



# DRAFT REPORT

---

Report Informal Expert Meeting

Friends of UserRights 2015 (FoUR15)

Borgo di Tragliata, Italy, 19-21 October 2015

---

## Contents

Acronyms .....	2
Context of the FoUR15 Meeting .....	3
Welcome and Introduction .....	3
SSF Guidelines and VGGT (Day 1) .....	4
Purpose, Scope and Outcomes of the Meeting (Day 1) .....	4
Working Session 1: political economy issues (Day 1) .....	5
Working Session 2: Allocation processes and implications (Day 1) .....	7
Working Session 3: Capacity development (Day 1) .....	8
Working Session 5: Diversified and alternative business and livelihood strategies for communities (Day 2) .....	12
Working Session 6: International user rights (Day 2) .....	12
Working Session 7: Additional areas of work (Day 2) .....	13
Working Session 8 – Mapping exercise (Day 2) .....	14
Working Session 9: Presentation of draft skeleton work programme (Day 3) .....	15
APPENDIX I: Skeleton work programme for FAO's future work on tenure and rights-based approaches in fisheries .....	16
APPENDIX II: AGENDA FOUR15 MEETING .....	27
APPENDIX III: LIST OF PARTICIPANTS .....	30



# DRAFT REPORT

## Acronyms

CSO	Civil Society Organization
FAO	Food and Agriculture Organization of the United Nations
IUU	Illegal, unreported and unregulated fishing
MPAs	Marine Protected Areas
RBAs	Rights-Based Approaches
RBS	Rights-based System
SSF	Small Scale Fisheries
SSF VG	Small Scale Fisheries Guidelines
VGGT	The Voluntary Guidelines on the Responsible Governance of Tenure



# DRAFT REPORT

## Context of the FoUR15 Meeting

In March 2015, the FAO and the Government of the Kingdom of Cambodia co-organized *Tenure and Fishing Rights 2015 – A global forum on rights-based approaches for fisheries 'UserRights 2015'* in Siem Reap, Cambodia. This global forum provided a platform to all stakeholders for sharing knowledge and information on tenure and rights-based approaches in fisheries. The key message from this forum was that there is no “one size fits all” solution considering the various political, environmental, cultural and economic contexts inland and marine fisheries are embedded in around the world. Briefly after the Forum, participants were asked to complete a questionnaire to identify priority areas of work for FAO in the context of tenure and rights-based approaches in fisheries. 56 participants responded to the questionnaire and identified six key areas<sup>1</sup> of work they would like FAO to address in the future.

Using the momentum of *UserRights 2015*, the *Friends of UserRights 2015* meeting (*FoUR15*) gathered 16 experts from various stakeholder groups<sup>2</sup> in Fiumicino, Italy in October 2015. The *FoUR15* experts transformed the six key areas of work into a draft skeleton work programme for tenure and rights-based approaches in fisheries<sup>3</sup>. This FAO skeleton work programme will be presented and open to further stakeholder consultation at the global workshop *Entebbe 2016*<sup>4</sup> (1-4 March 2016, Entebbe, Uganda). The work programme will be presented to COFI 2016 for member state recognition and endorsement.

Each session at *FoUR15* was briefly introduced by FAO. Three break-out groups discussed each of the six key areas of work in more detail. This report summarises the introductory presentations and the discussions and comments presented to plenary by the break-out groups. The Appendix I contains the draft skeleton work programme developed by the *FoUR15* experts<sup>5</sup>, Appendix II the *FoUR15* meeting agenda, and Appendix III the list of participants.

## Welcome and Introduction

The participants introduced themselves, three each came from governments, non-governmental organizations (NGOs) and intergovernmental organizations (IOs); two each were from fisherfolk organizations and universities, while one participant was from a development agency and one was an independent consultant.

---

<sup>1</sup> Hierarchical order (beginning with area of work rated most important): Allocation: processes and implications, The political economy of adopting and implementing rights-based systems for fisheries, tools and training for capacity development, financing transitions to rights-based systems, diversified and alternative business and livelihood strategies for communities, international user rights.

<sup>2</sup> The list of participants can be found in Appendix III

<sup>3</sup> Reproduced in Appendix I

<sup>4</sup> Entebbe 2016 is organised by the Lake Victoria Fisheries Organization (LVFO). FAO provides technical and financial support.

<sup>5</sup> The skeleton work programme is based on the direct output of the FoUR15 meeting. It has to be noted that the skeleton work programme was sent out to FoUR15 experts one week after the meeting in Borgo di Tragliata. The version attached in the annex of this report is thus based on comments collected through FoUR15 and a follow-up E-consultation organised by FAO.



## DRAFT REPORT

Ms Rebecca Metzner opened the meeting by reiterating the history of tenure and rights-based approaches in fisheries. Small-scale fisheries (SSF) used to be overlooked in the global discussion on tenure rights, slowly but surely over time these issues were included. The Voluntary Guidelines on the Responsible Governance of Tenure<sup>6</sup> (VGGT) were approved in 2007. Discussions on the role and importance of SSF for food security and livelihoods started in 2008 at a conference in Bangkok, resulting – after a lengthy process involving various stakeholders from both developed and developing countries – in the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication<sup>7</sup> (SSF Guidelines) which were approved by COFI in 2014.

During the *FoUR15* meeting, it was highlighted that the importance of the SSF Guidelines has to be emphasized throughout FAO's work on tenure issues. It has further been underlined that targeted studies on common problems and trends in SSF should be initiated. A list of organizations that are representing SSF should be prepared and these organizations should be involved in discussions on tenure rights. Information collection is essential and should include information from local people on environmental factors such as the health of fish stocks and the local socio-economic situation.

### SSF Guidelines and VGGT (Day 1)

Ms Nicole Franz presented the VGGT and the SSF Guidelines in the context of the *FoUR15* meeting. She highlighted that Chapter 5 of the SSF Guidelines directly links with the VGGT as it stresses that secure, equitable, socially and culturally appropriate tenure rights are at the core of sustainable fisheries and food security. The VGGT is the overarching instrument for any tenure issue and is complimentary to the SSF Guidelines. The need to improve current arrangements with regard to tenure rights, transboundary issues and migrants workers in fisheries was highlighted at two recent regional meetings for the regional dissemination of the SSF Guidelines. In addition to the marine environment, inland fisheries and shared lakes were also emphasized as issues – especially in East Africa. Participants at both regional meetings had also worked out the need of linking fishing rights to human rights. Socio-economic implications need to be considered when planning and implementing tenure systems in the context of SSF.

The experts at *FoUR15* stressed that any future work of FAO on tenure rights in fisheries should concentrate on SSF. Technical guidelines on tenure rights for SSF associations and fishers are needed. A platform of civil society organizations (CSOs) already exists, however, more support for CSOs is required. ICSF already prepared a simplified version of the SSF guidelines and has started translating the guidelines into several local languages.

### Purpose, Scope and Outcomes of the Meeting (Day 1)

Ms Lena Westlund presented the purpose, scope and expected outcomes of the *FoUR15* meeting which was to prepare a draft skeleton of a future FAO work programme on tenure and RBAs for

---

<sup>6</sup> Please find the VGGT in all official UN languages at <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>.

<sup>7</sup> Please find the SSF Guidelines in all official UN languages at <http://www.fao.org/fishery/ssf/guidelines/en>.



## DRAFT REPORT

fisheries. This work programme includes priorities, substantive and operational elements, linkages with other programmes and initiatives. The envisioned timeframe is 5-8 years.

*FoUR15* participants highlighted that resources might be a stumbling block in the process of developing and implementing the work programme. To address this issue, a fund raising strategy needs to be developed. The work programme should consist of a modular approach<sup>8</sup> to (1.) help generate funding and (2.) facilitate its implementation. Mr Johan Williams presented a modular system with the example of a Norwegian contribution to the FAO Blue Growth Strategy<sup>9</sup> as the ideal approach for the work programme to attract financial partners.

*FoUR15* participants agreed that it would be helpful to discuss different perceptions and understandings of terms and concepts with regard to tenure. It is important to note that the term 'tenure' does not exist in all languages. Developing a common understanding of concepts and terms used – not only in different global regions but also across languages – will contribute to improved knowledge sharing and more efficient processes with regard to cooperation efforts and making fisheries more sustainable for the benefit of people relying on them.

