believes the following are some of the deficiencies and challenges facing Malaysian aquaculture:

A. Absence of comprehensive policy, legislation and enforcement in aquaculture areas

Malaysia does not have an act or special law to regulate aquaculture comprehensively. There are only guidelines for aquaculture

development in the form of the GaqP, which is issued by the Department of Fisheries, Malaysia. Unfortunately, the code of practice is not mandatory.

Furthermore, environmental impact assessment (EIA) reports are only required to be provided if the aquaculture project involves a mangrove area of over 50 ha. Although aquaculture projects often involve reclamation of vast areas of paddy fields, they are exempt from EIA.

To worsen the situation, there is no legally binding requirement for social impact assessment (SIA) for aquaculture projects. The absence of laws to regulate aquaculture projects denies the community a mechanism to voice their concerns and views on aquaculture development.

There is also no law to control wastewater from aquaculture ponds. The provisions in the Environmental Quality Act of 1974 apply only to sewage and industrial waste.

The absence of policies and regulations has allowed aquaculture industries to exploit resources for their own interests and benefit.

B. Lack of co-ordination in implementing government policy

Planning for aquaculture development is not in line with several existing government policy initiatives. Any aquaculture development plan should be consistent with the planning schemes of local, State and national bodies.

Take for example the issue of Integration of Prawn Aquaculture Project (i-SHARP) under the High Impact Projects—Aquaculture Industrial Zones (HIP-ZIA). The Detailed Environmental Impact Assessment (DEIA) report for i-SHARP stated that the project is implemented in environmentally sensitive areas, where only projects for recreational purposes and that do not affect the ecosystem are permitted. The i-SHARP project is also inconsistent with the Setiu District Local Plan. However, the State Executive Council (MMKN) has gazetted the area for agricultural use, with priority for shrimp farming.

C. Impact of the Aquaculture Industrial Zone (ZIA) on the ecosystem and local communities

The ZIA, one of the High Impact Projects (HIPs) under the Ministry of Agriculture and Agro-based Industry (MOA), has several negative impacts on the ecosystem and local communities since the projects are designed on a large-scale commercial basis.

Some areas of the proposed ZIA are mangrove forests and marine or coastal waters. Large-scale aquaculture projects will contribute to environmental degradation and the destruction of ecosystems and the livelihoods of fishermen. The privatization of this aquaculture project will only benefit corporate interests and private profits.

D. Reclamation of mangrove areas for aquaculture projects

Aquaculture activities destroy mangrove forests, many of which are converted into shrimp farms. According to Forestry Department statistics, almost 9,000 ha of mangrove forests have been destroyed for aquaculture.

In coastal areas, mangrove forests act as a buffer zone against storms, erosion and tsunamis. They are also breeding grounds for marine life. About 75 per cent of commercial fish species are bred in mangrove areas. Each ha of mangrove forest destroyed is estimated to result in an annual loss of 480 kg of marine products.

E. Trash fish as food in aquaculture

Trash fish is mainly used in the aquaculture industry as food. About 90 per cent of the aquaculture industry uses trash fish as a source of food. However, the use of trash fish is not efficient, as shown in the food conversion ratio for major aquaculture species as 8 – 15:1, depending on the quality of trash fish. This implies that a total of 8 to 15 kg of trash fish is required to produce only one kg of aquacultured fish.

The Annual Fisheries Statistics for 2010 indicate that the total landings of trash fish that year were 307,439 tonnes or 21.52 per cent of the total marine fish landings (1,428,881 tonnes). Trash fish also accounted for

the second-largest amount of fish landings by trawlers in 2010, totalling 718,168 tonnes or 35.37 per cent. The high demand for trash fish for the aquaculture industry will encourage the use of trawl nets, which will, in turn, destroy the marine ecosystem and deplete fish stocks. Evidently, the use of trash fish for the aquaculture industry should be banned to ensure the survival of marine species.

F. Promotion of aquaculture in government policies

The government has encouraged the expansion of the aquaculture industry in the Ninth Malaysia Plan and the National Fisheries Policy/ National Agriculture Policy. It has provided various incentives, including financing the cost of basic infrastructure, and supplying planning

About 90 per cent of the aquaculture industry uses trash fish as a source of food.

and technical support to attract more entrepreneurs to invest in aquaculture industries. As a result, more and more areas will be converted into aquaculture farms, leading to the destruction of natural resources.

In view of these considerations, SAM offers the following recommendations:

1. Policy, Legislation and Enforcement
 - a. Enact special laws for the aquaculture industry;
 - b. Make the GAqP compulsory;
 - c. Enforce EIA and SIA for every aquaculture project, regardless of size;
 - d. Review the viability of aquaculture activities in mangrove swamps and coastal and agricultural areas;
 - e. Strengthen the enforcement and protection of coastal mangroves in the National Physical Plan, the State Structure Plan and the Local Plan;
 - f. Gazette mangrove areas as protected areas, and enforce the mangrove buffer zone boundaries to prevent encroachment;

SAHABAT ALAM MALAYSIA (SAM)



The shrimp aquaculture project in Sanglang, Johor, Malaysia. Since 1970, the aquaculture industry has grown due to the introduction of semi-intensive shrimp farming

g. Create legislation to control wastewater discharge and precipitation from aquaculture ponds;

h. Ban semi-intensive and intensive aquaculture as well as extensive aquaculture projects involving large areas;

i. Ban the export of marine products unless there is a surplus of production;

j. Promote traditional polyculture aquaculture projects;

k. Tighten enforcement against illegal aquaculture projects;

2. Co-ordination of government policies related to aquaculture areas

Aquaculture development plans should be consistent with policies at the national, state and local levels. Any company or individual who wishes to carry out aquaculture projects should approach the Department of Town and Country Planning (DTCP) or local authorities to ensure that there is no conflict in use of land, as stipulated in the existing National Physical Plan, Structure Plan and Local Plan.

3. Review the ZIA project

Review the role of HIP-ZIA in contributing to the enhancement of the country's fishery resources. Opening up new areas for ZIA must be stopped and existing areas restored once the project has ended.

4. Stop clearing mangrove forests area for aquaculture projects

Aquaculture projects should be banned in mangrove forests and other environmentally sensitive natural habitats. Abandoned mines can be used as an alternative.

5. Stop use of trash fish

The use of trash fish as food in the aquaculture industry should be stopped to ensure the survival of marine species. Uncontrolled capture of trash fish, mostly smaller species that have a commercial value, affects fisheries stocks.

6. Encourage fisheries resource conservation

Enhancing and restoring fisheries resources should be a priority focus. The government should consider protecting and conserving marine and coastal ecosystems, including mangrove swamps, which are natural habitats for marine life. Encouraging the development of the aquaculture industry will only lead to the destruction of ecosystems.

The government should create policies that promote coastal fisheries, which contribute substantially to fish production, compared to deep-sea fisheries and aquaculture. There should be a ban on the use of destructive fishing gears.

SAM hopes that a special law will be formulated to regulate the aquaculture industry in Malaysia and protect natural ecosystems to ensure that the country's fishery resources remain available for future generations.

For more



apps.dof.gov.my/mahazia/display.html
Information for High Impact Projects (HIP) in Aquaculture Industrial Zones in Malaysia

www.dof.gov.my/55
Department of Fisheries, Malaysia

ms.wikipedia.org/wiki/Sahabat_Alam_Malaysia
Sahabat Alam Malaysia (SAM)

Towards Synthesis

A draft synthesis document offers a sound basis for consolidating civil society views on the Guidelines for Securing Sustainable Small-scale Fisheries

Since the Bangkok Workshop of Civil Society Organizations (CSOs) in October 2008, held prior to the Food and Agriculture Organization of the United Nations (FAO) conference titled “Securing Sustainable Small-scale Fisheries: Bringing Together Responsible Fisheries and Social Development” (4SSF), fishworker and support organizations have been advocating for an international instrument on small-scale fisheries. The decision of the 29th Session of FAO's Committee on Fisheries (COFI) in 2011 to develop such an instrument to complement the Code of Conduct for Responsible Fisheries, was, therefore, widely welcomed by them.

CSOs representing fishworker and support groups set up a co-ordination committee to engage with the process of developing the Guidelines. The committee comprises representatives of the World Forum of Fisher Peoples (WFFP), the World Forum of Fish Harvesters and Fishworkers (WFF), the International Collective in Support of Fishworkers (ICSF) and the International NGO/CSO Planning Committee for Food Sovereignty (IPC).

