Report of the

FISHERIES TENURE AND USER RIGHTS: LATIN AMERICA AND CARIBBEAN REGIONAL WORKSHOP

Valparaíso, Chile, 22–25 October 2019
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**PREPARATION OF THIS DOCUMENT**

This is a report of the *Fisheries Tenure and User Rights: Latin America and Caribbean Regional Workshop*, which was organized by the Food and Agriculture Organization of the United Nations (FAO) and INFOPESCA with support from the Republic of Chile and the Korea Maritime Institute (KMI) of the Republic of Korea. The meeting was held from 22 to 25 October 2019 in Valparaíso, Chile.

**ABSTRACT**

This workshop was the second of a series of regional workshops on fisheries tenure and user rights. It aimed to discover regional nuances and specificities of the Latin America and Caribbean area to develop how-to guidance on appropriate tenure systems and rights-based approaches for fisheries. Representatives from both government and non-government sectors attended this workshop.

Participants at the workshop presented fisheries tenure and user rights of 11 countries, including Argentina, Brazil, Chile, Costa Rica, Ecuador, Jamaica, Grenada, Guatemala, Mexico, Panama and Uruguay.

Participants discussed in plenary three topics: 1) Recognition and allocation of tenure rights and responsibilities; 2) Transfers and other changes to tenure rights; and 3) Administration of tenure.

Participants made recommendations for future work, including (1) increasing efforts on securing small-scale fishers rights; and (2) finding solutions on how different sectors can coexist. To do so, participants requested more information and guidance on tenure and user rights in fisheries along with on-the-ground support.
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# Abbreviations and Acronyms

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<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>ARAP</td>
<td>Aquatic Resources Authority of Panama</td>
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<td>COFI</td>
<td>Committee on Fisheries (FAO)</td>
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<td>CONAPESCA</td>
<td>National Commission of Aquaculture and Fisheries</td>
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<td>CONFEPESCA</td>
<td>Confederation of Artisanal Fishers of Central America</td>
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<td>DINARA</td>
<td>National Directorate of Aquatic Resources, Uruguay</td>
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<td>DIPESCA</td>
<td>Directorate of Fisheries and Aquaculture Regulations, Guatemala</td>
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<td>FAD</td>
<td>Fishing aggregating device</td>
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<td>FAO</td>
<td>Food and Agriculture Organization of the United Nations</td>
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<td>GRT</td>
<td>Gross register ton</td>
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<td>INCO Pesca</td>
<td>Costa Rican Institute of Fisheries and Aquaculture</td>
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<td>IQ</td>
<td>Individual quota</td>
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<td>KMI</td>
<td>Korea Maritime Institute</td>
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<td>MCS</td>
<td>Monitoring, control and surveillance</td>
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<td>MPA</td>
<td>Marine protected area</td>
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<td>NGO</td>
<td>Non-governmental organization</td>
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<td>OSPESCA</td>
<td>Central America Fisheries and Aquaculture Organization</td>
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<td>RBA</td>
<td>Rights-based approaches</td>
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<td>RESEX</td>
<td>Extractive reserves <em>(Reservas Extrativistas)</em></td>
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<td>RFB</td>
<td>Regional fisheries bodies</td>
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<td>SDG</td>
<td>Sustainable Development Goal</td>
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<td>SPRFMO</td>
<td>South Pacific Regional Fisheries Management Organization</td>
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<td>SSF Guidelines</td>
<td>Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication</td>
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<td>SUBPESCA</td>
<td>Undersecretariat of Fisheries and Aquaculture of Chile</td>
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<tr>
<td>TAC</td>
<td>Total allowable catch</td>
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<td>TURFs</td>
<td>Territorial use rights in fisheries</td>
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<td>VGGT</td>
<td>Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security</td>
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<td>VMS</td>
<td>Vessel monitoring system</td>
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OPENING AND INTRODUCTION

1. Due to the unusual circumstances, the opening was shortened and M. Amber Himes-Cornell, FAO, Ms Graciela Pereira, INFOPESCA, Ms Sukran Moon, KMI, and Mr Jürgen Betzhold, SUBPESCA gave short welcome addresses. After this, participants introduced themselves, and a group photo was taken.

2. Mr Juan Lechuga Sanchez, FAO Consultant, presented the objectives of the workshop which were to:
   - share information and practical experiences,
   - gather feedback,
   - identify challenges, and
   - develop next steps for the FAO advice on the design and implementation of fisheries tenure and rights.

3. He introduced the expected outputs in response to respective objectives. He informed the participants of the work schedule over the three and half days: country presentations on the first day, plenary discussions on the second day, a field trip on day three and, finally, reporting back and the closing on the last day.

