

# Getting the ‘Rights’ Right

## The UserRights 2015: Fisheries, Forever conference focused on tenure and rights for responsible fisheries management and equitable development in fisheries

The FAO UserRights 2015: Fisheries, Forever conference was the third in a series of conferences on rights issues in fisheries initiated by FAO. FishRights99 focused on exploring the international use of property rights in fisheries management, and Sharing the Fish '06 focused on allocation issues in fisheries management, especially to look at who gets what, when fisheries are under pressure. The UserRights 2015 Conference took a rather different angle on rights, which was to assess the importance of tenure and rights for responsible fisheries management and equitable development in fisheries. The Conference was hosted by the Government of Cambodia. It was held in the historic Angkor Wat city of Siem Reap, Cambodia, unlike the previous two events that were held in Fremantle, Australia.

Unlike the previous two, the participants of UserRights 2015 were mainly from developing countries. The Conference provided an opportunity to listen to a cross-section of views on rights-based fisheries management in the context of developing as well as OECD countries. In light of the 2012 Tenure Guidelines and the 2014 SSF Guidelines, the Conference, unlike its predecessors, provided an opportunity to focus more on social dimensions in fisheries and to look at rights-based fisheries regimes from the perspective of tenure rights and a human rights-based approach in fisheries.

From an equity point of view, the range of rights-based fisheries discussed at the Conference was from individual transferable quota (ITQ) and individual transferable effort (ITE) regimes in OECD countries like Iceland, the United States (US) and Australia, to community fisheries in Cambodia, a least developed country. The latter's focus on nutrition, food security and income, as well as reduction of poverty and improving livelihoods of the poor and disadvantaged, was referred to as the “most extensive and well-developed system of community fisheries in the world”. There were other examples from Indonesia, Mexico, South Africa and the small island developing States in the Pacific. The numbers of fishers benefiting from a rights-based approach varied from a few hundred fishers in several rich countries to nearly a million fishers and farmers in Cambodia.

The ITQ regime, by design, is loaded against the scale and scope of small-scale fisheries and indigenous peoples' rights to livelihood fisheries. Examining the

outcomes of different rights-based approaches to fisheries management, what was unequivocally clear was the negative impact of ITQs or similar arrangements such as catch shares on small-scale fishers and indigenous peoples. Ten large companies hold 52 per cent of all quotas in Iceland. The workforce involved in fishing and fish processing has reduced from 12 per cent in 1983 to 5.3 per cent in 2014. Several coastal fishing communities in Iceland are left indebted, without fishing rights to their traditional fishing grounds, and without alternative accessible livelihoods. In Australia, 70 per cent of fishing rights in its Northern prawn fishery today is held by medium or large companies as against 50 per cent being held by smaller operators before 2000. In countries like Denmark and the US, smaller vessels are getting replaced by larger vessels. Fishing quotas are held by a small number of highly specialized vessels.



In Canada, indigenous peoples are unable to get their treaty right to livelihood fishery recognized in spite of the highest court upholding these rights.

The UserRights 2015 conference not only reiterated the “no-one-size-fits-all” approach, but it also clearly ruled out an ITQ approach based on individual rights for small-scale fisheries, particularly in developing countries. Instead, community rights are recognized as the way forward for small-scale fisheries management.

We welcome this approach rather than adopting a “no rights” approach. There were voices cautioning against adopting a privatization approach in fisheries—a “wet enclosure movement”—and asking for greater public participation in deciding how fishery resources belonging to all citizens should be allocated, based on sound social criteria. We endorse this view and reject approaches based on privatization and on establishing inequitable markets for rights allocation.

Furthermore, the rights of women in all stages of the value chain must be given greater attention. Rights-based approaches in fisheries should be framed in a human-rights-based approach, as demanded by several participants, and as picked up for special mention during the closing session as a key message from the forum. Such an approach could be consistent with the Tenure Guidelines and the SSF Guidelines and would help remove poverty, promote food security and improve nutrition for vulnerable and marginalized groups. 3