

## Fishing rights

# Fulfilled, healthy, secure?

Conventional fisheries management has been dominated by the enclosing-the-commons model

A debate has emerged in the last three issues of SAMUDRA Report (Nos. 43-45) about rights-based fisheries and the allocation of fish resources. The debate was triggered by Derek Johnson in his review article on the *Sharing the Fish Conference 2006* in Australia, in which he describes how the discussions on rights-based fishing were dominated by presenters from the rich, “temperate-minority” countries. Debate at the conference thus tended to focus on the options preferred by policymakers and economists in these countries; namely, market-based access rights and allocation mechanisms, such as individual transferable quotas (ITQs). Conference participants had little to say about the applicability of these or alternative rights schemes to the tropical-majority countries.

Ichiro Nomura, Assistant Director General of Fisheries of the Food and Agriculture Organization of the United Nations (FAO) highlights in the next issue of SAMUDRA Report that fishing rights and rights-based schemes are “absolutely necessary and fundamental” to the sustainability of all the world’s fisheries. However, the configuration of these rights needs to be tailored to the specific social setting of the countries in question. He proposes that it may be an opportune time to organize an international conference on the allocation of rights in the small-scale fisheries that dominate the tropical and developing countries.

Finally, in the last issue of SAMUDRA Report, Bjørn Hersoug picks up the thread by connecting the debate over rights-based fishing to the existence of widespread poverty in fishing communities throughout the developing world. He concludes that poverty may be more related to institutional failures than

ecological or economic ones, and thus institutional reform is a prerequisite for the establishment of rights-based fisheries in order to ensure preferential access to individual or collective rights for poor fishers. For Hersoug, a conference on rights-based fishing should perhaps be entitled, “Fishing Rights to the Right People.”

In response to this timely debate within the pages of SAMUDRA Report, I wish to examine more closely what is meant by fishing rights and rights-based fishing. When economists and government officials talk about fishing rights at conferences and in publications and policy documents, are they talking about the same fishing rights that small-scale fishers have been demanding for the last few decades? I say, no. Like many progressive ideas promoted in the recent past by small-scale fishing organizations around the world—ideas like community-based management, ecological fisheries management, and integrated management—the notion of fishing rights has been seized by the academic and bureaucratic sectors, filtered through their market-based frameworks, and promoted as something quite different from the original intent.

In other words, the notion of fishing rights has been co-opted to mean not the guarantee of rights but rather the granting of privilege. In most cases, rights-based management consists of the granting of fishing privileges to certain groups within fishing communities as a means of ‘enclosing the commons’.

**Common-property theory**

Based on common-property theory, the objective is not to guarantee a fishing people the right to fish, but to exclude as many as necessary to ensure that those

remaining can capture the wealth produced by the sea for themselves.

**I**f rights-based fishing then has nothing to do with rights, what is the alternative view of rights? In my view, the notion of rights is about a fundamental respect for the human being, and addresses the many conditions necessary for fulfilled, healthy and secure living. If we are going to talk about fishing rights within this understanding of rights, there are a number of dimensions in the lives of fishers that must be considered.

The first is to state that the current distortion in the distribution of the world's resources makes it close to impossible to guarantee this fundamental respect and provide the necessary conditions for every human to have fulfilled, healthy and secure lives. As we increasingly realize the limits on the availability of resources on this planet, it is clear that the guarantee of rights involves not only poverty reduction but also, and just as importantly, wealth reduction on the part of the minority who control the vast bulk of those resources. It is only in this two-pronged approach that there can be the ability to ensure fishing rights since so many fishers are among the world's poorest inhabitants. If the meaning of this view is not immediately evident, let me illustrate by saying that the demand for such products as luxury aquaculture seafood, industrial chemicals