Between September 2011 and April 2012, a period of just eight months, CSOs conducted 14 national consultations as well as one regional consultation in Africa that brought together representatives from 16 countries. Indonesia, Sri Lanka, Pakistan, Thailand and the Philippines held more than one sub-national consultation, with Thailand hosting one specifically for women fishers. More than 1,600 people participated in these consultations. Reports and statements

from all these workshops have been made available on the civil society website <https://sites.google.com/site/smallscalefisheries/>

The team at the Environmental Evaluation Unit, University of Cape Town, South Africa, was requested by the civil society co-ordination committee to develop a synthesis report, based on the reports and statements from all the above workshops.

The first draft of the synthesis report was made available for

CSOs representing fishworker and support groups set up a co-ordination committee to engage with the process of developing the Guidelines.

discussion at the civil society workshop, held on 7 and 8 July, prior to the 13th session of COFI from 9 to 13 July 2012. It remains a draft as it will be updated based on reports and statements from the next round of national and regional consultations to be held between August and December 2012.

The final version of the synthesis report will be made available in January 2013. It will be used to provide feedback on FAO's zero draft of the Guidelines that is now available for comments on the FAO website (ftp://ftp.fao.org/FI/DOCUMENT/ssf/SSF_guidelines/ZeroDraftSSFGuidelines_MAY2012.pdf).

Comprehensive

The draft synthesis document provides a comprehensive compilation

*This article has been written by **Chandrika Sharma** (icsf@icsf.net), Executive Secretary, ICSF*

CLAIRE PATTISON VALENTE



Participants at the workshop in Praia do Canto Verde, Ceará, Brazil. Over eight months, CSOs conducted 14 national consultations as well as one regional consultation

of principles considered key by CSOs. These include: recognition of human rights; commitment to the right to equality and freedom from discrimination; recognition of the right of women and men to full and effective participation in all aspects of governance and management of fisheries resources; recognition of the right to free, informed and prior consent; promoting and securing good governance and creating the conditions necessary for such governance; and the 'do-no-harm' principle to assess the costs of conservation and development.

The draft synthesis document also brings together proposals from CSOs on interventions needed in 11 key areas: the governance and management of marine and inland fisheries resources; securing social and economic development rights; protection of the environment and sustainable use; support across the value chain; improved labour and social-security rights and conditions; gender equality and equity; promotion of food security and sovereignty; safety at sea; climate change and disaster preparedness; awareness raising, capacity development, training and education; and research and information needs.

In short, the draft synthesis document provides an excellent basis

for CSOs to consolidate and compile their views, identify key gaps and debate contentious issues on which various perspectives may exist. The process adopted to develop it sets the stage for CSOs to engage in the FAO negotiation process in an accountable, legitimate, coherent and systematic manner, and provides the basis for CSOs to spell out in clear terms, what they would actually like to see in the Guidelines for Securing Sustainable Small-scale Fisheries.

For more



sites.google.com/site/smallscalefisheries/
Draft Synthesis Report of the Workshops

www.fao.org/fishery/ssf/en
FAO on Small-scale Fisheries

Small-scale Focus

One of the agenda items of a recent FAO meet focused on the importance of small-scale fisheries from a sociocultural, economic, sustainability and food-security perspective

Why has it taken us so long to focus on small-scale fisheries? Thus began the statement by the United States (US) during the discussion on Agenda item 10 (a), “Update on the Development of International Guidelines for Securing Sustainable Small-scale Fisheries”, at the 30th Session of the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO), held in Rome, Italy, from 9 to 13 July 2012. The US view was shared by several other States.

The general consensus about the importance of small-scale fisheries from a sociocultural, economic, sustainability and food-security perspective, and for urgent measures to support the sub-sector, was evident throughout the COFI meeting, including during discussions on other agenda items. The report of the Sub-committee on Trade that was adopted by COFI encourages FAO to make the focus on the small-scale sector more explicit in its work programme, and to include the sector as a separate item on the agenda of the Sub-committee on Fish Trade at its next session.

While the overall response of States to the questionnaire on national-level implementation of the Code of Conduct for Responsible Fisheries (CCRF) was poor, those States that did respond reported that the most commonly applied management measures in marine fisheries are related to addressing the interests and rights of small-scale fishers as well as of fishing capacity. Addressing the interests of small-scale fishers in fisheries management has moved

progressively from fifth position in 2005 to first position in 2011.

A side event titled “Small-scale Fisheries Guidelines: Getting it Right” organized by the civil society co-ordination group, comprising the World Forum of Fish Harvesters and Fish Workers (WFF), the World Forum of Fisher Peoples (WFFP), the International Collective in Support of Fishworkers (ICSF) and the International Planning Committee for Food Sovereignty (IPC), attracted excellent participation.

The general consensus about the importance of small-scale fisheries was evident throughout the COFI meeting...

Representatives of more than 20 States, as well as intergovernmental, fishworker and non-governmental organizations (NGOs) participated in this side event (see Box 1).

Technical consultation

The agenda paper for item 10 (a) invited COFI to note the steps taken so far in the Guidelines development process, and provide guidance on further consultations and the conduct and funding of the formal negotiation process; to advise on the modalities of engagement by civil society organizations (CSOs) in the scheduled intergovernmental technical consultation (TC), taking note of the practices of the reformed Committee on World Food Security (CFS) as applied in the recent negotiations of the Voluntary

*This article has been written by **Chandrika Sharma** (icsf@icsf.net), Executive Secretary, ICSF*

Guidelines on the Responsible Governance of Tenure to Land, Fisheries and Forests in the Context of National Food Security (VG-Tenure); recommend how to facilitate the future implementation of the Guidelines, including through the development of specific implementation strategies at various levels and the mobilization of extra-budgetary resources; and propose other activities to be undertaken by FAO and its development partners in relation to securing sustainable small-scale fisheries.

A total of 41 States spoke on this agenda item, followed by interventions from several observers. Overall, there was widespread endorsement of the Guidelines and of the participatory process adopted to develop them. The FAO secretariat was commended for the inclusive and participatory process undertaken, and was encouraged to continue along the same lines.

At the same time, the need for other interventions was also highlighted. Several States, including Brazil, Peru, Thailand and Norway, called for putting in place, on an urgent basis, a global assistance programme for small-scale fisheries. Several other States, including India, Afghanistan, Iran, Malawi, Angola, Senegal, Ghana, Guinea-Conakry and Cameroon,

reiterated their call for the setting up of a sub-committee on small-scale fisheries that could provide a solid basis for the development of the sub-sector.

Advice was also provided on the issue of modalities of engagement of CSOs in the scheduled intergovernmental TC in 2013. Norway and Afghanistan were in favour of adopting modalities for CSO participation in the TC similar to those that were applied during the CFS-led negotiations on the VG-Tenure.

Sierra Leone, speaking on behalf of the African Union, supported the ongoing participation of CSOs in the Guidelines process, and called for ensuring that the voices of those involved in this sub-sector are accommodated and co-ordinated within the process of developing the guidelines. Peru, on behalf of the Latin American and Caribbean Group (GRULAC) similarly called for a consultative process for CSO engagement in the negotiations.

South Africa drew attention to the new small-scale fisheries policy that has been developed in the country, which was gazetted on 20 June 2012. The policy, which emphasizes sustainable use, has been drafted with the full participation of all stakeholders, and has benefited greatly from the inclusive process. South Africa called for a similarly inclusive process to develop the international Guidelines.

The European Union (EU) said that the negotiation process should respect established practice for observer participation in FAO. India said that while greater participation of CSOs should be encouraged, it should be as per established procedures. Canada was of the view that the issue of modalities for CSO participation concerns the broader governance of the organization and that it was outside COFI's mandate and authority to determine how civil society should participate in the TC beyond what current rules allow. If there is an intention to change how the public engages then, Canada suggested, the modalities for such engagement of all stakeholders—CSOs, NGOs,

BRIAN O'RIORDAN/ICSF



At the 30th Session of COFI a total of 41 States spoke on agenda item "Update on the Development of International Guidelines for Securing Sustainable Small-scale Fisheries"

BOX 1

CSO Statement**Agenda Item 10 (a): Update on the development of International Guidelines for Securing Sustainable Small-scale Fisheries**

Chairperson,

Governmental delegations and Members of COFI,

Fraternal Greetings from the millions of men and women artisanal fishworkers, who we are proud to represent.