4. Following to the workshop overview, Mr Lechuga gave an overview of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). He introduced the VGGT as the global instrument that provides a reference for improving the governance of land, fisheries and forests. He highlighted the role that tenure has in the relationship between people and natural resources. He defined tenure as who can use what resources, for how long, and under what conditions. He summarized the structure and components of the VGGT and how they were linked to the workshop discussion topics. He also reviewed mandates from FAO’s Committee on Fisheries (COFI) and indicated the potential priorities for on which countries in the region might collaborate.

5. Ms Amber Himes-Cornell presented a summary of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) and how they relate to the topic of fisheries tenure and rights. She reviewed the principles in Chapter 5 of the SSF Guidelines, which focus on tenure issues in small-scale fisheries. She also provided examples of national initiatives seeking to incorporate the SSF Guidelines in national legislation.

COUNTRY PRESENTATIONS

6. Ms Katherine Bernal, a lawyer from the international affairs unit of SUBPESCA, reviewed the fishing right allocation system in the jack mackerel fishery in Chile and the compatibility between national fisheries regulations and the regional regulatory framework of the South Pacific Regional Fisheries Management Organization (SPRFMO). She explained how Chile regulates the jack mackerel fishery, estimating annually a total allowable catch (TAC) and allocating it among the industrial and artisanal fishing sectors. She further explained that Chile and other members of the SPRFMO agreed to adapt their national fisheries regulations to the regional regulatory framework of

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1 The original workshop and location had to be altered on-site due to mounting social unrest in Chile at the time. The FAO staff worked with the Undersecretariat of Fisheries and Aquaculture of the Government of Chile (SUBPESCA), who provided a safe location to host the workshop, and INFOPESCA, who efficiently arranged the logistics, to ensure that workshop participants were safe. As a result of local conditions, the original agenda had to be shortened and condensed on the first two days to comply with a government-mandated curfew. Despite these challenges, the participants believe the workshop was a success.

2 Taking into consideration the regional context and the language used in the LATCAR region, throughout this document we will use the term artisanal fisheries/fishers instead of small-scale fisheries/fishers.
the regional fisheries management organization. The estimated Chilean TAC for this fishery has to be equal to the allocated to the country by SPRFMO. Where the TAC allocated to Chile differs from a previously estimated TAC that is adopted internally by the country, the Chilean national regulations allow SUBPESCA to modify the quota allocation according to the one set by SPRFMO.

7. Mr Gonzalo Garrido, a fisheries specialist in the artisanal fisheries development department of SUBPESCA, presented the new Law of Caletas in Chile and the progresses in its implementation. Caletas are coastal spaces where direct and indirect activities of the artisanal fishing sector are carried out. They have a historical role as center of the activities of the artisanal fishing sector being very important economically, socially and culturally, and there are over 500 caletas that operate along the coast of Chile. The new law’s objective is to transform caletas, transitioning from a place where only activities related to the fishing sector occur to a space where the fishing community can diversify, allowing them to develop also post-harvest activities (e.g., fish processing), tourism, gastronomic activities and recreational fishing. This objective seeks to improve the economic situation of the artisanal fishing community.

8. Mr Claudio Baigún, Director of the Laboratory of Applied Fisheries Ecology of the National University of General San Martín, presented fisheries tenure and user rights in Argentina with a focus on the small-scale fishing sector. He focused on the case of the type S small-scale fisheries, which are artisanal fisheries along the Argentinian coast targeting sedentary stocks on specific areas. He explained that small-scale fishing communities are very vulnerable as they do not have any kind of recognized territorial use rights of the areas where they fish. Since provincial legislations do not give them secure territorial rights, fishing communities are unprotected and threatened by the multiple use of the coastal space. This includes activities such as tourism, recreational fishing, sand extraction, urban development on coasts, and the implementation of marine protected areas (MPAs). The lack of rights and the lack of organization leaves them helpless to address these threats.

9. Mr Baigún also gave an overview of freshwater fisheries and defined them as less organized, disperse, and more informal than marine capture fisheries. In large river systems, recreational and sport fisheries usually collide with artisanal fisheries by competing for the same resources. Fishing territories can overlap, and fishers have been sometimes displaced when access has been granted only for recreational fishing activities.

10. Mr Baigún gave recommendations on the way forward. Regarding marine fisheries, he suggested requiring that access to fishing areas is ensured by applying territory user rights to avoid conflicts with other sectors. In freshwater fisheries, he recommends a more participatory and inclusive ecosystem-based approach to management should be considered for managing artisanal fisheries. To do this, fisher organizations (e.g., cooperatives, associations, fisher councils) need to be strengthened to increase their social capital and empower communities. He also suggested that the concept of fishing territories in freshwater systems should be reviewed and discussed as the current fishery legislation is still not appropriate and might fail in protecting fisheries tenure and access rights.