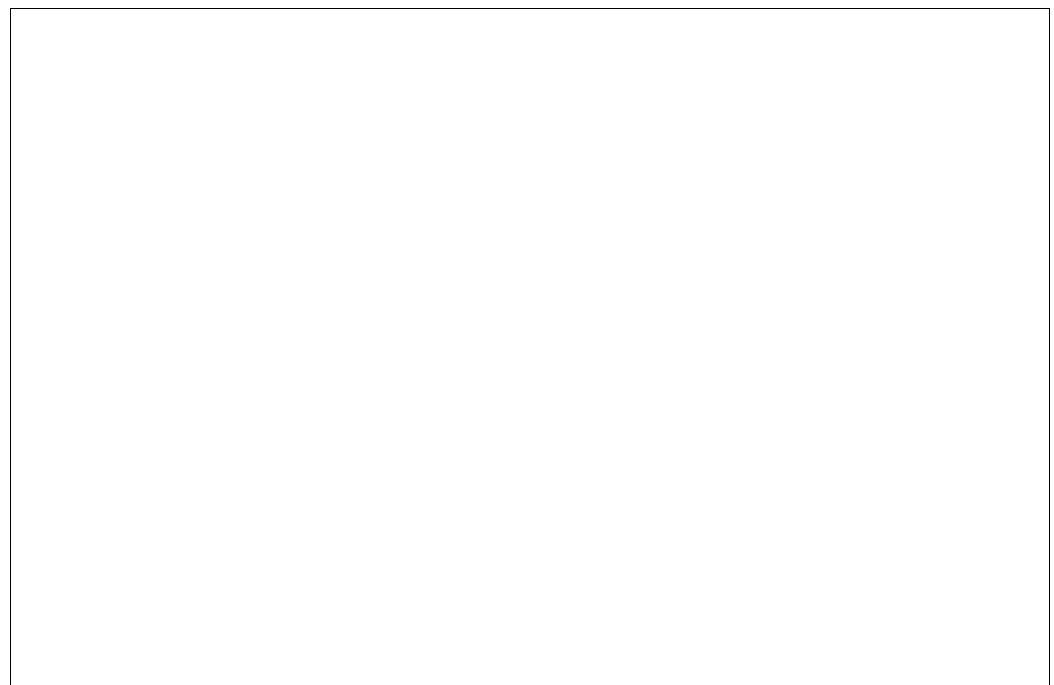
and tourism beaches on the part of the wealthy has led to serious degradation of coastal habitats and the viability of fishing livelihoods.

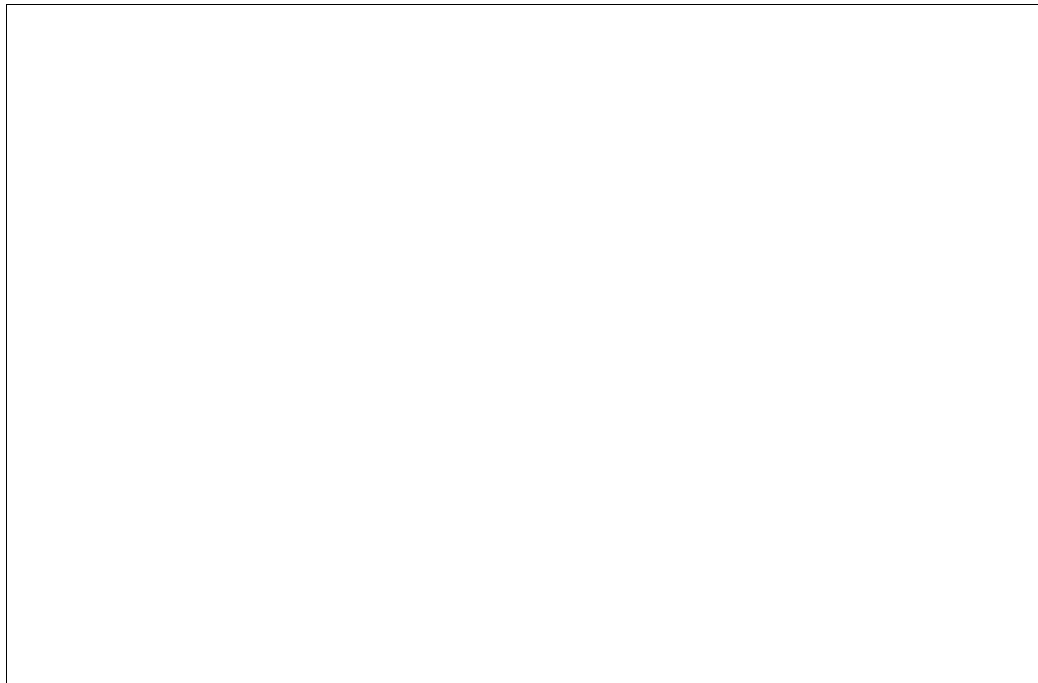
Among the many other dimensions of fishing rights, I would list the following as some of the most important:

**1.The right to fish for food.** Fishers provide food for their families, communities, regions and country. In Asia and Africa especially, large numbers of people depend on fish protein for their basic nutritional requirements. Local, regional and national food security should be the number one priority of sustainable fisheries management. All fisheries development should be built on this foundation, not only in developing countries but also in the developed countries where there is an increasing recognition that the most healthy and nutritious food comes from local sources.