In order to meet FAO's strategic objectives, it is important that the future work programme on tenure emphasizes human rights – including but not limited to the right to food and poverty alleviation. *FoUR15* also discussed potential participants for the global workshop *Entebbe 2016* to ensure representative stakeholder consultation on the skeleton work programme.

### Working Session 1: political economy issues (Day 1)

Ms Dubravka Bojic introduced key issues of political economy and governance. It became evident that small-scale fisherfolk are often unable to voice their concerns and protect their rights during decision-making processes. Ms. Bojic defined 'governance' as 'all those processes during which different actors come together and take decisions and implement actions'. The dynamics surrounding the governance structure in a society or community are determined by the 'political economy'. Political economy relates to political and economic processes in a society and how these processes interact. Understanding the distribution of power and wealth within or between societies or communities (or individuals) is crucial for analyzing the political economy in a given location. Political economy analysis includes *inter alia* identifying power relations and power asymmetries involved in designing and implementing tenure systems. It is noteworthy to recognize that political economy conditions can differ at the regional, national and sub-national level. The political economy is one key factor shaping governance structures and thus management of fisheries resources.

The main challenges for improving the often poor capacities of fisherfolk and fishing communities are unbalanced political economy conditions and a resulting lack of good governance structures – i.e. conditions that strongly favor certain groups whilst completely ignoring or even undermining the needs of others. Main indicators for unbalanced political economy conditions are a lack of

---

<sup>8</sup> The module or incremental method allows compartmentalizing different aspects like execution, financing, progress, etc. In this manner, a step-by-step approach that is more feasible can be applied resulting in the project having a higher rate of success.

<sup>9</sup> <http://www.fao.org/zhc/detail-events/en/c/233765/>



## DRAFT REPORT

involvement of all stakeholders, lack of leadership in e.g. fisherfolk and fish worker organizations, inadequate representation of fisherfolk organizations and, lack of information needed to make informed decisions, unclear and sometimes overlapping mandates of involved institutions, and the occurrence of conflicts and a high degree of illegal, unregulated and unreported fishing (IUU). These indicators are often accompanied by the unclear legal status of rights to the resource (this applies particularly but not exclusively to customary rights in statutory regimes), a low level of transparency, ambiguity of national laws, the difficult enforceability of rule of law, uncoordinated interaction between international and national instruments, insufficient or non-existent dialogue between different stakeholder groups.

Addressing unbalanced political economy conditions and thus providing the basis for improving good governance requires e.g. the empowerment of fisherfolk through multi-level capacity building<sup>10</sup> and strengthening the cooperation between scientists, fisherfolk and policy-makers (local to national level). Training – especially with regard to legal systems and related rights (customary and statutory) – can be provided to all stakeholders (local to national level). Legal training and knowledge dissemination in general are important components to allow for efficient participatory processes including all stakeholders. *FoUR15* experts further highlighted regional cooperation, strengthening different sectors within fisheries and beyond, support for fishers organization and collective action, developing briefs, networking, methodology and tools development for the diagnostic of political economy issues and related governance dynamics, information leaflets, problem highlighting and landscape assessment as possible components of a strategy forward in addressing unbalanced political economy and poor governance structures.

FAO can help to address unbalanced political economy situations and poor governance dynamics through a range of activities, these include *inter alia* capacity building; facilitating cooperation amongst various actors and stakeholders; supporting inter-sectoral policy coherence; supporting fish worker organizations for collective action; networking; and developing methodologies and tools for assessing governance of tenure in the light of the SSF Guidelines and the VGGT.

The need to develop materials and capacity building that enables understanding of governance structures and political economy conditions is critical. There is a range of tools available that have been developed. Some are for the assessment of governance at the local level whilst others focus on the analysis of higher level governance. The Global Donor Program has been supporting some of these in other sectors. For example, the World Bank has provided support for the Land Governance Assessment Framework and various other diagnostic tools at different levels.

*FoUR15* participants emphasized that future work needs to strongly focus on vulnerable groups and individuals. In that context, specific groups such as injured or disabled fishers and fish workers and individuals and communities living in conflict areas were highlighted as particularly vulnerable.

---

<sup>10</sup> Detailed capacity building needs are likely to vary in different locations and require careful assessment to identify priority needs. Addressing these priority needs should enable a system to be sustainable even after the official part of a development project is completed.



# DRAFT REPORT

## Working Session 2: Allocation processes and implications (Day 1)

Ms Lena Westlund guided the discussion on allocation processes and implications. Referring to the discussions at *UserRights 2015*, she emphasized that the processes to allocate tenure and fishing rights depend on the specific objectives for which the rights-based system (RBS) is being introduced. Potential trade-offs between objectives should be carefully analysed. As for example, improved economic efficiency might come at the cost of unfair and unequitable social development and environmental conservation. Women are often overlooked in the allocation of rights. Clear objectives to guide allocation processes can be identified when e.g. new fisheries management systems are introduced.

The guiding questions during working session 2 included: what are the key issues and challenges during allocation processes, what work is needed to address issues and challenges, who would be suitable to support addressing identified issues and challenges?

Allocation processes<sup>11</sup> deal with but are not limited to: (a) who is recognized as having access to a given fishery or (b) who is recognized as having access to a specific quantity of fish? Fishing rights can be allocated to individuals, groups or companies.

A main source of conflict in allocation processes circulates around: (a.) who gets the rights and (b.) how valuable is the total allocation (economically, culturally, religiously etc.) relative to rights allocated to others (e.g. neighboring communities). Transparency throughout all allocation processes and participation of all stakeholders<sup>12</sup> during all steps of allocation processes are essential to be considered both legitimate and fair by all stakeholders. Otherwise the allocation would potentially not be accepted by all groups and could even result in conflict.

Thorough identification of all stakeholders and their claims is important before allocation processes can be initiated. It is important to realize that indirect stakeholders (those not directly involved in fishing activities) e.g. fisheries post-harvest employees or from other sectors such as forestry and agriculture should be taken into consideration and where necessary included in decision-making processes (land tenure and fisheries tenure are often complementary as one needs land to access the fisheries).

To improve access to justice for communities and customary rights-holders, *FoUR15* experts recommended that (a.) legal instruments should be drafted to officially recognize customary rights and (b.) legal allocation management systems should be created. Customary systems must be acknowledged and protected. It is to be noted that allocation processes in fisheries typically involve “grandfathering of rights” by recognizing past participation in a fishery or catch levels as the basis for future participation. In some instances, allocation processes involve providing access to

---

<sup>11</sup> The group did not discuss in detail the criteria used in allocation processes.

<sup>12</sup> Stakeholders – dependent on the context – include fishers, fish workers, fishing communities, legal institutions, scientist and their institutions, CSOs, NGOs, governments (local to national level), both inland and marine fisheries, migrants, distant water nations, private sector.





## DRAFT REPORT

community groups as a way to distribute benefits derived from the fishery and stimulate economic activity in rural areas.

Durable allocation of rights requires data on registration or licensure of those accessing the fisheries. Monitoring and surveillance is important to support the functioning of the agreed allocation of rights. Local communities should be involved in monitoring and surveillance and where necessary enforcement efforts.

Marine Protected Areas (MPAs) and their impact on fishing rights have to be studied. In fact, many MPAs are designed for increasing environmental preservation whilst not necessarily taking into account resulting socio-economic implications for fisherfolk. However, projects that do not include the well-being of fisherfolk will hardly be sustainable in the long-run. In that context, it is important to map out CSOs as different CSOs are representative to a varying degree of fisherfolk (the higher the level of representation the better the understanding of how to make fisherfolk part of sustainable solutions).

It is important to note that allocation scenarios are influenced by local conditions and thus context specific. However, there are few implications that are similar across countries: e.g. it is essential for a successful allocation to address conflicts between losers and winners (e.g. through mediation venues, extensive stakeholder consultation and providing unbiased information on underlying rationale of allocation decision). Full consensus is impossible and it is unlikely that all stakeholders will be equally satisfied.

*In sum*, *FoUR15* experts suggested that FAO could support the documentation of existing diverse legal and policy approaches in different settings. Assessment of existing tenure systems is needed, not only concentration on new RBS. Indigenous (customary) systems have to be recognized, relationships between people, different perceptions of value (economically, culturally, etc.) have to be captured and understood. Additionally, normative guidelines should be produced by FAO, examples could be given on legal framework and the process to reach a compromise could be described. Negotiated results should lead to a balance between the various actors, professional negotiators can be involved. States should initiate a baseline assessment to determine existing tenure systems, anticipate potential conflicts and mitigate to the extent possible.

