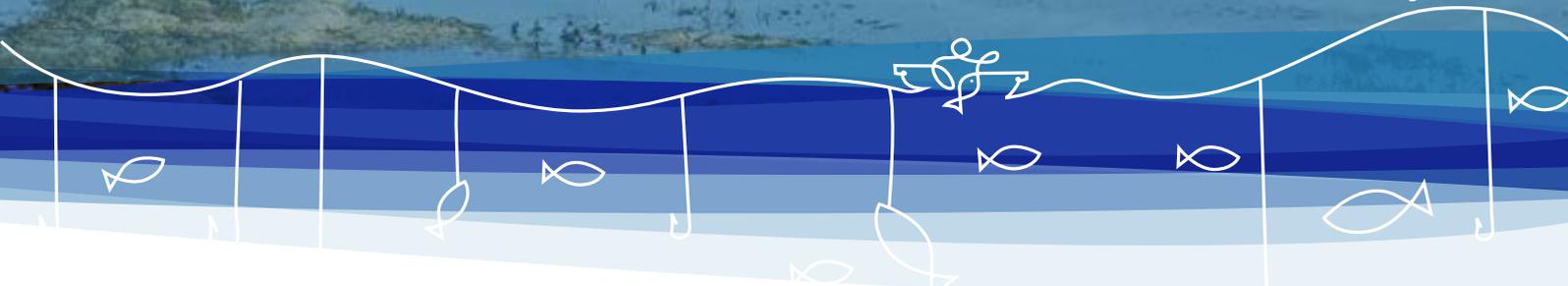




Food and Agriculture  
Organization of the  
United Nations



Linkages between the  
**Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries**  
in the Context of Food Security and Poverty Eradication  
and the  
**Voluntary Guidelines on the Responsible Governance of Tenure of  
Land, Fisheries and Forests in the Context of National Food Security**

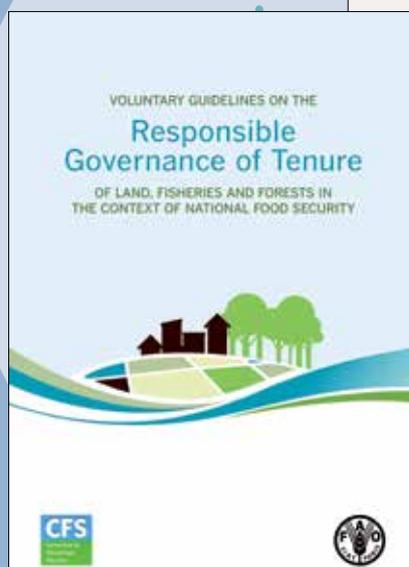


## Making a difference in food security and nutrition, together

Tenure is understood as how people, communities and others gain access to natural resources, and it determines who can use which resources, for how long and under which conditions (VGGT preface). Tenure is highly relevant for small-scale fishers and fish workers, as it secures access to the natural resources they depend on, which is a pre-requisite for their livelihoods, food and nutrition security.

- Not being able to count on secure access rights to natural resources creates vulnerability. Moreover, people are more likely to invest in their own future in the form of responsible resource use when they are confident that they will continue to be able to draw on those resources for their livelihoods.
- Two important and complementary instruments acknowledge this importance and the need to address these issues.

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT).



The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines).

Both built on existing human rights obligations under international law

Non-binding documents

Global in scope

Focus on the most vulnerable and marginalized groups

To be implemented following a human-rights-based approach (HRBA)

Recognize that tenure rights are crucial for realizing other human rights

Both aim at the progressive realization of the right to adequate food

Provide tools to guide dialogue, policy processes, and action at all levels, from local communities to global fora

### VGGT

- Endorsed by the Committee on World Food Security (CFS) at its Thirty-eighth (special) Session in May 2012.
- Developed through an inclusive process of consultation and negotiations that included governments, representatives of civil society, the private sector and research institutions.
- Set out principles and internationally accepted standards for the practice of the responsible governance of tenure.
- Promote responsible governance of tenure of land, fisheries and forests with respect to all forms of tenure (public, private, communal, indigenous, customary and informal).

