

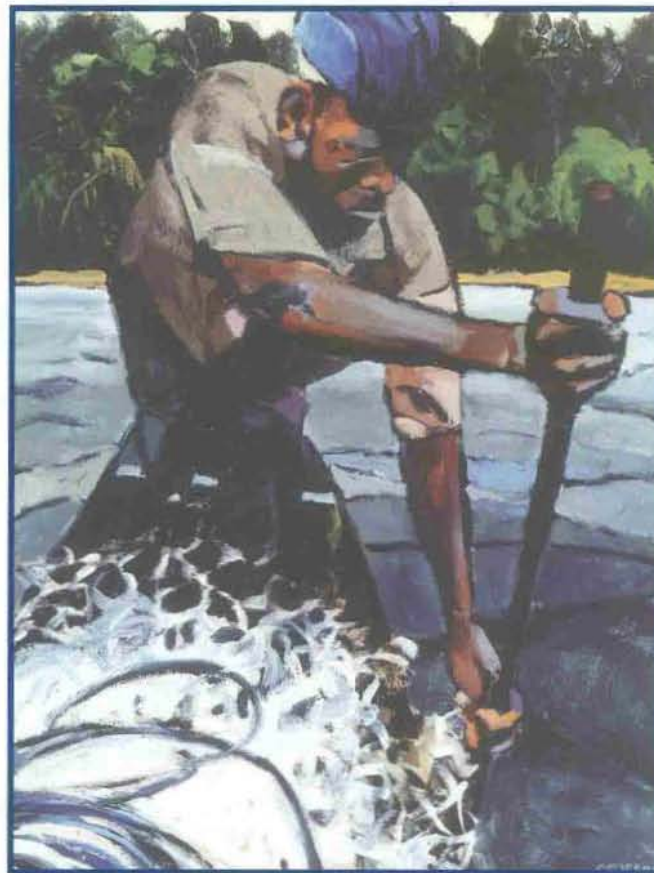
# SAMUDRA

REPORT

INTERNATIONAL COLLECTIVE IN SUPPORT OF FISHWORKERS

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ILO STANDARDS FOR FISHING  
SAFETY AT SEA  
INDUSTRIAL FISHERIES IN PERU  
POST-TSUNAMI REHABILITATION  
STATE INTERVENTIONS IN NETHERLANDS  
NEWS ROUND-UP

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## Comment

# The price of imprudence

In the end, the irony was not only unforeseen, but also unfortunate and bitter for fishers all over the world. At the final record vote on its adoption at the 93rd Session of the International Labour Conference (ILC), the proposed Convention on Work in the Fishing Sector did have the required two-thirds majority but the vote was declared invalid because it did not attain quorum (see pg 47). It is doubtful if there has ever been such a precedent in the history of the International Labour Organization (ILO)—that a draft Convention and Recommendation adopted by the relevant Committee have not been adopted by the ILC for want of quorum.

These instruments could have been the handles for developing countries to lift the lids off their fishing sectors and look at current developments in fishing from the perspective of labour and welfare. They provide the structure for creating standards for an occupational sector that is among the most hazardous on earth.

Intriguingly enough, despite these manifest benefits to fishers, some developing-country governments, especially from Asia, and almost all Employer representatives, decided to abstain from voting, cleverly defusing a Convention that had actually won a clear majority at the record vote.

The short-run acquiescence to the Employer group could ultimately cost dear. In the long term, developing countries would possibly be forced to comply with far stricter forms of labour standards dictated by developed countries that are important markets for fish and fish products from developing countries. (It is worth remembering that 50 per cent of fish entering the world export trade comes from developing countries.) The non-tariff measures currently confined to food safety and environmental standards can tomorrow be extended to labour as well. Prudence dictates that developing countries should voluntarily move towards labour standards in fishing, considering that it is one of the most globalized industries today.

ILO is undoubtedly the best forum to negotiate a standard that can act as the lowest common denominator for labour in fishing. It is in the interest of developing countries, especially Asian countries that account for most of the world's fish production, fishing capacity and fishers' population, to be proactive and sincerely engage with ILO processes that recognize the importance of adopting international labour standards that are set with "due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstance make the industrial conditions substantially different" (Article 19, ILO Constitution).

Considering that over two-thirds of global fish production originates from developing countries, any improvement in labour conditions will benefit mainly the nationals of developing countries. In any case, labour standards in most developed countries are already at par with, if not above, those proposed by the ILO instruments. Developing countries can also use the provisions for exclusions and exemptions to progressively improve living and working conditions on board fishing vessels, both in small- and large-scale fishing.

The governments of developing countries have a responsibility to provide sustainable employment for their coastal fishing populations. Rather than indulge wastefully in policies that promote fishing capacity and 'boom-and-bust' fisheries, they should aim for labour-intensive and sustainable fishing, along with better labour standards that they themselves can design and implement.

The proposed ILO Convention and Recommendation should be seen as an opportunity to address the most neglected aspects of working and living conditions in the fishing sector. We urge all governments, employers' and workers' groups to work towards the adoption of these important instruments at the 96th Session of the ILC in 2007.

## A sea of women

### A conference in Spain sought to place on centre stage women's role and status in fisheries and aquaculture

**W**hat the organizers had envisioned came true. The international AKTEA Conference, "Women in Fisheries and Aquaculture: Lessons from the Past, Current Actions and Dreams for the Future" (<http://conference.fishwomen.org>), which took place during 10-13 November 2004 in Santiago de Compostela, Spain, was a true meeting place for women working in fisheries and aquaculture from all over the world to exchange experiences, ideas and strategies.

It was also a unique opportunity for the women to meet with researchers from different disciplines of social sciences working on women-in-fisheries-related issues, and for the researchers themselves to expose and discuss their work.

The initiative for the international conference came from the researchers of the programme "FEMMES". This programme aims to promote networking of women's associations in fisheries and aquaculture in Europe. It is funded by the European Commission under the 5th Framework Programme for Research. Under the FEMMES programme, three workshops were held for fisherwomen from European countries, where active networking took place. An international conference was seen as a challenging opportunity to extend the networking and association linkages from Europe to other parts of the world as well.

The success of the conference was evident, in the first place, by the number and diversity of participants, who came from all over the globe, from the top—Norway—to the southern tip of Mozambique and from the coast of Chile in the far west to the coast of the Philippines in the far east. There were

more than 170 participants—fisherwomen, shellfish gatherers, fish processors, fish sellers and researchers, administrators, social workers and women organizers.

For three days, the participants exchanged experiences and reflections about current developments, and the changes needed for the future. To allow everyone an opportunity for expression, the conference was organized into different types of events. There were plenary sessions with oral presentations, discussion forums in smaller groups on invited subjects, and also a poster exhibition where women could show their work, experiences and ambitions in a visual way.

During the plenary sessions and forums, the researchers could test their theories against the reality of the women working day-to-day in fisheries, while the fisherwomen were offered analytical tools to put their personal and local experiences into a broader and systematic framework. They could also familiarize themselves with concepts like production and reproduction, participation and organization, privatization and globalization, diversification and coastal resource management.

Due to the diversity in culture and fishery, the topics also varied widely. Nonetheless, there were many similarities in the issues raised by the women.

#### **Invisible roles**

A major concern shared was the 'invisibility' of women's roles in fisheries, leading to their exclusion from decision-making processes, and lack of access to (shell)fish resources, information, formal training, credit, social insurance and welfare benefits, and so on.

**M**any of women's traditional activities, like net mending or repair, are disappearing. Many women work for the family enterprise without remuneration. Women's enterprises are mostly small-scale and have to compete with large-scale (often international) corporations and chains. The burden of crises often falls on the shoulders of women of fishery households, forcing them to take up longer working days, a wider range of income-generating activities and harmful working conditions.

While discussing their situation, women also clearly expressed their concerns about the degradation of the resources and the threats faced by their communities. All over the world, traditional fisher communities experience the negative effects of globalization, such as the intrusion of mass tourism in coastal areas, the reinforcement of sanitary standards for fish products that favour the large-scale (international) companies over the small-scale producers, and also the centralization of fishery management promoting the expansion of capital-intensive modernization and privatization of fishing rights through the introduction of transferable quotas.

The share of the fish stocks for traditional fisher communities is becoming smaller and smaller, and the social consequences

are adverse. Traditional fisher communities in Europe and North America also struggle with the problem of declining incomes, unemployment and depopulation, even as the fishing capacity has increased enormously. And in countries around Lake Victoria in east Africa, the traditional fisher communities are left with only the bones of the Nile perch for personal consumption, as the entire fillet of the fish is exported to the European market.

Where, in earlier times, capture, processing and trade were integrated activities of a local community, today more and more quantities of fish caught in one part of the world are processed in another part and consumed in yet another part. Local communities are increasingly losing control over the management of their resources and the price and quality of their product. It was felt that a link should be seen between the marginalization of traditional fisher communities and the marginalisation of women in fisheries, between the lack of recognition of traditional or artisanal fisheries as a *way of life* and the lack of recognition of the productive as well as reproductive roles of women in fisheries.

#### **Women's role**

The forums gave an opportunity to explore in greater depth the issues of particular concern for women's role and status in fisheries and aquaculture. These

dealt with the legal recognition of women's work; their productive and reproductive roles; access to decisionmaking and economic resources; working conditions and safety at sea and on shore; networking among women's organizations; strategies for resource management; diversification; and tourism.

**T**he forum on "The Legal Recognition of Women's Work" discussed the importance of the formal status of women for accessing decisionmaking and resources such as credit, training, information and also social welfare.

Surprisingly, in the eyes of some, it was seen that in some countries of the South, women working in fisheries are better recognized and better organized than their sister-colleagues in the North.

In Senegal, for instance, women fish vendors are officially recognized and do have access to micro-credit schemes and professional organizations. And in the Philippines, an Act providing for the Magna Carta for Women was passed by the House of Representatives in 2003, by which women directly engaged in municipal and coastal fishing are accorded equal access to the use and management of marine resources, and enjoy all the rights and benefits accruing to stakeholders in the fishing and aquaculture industry.

In contrast, the only status Italian or Dutch women who work in the family fishing enterprise have, is that of wife of the fisherman, without an interest of her own, and her work is primarily seen as ancillary and a sort of extension of her domestic activities. Since 1986, there has existed a special European Union (EU) Directive (86/613) regarding the application of the principle of equal treatment for men and women in a self-employed activity, which applies to situations where spouses are not employees or partners, and where they habitually, under the conditions laid down by national law, participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks.

However, practically no member State of the EU has integrated the Directive in its

national laws. In France, the status of collaborating spouse is recognized in the Fishery Law of 1997, and she now has the right to represent the family enterprise, be elected to the boards of fishermen's organizations and also to join a social security scheme. But the French legal status has many limitations still, in particular for the spouses of the small-scale sector and the crew. In Portugal, the collaborating spouse has, since 1999, been partially legally recognized. Women must be registered as crew members even if they do not go out to sea.

The conference forum on "Women in Fisheries and Aquaculture: Productive and Reproductive Roles" discussed the difference of women's role in small-scale and large-scale industrialized fisheries.

In small-scale fisheries, people are usually self-employed, and production and reproduction are directly linked and overlapping. In industrialized fisheries, production and reproduction are separated as people have become wage-workers.

The dilemma in small-scale fisheries is that the woman's position is defined according to her role in reproduction. A woman is seen as the husband's wife and as a caretaker. Women lack legal status and are invisible when it comes to their role in production. The dilemma in industrialized fisheries is that people have lost control, both over natural resources and their own labour.

Two forums covered the issue of woman's access to decisionmaking. In the first forum, "Women's Participation in Fishermen's Organizations", it was felt that women should not wait to be invited by men or politicians to participate in debate and decisionmaking concerning fisheries. They should rather decide on their own. "Men know how to use women's timidity", it was felt, and the consequence is that women are kept outside the decision-making process.

#### **Organization**

It was also noticed that organized women have better chances for recognition than women who are not organized. This was also the case where women had the benefit

of support of government workers or non-governmental organizations (NGOs). It was also felt that women should lobby more with politicians and administrators.

**A**nother forum, “Women’s Organizations in Fisheries”, created a general feeling among all that the ongoing organization of women in fisheries and aquaculture has not only been empowering but has also been vital in gaining visibility, access to rights and the valorization of fishing communities. To mention a few successful women’s organizations: Penelope (Italy), Fishermen’s Wives Support Group and Mna na Mara (Ireland), Katosi Women Fisher’s Association (Uganda) and VinVis (Netherlands).

Important facilitating factors in creating sustainable organizations were seen to be a solid foundation and good participation. For a solid foundation, the members should have a feeling of ownership in the organization. It is very important that they are clear about common interests and needs as well have a focused goal. Communication and participation are important, which demand regular meetings. Active interaction between members is also necessary because it permits the establishment of reciprocity, mutuality and solidarity relations amongst them. Outside support and assistance were also seen as important. As major constraints for women’s organizations were seen the existence of too many diverse interests and also the lack of self-confidence and organization skills.

The forum on “Networking Women’s Organizations: Strategies, Opportunities and Constraints”, highlighted various networking efforts of women’s organizations, both at the national and regional levels. Networks have been initiated by various actors: women’s organizations of fishing communities themselves, NGOs, research programmes, governments and regional governmental bodies. Some of those networks were present at the forum: the Nordic Network for Coastal and Fisher Women (Scandinavia), the Task Force of Women in Fisheries (Philippines), Federation 2FM (France), Federation of Net Menders

(Galicia), AREAL, the federation of shellfish gatherers (Galicia), and the National Women’s Fisheries Network (Chile). Although networks have a larger focus and orientation than individual organizations, their success depends much the same on the facilitating factors mentioned above.

The forum on “Working Conditions and Safety at Sea and Ashore” discussed various issues. Firstly, the issue of safety on the boats was discussed. Women felt that men’s attitude towards safety matters is more driven by machismo than by the need for family security. For this reason, it was felt that women face problems in convincing the men to use safety equipment.

Some of the participants (from Portugal, Spain and France) felt that the European fishing fleet need improved safety measures, and they underlined the importance of financing the construction of new vessels with the necessary safety standards.

Deteriorating working conditions were seen as another reason for accidents at sea. These resulted from the decrease in the number of crew on board the vessels, and the longer working hours, enforced because boatowners need to economize to meet with rising investments, decreasing fish prices and higher debts. Alcohol and drug consumption on board boats were also seen as responsible for accidents. Some of the forum participants (from Canada, Ireland and Norway) felt that increasing the cost of insurance may encourage more safety practices, but also place a burden on small businesses and fishing enterprises.

It was furthermore discussed that women should demand the recognition of occupational illnesses of not only men but also women working at sea, shellfish gatherers, fish sellers, etc. In Canada, shellfish processing workers are struggling with occupational asthma and with cumulative trauma disorders (like carpal tunnel syndrome).

#### **Attractive forum**

The forum on “Access of Women to Economic Resources: Small-scale Enterprise Management, Diversification

and Micro-credit” attracted women from the South and North, and they spoke about their own experiences in these domains. The common characteristic that emerged from this exchange was that of women’s capacity to adjust to all situations by opting for new economic initiatives.

**E**xamples from Tanzania and Chile showed how the depletion of resources and the scarcity of fish at local markets pushed women to initiate new activities. Women fish processors from around Lake Victoria adapted their work several times by finding new raw materials to process.

Nile Perch, the main species of the lake, is nowadays exported to Northern countries, and local women have lost access to this resource. In the beginning, they changed to processing the other parts of the fish that were discarded by the foreign processing factories that had been established in their country. But today, even these once valueless parts of the fish are exported to other markets, and the women have had to adapt again to the scarcity of raw materials by changing to processing the fish bones.

Women from Chile worked in the past in activities linked to artisanal fisheries but nowadays have to find new activities due to depletion of the fish stocks. Today, they are involved in activities related to

tourism. From fisherwomen, they became diving suit producers.

Today, diversification of fishing household activities is becoming more and more a necessity to improve the household income. Processed fish fetches better prices than raw fish. Senegalese women play an important role on the shore by selling fish (directly or to a fishmonger) and processing (smoking) fish.