The issue of re-allocation of rights was also briefly touched upon and considered very important by the *FoUR15*. In that context, the title of this key area of work was renamed to ‘delineation of rights and processes for doing so’.

### Working Session 3: Capacity development (Day 1)

Ms Nicole Franz opened the session by outlining the three dimensions of capacity development: enabling environment, organizations and individuals. This session was designed to identify target groups, potential partners, and potential tools for capacity development strategies. Identifying suitable partners who understand the local or regional context is crucial for the implementation of any capacity development strategies. Capacity development strategies and implementation processes should consider community members who work and live outside the fisheries context.

It is essential to link scientists with fisherfolk and communities to appropriately – given different contextual settings – address the three dimensions of capacity development. Connecting local





## DRAFT REPORT

traditional knowledge with academic expertise, data and methods has to be considered a corner stone for enabling the development of sustainable tenure systems in fisheries. Participation of all stakeholders is crucial to understand the concrete local capacity development needs. Careful assessment of needs is required to target capacity development efforts appropriately and for the benefit of social, economic and environmental aspects.

Whilst acknowledging that needs for capacity development can vary around the globe, *FoUR15* participants emphasized the re-occurring need to provide legal training for those involved in fisheries tenure including but not limited to: fisherfolk, judges, lawyers, enforcement agencies, universities, managers at Non-Governmental Organizations (NGOs) and CSOs, partners of legal educational institutes, law schools, legal office of FAO, and local organizations. FAO could support legal education by e.g. support the design of e.g. university curricula, help develop legal courses and 'train the trainer' sessions, analyse gaps and potential for further alignment between international, national and local trade law and finally by sharing experiences from other countries. *FoUR15* emphasized the need for gender mainstreaming tools to address widely prevailing gender inequality in fisheries in many regions around the world. Furthermore, an inventory is needed on already tools for capacity development needs assessment.

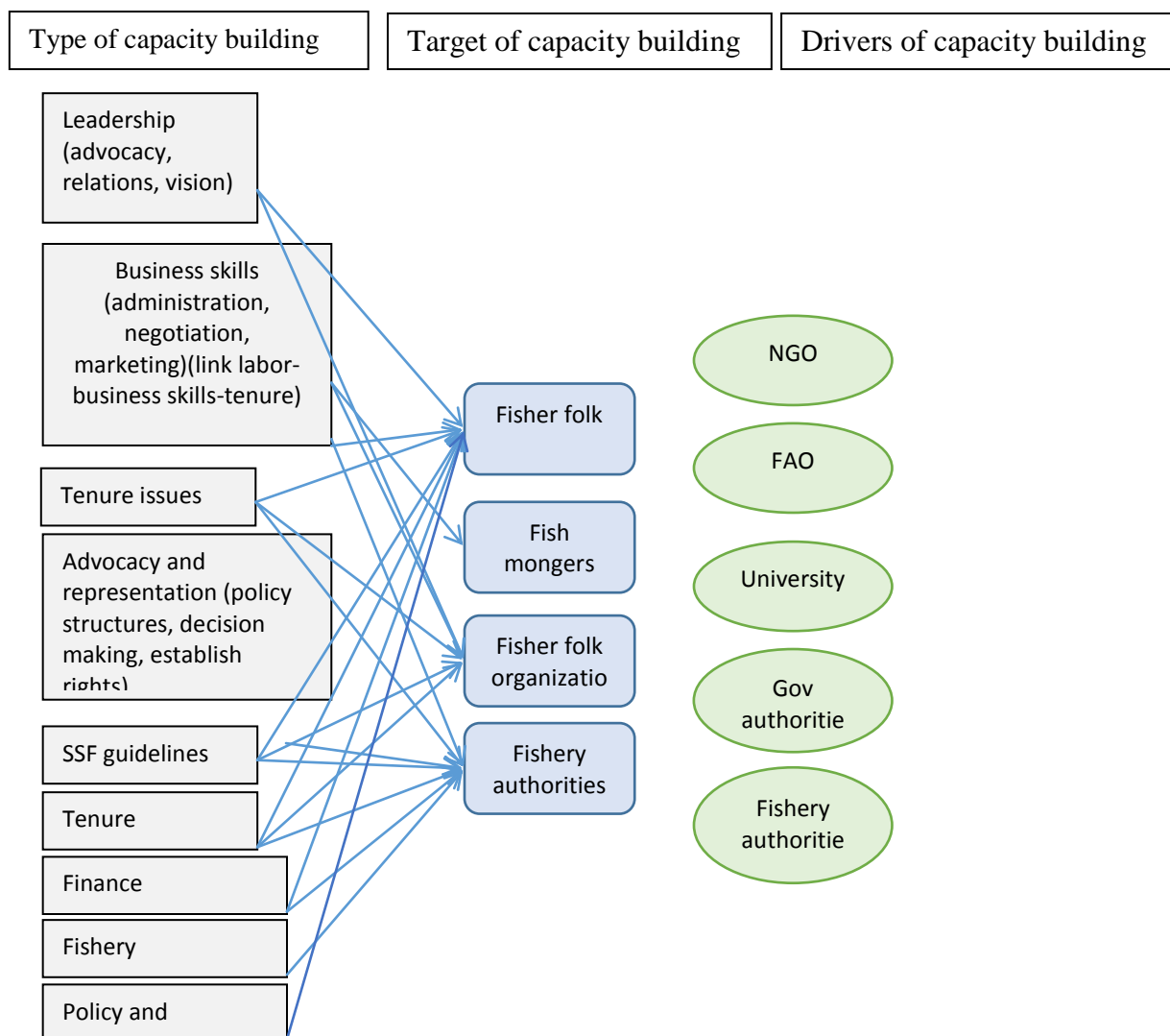
The conclusion of the discussion was that capacity development is one of the key areas for FAO to work on. It was further agreed that capacity development has to be coherent with the SSF Guidelines and the VGGT. It is important to realize that capacity building in the context of fisheries tenure should follow a case by case approach.

Participants of *FoUR15* recommended to develop a capacity development strategy with a 3-tierd approach to tenure and fishing rights (public-private sector- and fisherfolk/community levels), and to design an action plan for capacity development (focus improving and closing gaps of existing tenure and fishing rights system(s); aim at providing the basis for an inclusive national development process (equitable, just and human rights principles), FAO should develop training course material - if possible based on 'best practice' examples for sensitization, needs assessments, leadership and advocacy at the governmental, the private sector and fisherfolk (community) levels, and conduct national training seminars and/or workshops (starting-up the needed 'reform' dialogue between all stakeholders involved). FAO should also support the design of a pilot project and advocacy for technical and financial support from the international donor community or other collaborating partners.



# DRAFT REPORT

Graph 1: Links and drivers of capacity building



**Graph 1** illustrates the various types of capacity building which include business training, leadership training, training on tenure issues, advocacy and representation, knowledge on the SSF guidelines and the VGGT, training in finance mechanisms, fisher management and policy and policy and legislation. All these areas of capacity building are fundamental for addressing tenure issues in fisheries. The main target of all these capacity building activities are fisherfolk and their organizations. Fishery authorities need capacity building for policy and legislation, fishery management, the principles of the SSF guidelines and the VGGT, while fish mongers and fish processors need training in business skills, marketing, and for understanding the links between tenure and labor. The key drivers of these capacity building activities are *inter alia* FAO, governments and fisheries authorities (including facilitators). However, fisherfolk organizations, CSOs and NGOs are also often main drivers for providing capacity building support in the field of tenure and fisheries.



# DRAFT REPORT

## Working Session 4: Financing transitions to rights-based systems (Day 2)

Ms Anika Seggel opened the session on financing transitions to rights-based systems in fisheries. The major focus during this session was on key challenges associated with generating funds for (a) financing transitions from open access regimes to RBS and (b) financing already existing RBS. Furthermore, the role of FAO in the context of financing processes was discussed. It was emphasized that – after a transition period during which financial support is very likely to be required – RBS should be self-sustained.

Financing (the transition of) RBS is capital intensive in most cases. Governments will have to finance required reforms to enable transition or make existing systems work (preparing a legal system, setting up enforcement system, etc) – this is generally a given as the benefits will not come in until the rights-based system is used to actually improve the fishery. Some of the benefits are likely to come from some actors choosing to leave the fishery.

