What Do We Mean When We Say “Rights”?
Rights-Based Natural Resource Management Fisheries & Aquaculture
What Do We Mean When We Say “Rights”?

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Objectives

To facilitate the discussion of rights and the use of natural resources using a fisheries perspective regarding:

- **Food security**
  For 1 billion people, fish contributes at least 30% of animal protein intake
  For 2.9 billion people fish contributes 15% of animal protein intake

- **Livelihoods**
  44 million fishers/fish farmers; 520 million livelihoods depending on fisheries ~ 8% of global population

- **Poverty alleviation**
  Often above average incidence of poverty in fishing communities
  Globally, annual losses due to poor/absent fisheries management estimated at USD 50 billion

- **Gender**
  Women nearly half of all fishery-related employment

- **Sustainability**
  Ecological, economic, social & cultural
Key messages

Property rights issues should be addressed in a wider rights-based development context

A human rights-based approach to development provides an appropriate framework - - not just in fisheries and aquaculture
The Human Rights-based Approach to Development – Definition

- A vision of what development should strive for - to secure the freedom, well-being and dignity of all people everywhere
- A set of programming tools and essential references – human rights principles and standards

Necessary, specific & unique elements of HRA:
- identify the human rights claims of rights-holders & obligations of duty-bearers and causes for non-realization of HR
- assess capacity to claim rights and fulfill obligations – develop strategies to build these capacities
- M & E of both outcomes & processes based on HR standards & principles
- programming informed by HR bodies & mechanisms
International human rights instruments (10)

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- Declaration on the Right to Development
- ILO Declaration on Fundamental Principles and Rights at Work - 1998; and Work in Fishing Convention 2007
Introduction

Elements of a Human Rights-based Approach to fisheries

- Basis of the approach – international policy context & evolution
- Scope of / relevance in the fisheries world
- Application of the approach
**International Policy Context**

**Global commitments to poverty reduction and food security**

- 1995 World Summit for Social Development
- 1996 & 2001 World Food Summits
- 2000 UN Millennium Development Goals
- FAO Committee on Fisheries (COFI) Sessions 2003-2009
From property rights to human rights – an explanatory attempt

**High profile issues impacting livelihoods**
- coastal shrimp aquaculture
- foreign fishing off West Africa
- conflict between large-scale & small-scale fisheries
- allocation of fishing rights (e.g. cases of South Africa & Iceland)

**Events**
- 2004 Report of Special Rapporteur of the Commission on Human Rights on the right to food to the UNGA
- 2007 COFI on Social Issues in Small-Scale Fisheries
- 2008 Global Conference on Small-Scale Fisheries
A Human Rights Approach to Fisheries

- Provides a stronger basis for citizens to make claims on their States/hold them accountable
- Recognizes that everyone, including disadvantaged groups, have legally mandated and recognized rights, and the basis to claim them, not as charity, but as a right.
- Creates the basis for individual and collective action/participation in governance for positive change
A Human Rights Approach to Fisheries

- Seeks to expand the capabilities and the freedoms enjoyed by fishing communities, to provide the opportunity to fulfill their potential
- Seeks to remove obstacles such as illiteracy, ill health, lack of access to resources, or lack of civil and political freedoms that prevent people from doing what they want to
Scope of / relevance in the fisheries world

Context: high levels of human insecurity

- **Fishers perspective:** risk of stock collapse low/distant compared to risks of malaria, theft, loss of gear, AIDS etc...
- **Marginalisation:** not able to gain the support of external agents (e.g. government) to reduce vulnerability, improve rights, access to services etc.
- **Overall outcome:** lack of incentive and means to manage resources - undermines success of community-based fisheries management and other fishing-rights-based management approaches.
Resources for policy making

The more secure people feel, the more they save and invest in the future.

As fishing people become more secure,
- risk of fishery decline / overexploitation / overfishing becomes the most important remaining source of insecurity.
- incentive to invest in governing fish stocks increases.

Context: high levels of human insecurity

Incentives, motivation, and capacity to claim and defend property rights will be clearer and stronger if violations of fisherfolk’s broader human rights are addressed first.
Scope of / relevance in the fisheries world

Context: high levels of human insecurity

Rights based approaches can break this cycle…

The multiple dimensions of poverty in SSF (SFLP, 2005)
Application of the approach

Complementarity to development initiatives

Income & Asset Poverty

Marginalisation

Risk & Vulnerability

Diversification, microfinance, education & skills

Improved access to health services, secure land rights, aquatic property rights

Organizational development, labour rights, migrant’s rights, gender equity
Reflections & discussion

What links do you see to your country situation?
(No need to limit yourself to fisheries & aquaculture!)

Have you seen any evolution in your sector towards a broader rights-based framework?

If so, what have been the driving forces?
Application of the approach

Complementarities

- Responsible fisheries management - *Code of Conduct for Responsible Fisheries*
  - reduce vulnerability and strengthen rights
  - build assets and capabilities
  - reform fisheries governance
  - develop new technologies and markets
  - assess resource and environmental status to guide fisheries management

- Working to prevent overfishing whilst supporting
  - livelihood interests
  - poverty reduction
  - food security
Application of the approach

Priority areas to address

- **Market Imperfections**
  - Response: Strengthen access to information, infrastructure, higher-value markets

- **Governance Issues**
  - Response: Apply principles of good governance; clarify/strengthen property or user rights and conflict resolution mechanisms

- **Entitlements Failure**
  - Response: Empowerment - improve ability to claim human rights to food, health, decent work, freedom from discrimination, etc
Application of the approach – securing rights

- Securing physical rights
  - Coastal lands and resources
  - Fisheries resources and grounds
  - Safe and decent working conditions
  - Basic services and decent quality of life

- Securing substantive rights
  - Fisheries management regimes that sustain livelihoods and resources
  - Culture, knowledge and identity
  - Fair access to markets, credit and trade
  - Women in fisheries
  - Participation in decision making
Application of the approach – *securing rights*

- Small-scale fisheries are not marginalised and their contribution to national economies and food security is recognised, valued and enhanced;

- Fishers, fish workers and other stakeholder have the ability to participate in decision-making, are empowered to do so, and have increased capability and human capacity; thereby achieving dignity and respect; and

- Poverty and food insecurity do not persist; and where the social, economic and ecological systems are managed in an integrated and sustainable manner, thereby reducing conflict. (ACFR Working Group)
Further readings


- Natural resource tenure - a position paper for Sida. Swedish International Development Cooperation Agency (Sida), Stockholm, Sweden.

- Various International Human Rights Instruments
Resources for policy making

Links to Fisheries & Aquaculture


- [http://www.fao.org/fi](http://www.fao.org/fi) Fisheries and Aquaculture Department, FAO, Rome, Italy