My name is Cairo Roberto Laguna. I am an artisanal fisheries producer and vessel owner from Nicaragua, where I am currently the President of the Nicaraguan Artisanal Fishing Federation (FENICPESCA), Secretary of the Steering Committee of the Central American Confederation of Artisanal Fishermen (CONFEPECSA) and Latin American Representative of the World Forum of Fish Harvesters and Fishworkers (WFF).

Here I speak on behalf of the WFF, the World Forum of Fisher Peoples (WFFP), the International Collective in Support of Fishworkers (ICSF) and the Internal Planning Committee for Food Sovereignty (IPC).

The development of the guidelines on small-scale fisheries presents us with a unique opportunity: the opportunity to enhance the contribution of our sector to food security and poverty eradication, to socio-cultural diversity, to decent employment and livelihoods, to local and national economies, and to the conservation and sustainable use of fisheries resources, both inland and marine.

We, organizations that represent and support small-scale fisheries and fishing communities, have, therefore, welcomed the guidelines. We have also committed to engaging with the process of developing them. We have set up a co-ordination group comprising representatives from our organizations for the purpose of engaging with this process.

We urge the Committee on Fisheries to respect and recognize our commitment and facilitate our further meaningful participation with this process. We urge you to ensure that our voices are well represented at the inter-governmental technical negotiations on these guidelines to be held in 2013. In particular we request that:

- A specified number of civil society representatives, nominated by us, be enabled to make interventions during plenary discussions;
- Our representatives be allowed to participate in breakout sessions/ working groups of the technical consultation;
- Our representatives be allowed to submit and present written contributions and proposals.

Many such steps to enhance civil society participation have been taken within earlier FAO processes.

Facilitating our active participation will ensure that the Guidelines adopted represent a shared vision, and that they are owned widely, particularly by small-scale fishing communities themselves. This is essential if the guidelines are to be implemented effectively.

Mr Chair, COFI delegates, in our view this new international instrument should be global in scope so that it can be applied wherever appropriate.

Finally we would like to request COFI to commit financial resources to ensure the participation of our representatives in the negotiations process.

Thank you for your attention.



environmental groups, industry and inter-government associations—be considered by the Conference. Canada also asked the secretariat to provide information on how all interested stakeholders can engage within the framework of the basic text available. New Zealand, supporting Canada, stressed that the modalities should apply consistently to all observers, a view also shared by Australia.

During the discussion, States highlighted several other issues. Norway expressed its full support to the Guidelines development process, offering financial support as well. Drawing attention to the fact that the Farmers Forum, organized by the International Fund for Agricultural Development (IFAD), would focus on small-scale fisheries in 2014, it

noted that the importance of small-scale fisheries, and its link with food security, is being increasingly recognized.

On behalf of the African Union, Sierra Leone stressed the need to work with fishing communities to safeguard the fisheries systems and wider ecosystems that support them, as well as to promote greater safety for those working in the sector. Sierra Leone also drew the attention of COFI to the strategic framework for access to resources being developed by the West African sub-regional fisheries commission (CSRP), which has a special protocol on small-scale fisheries. This will also draw on the zero draft of the Guidelines.

Venezuela, endorsing the need for a participatory approach for the development of the Guidelines, said that fishers need to be recognized as stakeholders in the process. Recommendations from fishers have regularly been taken on board nationally, it was noted. Cameroon stressed the importance of greater attention to small-scale fisheries, to improve livelihoods and working conditions as well as resource sustainability.

India, commenting on the Guidelines, said that these should not be confined to what to do, but should also focus on why certain steps are needed and who can take them. They should be addressed to all stakeholders and should aim at making concrete improvements in the lives of people. The language of the Guidelines must be simple and accessible, avoiding jargon. Peru said that the Guidelines should be voluntary in nature.

Indonesia said that small-scale fisheries are a national priority, and different standards must be considered for the sub-sector under the Special and Differential Treatment clause in the ongoing negotiations on fisheries subsidies at the World Trade Organization (WTO). Korea highlighted the need for a precise definition of small-scale fisheries.

The EU stressed the need for increased attention to the role of small-scale fisheries, both for food security and as a lever for economic growth in coastal areas. A focus on small-scale actors and vulnerable communities lies at the heart of the EU's development policy for food security as well as its fisheries policy. Policies that achieve sustainability contribute to strengthened performance of small-scale fleets, the EU noted. The EU also reiterated its view that the development of such an international instrument should, in particular, focus on the needs of developing countries and draw on relevant existing instruments. It underlined the need for the development of implementation strategies at various

levels—local, national, regional and global.

Canada said that small-scale fisheries existed across the country, especially in aboriginal and remote communities for subsistence, recreational, commercial, social and ceremonial purposes. Reserving comments on the zero draft of the Guidelines, Canada said it supported the technical consultations to negotiate the Guidelines. As human rights can be a sensitive issue, Canada was keen to know if the FAO secretariat had a plan and a budget available to support the TC, given that more than one round may be needed to reach agreement.

Mauritius underlined the need for a greater elaboration of the concept of sustainability, with a focus on an integrated approach. Issues related to safety at sea, women, gear selectivity and infrastructure need to be addressed. The role of CSOs and NGOs is very important, particularly in reaching out to, and convincing, fishing communities, Mauritius stressed.

Ecuador emphasized the need for a balance between conservation and sustainable use, and underlined the role of fishers and CSOs both for achieving sustainability and for developing the Guidelines.

Japan said that it recognized the socioeconomic importance of small-scale fisheries in both developing and developed countries, and that it gave high priority to the development of the Guidelines. There is need for a case-by-case approach for providing support—no uniform disciplines are possible.

Japan pointed out that even small-scale fisheries have impacts and that they too target internationally shared stocks, such as tuna. The issue of sustainability in the context of small-scale fisheries is thus important, and needs to be integrated into national and international management systems.

Fishing rights

Chile said that even as there is need to pay attention to economic, social and cultural rights of small-scale

BOX 2

Getting it Right

A civil society Side Event, titled “Small-Scale Fisheries Guidelines: Getting it Right”, was conducted by the World Forum of Fish Harvesters and Fish Workers (WFF), the World Forum of Fisher Peoples (WFFP), the International Collective in Support of Fishworkers (ICSF) and the International Planning Committee for Food Sovereignty (IPC) at the 30th Session of the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO), held in Rome, Italy, from 9 to 13 July 2012. The event was attended by over 70 persons, including 20 national delegations from Latin America, Africa, Asia, Europe and North America.

Chaired by Naseegh Jaffer of WFFP and Margaret Nakato of WFF, speakers included Rolf Willmann (Senior Fishery Planning Officer, FAO), Jackie Sunde (Member, ICSF), Fabio Hazin (Department of Fisheries and Aquaculture, Pernambuco, Brazil) and Tarun Shridhar (Joint Secretary, Department of Fisheries, India).

Rolf Willmann emphasized that “getting it right” must involve the stakeholders. He referred to the Outcome Document from the Rio+20 United Nations Conference on Sustainable Development on “The Future We Want”, as well as the VG-Tenure Guidelines, both of which contain important commitments and language on rights and small-scale fisheries that have relevance for the Guidelines. Willmann also referred to the report on the contribution of fisheries to the realization of the right to food being drafted by the UN Special Rapporteur on the Right to Food. He detailed the process adopted so far for developing the Guidelines. The Zero Draft of the Guidelines is now online for comments. The revised draft, after incorporating the comments received, will provide the basis for the technical consultation to be held in May 2013, he said.

Jackie Sunde spoke about the consultations organized by civil society organizations (CSOs) on the Guidelines at national and regional levels, which included 14 national workshops and one regional workshop in Africa. She also provided information about the draft synthesis report that was prepared based on the reports and statements from these workshops.

Fabio Hazin of Brazil commended the inclusive process that has been followed in developing the Guidelines, noting that it was probably the most participatory process ever in FAO. Brazil is fully committed to the Guidelines, given the importance of small-scale fisheries. The Guidelines, he hoped, would serve as a lever to raise awareness of small-scale fisheries to the level it

deserves. It is also important to put in place the global assistance programme for small-scale fisheries proposed in the 29th session of COFI, he pointed out.