Private investors could come in to e.g. facilitate market access and thus increasing the profitability of fisheries. However, RBS should not solely be reliant on private investors – especially not during the early introduction period. The involvement of private investors should be monitored by independent agencies. It has to be noted that SSF are not solely based on economics but that cultural and identity considerations also play an important role when considering the value of resources. It has been strongly emphasized by *FoUR15* participants that financial support for recognising and enforcing existing rights is equally important as financing transitions.

The key challenges identified during session 4 included:

- Investors for financing transitions would typically involve governments and philanthropists. However, local cost-recovery schemes/ levies could also be introduced for financing fisheries management (collecting data on the fishery, including on who is fishing, the issuing of licences to control exit and entry to the fishery, enforcement and, not least, sensitisation).
- Accountability is key, ensuring money is spent on the “right things” – both towards donors and fishers.
- Financing for the provision of incentives for alternative livelihoods, e.g. providing micro credit, so that some can undertake other/complementary activities. It was noted that a participatory approach is required, including stakeholder consultation and training.
- Concerns about project funding with regard to its sustainability.
- How to finance the process of designing a system, including management costs and capacity building, to get it accepted, implemented and enforced.
- In the long-run it is crucial to convince investors that SSF is a trustworthy partner for investment.
- How to address that the official banking system does not recognize fishing rights as collaterals for loans?

*FoUR15* participants agreed that FAO might play a role as a facilitator to network and identify suitable partners in the context of the above mentioned challenges. FAO could develop timelines



## DRAFT REPORT

and guidelines on financial issues. In addition, FAO could carry out case studies on different financing approaches (e.g. microcredit schemes). FAO could also promote alternatives to traditional financial schemes. FAO could advocate for funding for tenure/rights issues, support data collection necessary for a stock assessment and being able to determine the economic value of the fishery/rights, help identify partners for countries/local communities' (e.g. development banks and trust funds), etc. – including for the promotion of micro-financing initiatives), provide technical information – including the development of guidelines of the subject (including the collection and dissemination of best practice, make a case for investing in securing/enforcing/introducing tenure-rights in fisheries (potentially including temporary compensation, assist with establishing pilots in collaboration with partners, and help advocate for the consideration of payment for ecosystem services to communities for the protection of ecosystems.

### Working Session 5: Diversified and alternative business and livelihood strategies for communities (Day 2)

Ms Nicole Franz opened working session 5.

The *FoUR15* experts underlined that alternative livelihood opportunities need to be explored during the transition from open to closed access regimes or whenever rights are being allocated. *FoUR15* have emphasized that alternative livelihood opportunities for fisherfolk cannot be examined in isolation from other sectors. When promoting alternative livelihoods, careful assessment is needed for potential implications of alternative livelihood opportunities on other sectors or communities. Supporting job diversification can be an important element for reducing pressure on fisheries and improving livelihoods. The SSF guidelines should be the starting point for any FAO work in this field.

The notion of “fishery as the last resort” needs to be reexamined. Demographic changes need to be considered. Fishing communities are often isolated, and government agencies involved in employment diversification often do not reach these communities. There is a need to fill this gap.

Under-valued resources, including under-utilized fish species, under-valued forms of processed products of fishery yields, and under-valued labor by women, should be properly evaluated, and compensated. Expanding discussion on value-chain improvement strategies and post-harvest issues would be helpful for protecting women's rights. Aquaculture might also be an alternative livelihood opportunity, but not always, and fisherfolk have to be heard before introducing aquaculture.

Ecosystem services (e.g. through PES schemes) need to be regarded as an emerging area and as a source of alternative livelihood.

### Working Session 6: International user rights (Day 2)

Ms Rebecca Metzner presented the issue of international user rights. In this key area of work two issues can be outlined: (i.) fishing agreements with foreign fleets, signed by governments and the impact these have on the national SSF and (ii.) international agreements and allocation under RFMOS.



## DRAFT REPORT

In the discussion the competition between artisanal and industrial (national and international) fisheries in obtaining access rights and using the resource was highlighted. It was recommended to provide capacity building for SSF stakeholders for participating in allocation debates and activities.

It is important to evaluate the potential benefits of local use versus use under international fishing agreements. Distribution of foreign earnings to the people versus allocation of fishing rights has to be studied in more detail. FAO roles would be to bring together people of SSF and tenure rights, to assist partnership to better understand their options taking social, food security, and economic consideration into account.

With regard to the enforcement of RFMO's decisions it is important to define what can be allocated, to whom, for how long (in that context, RFMO members and coastal states should consider historical fishing patterns when delineating rights). In the process of delineating rights through RFMOs, SSF should be duly represented. The FoUR15 experts noted that the often high membership fees of RFMOs contribute to the exclusion of small island nations or poorer nations from crucial decision-making processes in the international arena.

The role of migrant workers and their rights was mentioned as an issue to be studied, but without going into much detail during the discussion. Migrant fishers, especially in West Africa, exist since centuries, however, their rights are often overlooked when fishing rights are allocated to the resident fishers.

Future work for FAO would be to collect data on SSF, to increase their visibility in national and regional statistics, and to study the impact of fishery agreements and RFMO decisions on SSF.

### Working Session 7: Additional areas of work (Day 2)

Ms Anika Seggel and Mr Chiguk Ahn presented additional areas of work for FAO to focus in the context of tenure and rights-based approaches in fisheries. The additional areas of work were also identified in the questionnaire that was sent out after UserRights 2015. Additional areas of work include IUU, gender, climate change, and communication materials. Most of these areas of work are cross-cutting with the six key areas of work and will be addressed accordingly. The FoUR15 experts stressed that mapping elements that impact tenure should also be included as future area of work (e.g. seasons, MPAs etc.). Please find an extensive list of additional topics including associated key challenges below (Table 1).

Table 1: Additional areas of work and challenges experienced.

Topics	Challenge
Gender and rights-based systems.	Specific focus and integrated application.
Tools to address IUU (protection and enforcement rights).	How to involve local communities in monitoring and enforcement.
Disaster Resilience & Adaptation and mitigation strategies to CC.	Complex Question: many interventions and institutions. FAO may need to make an inventory of existing initiatives.
Easily digestible communication material on strategies to address possible challenges.	Summarizing and simplifying complex information in acceptable language to local communities.



## DRAFT REPORT

Child Labor, forced labor, slavery.	Context specific based on cultural, age, abuse consideration.
Types of tenure rights (e.g. common property).	Complex legal question: requires case studies and cross jurisdictional analysis and consultations.
Case studies: two or three countries - link between tenure and other rights.	Proper representation of the case and willingness to implement pilot project.
Baseline information which include identification of existing tenure system and who is involved (customary or not) - Catch statistics is also required (fishery by fishery basis).	Availability of data Identifying who is involved in tenure system management.
'matrix' that identifies the interventions and funding source being undertaken on climate resilience/ mitigation, to determine which ones have a focus on fisheries or should have a focus on small scale fisheries.	<ul style="list-style-type: none"> <li>• PSMA might be expensive for SSF to comply with.</li> <li>• Resources to put tenure systems in place.</li> <li>• Sustainability/durability of reforms (after initial project ends).</li> <li>• Fishing gears are getting more 'efficient' and unsustainable.</li> </ul>
Tools for the fishers and local managers to gather and use data (and share it) at low cost, so they can be effective co-managers including data pertaining to local knowledge.	
Clear explanation about (1) designing/defining rights – elements of rights, tradeoffs and (2) the allocation of rights, tradeoffs, with (3) case studies.	
Tools for addressing challenges of transboundary stocks among fishers, countries and regional organizations.	
FAO putting in place port state measures implementation measures for the large scale industrial fleets will help SSF – distant water pirates.	
Clear Terminology	
	Cross disciplinary consensus on use of terms.

### Working Session 8 – Mapping exercise (Day 2)

Ms Dubravka Bojic led the mapping exercise where all the participants put in their experience and ongoing projects regarding user rights. With only 24 participants, more than 200 ongoing projects were mapped, which shows that a comprehensive mapping exercise would be nearly impossible. However, some fundamental considerations were given:

- Data base on project dealing with tenure rights in fisheries should be developed,
- A tool box should be developed
- E consultation should help with the collection and summary
- Implementation of VGGT and SSF guidelines to be used for these projects
- Modular unpacking levels, to go down to key elements
- Process and quality and quantity aspects



# DRAFT REPORT

## Working Session 9: Presentation of draft skeleton work programme (Day 3)

The draft skeleton work programme was presented by Ms Nicole Franz. The draft skeleton work programme is reproduced in Appendix I. The general discussion reiterated the importance of work on both the national and the regional level. Governance was highlighted as the main challenge to successful tenure rights in fisheries. The general discussion also highlighted that the VGGT and the SSF guidelines and therefore the human rights standards should be the basis for any work of FAO on tenure in fisheries. Capacity building of fisheries both for leadership and membership is essential. SSF are often isolated, lack funds and knowledge, and are overlooked in power structure and rights allocations.





