

DEEP-SEA MINING

## As bad as land mining, say lawyers

Environmental and legal groups warn of potential huge effects from deep-sea mining on indigenous people and the environment. The 'new global gold rush' over deep-sea mining holds the same potential pitfalls as previous resource scrambles, with environmental and social impacts ignored and the rights of indigenous people marginalized, a paper in the Harvard Environmental Law Review has warned.

A framework for deep-sea mining – where polymetallic nodules or hydrothermal vents are mined by machine – was first articulated in the 1960s, on an idea that the seabed floor beyond national jurisdiction was a 'common heritage of mankind'. But exploration has gathered momentum in the past three years, with licences granted off Papua New Guinea's coastlines, and successful mining off Japan late last year. The International Seabed Authority, which is drawing up a draft mining code, has issued 29 exploration contracts for undersea mining in international waters beyond any national jurisdiction.

<https://www.theguardian.com/environment/2018/apr/18/deep-sea-mining-possibly-as-damaging-as-land-mining-lawyers-say>

RIGHT TO FOOD

## Cheap seafood endangers fishworkers right to food: UN expert

Low wages and horrendous working conditions on fishing vessels, fish farms and in processing factories have a serious impact on the everyday lives of the workers' families, Hilal Elver, the UN Special Rapporteur on the right to food said during her presentation to the Human Rights Council on 28 February 2019.

"Most of the 120 mn people working in the fisheries sector -- often exposed to dangerous conditions and working up to 20 hours a day -- don't earn a living wage. They therefore fail to fulfil their families' basic needs, including food, clothing, housing, education and healthcare," the expert stressed.

Around 24,000 workers in the fish industry die each year, and many more are seriously injured, even permanently. People working in fish farms often face serious health issues due to exposure to toxic chemicals. Yet, they and their families fail to receive compensation as they tend to work informally outside of national labour and social protection schemes, plunging the families into poverty.

Women and children are invisible in the fishing sector. "Women are employed at fish-processing firms, peeling frozen shrimps without any protection for hours a day, in damp settings for minimal wages, most of the time even as unpaid family members," Elver said. "Children, further, are requested to work to help their families in the pursuit of food, but are often exploited as cheap labour on fishing boats, with no consideration to the dangerous nature of the work."

Cases of physical abuse and of labour exploitation in the fishing sector are widespread.

Migrant workers in particular are frequently trafficked and forced to work on fishing boats. "These workers remain trapped at sea for years, without pay or contact with their families," Elver added. "They barely get enough food to eat, and are beaten if the captain thinks they are not working hard enough, or in extreme cases, abandoned in a foreign port or even thrown overboard."

The Special Rapporteur called on States to abide by their legal obligations to respect, protect and fulfil the right to food of people working in the fisheries sector. In order to do so, they should strengthen the legal protection of those workers, enhance their labour inspections, properly investigate allegations of abuse and ensure that victims of abuses can get appropriate remedies.

"The increasing worldwide demand for widely available cheap seafood, in particular salmon, tuna and shrimp, is a factor in the continuous hunt for cheap labour in the sector," the expert concluded. "Everyone, including consumers, must help to improve the situation of fishery workers, for example, by buying fish grown or captured locally by small-scale fishers."

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24228&LangID=E>

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ORGANIZATIONAL PROFILE

## Tambuyog Development Center

Tambuyog Development Center (TDC) or, simply, Tambuyog, is one of the pioneering and leading non-government organizations working on sustainable fisheries and community-based coastal resource management in the Philippines. Founded in 1984, it started doing research and organizing in coastal communities in Lingayen Gulf in Northern Luzon. Tambuyog initiated a knowledge management and advocacy base in the fisheries sector through the establishment of the Community-Based Coastal Resource Management (CBCRM) School, a capability-building programme that aims to develop resource managers from the ranks of municipal fishers nationwide.



The CBCRM approach centers on the role of communities in the management of their resources—too often overlooked by government programmes—and their rights to enjoy the benefits resulting from their collective action.