Hazin added that there are now two valuable documents and sources of information—the Zero Draft of FAO and the CSO synthesis report—which should be the basis for the consultation process that is to take place. The challenge, he said, is how to ensure that all the feedback from civil society and stakeholders is adequately and properly considered in drafting the Guidelines.

Tarun Shridhar of India wondered why small-scale fisheries have only been a footnote until now. Priority needs to be accorded to small-scale fisheries not only from the perspective of livelihood, food security and sustainability, but also from the perspective of commercial viability and international market access. He welcomed the development of the Guidelines as an instrument not so much to regulate small-scale fisheries, but to promote them. India continues to support the need for a sub-committee on small-scale fisheries, he noted.

Other speakers from the audience included delegates from Thailand, Mauritania, Bangladesh, Ivory Coast, Eritrea, Guinea and Mozambique. The Mauritanian representative said small-scale fisheries are already a priority area in his country and the Guidelines throw light on how to organize small-scale fisheries to make it more sustainable. The Guinea representative drew attention to the need for addressing illiteracy, improving access to credit, and building up fishers’ co-operatives. The Bangladesh representative highlighted the need for empowering small-scale fishers through leadership development. Mozambique said small-scale fisheries are important from a livelihood perspective and that it is already a priority area, as in Mauritania. The government is encouraging small-scale fishers to fish beyond the three-nautical-mile zone, he said.

The Ivory Coast representative said that the Guidelines should help address the problem of fishers’ migration and integrate fishers into management policy. The representative of Eritrea welcomed the focus on human rights. The Guidelines could provide the framework for enlarging financial assistance to poor fishing communities, he said. The representative of the sub-regional fisheries commission in West Africa said the Guidelines should be focused enough for countries to take ownership and to mainstream them into national and sub-national laws.

The active deliberation and large participation at the Side Event indicated that small-scale fisheries are of growing interest and priority.

fishing communities, there is also need to focus on issues of conservation. The US emphasized the need for ensuring that resources are well managed and pointed to the responsibility of the small-scale sector for this. The Guidelines, noted the US, should emphasize the importance of

innovative governance systems and adequate data.

New Zealand said that as the issue of poverty in small-scale fisheries was an issue primarily in developing countries, the Guidelines should focus on them. At the same time, there is need to think through whether the small-scale sector should remain

frozen—there is a need for progress. It is also important that the small-scale sector is subject to the same conservation and management regimes as the other sub-sectors, stressed New Zealand, given that in some contexts small-scale fisheries can cause more environmental damage.

Brazil said small-scale fisheries are multi-dimensional and include aspects such as social inclusion, cultural heritage, food security and employment. The proposed TC to develop guidelines should take into account the contribution of CSOs. It welcomed the participation of fishers' coalitions in the guidelines process.

While Brazil highlighted the importance of co-management, Bangladesh stressed the need to promote systems of community-based coastal resource management, to enhance the decision-making power of fishing communities, and to secure their rights to land and resources. Various types of support need to be provided, including insurance policies on a pilot basis.

Ivory Coast stressed the need for greater attention on migration and for protecting the interests of migrant fishers. It also pointed to the conflicts with trawlers, noting that as many as 15 per cent of small-scale fishers had their gear destroyed by trawlers.

Argentina noted that it has special rules for small-scale fisheries, and that there were quotas set for maximum capture by the sub-sector, as well as a register. The Guidelines, said Argentina, need to be used to boost trade among developing countries.

FAO, said Tanzania, should develop mechanisms to support CSOs at the national level to make it possible to address the national priorities of the sub-sector. Ways to disseminate the Guidelines to the grassroots will be needed. Angola sought the translation of the zero draft into Portuguese. Zambia and Malawi said they will need help in domesticating the good practices contained in the Guidelines and in implementing them. Panama said that special attention is needed for preparing a regional plan for the implementation of the Guidelines.

Organización Latinoamericana de Desarrollo Pesquero (OLDEPESCA), the Latin American Fisheries Development Organization, said that it is currently working on a protocol for the improvement of quality, sanitation and health in fisheries products from the artisanal sector. The organization is also creating a regional model for holistic development of small-scale fisheries. Organización del Sector Pesquero y Acuícola del Istmo Centroamericano (OSPESCA), the Central American Organization for Fisheries and Aquaculture, and the Caribbean Regional Fisheries Mechanism (CRFM) drew attention to important challenges facing small-scale fisheries, like climate change and natural disasters, and the risks from illegal, unregulated and unreported (IUU) fishing. The Bay of Bengal Programme Inter-governmental Organization (BOBP-IGO) reported that it had initiated national-level consultations on small-scale fisheries in member countries.

The Statement from civil society (see Box 1) asked States to recognize the crucial role that CSOs had played in the Guidelines development process so far. It asked States to enhance CSO participation in the TC in specific ways, to ensure a continuation of the inclusive process.

Overall, COFI endorsed the Guidelines and the participatory approach that had been adopted by the FAO secretariat towards their development. Supporting the convening of an intergovernmental TC in May 2013, COFI called for continued collaboration with all stakeholders in the coming period. 3

For more



www.fao.org/cofi/cofi2012/en/
30th Session of COFI

www.iisd.ca/fao/cofi/cofi2012/
Highlights from IISD Reporting Service

Fishing for Rights

The recent Rio+20: the United Nations (UN) Conference on Sustainable Development proved significant for fisheries and fishworkers

Eighty-eight Heads of State or Government and 30,000 people representing different constituencies attended Rio+20: the United Nations (UN) Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, 20 years after the 1992 United Nations Conference on Environment and Development.

Rio+20 led to *The Future We Want*, a consensus document developed over three gruelling preparatory meetings and three rounds of informal negotiations spread over two years.

George Monbiot, columnist for *The Guardian*, characterized the outcome document as “283 paragraphs of fluff”. In addressing the world’s environmental crises, leaders achieved little in Rio other than just expressing deep concern, he added.

Several organizations shared this dismal assessment. *The New York Times* reported that CARE, the American antipoverty organization, felt the conference was “nothing more than a political charade”. The global environmental group Greenpeace said the gathering was a “failure of epic proportions”. India’s *Economic and Political Weekly* found little of significance in Rio+20. The outcome document offered nothing new or specific, unlike the 1992 Rio Summit that had set out a road map for the 21st century, it observed. Oxfam, a British charity, slammed the conference as “shamefully devoid of progress”, but welcomed the Zero Hunger Challenge launched on the sidelines of Rio+20 by the UN Secretary-General, Ban Ki-moon.

Overall, the reactions to the conference were largely negative.

However, in relation to fishing communities, fisheries and the marine environment, there seems to be ground for optimism. The main objective of Rio+20 was to secure renewed political commitment for sustainable development. *The Future We Want* reaffirms respect for “all human rights”, including the right to development. It emphasizes the responsibilities of States to respect, protect and promote human rights and fundamental freedoms without distinction of any kind.

***The Future We Want* reaffirms respect for “all human rights”, including the right to development.**

It underscores the importance of effective, transparent, accountable and democratic institutions. It seeks to mainstream sustainable development at different levels by integrating economic, social and environmental aspects and recognizing their linkages.

The outcome document supports the participation and effective engagement of civil society in implementing sustainable development. It acknowledges the role of co-operatives in contributing to social inclusion and poverty reduction in developing countries.

Traditional knowledge

It recognizes the important contribution of traditional knowledge, innovations and practices of indigenous peoples and local

*This report has been written by
Sebastian Mathew (icsf@icsf.net),
Programme Adviser, ICSF*

communities. It advocates effective gender mainstreaming in decision-making processes. It encourages countries to implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

Towards promoting decent work for all, the outcome document highlights the importance of access to education, skills, healthcare, social security, fundamental rights at work, social and legal protections, including occupational safety and health, and decent work opportunities. 'Green economy in the context of sustainable development and poverty eradication'—a combination of market and non-market approaches—is offered as a tool for eradicating poverty and achieving sustainable development.