### SSF Guidelines

- Endorsed at the Thirty -First Session of the Food and Agriculture Organization of the United Nations (FAO) Committee on Fisheries (COFI) in June 2014.
- Result of a bottom up participatory process that directly involved more than 4 000 participants from more than 120 countries.
- First international instrument entirely dedicated to the small-scale fisheries sector.
- Identify responsible governance of tenure as the central element for realizing the human rights of small-scale fishers and their communities.
- Recommend that small-scale fishing communities should have secure, equitable and socio-cultural tenure rights to fishery resources, fishing areas and adjacent land.



## Securing tenure rights for small-scale fishers: a path towards protecting their rights and livelihoods

For many small-scale fishing communities, fishing is more than a livelihood, it is a way of life. And securing tenure rights to the resources goes hand-in-hand with preserving important local and traditional knowledge while also enabling fishing communities to adapt to changing socio-economic and environmental conditions. Customary tenure rights that have been traditionally practiced by communities are sometimes undocumented, not formally recognized and, as a result, are vulnerable as they are not easily enforceable. Moreover, in some countries, statutory legal systems have overlaid these customary systems with new laws, often ignoring the customary laws of the local community (FAO, 2017). The SSF Guidelines call on states and other stakeholders to recognize, respect and protect all forms of legitimate tenure rights, taking into account, where appropriate customary rights to the resources (paragraph 5.4).

Small-scale fishers, fish workers and their communities need not only secure access to fishery resources, but also secure access to the adjacent land to have physical access to fishing grounds, to store their boats and gear. Equally as importantly, small-scale fishing communities need a place to live and to carry out post-harvest activities such as cleaning, sorting, drying and trading fish. Moreover, small-scale fishers livelihoods are often diversified and they may depend on other economic activities to supplement their work in fisheries and that also require access to land and other resources. Tenure in the context of small-scale fisheries, therefore, requires a combination of secure tenure rights over land, fisheries resources and water bodies, including through fair, transparent and participatory methods for the recognition of their legitimate tenure rights, as well as effective access to justice and accountability mechanisms.

Both the VGGT and the SSF Guidelines place particular importance on how tenure rights are crucial for realizing other human rights, such as the right to food,

- the right to an adequate standard of living, the right to life, the right to work, the right to equality before the law and the right to self-determination, among others.
- However, the tenure rights of small-scale fishers, fish workers and their communities are threatened in many places around the world when their rights compete with claims from other more powerful sectors such as infrastructure development, tourism, extractive industries, or industrial aquaculture, among others.
- Fishing communities may face forced eviction, which leads to loss of livelihoods, housing, cultural and religious practices, as well as poverty and hunger.
- Both, the VGGT and the SSF Guidelines have provisions requiring states to ensure that small-scale fishing communities are not arbitrarily evicted and that their legitimate tenure rights are not extinguished or infringed upon (paragraph 4.5 VGGT and 5.9 SSF Guidelines).
- Moreover, environmental degradation and climate change are reducing the availability of productive land, fisheries and forests, which increases vulnerability and conflicts over access to these resources. When small-scale fishing communities are unable to securely access the resources they need for their livelihoods, this creates vulnerability and marginalization and can put them in a situation of illegality.
- Both, the VGGT and the SSF Guidelines share the common overarching goals of achieving food security for all, eradicating poverty, sustainable livelihoods and environmental protection and supporting the progressive realization of the right to adequate food in the context of national food security. The entire chapter 5a of the SSF Guidelines is dedicated to the responsible governance of tenure, building directly on the provisions of the VGGT. Both instruments complement and support the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

# Promoting the complementary implementation of the VGGT and the SSF Guidelines

The following areas provide major opportunities for synergistic implementation of the two instruments

## Secure tenure rights to fisheries resources for small-scale fishers

As stated in the introduction, secure tenure rights to fishing resources are fundamental for small-scale fishers, fish workers, and their communities.