Today, they also produce other products such as fish oil. A woman from Ireland narrated how she started to process the wild salmon caught by her husband and later expanded her business by buying from other fishers as well. French shellfish women from the Mediterranean explained how they promote their products by participating in European gastronomic fairs, where they sell oysters and mussels to the visitors.

#### **Financial constraints**

All participants said that they faced financial constraints not only in starting their business activities but also when they wanted to expand. Banks do not easily open their doors to women small-scale producers. European women have access to public funds to start a business, but they felt that it is not easy to bridge the first few years, which was the time to establish and consolidate a customer base.



## An agenda for action

The keynote speakers at the conference were Barbara Neis (Safety Net and Department of Sociology, St. Johns Memorial University, Canada), Nalini Nayak (ICSF, India) and Katia Frangoudes (CEDEM, University of West Brittany, France).

Barbara Neis spoke about "The Local Consequences of Neoliberal Globalization for Women in Fisheries". She explained how the concentration of capital and control of resources by big corporations resulted in quick shifts of production and investments all over the world. Forty per cent of fish products are traded globally. The introduction of quota systems has facilitated this process. Local fishing communities are confronted with degradation of resources and economic decline. The relations between men and women within fisheries communities have also changed. In her presentation, Barbara Neis used data from the forthcoming book *Changing Tides: Gender, Fisheries and Globalization*, edited by her, Nalini Nayak, Cristina Maneschy and others.

Nalini Nayak spoke about "Challenges to Women in Fisheries in the Globalized World". She explained globalization as the historical process of concentration of resources in the

hands of a few powerful forces and the loss of autonomy for large populations of primary producers, consumers, local communities, governments and States. This process led to great social disparities, conflicts and 'natural' calamities in the world.

For the Northern fisheries, globalization meant a change from open access to the resources to a licensed (controlled) entry. This resulted in the introduction of quotas, including individual transferable quotas (ITQS), professionalism and capitalization of the fishery sector, and the strong role of the State in regulation. Women were pushed into wage-work, under usually bad working conditions or became free labour as a buffer to rising costs.

For the Southern fisheries, however, globalization meant a transition from fishing in the wild to aquaculture. The main fish production is now for export, which has resulted in less fish being available for local consumption. Women are ousted from local post-harvesting activities. Fisheries agreements between countries of the North and countries of the South gave further access to the North to resources in the South, resulting in a depletion of local fish resources and reduced access to resources for the local population. The

**S**outhern women have developed interesting saving schemes, which give them access to credit, and the European participants learnt a lot from these Southern experiences. African women make use of traditional saving systems, which enable them to get micro-credit.

An example of such a traditional saving and credit scheme is the *tontine* system used by Senegalese women. Their capacities to manage and reimburse credit convinced NGOs to support their initiatives.

Nevertheless, the African women felt that the micro-credit was insufficient to expand their businesses, and their activities remained marginal.

The forum on "Fisheries and Coastal Resources Management: Women's Role and Perspectives" discussed the impact of tourism on coastal communities.

Development of tourism brings opportunities, but also threats to local fishing communities.

Tourism can cause displacement of locals, reduction of fishing grounds, danger to the resources (from sport fishers and scuba divers), and bring unwanted values and practices into the community, such as drug abuse and prostitution. Tourism can also have a positive impact for coastal communities by creating new sources of income. The forum revealed that it is often women who initiate tourism-related activities like restaurants, guided tours, and so on.

### Planning process

To guarantee that the local population benefits from tourism, it is important that its development be controlled by the local community and that the locals are involved in the planning process as well as in the implementation of tourism projects. However, it was also felt that

liberalization of trade encourages fish-processing industries to shift from the North to the South, accessing the growing availability of cheap wage labour in the South.

For Nalini, the challenges for women in fisheries are to change the present global developments, by putting life and livelihood at the centre stage. She also feels that women have a major role to play in reconstructing relations among people.

Katia Frangoudes presented to the participants the draft version of the "Agenda for Actions in Favour of Women in Aquaculture and Fisheries in Europe". This agenda was the result of two years' work under the FEMME programme.

The agenda is addressed to national and European decisionmakers, urging them to promote women's issues and concerns in the European fisheries. The main demands are summarized below:

1. Recognize the contribution of women to family-based fishing and aquaculture enterprises (management, accounting, etc.) by according them official status.
2. Allow the women involved in production to have access to a professional status.

3. Favour the initiatives for diversification of the family income by allowing women access to micro-credit and training.
4. Recognize the value of professions linked to fisheries often taken on by women: mending, marketing of fish, etc.
5. Abolish all types of discrimination between men and women concerning access to jobs and resources.
6. Recognize and maintain the access of women to representation in public decision-making bodies and professional organizations.
7. Improve women's access to training devices, and create ways of giving value to their professional attainments.
8. Support the organizations of women and their actions.
9. Improve the working and safety conditions on board vessels.
10. Agree to specifically attend to the needs of crew's wives (in issues like difficulties in training, isolation, working conditions, safety on board, etc.).

tourism as a diversification activity in fisheries is only viable for the small-scale inshore sector and not really an option for the bigger seagoing fishing sector.

**W**orldwide (in Europe too), fisheries and aquaculture are still dominated by family- and artisanal-based organizations. Though the role of women is important for the enterprise and also for the survival of the household, most of the time it remains informal and rarely recognized.

Women also practically do not participate in fisheries' representative bodies and, in general, they are not included in the fisheries policies of the State.

When fisheries or aquaculture faces crises, though, it is the women who are generally spoken to first to undertake new initiatives in diversification or to take up jobs outside the sector to secure the family income. Women have also initiated public

campaigns in defence of their local communities. By getting involved in either local or national actions, fisherwomen appeared in the public debate. They resisted developments that brought great technological and economic changes, but kept labour conditions backward and led to social and economic insecurity and also to the degradation of marine resources.

In the last decade, women of European fisher communities have intensified their activities by building organizations and promoting their interests. Women, more and more, have become aware enough to assert their position as women workers of the sea, and not as 'wife of so-and-so'.

#### **Not just housework**

All participants of the conference agreed that their work in fisheries should be regarded as such, and not just as an extension of housework. Women often have responsible tasks in the management

of the enterprise and, in all cases, they are responsible for the family budget. Therefore, they feel that they must get the opportunity to express and promote their ideas.

**W**omen of fishing communities in Europe—as also in other parts of the world—believe that they are part of the fisheries and aquaculture sector, and they want to participate at the same level as men in the public debate concerning the future of fisheries. They also put forward claims for the recognition of their roles, and resist further marginalization. They demand access to decisionmaking, formal education, training and inputs for new economic activities.

In a few places, they have succeeded in bringing these claims even to the highest political levels, which, in some cases, did lead to a legal recognition of their roles. In some countries, women's organizations are accepted by men's organizations, but, in others, they are still ignored. Women often are not seen as equal to men, and this makes them reluctant to express their opinion, needs and ideas. All participants at the conference believed that a better organization of women at the national, regional and even global levels should contribute to the improvement of their position. This conference was one more step forwards in this direction, and, from the positive and energetic participation at the conference, we can certainly expect more steps to follow. ♣

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## Whose responsibility?

**Even in the post-tsunami phase of rehabilitation, few aid givers in India are addressing the issue of safety at sea**

**I**n India, the fishing craft of fishermen are particularly vulnerable to not only natural disasters like cyclones but also mechanical failure, in the case of mechanized and motorized craft, and wind failure, in the case of non-motorized craft. On several occasions, fishing craft and crew have been reported missing for these very reasons. In some cases, they have strayed into the waters of neighbouring countries like Pakistan, Maldives, Sri Lanka, Bangladesh and Myanmar, unintentionally or because the currents dragged them there consequent to the mechanical failure of their craft. Whatever the reason, they end up facing hardship.

Recently, for instance, a mechanized boat from the Chennai fishing harbour, along with its crew, entered the territorial waters of Bangladesh when the boat's engine failed. The Bangladesh government arrested the crewmembers and put them in jail for nearly six months without a proper trial and without informing the Indian government. In 2004, a fibre-reinforced plastic (FRP) boat from Nagoor capsized in the deep sea due to strong winds. The capsized boat drifted in the water, with the crewmembers sitting on its upside-down bottom. After two days, one of the rescue boats sent out by the villagers found the capsized boat and brought it back to shore.

On 20 June 2005, a FRP boat carrying three fishermen from Nochi Kuppam, a fishing village in Chennai, set out to sea. While crossing the surf, a huge wave dashed against the boat and threw all the fishermen into the sea. While two of them managed to clamber back on to the boat, another disappeared in the sea in a fraction of second. Many fishermen on the shore, who witnessed the incident, jumped into the sea and searched for the

man, but in vain. The man who disappeared was said to be a good swimmer, and his fellow fishermen guessed he must have died due to injury to some vital organ. In such cases, though the accident could not have been avoided, it would have been possible to at least recover the body had the fisherman worn a lifebelt.

Many people tend to dismiss these incidents as unavoidable natural disasters that the government and fishermen cannot do anything about. However, this is not true. While we may not be able to completely prevent such accidents, we can minimize the effects of the disasters if all the stakeholders realize their responsibilities and act collectively.

With the depletion of fishery resources in Indian coastal waters due to continuous and destructive fishing methods, the operations of mechanized boats in nearshore waters have become unprofitable. Hence, most of the mechanized boat fishermen wish to go into deeper waters in search of fish. Generally, two types of boats can be found in the mechanized sector: the 32-footer and the larger 40-45-footer. Both usually fish for about 12 to 24 hours a day, while the bigger boats can be out at sea for six to 15 days continuously. This type of fishing is called 'stay fishing'. Due to the lack of safety equipment on board, such boats fish only where visibility is good and navigation is possible with the aid of the lighthouses located along the coast.

### **Stay fishing**

The boats are powered by diesel engines, and each boat has a crew of five to seven fishermen. They take along rice, vegetables, milk and other rations to cook for their 'stay fishing' voyage. They usually have one compass, and some have

a transistor radio too, which is used to listen to music and weather reports.

**H**owever, no boat has the life-saving equipment recommended by the Coast Guard or the State Fisheries Department, like lifebuoys, jackets and flares. Though the boats are registered with the State Fisheries Department, few are insured. During registration, the Fisheries Department officials are supposed to check the seaworthiness and safety aspects of the boat, but this is rarely done. Many of the fishermen of the motorized craft are reluctant to carry sails with them for use during engine failure. Artisanal fishing craft do not carry even basic safety equipment like life jackets, lifebuoys and flashlights. Without flashlights, the artisanal fishers find it hard to deal with mechanized boats, particularly during the night.

According to the India Meteorological Department, most of the east coast of India is vulnerable to cyclones, and usually two to four cyclones hit the east coast every year. During the cyclone period, the fishing boats stop venturing into the sea as soon as they receive weather warnings. However, the boats that are already at sea cannot receive the warnings since most lack transistors and other communication instruments. Once a boat ventures into the sea, all connection with land is effectively cut off completely.

If the engine breaks down, there is no way to call for help from land or from other fishing boats at sea. During this critical time, the boat is anchored and the fishermen have to just wait and hope for help from some boat that happens to pass by. Occasionally, some of the crew who are capable of swimming long distances, jump into the sea with empty plastic diesel cans and swim to the shore, in search of villages. There, they might get some financial help to reach their hometowns or pass on the news of the accident to the boat's owner.

During a cyclone, however, it is impossible to anchor the boat in the middle of the sea due to the strong winds, currents and waves. Boats fishing at mid-sea cannot receive weather reports on time. Even if they were to get the news, it would be too late to return for they would be far from the fishing harbour and would have to navigate their boats against the power of the cyclone. Only the lucky few manage to reach safety; the other boats drift away in the direction of the wind and water current. Some boats may capsize in the sea and their crewmembers drowned.

#### **Mechanical failures**

In some cases, the boat's engine fails due to the extra load necessitated by the cyclone. While some mechanical failures can be rectified quickly by the crewmembers themselves, others cannot. In most cases, the boats are forced to drift

towards the deep sea or towards land in other States of India or in other countries.

**I**f the boat hits the land of other States of India, there is not much of a problem. But if it reaches other countries like Bangladesh and Myanmar on the east coast, and Pakistan on the west coast, the crewmembers invariably get arrested and face possible harassment by local law enforcers. Some fishermen, mistaken for being smugglers, may even get killed in encounters with the law enforcement authorities.

In the matter of safety at sea, there is a clear lack of co-ordination between the government machineries—like the Meteorological Department, the Fisheries Department, the Coast Guard and the Navy—and the fishing boats. (However, good co-ordination exists in the case of deep-sea fishing vessels, since they have all the electronic communication and navigational facilities.

Most of them, though, fish in the same grounds as the small-scale fishermen. This lack of co-ordination leads to conflicts between the traditional and mechanized boat fishermen. Anticipating accidents, engine failure and/or cyclones, the mechanized sector prefers to fish in the shallow waters, which allows easier escape to land in cases of emergency. This is one of the main reasons for the depletion of fish stocks in the resource-rich shallow waters. To avoid conflicts between the two sectors, the government, boatowners and fishermen should own up to their respective responsibilities and strictly abide by safety rules and regulations.

The State government must make it compulsory for all crewmembers to be registered and issued identity cards, which they must compulsorily carry with them while out fishing. All fishing craft should also be registered. The government should encourage all the registered boats to use wireless walkie-talkies or other efficient communication systems to communicate amongst themselves as well as with control stations on land. Several control stations should be installed all along the Indian coast at specified intervals, thereby facilitating easy contact during emergencies. All the coastal States should

have some search-and-rescue boats in good operational condition ready to be used in emergency.

State Fisheries Departments should not register boats that are not built in government-recognized or approved boat centres and do not fulfill all the safety norms. All mechanized fishing boats must be compulsorily painted in fluorescent colours, at least on top, with the registration numbers boldly painted in larger size type. For non-mechanized craft other than *kattamarams*, the paint should be at the side of the boats. For *kattamarams*, fluorescent strips can be attached to the wooden logs, which will help in identification during aerial search operations. Harbour berthing facilities should be given to those boats that are registered and insured, and have seaworthiness certificates and safety equipment.

The government should insist that boats carry sophisticated communication and navigational equipment on board, and it should provide crewmembers training in handling the instruments. Recently, some of the boats in Chennai, Rameswaram and Thuthukudi areas have started using the Global Positioning System (GPS) handsets to find their routes, cellular or mobile phones to communicate with land and other boats (the Thuthukudi boats were provided with wireless sets), and fish-finding devices to find fish shoals. Through communication and navigational instruments, the Fisheries Department can disseminate information on the Potential Fishing Zone (PFZ), given by the National Remote Sensing Agency, Hyderabad, using simplified language understandable by fishermen.

Though the Central Government has spent millions of rupees on this satellite information gathering system, the findings are not disseminated properly to the small-scale fishermen but are used by the deep-sea trawlers, whose contribution to the overall fish catch is minor, compared to the small-scale sector.

#### **Fishing legislation**

Once it is able to guarantee the abovementioned facilities, the government can strictly enforce the fishing regulation legislation. At the same

time, the mechanized fishermen will gain the courage to go into the deep sea to fish (beyond the area of artisanal fishermen, that is, not within 3 or 5 miles from the shore, depending on the particular coastal State's law), thereby avoiding conflicts between the traditional and mechanized sectors. The fish resources in the deep seas can be better exploited, and both fishermen and the government can benefit economically.

**T**he government should advise and encourage artisanal fishermen to carry lifebuoys, life jackets, first-aid kits, emergency lamps or flashlights, portable compasses for non-motorized craft, and global positioning systems (GPS) for motorized craft, along with sails and identification cards.

The State Fisheries Department should act as a nodal agency to register all seagoing fishermen so they can avail of the monetary benefits of welfare schemes run by both Central and State governments, like insurance and other schemes for the unorganized sector. The government should also implement a provident fund scheme for the fishermen in which the government should pitch in with the employer's contribution. Insurance companies should consider the fishing sector as a special category and should come forward to insure boats with moderate premiums, which can be afforded by the owners who are already burdened by large operational costs.

The Coast Guard and the Navy must remain alert, particularly during the monsoon seasons, to help the State government launch search-and-rescue operations without delay. The Coast Guard and the Fisheries Department should conduct random checks at sea to ensure that safety equipment and identity cards are in place. If not, the fishing licence of the boat should be cancelled immediately and the boat seized. The Coast Guard must also, through the Fisheries Department, train fishermen how to handle conditions of distress and emergency.