11. Mr Fabricio Gandini Caldeira, oceanographer and team leader of the Maramar Institute for Coastal Management of Brazil, presented about fisheries tenure and user rights of artisanal fisheries in Brazil. In Brazil, there is no clear data of the number of artisanal fishers; however, it is estimated that 70 percent of the fishers are artisanal. About 10 percent of all the artisanal fishers in Brazil fish in protected areas called Reservas extravistas (RESEX), where only fishers who live in that area have rights to fish. However, apart from the RESEX there are no customary rights recognized as such in Brazil as there is no formal recognition of the artisanal fishing sector. Due to the lack of information about the small-scale fishing sector and the lack of legal recognition, small-scale fishers are unprotected against the threats from other sectors and emergencies, oil pollution being the biggest challenge. Actually, there is little dialogue between government and small-scale sector for addressing these threats.

12. Mr Nikita Gaibor, Deputy Director for the Scientific and Technical Department of the National Fisheries Institute of Ecuador, presented about fisheries tenure and user rights in Ecuador.
Ecuador has a very diverse ecosystems with a large number of species being exploited by the industrial and artisanal fishing sectors. Offshore, the industrial fishing sector focuses on tuna and mahi mahi, species that are exported mainly to the European Union and the United States of America. At the coast, artisanal fisheries employ around 60,000 fishers, generates approximately 30,000 jobs in sector-related employment and a 295 coastal communities involved in the fishing activity. He noted that it has been estimated that around 51 percent of the fishers are members of fishers' organizations. Coastal resources in Ecuador are open access although the coastal area from two to eight nautical miles is exclusively for artisanal fishing activities. The first nautical mile, measured from shoreline onwards, has been declared as nursery area, and it is closed to fishing activity. The objective of this closed area is not only to protect fishing resources and to secure the spawning of a variety of species, but also to protect different coastal habitats with high ecological value such as beaches, estuaries, mangroves, muddy lowlands, rocky coasts, cliffs and coastal wetlands. It has been estimated that 31 percent of the stocks are overexploited and that the number of fishers accessing the resource has increased over the years. Mr Gaibor summarized how Ecuador is trying to shift towards rights-based approaches (RBA) to fishery management. Ecuador is now implementing territorial use rights for fisheries (TURFs) for sustainability managing the mangrove cockle fishery and crabs in mangrove concession areas. This includes protecting mangrove ecosystems along with securing community rights to continue fishing. He concluded that the use of TURFs has helped recover mangrove ecosystems and target species; however, there is still a long way to go. A large area of mangroves needs to be protected, and more resources need to be devoted to supporting fishing communities, managing and monitoring mangroves areas, and helping creating strong fishing organizations. In particular, Mr Gaibor underlined the need to provide alternative work opportunities to those who are displaced by the use of TURFs and to provide a multidisciplinary platform that takes into account all stakeholders.

13. Mr Bernal Castillo, Director of the Office for Indigenous Peoples of the University of Panama and representative of the Indigenous People Alliance for Central America, presented about tenure and user rights in Panama and the customary fishing rights of the Guna people in Guna Yala. Fisheries law in Panama dates from 1959 and although it addresses industrial fisheries, commercial fisheries, subsistence fisheries, recreational fisheries and fishing activity for research, it mostly regulates the industrial sector. Customary rights are recognized, and the Guna people have the right to enforce and manage their own territory, including the management of fishing resources. Traditional authorities establish their own fishing management rules, including closed seasons, minimum sizes and fishing bans for species such as lobster. Additionally, since 2016 the government has include free, prior and informed consent in its legislation, which strengthens indigenous communities’ rights. Now, any measure that could affect the Guna territory has to be consulted and approved by the Guna community.

14. Mr Castillo pointed out that only recently the Aquatic Resources Authority of Panama (ARAP) and the Government of Panama have started a plan of action for achieving sustainable fisheries focused on improving the governance system and harvest and post-harvest activities. However, more work needs to be done to support indigenous communities on sustainably managing their resources and empower them. The Indigenous People Alliance for Central America is an initiative that tries to answer that need. This non-governmental organization (NGO) is developing capacity development activities for indigenous communities, as well as scientific studies, integrating indigenous knowledge and scientific knowledge.

15. Mr Pablo Puig, Head of the Artisanal Fisheries Unit from the National Directorate of Aquatic Resources (DINARA), summarized artisanal fisheries and tenure and user rights in Uruguay. In Uruguay vessels under 10 Gross Register Tons (GRT) are consider artisanal fishing vessels. The artisanal fleet is very heterogeneous, and artisanal fishers come from very diverse socio-economic and cultural backgrounds. Over two thirds of artisanal vessels operate in coastal waters while the rest operates in continental waters. In order to fish, artisanal fishers need to have a five years license for fishing linked to a vessel and its owner. Since the modification of the National Fisheries Act in 2013, the DINARA co-manages the resource with the artisanal sector through zonal fisheries councils. These councils are composed of representatives from the fishing communities and from the
government administration, and they include government agencies dealing with other related activities (e.g., ports management).

