



TECHNICAL CONSULTATION ON INTERNATIONAL GUIDELINES FOR SECURING SUSTAINABLE SMALL-SCALE FISHERIES

Rome, 20-24 May 2013 and 3-7 February 2014

CHAIRPERSON REPORT

OPENING OF THE TECHNICAL CONSULTATION

1. On the recommendation of the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) at its Thirtieth Session in 2012, the Director General of FAO, Mr José Graziano da Silva, convened the Technical Consultation on International Guidelines for Securing Sustainable Small-Scale Fisheries. The Technical Consultation was held at FAO Headquarters, Rome, Italy, from 20-24 May 2013. A resumed session was subsequently held at FAO Headquarters in Rome, Italy on 3-7 February 2014. The Consultation was funded by the Governments of Brazil, Norway and the United States of America as well as by the Nordic Council of Ministers. Funding was also provided by the Government of Finland through the International Fund for Agricultural Development (IFAD).
2. The Technical Consultation was attended by 98 FAO Members and by observers from 11 intergovernmental, 4 international non-governmental organizations and 59 representatives from Civil Society Organizations. The list of delegates and observers is in Appendix B. The documents that were placed before the Consultation are listed in Appendix C.
3. The Secretary called the Technical Consultation to order and welcomed delegates to FAO and the Consultation.
4. Mr Árni M. Mathiesen, Assistant Director-General, FAO Fisheries and Aquaculture Department welcomed delegates to the Technical Consultation. In his opening statement, Mr Mathiesen recalled that the Twenty-ninth Session of COFI. Had agreed on the development of international guidelines that address both inland and marine small-scale fisheries, are of a voluntary nature, focus on the needs of developing countries, draw on relevant existing instruments and complement the Code of Conduct for Responsible Fisheries. COFI also recommended that all stakeholders should be associated with their development. As a result, the development of the Guidelines was informed by an extensive participatory consultative process in which more than 4000 stakeholders were directly involved.

5. Mr Mathiesen reminded delegates that the overarching goals of the Guidelines is to enhance the contribution of small-scale fisheries to food security and nutrition, to support the progressive realization of the right to food and to empower small-scale fishing communities to participate in decision-making, to enjoy their human rights, and to assume responsibilities for sustainable use of fishery resources.

6. At the start of the resumed session in February 2014, Mr Lahsen Ababouch, Director, Fisheries and Aquaculture Policy and Economics Division, delivered the opening statement. He congratulated the Technical Consultation for the considerable progress made during the session in May 2013 and urged the Technical Consultation to make all efforts to conclude the Guidelines. Mr Ababouch highlighted the importance of the process and encouraged consensus amongst member states in order to finalize the Guidelines. Mr Ababouch highlighted the large number of participating countries, which he noted showed the high level of international commitment to small-scale fisheries.

7. Mr Ababouch further reminded the Technical Consultation that in keeping with existing FAO practice, an administrative report would be prepared at the conclusion of the consultation. He added that it would be factual in content and attached to it would be the Guidelines. COFI would be informed of the outcome of the Technical Consultation. The texts of the opening statements are attached as Appendix D and E, respectively.

ELECTION OF THE CHAIRPERSON

8. Dr Fabio Hazin, Associate Professor and Director of the Fisheries and Aquaculture, Department of the Federal Rural University of Pernambuco, Brazil, was elected Chairperson of the Consultation. He expressed his gratitude to the Technical Consultation for its confidence in electing him to the position.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE TECHNICAL CONSULTATION

9. The Technical Consultation adopted the agenda as given in Appendix A.

ELECTION OF VICE-CHAIRPERSONS AND DESIGNATION OF RAPPORTEUR

10. Dr Uwe Scholz (Germany), Mr Anang Noegroho Setyo Moeljono (Indonesia) and Dr Park Wong-gyu (Republic of Korea) were elected First, Second and Third Vice-Chairpersons respectively. Dr Dean Swanson (USA) was elected Rapporteur.

REVIEW OF THE INTERNATIONAL GUIDELINES FOR SECURING SUSTAINABLE SMALL-SCALE FISHERIES

11. The Chairperson stressed the importance of developing the Guidelines and pointed out that this endeavor had been long overdue. He reminded the delegates that COFI had

recommended that FAO lead the development of the Guidelines both in its Twenty-ninth and Thirtieth Sessions.

12. The Chairperson reminded the delegates that the Technical Consultation would follow the forms and procedures of COFI.

13. Following these explanations and clarifications, the Chairperson invited delegates to make opening statements. There was a widespread consensus during opening statements on the importance of the small-scale fisheries sector for food security and poverty eradication and on the need to highlight their contribution to these issues. Additionally, member states agreed on the positive potential impact of the Guidelines on the sector's development and the need to improve the attention given to small-scale fisheries at the international level. Members highlighted the difficulty of agreeing on a global definition of small-scale fisheries but considered that the Guidelines should be applied within the context of each country.