Watchtowers should be constructed at the seaward entrance of each fishing harbour and posted with coast guards.

Fishing boats going out to sea should inform the Coast Guard about their expected destinations. The Coast Guard should not allow any boat to venture out to sea when there is an adverse weather warning from the Meteorology Department. This will help avoid loss of life and property.

The first and foremost responsibility of each craft owner is to keep the boat and engine in good condition always, and ensure that the boat has adequate insurance coverage. Lifebuoys, life jackets, smoke flares, first-aid kits and emergency ration kits must be on board. Each owner must know how many crewmembers have ventured out to sea for a particular voyage and their names, addresses, fisheries society membership number and also their expected fishing destination. (The lack of such information often hampers the Fisheries Department from identifying the crewmembers who have gone missing in a cyclone or have been captured in other countries' territorial waters.) The owners should keep a logbook, where all the requisite information is entered, and this information should be passed on to the fisheries authorities immediately after the departure of the fishing boat. The owners should employ only persons who are members of the fishermen's co-operative society. (According to official norms, in a fishing accident, the government will provide compensation to the family of the deceased or physically injured person only if the victim is a member of the co-operative society.)

The owners should insist that their employees insure their lives in the Group Insurance Schemes of various insurance companies. Owners should not encourage fishing during cyclone warning periods. Boatowners should build their boats in government-recognized boatbuilding centres, thereby ensuring seaworthy boats.

#### **Co-operative membership**

All crewmembers and other shore-based workers should themselves take the initiative to become members of their respective co-operative societies, and should also get their lives insured in Group Insurance Schemes. They should keep their identity cards with them when

they go fishing. The card will help the law enforcement authorities distinguish genuine fishermen from criminals like smugglers or pirates. The crewmembers must co-operate with their owners by giving accurate personal information and also their intended fishing destination. Finally, and importantly, the crew should help other boats in distress in the middle of the sea.

**I**f these rules and regulations are followed, the loss of life and property at sea during disasters can be considerably minimized. Observing such norms can also go a long way in managing the fishery resources and thereby avoiding conflicts between artisanal and mechanized fishers. But for that to happen, there must be good co-ordination amongst all the departments concerned with fishing and safety, preferably supervised and controlled by a single authority, like the State Fisheries Department, so that needless bureaucratic delays can be avoided. The Fisheries Department, in turn, can play a vital role through vigorous campaigning using posters, seminars, meetings and documentary movies at fish-landing centres and fishing hamlets and also through mass media like radio and television.

Today, after the 26 December 2004 Indian Ocean tsunami, the safety of fishing communities and fishermen, in particular,

has gained importance in the eyes of officialdom. In the post-tsunami relief and rehabilitation phase, many non-governmental organizations (NGOs) have supplied many FRP boats and wooden *kattamarams* and a large quantity of various types of fishing nets and gear to the tsunami-affected coastal districts. With the number of artisanal craft and the length of fishing nets increasing dramatically, there is now the strong risk of overcapacity in the fisheries of the tsunami-affected areas. Unfortunately, though, little of the post-tsunami aid has focused on safety equipment. As a result of the aid in craft and gear, all the artisanal craft will now concentrate on inshore fishing with their newly acquired lengthy fishing nets, instead of going to deeper waters. This will lead to increased fishing pressure in the coastal waters, followed by conflicts among fishers. Another potential problem is the resultant lack of space to cast nets, and the restricted movement of boats in the sea. This could lead to poaching of fish from others and the destruction of competitors' nets at sea. All these problems will lead to an increase in operational costs and a decrease in returns. This will, in turn, cause new tensions among fishermen.

#### **Safety aspects**

Since safety equipment may not be affordable by all fishermen, it is time for both the government and NGOs to divert their attention towards safety aspects, and



provide money from tsunami relief funds to buy safety equipment for both mechanized and non-mechanized craft. Also, insurance companies should come forward with norms to insure all types of fishing craft at nominal, affordable premiums. Only when all the stakeholders involved with the issue of safety at sea get together to analyze the situation and find out remedies, will the problems in implementation get solved in an amicable way.

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# Capitulate, dodge, protest...

**State intervention in the fisheries of the Netherlands has forced fishers to adopt some interesting coping strategies**

Less than five years ago, on 1 March 2001, newspaper headlines in the Netherlands screamed: “Angry fishermen block sea ports”. That morning, some 50 cutters had moved to obstruct entry into the main port of Rotterdam. Large numbers of cutter fishermen also barricaded IJmuiden and Delfzijl, paralyzing shipping from Amsterdam port and the Eems channel. According to the newspapers of that and the following days, the atmosphere in Hook of Holland was especially vicious. A fisher spokesman threatened to drop a World War II bomb into the waterway, saying that other ships too were carrying explosives. One of the skippers participating in the blockade warned, “We will not stop at anything”.

Port authorities pre-emptively halted all sea traffic and simultaneously filed for damages. The Dutch government, meanwhile, mobilized Navy, Coast Guard and police contingents to break the blockades by force if necessary. The Minister of State for fisheries quickly contacted the fisher unions to find out what could be done. One day later, faced by a threat of stiff court penalties and by financial concessions of the Minister of State, the fishermen decided to conclude their agitations. The sea battle that some observers had feared was thereby averted, and public life went back to normal.

The direct reason for the dramatic incident described above was the imposition by the European Commission of a 10-week moratorium on cod fishing in the North Sea that would also affect Dutch fishermen, albeit indirectly. It reflects some of the trends and tensions that have affected Dutch fisheries at least since the 1970s. These relate, in large measure, to changing entitlements and greater State interference.

In this article, we explore the current state of Dutch marine fisheries and inquire about the constraints by which it is affected. Finally, we consider some of the strategies employed by Dutch fishermen to cope with the present situation.

Fisheries are commonly categorized according to the product, the technology employed (horsepower, vessel type) or the characteristics of the fishing zone. We use geographical criteria to distinguish inshore (within 12 nautical miles), offshore (12-200 nautical miles) and distant-water fisheries (over 200 nautical miles). These coincide, to a large extent, with a typology of fishing craft, as presented in Table 1 below.

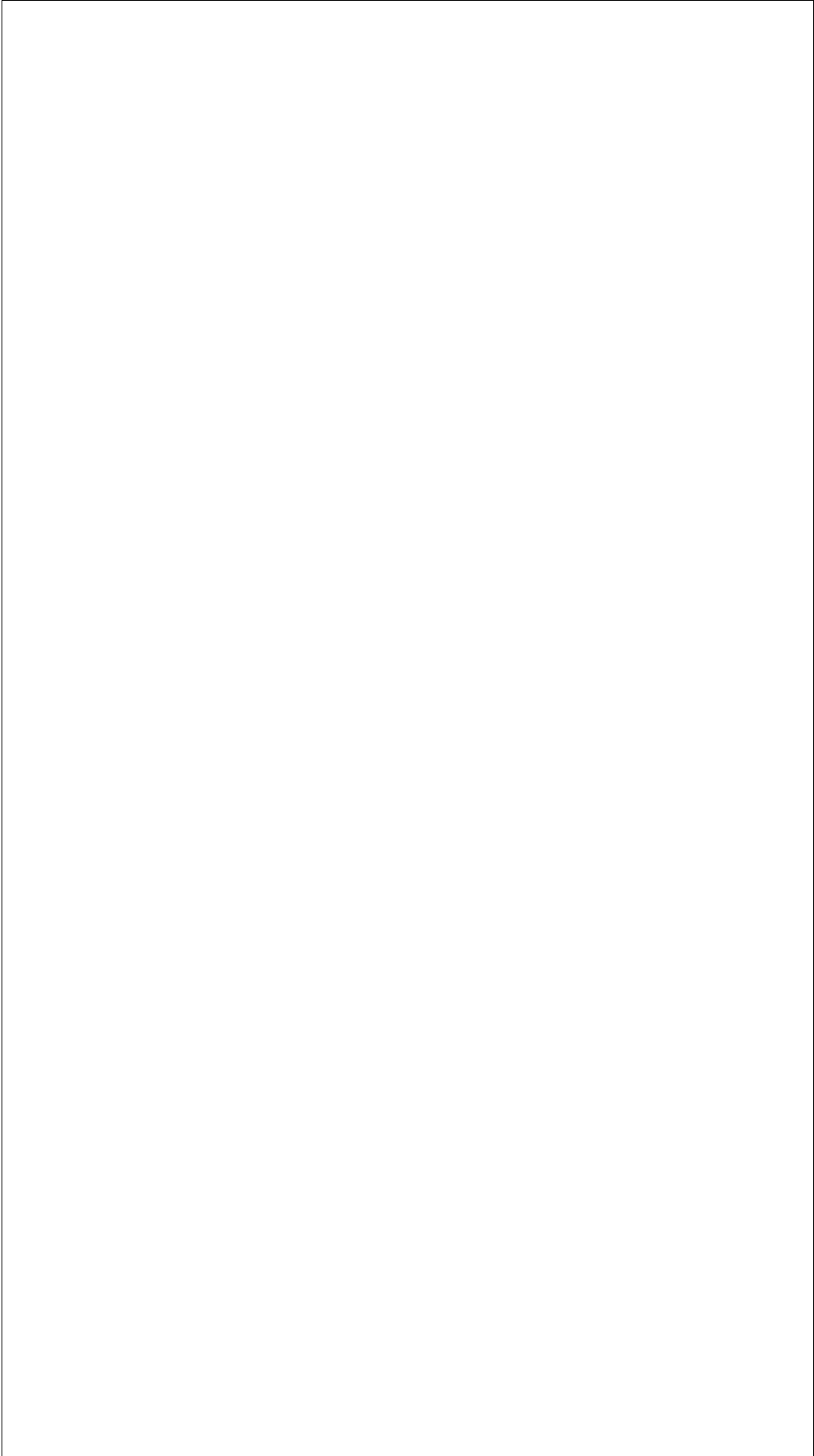
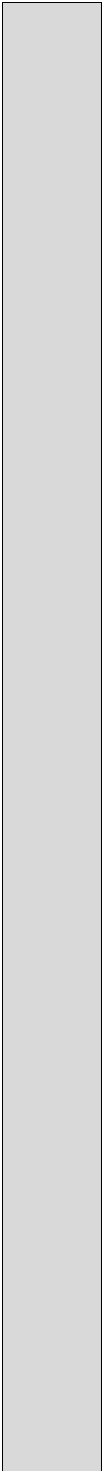
The small Dutch fleet operates from a limited number of harbours spread along the coastline. It employs no more than 2,650 people. The table indicates a decline in the number of fishing vessels in the period 1993-2002, with the exception of distant-water trawlers that have recently increased in number. It also points out that the inshore, offshore and distant-water fisheries of the Netherlands do not differ overly in terms of the value of their landings.

As distant-water fisheries largely take place outside the North Sea, we leave that sector aside in this paper. The inshore fisheries of the Netherlands are dominated by mussel cultivation, oyster farming, cockle fishing and shrimping, but also include other small fisheries.

## Spawning grounds

The most important spawning and nursery grounds lie in the littoral and sublittoral areas of the Wadden Sea, and of the Western and Eastern Scheldt in Zeeland. These are also the areas where fishing and fish cultivation are

**Netherlands**



concentrated, while along the coast other fishing like shrimping occurs. All fisheries are now carried out on the basis of licences or rental agreements issued by government. In many cases, regulation is carried out in close collaboration with producer organizations in forms of co-management.

**F**rom the late 19th century onwards, oyster farming has been an extremely lucrative business in Zeeland's coastal waters. Following the outbreak of a paralytic disease, *Bonamia ostreae*, however, most oyster farms, with the exception of those in Grevelingen Lake, were forced to close down. At present, there are only 27 leaseholds of oysters in the latter location, with 34 operators possessing permits for the common area.

Mussel cultivation is a semi-culture, depending on seed that is caught in the wild and then transferred to leased plots for maturation. The Dutch government has made a total of 5,500 hectares available for cultivation, two-thirds of which are located in the Wadden Sea (460 plots), and the remainder in Zeeland (380 plots).

Each firm rents a number of plots in each of the two areas. Just as in the case of oyster production, access- and use-rights are exclusive. Processing and marketing are almost entirely concentrated in the old mussel town of Yerseke, in Zeeland.

Cockle fishing is currently the most contested of the inshore fisheries of the Netherlands, cocklemen regularly crossing swords with environmental activists. The latter argue that mechanical cockle fishing brings hardship to bird populations that depend on the same stock, and also affects the ecology of the seabed.

As a result of political upheaval, the mechanical cockle fisheries in the Eastern Scheldt have now been completely shut down, and significant parts of the Wadden Sea closed for mechanical cockle fisheries. The public discussion that arose both in response to the conservationist movement and as a trade-off for gas drilling in the Wadden Sea, has recently resulted in buying out the remaining mechanical cockle fishermen.

Within the shrimp fishery of today (220 vessels) one can distinguish specialized shrimp fishermen and mixed fishery enterprises. Fewer than half the shrimp vessels are allowed to exploit the Wadden Sea. All fishers are licensed, with Wadden Sea licences being transferable and those for the Eastern Scheldt not. As resources are believed to be abundant, no quotas have been imposed for shrimp fishing although no more vessels are allowed to be added. Recently, Dutch, German and Danish shrimp fishermen of the German Bight agreed voluntarily on catch restrictions. To their disappointment, however, the Netherlands Anti-Trust Authority (NMA) disallowed the agreement, as it was regarded as price-fixing.

The offshore fisheries of the Netherlands are carried out by a fleet of large cutters mainly beam trawlers—that operate in the European exclusive economic zone and are expected to follow European Common Fisheries Policy guidelines. Map 2 indicates the geographical distribution of Dutch fishing effort in horsepower/days. One conclusion is that fishing effort is concentrated in adjacent North Sea fishing areas all along the Dutch coastline, and hardly covers the areas further north or south.

The European system for the allocation of national fishing rights is an important factor structuring the spatial distribution of fishing effort. According to this system, the European Commission determines total allowable catches (TACs) for various fish species, following the quadrant system of the International Council for the Exploration of the Seas (ICES). These TACs are distributed among the member countries, the governments of which decide on allocation among 'their' fishermen. The establishment of TACs and national quotas is a highly politicized process, and fisher organizations base their judgement of the Dutch Minister of Agriculture, Nature Conservation and Food Safety on his or her performance in the annual deliberations in Brussels.

#### Species quota

At present Dutch offshore fishermen enjoy quotas for 22 species. The majority of the Dutch fleet is, however, specialized in high-value flat fish, such as sole and

**Table 1: The Dutch Fishing Fleet**

Fishery	Vessel Type	No. of vessels, 1993	No. of vessels, 2002	Landings Value (mn Euro)
Inshore	Mussel boats	77	69	83
	Cutter (1-300 hp)	244	235	26
Offshore	Cutter (>300 hp)	230	158	74
Distant-water	Trawlers	12	17	126

Sources: Taal et al, 2002; Van Ginkel, 2001

plaice. Table 2 indicates the quotas for Dutch offshore fishermen, as they have been set per ICES quadrant for these two species.

**I**f they were to be mapped, the geographical distribution of quotas correlates in large measure with the distribution of offshore fishing effort.

Nowadays Dutch offshore fishermen consider their portion of the national quota for a certain species as their private property. Initially, however, the quota system was met with hard resistance. This included the operation of grey and black markets, as well as confrontations with the General Inspection Service and police forces.

After this period of trial and error, the Dutch government decided, in 1993, to delegate responsibility for the regulation of offshore fisheries to so-called Biesheuvel Groups—Biesheuvel was the chairman of the committee that drafted the management proposal—small groups of cutter fishermen carrying out similar fisheries. This co-management system is considered to be very successful in quota management.

In his study on the fisheries of Texel in the period 1813 to 1932, Van Ginkel describes fishermen as being caught between the Scylla of a fickle natural environment and the Charybdis of an equally fickle market. He describes in detail how fishermen in this period adapted themselves to these varying uncertainties and strove to exert control. Taking his image as point of departure for an analysis of present-day

fisheries, one is tempted to add one equally perilous rock to the Strait of Messina. The State is a factor that now cannot be discounted. In all Dutch fisheries, the national government and the European Commission have attained a shaping presence. State policies now co-determine much of the how, where and what of fisheries, whether it is in inshore, offshore or distant-water.