One significant decision of Rio+20 is to replace, by 2013, the Commission on Sustainable Development with a universal intergovernmental high-level political forum to follow up on commitments. This will be done in consultation with major groups of civil society. A working group of 30 nominated representatives will be constituted this year to propose "action-oriented, concise and easy-to-communicate" sustainable-development goals (SDGs) by 2013, with a view to integrating a final set of SDGs into the United Nations

Development Agenda beyond 2015. The SDGs will complement the MDGs and ultimately replace them by the target year of 2015.

The outcome document recognizes the contribution of fishers—along with farmers, pastoralists and foresters—to the promotion of sustainable development. Under the thematic area of 'food security and nutrition and sustainable aquaculture', it highlights the role of fisheries and aquaculture in improving food security and eradicating hunger. It also recognizes the role of healthy marine ecosystems and sustainable fisheries and aquaculture in ensuring food security, nutrition and livelihood sources. These provisions, unlike Agenda 21 or the Johannesburg Plan of Implementation (JPOI), mainstream fishers and fisheries into the global agenda for rural livelihoods and food security.

Besides the previously agreed commitments, such as the principles of the Rio Declaration, including common but differentiated responsibilities, another 24 significant commitments have been made in the outcome document, which deal with sustainable development. These mostly relate to thematic areas and cross-sectoral issues. At least eight of these commitments can improve the quality of life and contribute to the economic, social and physical well-being of marine and inland fishing communities. These are: (i) freeing humanity from poverty and hunger; (ii) progressive realization of access to safe and affordable drinking water and basic sanitation for all; (iii) securing access to modern energy services by people who are without these services; (iv) improving the quality of human settlements; (v) achieving universal access to HIV prevention, treatment, care and support, elimination of mother to child transmission of HIV, renewing and strengthening the fight against malaria, tuberculosis and neglected tropical diseases, and prevention and control of non-communicable diseases; (vi) reducing maternal and child mortality and improving

NAÍNA PIERRI



The Side Event, "Dialogue on the Human Rights Approach to Fisheries", organized by ICSF with others, prior to Rio+20 addressed access rights to resources and territories

the health of women, men, youth and children; (vii) safe and decent working conditions and access to social protection and education; and (viii) creating an enabling environment for improving the situation of women and girls everywhere, particularly in rural areas and local communities and among indigenous peoples and ethnic minorities.

Six commitments specific to the thematic area "oceans and seas" have a bearing on fisheries, marine environment and marine biodiversity. First is the commitment to protect the health of oceans and marine ecosystems and to maintain their biodiversity through a precautionary ecosystem approach.

Secondly, within the framework of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), there is commitment to address, by 2015, the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (ABNJ). This commitment is new. If Agenda 21 talked about the role of UNCLOS mainly with respect to conservation and utilization of marine living resources in areas under national jurisdiction and fishing in the high seas, the Rio+20 outcome document extends its scope to conserve and manage biological diversity in ABNJ. The document could thus lead to a new legal instrument for biodiversity conservation and management in ABNJ.

The third commitment is to take action to reduce the incidence and impacts of marine and land-based sources of pollution. This includes an agreement to take action, by 2025, to prevent harm to the coastal and marine environment from marine debris. The first global integrated assessment of the state of the marine environment, including socioeconomic aspects, is to be completed by 2014.

Fourthly, there is commitment to implement measures to prevent the introduction of, and manage the adverse environmental impacts of, invasive alien species.

The fifth commitment is to meet the JPOI target to maintain, or restore, fish stocks to levels that can produce the maximum sustainable yield by 2015. This will be achieved through science-based management plans, by eliminating destructive fishing practices and by protecting vulnerable marine ecosystems.

Sixthly, there is a new commitment, drawing inspiration from the 1995 United Nations Fish Stocks Agreement, to ensure access to fisheries and markets by subsistence, small-scale and artisanal fishers and women

Six commitments specific to the thematic area "oceans and seas" have a bearing on fisheries, marine environment and marine biodiversity.

fishworkers, as well as indigenous peoples and their communities. This commitment complements the recognition of the rights of small-scale artisanal fishers as spelled out in Agenda 21 and the 1995 FAO Code of Conduct for Responsible Fisheries (CCRF). It broadens their access to all fisheries and markets.

Under the other thematic area of forests, there is commitment to improve livelihoods by creating the conditions for sustainably managing forests, including through capacity building and governance and by promoting secure land tenure and benefit sharing. This proposal will benefit communities that depend on tropical wetlands like mangroves for their livelihoods.

Potential benefits

Thus, there are about 15 commitments in the outcome document that could potentially benefit fishing communities. The document recognizes the importance of raising public awareness and strengthening coherence and co-ordination, while avoiding duplication of effort. It stresses the importance of exchanging information, and best practices and lessons. It seeks to set



Nikhil Seth, Division for Sustainable Development; Sha Zukang, UNCSG Secretary-General; Izabella Teixeira, Brazilian Environment Minister; Antonio de Aguiar Patriota, Brazilian Foreign Minister; and Amb. Luiz Alberto Figueiredo, Brazil at the pre-conference informal consultations

goals, targets and indicators, including gender-sensitive ones, to measure and accelerate progress in implementation.

However, there are several issues that are worrisome. The fabric of the 'green economy' raises fears about market-based approaches to poverty eradication and sustainable development. Unhappiness has also been expressed with the means of implementation section of the outcome document, which is bereft of any new commitments in the realms of technology transfer and finance. The neglect of inland aquatic systems and fisheries, in spite of their contribution to food security and nutrition in many developing countries, is unfortunate. *The Future We Want* also fails to urge States to ratify and implement two significant international labour instruments of relevance to the thematic area "oceans and seas", namely, the Maritime Labour Convention, 2006 and the Work in Fishing Convention, 2007.

The voluntary commitments made during the conference have very little to do with fishing-community-specific issues, with the exception of the initiative of Lonxanet Foundation to create a bottom-up, inclusive marine protected area in Galicia, Spain. There were also concerns about a celebration of the formation of the World Bank-led Global Partnership for Oceans on the sidelines of the UN Rio+20 conference, which focused, among other things, on a rights-based approach to fisheries governance, which is inconsistent with a human-

rights-based approach—an approach integral to the common vision of the outcome document.

Overall, Rio+20 was significant from the perspective of fisheries and fishworkers. By including fisheries in the question of food security and by establishing the right of small-scale artisanal fishers and fishworkers to access marine fisheries within a common vision that upholds respect for all human rights, the political outcome document *The Future We Want* builds upon the recognition of small-scale artisanal fisheries in Agenda 21. There is sufficient ground for guarded optimism about the outcome of Rio+20. The challenge, however, is how best to create political will at the national and subnational levels to strengthen institutional mechanisms for mainstreaming these commitments into policies and programmes for sustainable development of fisheries and fishing communities. Much will depend on the kind of pressure that can be exerted on the political leadership from below, especially by major groups of civil society. ³

For more



www.un.org/en/sustainablefuture/
The Future We Want: Outcome Document Adopted at Rio+20

www.uncsd2012.org/rio20/
Rio +20

Matanhy Saldanha 1948 - 2012

Matanhy Saldanha, who died on 21 March 2012, was a genuine, charismatic leader and a true crusader for the cause of fishworkers

Over three decades ago, in 1978, fishworkers in the Indian State of Goa hit the headlines when they took over the streets of the capital city, Panjim, in a campaign to “Save Goa, Save Our Fish”. Contrary to the stereotypical image of fun-loving Goans, the 1978 protest was no carnival, but an impassioned crusade for a ban on the destructive fishing technique of trawling, which was depleting the catches of the traditional *rampons*, the large shore-seines owned by *ramponkars*.

The person at the forefront of that show of strength, which paralyzed life in Goa's capital city, was a fiery school teacher in no mood to give up, backed as he was by a large group of advocates and environmentalists who had just succeeded in closing down the polluting Zuari Agro Chemicals plant.

Matanhy Saldanha—the charismatic leader of that landmark protest—knew little about fisheries and fishworkers when he joined the fight against pollution of the coast by the Zuari plant. But the instinctive activist in him realized the imperative of gaining the support of fisherfolk, who were the ones most affected by the factory's operations. Once the anti-Zuari campaign succeeded, the fishworkers approached Matanhy to solicit his support for their proposed agitation against the introduction of purse-seiners and trawlers, which were depleting catches in their fishing zones.