States must consider the way small-scale fishers gain, lose or are excluded from access to natural resources, since their livelihoods depend on them. In this context the governance of tenure is particularly important. Additionally, at the national level, governance of tenure relates to the way in which different management and conservation measures, such as marine protected areas, are established and operated, both in the fisheries sector and in connected sectors that may have a direct or indirect impact in small-scale fisheries. A balance is needed between guaranteeing access to the resources and their sustainability. To achieve this, it is important for states to assess the impact that resource management strategies have on the tenure rights and related human rights of small-scale fishers, and involving those small-scale fishers and their communities in the conception and execution of those management strategies (HLPE, 2014).

The SSF Guidelines call on states to adopt measures to facilitate equitable access to fishery resources for

- small-scale fishing communities, taking into account the provisions of the VGGT. For its part, the VGGT stipulate that policies for allocating tenure rights should be consistent with social, economic and environmental objectives and that local communities that have traditionally used the resources should receive due consideration in the allocation of tenure rights, and should be included in the consultation, participation and decision making processes (paragraph 8.7).
- Furthermore, the SSF Guidelines provide that “Small-scale fishing communities need to have secure tenure rights to the resources that form the basis for their social and cultural well-being, their livelihood and their sustainable development” (paragraph 5.1) and call on states to “where appropriate, grant preferential access of small-scale fisheries to fish in waters under national jurisdiction, with a view to achieving equitable outcomes for different groups of people, in particular vulnerable groups” and where appropriate, specific measures such as creating and enforcing exclusive zones for small-scale fishers should be considered (paragraph 5.7).

### EXAMPLE

#### The impact on tenure rights of the Marine Protected Areas in Karimunjawa National Park, Indonesia

The Karimunjawa National Park (KJNP) established in 1999, is a marine and terrestrial national park covering 111.624 ha of land and a marine area of 110.117 ha. In 2001, it was declared a marine protected area (MPA). Seven zones were created to manage the KJNP/MPA effectively, including the core zone, where fishing is prohibited, and the traditional fishing zone, which is the larger part and where only the local population is allowed to fish. Other zones of the MPA are the tourism zone, the rehabilitation zone and the aquaculture zone.

Although the zoning was developed through numerous public consultations with local fishers’ representatives, some local fishers feel they were not adequately consulted or represented. Particularly with regards to the core zone, they disagree about its size and location. They claim that this zone infringes on their tenure rights to the resources they rely on for subsistence with direct consequences on their right to food and livelihoods, as it holds large quantities of fish and other species. The other zone of contention is the traditional fishing zone. Although fishers living in KJNP have exclusive access, and they are only allowed to fish with a specific type of gear to protect the environment, they allege that their tenure rights to the resources are not respected when fishers living outside KJNP fish in this zone using bigger boats and prohibited and destructive fishing gear, leaving the inhabitants of KJNP without adequate resources, and causing the loss of different species. Furthermore, fishers outside KJNP fish too close to the other protected zones depleting the resources.

Therefore, the KJNP/MPA has not achieved sustainable fisheries. The fishers report a decrease in fish catch due to overfishing, and fishers living in KJNP can no longer sustain their livelihoods by fishing in the area and are being forced to fish outside or opt to fish at night in the core zone.

Although MPAs can sometimes be effective for resource conservation, their success depends on multi-stakeholder involvement during the planning, implementation, monitoring and enforcement stages. For this, the provisions of both the SSF Guidelines and the VGGT are useful tools that should be used with the aim of recognizing tenure rights, accountability, transparency and inclusiveness, and for empowering local fishers in the process (Hurhidayah, 2017).



## Indigenous peoples and customary tenure systems

Both the VGGT and the SSF Guidelines advocate for the recognition of tenure systems of indigenous peoples, consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (OHCHR, 2013), which states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired” (art. 26).