Fishermen do not readily accept State interference. This may partly be caused by the fact that fishing is a form of hunting and gathering. Hunting societies place a premium on skill and luck, and emphasize egalitarianism. This is not to say that fisher communities disagree with the allocation of fishing rights. A plethora of studies carried out since the 1970s demonstrate that fishermen the world over have developed systems of sea tenure that are continuously refined. The issue is more whether interferences by outside agencies, such as the State, are tolerated. The rapidly increasing level of State intervention in Dutch fisheries has regularly provoked obstruction and protest. The report of the 2001 harbour blockades, provided at the beginning of this chapter, constitutes an example of such resistance.

**Excessive capacity**

Increased State interference in marine fisheries has, in Europe and elsewhere, been partly triggered by the trouble that fisheries itself has got into. Excessive fishing capacities and efforts have resulted in gross overfishing of stocks and led to ecological crises. That the State has contributed to this course of affairs,

through subsidies and other untoward policies is noteworthy.

**T**he crisis enveloping fisheries is now widely recognized. The Dutch government and the European Commission have addressed the crisis through a finer mesh of measures, whose complexity has been illustrated in the preceding sections. One pervasive problem is that fishermen often do not trust the assessments of crisis on which State action is based, and also lack faith in the effectiveness of the measures taken.

State interference in fisheries also has another cause, however, external to the fisheries. Coastal and offshore areas are under pressure from a blossoming group of new users, such as tourism, the oil and gas industry, and the interests of environmental conservation. The multiple-use conflicts that result with fisheries are frequently mediated and decided by the State. This often leads to a further limitation—spatially or otherwise—of fisheries. The North Sea at present counts many spots and regions that, for one reason or another, have become no-go areas for fishermen.

Dutch fishermen have displayed varying reactions to the problems sketched above. These can be alternatively labelled as, capitulation, dodging, protest and co-operation. In view of the resource crunch and the ever-tightening regulatory system, one would expect that many Dutch fishermen would consider leaving the fisheries.

However, Dutch fisheries are dominated by family enterprises and most sons indicate a desire to continue the tradition. The fishermen who do leave the fisheries largely belong to families that lack male successors. Alternatively, the deserters are quota-hoppers, trading in their Dutch fishing rights for those in another country.

Dutch fishermen dodge regulations in at least two ways. The first method is termed 'quota hopping'. European regulations are such that fishing licences and quotas are only transferable between fishermen of the same country. International transfer of licences and quotas is not allowed. In reality, however, Dutch and Spanish fishermen are frequently known to switch

operations to other country quotas by procuring vessels there. Such vessels continue to fly their flags of origin, but are now Dutch-owned and operated. In this way, Dutch fishermen have greatly expanded their fishing rights in European waters. Needless to say, the catches of quota-hoppers are not reflected in the Dutch national quota even though they market their landings via Dutch auctions. Quota hopping was very popular in the 1980s and 1990s, but has reduced since.

A second method of dodging is through what has become known as illicit, unregulated and unreported (IUU) fishing. With the tightening of State regulations, illegal fishing has taken flight all over the world. The catches are channelled not via the regular auctions, but directly to buyers. In the Netherlands, observers estimate that the co-management system has caused this practice to decline to not more than three per cent of the total volume of landings.

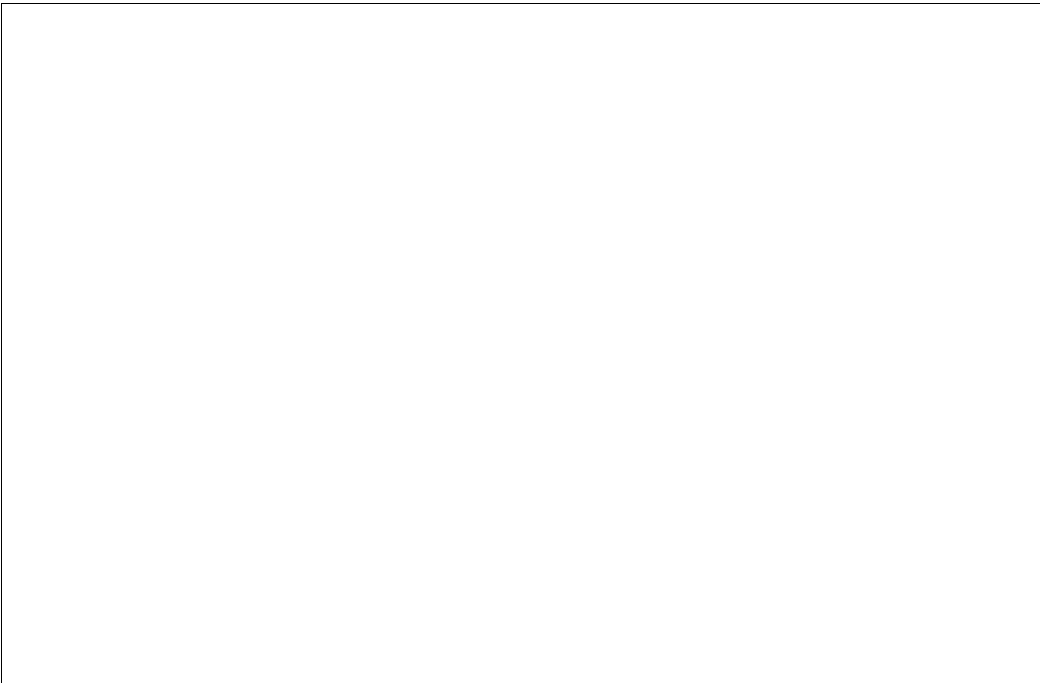
Riots, demonstrations and other expressions of fisher protest were common in the 1970s and 1980s, but rescinded in the 1990s. Recently, however, protests have again increased, particularly in connection with new restrictions on cockle and mussel seed fishing in the Wadden Sea. The 2001 harbour blockade mentioned at the beginning of this paper was a response to the 10-week cod fishing moratorium announced by the European Commission.

**Table 2: Dutch Quotas: Sole and Plaice per ICES Quadrant, 2002 (tonnes)**

	Plaice	Sole
Quadrant no. (tonnes)	Skagerrak (423), IIa-1 (22), IV (650), VII (10), VIIhjk (117)	II (12), IV (790), IIa (42), III (42), VIIa (125), VIIhjk (52), VIIIab (247)
Total tonnes	1,222	1,268

Source: Taal et al, 2003

An interesting aspect of that incident is that there were hardly any specialized cod fishermen involved, as this field of activity has nearly died out in the Netherlands. Instead, sole and plaice fishermen led the protest. Their motive for taking part was that cod is an involuntary bycatch of sole



and plaice. The cod fishing moratorium would, therefore, also have very real consequences for their major fishing activity.

**T**he style of protest in the harbour blockade was aimed at maximizing political impact. It has not been emulated since, however, probably because of negative side effects, such as the attempts by port authorities to recoup damages from all participants. More generally, the polder model of decisionmaking prevailing in the Netherlands generally discourages wildcat strikes and pressure politics.

We mentioned above that the Dutch government appointed a steering committee in the early 1990s to investigate the adverse relations between government and fishermen, particularly in the offshore sector. The co-management arrangements recommended by the committee were based on (a) distribution of responsibilities between government and fishing industry and (b) co-operation between fishermen. The resulting Biesheuvel Groups have proved to be highly effective. Fishermen no longer overfish their quota, and tensions have died down.

One reason is that, with their investments in quotas, fishermen have gained an important stake in fisheries management.

They have a sense of belonging to the group and, not to be ignored, the groups also function as a quota market.

Inshore fisheries now also enjoy varying forms of co-management. The main characteristic is that producer groups, within the context of a framework agreed upon with government, have been put in charge of regulation and enforcement.

The Dutch fisheries in the North Sea has gone through a process of fundamental change since 1970, the main feature of which is the imposition of a cordon of external restrictions.

Of course, the Dutch fisheries was never wholly free of interference; moreover, some sections such as the semi-cultures practised in the inshore zone have suffered more than others. The general trend, however, is clear: Dutch marine fishing has transformed from a relatively free vocation into one that is almost impossibly curtailed.

**Several dimensions**

Curtailement has a variety of dimensions, including a geographical one. We thus pointed out how, as a consequence of other users, the various inshore fisheries have been pressed into smaller spatial zones. We also noted that offshore fisheries now possess fish quotas that are linked to circumscribed quadrants of the North Sea. Dutch fisheries is, therefore,

not only curtailed, but also pinned down. For many fishermen, this process has not been easy to handle.

**S**tate intervention in North Sea fisheries has provoked at least four coping strategies among fishermen, two of which—protest and dodging—were particularly prevalent in the 1970s and 1980s. Since 1990, however, fishermen appear to have adopted a strategy of co-operation. This move was partially reactive, as the State had adjusted its policies and introduced a co-management model. But fishermen too have changed their attitudes toward the State. Their motto seems to be: “If you can’t beat them, join them”.

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## Rehabilitation

## A few houses here, boats there

**This is an assessment of the post-tsunami relief and rehabilitation process in the fisheries sector of Sri Lanka**

**T**he single sector in Sri Lanka that was most seriously affected by the post-Christmas tsunami of 2004 was fisheries. The tsunami completely devastated life along the coastal belt of the eastern and southern regions of the country, while also causing significant damage to people and property in some of the northern and western regions. The damage to lives, property and economic activities was colossal.

About 7,222 lives were lost, 21,330 houses destroyed, 9,486 houses damaged and 233,843 persons displaced. Of the total fleet of 30,000 craft, 20,000 were destroyed and damaged, which were valued at LKR25,940 mn (US\$260,050,125). Damage to fisheries infrastructure, including harbours, cold rooms and other State institution was estimated as LKR4,808 mn (\$48,200,501). The total damage to the property in the fisheries sector has been valued at LKR39 billion (\$391 mn).

Post-tsunami reconstruction and re-building of the fisheries sector required: (a) provision of immediate relief aid to affected fishers and their families in the form of food and other subsistence goods; (b) development of a programme of relief until medium- and long-term solutions were found; (c) provision of psycho-social support to relieve victims of shock and trauma; (d) a census of people affected and property damaged; (e) provision of temporary houses; (f) provision of craft and gear so fishers could re-commence fishing; and (g) provision of permanent houses.

In the immediate post-tsunami relief phase, most of the aid—in the form of food, clothing, clean-up operations and so on—has come from the people in the surrounding unaffected areas. An enormous amount of aid was received by

the tsunami victims in fishing communities, most conspicuously in the form of food and clothing. Clearing of debris has been carried out by different non-governmental organizations (NGOs), government institutions, the Sri Lankan defence forces and various informal groups.

Apart from food and clothes, large quantities of bedding material, kitchen equipment and tents have been received from such a long list of donors that the people are unable to accurately recollect the various sources of help. In the distribution of non-food aid, temples, churches and mosques have played a leading role. No complaints have been made about the quantity and type of immediate relief aid received.

Psycho-social support to seriously affected individuals, especially women and children, was felt to be a very important and urgent need. Such support and trauma care were provided in the immediate relief phase in many districts by doctors in government hospitals. At present, however, very little work is being done in this area.

In the medium-term phase of the relief operations, each tsunami victim was provided with weekly rations of rice, *dal*, sugar and coconut oil worth of LKR175 (US\$1.75) and LKR200 (\$2) in cash.

Besides, a monthly payment of LKR5,000 (\$50) per family was also made. This has helped the affected families subsist until permanent solutions are found for their problems.

### Overestimation

Post-tsunami censuses of the fisheries sector in the affected areas were carried out four times. However, the investigators

appear to have made a significant overestimation of the damages to the fishing craft and gear.

**T**he Ministry of Fisheries and Aquatic Resources (MFAR) was, therefore, very cautious in estimating the number of craft and gear to be issued to the tsunami victims. A number of workshops were established by the government and NGOs, where repairs to craft were done free of charge. All repair work (except major engine repairs, which depend on the availability of spare parts) was completed by mid-May 2005.

Although the MFAR had prepared plans for issue of craft and gear, these could not be implemented for lack of funds. Apart from a few craft distributed by the Prime Minister and the Minister of Fisheries to the affected people at Hambantota, almost all the craft and gear issues were made by various NGOs.

The offshore and deep-sea subsector, which uses multiday operating craft (MDOC) and day boats with inboard engines or one-day operating craft (ODOC), has recovered least from the tsunami. The coastal fisheries sub-sector appears to have recovered substantially. In the Hambantota district as a whole, 87 per cent of the fleet of traditional craft and 55 per cent of the small mechanized craft (fibre reinforced plastic or FRP boats) have been replaced. However, regional

disparities and overcapacities have been noticed in the distribution of craft.

The State distributed fuel and nets free of cost to help fishers re-commence fishing early. The government also distributed vouchers for the purchase of nets (LKR40,000 or \$400 for FRP boatowners, and LKR20,000 or \$200 for owners of traditional craft), and fuel (LKR30,000 or \$300 for multiday craft, LKR7,000 or \$70 for ODOCs, LKR5,000 or \$50 for 17-23 ft. FRP boats and mechanized traditional craft). A total of 225 packed net kits—complete with ropes, floats and twine—were given to selected beneficiaries by the Food and Agriculture Organization of the United Nations (FAO) and the MFAR in May 2005.

Thanks to the repairs to damaged craft and engines, and the issue of new craft and gear, the fishermen were able to commence their fishing activities, but at a very slow pace. For example, in May 2005, the Hambantota District was producing only about 14 per cent of the fish it produced in May 2004.

#### **Serious burden**

Getting temporary houses is no longer a problem for the tsunami victims, but the provision of permanent houses has become a serious burden on the government, mainly due to lack of land for alternative houses, in more urbanized areas. At present, a large number of NGOs have pledged help in this sphere. The

number of houses planned to be constructed appears to match the needs. However, apart from Hambantota, where a number of housing projects have commenced, the provision of permanent houses elsewhere is occurring at a very slow pace. There are also significant regional disparities, and housing projects in the eastern regions still remain in their infant stage.

**I**n respect of fisheries infrastructure, the government has signed a memorandum of understanding (MoU) with China and a few other countries, including Japan, for the reconstruction and rebuilding of harbours, but so far no work has been commenced. In the south, the situation with regard to ice plants is the same. No repairs to any of the damaged ice plants have been carried out.

Too many craft have been issued to the affected fishermen. While the government requested the NGOs to work with the MFAR in identifying the type of help and the beneficiaries, this was hardly done. If the potential problem of the future overexploitation of fisheries resources is to be solved, the NGOs should co-ordinate their activities with the MFAR. Large boats with inboard engines should be provided to those who have lost such craft. Beach-seine fisheries can be considered one of the subsectors in Sri Lanka most seriously affected by the

tsunami. The repair of beach-seines has become a problem, for lack of raw material.

Many of the beach-seine *padu* (net-laying areas) cannot be used due to the presence of debris. Serious attention of the authorities should be paid to this issue. Granted the fact that coastal fisheries are already overexploited, some of these fishers could be given ODOCs or MDOCs to move into deeper waters. Immediately after the tsunami struck, the Sri Lanka government declared a no-build zone of 100 m from the high tide line in the coastal strip of the southern and western provinces (which was expanded to 200 m for the northern and eastern provinces). This will have more serious implications for beach-seine fishing, which needs co-operative labour effort and proper organization of activities within a short duration.

It is, therefore, important to settle the tsunami-affected seine fishers close to the shore. Only by providing these fisher families with elevated houses close to the net-laying areas in the coastal zone or by providing them with the required fishing assets to engage in alternative fishing activities (fishing with day craft, for instance) can they be rehabilitated.

#### **Aid granted**

Another serious problem is the decision of the MFAR to grant aid, in the first stage,

only to those fishermen who have registered their craft prior to the tsunami. While this appears to be quite rational, what is noteworthy is that a large number of craft remained unregistered for a long time and the MFAR had turned a blind eye to the issue. Therefore, it is not proper for the MFAR to highlight this issue now, when all fishers and their families have been seriously affected and need immediate help to re-start their lives. The most needy fisher may be one who has not registered his craft before the tsunami.

