

# Human Rights First

## A recent Technical Consultation discussed the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries (SSF Guidelines)

**E**ighty-eight Members of the Food and Agriculture Organization of the United Nations (FAO), and representatives of nine inter-governmental organizations (IGOs) and around 80 civil society organizations (CSOs) and non-governmental organizations (NGOs) participated in the Technical Consultation on International Guidelines for Securing Sustainable Small-scale Fisheries, held in Rome over two sessions, during 20-24 May 2013 and 3-7 February 2014.

The Consultation followed the forms and procedures of the FAO Committee on Fisheries (COFI). The Members said the Guidelines should be applied within the context of each country. The Chairperson noted, at the outset, that the outcome of the Consultation would become a Chairperson's text if the review of the document (No. TC-SSF/2013/2) was not completed by the conclusion of the session.

The resumed session began discussion with Chapter 7 of TC-SSF/2014/1, related to value chains and post-harvest and trade, followed by discussions of Chapter 8 on gender equality, Chapter 9 on disaster risks and climate change, Chapter 10 on policy coherence, institutional co-ordination and collaboration, Chapter 11 on information, research and communication, Chapter 12 on capacity development and Chapter 13 on implementation support, monitoring and evaluation. It also opened up for discussion square-bracketed or partially agreed upon paragraphs from chapters discussed in the May 2013 session.

The objection to the term 'governance' was mainly from one

Member State. Its delegation stated that the term has not been properly defined anywhere and thus opened up ambiguous—and thus not universally acceptable—procedures that could jeopardize decisions about international access rights to resources in presently 'international' areas. In an international context, the delegation said, the use of the term 'governance' may undermine national processes and sovereignty.

The delegation clarified that it had no problem if the reference was to local or national governance.

Thus, governance has been retained in the text where the reference is obviously to local/national processes.

In all other contexts, the term was either removed altogether or replaced by 'management'. Thus, very few references to the term governance remain.

**The Consultation followed the forms and procedures of the FAO Committee on Fisheries (COFI).**

### No consensus

Since States could not arrive at a consensus, the square-bracketed paragraph on recognizing and addressing the underlying causes and consequences of transboundary movement of fishers, leading to the arrest and detention of fishers outside the jurisdiction of their countries (see TC-SSF/2014/1) was dropped despite a strong plea from CSOs to retain this para, given the number of fishermen in every region who are

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Chandrika Sharma, Executive Secretary, ICSF, at the Technical Consultation on International Guidelines for Securing Sustainable Small-scale Fisheries, held in Rome, in February 2014

being arrested for transboundary crossings, and whose human rights are being violated on a daily basis.

The issue of ecolabelling and certification proposed under paragraph 7.7 of TC-SSF/2014/1 proved very contentious. Many delegations and CSOs stressed that ecolabelling schemes had little relevance for small-scale fisheries, going by past experience, and they served only to discriminate against them. The need to support small-scale fishers to benefit from ecolabelling schemes and to access markets, particularly in the North, was stressed by some States.

However, as there was no consensus, it was agreed to drop the paragraph altogether. In the agreed text, there is no reference to ecolabelling and certification, reflecting the lack of consensus.

On the whole, this stand was acceptable to CSOs.

There was some discussion on where and how the World Trade Organization (WTO) should be mentioned, given the fact that some States are not WTO members, and

some felt that the WTO rules have little relevance in the context of small-scale fisheries. Finally, the reference to WTO was dropped from Section 4 (relationship with other international instruments). It is mentioned only in para 7.6 in Section 7 (on value chains, post-harvest and trade).

In the last round of negotiations there was considerable resistance from some delegations on the use of the term 'informal'. This was seen to be the same as 'illegal'. During this round, there was much debate on the issue. CSOs explained to delegations the meaning of the term. As a result, 'informal sector' is now included in the text, as a separate para 6.6 in TC-SSF/2014/2. This is a considerable achievement, given how important the sector is in many developing countries.

### **Marginalized groups**

The term 'marginalized and vulnerable groups' was not opposed during this round of negotiations, and all references to it have been retained. There is also reference to 'ethnic minorities'.

In the agreed text, there are several references to the need to pay attention to indigenous peoples, and to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIPS). However, some delegations, watered down the language on free, prior and informed consent (FPIC), and replaced 'consent' with 'consultation' (both in the context of indigenous peoples and local communities). This represents a considerable weakening of the text, particularly for indigenous peoples, as the principle of FPIC is clearly recognized in UNDRIPS.

In a similar vein, several delegations watered down references to 'human rights standards', replacing it with 'human rights law'. This change apparently then excludes voluntary commitments of States, as under UNDRIPS. However, it is to be noted that in the earlier sections of the text, as in the Guiding Principles, there are several references to human rights standards.

A new paragraph was introduced by one delegation, in consultation with civil society groups on protecting the human rights and dignity of small-scale fisheries stakeholders in situations of occupation, to allow them to pursue their traditional livelihoods, to have access to customary fishing grounds and to preserve their culture and way of life, as well as their effective participation in decisionmaking in matters that impact them (paragraph 6.18). It needs to be noted that this was an entirely new proposal, not included in earlier rounds of negotiation or in the zero draft.

The paragraph found support among many of the delegations present, and it was also accepted, with some modification, by all delegations except one, which could not accept the term 'occupation'. The delegation was also not inclined to accept the paragraph (given that it was supported by a majority of the delegations present) with reservation.

It is relevant to note that a similar reference to 'occupation' is found in the recently adopted Voluntary Guidelines on the Responsible

Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. This is in Section 25 on "Conflicts in respect to tenure of land, fisheries and forests".

An alternative text proposed by one delegation was also discussed. Consensus on this text was almost achieved (with the exception of the mention of Section 25 in brackets, opposed by one delegation). The Guidelines (including the bracketed paragraph) will now go to COFI as the Chairperson's text. It is hoped that the impasse can be resolved and the Guidelines can be formally endorsed by COFI.

The text on implementation that is finally agreed is quite weak, as all delegations present agreed that this was a subject that needs to be discussed and agreed on at COFI. Issues such as ensuring regular monitoring of implementation of the Guidelines by COFI, requesting the Committee on Food Security (CFS) to monitor implementation of the Guidelines from the perspective of food security, and ensuring that participatory mechanisms are put in place at all levels (international, regional, national and local) for implementation of the Guidelines (at present there is reference to the formation of national-level platforms) need to be brought to the attention of COFI.

Overall, from a CSO perspective, the Chairperson's text, on the whole, is welcome, and is notably and firmly anchored in a human-rights-based approach. This is a considerable achievement. It is now up to everyone concerned to interpret the document, give it flesh, and ensure that it is a tool they can work with. 

#### For more

[ftp://ftp.fao.org/FI/DOCUMENT/ssf/SSF\\_guidelines/TC/2014/2e.pdf](ftp://ftp.fao.org/FI/DOCUMENT/ssf/SSF_guidelines/TC/2014/2e.pdf)  
(TC-SSF/2014/2)

#### **Chairperson's Text of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication**

[ftp://ftp.fao.org/FI/DOCUMENT/ssf/SSF\\_guidelines/TC/2014/1e.pdf](ftp://ftp.fao.org/FI/DOCUMENT/ssf/SSF_guidelines/TC/2014/1e.pdf)  
(TC-SSF/2014/1)

#### **Provisional Agenda**

<http://vimeo.com/38230809>

#### **Chandrika Sharma Speaking with Danilo Licciardello on SSF Guidelines**