



# **FISHERIES TENURE IN CAMBODIA (Case of the Community Fisheries Tenure)**

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# Introduction

- The fisheries sector is a major contributor to poverty reduction, employment, food security, and national economic growth in Cambodia.
- Fishing practice is classified into 3 types of fishing gears:
  1. Small-scale;
  2. Middle-scale; and
  3. Large-scale/industrial/fishing lots
- Fisheries Governance Issues:

The were the conflicts between small-scale and large-scale fishers, population growth led to over fishing and less income for small-scale fishers etc.
- To tackle the present needs and problems, the management of fisheries is required to develop and change over time according to the situation, demands and needs. Therefore, the government decided to reform the fisheries policy.

# Introduction

- The 1<sup>st</sup> reform occurred in October 2000 (abolished 56% of total fishing lots); the 2<sup>nd</sup> reform in March 2012 (deep reform): all fishing lots were abolished and rights given to local users (poor, small-scale fishers, both men and women) to manage, protect and develop the natural fisheries resources sustainably through Community Fisheries (CF) establishment. As a result of the reforms, there 516 CFs have been established in the whole country for the tenure rights of small-scale fisheries governance.



# What is a Community Fisheries?

All Cambodian citizens have the rights to form Community Fisheries in their own areas on a voluntary basis to take part in the sustainable management, conservation, development and use of fishery resources (*Article. 59 of Fishery Law*).

The Community Fisheries (CF) is:

- A cooperative arrangement between the government and a group of local people of one or more villages voluntarily joint together establish the Community Fisheries.

**CF is a kind of fisheries co-management approach.**



# Legal Framework of the Community Fisheries Tenure

Immediately after the reform in 2000, the government provided all related legal instruments for guidance the Community Fisheries establishment and management. Those legal instruments are:

- Fishery law (*Chapter 11, article 59-63*);
- Royal decree for CF establishment;
- Sub-decree on CF management;
- Prakas (declaration) on the Guidelines of the Community Fisheries:
  - . Guidelines of CF arrangement
  - . Community Fisheries by-laws,
  - . Community Fisheries internal rules/regulation,
  - . Community Fishing Area Agreement, and
  - . Community Fishing Area Management Plan.

These legal instruments have been consulted with all key stakeholders at all levels and regions in the country.

# Roles and Responsibilities of the Community Fisheries

- Government allocated fishing area for the CF to manage, conserve and develop in a sustainable manner in order to improve people livelihoods, food security and contribute to poverty alleviation.
- Roles, rights and obligations of CF and government agency are clearly defined in the sub decree on CF management.
- **Roles and duties of the Community Fisheries:**
  - . Participate in managing and conserving fisheries resources in compliance with the by-laws and community fishing area management plan which are in conformity with laws and other legal instruments related to fisheries;
  - . Guarantee that all members of the Community Fisheries have equal rights in the sustainable use of fisheries resources as stipulated in the by-laws;

# Roles and duties of the Community Fisheries:

- . Participate in establishment of conservation areas within the community fishing area, protection and reforestation of inundated forest and mangrove forest, and restoration of shallow streams and lakes to improve ecosystems and fisheries environments;
- . Implement the by-laws of the Community Fisheries and formulate the community fishing area management plan;
- . Implement the community fishing area agreements with the Fisheries Administration in order to manage the fisheries resources sustainably;
- . Keep all documents related to the Community Fisheries.

# Tenure Process of the CF Establishment



# Official Registration of the Community Fisheries

The official registration and recognition of the CF is made at MAFF with the attachments:

- CF committee members elected and members' list;
- CF by-law and internal rule/regulation (approved by CF members, signed by CF chief), and
- CF fishing area agreement:
  - Parties signing the agreement (chief of CF and Provincial Fishery Chief)
  - Size of the fishing area (CF boundary map, including conservation size)
  - Period of the management and use of the fishing area (3 years)
  - Conditions for the management and use of the fishing area
  - Conditions on the use of fishing gears
  - Other relevant documents.



# Positive Changes

- The awareness of the local people on the role of the CFs and legal instruments are increased;
- Access rights to fishery resources of CF members are more secured;
- The flooded forest and fishery resources in the CF fishing area are well protected;
- Fisheries resources are increased in some CFs for those CF tenure functioning well;
- There is overall increase in participation of men, women and youth of the fish related activities, CF management and conservation activities;
- Alternative livelihoods of CF members have been implementing and improving;
- The CFs have been building trusts, unity and fostering cooperation in the community. This function is important, even more than catching fish!

# Key Important Points and Lessons Learnt

- ✓ CF is a local unique institution for the fisheries governance's tenure;
- ✓ It has two times of fisheries reform and made it a people-oriented small-scale fishery through CF tenure.
- ✓ It has functioned for one decade and needs to function for more to bring the benefits to all CF members for poverty alleviation.
- ✓ CF Area Agreement created the clear tenure rights. These include boundary mapping and demarcation.
- ✓ Main challenge of the CF self sustaining:
  - CFs depend on the external support
  - CFs lack of budget and resource to implement their activities/tenure rights
  - CF committee perform their roles and tenure rights on a volunteer basis and there is no regular incentive sources
  - Capacity of CF committee are still limited.



## Key Important Points and Lessons Learnt

- Any development plan or project undertaken in the demarcated fishing area of a CF should be undertaken only after consultation with CF members and after making an environment impact assessment (EIA) with the participation of CF members. The benefits of such projects should be shared with CF.
- Provide rights to the CF to collect a fee for giving legal rights to migrants/non-CF members to fish in demarcated CF areas.
- CF members have understood that legal instruments and guidance are the key factors driving the tenure rights of the CF. These should be reviewed and amended after more than one decade of experience, especially the CF guidelines.

# Key Important Points and Lessons Learnt

- CF has empowered people and given freedom to access resources which has in turn resulted in reduction in poverty and better resource conservation and management. The tenure rights of the CF should be strengthened through assisting all established CF officially registered and demarked.
- The roles of related government agencies including local authorities and non-government development partners are equally important and valuable for coordinating and supporting the CFs to manage the fisheries resources sustainably, in terms of capacity building, trusts and confidence of CF members in using and protection of their tenure rights. Those roles and interaction should be kept continuously and keenly fostered in the future via participatory approaches. However, the role of respected and resourceful persons and related stakeholders within the CF village also needs to be considered and recognized.

# Way Forwards

- Continue support the process for CF registration;
- Strengthen the collaboration between the CFs and local authorities;
- Promote the regional and national and sub national networking to support the CF tenure;
- Promote the CFs to implement the activities of CF management plan (including fisheries investment activities) by their own initiative: Government and donors should provide the financial and technical assistance.;
- Documentation of lessons learnt from CF tenure rights in Cambodia.

*Thank you very much!*

*CF Tenure Lead to Sustainable Fisheries Resources Management*

