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Information note

The relationship between the governance of small-scale fisheries and the realization of the right to adequate food in the context of the Sustainable Development Goals

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This note was prepared in collaboration with the UN Office of the High Commissioner of Human Rights (OHCHR).

Key messages

- › The 2030 Agenda for Sustainable Development is anchored in human rights, and is to be implemented in accordance with international human rights law.
- › The Sustainable Development Goals (SDGs) aim to realize the right to adequate food by protecting and promoting access to productive resources and means of procurement, as well as promoting social protection and measures aimed at improving nutrition.
- › The SDGs clearly recognize how access to fisheries and related resources and support to small-scale fishers are important to poverty eradication, food security and improved nutrition.
- › The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication lay down normative, institutional and operational frameworks to implement – using a human rights-based approach – those SDGs pertaining to poverty eradication, food and nutrition security, and the governance of small-scale fisheries.
- › The human rights-based governance of small-scale fisheries (SSF) helps address the root causes of poverty, food insecurity and malnutrition, particularly for fishers and fishworkers.
- › The follow-up mechanisms of the SDGs and human rights monitoring bodies, as well as project and programme implementation instruments of specialized agencies (such as FAO), should contribute to the human rights-based implementation of the SDGs relating to food security and SSF.

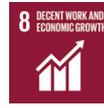




Introduction

The 2030 Agenda for Sustainable Development is explicitly grounded in international human rights law. Its Sustainable Development Goals (SDGs) aim to realize the human rights of all without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status. The Agenda is to be implemented in a manner that is consistent with the obligation of states to respect, protect and promote human rights and fundamental freedoms. Its processes shall be guided by the principles of equality and non-discrimination, participation and transparency, human dignity and empowerment, and accountability and the rule of law. With its particular focus on those left behind and “reaching the furthest behind first”, the 2030 Agenda encourages states to address structural barriers that exacerbate and perpetuate discrimination, exclusion and marginalization.

The 17 interrelated SDGs and their targets cover a wide range of sectoral issues, from food security and nutrition to the sustainable use of natural resources. Many of the goals and targets relate closely to economic, social and cultural rights (UNGA, 2016). Some of the goals, such as Goal 5 on achieving gender equality, Goal 10 on reducing inequalities and Goal 16 on promoting peaceful and inclusive societies, enshrine clear human rights principles and cut across the various sectors covered by other SDGs. This conceptual-level information note seeks to highlight the human rights aspects of the goals and targets relating to food security and small-scale fisheries (SSF), particularly from the perspective of the right to adequate food, and to demonstrate how this interrelationship plays out in the monitoring mechanisms established by relevant instruments. It is the product of a collaborative effort between the Food and Agriculture Organization of the United Nations (FAO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to support, using a human rights-based approach, the integrated implementation and monitoring of those SDGs that are particularly relevant to the mandate of FAO. It is meant to inform and inspire relevant initiatives of governments, civil society organizations (CSOs), intergovernmental bodies and other relevant actors.



The right to adequate food in the SDGs

The right to adequate food is realized when every man, woman and child, alone and in community with others, has physical and economic access at all times to adequate food or the means for its procurement (CESCR, 1999, paragraph 6). **SDG 2** makes use of closely related language in setting the target of ending hunger and ensuring access to safe, nutritious and sufficient food all year round by all people, in particular the poor and people in vulnerable situations, including infants (**Target 2.1**).

The right to adequate food seeks to promote access to food through production, procurement, or through provision to those who are unable to feed themselves. The goals and targets on access to productive natural resources (contained in **SDGs 1, 2, 14** and **15**), productive employment and decent work (**SDG 8**), and social security (**SDG 1.3**) relate closely to the means of realizing the right to food. **SDGs 1** and **2** set targets which clearly demonstrate the importance of access to land and other natural resources (such as fisheries) to ending hunger and poverty and achieving food security and improved nutrition (**Targets 1.4** and **2.3**). **SDG 1** goes further to include a specific target on the need to implement social protection systems with substantial coverage for the poor and the vulnerable (**Target 1.3**), which includes those who may not be able to feed themselves through production and procurement.

Small-scale fisheries are particularly relevant to the realization of the right to adequate food because they are a very important source of food, nutrition, employment and livelihoods for millions of people around the world. They employ more than 90 percent of the world's capture fishers and fishworkers, about half of whom are women (FAO, 2015). Ninety-five percent of small-scale landings are destined for local consumption. Small-scale fishing communities also face different forms of vulnerability and marginalization in many developing countries, where 90 percent of them operate.