# DRAFT REPORT

## APPENDIX I: Skeleton work programme for FAO's future work on tenure and rights-based approaches in fisheries

### FAO Skeleton Work Programme for Tenure and RBA in Fisheries – FoUR15 Output

#### Content

##### A. The Vision

##### B. Friends of UserRights 2015: Overall Considerations and Modalities

##### C. Key issues and Challenges identified by the FoUR15

##### D. Thematic Areas of Work

1. The political economy and governance
  - a. General considerations
  - b. Tentative activities
2. Delineation of rights and processes for doing so
  - a. General considerations
  - b. Tentative activities
3. Capacity development
  - a. General considerations
  - b. Tentative activities
4. Financing
  - a. General considerations
  - b. Tentative activities
5. Enhancement/diversification of livelihoods
  - a. General considerations
  - b. Tentative activities
6. International user rights and tenure
  - a. General considerations
  - b. Tentative activities

**A. Vision:** Responsible governance of tenure in inland and marine fisheries with an emphasis on vulnerable and marginalized people in small-scale fisheries contributes to enhanced food security, poverty eradication and sustainable resource use.

To achieve this vision, this work programme will in close cooperation with all stakeholders:

- Improve existing and effectively expand the reach of new systems of user and tenure rights in fisheries by providing guidance, capacity development tools and information on internationally accepted human rights standards for systems that deal with the rights to use, manage and control fisheries.
- Strengthen the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forestry in the Context of National Food Security (VGGT) with particular emphasis on fisheries tenure.
- Strengthen the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF) with particular emphasis on the governance of tenure (Chapter 5).



## DRAFT REPORT

- Improve the common understanding of all terms and concepts relevant with regard to tenure and rights-based management in fisheries.
- Identify issues and challenges in the context of the six key areas of work (Section 4) and identify suitable activities to sustainably address these issues and challenges.
- Strengthen capacities and operations of implementing agencies including:
  - relevant levels of governments (local, national and regional);
  - judicial authorities;
  - organizations of fishers and fish workers;
  - indigenous peoples and other communities;
  - civil society organizations, private sector and academia; and
  - all persons concerned with fisheries tenure governance.
- Promote communication and cooperation between all stakeholders involved in tenure and rights-based approaches in fisheries.
- Develop concrete tools to support the revision, improvement and continuous development of policy, legal and organizational frameworks and capacities that can be used to regulate user- and tenure rights that exist over aquatic resources.
- Enhance the transparency and the functioning of tenure systems in fisheries.
- Support regional actors in the generation of funds.

### **B. Friends of UserRights 2015: Overall Considerations and Modalities**

This FAO work programme is anchored within FAO's 5 strategic objectives and existing initiatives and

- is designed to contribute to the implementation of the SSF Guidelines (chapter 5 in particular) and the VGGT with a particular focus on vulnerable and marginalized people in the context of food security and poverty eradication;
- underlines the importance to conduct assessments of existent and new tenure systems in fisheries against principles of SSF and VGGT Guidelines and internationally accepted human rights standards;
- will be based on a modular approach to facilitate effective and efficient use of its work products;
- utilizes FAO's role as a connector in a global network for knowledge and information exchange – in other words, not all needs should be met by FAO, but FAO should be able to pinpoint others who can fill gaps in its own capabilities and services;
- supports cross-sectoral networking needed beyond fisheries (*need to identify stakeholders, contact points*);
- ensure clear linkages to tenure rights to land in coastal and waterfront areas, where these are critical to facilitate access to fisheries and accessory activities such as processing, and provisioning exist;
- identify existing tenure systems in small scale fisheries and base work on what is already there, including other mapping exercises (e.g. existing relevant initiatives in each context);
- understands that capacity building is a core issue for supporting responsible and sustainable governance of tenure in fisheries;
- will include representative and generic pilot projects to connect the global dimension of the work programme with the regional context. It has to be noted that these pilot projects are not run by FAO. The pilot projects will identify existing tenure issues and promote solutions that have positive impact on SSF communities;



## DRAFT REPORT

- emphasizes that acknowledging existing tenure and access to fisheries in their country is very important to fishers;
- understands that fishing is not necessarily a full-time occupation and that fishing is only one profession among many. Consequently, many operate at the water-land interface which has to be taken into consideration in every successful pilot project and, finally,
- will recognize the triple pillars of sustainability underpinning tenure rights, namely the economic, ecological and social components and contribute to the implementation of the UN Sustainable Development Goals. Most notably, **Goal 14: Conserve and sustainably use the oceans, seas and marine resources**.

### **Goal 14 Targets – amongst others – include:**

- By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans; Provide access for small-scale artisanal fishers to marine resources and markets; and
- Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in **paragraph 158 of *The Future We Want***.

### **C. Key issues and challenges identified by FoUR15**

- Insufficient capacities:
  - Ranging from the government to fisher level including but not limited to: institutional, financial, managerial, scientific, technical, etc. – to sustainably support responsible governance of tenure and rights-based approaches in fisheries.
  - In particular, inadequate information, data and knowledge on existent biomass, socio-economic key issues and sustainable development potential of those directly and indirectly dependent on the resources undermines taking reasonable and sustainable governance and management decision.
- Lack of:
  - Effective stakeholder participation – especially with regard to small-scale fishers and fishing communities;
  - clarity of roles and responsibilities of institutions relevant for responsible governance of tenure and rights-based approaches in fisheries;
  - communication between institutions (especially cross-sectoral);
  - effective management of existent tenure systems (often due to insufficient capacities of various stakeholders);
  - a holistic understanding of legal pluralism and the complex interface (and often inconsistency) between customary and statutory law;
  - a legal authority and support;
  - capacities/ strategies to enforce legitimate rights and thus create access to justice; and
  - a holistic understanding of diverse approaches to and conceptualization of tenure in different jurisdictions and across differing cultures (note: term tenure is not translatable into all languages);
  - Clarity on interactions among international instruments (and various actors), and their impact on national policies, laws, and programmes in fisheries and cross-sectoral collaboration with other relevant sectors.



# DRAFT REPORT

## **D. Thematic Areas of Work: General Considerations and Tentative Activities**

### **1. The Political Economy and Governance**

#### **a. General Considerations**

The political economy and governance section of this work programme is not a stand-alone module and should thus not be treated as such. It has to be noted that the assessment of political economy and/ or governance structures is a complementary activity to the 5 following modules, namely: delineation of rights and processes to do so, capacity development, financing, enhancement/diversification of livelihoods and international user rights. In fact, political economy and governance considerations cut across and affect all thematic areas of the work programme. It is essential to conduct governance and/ or political economy assessments to understand and appropriately address issues related to the other thematic key areas of work. However, such assessment tools – even though under development for land and forests – are yet missing for fisheries and should thus be one of the very first key activities of this work programme.

Political economy relates to political and economic processes in a society and how these processes interact. Understanding the distribution of power and wealth within or between societies or communities (or individuals) is crucial for analysing the political economy in a given location. It is noteworthy to recognize that political economy conditions can differ at the regional, national and sub-national level. The political economy shapes the governance structure and thus the management of fisheries resources.

Governance includes but is broader than management in that it includes the means whereby societies decide who gets access to what and under what conditions and who may control that access. The term “governance” covers both: (i) the activity or process of governing; (ii) those people charged with the duty of governing; and (iii) the manner, method and system by which a particular society is governed. In fisheries it is usually understood as the sum of the legal, social, economic and political arrangements used to manage fisheries (FAO, 2015).

Management refers to the technical activities involved in the day to day management of these governance decisions. Closing the circle, the ability of resource-user groups to solve management problems may depend on their own internal political economy as well as on the political economy at the national or regional level.

As emphasized by the FoUR15, SSF fishers and fish workers are often disadvantaged in power relations compared to the rest of society, in particular relative to large-scale industrial fishing fleets. Underlying reasons for the disadvantaged power position are i.a. lack of funds, fragmented or no organization and poor negotiation skills. FoUR15 participants have thus identified that there is an urgent need to identify and understand relations of power in relation to tenure and user rights and their allocation and, where appropriate and consistent with national law, their re-distribution (per the VGGT).