16. Mr Puig explained the main challenges regarding to the management system. First, licenses are not transferable. Seen as a solution 15 years ago when licenses started to be accumulated by money lenders, now it has become a problem. Old fishers that want to retire are not able to sell their boat or license. Secondly, excessive bureaucracy discourages fishers to follow the bureaucratic processes for maintaining/renewing their licenses, stimulating illegal fishing activity. DINARA is working now on possible solutions, including periodical revisions of the register of operating vessels and decentralizing competencies to the regional offices.

17. Mr Jorge López, Head of Extension and Training of the Costa Rican Institute of Fisheries and Aquaculture (INCOPEsca), presented about fisheries tenure and user rights in Costa Rica. In Costa Rica fishing activity takes place both in the Pacific Ocean and Caribbean Sea, and includes a very large number of species. Three government agencies are involved in fisheries management: the Ministry of Agriculture and Livestock, INCOPEsca, and the Ministry of Energy and Environment. The fisheries sector in Costa Rica is mostly small-scale with 85 percent (1898 licenses) of the licenses issued for artisanal fishing activities. Recreational fishing is also important, with 458 fishing licenses issued for fishing tourism. Mr López also gave an overview of the fishery management system in Costa Rica, which includes setting fishing zones for gear, type of fishery and species, licenses, gear regulation, minimum sizes, seasonal closures, and regular stock assessments. He focused on Marine Areas of Responsible Fishing in artisanal areas. There are 11 such areas, which are enclosed areas with biological, and socio-cultural importance that are co-managed through an ecosystem-based approach. Mr Lopez ended his presentation by listing the challenges faced by the fishery sector. This include improving research in fisheries, improving management, to implement new technologies in fisheries, promoting competitiveness and productivity, and improving access to internal and external markets.

18. Mr Francis Toby Calliste, Fisheries Officer of the Fisheries Division from the Ministry of Climate Resilience, Fisheries, Forestry and the Environment in Grenada, presented about tenure and user rights in Grenada. Grenada has a mixed fleet with longliners, pirogues and beach seiners that principally targets tuna and tuna like species, demersal species and inshore pelagic species. Small-scale fisheries in Grenada have a very important role as providers of food and employment. Fisheries in Grenada are open access; however, there are specific set of rights that are formally and informally recognized. The fishing aggregating device (FAD) fisheries are closed access and fishers involved in FAD fisheries need to be members of FAD organization. TURFs are allocated to beach seiners in recognition of their traditional tenure rights. Subsistence fishers are also protected. Co-management has gained momentum and is becoming a useful tool in Grenada for fishery management. Grenada’s government collects data from all fisheries, including open access, and vessels are registered and inspected. MPAs are used as a tool by government for ensuring sustainable fisheries, and they are implemented following a participatory approach. However, other MPAs sponsored by donors are less carefully implemented, as they are implemented faster and sometimes fishers are displaced.

19. Mr Calliste indicated that the main challenges for fisheries tenure in Grenada are the limited capacity of the government, the inadequate fisheries policy, and marine spatial planning policy which gives priority to tourism and the inadequate implementation of MPAs by donor organizations. He gave recommendations on the way forward, for addressing those challenges, namely improving fisheries policy and coastal management by building human capacity among stakeholders, strengthening fisher organisations, engaging in stakeholders consultation, establishing mechanisms for sourcing sustainable financial resource, enhancing data collection for decision making, and introducing vessel monitoring systems (VMS).

20. Mr Carlos Marin Arriola, Director of the Directorate of Fisheries and Aquaculture Regulations (DIPESCA), presented about tenure and user rights in Guatemala. Mr Marin gave an overview of the fleets operating in Guatemala, divided by artisanal, small scale, medium scale, recreational, research fisheries and industrial. Access to fisheries resources in Guatemala is open, and no specific tenure or user rights are in place. Open access to fisheries resources in coastal areas is
creating conflict. The increasing population and the food insecurity is pushing people to seek new opportunities as fishers, and coastal communities and newcomers end up competing for the resources. The new law for fisheries and aquaculture foresees the allocation of tenure rights to coastal communities along with co-management responsibilities. Improving the fishing sector is seen as a priority for Guatemala in order to provide food security. However, since DIPESCA is included in the Ministry of Agriculture, agricultural policies are usually prioritised over promoting fisheries policies.

21. Mr Jürgen Betzhold, presented about tenure and user rights in Chile. Small-scale and industrial fisheries in Chile are defined by the gross register tons (GTR) and the length of the vessel. Artisanal fishers have also to be registered in the official registry for artisanal vessels. The list is actually closed and is one of the sources of conflict as fishers are demanding the reopening of the list for the inclusion of new vessels. Fishers spend 3 years without fishing it will be removed from the list. Currently, there are in total 95 716 artisanal fishers and 163 species of commercial interest. Data on the fish stocks is collected annually, and stock assessments are published. There is a separate fisheries agency that is in charge of the data collection.