For indigenous communities, natural resources are more than a source of income, they have a social, economic and political value and are part of their cultural identity. One of the guiding principles of

- the SSF Guidelines is the respect for cultures, which
- involves recognizing and respecting existing forms of
- organization, traditional and local knowledge and the
- practice of small-scale fishing communities including
- indigenous peoples and ethnic minorities.
- When indigenous peoples and other communities with
- customary tenure systems have legitimate tenure
- rights to the ancestral land on which they live, states
- should recognize and protect these rights and they
- should not be forcibly evicted from their ancestral
- land (VGGT paragraphs 9.4 and 9.5 and SSF Guidelines
- paragraph 5.4).

### EXAMPLE

#### Capacity development training on the VGGT and the SSF Guidelines for indigenous peoples in Central America

Approximately 70 percent of the Central American coast is located in territories inhabited by indigenous peoples. These communities are key to ensuring the sustainability of small-scale fisheries, but they need to be supported by policies tailored to their needs and culture. Taking this into account, the Food and Agriculture Organization of the United Nations (FAO), the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (FILAC), and the Indigenous Council of Central America (CICA) carried out a training course addressed to the fishing leaders among indigenous peoples, and representatives of fisheries and aquaculture authorities of Central America in 2017. Its objectives were to promote the governance of natural resources and sustainable small-scale fishing practices in indigenous peoples' territories; improve communication skills; improve knowledge of indigenous peoples and of state institutions for the creation of public policies for small-scale fisheries in indigenous and related territories; and to develop joint work proposals for state institutions and indigenous peoples to jointly implement the SSF Guidelines and the VGGT. The workshop opened communication channels between national governing bodies and indigenous peoples' groups and led to the creation of the Indigenous Artisanal Fisheries of Central America Alliance (FAO, 2019a).

This alliance seeks to conduct actions at the national and local levels in various Central American countries including adapting the provisions of the VGGT and the SSF Guidelines to the realities of indigenous peoples; facilitating dialogue between indigenous organizations and governments to ensure access to resources; researching and documenting traditional norms and practices of some indigenous peoples as a way to determine the availability of resources; and promoting the exchange of information and experiences among different indigenous groups.

## Women's rights and legitimate tenure rights

The VGGT and the SSF Guidelines specifically address gender issues and both have gender equality as an implementation principle. The VGGT goes further to say “States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests” (paragraph 3B).

Women play a very important role in small-scale fisheries. They represent almost half the people involved in the small-scale capture fisheries sector value chains (World Bank, 2012). However, their contributions too often go unrecognized. A fundamental aspect in recognizing women's contribution to the sector is to ensure they have fair access to land, fisheries and other natural resources.

In some parts of the world, women cannot legally own land. Although many rural women have rights to access and use the land, they are generally less likely than men to control it. They may not be able to inherit the land, instead the land goes to the next surviving male heir. If there is no male heir, the land remains under the authority of the family or section head (FAO, 2019b). This lack of control places many women in precarious situations.

Chapter 8 of the SSF Guidelines is about gender equality and calls on all parties to recognize that achieving gender equality requires concerted efforts by all (paragraph 8.1). It also calls on states to ensure

- that small-scale fishers, fish workers and their communities have secure, equitable and socially and culturally appropriate tenure rights to the resources, with special attention paid to women (paragraph 5.3). For its part, the VGGT calls on states to provide for the legal recognition of legitimate tenure rights in a non-discriminatory and gender sensitive manner (paragraph 4.4) and to consider the particular obstacles faced by women and girls with regard to tenure and associated tenure rights (paragraph 5.4). Hence, care should be taken that women are not excluded when formalizing or transferring tenure rights, and they should be included in the consultation processes on tenure allocation.