In Tambuyog's belief, communities ultimately are the best resource managers because they have the greatest stake in the preservation of resources which they depend on for survival. The gap between the ideal and the present capacities to manage remains, though. But through exchange and synergy of indigenous

or local knowledge with scientific investigation, and continuous capacity building and consciousness raising, communities may be able to slowly manifest ownership of the coastal resources. This assertion to 'ownership', 'claim', or 'entitlement'-- called community property rights -- is at the heart of Tambuyog's vision of empowering coastal communities and marginalized sectors of the fishing industry.

Since 2002 Tambuyog has expanded its expertise to include fisheries trade issues. It conducted the Sustainable Fisheries and Trade Campaign Project, which was aimed at influencing fisheries trade policies in the World Trade Organization (WTO) and other international trade negotiations. For 12 years Tambuyog has been the Regional Co-ordinator and Secretariat of the Southeast Asian Fish for Justice Network

(SEAFish-J), a regional alliance of 14 NGOs and two national fisherfolk federations from seven countries. The network proffers its perspective and platform on fisheries and coastal concerns in the region and at the global arena.

Tambuyog continues to mark its name in instituting fisheries policy reforms, including in the recent policy amendments of the Philippine Fisheries Code, otherwise known as Republic Act (RA) 10654, through its strategic representation and participation in institutionalized mechanisms and platforms for participatory fisheries governance, such as in the Philippine Council on Agriculture and Fisheries (PCAF) and the National Fisheries and Aquatic Resources Management Council (NFARMC).

– by Dinna Lacsamana-Umengan (dinnaumengan@yahoo.com)

UNPSA

## Sustainable Fisheries

**Resolution No. 73/125 adopted by the UN General Assembly on 11 December 2018 on “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments”.**

The General Assembly

**R**eaffirms the importance it attaches to the long-term conservation, management and sustainable use of the living marine resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention, in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;

Notes with satisfaction that, in “The future we want”,<sup>12</sup> States addressed the sustainable development of fisheries, recognized the significant contribution of fisheries to the three dimensions of sustainable development and stressed the crucial role of healthy marine ecosystems, sustainable fisheries and sustainable aquaculture for food security and nutrition and in providing for the livelihoods of millions of people, and encourages States to implement the commitments made in “The future we want”;

Calls upon States to implement the Sustainable Development Goals outlined in the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, as adopted by the General Assembly in its resolution 70/1, including Goal 14 to conserve and sustainably use the oceans, seas and marine resources for sustainable development, and recalls that the Goals and targets are integrated and indivisible;

Reiterates, in this regard, the call for action to be taken on an urgent basis to conserve and sustainably use the oceans, seas and marine resources for sustainable development made in the declaration entitled “Our ocean, our future: call for action”;

Also encourages States to promote the consumption of fish sourced from sustainably managed fisheries;

Further encourages States to consider sustainable

aquaculture, consistent with the Code, as a means to promote diversification of the food supply and of income, while ensuring that aquaculture is conducted responsibly and adverse impacts on the environment are minimized;

Notes the concern expressed by the Committee on Fisheries of FAO, at its thirty-third session, with regard to the vulnerability of fisheries and aquaculture communities to climate change and extreme events and, in particular, the impacts on small-scale fisheries and small island developing States, and urges States to consider appropriate action in this regard;

Also encourages States to apply the precautionary approach and ecosystem approaches in adopting and implementing conservation and management measures addressing, inter alia, by-catch, pollution and overfishing, and protecting habitats of specific concern, taking into account existing guidelines developed by FAO;

Calls upon, in this regard, States, individually in line with their national legislation or through regional fisheries management organizations or arrangements, to take steps as appropriate to ensure the safety of observers;

Calls upon States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to FAO required catch and effort data, and fishery-related information, in a complete, accurate and timely way, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards; and, where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and, when such obligations are not met, require the member concerned to rectify the problem, including through

the preparation of plans of action with timelines;

Calls upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organizations or arrangements and national measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