Matanhy, who had a background of activism in the student movement, responded positively, realizing that the traditional fishing communities were the ones who brought home the

fish that was such an integral part of the Goan diet. He also realized that with no other source of livelihood, the traditional fishers had to keep at bay the purse-seiners and trawlers owned by corporate interests.

As a result of that initial engagement with Goan fishworkers, Matanhy began to mobilize the traditional coastal communities, travelling along the coast with Xavier Pinto to get a first-hand understanding of the problems confronting fishers. He then organized a meeting in

...a fiery school teacher in no mood to give up, backed as he was by a large group of advocates and environmentalists...

Chennai that resulted in the formation of the National Forum of Country Boat and Kattumaran Fishermen, which later grew into the National Fishworkers' Forum (NFF). It was with the formation of NFF in 1978 that the coastal fishing communities began to get a distinct identity in India.

NFF's main demand was for marine regulation to demarcate fishing zones to keep purse-seiners and trawlers away from the coastal waters. NFF gradually transformed itself from a movement against trawlers and purse-seiners into a trade union that represented the broad interests of India's fishing communities.

Matanhy also led the Indian fishworkers' delegation to the first International Conference of Fishworkers and their Supporters in Rome in 1984, held in parallel

*This article has been written by **Nalini Nayak** (nalini.nayak@gmail.com), Member, ICSF*

Crusader Extraordinary

Way back in 1980, when I was a Master of Business Administration (MBA) student, one of the first studies given us was "The case of the dying fish". It was about the fertilizer factory of Zuari Agrochemicals in Goa, which became, in the mid-1970s, the first factory to be closed down in India due to the harm it was causing the environment. A strong local movement led to that drastic action and it was the relentless struggle of the fishermen that tilted the scales. That was not only a landmark event in the history of modern India's environmental movement but it also signalled the start of a movement among marine fishermen that would eventually embrace the entire Indian coast. Little did I realize that I would be privileged to meet, and eventually become a friend of, the main architect of the struggle against Zuari Agro: Matanhy Saldanha.

Matanhy, a young school teacher, had rallied the local fishermen, all users of giant shore-seines called *rampons*, to form the Goencha Ramponkar Ekvott (GRE), the first truly modern fishermen's association in India. Formed to fight Zuari Agro, GRE went on to take up the issue of trawlers that were making life miserable for the traditional fishermen. As it was not a purely local problem, mobilization on a national scale was required. Thus was born the National Forum of Country Boat and Kattumaram Fishermen (later, the National Fishworkers' Forum or NFF), with Matanhy as its founder chairman.

I first met Matanhy at the NFF General Body meeting at Bangalore in December 1983. We met again in November 1986 when John Kurien organized an international workshop in Trivandrum that led to the formation of ICSF. Matanhy was one of the founder Members of ICSF, but his innings at ICSF was short as he was more comfortable leading fishermen in struggles against the establishment rather than write reports or attend workshops.

Subsequent sightings of Matanhy were rare. After NFF's initial success in getting the Indian government to circulate a model bill on marine fishing regulation, the struggles shifted to the State level, and NFF became a national platform for sharing ideas and providing inspiration. Matanhy soon withdrew from the national scene to focus on local issues in Goa.

My close association with Matanhy started with his 'second coming' in NFF. The large-scale mobilization by NFF against the proposed coastal management zone notification in 2008 drew him back into the fold as Goa was one of the States facing serious problems with coastal regulations. When the

NFF chairperson Harekrishna Debnath fell terminally ill soon after, senior leaders approached Matanhy to step in as acting chairperson. That he had retired from his job as a teacher and was in the political wilderness made it possible for him to accept, though reluctantly, the job of leading NFF once again.

In my capacity as an NFF 'resource person' I was able to interact closely with Matanhy during the period 2009-2011. Though he could resolve only some of the organizational problems facing NFF, Matanhy ensured that the issues facing fishing communities and the coast remained in focus, and NFF continued to play its historical role as the champion of the interests of the traditional fishing communities of India. The negotiation of a new Coastal Regulation Zone 2011 notification, which included several provisions to protect the interests of fishing communities, was the highlight of Matanhy's tenure as chairperson of NFF.

In early 2012, Matanhy won in the elections to the Goa legislative assembly. He was given charge of key portfolios, namely, tourism and environment and forests, which reflected his interests. These included ending the environmental destruction of Goa, arresting deforestation and uncontrolled mining, and making sure that tourism—the most important sector of the State's economy—developed in a manner that was compatible with both environmental concerns and economic goals.

In Matanhy's untimely death, Goa has lost a social activist-cum-political leader, while India's fishing communities have lost a great champion of their causes. Matanhy was a pioneer in the fishworkers' movement even if he was a mix of interesting contrasts. Though he founded GRE and NFF, which have remained relevant and active for over three decades, he was not really an institution builder. He was not the type to manage or administer organizations. Issues interested him. He sought political power merely to implement many of the demands that he had been making over the years in favour of communities and the environment.

Despite his aggressive stands on many issues, he was always courteous in all his interactions. As a crusader, Matanhy fought hard on issues that were mostly related to survival of communities, protection of natural resources, and the preservation of his beloved Goa's rich culture and heritage.

—These thoughts come from V Vivekanandan
(vivek.siffs@gmail.com), Member, ICSF



to the World Fisheries Conference organized by the Food and Agriculture Organization of the United Nations (FAO). As the fishworkers' struggles grew, and there appeared a need to monitor other developmental activities and their impacts, Matanhy, with the help of other

friends, set up the Goa Research Institute for Development (GRID). The documentation centre of this institute was the home for studies on controversial industrial and naval projects.

Matanhy's focus in public life went far beyond fisheries. He launched

the *Goan Weekly*, which campaigned for declaring Konkani as the official language of Goa and sought a ban on censorship. He was also involved in the formation of the All-Goa Trade Unions and Traditional Workers' Co-ordination Committee.

Matanhy embodied the mix-and-match approach of the intellectual-cum-activist, lending a visionary edge to campaigns and strategies. He quickly recognized that the issues confronting the country's poor and marginalized were essentially political, a realization that made him seek out an active role in State and national politics. As a politician, his career was chequered and he shifted between parties and even tried to create a regional Goan party. As Minister for Tourism for a brief period in 2002 he took radical positions on social and environmental issues.

Matanhy was clearly not cut out for the manoeuvres of power politics since he regarded issues on their individual merit, and took stands that often hurt the power elite. In a similar vein, Matanhy did not waste time on organizations that had preconceived, clear-cut agendas. Nonetheless, as a man of action and a leader with fresh ideas, Matanhy understood the need for organizations, and even helped create them. He would, however, choose to weave himself in and out of different roles. For instance, when Harekrishna Debnath, former Chairperson of NFF, who was battling cancer and realized he had a short time to live, requested Matanhy to return to the helm of NFF, he willingly accepted, although on the condition that it would be only until the next State elections as he intended to compete as a candidate.

When Matanhy did stand for State elections in 2011, he won and was sworn in as Minister for Environment and Forests, and for Tourism, shortly after which he passed away. In Matanhy's sudden death of a heart attack on 21 March 2012, we have lost a truly genuine leader and a good human being who put social issues and people before his personal needs and life. For those of us who knew him personally, we have lost a good



Matanhy Saldanha, a truly genuine leader and a good human being who put social issues and people before his personal needs

friend and a decent human being. For the fishing communities of India and the population of Goa, they have lost an extraordinary crusader. 3

For more



www.thehindu.com/news/national/article3019497.ece

Goa Minister Matanhy Saldanha Passes Away

articles.timesofindia.indiatimes.com/2012-03-21/goa/31219833_1_chief-minister-manohar-parrikar-tourism-minister-assembly-session

Goa Tourism Minister Dies of Cardiac Arrest

www.facebook.com/MatanhySaldanhaTributes

Remembering Matanhy Saldanha (1948-2012)

BYCATCH

Bycatch management

The International Guidelines on Bycatch Management and Reduction of Discards were developed through a participatory process initiated by the Food and Agriculture Organization of the United Nations (FAO) involving fisheries experts, fishery managers from governments, the fishing industry, academia and non-governmental and intergovernmental organizations. The guidelines are designed to provide guidance on management factors ranging from an appropriate regulatory framework to the components of a good data-collection

programme, and include the identification of key management considerations and measures necessary to ensure the conservation of target and non-target species, as well as affected habitats. These guidelines are voluntary and constitute an instrument of reference to help States and Regional Fisheries Management Organizations (RFMOs) in formulating and implementing appropriate measures for the management of bycatch and reduction of discards in all fisheries and regions of the world.