Political economy and governance considerations and assessments should give special attention and support to marginalized and vulnerable fishers, fishing communities and individuals and groups within these communities whose needs are greatest (women, children and disabled). It is further important to identify and analyze legal issues at all levels (e.g. how systems of law are recognized in different jurisdictions and for different groups and their legitimacy; legal pluralism and the interface of statutory-customary law).

#### **a. Tentative activities**

##### **Global level**

- Prepare an inventory of the existing tenure systems and rights-based approaches associated with these tenure systems. Recognize and build on already existing inventories;



# DRAFT REPORT

- Develop methodologies, tools and indicators for assessing factors of success and failures, based on existing human rights standards with a particular focus on the SSF VG and VGGT Tenure;
- Develop methodologies and tools for integrating the social component of sustainable development into existing approaches to user rights such as i.a. ITQs, catch shares, TURFS and other community based systems, and open access systems which to date have focused more on the ecological and economic components;
- Identify, analyse and describe political economy and governance issues and challenges (at the national and the local level), including use of a diagnostic tools helping to assess, for example, deficiencies of systems and processes in relation to human rights and the extent to which they integrate social, economic and ecological goals.

## Local Level

- Provide capacity development (including fisherfolk leaders and members) to address identified issues;
- Facilitate dialogue, deliberative governance and the co-production of new knowledge and information amongst all stakeholders that integrates local ecological knowledge and fishing communities with other form of knowledge;
- Facilitate knowledge on the importance of cross-sectoral policy coherence, the need to clarify mandates and roles and responsibilities of different stakeholders involved;
- Support and facilitate information sharing among all stakeholders;
- Support fishers/fishworker organizations (and other SSF affiliated businesses) to improve or maintain the balance of power within the political economy context;
- Provide comprehensive support for improving access to justice for SSF communities (overarching activity theme) (chapter 21 VGGT).

## 2. Delineation of Rights and Processes for Doing so

### a. General considerations

#### (i.) Participation and transparency

- Participatory development of tenure systems is crucial for sustainable arrangements.
- Transparency is critical during allocation processes for the result to be accepted by all stakeholders.

#### (ii.) Bioecological and socioeconomic data

- The design of tenure systems shall be based on bioecological and socioeconomic data and information from both fishers/fish workers and scientific sources.

#### (iii.) Processes, tools, community goals

- Allocation processes consists of three-steps
  - (1) Rights need to be defined;
  - (2) Rights need to be assigned; and
  - (3) Safeguards for avoiding the accumulation of access in a few hands need to be defined if desired by community.
- Provide communities with the tools and information they need to put in place allocation mechanisms that meet community priorities.
- Need to define clear objectives (environmental, economic and social) for allocation processes to meet community goals. The objectives need to be defined with associated guiding indicators based on the human rights standards reflected in the principles of the VGGT and SSF VG SSF. It has to be noted that objectives are likely to differ between locations and that there is no 'one-size-fits all' set of objectives.
- Allocation of rights processes shall especially consider:



# DRAFT REPORT

- Women, non-fishers, children and any other disadvantaged groups and sectors who or which experience discrimination; and
- Specific measures to eliminate all forms of discrimination must be adopted.

(iv.) Understanding the legal context and potential for conflicts

- Customary systems of tenure must be recognised and respected and where necessary steps must be adopted to facilitate harmonization between customary and statutory tenure systems.
- Allocation of rights processes shall include
  - (1) The recognition of pre-existing rights;
  - (2) The registration of strengthened or new rights;
    - During (1) & (2) identification of impacted and impacting stakeholders and their parallel, associated, conflicting or synergistic rights is crucial.
    - Consensus is often not possible in allocation processes and potential conflicts have to be considered.
      - Capacity building for dispute resolution mechanisms must be developed and made accessible to all stakeholders.
      - Where reallocation of rights appears to be unavoidable: appropriate compensation (including but not limited to the financial value) shall be provided.

(v.) Type and quality of rights and tenure

- The quality of rights is *inter alia* determined by the rights being clear and recognized and whether a science and conservation-based fishery management and governance scheme is in place to ensure that there remain fish to be caught.
  - Where rights are of high quality, roles and responsibilities within the tenure system will be too.

## a. Tentative activities

### Global Level

- Documentation of existing diverse legal and policy approaches in different settings related to
  - political economy and
  - legal pluralism.
- Documentation and analysis of different tenure systems and their implications for the full and effective participation of women in fisheries;
- Documentation and analysis of the contribution of different tenure systems to food security and poverty eradication in different locations/ ecosystems/fisheries sectors.

### Local level

- Mapping tenure systems in specific sites to collect information on
  - the type of rights and
  - the quality of rights;
- Develop frameworks including proposed actions for supporting national strengthening of tenure or reform in the context of international human rights standards;
- Support the impact evaluation of other sectors/ activities on tenure and fishing rights and vice versa;
- Use/ conduct/ refer to baseline scenarios, criteria/tools for mapping, successful and unsuccessful case studies, gap analysis;
- Take into consideration cultural and religious issues associated with tenure particularly in the context of community life and associated customary tenure.
- Analyse trade-offs of:
  - Each element in a tenure system rather than systems as a whole.
  - Whole systems – e.g., spatial versus species.





# DRAFT REPORT

- List and describe existing tools for data collection, in particular for data poor situations and under financial constraints.

## 3. Capacity development

### a. General considerations

Capacity development is an integral part of the SSF and VGGT Guidelines and links most - if not all - of the issues identified for inclusion in the FAO work programme on tenure and rights-based approaches in fisheries. Capacity development should build on existing knowledge and skills and be a two-way process of knowledge transfer, providing for flexible and suitable learning pathways to meet the needs of individuals, including men and women and vulnerable and marginalized groups and should include building the resilience and adaptive capacity of small-scale fishing communities to disaster risk management and climate change (SSF VG, 12.3).

Because of common principles, certain capacity development processes, mechanisms and tools may apply to many, perhaps all situations. Nevertheless, tailor-made case by case capacity development approaches are key for success. A crucial component of tailor-made case by case capacity development is the throughout identification of all involved stakeholders, their power relations and their key interests. After identifying all involved stakeholders a complementary capacity needs assessment has to be conducted. In general, capacity development includes but is not limited to: institutional, technical, managerial, financial and scientific components.

### b. Tentative activities

#### Global Level

- Identify capacity development processes (including mechanisms and tools) that may apply to many, perhaps all situations independent from local conditions.
- Develop capacity development strategies for (i.) supporting existing and (ii.) developing new fisheries tenure and rights-based approaches for *inter alia* governments, RFMOs, private sector, CSOs and fisherfolk/communities.
- Conduct inventory of existing training materials for capacity development.
  - E.g. FAO, EDF Fishery Solutions Center, Coral Triangle Center, EBM Tools Network
- Develop training course material for stockholders on capacity development aspects where not yet existent.
  - Training course material should be appropriate for different stakeholder groups.

#### Local Level

- Design a regional/ national action plan for capacity development with a focus on improving and closing gaps of existing tenure and fishing rights system(s), aiming at providing the basis for an inclusive national development process based on a human rights-based approach as outlined in the SSF and VGGT Guidelines.
- Analyze all relevant stakeholders (and their power-relations) and assess their capacity needs.
- Conduct regional/ national training seminars and/or workshops to start the necessary reform dialogue between all stakeholders involved.
- Training materials for capacity development include but are not limited to:
  - Tool boxes: on processes, systems/measures;
  - Terminology and case study publications;
  - E-learning modules for policy-makers and activists;
  - Materials addressing the promotion of gender equity and child protection/development;
  - Legal training (capacity-building element for legislators, those responsible for legislative drafting and lawyers);
  - Support for training and university programmes on tenure in fisheries;





# DRAFT REPORT

- Exchange programmes to expose stakeholders to a variety of systems of tenure that demonstrate best practice;
- Training to use and collect biomass data, and fishery assessment tools – which may be electronic equipment, software or other things – to manage the data which are collected;
- Where possible, training material should be based on good practices (case study publications - for sensitization, needs assessments, leadership and advocacy at the government/private sector/fisherfolk community levels).