22. Mr Betzhold gave an overview of the situation and evolution of fisheries since 2013, when the Chilean Fisheries Act was modified. Management committees composed of government, fishers and industry representatives have been created for managing in 33 fisheries. He noted that conflicts are arising between small-scale fishers and the government. When stock assessments suggest the reduction of total allowable catches or fisheries closures, small-scale fishers argue that socio-economic parameters have not been taken into consideration. He also noted there is a belief that communication between small-scale fishers and the government should be increased. Jürgen advocated for an ecosystem based approach to fishery management that takes into consideration not only environmental parameters, but also economic and social parameters. He finally presented the different type of tenure and user rights in Chile, including transferable quotas for industrial fisheries, quotas for artisanal fisheries, licenses for industrial fisheries and licenses for artisanal fisheries linked to a registry.

23. Mr Ian Jones, Senior Fisheries Officer from the National Fisheries Authority of Jamaica, presented about fisheries tenure and user rights in Jamaica. Fisheries in Jamaica are predominantly small-scale and contribute to direct and indirect employment of over 40 000 people and to the livelihoods of over 200 000 people. There are no user rights or tenure systems established other than licensing and the individual quota (IQ) system for the conch fishery, being coastal fisheries open access. The National Fisheries Authority is in charge of the management of the fishery and of granting fishing licenses, permits and authorization. Licenses, permit and authorizations are monitored and enforced by fishery inspectors, including coast guard and marine police. When conflicts occur, these are handled through appeals to the Minister, where licenses are revoked, refused to be granted, suspended, or cancelled. Licenses do not provide any direct protection in the event of natural disasters or emergencies, but where compensation efforts exist there is preference given to licensed fishers. The concept of co-management is practiced by government but is not entrenched or well developed. Due to weak fisher organizations, the participation of fishers is minimal. Mr Jones further provided examples of transfers and changes of tenure and user rights in fisheries. In the conch fishery, IQs are reallocated among the participants of the fishery when an IQ holder has not used a processing plant in a year. When fish sanctuaries or special fishery conservation areas are established, fishers are involved in the process. In the case of oil and gas exploration, fishers are generally compensated.

24. Mr Jones also gave examples of how tenure and user rights systems in fisheries have help Jamaica achieve sustainability. Fish sanctuary programs have made the fishers stewards of the resource, helped attract funding resulting from increased productivity, and provided opportunities for eco-tourism and for youth and women. He explained that there is still work to do in the short term, as the legal establishment of a critical mass of manageable fishing beaches with clearly defined tenure (boundaries) and specific user rights for fishers (fishery management plans). Finally, in the context of an emerging blue economy, he noted the need to empower and sustainable fishers organizations and to address and improve overlapping policies by multiple agencies.
Ms María de Lourdes Jiménez Badillo, researcher at the Universidad Veracruzana, presented about tenure and user rights in Mexico. Tenure and user rights range from open access to formally and legally recognized user rights, including effort control, harvest control, and TURFs. The National Commission of Aquaculture and Fisheries (CONAPESCA) allocates inputs and outputs controls, through fishing permits and concessions. Rights are allocated based on a fisheries management plan established by the Mexican Government, which is implemented through a participatory process that includes the fishing sector and academia. There is, however, unequal participation in fishery management from fishers depending on the coast (Pacific and Atlantic). Principal conflicts come from tourism and extraction of energy resources such as oil.

Ms Jiménez explained how tenure and user rights have contributed to the sustainability of Mexican fisheries giving three success stories. In the Baja California lobster fishery, cooperatives have autonomy for developing their own internal regulations to manage the fishery. In the Punta Allen lobster fishery, the cooperatives are enforcing their own fishing areas. In Sonora, indigenous communities have been given territorial fishing rights through a presidential decree; they are owners and managers of the resource in the area. She further explained the characteristics that led to achieve this success. These fisheries are monospecific with high value; the government does not interfere in cooperatives’ decisions; the law is strictly enforced; communities are next to the resource; fisher income comes from both fishing and non-fishing sources, such as ecotourism; communities are united; communities’ rights to fish are recognized and legitimized; and fishers are involved in consultations regarding fishery management and in monitoring.