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### EXAMPLE

### Women mollusk collectors in Costa Rica

Women mollusk collectors in the region of Chomes in Costa Rica have used the SSF Guidelines and the VGGT to claim their rights, including their tenure rights, to the resources. Through their association “Coope Molus Chomes”, the women presented a proposal to the Government of Costa Rica that asked for greater recognition of their rights, including rights to the resources, a participatory approach for sustainable management of the resources and they requested recognition of their work as a formal occupation (Agronoticias, 2017).

The project received support from the Government of Costa Rica, which legally allocated collective rights to the association to use the local mollusk resources that their livelihood and their economy depend upon. Since they receive formal authorization for their activity, the women's work has been formally recognized allowing them to take part in decision-making processes, to obtain social security rights and to access credit.



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# ACTION POINTS

## For governments

- Conduct regulatory, legal and institutional assessments against the provisions of both the VGGT and the SSF Guidelines with regard to fisheries tenure governance and management.
- Guarantee, including through legal, policy and institutional reforms, that development projects do not infringe on the rights of tenure and livelihood of small-scale fishing communities, including indigenous communities.
- Conduct constitutional or legal reforms to strengthen the tenure rights of women.
- Ensure legal, political and institutional recognition of legitimate customary tenure rights to fishery resources and land.
- Ensure that legitimate customary tenure rights and preferential access to fishery resources of indigenous peoples are recognized, respected, and protected in accordance with UNDRIP, and that the standards of Free, Prior and Informed Consent (FPIC) are followed.

## For civil society organizations, non-governmental organizations and others

- Carry out independent studies to understand the impact of large projects on the tenure rights and livelihoods of small-scale fishers and small-scale fishing communities.
- Organize legal assistance, empower communities and explore legal avenues to prevent eviction when it is a threat.
- Conduct trainings on the VGGT and the SSF Guidelines with small-scale fisheries actors and with small-scale fishing communities to promote their empowerment.

## For small-scale fishing communities

- Empower and organize themselves to ensure effective representation and participation in consultations prior to the implementation of projects that could potentially affect their tenure rights.
- When constitutional or legal reforms have strengthened the tenure rights of women, ensure that such changes are reflected in the customary tenure systems.

## For all

- Spread the word, inform and generate consensus and public support on the importance of the VGGT and the SSF Guidelines.
- Raise awareness at relevant events such as:
  - 2021 Global Summit on Food Systems
  - 2022 International Year of Artisanal Fisheries and Aquaculture
  - UN Decade of Family Farming 2019-2028
  - Annual sessions of the Committee on World Food Security (CFS)

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## LEARN MORE

The SSF Guidelines: <http://www.fao.org/documents/card/en/c/l4356EN>

The Tenure Guidelines (VGGT): [www.fao.org/tenure/voluntary-guidelines](http://www.fao.org/tenure/voluntary-guidelines)

Sustainable fisheries and aquaculture for food security and nutrition. A report by HLPE: [www.fao.org/3/a-i3844e.pdf](http://www.fao.org/3/a-i3844e.pdf)

Land Tenure Journal 1-13: [www.fao.org/3/l3365t/i3365t.pdf](http://www.fao.org/3/l3365t/i3365t.pdf)

Responsible governance of tenure in fisheries: a right to food perspective: [www.fao.org/3/a-bt408e.pdf](http://www.fao.org/3/a-bt408e.pdf)

Responsible governance of tenure in the SSF Guidelines: [www.fao.org/voluntary-guidelines-small-scale-fisheries/guidelines/tenure-governance](http://www.fao.org/voluntary-guidelines-small-scale-fisheries/guidelines/tenure-governance)

The Committee of World Food Security: [www.fao.org/cfs](http://www.fao.org/cfs)

## CONTACT US

Email: [ssf-guidelines@fao.org](mailto:ssf-guidelines@fao.org)

Twitter: [#SmallScaleFisheries](https://twitter.com/SmallScaleFisheries), [#SSFGuidelines](https://twitter.com/SSFGuidelines), [@FAOfish](https://twitter.com/FAOfish)



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