Urges States to eliminate barriers to trade in fish and fisheries products which are not consistent with their rights and obligations under the World Trade Organization agreements, taking into account the importance of the trade in fish and fisheries products, particularly for developing countries;

Recalls that, in “The future we want”, States committed themselves to observing the need to ensure access to fisheries and the importance of access to markets by subsistence, small-scale and artisanal fisherfolk and women fish workers, as well as indigenous peoples and their communities, particularly in developing countries, especially small island developing States;

Notes that the Committee on Fisheries encouraged FAO to provide capacity-development and technical support to small-scale fisheries, including by addressing socioeconomic, gender dimensions, and post-harvest and data collection challenges in the sector;

Urges States and relevant international and national organizations to provide for the participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries

resources, and encourages States to consider promoting, as appropriate, participatory management schemes for small-scale fisheries in accordance with national laws, regulations and practices, as well as the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication of FAO;

Welcomes action taken by FAO and a number of regional organizations to support the implementation of the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication through regional plans of action, dedicated working groups and other initiatives;

Welcomes, in this regard, the initiation of further studies by FAO of the impact of industrial fishing activities on species corresponding to low trophic levels;

Invites FAO to assess and consider the potential risk and effects of genetically engineered fish species on the health and sustainability of wild fish stocks and on the biodiversity of the aquatic environment and to provide guidance consistent with the Code, on managing risk and minimizing harmful impacts in this regard;

Calls upon States to consider potential environmental and socioeconomic impacts of anthropogenic underwater noise from different activities in the marine environment and to address and mitigate such impacts, taking into account the best available scientific information, the precautionary approach and ecosystem approaches, as appropriate.

Source: <https://undocs.org/en/A/RES/73/125>

The ICSF Statement at the 4th Round of Informal Consultations of States Parties to the UNFSA on 2 May 2019 at the United Nations can be accessed at:

[https://www.icsf.net/images/resources/papers\\_presentations/ICSF\\_statement\\_](https://www.icsf.net/images/resources/papers_presentations/ICSF_statement_)

## INFOLOG: NEW RESOURCES AT ICSF

### Publications

#### IPBES' 2019 Global Assessment Report on Biodiversity and Ecosystem Services

Prepared by 150 leading international experts from 50 countries, balancing representation from the natural and social sciences, with additional contributions from a further 250 experts, working with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the Global Assessment of Biodiversity and Ecosystem Services will inform better policies and actions in the coming decade.

<https://www.ipbes.net/news/ipbes-global-assessment-preview>

The flexibility clauses of the Work in Fishing Convention, 2007 (No. 188): Working Paper No. 315

#### Flexibility aims at facilitating widespread acceptance of the Convention by permitting to adapt, where necessary and under specific conditions, the level of protection afforded by the Convention to particular national practices and circumstances.

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/publication/wcms\\_618563.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_618563.pdf)

#### Letters from the Mekong: Toward a Sustainable Water-Energy-Food Future in Cambodia

Each year, the entire Mekong Basin produces a 2.6 mn tonnes freshwater fish catch that supports the diets and livelihoods of more than 60 mn people living in the basin. The Tonle Sap Lake alone provides an annual freshwater fish catch of around 500,000 tonnes, which provides Cambodians with 75 per cent of their protein intake.

[https://www.stimson.org/sites/default/files/file-attachments/WEB-FEB\\_Cambodia%20Report.pdf](https://www.stimson.org/sites/default/files/file-attachments/WEB-FEB_Cambodia%20Report.pdf)

#### Gender Analysis: Ghana's Artisanal Fisheries 2019

Women play a vital part in Ghana's fisheries as business owners and fishmongers, yet have little say against the illegal fishing methods that are damaging their livelihoods. This gender report, co-authored by Hen Mpoano and the Environmental Justice Fund under the Far Dwuma Nkldo project, provides a close look at the gender dynamics of the artisanal fisheries sector.