Mr Oscar Marroquin, President of the Confederation of Artisanal Fishers of Central America (CONFEPESCA), summarized the structure of fisheries governance in Central America and artisanal fisheries. In total, there are 135,400 fishers in Central America. Central American artisanal fishers are fairly young, ranging from 21–50 years old and have a low level of education. Fishers in Central America are generally not organized, and there are very low levels of affiliation to any fishers’ organization. This is a big concern for CONFEPESCA since few fishers organizations are involved in decision making and they are not ‘generally representative’ of the sector. The Central America Fisheries and Aquaculture Organization (OSPESCA) and CONFEPESCA have been working to ensure the organization of the fishers in Latin America as part of their regional governance strategy. Mr Marroquin explained that their first initiative has been working to develop guidelines for the artisanal sector to implement the SSF Guidelines in Central America. He ended by describing how CONFEPESCA participated and supported the development of the SSF Guidelines, being part of the whole process including the technical consultations that took place in 2013 and 2014.

PLENARY DISCUSSIONS

**Topic 1. Legal recognition and allocation of tenure and user rights and responsibilities**

Participants noted that the access to coastal resources is generally open in their countries. However, many of the countries in Latin America and the Caribbean have also situations where both open access and formal tenure and user rights coexist. These rights are generally allocated to organized groups that fish in certain area or certain species. For example, in Ecuador rights are given to those who harvest cockles in the mangroves and who are organized in cooperatives and communities. In Grenada, fisheries are open access but exclusive rights to fish are given to members of the FAD organization or to beach seiners. Participants stated that legislation should clearly describe when open access and defined tenure and user rights are compatible.

Participants indicated that one of the main challenges for the recognition and allocation of tenure and user rights is the lack of organization of the small-scale fishing sector. If groups or communities are not clearly identified, it is difficult to allocate or formalize tenure and user rights.

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3. The countries of CONFEPESCA include Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.
Furthermore, organized fishers can be empowered and have a louder political voice. In Uruguay, groups from other sectors have more political influence than the artisanal fishing communities because they are better organized. In contrast, in Costa Rica fishers that are organized have proven that they have more political strength for fighting for their rights.

30. Participants noted that allocation and recognition of tenure and user rights jointly with strong fishers’ organizations are key for protecting small-scale fishing communities against other sectors activities. Coastal artisanal fisheries are increasingly competing with other sectors for accessing marine resources and coastal land. In Grenada and Jamaica, tourism development is becoming a threat to artisanal fishers, who can lose their landing sites. In Uruguay, large infrastructure projects across the coast are causing displacement issues as well. Recreational fisheries in Argentina are becoming an increasing problem as they compete for resources with the small-scale fisheries sector. Particular mention was given to MPAs, which limit or ban the access to a certain marine area and where the protected area overlaps with the area where small-scale fishing activity takes place. This can create conflicts if fishers are displaced from the areas where they traditionally fish and do not perceive any benefits from that displacement, such as has been seen in Costa Rica.

31. It was acknowledged that fishing activity and post-harvest activities are linked to land tenure. Land ownership, for example, is sometimes used to selectively grant use of and access to beaches and needs to be managed to ensure access to water from land in order to provide stability and secure the livelihood of fishing communities against threats from coastal development. Similarly, land ownership and access granted to the shore for fishing communities fishing freshwater resources can ensure their access to water from land when access might be challenged by other land owners. Secure land ownership for fishing communities gives them the chance to strengthen their role in the value chain. Having secure land can allow communities to invest in infrastructure that adds value to fisheries products and gives fishers better access to markets (e.g., distribution centers). Participants agreed that adding value to fisheries product is necessary for ensuring price stability and reducing fishing effort.

32. Finally, participants discussed the need for scientific information to make informed decisions when allocating rights. Research is necessary for not only relying on a precautionary approach. However, it is also necessary to be careful on how to conduct research, in order to avoid that the accuracy of the results is not compromised by bad research practices. Additionally, it was suggested to take into consideration socio-economic values in order to keep tenure and user rights systems adaptable and able to consider community needs (e.g. giving the opportunity of future generations to join the sector).

**Topic 2. Transfers and other changes to tenure and user rights and responsibilities**

33. Participants discussed how diversification can or cannot help when tenure in fisheries changes. Diversification of activities can provide livelihood alternatives when fishers lose access to the resource due to fishery management measures (e.g., during fishing closures) or due to competition with other sectors. Ideas and experiences were shared regarding possibilities for diversifying activities. Diversification could take place within the sector, for example, fishing for other species when the closure of a fishing activity targeting a single species occur. Government and other stakeholders should assess what the different possibilities available are, learning about the fishing communities, fishing activities and environment in order to provide better advice to fishers for diversifying their fishing activities. Participants also suggested activities that fishers could undertake in the tourism sector. In Ecuador, some fishers have switched to tourism in the off seasons providing whale watching services and ecotourism in the mangroves, where they explain tourists about the fishing activities that occur in the mangroves and the mangrove ecosystem.

34. Participants, however, stressed that diversification also has challenges. Fishers often have difficulty in developing different activities other than fishing. In Guatemala, they have tried to implement programs for fishers to diversify into trading; however, the lack of training has been an impediment. In Mexico, tourism activities have been difficult to implement as fishers do not fully
understand why they should diversify. Participants concluded that training is necessary for providing fishers with alternative sources of income.