Small-scale fisheries in the SDGs and the relationship with the right to adequate food

Fisheries governance and development have evolved from a focus on biological approaches, to the conservation of resources, to a more people-centred approach that recognizes fisheries as sources of livelihoods, sites of expression of cultural values and identities, and a buffer against shocks for fisheries-dependent communities. This evolution is particularly important in the context of SSF, which are characterized by the special relationship between local communities and adjacent fishery resources. It is built into the [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication](#) (SSF Guidelines), which were endorsed by the FAO Committee on Fisheries in 2014. The Guidelines aim not only to achieve the responsible management

and conservation of fisheries resources, but also to support the progressive realization of the right to adequate food and contribute to the equitable socio-economic development of SSF communities and fishers. These objectives are to be achieved through the promotion of a human rights-based approach (HRBA) that seeks to ensure the empowerment and non-discriminatory participation of fishing communities in decision-making processes by placing emphasis on the benefit of vulnerable and marginalized groups (SSF Guidelines, Chapter 1).

The SDGs recognize the important place of SSF in the context of efforts to end hunger and poverty and to achieve food security and improve nutrition (SDGs 1 and 2). One of the targets under SDG 1 is to ensure that by 2030 all men and women, particularly the poor and the vulnerable, have equal rights, ownership and control over land and other natural resources, including fisheries (Target 1.4). SDG 2 sets a specific target to double the agricultural productivity and income of small-scale fishers, for example through secure and equal access to land and other productive resources, inputs and services (Target 2.3). The targets are framed in language that reflects the HRBA promoted by the SSF Guidelines, and the envisaged actions will contribute to the realization of the right to adequate food for communities that depend on SSF.

Despite the general accessibility and affordability of fish for small-scale fishing communities, they often face food insecurity and malnutrition because of, inter alia, their location in remote rural areas with weak governance structures, their high exposure to disease, and their lack of dietary diversification. For example, a study conducted in Southern India found that more than 70 percent of women fishers in coastal communities were anaemic, even though they spent about 60 percent of their earnings on food (HLPE, 2014, p. 66).

The clear recognition of the importance of access to fisheries and related resources and support to small-scale fishers to poverty eradication, food security and improved nutrition is supplemented by the more specific Target 14b to “provide access for small-scale artisanal fishers to marine resources and markets” under SDG 14. While access to resources and markets clearly relates to the means by which food is produced and procured, the provisions of the SSF Guidelines relating to the governance and management of resources (Chapter 5) and access to markets (Chapter 7) provide useful guidance for the achievement of this target.

Actions to achieve the above targets could address the problems of security of tenure and unequal power relations between SSF communities and other actors. A case in point is the forced eviction of fishing communities for various purposes, such as the creation of conservation or marine protected areas, large-scale irrigated agriculture, hydropower development, coastal infrastructure, tourism, natural resource extraction, industrial aquaculture, and damming. These evictions occur without adequate notice, consultation or compensation (Ratner, Asgard and Allison, 2014, pp. 120–130). While some of these purposes may have implicit livelihood and food security objectives, arbitrary forced eviction would adversely affect the realization of the right to food and other human rights. Participatory management schemes such as co-management are promoted as ways of ensuring the sustainable use of fisheries resources by balancing conservation imperatives with the livelihoods, needs, knowledge, interests and rights of SSF communities. In terms of access to markets, vulnerable and marginalized groups would need special support in order to address the unequal power relationships among value chain actors.



Several countries, including Fiji, Palau, Papua New Guinea, Samoa, Solomon Islands, Vanuatu and Venezuela, have taken legal measures to recognize the traditional access or territorial rights of communities to nearshore fishing grounds. With regard to the management of coastal fisheries, the legal recognition of traditional management systems in countries such as Fiji, Indonesia, Panama, Peru, the Philippines and Palau provides a good example in terms of giving attention to the collective rights and experience of SSF communities. In the context of community-based or co-management arrangements, attention should be paid to issues of gender equality, participation, transparency and accountability in decision-making.

The special attention paid to SSF communities in measures to eradicate poverty, food insecurity and malnutrition, as well as in the conservation and sustainable use of resources as illustrated above, is in line with the HRBA that permeates the SDGs. It also contributes to the realization of the right to adequate food, which primarily implies the right to feed oneself and one's family in dignity.

Monitoring mechanisms

The interrelated aspects of the SDGs, SSF and the right to adequate food should be implemented and monitored by a multitude of actors at different levels. Governments have the primary responsibility of achieving the SDGs and realizing the right to adequate food at the national and local levels (among others), through policy, legal, institutional, budgetary and other measures. SSF communities have an important role to play not only in terms of claiming their rights but also contributing to the conservation of resources. International organizations such as the UN agencies should help in mobilizing finances for development, providing capacity development and other technical support to states, offering data and best practices on the implementation of the various goals and standards, and (where they have the mandate) conducting follow-up and monitoring. Private actors such as corporations are also expected to contribute to the achievement of the SDGs, for example by adopting sustainability practices (**SDG Target 12.6**), and to avoid engaging in conduct that adversely affects the ability of individuals to feed themselves and their families. Other actors such as CSOs, national human rights institutions and academic institutions should play the important roles of advocacy, awareness raising, research, monitoring and documenting the efforts to implement the SDGs using a HRBA.