## 4. Financing

### a. General considerations

- Define priority areas that require financial support as this will change the recipient of financial transfers e.g.:
  - (i.) the transition towards less catching of fish while stocks recover suggests support to fishers.
  - (ii.) Improving existing or putting in place effective tenure systems (including enforcement measures) would require support to governments.
    - For (i.) and (ii.) consider financing through streamlining supply chains, developing value chains into high end markets (local and foreign), better post capture manipulation, certification processes, etc. However, careful consideration is required to make sure that developing value chains into high end markets does not undermine the local and/ or regional food and nutrition security (e.g. adding value to products might increase the price as value is added to the product hence undermining access of the poor).
- Designing a system, to get it accepted, implemented and enforced, all happens before benefits can be reaped – how to finance this process, including management costs and capacity building.
  - b. If governments lack funding, how to entice donors to fund this?
  - c. Accountability is key, ensuring donor money is spent transparently and on the “right things”.
- Promoting ‘internal’ investment: making micro-credit schemes available to support the development of alternative livelihoods or enabling investments into latest available techniques to reduce fishing costs or improve post-harvest processing.
  - d. Credits should only be granted after throughout evaluation of proposed investment plans.
  - e. Provide stakeholders consultation and training on how to evaluate the feasibility of investment plans and how to access such schemes.
  - f. Access to finance should also be possible after project ends.
- Clarify how to deal with ‘external’ investment e.g. investment by private corporations. Support might be needed for SSF to understand economic and legal implications of external investment.
- Rights can be potentially bankable.
- Consider ‘low cost’ tenure systems e.g. spatial tenure can come without / at low cost (apart from enforcement).

### g. Tentative activities

#### Global Level

- Provide information on how transitions have been financed in various parts of the world.
- Provide technical information, including guidelines (special focus on already existent systems).



# DRAFT REPORT

- Help advocate for the consideration of ecosystem benefits (payment for ecosystem services (ESS) to communities for the protection of ecosystems).
  - Identify who could pay for ESS.
  - Define the (monetary, cultural and religious) value of ESS.
- Help advocate for funding for tenure and rights-based approaches. Do not rely on private finance (external investment) during the early stages of the global work programme and local projects.
- Help identify financial partners for countries/local communities to work with.

## Local Level

- Collect data on stocks to determine the value of right(s) (the more sustainable and healthy the stock = the higher the economic value of the right(s)).
- Make sure to consider culture, religion and way of life when determining the value of rights.
- Support development of licenses that cannot be manipulated [i.e., counterfeit-proof]
  - This is necessary (in combination with data on stocks) to define and support the value of rights.
- Make a case for investing in introducing/securing/ enhancing/enforcing tenure-rights in fisheries
  - Integrating communities lowers costs and increases chances at success.
  - Consider including temporary compensation.

## 5. Enhancement/diversification of livelihoods

### a. General considerations

- Collect example cases of successful and unsuccessful enhancement/diversification of livelihoods.
- Process is crucial: need to directly involve the affected communities from the beginning in identifying issues and solutions and draw from traditional knowledge of fishers and scientific research
  - link scientists with fishing communities;
- The issue is an inter-disciplinary area between fisheries and other sectors/policy domains;
- Demographic changes need to be considered;
- Take decent labor considerations into account (e.g., child labor, slavery);
- Improve use of existing landings (e.g. post-harvest processing) without undermining local/ regional food and nutrition security;
- The notion “fishery as the last resort” needs to be reexamined!

### b. Tentative activities

- Considering FAO’s comparative advantage and expertise, activities should focus on poverty alleviation through supporting job diversification and adding value to existing landings – however, adding value must not exclude the poorest from accessing fish products locally and or regionally;
- Exploration and promotion of diverse [complementary and alternative] livelihoods, both in the context of existing access regimes, during the transition from open to closed access regimes;
- Assessment and development of under-valued resources, including under-utilized fish species and under-developed forms of processed products of fishery yields (e.g. in relation to value addition, food labeling) as diversification opportunities;
- Facilitating connecting communities with available technical resources to improve the processing of products and the identification of under-valued resources;
- Reconsideration and fair compensation of under-valued labor (shadow work) by women and promotion for women’s involvement in fisheries value-chain and post-harvest activities to promote gender equality;
- Exploration of ecosystem services as potential emerging area for income generating activities for fishing communities;
- Provision of proper and timely information on the status and opportunity of other livelihood options;



# DRAFT REPORT

- Facilitation of connection with other partners with expertise in employment issues;
- Toolboxes for communities;
- Focus needs to be placed upon individual persons (individual rights), their institutional aspects, community rights, and their priorities (out of economics, social, and environment).

## 6. International User Rights

### a. General considerations

The issue of international user rights should be divided into two sub sections  
RFMOs and RFBs and their role in user rights in fisheries  
Foreign fishing agreements.

#### 1. RFMOs and RFBs and their role in user rights in fisheries

- RFMOs/RFBs provide rules for sharing between participating nations. These are generally based on traditional fishing performance, and do not take into account changes in the stock distribution, such as the impacts of climate change on international stocks. Therefore it is important to design of rights-based systems that include options for revision/modification in the future. SSF is generally overlooked in the RFMO context. Migrant issues are also not well been taken into account, when looking at international fishing rights.

#### 2. Foreign fishing agreements

- The impact of foreign fishing agreements on fishing rights of local fishers has been studied in detail. There is a competition between artisanal and industrial (national and international) fisheries in accessing the resource/obtaining access rights, which often is not in favor of the SSF fishers, as the fee that can be collected by the governments through foreign fishing agreements are substantial while the importance of SSF is generally not well documented in economic terms. Compliance/Enforcement is an important issue of foreign fishing agreements. Inland fisheries generally does not have the strong foreign fishing component, but fishing by neighbouring countries can be an issue.

### b. Tentative activities

#### 1. RFMOs and RFBs and their role in user rights in fisheries

- Activities should include a study on the various existing RFMOs (and RFBs): with regard to the participation, the costs, the time allocation and the various mechanisms. Another activity is to document the sovereignty of countries participating in RFMOs, and how historical access is valued versus new entrants/entry. Whether the RFMO mechanisms is flexible enough to account for changes in stocks due to climate change, and how the allocation mechanisms amongst RFMO members is working. The same study should look at mechanisms for sharing resources, and the durations of agreements. A special component of capacity building for developing countries for participating in RFMOs, especially with regard to allocation debates. It is important to promote SSF on the RFMO agenda? FAO should also look into the issue of traditional fishing rights of migrant fishers, and see how to include them on the RFMO agenda as well.

#### 2. Foreign fishing agreements

- Activities should include capacity development / ideas for resolving allocation issues between artisanal, national and international fleets. The project should also prepare tools to evaluate - economic, social-environmental, food security – benefits of foreign fishing versus



## DRAFT REPORT

domestic production. Is it better to lease the fish or to fish it? What is best for SSF and food security in the country? Activities will include data collection on SSF and their inclusion into national and regional statistics. The project will develop tools for assessing tradeoffs between fishing Agreements with fishing Fleets and SSF: issue of surplus/ access for foreign fleets versus keeping it for SSF.



# DRAFT REPORT

## APPENDIX II: AGENDA FOUR15 MEETING

### Informal expert meeting *Friends of UserRights 2015*, 19-21 October 2015

The meeting will consist of plenary (Monday morning) and brainstorming sessions (Monday afternoon, Tuesday, and Wednesday morning).

We would like that in all sessions substantive as well as operational aspects of each topic will be considered.

All sessions will be facilitated by FAO staff. We kindly request note-taking groups to prepare a 4 paragraph summary:

- 3 paragraphs summing up the assigned session(s),
- and 1 paragraph highlighting the respective key points of the discussions.

All groups will present their summaries at the meeting and are kindly requested to forward their summaries by the end of the meeting to FAO staff.

Ideally, the output of this informal expert meeting will be:

- a skeleton of a possible future work plan on tenure and user-rights for fisheries.