35. Participants discussed the role that co-management and the transfer of responsibilities can have in achieving fisheries sustainability. Participants argued that governments might not have the capacity to properly enforce and manage the resource. By giving the opportunity to fishers to become stewards of the resource, that capacity is reinforced. Co-management can help also to improve the socio-economic situation of fishing communities. In Grenada, many co-management projects have proven to be successful and have increased the socio-economic status of everyone involved. It was pointed out that it is important to respect and recognize Indigenous Peoples right to manage their resources as they have been fishing this resources for hundreds of years.

36. At the end of the session it was pointed out again that co-management cannot be successful if fishers are not organized. However, organizing the fishing sector is not easy if the fishers do not perceive the benefit of being part of an organization. In Grenada, FAD organizations work well because they provide access to FADs and they are financially sustainable and beneficial. Nevertheless, incentives are not enough. In Ecuador, joining a cooperative can give access to certain fishing areas and social benefits; however, many fishers have not joined the cooperatives as they think the fishing leaders will be the only ones benefiting from it. In Mexico, the government provides incentives and support for fishers to organize; however, many of them believe that the obligations outweigh the benefits and that directors will be the only ones profiting from it.

**Topic 3. Administration of tenure rights**

37. Participants opened the session by discussing about tenure and transboundary resources. It was pointed out that allocating inland fisheries resource tenure in transboundary basins is a major challenge. Activities, management strategies and social and economic realities are different from country to country and make it difficult to have a common management policy. It was recommended to use an ecosystem-based approach. Participants also noted the complex administration and management of inland water bodies due to other sectors’ activities affecting inland water resources, for example dam construction.

38. Participants provided many examples of international agreements and to the importance of those agreements for the sustainability of the marine fisheries resources. For example, since Uruguay shares waters with Argentina, these countries have agreed to create a common fishing area regulated by a technical commission that regulates minimum sizes and TACs. This agreement has been successful so far. The role of regional fisheries bodies (RFBs), such as OSPESCA, was also highlighted in ensuring an agreed common policy and management of fisheries resources. However, participants noted that RFBs require a sincere effort from the member countries and increased international cooperation in order to be successful.

39. Participants explored the role of fishing communities in monitoring and enforcing fisheries regulations. Monitoring and enforcement is one of the biggest challenges in rivers, and the absence of monitoring and enforcement prevents co-management from being successful. Fishers are less willing to increase their efforts in managing the resources if the activities carried out upstream in other countries will inevitably impact their resources downstream. However, it is possible to reach an agreement between communities. For example, in the Amazonas, individual fishing communities have agreed to fish on different days to avoid conflicts. Participants also explored whether co-management can help monitoring and enforcing the fisheries resource when the government does not have enough resources (e.g., trained officers). However, some participants argued that, even if the communities could help alert authorities, it should be the role of the government to monitor and enforce the fishing activity. For example, in Guatemala, fishers created local security groups to fight against illegal fishing at the border with El Salvador. This was a response to the lack of capacity of the government for monitoring and enforcing the area. However, their lack of official authority created conflicts. Instead, it was suggested that the government invest in new and more affordable technologies in order to cope with the lack of human resources.
FIELD TRIP

40. A field trip was scheduled for day three. Participants visited two caletas, Caleta Portales and Caleta Quintay, in order to show the past and present of the fishing sector in Chile. Caleta Portales, a small-scale fishing port, is a good example of the Chilean artisanal fishery sector, as it showed how the Chilean Caletas Law tries to stimulate the vertical and horizontal integration of activities in order to improve the economic situation of artisanal fishing communities. Caleta Quintay, although smaller and less busy than Caleta Portales, gave the participants the opportunity to learn about whaling, an important activity from the past in the area. The participants visited the Museo Ex-ballenera, which have exhibits explaining whaling activities during the beginning of the 20th century and the importance of modern day marine conservation.

THE WAY FORWARD AND RECOMMENDATIONS

41. Mr Johan Williams, an independent advisor, gave an overview of the work done on fisheries tenure and user rights between 1999 and 2019. He then summarized several key points from the sessions on the topics of legal recognition and allocation, transfers and other changes and administration of tenure rights and user rights. He opened the floor to participants to discuss and provide recommendations about the possible way forward on “how” to implement appropriate tenure and user rights.

42. Participants pointed out that coastal development initiatives are negatively affecting artisanal fisheries. They noted that tenure and user rights are critical in coastal management and marine spatial planning, especially in the context of an emerging blue economy where different policies and agencies objectives might overlap. Different sectors and activities have to be identified, assessed and managed so that they can coexist.

43. Participants highlighted that allocation and recognition of tenure and user rights jointly with strong fishers’ organizations are key for protecting artisanal fishing communities against other sectors’ activities.