**A** large number of traditional craft have also been issued without outriggers. Each outrigger requires an additional investment of about LKR5,000 (US\$50), which the tsunami-hit fishers are unable to meet. Even the more resourceful fishers who can secure such funds still find it difficult to acquire the wood required for outriggers, which has now become a scarce resource.

The lack of engine spare parts is also a grave impediment to fishers commencing fishing operations. Although CeyNor, a quasi-government organization, has undertaken to repair a large number of engines, the repair work is being carried out at a very slow pace. CeyNor should think of obtaining the assistance of NGOs and other donors in providing the necessary funds for the import of spare parts and engines.

It is well known that the tsunami caused serious damage to Sri Lanka's natural environment, especially to the coral reefs, coastal vegetation, sand dunes and natural coastal formations like estuaries, sand bars, and so on. Two of the major fisheries-related problems are worth mentioning. The first is associated with the destruction of *padu*. The second is the damage to the coral reefs. Studies carried out in Weligama by the University of Ruhuna have revealed that a large extent of coral cover is covered with sand and debris, and that a fair extent of coral cover is dying. If this is the case in other areas as well, it would have serious negative impacts on coastal fishing, thereby threatening the livelihoods of coastal fishing communities.

The actual needs of the fishing communities are not properly known to

many because of insufficient assessment, although the needs in respect of houses, gear, craft, etc. have been assessed separately by different people. NGOs issue craft without consulting the MFAR, while individuals too donate craft and gear.

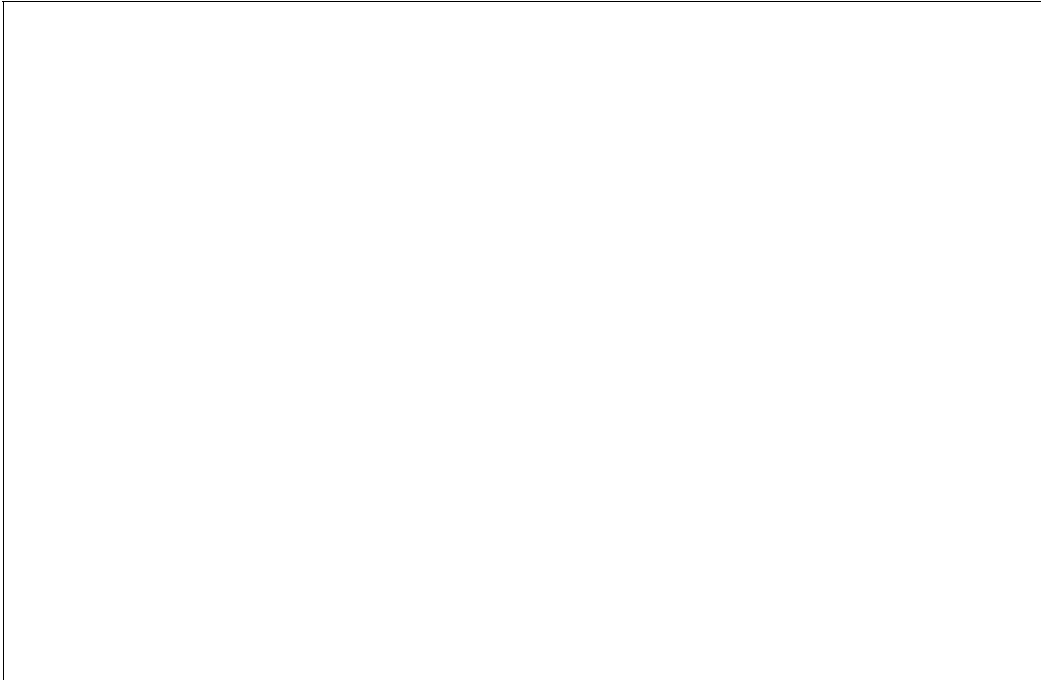
Some NGOs prefer to undertake the total development of a particular village. But the needs are varied: "a few houses here, a few boats there." It is quite clear that the MFAR and other committed individuals in the NGO sector should make an effort to understand the needs of the affected fisher populations in their entirety, and institute a mechanism to co-ordinate work in a manner that will facilitate the efficient and proper distribution of relief aid, making the reconstruction and rebuilding process much more need-oriented.

The problem of children losing their one or both parents is of grave concern. There are also children who are unable to attend school for lack of permanent shelter, uniforms, books, and so on. School textbooks and other writing material have been distributed by many NGOs. Yet, large numbers of families are unsettled in respect of housing and employment; they move to the homes of relatives in search of night-time shelter, but come back to their temporary houses in the morning to receive relief aid. This situation also prevents children from attending school. There have been no proper national or district-level programmes for the long-term needs of the children, although some NGOs have taken some initiatives towards this at the village level.

With the near-coastal fisheries being the most seriously affected subsector, the catch of small varieties of fish is quite low. Field studies in Tangalle revealed that the nutritional intake of small children has been adversely affected by this shortage; in the past, small fish species formed the main source of animal protein for the children of fishing families.

#### **Women's programmes**

Several programmes for the women of tsunami-affected areas have also been planned by some NGOs. In certain areas, women have received assistance in the form of coir rope-making machines. But none of these programmes has had any significant impact on the women,



especially in terms of providing them with sustainable income-generating activities. It is quite evident that future reconstruction and rebuilding activities should take into account not only the material and financial needs of the sector but also the needs of the fishing families, with special emphasis on what women and children require.

This assessment is by Oscar Amarasinghe (oscar1@sltnet.lk), Senior Lecturer, Faculty of Agriculture, University of Ruhuna, Sri Lanka, and Member, ICSF

## On the verge of collapse

**The Peruvian fishing industry is in serious financial crisis, as corporate earnings dwindle**

**I**ndustrial fishing in Peru, which is primarily export-oriented, is undermining the sustainability of fish stocks, mainly due to uncontrolled fishing to supply the fishmeal industry. Since virtually all species are used indiscriminately in fishmeal production, industrial fishing adversely affects marine biodiversity.

It also disadvantages artisanal fishers, an important social sector that suffers from significant levels of poverty. The vast majority of fishers in Peru are artisanal and the sector produces greater spin-off through employment opportunities than industrial fishing.

The Peruvian fishing industry is in serious financial crisis, with its economic sustainability undermined as corporate earnings dwindle, leading to reductions in tax revenues. The unsustainability of industrial fishing is illustrated by the fact that while ports in the northern Piura region have traditionally provided the greatest quantity of fresh fish in Peru, catches have dwindled.

Statistics show that landings from “other ports” have now replaced them. The fish from “other ports” is, in fact, of Chilean origin. Its inclusion in the official data has tended to hide the depletion of Peruvian stocks by industrial fishing and the consequent effects on artisanal fisheries and fish consumption, which would otherwise have been very evident.

In 2004, fish ranked as Peru’s second most important source of export earnings, bringing in US\$1,382 mn, an increase of 35 per cent on the previous year’s earnings. The earnings come mainly from fishmeal and oil. The collapse of the industrial fisheries in Peru would severely affect the economies of coastal cities. It would also

have negative impacts on the national economy, given that fishing is such a key element of the economy.

In extractive activities where resource ownership is determined at the moment of extraction (fishing, forestry and livestock grazing, among others), the market fails to recognize the true value of collective resources and, as a consequence, inefficiently allocates such resources. For example, the market does not consider the economic and social value of intact forests for local communities. It focuses, instead, on the value of commercial forestry activity. This bias results in excessive capital investment in the extractive sector, increasing the risk of overexploitation.

This is precisely what has happened in the Peruvian fishing industry. Following the El Niño of 1998, the overcapitalized fish industry crashed and banks were forced to intervene and bail out the industry. Evidently, the regulation of fishing activity is essential. Without controls, fish extraction would depend solely on population size and fishing efficiency.

There are two basic types of fisheries regulations:

- biological regulations, whose objective is to avoid the destruction of the fish population that is subject to exploitation; and
- economic regulations, whose objective is to dampen the race to fish existing stocks and to avoid excessive investment in the sector —two factors that place fish stock stability at risk.

### **Diverse instruments**

Biological regulations make use of diverse instruments. The use of such instruments

is described below, providing an overview of fisheries management in Peru in recent years.

**J**orge Csirke, Director of the Marine Resource Service at the Food and Agriculture Organization of the United Nations (FAO), has published a study on anchovy fishing that includes an economic model for profit generation in the long term, according to the quality of fisheries regulations. The study reveals that economic returns are directly proportionate to the effectiveness of fisheries regulations.

Many actors involved in Peruvian fisheries describe it as poorly controlled. Most fishers indiscriminately harvest fish, regardless of the species, to service the fishmeal industry. Just recently, a law was adopted that requires the suspension of fishing activity when coastal resources are present in industrial catches. It is hoped that the law will be enforced.

Also of concern is the capture of hake for freezing. This demersal species is primarily found in the north, off the coast of Piura. It was predominantly hake catches that fuelled the expansion of frozen-fish production in recent years. The species is once again in crisis due to overfishing.

Access to a particular fishery is regulated through licences. In 1991, Peru adopted the *bodega* licence system, under which a global catch limit for each species was imposed on the fishing fleet. A new licence cannot be issued to a particular boat until an existing licence, with the same capture volume, is cancelled, thereby maintaining the global limit. Multiple strategies have been adopted to circumvent this system, including the use of licences for horse mackerel (and other 'underexploited' species) to fish anchovy or sardines, which are found closer to the shore. In the case of sardines, this practice continued until the species went into decline.

Shortly before the El Niño of 1998, a fishing census was undertaken. It revealed the presence of a significant number of vessels without licences or that possessed a greater fishing capacity than that declared to the authorities under the

*bodega* system. Despite the importance of these findings, nothing has been done to address the problem to date, more than six years after it was recognized.

The installation of refrigerated holds in fishing vessels represents an opportunity to reduce the catch capacity of vessels as it limits the space available for fish storage. Refrigeration also facilitates the delivery of better-quality fish and leads to less unemployment than would have occurred with a reduction in the fish fleet.

Recent debate in Peru has centred around the Viking fleet. This fleet of small purse-seiners has been increasing its fishing activity, which often takes place within the 5-mile artisanal fishing zone. The fleet fishes species used for fishmeal production, which has adverse impacts on coastal resources.

Since the adoption in 1992 of the 5-mile zone reserved for artisanal fishing, a number of conflicts have occurred in Peru. The situation was exacerbated in 1998 when the impacts of El Niño adversely affected the coastal species that are fished by artisanal fishers. A good example is Peruvian silverside (*pejerrey*), a small smelt-like fish widely eaten locally, which is now captured off the central coast for fishmeal production.

A bitter debate has been raging on the effectiveness of the satellite control system for fisheries management, and a programme for the monitoring, control and surveillance (MCS) of fishing and landings was recently approved. It is hoped that the programme will be effectively implemented. In the case of hake, a system is used that restricts access to certain fishing areas (north or south of particular lines of latitude), according to vessel type.

#### **Minimum catch size**

Ministerial Resolution No. 209-2001-PE, adopted in June 2001, establishes minimum catch sizes for individual fish and minimum mesh size for nets. Net mesh size is used to influence which fish are captured. The smaller the openings, the greater the chances of catching increasingly smaller fish. The most widely used net is the 'anchovy' net. It has the smallest openings, at half an inch. During

the 1980s, sardines were frequently caught using the anchovy net, whose openings are an inch smaller than those of the sardine net.

**S**ince the 1990s, licences for horse mackerel include the use of a net with a 1.5-inch mesh (the 'sardine' net). For the capture of horse mackerel and mackerel by trawlers, the minimum net opening size is 3 inches, which is much larger than that used to capture these species with purse-seine nets.

With respect to minimum fish size, the abovementioned Ministerial Resolution establishes a limit of 12 cm (4.7 inches) for sardine and 26 cm (10.2 inches) for anchovy. Only 10 per cent of the catch volume can be composed of fish that are smaller than these limits. For horse mackerel and mackerel, the minimum size requirements are 31 cm (12.2 inches) and 32 cm (12.6 inches), respectively. As much as 30 per cent of the catch volume can be composed of fish that fail to conform with these minimum limits (that is, are smaller), representing one of the highest levels of tolerance to non-compliance.

In October 2001, Ministerial Resolution 349-2001-PE, which concerns anchovies, lifted minimum size requirements and net opening regulations for horse mackerel and mackerel. The rationale for such a move was that marine biological conditions permitted the capture of

juveniles. It was explained that the annulment would be maintained until such time as conditions no longer supported it. However, the conditions were never identified or qualified.

In January 2004, complaints were made that as much as 80 per cent of the horse mackerel catch in Chimbote comprised juveniles. The government response was that such catches are inevitable when fishing for mackerel.

However, mackerel fishing is not undertaken in Peru with purse-seine boats. The Peruvian government further claims that juvenile capture will not adversely affect the stock.

There is a serious problem in Peru regarding access to fisheries information. Reports from the Production Ministry (formerly the Fisheries Ministry) are incomplete and out-of-date.

Data about fresh fish catches have practically ceased to be divulged. Despite the paucity of data, fishermen confirm that catches of mackerel and, in particular, horse mackerel, contain juvenile fractions that exceed permissible levels.

#### **Small specimens**

The same thing has happened with hake. A minimum-size requirement exists but, in practice, catches include higher percentages of small specimens than they



should. Various legal provisions that govern fishing activity are not put into practice.

**H**orse mackerel is a highly migratory species that has a significant area of distribution in the Pacific. This means that it is difficult to estimate the biomass of this species and to quantify and control catches. The Peruvian government has categorized this species as underexploited, and a North Korean vessel has received a three-month licence to fish horse mackerel. The vessel has the capacity to process 15 tonnes of horse mackerel per hour and has a 2,000-tonne storage capacity. The Peruvian government receives a paltry sum in compensation: US\$10 per tonne of fish registered with the vessel.

Bans or closed seasons (usually for three days) are established during the reproduction stages of the fish (spring and summer), when the fraction of juveniles in the catch exceeds the percentage permitted or if the global capture quota has been reached. During a ban in 2002, exploratory fishing and provisional fishing programmes of short duration were permitted, resulting in the capture of 3 mn tonnes of fish.

The efficiency of existing MCS activities, including a satellite monitoring system and catch-landing inspections, has been

questioned at different times. While it is true that a fisheries administration system cannot be based exclusively on controls and sanctions, it is also evident that a system that grants impunity for multiple breaches of rules is not effective. It is the perception of the vast majority of actors involved in Peru's fisheries that the latter is the principal characteristic of MCS mechanisms in the sector.

In Peru, as in other marine ecosystems, the long-term marine biological cycles include alternating periods of predominance between the anchovy and sardine species. There are also long-term patterns that include alternating, decade-long periods of cold climate (La Vieja) and warm climate (El Viejo). During these periods, both El Niño and La Niña, which are of shorter duration, can occur. Cold conditions favour anchovy (and other pelagic species), facilitating both larger catches and catches that contain juveniles. Finally, it is necessary to evaluate claims made in recent years regarding the behaviour of hake and decisions to regulate its capture, as well as the dimension of the recent crisis in this fishery.

#### **Financial crisis**

The El Niño of 1998 generated a major financial crisis in the overextended (and indebted) fishing industry in Peru. The situation was also influenced by the Asian financial crisis, which caused fishmeal

prices to crash. As a consequence, industry creditors (mainly, banks) seized administrative and financial control of many fishing corporations.

**A**ccording to the Biomass Protection Fund (the commission formed by the Minister of Fisheries), fisheries debt rose on 31 May 1999 to US\$1.885 billion. According to Asbanc registries, the debt was at US\$1.3 bn in March 2001. In March 2003, the former president of the National Fishing Society announced that the debt had fallen to less than US\$1 bn.

Although precise information is not available, it is believed that this debt reduction has been accomplished not by paying back, but rather, through the sale of equipment, and that some debt has been converted into equity for the creditor banks.


An important issue concerns the adverse impacts of the fishing industry on artisanal fishing activity. Given the scarcity of information available, it is difficult to quantify these phenomena. Our understanding is primarily based on empirical evidence regarding reduced catches from fishermen along the entire coast.