#### Sunday, 18 October 2015

19.30	Welcome Cocktail
20.30	Dinner

#### Day 1: Monday, 19 October 2015

Time	Theme	Facilitator	Note takers Day I
7:30	Breakfast		
SCENE SETTING			
9:00	Welcome and introductions	Rebecca Metzner	
9:45 - 10:00	Where we've been and where we're going: UR 2015, post forum survey and next steps.	Rebecca Metzner	
10:00 – 10:15	The Voluntary Guidelines on Securing Small Scale Fisheries (SSF Guidelines) and the VGGT.	Nicole Franz	
10:15 – 10:45	Coffee break		
10:45 – 11:45	Purpose, Scope & Outcomes of this meeting.	Lena Westlund	<u>Note Takers</u> <ul style="list-style-type: none"> <li>• Erick Ross Salazar</li> <li>• Paul Macgillivray</li> <li>• Jackie Sunde</li> <li>• Ragnar Arnason</li> </ul>
WORKING SESSIONS			
11:45 – 12:45	<b>Session 1:</b> The political economy issues when adopting and implementing rights-based systems for fisheries. <i>Key issues, goals, how to get there, who will be involved, what can be done?</i>	Dubravka Bojic	<u>Note Takers</u> <ul style="list-style-type: none"> <li>• Erick Ross Salazar</li> <li>• Paul Macgillivray</li> <li>• Jackie Sunde</li> <li>• Ragnar Arnason</li> </ul>
12:45 – 14:00	Lunch Break		
14:00 – 15:00	<b>Session 2:</b> Allocation: processes and implications. <i>Key issues/topics, what sort of work is needed, who will be involved?</i>	Lena Westlund	<u>Note Takers</u> <ul style="list-style-type: none"> <li>• Erick Ross Salazar</li> <li>• Paul Macgillivray</li> <li>• Jackie Sunde</li> <li>• Ragnar Arnason</li> </ul>



# DRAFT REPORT

15:00 – 16:00	<b>Session 3:</b> Capacity development and tools for learning about, designing, and/ or implementing rights-based systems. <i>Key needs and for whom?</i>	Nicole Franz	<u>Note Takers</u> <ul style="list-style-type: none"> <li>• Rene Scherer</li> <li>• Mechthild Kronen</li> <li>• Nobuyuki Yagi</li> <li>• Mitch Lay</li> <li>• Gunilla Greig</li> </ul>
16:00 – 16:30	<i>Coffee Break</i>		
16:30 – 17:30	<b>Session 4:</b> Financing transitions to rights-based systems and sustainable fisheries. <i>How to do? With whom? Key challenges?</i>	Anika Seggel & Chiguk Ahn	<u>Note Takers</u> <ul style="list-style-type: none"> <li>• Rene Scherer</li> <li>• Mechthild Kronen</li> <li>• Nobuyuki Yagi</li> <li>• Mitch Lay</li> <li>• Gunilla Greig</li> </ul>
17:30	Close of Day 1	Rebecca Metzner	
19:30	<i>Dinner</i>		

## Day 2: Tuesday, 20 October 2015

Time	Theme	Facilitator	Note-takers Day II
7:30	<i>Breakfast</i>		
<b>WORKING SESSIONS</b>			
9:00 - 10:15	<b>Reporting back</b> Note-takers' summaries from Sessions 1, 2, 3 and 4.	Helga Josupeit	
10:15 – 10:30	<i>Coffee break</i>		
10:30 – 11:30	<b>Session 5:</b> Diversified and alternative business and/or livelihood strategies for communities directly and indirectly dependent on fisheries. <i>What are processes for eliciting options for diversification? How and who to support transitions?</i>	Nicole Franz	<u>Note Takers</u> <ul style="list-style-type: none"> <li>• Adam Soliman</li> <li>• Godfrey Monor</li> <li>• Birane Sambe</li> <li>• Aboubacar Sidibe</li> <li>• Nobuyuki Yagi</li> </ul>
11:30 – 12:30	<b>Session 6:</b> International user rights. <i>Key issues for fresh and marine fisheries, challenges, and more?</i>	Rebecca Metzner	<u>Note Takers</u> <ul style="list-style-type: none"> <li>• Rene Scherer</li> <li>• Mechthild Kronen</li> <li>• Mitch Lay</li> <li>• Gunilla Greig</li> </ul>
12:30 – 14:00	<i>Lunch Break</i>		
14:00 – 15:00	<b>Session 7:</b> What additional areas and modalities of work need to be covered? <i>This can be both substantive and operational (e.g. substantive - IUU, gender, climate change, operational -- easily digestible communication materials)?</i>	Anika Seggel & Chiguk Ahn	<u>Note Takers</u> <ul style="list-style-type: none"> <li>• Adam Soliman</li> <li>• Godfrey Monor</li> <li>• Birane Sambe</li> <li>• Aboubacar Sidibe</li> </ul>
15:00 – 15:30	<i>Coffee Break</i>		
15:30 – 16.15	<b>Reporting back</b> Note-takers' summaries from Sessions 5, 6 and 7	Helga Josupeit	



# DRAFT REPORT

16:15 – 17:30	<b>Session 8:</b> Mapping topics/ areas of work with existing activities/ initiatives. <i>Who is already doing what and where and with whom?</i>	Dubravka Bojic	<u>Note Takers</u> <ul style="list-style-type: none"> <li>Nicole Franz</li> <li>Helga Josupeit</li> <li>Anika Seggel</li> <li>Chiguk Ahn</li> <li>Rebecca Metzner</li> <li>Lena Westlund</li> </ul>
17 :30	Close of Day 2		
19:30	Dinner		

## Day 3: Wednesday, 21 October 2015

Time	Theme	Facilitator	Note-taker Day III
9:00 – 9:30	Draft skeleton work programme available for reading/digestion.		
9:30 – 10:30	<b>Session 9:</b> Presentation and discussion of draft skeleton work programme.	Nicole Franz	<u>Note Takers</u> <ul style="list-style-type: none"> <li>Jessica Landman</li> <li>Johan Williams</li> <li>Kaing Khim</li> </ul>
10:30 – 11:00	Coffee break		
11:00 – 11:45	<b>Session 9:</b> (continued)	Nicole Franz	<u>Note Takers</u> <ul style="list-style-type: none"> <li>Jessica Landman</li> <li>Johan Williams</li> <li>Kaing Khim</li> </ul>
11:45	Closing Remarks <i>Clarifications: what are the optional very next steps (e.g. 2016 meeting, COFI side-event, getting tenure into COFI side-event and next agenda).</i>	Rebecca Metzner	
12:00	Lunch		

## Day IV: Thursday, 22 October 2015

07:00 – 08:00	Breakfast
---------------	-----------





# DRAFT REPORT

## APPENDIX III: LIST OF PARTICIPANTS

Surname	Name	Email	Organization
Aboubacar	Sidibe	aboubacar.sidibe@au-ibar.org	AU-IBAR
Ahn	Chiguk	chiguk.ahn@fao.org	FAO
Arnason	Ragnar	ragnara@hi.is	University of Iceland, Iceland
Bojic	Dubravka	dubravka.bojic@fao.org	FAO
Franz	Nicole	nicole.franz@fao.org	FAO
Greig	Gunilla	gunilla.greig@havochvatten.se	Swedish Agency for Marine and Water Management, Sweden
Josuweit	Helga	Helga.josuweit@fao.org	FAO
Kaing	Khim	kaingkhim@online.com.kh	Fisheries Administration of the Government of the Kingdom of Cambodia, Cambodia
Kronen	Mechthild	mechthild.kronen@giz.de	Gesellschaft für International Zusammenarbeit (GIZ), Germany
Landman	Jessica	jlandman@edf.org	Environmental Defense Fund (EDF)
Lay	Mitchell	mitchlay@yahoo.co.uk	ICSF, Caribbean Network of Fisherfolk
Macgillivray	Paul	paul.macgillivray@icloud.com	Independent Fisheries Consultant, Canada
Metzner	Rebecca	Rebecca.metzner@fao.org	FAO
Monor	Godfrey	monorgv@lvfo.org monorgv@gmail.com	Lake Victoria Fisheries Organization (LVFO)
Ross	Erick	erick.ross@marviva.net	Marviva, Costa Rica
Sambe	Birane	birane.sambe@fao.org	FAO
Schärer	René	fishnet@uol.com.br	ICSF; Amigos da Prainha do Canto Verde, Brazil
Seggel	Anika	anika.seggel@fao.org	FAO
Soliman	Adam	info@fishlaw.org	Fisheries Law Centre, Canada
Sunde	Jackie	jsunde@telkomsa.net	ICSF; University of Cape Town, SA
Westlund	Lena	lena.westlund@fao.org	FAO
Williams	Johan H.	johan-h.williams@nfd.dep.no	Ministry of Fisheries and Coastal Affairs, Norway
Yagi	Nobuyuki	yagi@fs.a.u-tokyo.ac.jp	University of Tokyo, Japan