www.fao.org/fishery/nems/40157/en

FISHERIES ONLINE

Timor-Leste fisheries statistics

An online national fisheries statistical system for Timor-Leste was launched on 21 June 2012 at a ceremony presided over by Marcos da Cruz, Secretary of State for Agriculture and Fisheries. The system—accessible at www.peskador.org—provides public access to a wide range of statistical and environmental information relating to fisheries in Timor-Leste. This is the first time that such a system has been implemented in Timor-Leste and it is expected to be an important tool contributing to enhanced fisheries management and sustainability of marine resources. The site

is operated by the National Directorate of Fisheries and Aquaculture (NDFA) and was established with the support of the Spanish-funded Regional Fisheries Livelihoods Programme for South and Southeast Asia (RFLP), which is implemented by FAO.

www.peskador.org

Reducing overcapacity

A new report on member States' efforts to balance fishing capacity with fishing opportunities published by the European Commission supports calls for significant changes within EU fisheries policy. It confirms the very slow pace at which the EU fishing fleet continues to decrease in size.

Overcapacity, that is, too many fishing boats for the volume of fish that can be caught, remains one of the main obstacles to achieve sustainable fisheries.

In 2010 fleet capacity expressed in engine power and tonnage was reduced on average by 2 and 4 per cent respectively.

At this rate, eliminating overcapacity quickly will be difficult, especially as technological progress at least partly compensates for capacity reductions. Several Member States have concluded in their national reports that fleet reductions would contribute to achieve healthy fisheries.

Changes in the current policy are thus necessary. The report's findings put into question the efficiency of publicly financed capacity reductions. A 2011 Court of Auditors' report also finds the failure of the current measures, and advocates either a new approach or better application of existing measures.

www.seafoodsource.com/newsarticledetail.aspx?id=16786

ORGANIZATIONAL PROFILE

50

Federación Interregional de Pescadores Artesanales del Sur—Valdivia (FIPASUR)

Per capita fish consumption in Chile is one of the lowest in the world. On average, Chileans consume 7 kg of fish annually, compared to 75 kgs of meat (chicken, beef and pork). Rather, fish is exported or transformed into fishmeal and oil. It can thus be argued that in Chile the fishing industry takes more interest in providing feed for salmon aquaculture than food for the Chilean people.

However, in Valdivia, situated in Los Rios, Chile's fourth most-important fishing region (Region XIV), a group of artisanal fishermen are trying to buck this trend. But they face enormous challenges. Poor sanitary conditions in artisanal fishing boats and at landing centres, illegal fish landings and weak control measures applied by the authorities, the low level of development of value-added products and a lack of promotion for seafood products. Buying power is concentrated in the hands of traders, who manipulate the price paid to fishermen through various strategies. Fishermen are also entrapped by their relations with traders through

the vertical (top-down) control mechanisms they impose on fishermen.

Pesca en Linea, or "Fishing on Line", is an initiative of Federación Interregional de Pescadores Artesanales del Sur—Valdivia (FIPASUR)—the

caught it, date and location of capture, and where it has been processed and dispatched.

The idea is to provide relevant information about the product that will promote responsible consumption in ways that contribute to the economy

of the *caletas* and coastal communities.

Founded in 1990, FIPASUR groups 22 member organizations of artisanal fishermen and associates—over 1,300 artisanal fishers. It works to improve the skills, working conditions and incomes of its members, and to gain recognition for the social importance of artisanal fisheries.

www.slowfood.com/slowfish/pagine/eng/resistencia/dettaglio.lasso?ida=66

In Spanish: www.slowfood.com/slowfish/pagine/esp/resistencia/dettaglio.lasso?ida=66

In French: www.slowfood.com/slowfish/pagine/fra/resistencia/dettaglio.lasso?ida=66

FIPASUR

Interregional Federation of Southern Artisanal Fishermen of Valdivia. Pesca en Linea is a social-enterprise company which focuses on the direct sales of high-quality products from the artisanal fisheries sector. It has set social, economic and environmental objectives through which it aims to contribute to marine-resource sustainability, adding value to products, and positioning the artisanal fisheries sector centre stage in direct marketing. The initiative aims to promote responsible consumption through a labelling scheme which informs the consumer about the origin of the product—who has

World Review of Fisheries and Aquaculture 2012

Capture fisheries and aquaculture supplied the world with about 148 mn tonnes of fish in 2010 (with a total value of US\$217.5 bn), of which about 128 mn tonnes were utilized as food for people, and preliminary data for 2011 indicate increased production of 154 mn tonnes, of which 131 mn tonnes were destined as food. With sustained growth in fish production and improved distribution channels, world fish-food supply has grown dramatically in the last five decades, with an average growth rate of 3.2 per cent per year in the period 1961–2009, outpacing the increase of 1.7 per cent per year in the world's population. World per capita food fish supply increased from an average of 9.9 kg (live weight equivalent) in the 1960s to 18.4 kg in 2009, and preliminary estimates for 2010 point to a further increase in fish consumption to 18.6 kg. Of the 126 mn tonnes available for human consumption in 2009, fish consumption was lowest in Africa (9.1 mn tonnes, with 9.1 kg per capita), while Asia accounted for two-thirds of total consumption, with 85.4 mn tonnes (20.7 kg per capita), of which 42.8 mn tonnes were consumed outside China (15.4 kg per capita).

Overall, global capture fisheries production continues to remain stable at about 90 mn tonnes, although there have been some marked changes in catch trends by country, fishing area and species. In the last seven years (2004–2010), landings of all marine species, except anchoveta only, ranged between 72.1 mn and 73.3 mn tonnes. In contrast, the most dramatic changes, as usual, have been for anchoveta catches in the Southeast Pacific, which decreased from 10.7 mn tonnes in 2004 to 4.2 mn tonnes in 2010. A marked decrease in anchoveta catches by Peru in 2010 was largely a result of management measures (for example, fishing closures) applied to protect the high number of juveniles present as a consequence of the La Niña

event (cold water).

Total global capture production in inland waters has increased dramatically since the mid-2000s with reported and estimated total production at 11.2 mn tonnes in 2010, an increase of 30 per cent since 2004. Despite this growth, it may be that capture production in inland waters is seriously underestimated in some regions. Nevertheless, inland waters are considered as being overfished in many parts of the world, and human pressure and changes in the environmental conditions have seriously degraded important bodies of freshwater (for example, the Aral Sea and Lake Chad). Moreover, in several countries that are important in terms of inland waters fishing (for example, China), a good portion of inland catches comes from water bodies that are artificially restocked.

Global aquaculture production has continued to grow, albeit more slowly than in the 1980s and 1990s. World aquaculture production attained another all-time high in 2010, at 60 mn tonnes (excluding aquatic plants and non-food products), with an estimated total value of US\$119 bn. When farmed aquatic plants and non-food products are included, world aquaculture production in 2010 was 79 mn tonnes, worth US\$125 bn.

Fisheries and aquaculture provided livelihoods and income for an estimated 54.8 mn people engaged in the primary sector of fish production in 2010, of whom an estimated seven mn were occasional fishers and fish farmers. Asia accounts for more than 87 per cent of the world total, with China alone having almost 14 mn people (26 per cent of the world total) engaged as fishers and fish farmers. Asia is followed by Africa (more than 7 per cent), and Latin America and the Caribbean (3.6 per cent). About 16.6 mn people (about 30 per cent of the world total) were engaged in fish farming, and they were even more concentrated in Asia

(97 per cent), followed by Latin America and the Caribbean (1.5 per cent), and Africa (about 1 per cent). Employment in the fisheries and aquaculture primary sector has continued to grow faster than employment in agriculture, so that by 2010 it represented 4.2 per cent of the 1.3 bn people economically active in the broad agriculture sector worldwide, compared with 2.7 per cent in 1990. In the last five years, the number of people engaged in fish farming has increased by 5.5 per cent per year, compared with only 0.8 per cent per year for those in capture fisheries, although capture fisheries still accounted for 70 per cent of the combined total in 2010. It is apparent that, in the most important fishing nations, the share of employment in capture fisheries is stagnating or decreasing while aquaculture is providing increased opportunities.