Fish imports (fresh and frozen) from Chile have been present in Peru for various years and have grown significantly in recent years. The demand for inexpensive fish (Chilean, relative to others) has been growing. The influx of Chilean fish makes the reductions in Peruvian catches less visible in fish markets.

The species that has most increased in terms of fresh landings is horse mackerel, the principal Chilean import (although other species also enter which are widely seen in Lima supermarkets and neighbourhood markets). The increase in horse mackerel is largely responsible for the important rise in catches.

Other empirical evidence involves the Peruvian silverside. Prior to the El Niño of 1998, the species was prominent along the central coast of the country. Peruvian silverside was widely eaten in coastal communities and its processing (gutting) generated many jobs. Since the El Niño,

Peruvian silverside landings have supposedly more than doubled. However, its scarcity along the central coast is all too apparent. Despite local scarcity, the silverside is used to prepare the most abundant, inexpensive *cebiche* in Lima. Clearly, the Peruvian catch is being augmented with fish caught in Chile.

Tightening control over extractive fisheries would imply the exclusive use of anchovy for fishmeal production, and would require a restructuring of the MCS systems. Clearly, political will is also required for the effective governance of the resource and to ensure that short-term benefits are not determinative. If industrial fishing activity were better controlled (through enforcement of species and geographical limits, among other measures), the artisanal fishing conditions would improve. 

This article is by Juan Carlos Sueiro (jcsueiro@cooperaccion.org.pe) of the Coastal Consortium for Sustainable Development

CD-ROM

## Culture of prevention

A review of a CD-ROM from the Mitigation Directorate of the US Federal Emergency Management Agency

Coastal areas throughout the world are at high risk from natural hazards. The risks are magnified in poor and developing countries where large numbers of coastal communities are traditionally impoverished and have poor access to any kind of disaster prevention or management programmes.

The 26 December 2004 tsunami in the Indian Ocean brought out this fact very clearly, considering that the loss in housing amounted to over US\$2,000 mn in India, Indonesia and Sri Lanka alone. In the rehabilitation phase, governments seem to have woken up, and plans are being made and executed to at least build reasonably secure homes so that another similar event will not result in such a scale of disaster.

The United States has extensive experience in coastal disasters, being a country whose coasts are regularly hit by typhoons, hurricanes and even the occasional tsunami. This has led not only to extensive studies on the coastal areas but also the development of principles and legislation that guide the development of coasts.

The Federal Emergency Management Agency (FEMA, [www.fema.gov](http://www.fema.gov)), part of the US Department of Homeland Security since 2003 (though it can trace its beginnings to the Congressional Act of 1803), helps people before and after a disaster, especially with suggestions and guidelines on how to make their homes safe.

The CD-ROM version of the third edition of FEMA's *Coastal Construction Manual* is meant to provide guidance for the design and construction of coastal residential buildings in the US that can be more resistant to the damaging effects of

natural hazards. Though it primarily addresses conditions in the US, the CD-ROM will also be useful for those in other countries as it is a veritable storehouse of information on the systematic procedures, tasks and decisions that need to be made before the actual construction of residential properties.

The manual is divided into three parts: Part I (Chapters 1-9) deals with relatively general information, Part II (Chapters 11-14) is technical, and Part III contains the appendices. Appendix B (Glossary) and Appendix J (Material Durability in Coastal Environment) are especially useful for non-US readers. The alphabetical, hyperlinked index makes any query just a click away.

The chapters in the CD-ROM have been rendered as PDF (portable document format) files, a popular format that can be easily read on-screen using the free Adobe Reader software, while also incorporating hyperlinked navigation and printing options. Hyperlinked cross-references (some of which are Web-linked) are useful to jump to sections whose existence you may not have been aware of, or to navigate to sections containing a clearer explanation of the topic.

### Historical perspective

A historical perspective is presented in Chapter 2, while Chapter 4 (Fundamentals) helps us understand that a successful coastal building is one that is able to withstand the effects of coastal hazards and processes over a period of decades. Structurally, a building may be intact after an 'event', but the siting may have been incorrect—or vice versa—and so the whole thing can be regarded a failure. But even failures are useful because the development of guidelines is being continuously revised.

If one is interested only in the technical guidelines and not in general background information, the flowchart on Page 5 and summaries on Page 6 tell you that you need to look only at Chapters 5-8 and 11-14. Chapter 5 outlines the steps in identifying and evaluating a site, Chapter 6 identifies regulatory requirements, including where to find such information, Chapter 7 deals with identifying hazards and Chapter 8 is on siting. Chapter 11 provides instructions on how to calculate site-specific loads, which, as explained in Chapter 12, form the basis for the design and construction of buildings and the selection of appropriate construction materials. This chapter also explains why failures can occur. Chapter 13 highlights the importance of having the right kind of foundation, while Chapter 14, “Maintaining the Building”, deals with something that we tend to neglect, but is perhaps as important as design and construction in the long run because the effects of salt-laden, wind-driven moisture in coastal areas cannot be overstated.

Throughout the manual, the language has been kept simple, and where technical information is presented, extensive worked-out problems help clarify doubts. Each disaster is analyzed in terms of the prediction of the place of occurrence and the damage caused. The damage to homes is analyzed for the cause(s) construction,

use of materials, design, siting, and so on. Thus, both good and bad examples of siting, design and construction practices are given. Coupled with photographs and illustrations, they give us a clear picture of the dos and don'ts.

The manual stresses that constructing to a model building code and complying with regulatory siting requirements will provide a building with a certain level of protection against damage from natural hazards. Going for more stringent conditions *may* provide an added measure of safety, but at a cost. The manual also explains why following the minimum code is not always sufficient because the coast is a vulnerable area prone to multiple hazards, and the science of prediction, though considerably advanced, is still evolving. §

COASTAL CONSTRUCTION MANUAL. FEMA 55CD. THIRD EDITION Federal Emergency Management Agency, Mitigation Directorate. Reviewed by Ahana Lakshmi (ahanal@vsnl.net), a Chennai-based researcher

Canada

## Frustrating private agreements

**The Canadian court battle over owner-operator policy has resulted in a significant ruling**

**D**efenders of Canada's inshore fisheries policies got a major boost in April when a court decided that the Department of Fisheries and Oceans (DFO) could effectively frustrate private agreements designed to undermine its policies.

The case, reported in the December 2004 issue of *SAMUDRA Report*, involves two fishermen who had entered into a private contract or trust agreement to transfer the right to use a fishing licence that one of the parties was not eligible to hold.

In recent years, these private agreements have become increasingly widespread as fish processors, wealthy inshore fishermen and other investors attempt to purchase licences from retiring inshore fishermen, particularly in the lucrative crab and lobster fisheries. The agreements often contravene two important government policies designed to keep fishing licences in the hands of individual working fishermen in coastal communities.

The *owner-operator* policy states that licences for species fished from vessels of less than 19.8 m LOA (length overall) will only be issued to individual, independent fishermen who must fish the licence personally.

Moreover, a qualified individual can only hold one licence per species, that is, while an individual can hold a portfolio of inshore licences (crab, lobster, scallops, mackerel), he or she can only hold one licence per species. The *fleet separation* policy states that corporations, in particular fish-processing companies, cannot hold inshore licences, making it impossible for them to vertically integrate fish-harvesting and fish-processing operations in fisheries like lobster and

crab. With the collapse of the groundfish resource and the increasing values for shellfish species, these inshore licences have become more and more valuable and sought after. Over the last 10 years, ineligible investors have been using trust agreements to accumulate these licences and, by the same token, turn the licence holders into their employees.

For years, the DFO ignored the problem, claiming it was powerless to act in private agreements. As the practice became more and more blatant, fishermen's organizations, especially the Canadian Council of Professional Fish Harvesters (CCPFH), the national organization representing independent owner-operators, pressured the federal government to enforce its policies.

In 2002, the DFO's Gulf region finally acted in the case of five snow crab licences found to be tainted by trust agreements. The DFO suspended the licences and ordered the licence-holders to extricate themselves from the agreements. In one of these cases, the holder of the trust agreement decided to ignore the government's action and asked the courts to enforce the agreement.

After several years of legal wrangling, the case finally came to trial. Lawyers for the plaintiff, the holder of the trust agreement, called a series of witnesses, including the lawyer who crafted the trust agreement, a former provincial cabinet Minister turned lobbyist and a lower-level DFO official, all of whom downplayed the importance and even the existence of the government's owner-operator policy.

### Defence counter

The defence countered with testimony from the DFO official responsible for fisheries management decisions in the Gulf Region, who explained in detail the

nature of the government's policies and how it had applied them in this case.

**T**he CCPFH, which received intervener status in the case, also presented a brief to the court that strongly supported the government's policies and actions.

Citing an abundance of case law, CCPFH's lawyer argued that Canada's Fisheries Law grants the Minister of Fisheries absolute discretion in the granting of fishing licences and that the Minister has the right to adopt policies to guide his discretion and the right to delegate his officials to apply these policies.

On 11 April 2005, the judge ruled that the contract could not be completed because the DFO exercised its ministerial discretion in such a way that the transfer of the fishing licence became impossible. In legal terms, the judge ruled that the contract was 'frustrated'. Unfortunately, the judge did not offer an opinion on the validity of the DFO's actions by stating that he did not have the jurisdiction to rule on this question.

The ruling, however, is very significant because a court has now determined that private trust agreements involving fishing licences can be made inexecutable by the DFO actions. This supports the position of the CCPFH. For the last six years, CCPFH has been urging the government to use its

power to thwart agreements purposely designed to circumvent public policy.

The court ruling increases the pressure on the Minister of Fisheries to act, since it is now clearly within his power to protect the integrity of the public policy and the inshore licensing system. The Minister has appointed an official to report on what measures would be required to solidify the policy framework and committed himself to protect the policy. The report is expected in early June.

What remains to be seen is how the Department will deal with violators of the policy, especially those fleets in the province of Nova Scotia, which, although they remain nominally owner-operator, have come completely under processor control through the use of trust agreements. Meanwhile, the legal battle between the two fishermen to clarify the strength of the government's fisheries policy will drag on as the plaintiff has decided to appeal the judge's decision. 📄

This article was written by Marc Allain (marcallain@sma.net), Senior Policy Adviser to the Canadian Council of Professional Fish Harvesters

## Sufficiently flexible and protective

**This is the text of the statement made by ICSF to the Committee on the Fishing Sector at the 93rd Session of the International Labour Conference**

1. The proposed Convention and Recommendation contained in Report V (2B) concerning work in the fishing sector go a long way in protecting and promoting rights of fishers to decent conditions of work. However, it falls short of promoting the rights of fishers who undertake commercial beach-seine operations, diving and gleaning that do not necessarily involve the use of any fishing vessels.
2. While commercial beach-seine operations are widespread in Asia and Africa, commercial shellfish gathering through diving and gleaning are common all over the world. The latter category also employs a large number of persons, including women. Extending provisions of health protection, medical care and social security to this category of persons, where reasonable and practicable, would do justice to women in fishing, in particular, and it will help the proposed Convention to meaningfully address fishing activities where women's participation is more important than that of men's. This would, however, require broadening the definition of a "fisher" in the proposed Convention also to include those employed in shore-based fishing operations who do not necessarily work on board any fishing vessel.
3. ICSF's consultations with artisanal and small-scale fishers' organizations in Africa, Asia and Latin America since the 92nd Session of the International Labour Conference 2004, demonstrate an overwhelming support for the inclusion of social security provisions in the proposed Convention, and it has been suggested that such provisions should extend to fishers irrespective of their sphere of fishing operation. It has been further proposed that these provisions should be no less than those included under the 1952 Minimum Standards for Social Security Convention (C.102).
4. The 26 December 2004 tsunami in the Indian Ocean that took an unprecedented toll of human lives, at least 300,000, including a large number of fishermen and women from coastal fishing communities, is a sad testimony to the urgent need for social security measures for small-scale fishers. Very few of the fishers who perished in the tsunami wave-surge in the affected countries came under any social security scheme.
5. Moreover, while welcoming the proposed degree of flexibility in relation to minimum age, medical examination, occupational safety and health and fishers' work agreement, the artisanal and small-scale fishers urge that the provisions for artisanal and small-scale fishing vessels undertaking international fishing voyages should be no different from those applicable to larger vessels undertaking such voyages.
6. As far as larger vessels are concerned, ICSF would like the proposed Work in Fishing Convention, 2005, to ensure that the protection afforded to fishers on board larger vessels by current ILO

instruments are at least retained, if not further improved. The ILO should make efforts to link up proposed labour standards with international instruments for fisheries management, particularly at the level of regional fisheries management organizations, and ensure that effective labour standards for crew on board larger fishing vessels are a pre-requisite for effective fisheries management, especially with regard to straddling fish stocks and highly migratory fish stocks.

7. Last but not least, ICSF would like to wish the Committee all success in its deliberations and would like to see a Convention sufficiently flexible and protective for artisanal and small-scale fishing, on the one hand, and adequately prescriptive for large-scale fishing operations, on the other.
8. We would also like to take this opportunity to announce a panel discussion on ILO Labour Standards for the Fishing Sector: A Small-Scale Fisheries Perspective that will be held on Tuesday, 14 June 2005 from 14.30 to 17.30 hrs at the John Knox International Center, 27 ch. des Crêts-de-Pregny, CH-1218, Grand-Saconnex, Genève, Suisse, Tel: 0041-22-747 0000. ICSF is

happy to invite all interested members of this Committee to the panel discussion where representatives of small-scale fishers from Africa, Asia and Latin America are expected to speak.

Thank you, Mr. Chairman.



This Statement of the International Collective in Support of Fishworkers was presented on 1 June 2005 to the Committee on the Fishing Sector at the 93rd Session of the International Labour Conference at Geneva



International Labour Conference

## Well-balanced, timely and relevant

This is the text of the statement made by ICSF at the Plenary of the 93rd Session of the International Labour Conference

The International Collective in Support of Fishworkers would like to take this opportunity to congratulate the Committee on the Fishing Sector for the successful completion of its deliberations towards a comprehensive standard for work in the fishing sector. Such an all-encompassing legal instrument flexible towards the bottom of the fishing capacity pyramid, and stricter towards the top can contribute to the well-being of all fishers on board all kinds of fishing vessels, both in the large- and small-scale fishing.

The proposed Work in Fishing Convention 2005 comes at a time when fishers are taking life-threatening risks to beat decreasing catch per unit effort by dangerously expanding the area of their fishing operations, both in artisanal and small-scale as well as in large-scale fishing. While some of the craft-gear combinations in the small-scale sector are now moving away from fishing in near-shore waters to fishing within and beyond the exclusive economic zone (EEZ), including other EEZs and the high seas, the large-scale sector is now moving away from their traditional fishing grounds to fishing in the furthest limits of the EEZs as well as in other EEZs and in the high seas, especially in very inhospitable conditions. In the face of rising fuel costs and decreasing fish production, there is less regard paid to labour conditions on board fishing vessels.