44. Participants noted that MPAs which limit or ban the access to a particular marine area can create conflicts if fishers are displaced from the areas where they traditionally fish and do not perceive or receive any benefits from their displacement.

45. Participants pointed out that it was important to respect and recognize Indigenous Peoples rights to manage their resources as they have been fishing these resources for hundreds of years.

46. Participants recommended that, before any rights are given, there should be effective consultation with local communities to ensure that there won’t be a negative impact on them.

47. Participants agreed that the FAO and countries need to have a common language (regarding to tenure) for moving forward because concepts like user rights/access/tenure/territory are often not well defined or understood. Additionally, participants noted that these concepts have be made accessible to different stakeholders by using non-technical language.

48. Participants agreed that countries need suggestions and recommendations on how to address the problems that have been identified in previous meetings and conferences on fisheries tenure and user rights.

49. Participants recommended that FAO provide guidance based on an ecosystem-based approach, especially when transboundary resources are involved. Any guidance provided should also promote and respect indigenous access rights and take into consideration traditional knowledge.
50. Participants suggested that FAO should assess the difference between inland and marine fisheries governance of tenure in order to highlight differences and cross cutting issues.

51. Participants noticed that FAO’s work on tenure and user rights in fisheries has not had an impact at the ground level yet and recommended FAO to provide assistance for strengthening the capacity of the fishing organizations in the region.

52. Ms Himes-Cornell delivered closing remarks, thanking participants for their work.

**Box 1: Summary of Recommendations**

The participants recommended that FAO should:

- Support and conduct capacity building activities for strengthening and empowering fisher’s organizations in the region. This should be done in a participatory way involving different stakeholders.
- Provide clear and defined language regarding tenure in fisheries. Those terms should be accessible and simple for all stakeholders to understand.
- Training should be also provided to stakeholders for them to be on the same page.
- Provide guidance on how to address tenure and user rights issues and challenges. This guidance should be based on an ecosystem based approach and should highlight the importance of socio-economic factors along with ecological factors. The guidance should also include:
  - transboundary resources issues (in inland fisheries);
  - promotion and respect of Indigenous Peoples access rights and traditional knowledge;
  - participatory approaches for defining needs,
  - important fishing areas, and
  - existing rights.
- Provide examples of good practices and lessons learned regarding to implementation of tenure and user rights systems (ex. Marine spatial planning for indigenous communities in Chile).
- Facilitate consultations with local fishing communities when new tenure and rights systems are going to be implemented in order to avoid negative effects.
- Assess the difference between inland and marine fisheries tenure and user rights systems, highlighting similarities, differences and cross cutting issues.
- Assess how to integrate tenure and user rights in coastal management and marine spatial planning for improving fisheries policy and coastal management. Processes should be transparent and participatory and taking into consideration communities’ needs.
- Assess the relationships between tenure for land and access to water as a means for understanding and mitigating, if not avoiding, conflicts between fishers and other stakeholders.
- Support capacity building activities for fishers who are in business of fishing and strengthen the capacity of fishing organizations.
# LIST OF PARTICIPANTS

## GOVERNMENT REPRESENTATIVES

### ECUADOR

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Independent Adviser

Andrés Muñóz  
Consultant

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Amber Himes-Cornell  
Fishery Officer

Juan Francisco Lechuga Sanchez  
Fisheries Management Consultant
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**Annex II**

**Regional Workshop LATCAR**

**Opening**

**Welcome**

**Field trip**

**Towards guidance on User rights**

Discussion on regional needs and guidance material in relation to the thematic areas of the workshop

**Workshop Overview**

**International Frameworks on Fisheries Tenure and User Rights: VGGTs**

**Session I:** Recognition and allocation of tenure rights and duties

Recommendations from participants

**International Frameworks on Fisheries Tenure and User Rights: SSF Guidelines**

**Regional management of the Chilean jack mackerel (Trachurus murphyi): the South Pacific Regional Fisheries Management Organization**

**The New Caletas Law in Chile: an Overview**

**UNSAM-CONICET**

**INSTITUTO MARAMAR**

**ECUADOR**

**OPINUP**

**URUGUAY**

**COSTA RICA**

**GRENADA**

**Wrapping up of the day**

**Wrapping up of workshop results and Closing remarks**

**Lunch**
The Fisheries Tenure and User Rights: Latin America and Caribbean Regional Workshop was organized by the Food and Agriculture Organization (FAO) of the United Nations and INFOPECA with support from the Republic of Chile and the Korea Maritime Institute (KMI) of the Republic of Korea. It was attended by both government and non-government representatives from 11 countries in the region.

This workshop was the second of a series of regional workshops on fisheries tenure and user rights. It aimed to discover regional nuances and specificities of the Latin America and Caribbean area as part of FAO’s work to develop how-to guidance on appropriate tenure systems and rights-based approaches for fisheries.