The primary monitoring forum is at the national level, where there should be effective, accountable and inclusive institutions; public access to relevant information; and access to justice for all (**SDG 16**). At the international level, the mechanisms envisaged in the 2030 Agenda should consider the right to food dimensions of relevant SDGs, such as goals **1**, **2** and **14**. Human rights monitoring bodies with a mandate to review the implementation of the right to adequate food should examine steps taken to achieve pertinent SDG targets as well as SSF governance and development objectives. The monitoring of fisheries or SSF-related programmes and projects at FAO and other organizations should take the right to food angle into account.

The High-level Political Forum (HLPF) on Sustainable Development is the main UN platform for monitoring progress under the 2030 Agenda. Member States participate in the Voluntary National Review, which aims to facilitate the sharing of experiences, including successes, challenges and lessons

learned, with a view to accelerating the implementation of the Agenda. These states are encouraged to conduct regular and inclusive reviews of progress at the national and subnational levels. The HLPF has already undertaken thematic reviews on specific SDGs. The **SDG 2** review, for example, highlights critical issues of relevance to the right to adequate food, although it does not explicitly identify the human rights dimensions (HLPF, 2017, p. 9).

The clear relevance of human rights to the SDGs would require international human rights monitoring mechanisms to pay attention to specific human rights-related goals and targets, and more generally to ensure that the SDGs are implemented in accordance with international human rights law. The Universal Periodic Review (UPR) of the UN Human Rights Council (HRC) provides a forum for the review of the human rights records of all UN Member States based on internationally adopted standards (OHCHR, 2017). Through the assessment of national human rights situations, constant dialogue with Members States, recommendations for action, sharing best practices globally and the provision of technical assistance, the UPR strives to improve the human rights situation on the ground. It can contribute positively to an adequate standard of living for small-scale fishers and to the realization of the right to adequate food.

During a 2014 review of the Dominican Republic, recommendations to continue and strengthen the progress made towards the realization of the right to adequate food and Millennium Development Goal 1 (HRC, 2014) eventually led to the adoption of a right to food law in 2016. The law recognizes the key role of access to resources and sustainability and underscores the importance of supporting the most vulnerable, including artisanal fishers, in order to enhance progress towards the realization of the right to adequate food for all.

The right to adequate food is protected under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the implementation of which is monitored by the Committee on Economic, Social and Cultural Rights (CESCR). The CESCR provides Member States with independent expert recommendations on how to ensure the realization of the rights guaranteed by the ICESCR through its concluding observations on states' reports, views on individual communications, and general comments on the various rights. It contributes to the human rights-based implementation of the SDGs in consideration of their close relationship with economic, social and cultural rights. The CESCR has reiterated the importance of fisheries for the realization of several of these rights, notably the pivotal role of access to resources in the realization of the right to adequate food (CESCR, 1999).

In its concluding observation on the Philippines in 2016, the CESCR expressed its concern at the high incidence of absolute poverty among small-scale fishers and the threats to their livelihoods. While welcoming the legal reforms providing preferential treatment to coastal communities, it also recommended coastal zoning and improvement of fishers' income with guidance from the SSF Guidelines (CESCR, 2016, pp. 45–46).

The SSF Guidelines call for the participatory and gender-sensitive assessment by states of progress in their implementation, including the impact on the realization of the right to food (paragraph 13.4). The Guidelines should be implemented at the national level through programmes and/or projects that involve state institutions, SSF communities and other relevant actors. In FAO, for example, the instruments that guide the formulation and implementation of programmes and projects (i.e.

the FAO Country Programming Frameworks [CPFs] and the Guide for Project Cycle) integrate the HRBA, including the right to food, as a programming principle. This means that SSF-related projects and programmes should be steered by human rights principles from conception to monitoring and evaluation, and that the activities should contribute to the realization of the right to adequate food. Such an approach has been adopted in a few CPFs, such as the one for Cabo Verde 2012–2016 (adjourned until the end of 2017) which focuses on the legislative framework for the right to adequate food as well as a national strategy for Blue Growth.

In addition to the benefits of effective targeting and sustainability that draw from the application of the HRBA, the integrated implementation and monitoring of the right to food and SSF goals directly contributes to the achievement of the SDGs reviewed above, and to the 2030 Agenda more generally.

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