Apart from the primary production sector, fisheries and aquaculture provide numerous jobs in ancillary activities such as processing, packaging, marketing and distribution, manufacturing of fish-processing equipment, net and gear making, ice production and supply, boat construction and maintenance, research and administration. All of this employment, together with dependants, is estimated to support the livelihoods of 660–820 mn people, or about 10–12 per cent of the world's population.

The total number of fishing vessels in the world in 2010 is estimated at about 4.36 mn, which is similar to previous estimates. Of these, 3.23 mn vessels (74 per cent) are considered to operate in marine waters, with the remaining 1.13 mn vessels operating in inland waters. Overall, Asia has the largest fleet, comprising 3.18 mn vessels and accounting for 73 per cent of the world total, followed by Africa (11 per cent), Latin America and the Caribbean (8 per cent), North America (3 per cent) and Europe (3 per cent). Globally,

60 per cent of fishing vessels were engine-powered in 2010, but although 69 per cent of vessels operating in marine waters were motorized, the figure was only 36 per cent for inland waters. For the fleet operating in marine waters, there were also large variations among regions, with non-motorized vessels accounting for less than 7 per cent of the total in Europe and the Near East, but up to 61 per cent in Africa.

Over 85 per cent of the motorized fishing vessels in the world are less than 12 m in length overall (LOA). Such vessels dominate in all regions, but markedly so in the Near East, and Latin America and the Caribbean. About 2 per cent of all motorized fishing vessels corresponded to industrialized fishing vessels of 24 m and larger (with a gross tonnage [GT] of roughly more than 100 GT) and that fraction was larger in the Pacific and Oceania region, Europe, and North America.

Data from some countries indicate a recent expansion in their fleets. For example, the motorized fishing fleets in Malaysia, Cambodia and Indonesia increased by 26, 19 and 11 per cent, respectively, between 2007 and 2009, and Vietnam reported a 10 per cent increase in offshore fishing vessels (those with engines of more than 90 hp) between 2008 and 2010. The case of Sri Lanka illustrates potential overshoot in efforts to re-establish a fishing fleet, of which 44 per cent of the motorized vessels were destroyed by the tsunami that swept the region at the end of 2004, with the result that by 2010 there were 11 per cent more motorized vessels than before the tsunami.

Many countries have policies to reduce overcapacity in their fishing fleets. China's marine fishing vessel reduction plan for 2003–2010 did achieve a reduction by 2008 close to the target, but since then both the number of vessels and total combined power have started

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to increase again. Japan implemented various schemes that resulted in a net reduction of 9 per cent in the number of vessels, but a net increase of 5 per cent in combined power between 2005 and 2009. Other important fishing nations that achieved a net reduction in fleet size in the period 2005–2010 include Iceland, Norway and the Republic of Korea.

—These excerpts are from *The State of World Fisheries and Aquaculture (SOFA) 2012*, published by FAO

INFOLOG: NEW RESOURCES AT ICSF

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

Publications

Religion, Culture and Fisheries Co-management: A case of Kuruwitu beach village in north coast Kenya

Halinishi N. Yusuf, Graduate School of Development Studies, International Institute of Social Studies

http://oathesis.eur.nl/ir/repub/asset/10702/Halinishi_Yusuf_Final_Research_Paper_16.11.2011.pdf

This study looks at fisheries co-management and specifically focuses on the role cultural repertoires and religion may have in influencing local community participation in fisheries co-management.

Handbook for Improving Living and Working Conditions on Board Fishing Vessels. ILO, 2010

The handbook has been developed to assist competent authorities and the representative organizations of employers and workers in the fishing sector gain a better understanding of the Work in Fishing Convention, 2007 (No. 188) and Recommendation No. 199 of the International Labour Organization (ILO).

www.ilo.org/wcmsp5/groups/public/ed_dialogue/sector/documents/publication/wcms_162323.pdf

Videos/CDs

Grinding Nemo

The Swedish Society for Nature Conservation (SSNC) and Swedwatch present *Grinding Nemo* and *Do You Know What Your Dinner Ate for Breakfast?*, a film and a report, respectively, about reduction fisheries, the fisheries that grind perfectly fine food-fish into fishmeal in order to supply the growing aquaculture industry. SSNC investigated trawl fisheries in Thailand, which supplies the so-called trash fish to the fishmeal industry as well as anchoveta fisheries and fishmeal production plants in Peru. In the Thai fishery several atrocities were discovered, including severe human-rights abuse of illegal immigrant labour, and illegal trawling on coral reefs within marine protected areas.

<http://www.eeb.org/index.cfm/news-events/news/grinding-nemo-new-film-and-report-unveil-the-filthy-fishmeal-industry-which-supplies-prawn-and-salmon-farms/>

<http://www.youtube.com/watch?v=MqW8V4Qj1I>

FLASHBACK

Fishermen's rights

Filipino fishermen have suffered a great deal on Taiwanese boats. Living conditions on those boats were denounced at the international seminar held in Manila last February. All over the world, unknown fishermen undergo the same or worse treatment and have no way to defend their basic rights.

International agencies and governments do little or nothing to solve these problems. Industrial fleets have hurt small artisanal fishermen in numerous countries, either directly by fishing in their waters, or indirectly, by negotiating with governments to obtain larger fishing quotas. Many national organizations aspire to have a zone reserved for artisanal fishermen, and we can see the day when that right will be universally accepted as a norm.

Women do not participate in organizations and are generally kept in an inferior position. Even though they always participate in the task of processing the catch, they are not allowed to occupy leadership positions. Also, governmental decision-making agencies do not accept the participation of fishworkers' leaders, who are, therefore, forced to use pressure tactics to be taken into account.

We can see some signs on the horizon that allow us to hope for a better day for fishworkers who lack basic rights. Chile has promulgated a law for fishing and aquaculture, which provides for the participation of representatives of fishermen's organizations in fishing councils. It also establishes a five-mile zone reserved for artisanal fishing, a fisheries development fund, and priority access to aquacultural concessions. Fishermen from Brazil, Ecuador, Mexico, Bolivia, Colombia, Senegal, the Philippines, India, Norway, France and other countries are active in their organizations to achieve better living and working conditions. This progress marks the beginning of a long and difficult road that fishermen's organizations will have to travel to ensure that their members are respected as human beings and can defend their sources of work threatened by pollution and plunder. Fishermen and fishworkers of the entire world should raise their voices to make room for the participation of women and demand from their governments reserved fishing areas. Credit and technical assistance should be channelled through projects that are elaborated with the active participation of fishermen themselves at every step of the process.

—from the Comment in SAMUDRA Report No. 4, May 1991



ANNOUNCEMENTS

EVENTS

11th meeting of the Conference of the Parties to the Convention on Biological Diversity

8–19 October 2012, Hyderabad, India

One of the agenda items of COP 11 is Marine and Coastal Biological Diversity, focusing on identifying ecologically or biologically significant marine and coastal areas, and conducting an in-depth review of the Programme of Work on Island Biodiversity.

30th Anniversary of UNCLOS

An international conference “Commemorating the 30th Anniversary of the Opening for Signature of the United Nations Convention on the Law of the Sea” is being organized at the Yeosu World Expo, Republic of Korea, on 12 August 2012.

The Conference is co-sponsored by the United Nations (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs), the Ministry of Foreign Affairs and Trade of the Republic of Korea and the

Korea Maritime Institute, in co-operation with the Organizing Committee for the Expo 2012 Yeosu Korea.

WEBSITES

FAO at Rio+20

www.fao.org/rioplus20/en/

This website provides complete information on FAO activities at Rio+20. It lists events as well as various reports from Rio, video interviews and background documents.

Global Partnership for Climate, Fisheries and Aquaculture

www.climatefish.org

PaCFA is a voluntary global-level initiative among more than 20 international organizations and sector bodies with a common concern for climate-change interactions with global waters and living resources and their social and economic consequences.



Endquote

It is a fabulous place: when the tide is in, a wave-churned basin, creamy with foam, whipped by the combers that roll in from the whistling buoy on the reef. But when the tide goes out the little world becomes quiet and lovely. The sea is very clear and the bottom becomes fantastic with hurrying, fighting, feeding, breeding animals.

—from *Cannery Row* by John Steinbeck