<https://ejfoundation.org/resources/downloads/Ghana-GENDER-ANALYSIS-2019-final.pdf>

#### Report of the Special Rapporteur on fishery workers and the right to food (A/HRC/40/56)

First, the report details the essential role that fishery workers play in contributing to the food security and nutrition of others, thus enabling the greater realization of the right to food. Secondly, it discusses the unique barriers that fishery workers face to the enjoyment of their own human rights, specifically the right to food, with special attention to vulnerable groups of fishery workers, including women, children, migrants and indigenous communities. Finally, it focuses on the obligations of States under international legal frameworks and the potential contribution of the private sector, international and regional organizations and consumers to enabling the realization of the right to food of fishery workers in a changing global food system.

<https://undocs.org/A/HRC/40/56>

## FLASHBACK

### Looking beyond Fisheries

This issue of *SAMUDRA Report* carries seven articles—including two extracts—that report on modest to well-attended workshops for raising awareness and for supporting implementation of the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines).

They were held in different places—ranging from the Mediterranean to the Indian Ocean and the Pacific—within a time span of eight months during 2015-16 at the regional, national and local levels, and



were organized by the Food and Agriculture Organization of the United Nations (FAO), regional bodies, fisheries projects, national governments, civil society organizations (CSOs) and non-governmental organizations (NGOs). Nearly 600 participants representing various stakeholders from over 50 countries, mostly developing countries, attended these workshops.

The workshops saw the SSF Guidelines as a tool to eliminate the marginalization of small-scale fisheries actors at various levels. They highlighted the significance of a holistic and human-rights-based approach, a dimension not upheld in any fisheries instrument so far. Several examples of good practices were provided in relation to legal systems and institutional structures that can potentially support the implementation process.

The Guidelines should, in the first place, act as a reference framework to guarantee preferential access rights to small-scale fisheries and to enable the participation of small-scale fisheries actors, including migrants, in institutional arrangements for sustainable fisheries. Secondly, the Guidelines should seek a balanced outcome and help reform fisheries and social legislation and policies at various levels to protect the right to life and livelihood of marginalized small-scale fishing communities and women in small-scale fisheries, within an ecosystem approach, a gender-sensitive approach and a human-rights-based approach. Thirdly, the Guidelines should assist in winning support from non-fisheries actors to help the social development of fishing communities, both within and outside the fisheries sector.

Towards reaching these goals, we strongly urge governments to take the lead in establishing regional and national plans of action to implement the SSF Guidelines by making space for both State and non-State actors in a consultative and participative manner, upholding the principles of accountability, rule of law and transparency. Such a move—which goes beyond the immediate bounds of 'fisheries'—can trigger an irreversible process of undoing the marginalization of small-scale fishing communities in different parts of the world.

—from *SAMUDRA Report* No. 73, April 2016

## ANNOUNCEMENTS

### MEETINGS

People and the Sea Conference in Amsterdam, The Netherlands, 25-28 June 2019

The Centre for Maritime Research (MARE) is preparing its 10th international People and the Sea Conference that will take place in Amsterdam, The Netherlands, on June 25-28, 2019.

<http://www.marecentre.nl/2019-people-the-sea-conference/>

10th Session of the COFI Sub-Committee on Aquaculture (FI-702), Norway, Trondheim, 22 August 2019 - 26 August 2019

<http://www.fao.org/fishery/nems/41140/en>

17th Session of the COFI Sub-Committee on Fish Trade (FI-709), Spain, Vigo, 25 November 2019 - 29 November 2019

[www.fao.org/fishery/nems/41152/en](http://www.fao.org/fishery/nems/41152/en)

Twenty-third meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, 25 - 29 November 2019, Montreal, Canada

<https://www.cbd.int/meetings/SBSTTA-22>

### WEBSITE

<https://www.fisheries.noaa.gov/feature-story/ecosystem-based-fishery-management-implementation-plans-released>

NOAA Fisheries released nine implementation plans that identify priority actions and milestones for Ecosystem Based Fisheries Management nationally and regionally for the next five years. Each plan identifies milestones for a specified geographic area.

These milestones will help the agency meet sustainable fisheries goals under multiple mandates by more holistically considering social, economic and biological trade-offs across fisheries.