Further, new countries are now emerging as distant-water fishing nations. There are highly disturbing stories of poor working conditions, especially for migrant workers from developing countries, on board distant-water fishing vessels. Increasingly, larger numbers of workers are being recruited from developing countries to man large-scale,

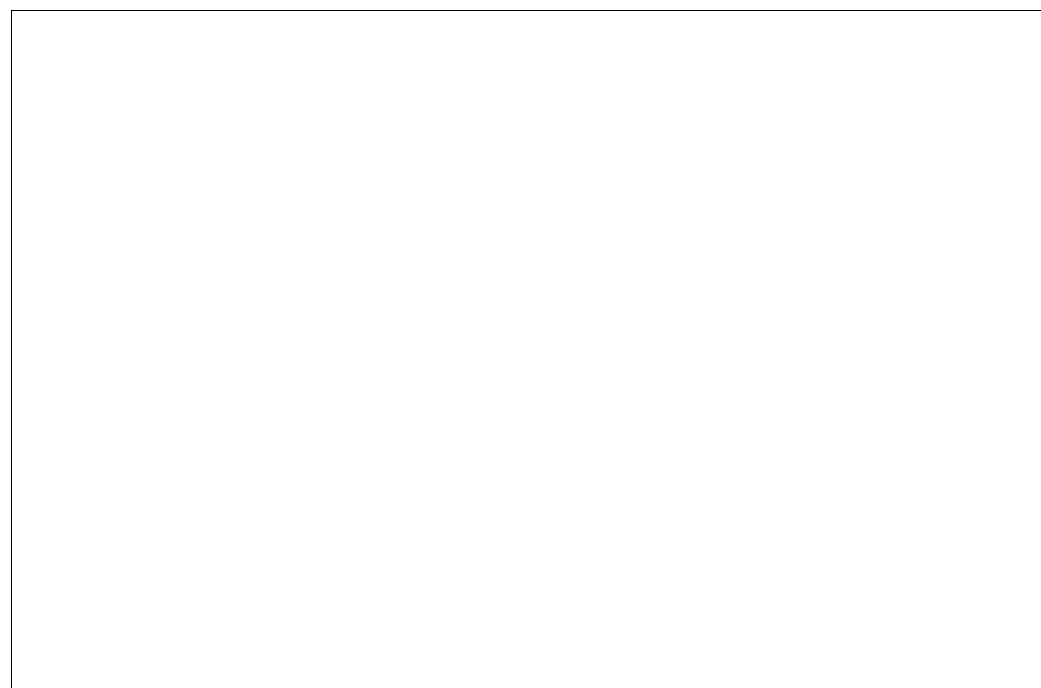
industrial fishing operations. The proposed Work in Fishing Convention 2005 also comes at a time when several countries have announced fisheries management policies to reduce fishing capacity or to limit access to fishery resources that may have serious implications for employment in the fishing sector.

Undoubtedly, the proposed labour standard for fishing is well-balanced and it is timely and relevant. It is of significant relevance to the globalized face of the fishing industry, which relatively contributes more to international trade than agriculture in many developing countries, especially in least developed countries.

It is well known that the ILO has historically set labour standards that were eventually influential in determining the scope and content of national labour legislation in many countries, and we hope member countries, particularly those with coastlines, can promote and ratify this Convention, which is an important social instrument to complement fisheries conservation and management measures. We hope this Convention can give the necessary direction to make national labour legislation for the fishing sector on a priority basis, to protect the labour conditions of all fishers on board fishing vessels. We hope that the scope of these labour standards, especially for social security, is broadened also to accommodate shore-based fishers who do not necessarily use a fishing vessel. This will have significant benefits to the women participating in fishing.

### Strong advocacy

Since 1988, ICSF has been advocating for improved labour conditions in the fishing



sector. We would like to continue to work with the International Labour Office, governments, trade unions and NGOs to promote this labour instrument in fishing and to push for its ratification and wider adoption.

Thank you.



This Statement was made on 15 June 2005 at the Plenary of the 93rd Session of the International Labour Conference

# The ideal model

## The text of ICSF's presentation to the Sixth Meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea

### I. Introduction

Fisheries are a major source of employment, income and food, and small-scale fisheries and aquaculture are important for the sustainable development of coastal communities in many parts of the world. Fish is the cheapest and most substantive source of animal protein in many poor countries. In coastal areas with low rainfall, degraded arable land and drought conditions, fisheries are an important source of livelihood, particularly in Africa and Asia. The fisheries sector, while primarily dependent on male labour in capture-fisheries production, also provides employment to a large number of women in shore-based fish and shellfish gathering, and in aquaculture production as well as in fish processing and marketing activities. The sector has significant backward and forward linkages contributing to indirect employment.

Fish is further an important source of trade, much more than agriculture, for many developing countries. The Food and Agriculture Organization of the United Nations (FAO) estimates that net export earnings from fish in developing countries are significantly higher than those for agricultural commodities such as rice, coffee and tea.

This is particularly true of some of the least developed countries. Exports of fish and fish products accounted for 14 per cent, 22 per cent and 25 per cent of the total merchandise exports of Uganda, Madagascar and Senegal, respectively, in the year 2003. The gross returns on fishing of a particular trip is often based on first-sales price of fish from that trip, and trade in fish and fish products plays a significant role in determining the monetary value of shares accruing to

capital and labour. The sharing system of remuneration prevalent in fisheries ensures better equity, especially in small-scale fisheries, and it is an important factor contributing to sustainable development.

### II. Contribution of small-scale fisheries to sustainable development

Ninety five per cent of the world's fishers' population are distributed in Asia, Africa and Latin America and 75 per cent of them are in the artisanal and small-scale subsector. The largest number of fishers and aquaculture workers (about 87 per cent of the world total) are in Asia. Similarly, the largest share of fishing vessels is concentrated in Asia. The small-scale fisheries subsector accounts for nearly 50 per cent of the global capture fisheries production and it contributes significantly to the economic well-being, particularly of poorer coastal communities in Asia, Africa and Latin America as well as in small island developing States.

While the small-scale fisheries subsector is the employer of last resort in some countries, especially in drought-affected coastal countries such as Senegal, in some others like China and Vietnam, it is an attractive profession offering better remuneration than other rural economic activities like agriculture and dairying. However, the sector is highly vulnerable, perhaps much more than others, to natural calamities in several countries as demonstrated by the devastating 26 December 2004 tsunami in the Indian Ocean.

### 4.III. Measures to improve the contribution of fisheries to sustainable development

Evidently, artisanal and small-scale fisheries and aquaculture make significant contributions to sustainable

development, particularly in labour-surplus coastal economies, by sustaining coastal communities and indigenous peoples whose livelihoods, quality of life and culture depend on aquatic ecosystems. The following measures could improve the contribution of fisheries, particularly artisanal and small-scale fisheries, to sustainable development:

**(i) Recognize small-scale fisheries model for the entire EEZ**

First of all, it is important to recognize and valorize the role of selective artisanal and small-scale fishing in the sustainable utilization of fisheries resources in the entire exclusive economic zone. Traditionally, artisanal and small-scale fisheries were confined to the nearshore waters, mainly supplying fish to the domestic market. With the advent of motorization and new navigational aids, some of them have expanded the area of fishing operation quite widely to the deep sea, to target tuna and tuna-like species, and other highly migratory fish stocks, mainly to cater to the world market. However, their contribution to the production of highly migratory fish stocks is not reflected in most official statistics.

States should be requested to consider “scale subsidiarity” whereby larger fishing units are considered in a fishery only after exhausting the possibility of employing smaller fishing units in the same fishery in the entire range of distribution of relevant fish stocks, with due consideration for the safety of such fishing operations as well as the safety and working conditions of fishers on board.

**7.(ii) Protect the traditional fishing grounds of small-scale fishers**

Secondly, while opening up the frontiers of the EEZ to artisanal and small-scale fisheries, on the one hand, it is vital to recognize the rights of artisanal and small-scale fishworkers to sustainably utilize and protect their traditional fishing grounds, on the other, as has been highlighted in Agenda 21.

The 1995 FAO Code of Conduct for Responsible Fisheries observes that the States should protect the rights of subsistence, small-scale and artisanal fishers and fishworkers to a secure and

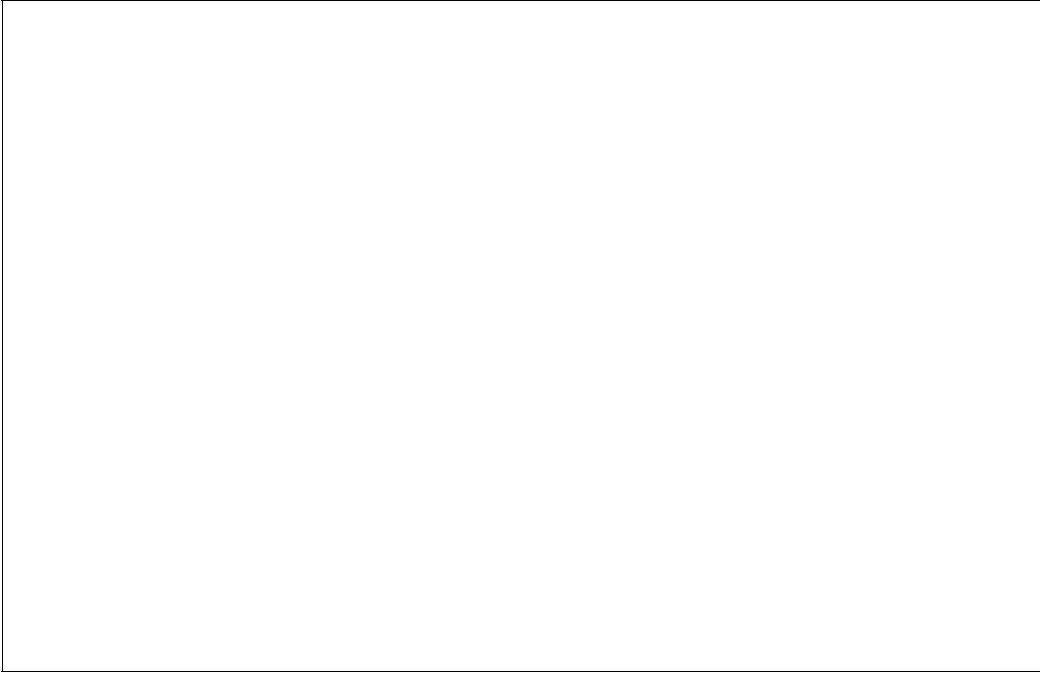
just livelihood by granting preferential access to traditional fishing grounds and resources in the waters under their national jurisdiction. These fishing grounds are the mainstay of their livelihood, and need protection from degradation.

It is important to mitigate the impact of all forms of coastal and marine pollution, indiscriminate conversion of coastal wetlands to the detriment of small-scale fishing and responsible aquaculture, damming of rivers that transform the salinity regime of coastal waters, and mangrove and upstream deforestation, to protect the traditional fishing and fish culture grounds of fishing communities.

It is important to prevent displacement of artisanal and small-scale fishers from their fishing grounds in the name of oil exploration and exploitation. It is further important to protect their access to fishing grounds without being hampered by tourism resorts and aquaculture farms.

While adopting coastal marine protected areas (MPAs) and turtle conservation programmes, it is important to consider inclusive programmes whereby coastal fishing communities could participate in such programmes and whereby their access rights to fishing grounds are adequately protected. Coastal fishing communities should be seen as allies in the conservation of marine coastal biodiversity.

A recent Workshop *Sustainable Fisheries and Livelihoods in Latin America* organized by the International Collective in Support of Fishworkers and CeDePesca with the support of FAO, in Santa Clara, Argentina, from the 1 to 4 March 2005, attended by fishworker organizations and NGOs from seven Latin American countries, called “for the establishment of a zone in the coastal waters of Latin American countries for the exclusive use of artisanal fishworkers, coastal communities and indigenous peoples” and to consider prohibiting the use of potentially destructive fishing techniques like trawling in this zone. All countries where there are significant populations of artisanal and small-scale fishers and fishworkers should consider such a protective zone.



**10.(iii) Introduce management measures for small-scale fisheries**

Thirdly, modern fisheries management tools should establish synergy with traditional knowledge systems of fishing communities to develop effective fisheries management regimes to ensure long-term fisheries sustainability, which can contribute to the sustainable development of small-scale fishing communities. This also underscores the importance of developing monitoring, control and surveillance (MCS) capacity also to manage small-scale fisheries. In this context, rehabilitation measures for tsunami victims from generous contributions from the international community to the United Nations and its agencies should have a strong management and capacity-building component, towards introducing effective fisheries management measures in the Indian Ocean countries.

One of the important considerations for effective fisheries management is introduction of limited-access regimes to create a community of owner-operators in artisanal and small-scale fisheries whereby property rights are collectively held in appropriate composite units and transferable only to the extent it does not lead to concentration of ownership and atomisation of the community of owner-operators. Such initiatives could start as co-management regimes where the responsible government agency and

fishers' organizations (for example, a co-operative association or a trade union) collaborate to implement stipulated management measures, including MCS. They could eventually devolve to become community-based arrangements.

It should be ensured that plurality is a recognized norm while proposing limited-access regimes, co-management and community-based management measures to ensure that management regimes are sensitive to the diversity of fisheries and fishing cultures. Further, care should be taken to ensure that management tools such as the individual transferable quota system is not considered in labour-surplus, small-scale fishing, since it can lead to concentration of ownership and new social conflicts in many developing countries that may have an adverse impact on the sustainable development of coastal fishing communities.

**13.(iv) Eliminate tariff and non-tariff barriers to fish trade**

Fourthly, opening up the frontiers of EEZ to small-scale fisheries and protecting the nearshore waters from pollution and overfishing may not be sufficient to accommodate all those who are seeking employment and livelihood in small-scale fisheries in most labour-surplus economies. The importance of value addition is significant in this context. Elimination of non-tariff and tariff

barriers, including tariff quotas, tariff peaks and tariff escalation, could have a significant impact on the sustainable development of coastal communities by allowing greater employment, especially of women, in the processing sector.

Norms for food safety, and protection of animal life for international trade, rather than being absolute, should allow countries to establish equivalent standards within established legal frameworks that they can cost-effectively comply with. Here again, it should be recognized that there are several means to an end, and that industrialized countries should not impose their standards on developing countries. However, efforts should be made to ensure that the ultimate goal of trade in fish and fish products is to contribute to better human development of fishing communities.

**14.(v) Recognize the role of subsidies in sustainable development**

Fifthly, government financial assistance to the fishery sector, for example, to introduce effective management measures, to retrain fishers, to introduce food safety and environmental standards, and to improve safety of fishing operations should be seen as subsidies contributing to sustainable development, and, therefore, they should be positively dealt with under the ongoing negotiations on fisheries subsidies at the World Trade Organization. Moreover, in the absence of effective fisheries management, trade in fish and fish products could have disastrous consequences for the long-term sustainability of fisheries resources, even in small-scale fisheries.

**15.(vi) Introduce benefit-sharing arrangements for small-scale fishing communities**

Sixthly, an equitable benefit-sharing arrangement under the Convention on Biological Diversity for traditional fishing communities could help reduce their fishery-dependent economic vulnerability. There is greater recognition now of the stream of benefits that can flow from the wise use of coastal marine living resources, for example, in coral reef ecosystems, especially with regard to traditional knowledge of coastal communities regarding the therapeutic properties of coastal marine living resources that are of commercial interest

to the pharmaceutical and cosmetic industries.

**16.(vii) Facilitate legal movement of fishers across borders**

Seventhly, for overcrowded small-scale fisheries in developing countries, industrialized nations could contribute to alleviating demographic pressure in fishing grounds by facilitating temporary migration of surplus labour into their fisheries, particularly into fisheries that are earmarked by labour shortage.

FAO's *State of World Fisheries and Aquaculture 2004* (SOFIA 2004) observes that employment in fishing has been declining for several years, particularly in Japan and European countries. Also, according to SOFIA 2004, fishing is no more an attractive profession for younger generations in industrialized countries. The fishing workforce in most developed economies is also advancing in age. In Japan, for example, about half the population of male fishers were 60 years or older in 2002.

It is a well-known fact that there has been considerable illegal recruitment of workers into the fisheries of industrialized and advanced developing countries from poorer countries in recent years. One of the reasons for appalling labour conditions on board some of these fishing vessels for such workers is mainly due to the illegal nature of their work. Legalizing such recruitment practices could make a significant contribution to sustainable development in some of the labour-surplus developing fishing economies. This would also help fishing vessels of the industrialized countries to move from high labour productivity, high capital and subsidy-intensive fishing technologies to more labour-intensive and capital-saving fishing technologies.

**(viii) Recognize the importance of implementing a coherent management framework**

Lastly, a challenge in moving towards sustainable fisheries is how to develop, and implement, a coherent management framework for the entire range of fishing operations within the EEZ in a consultative and participatory manner, taking into account the environmental, ecological, social and economic dimensions of

fishing, fish resources and fish habitats. A still greater challenge would be how to effectively address threats to fisheries sustainability arising from non-fishery factors, which are indeed a major issue in many countries. In this context, effective inter-agency mechanisms are required for effective fisheries management and habitat protection. Thus, for sustainable fisheries, we need both vertical and horizontal management regimes.