**2.The right to fish for a livelihood.** For many coastal communities, fish, as a renewable resource, has the potential to be an unending means of deriving a livelihood. Coastal communities have depended on this resource for generations, and they should be permitted to continue to find their livelihoods thus for generations to come.

**3.The right to healthy households, communities and cultures.** Fishing





provides not only an income stream to fishing households but is also an activity around which many dimensions of life are organized, and from which meaning is derived by men, women and youth. The way fishing activities are managed and the benefits distributed are crucial in fostering healthy social relations in communities and in nurturing the culture that binds them together.

**4. The right to live and work in a healthy ecosystem that will support future generations of fishers.** All of the above rights depend on taking care of the environment in which it takes place, living within the limits of what the ecosystem can produce, and without upsetting irreversibly the functioning of that system.

**5. The right to participate in the decisions affecting fishing.** The protection of fishing rights and their optimal implementation for the benefit of fishing communities requires that everyone in these communities have a voice in decisionmaking. This means placing a high value on the knowledge of fishing people about fishing and the environment, promoting a bottom-up and community-driven decision-making process, and implementing national policies that protect fishing rights.

The development of fisheries and the design and implementation of

management plans based on the above-listed rights would look very different from a rights-based fishery as advocated by those who wish to enclose the fishery commons. A rights-based fishery stresses one value: economic efficiency. On the other hand, a fishery based on a guarantee of the fundamental rights of fishing people recognizes their equal status and dignity as members of global society, and their equal right to a fulfilled, healthy and secure life.

A rights-based fishery would allow one factor to determine the future of fisheries development: a privilege granted to a few to promote the sale of fish as a commodity to the highest bidders on international markets. In contrast, a fishery based on the fundamental rights of fishing people would result in a fishery where communities shape a future based on providing their basic human requirements for food, livelihood, communal living and a vibrant culture. It is a fishery where fishing people could begin to realize their dreams to steward the resources of the sea, make friends with them—as some of them would say—own boats and gear, obtain a fair price for their fish, and offer a brighter future to their children.

It is also important to point out that the five fishing rights listed above can all be found in a more generalized form in the Universal Declaration of Human Rights.

All too often, the denial of human rights is understood narrowly as the violation of civil liberties, without adequate recognition of the rights to food, livelihood, communal living and culture.

**F**inally, I wish to conclude by making reference to Derek Johnson who started this debate in SAMUDRA Report No. 43. In another article that he wrote last year ("Category, Narrative and Value in the Governance of Small-scale Fisheries", *Marine Policy* 30, 2006), he argues that the perceived importance of small-scale fisheries may not only lie in the sustainability of their scale of operations but also in the values of social justice and ecological sustainability that small-scale fishers have come to represent in response to the dominant modern narratives of change. He goes on to state that this view does not always correspond to reality, given those situations where small-scale fisheries have been overly exploitative and ecologically destructive.

The fact that the fisheries of the last 50 years have been dominated by the drive to kill fish and that many are responsible for this mining of the sea, is not at issue. The theme of this article is that fisheries management for the past 30 years has been dominated by the enclosing-the-commons model, at the same time that small-scale fishers have been demanding social justice and ecological sustainability through recognition of their fishing rights. I would argue that the dominant model of fisheries management has contributed to—or, at least, not stopped—the collapse of fish stocks and ecological degradation around the world. It has resulted in greater inequities in the distribution of fisheries benefits, and now has co-opted the notion of fishing rights in support of itself. It is time to recover the true and full meaning of fishing rights, to listen to small-scale fishers, and allow them the opportunity to exercise their fishing rights for a socially just and ecologically sustainable fishery. ♣

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