In conclusion, small-scale fishing employing selective gear is less threatening to the marine ecosystems than large-scale fishing, because it often uses low quantities (and greater diversity) of gear that are often passive and selective, and in accordance with the fisheries resources seasonably accessible to its fishing gear. Considering its potential to contribute to the long-term sustainability of fisheries resources and better protection of fish habitats, and its substantive contribution to employment, income and food security, it should be recognized by the General Assembly as a vital sector contributing to the sustainable development of coastal communities and in meeting the Millennium Development Goals, especially eradication of extreme poverty and hunger and ensuring environmental sustainability. It should, therefore, be proposed by the General Assembly as the ideal fishing model for the entire EEZ within a sustainable and responsible fisheries framework. 3

This presentation was made at the Discussion Panel A on "Fisheries and their Contribution to Sustainable Development" at the Sixth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS), 6-10 June 2005, at New York

## A lost opportunity

**That the proposed ILO Convention on work in the fishing sector could not be adopted for want of a single vote is a blow to all fishers**

**T**he proposed International Labour Organization (ILO) Convention (and Recommendation) on work in the fishing sector has been described as “probably the longest instrument ever discussed during the International Labour Conference (ILC).”

While presenting his report to the 93rd Session of the ILC on 15 June 2005, at Geneva, Georgios Boumbopoulos, the Reporter of the Committee on the Fishing Sector, said, “The report is comprehensive, accurate, lucid and easy to read, and I recommend it for your adoption...I am confident that a unanimous vote in favour will be forthcoming.” He complimented the Committee for adopting the draft Convention and the draft Recommendation without having had to vote.

Yet, the very next day, when the proposed Convention and Recommendation came up for final record vote, there was surprise in store. The vote, ironically, turned out to be invalid because the required quorum of 297 could not be attained for lack of just one vote. This was despite the fact that there were 288 votes—an overwhelming majority—for the draft Convention, and just 8 against.

In the event, it now seems that a corresponding item would most likely be placed on the agenda of the 96th Session of the ILC in 2007. However, the modalities are yet to be worked out.

Fishers, both small- and large-scale, who are interested in decent work and better working conditions now have to wait at least another two years before the Convention and Recommendation are put up once again for final adoption.

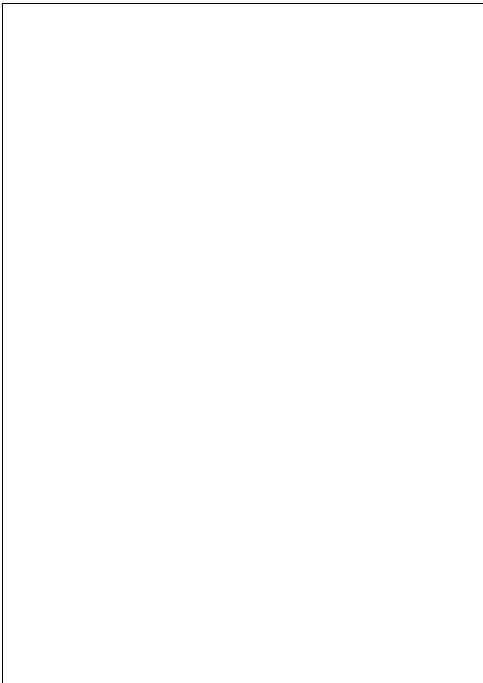
What went wrong with the voting? For the required quorum, only the number of votes—for and against—count, not the number of abstentions. This is precisely what those who were opposed to the Convention used to get their way. They ensured sufficient abstentions to make the vote invalid. The Employer representatives from both developed and developing countries abstained from voting. Many governments from the Asian countries also abstained, along with the Employer representatives, with the exception of some Middle East governments.

Speaking at the Conference on the eve of the final record vote, Peter Sand Mortensen, Worker Vice-Chairperson of the Committee on the Fishing Sector, said the proposed Convention and Recommendation had achieved a delicate balance between retaining existing standards that applied only to larger vessels and providing flexibility to extend these standards, for the first time, to the small-scale fishers. ILO was just beginning to address small-scale fishing.

### Panel discussion

Earlier, on 14 June 2005, ICSF had organized a Panel Discussion on “ILO Labour Standards for the Fishing Sector: A Small-Scale Fisheries Perspective” at the John Knox International Centre, Geneva, where representatives of small-scale fishers from Chile, India and Senegal spoke. Referring to that discussion, Georg Smefjell of Norway, who headed the Government group in the Committee on Fishing, said, “It is clear that they need, and want, the instrument; and if their countries cannot ratify it at this stage, they need it as a tool to improve conditions.” He said the Convention gave an opportunity to “choose the ‘spiral’





towards the highest possible common denominator”.

**R**ose Karikari Anang, Employer Vice-Chairperson of the Committee on the Fishing Sector, herself a representative of the industrial fishing vessels of Ghana, tried her best to sow seeds of doubt in the minds of government delegates about the proposed Convention. She unfairly called it a “prescriptive, inflexible and impracticable Convention”, fit for developed countries but irrelevant for the vast majority of small-scale fishers in developing countries. She pooh-poohed the exemption clauses built into the Convention for the sake of flexibility and to accommodate small-scale fishing. She said more countries would apply for exemptions because their small-scale fishers cannot benefit from prescriptive standards for large-scale fishing vessels. The owners of large fishing vessels thus cleverly hid behind small-scale fishing vessels to protect themselves from binding obligations should the Convention be adopted and ratified by member countries.

It was clear at the 14 June ICSF meeting that representatives of artisanal and small-scale fishers wanted to have a fishing Convention adopted. Given the dynamic nature of small-scale fishing in Africa, Asia and Latin America, they unanimously felt that such a Convention

would improve the living and working conditions on board small-scale fishing vessels that undertook fishing trips of more than three days, and would benefit small-scale fishers who worked on mother-ship-based fishing operations. Such a Convention would also improve the living and working conditions of migrant workers from small-scale fishing communities of developing countries who worked on board industrial fishing vessels of developed or advanced developing countries.

The representatives of artisanal and small-scale fishers unanimously supported the provision for all fishers to achieve comprehensive social security protection. They wanted their respective governments to adopt the Convention and to work for its promotion, ratification and incorporation into their respective national legislation. They saw it as the beginning of progressively extending better living and working conditions in the fishing sector to the small-scale fishing sector as well, in both developed and developing countries. They were only unhappy that the proposed Convention did not take into account shore-based fishers, especially women.

They were, however, happy that ILO was finally waking up to the need for better working and living conditions in the small-scale fishing sector. Their views about the relevance of these instruments for artisanal and small-scale fishers thus directly contradicted those articulated by Anang, the Employer spokesperson at the Conference. It now appears that the artisanal and small-scale fishers’ organizations in developing countries will seek ratification of the Convention upon adoption, and not seek exemption from all its provisions.

#### **Voting pattern**

Through their statements, the Employer representatives also tried to drive a wedge between developed and developing countries. However, the voting pattern showed that the majority of the governments from developing countries, including those from least developed countries, voted in favour of the Convention. Among developing country governments, an impressive list of 29 African, 20 Latin American and

Caribbean, and nine Asian governments voted for the Convention. They included the governments of leading fish-producing countries like Peru, Chile and Argentina, from Latin America; Senegal, South Africa, Morocco, Mauritania and Madagascar, from Africa; and Thailand, from Asia. The government of the Russian Federation as well as all the east European governments also voted for the Convention.

**A**s far as abstentions are concerned, just two African, six Latin American and Caribbean, and 17 Asian developing countries abstained. They included Ghana, from Africa; Mexico and Colombia, from Latin America; and China, India, Indonesia and Vietnam, from Asia.

Thus, while 58 developing country governments voted for the Convention, only 25 developing country governments abstained. The industrialized countries were also divided in their voting. While the governments of European countries voted for the Convention, the governments of Australia, Canada, Japan and the United States abstained.

Countries like Japan had disagreements over prescribing new rules on accommodation and food that contained stricter and more prescriptive provisions than the Accommodation of Crews (Fishermen) Convention, 1966 (No. 136). Japan also had reservations about the choice of gross tonnage figures equivalent to the length of fishing vessels, and about the small number of ratifications (10) required for the Convention to enter into force. Countries like China, Indonesia and the Republic of Korea also seem to have reservations about gross tonnage equivalent to the length of fishing vessels, as used in the proposed Convention.

Looking back on the proceedings of the Committee on the Fishing Sector, there seems to be no coherent reason why some governments decided to abstain during the record vote. Nor is it clear why there were so many abstentions by the governments of coastal States, both developed and developing. Ironically enough, some countries, after enthusiastically participating in the proceedings of the Committee, decided to

abstain, despite the proposed Convention manifestly seeking to incorporate what they had argued for during the debate.

The abstaining governments included those of countries such as India, the Philippines and Sri Lanka, which supply large numbers of workers to the distant-water or industrial fishing fleets of other countries. (Sri Lanka also has a small-scale fishing fleet of its own that fishes in the high seas and the exclusive economic zones or EEZs of other countries.) All these countries would have potentially benefited from the proposed Convention. It is thus unclear why their governments decided to abstain and also unfortunate.

The governments of a few countries with provincial and federal jurisdiction over territorial waters and EEZs were concerned about how they could possibly ratify and apply the Convention to the entire fishing sector, both large and small. A few developing-country governments were worried about the implications of adopting a comprehensive set of international standards at the sectoral level, which they thought might set a 'bad' precedent for other sectors in future. Some distant-water fishing nations perhaps got cold feet over port-State provisions in the proposed Convention. Several developing-country governments that abstained did so because they were indifferent—they had no particular view about the Convention and merely capitulated to the rhetoric of the Employer spokespersons, without seeing the wisdom of the Convention. ❧

This report is by Sebastian Mathew (icsf@icsf.net), Programme Adviser, ICSF

# News Round-up

## ***New terminal***

A new fisheries terminal will be critical for the sustainable growth and development of food security in the Federation of **St Kitts and Nevis**, said Prime Minister Dr Denzil Douglas at a ceremony at which documents were signed with the Trinidad-based Ambassador of Japan, Shigenobu Kato, for the construction of the US\$5.6-mn facility.

It will be the second fisheries terminal financed by the Government of Japan.

The project calls for the establishment of a community fishery centre building, boatyard, jetty, slipway, ice machine, lockers and other facilities.

Construction starts in January next year.

“We believe that there is tremendous potential within this sector, especially when viewed as a

business,” said Prime Minister Douglas, who stressed that the intention of his St. Kitts-Nevis Labour Party Government is to expand the fishing sector so that it can contribute significantly to the national economy.

He urged fishermen attending the ceremony to use the financial resources provided by the St. Kitts-Nevis Labour Government through the Development Bank.

“It is because we understand the present and future importance of a fishing industry, that we have joined with our member partners of the Caribbean Community to delve into the issue of marine resource management and explore and pursue bilateral and international agreements on fisheries,” said Prime Minister Douglas.

He added that the establishment of the Caribbean Common Fisheries Policy is indicative of the seriousness of the region to benefit from its marine resources.

## ***Unwanted AIDS***

Alarming high HIV/AIDS prevalence rates in **Ugandan** fishing communities are threatening the

lucrative fishing industry, which brought some US \$105 million into the country in 2004, a new government survey has found.

“Chronic illness and death destroys livelihood and incomes, undermines the skills base in the fishing workforce, and reduces productivity.

This is a threat to sustainable fisheries, poverty elimination and economic growth,” the report said.

It added that the productivity of the fisheries sector makes up 12 per cent of Uganda’s Gross Domestic Product.

It also accounts for nearly 20 per cent of total exports, which could witness a decline with the impact of HIV/AIDS.

Recorded HIV/AIDS cases up to the end of 2002 showed that the highest prevalence in the country was in districts located along the shoreline of Lake Victoria.

## ***Tsunami sounds***

The Dec. 26 Sumatra-Andaman megaquake did more in the Indian Ocean than make tsunamis—it made a lot of undersea noise that was audible to sea creatures and undersea sound sensors for thousands of miles, reports *Discovery News*.

Five hydro-acoustic sensor stations, designed to listen for clandestine nuclear bomb testing, ring the Indian Ocean and picked up the rumbling of the rupturing sea floor—loud and clear.

The sound created by the long rupture has been used by a California researcher to confirm seismological data. The hydro-acoustics show the rupture propagating along the major plate boundary in the Sunda Trench for 400 miles at 5,760 miles per hour, then slowing to 3,350 miles per hour for the last 100 miles of rupturing.

The initial sound was actually from a seismic wave that quickly crossed the ocean in the sea floor and caused the ground around the sea-bottom sensors to growl—so it was not

the direct sound of the rupture at all, de Groot-Hedlin explained.

The next, much louder and longer signals were the actual sound waves of the rupture that had traveled through the water to the stations, she said.

Because the quake unzipped such a long fault zone, the sea floor rupturing was picked up by the hydro-acoustic stations as a moving source of noise, like the sound of an unseen train moving in the distance.

### ***Fishy quotas***

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US Representatives Tom Allen (D-Maine), William Delahunt (D-Mass.), and Robert Simmons (R-Conn.) today introduced the bipartisan “Fishing Quota Standards Act of 2005,” H.R. 3278, to ensure that quota systems, often touted as the management solution to our declining fisheries, would give fair and equitable opportunities to small fishermen and fishing communities and would responsibly protect marine environments

“I am pleased to introduce this bipartisan bill to create national standards for fishing quota programs. Ensuring that standards are in place prior to the development of quota systems is an important part of

sustainable fisheries management. Local, coastal fishing communities and family-operated fishing businesses are integral to Maine.

With the likely reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act by this Congress, I

want to be sure that the voices of Maine fishermen are heard in the national debate over these standards,” said Congressman Allen.

Individual fishing quota (IFQ) systems use quota shares to give fishermen exclusive access to a fixed percentage of the total annual quota in a fishery.

The Bush Administration promoted these systems in its U.S. Ocean Action Plan released in December as the primary way to stop declining fish populations.

Documented research has shown that IFQ systems without strong national standards often create multiple economic and environmental problems.

These include an unfair advantage to

large corporations who have more capital to buy out other quota share holders and creating incentives to throw less valuable fish back—dead or dying.

### ***Better safe***

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Malaysia has made it mandatory for fishermen to carry safety equipment on board fishing boats. It is an offence under the Occupational Safety and Health Act if fishing boat operators or fishermen go out to sea without adequate safety equipment.

The offence carries a fine of RM50,000 (US\$13,159) or two years’ jail.

“I also find that they do not have first-aid kit on the boats. They should care about their safety, too, not only about getting a big catch,” Malaysia’s Deputy Human Resources Minister told reporters after presenting fishing gear to fishermen in Marang.

Abdul Rahman, who is Marang MP, said fishing boats should be equipped with, among other things, safety jackets, radio and a good radar system.

“From information received, most cases of accidents involving fishermen at sea are due to the absence of safety equipment,” he added.

He urged the Fisheries Department

and fishermen’s associations to take steps to ensure the regulations on safety were adhered to.

On foreign fishermen being employed on deep-sea fishing vessels in the country, Abdul Rahman said it happened because locals could not do the job.

He added that 500 local fishermen were trained by the Fisheries Department in 1988 under the Skipper Development Programme but all gave up because they could not adapt to the working conditions.

### ***Rescued!***

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Three fishermen from Holyhead, UK have been involved in a dramatic rescue off Anglesey. Their trawler was sinking because of engine failure and they had

to scramble on board their life raft. A rescue helicopter from RAF Valley managed to tow the men to safety just before the *Morning Spray* sank.

The men, who are all aged between 40 and 55, were winched aboard the helicopter and taken safely to land.

*Gani's sea was a familiar, intimate place, the construct of a fisherman who knows the elaborate characteristics of its territory in much the same way as a gardener might know the special curves of a garden, the places of its unevenness, the way the wind whistles through the trees at a certain time of year. It brought alive what would appear, to an earthbound stranger like myself, an empty, featureless expanse of water.*

— from *Troubled Waters* by Ruth Balint



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. Registered in Geneva, icsf has offices in Chennai, India and Brussels, Belgium. As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and action, as well as communications. SAMUDRA REPORT invites contributions and responses. Correspondence should be addressed to the Chennai office.

The opinions and positions expressed in the articles are those of the authors concerned and do not necessarily represent the official views of ICSF.

SAMUDRA Report can now be accessed on ICSF's home page on the World Wide Web at <http://www.icsf.net> or <http://www.icsf.org>

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