14. Following the opening statements, the Chairperson introduced document TC-SSF/2013/2. This document was the basis for discussion and review during the Technical Consultation. This document was elaborated by the Secretariat and was based on a global consultation process that took place from 2010 to 2013. The reports of six regional consultative workshops and additional information on the consultation process were made publicly available at a dedicated webpage: www.fao.org/fishery/ssf/guidelines/en.

15. The Chairperson, noting the practice adopted by other technical consultations, advised the Technical Consultation that if the review of the TC-SSF/2013/2 was not completed by the conclusion of the session, the outcome of the Technical Consultation would become a Chairperson's text and would be made publicly available through the above FAO website.

16. To provide structure and coherence to the debate and as a means of making progress, the Technical Consultation agreed to organize its discussion in a way that followed the chapters of the draft Guidelines (TC-SSF/2013/2).

17. Considering that the instrument is voluntary in nature, it was agreed that the title of the instrument should read "Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication".

18. By the end of the May 2013 session, the Technical Consultation had discussed the preface and the following chapters of the draft Guidelines: 1. Objectives, 2. Nature and scope, 3. Guiding principles, 4. Relationship with other international instruments, 5. Governance of tenure and resource management, 6. Social development, employment and decent work and 7. Value chains, post-harvest and trade until paragraph 7.9.

19. The resumed session agreed to continue discussion on the basis of the text and chapters of the Chairperson's text (TC-SSF/2014/2).

20. The resumed session continued discussion under agenda item 4: Review of the draft international guidelines for securing sustainable small-scale fisheries. The resumed session agreed to begin discussion with Chapter 7, Value chains, post-harvest and trade, paragraph 7.9. The resumed session then discussed the following chapters: 8. Gender equality, 9. Disaster risks and climate change, 10. Policy coherence, institutional coordination and

collaboration, 11. Information, research and communication, 12. Capacity development and 13. Implementation Support, Monitoring and Evaluation.

21. The Technical Consultation agreed to change the title of Chapter 5 to Governance of Tenure in Small-Scale Fisheries and Resource Management and Chapter 13 to Implementation Support and Monitoring.

22. The Technical Consultation achieved consensus on all paragraphs of the Guidelines except paragraph 6.18. The Chairperson informed the Technical Consultation that paragraph 6.18 (presented with an alternate suggestion), would be kept in brackets for COFI to consider.

23. The Secretariat was requested by the Technical Consultation to review the text after finalization to ensure internal and legal consistency, to reorganize the paragraphs under appropriate titles and subtitles and to edit the numbering format as required.

24. The United States of America emphasized its concern regarding some of the human rights language in the Guidelines, including its view that references to human rights standards in the Guidelines should not be interpreted to imply any change to current treaty or customary international law. For example they do not imply that States must become parties to instruments to which they are not a party, implement obligations under human rights instruments to which they are not a party, or recognize any rights or principles that they have not previously recognized. The United States of America underscored that human rights are enjoyed by individuals, not by communities or other groups, and indigenous peoples possess additional, collective rights. The United States of America understands statements that the Guidelines are based on human rights to mean that States should undertake fisheries-related policies in a manner consistent with their obligations under international human rights law. Likewise, a “human rights based approach” is understood to mean an approach anchored in a system of rights and corresponding obligations established by international human rights law.

25. The United States of America interprets these Guidelines in light of earlier USA positions on economic, social, and cultural rights, including those related to food. The United States of America further interprets this document's references to the right to food in light of Article 2(1) of the International Covenant on Economic, Social, and Cultural Rights with respect to States Parties to that instrument, as well as the statements provided by the United States of America in relation to the 2004 Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security.

26. Chile manifested its view that these Guidelines are relevant for the development of small-scale fisheries and that it has participated actively in their development given that it believes they are a contribution to the sector. A central aspect to the analysis of these Guidelines in Chile is the respect to national norms that regulate national artisanal fisheries. While these Guidelines recognize that small-scale fisheries have a great number and diversity of participants, Chile considers that both for international consultation and for Chile, these Guidelines are applicable for artisanal fisheries of subsistence and of vulnerable groups.

27. Bangladesh noted its concerns that the human rights of fish workers who are in detention because of entry into foreign waters due to lack of awareness have not been addressed.

28. Indonesia expressed its reservation to the agreed language on paragraph 5.20, as Indonesia considers that policies and financial measures to support small-scale fisheries in order for them to be able to maintain and improve their livelihood should not be avoided.

29. The countries of Central America and the Dominican Republic noted that for the context of these Guidelines in their region, OSPESCA is the counterpart institution.

FOLLOW UP

30. The Technical Consultation did not discuss agenda item 5: Follow-up: *Towards the implementation of international guidelines for securing sustainable small-scale fisheries* in the understanding that the consideration of these issues, including monitoring of the implementation of the Guidelines should be done by COFI.

OTHER MATTERS

31. The Kingdom of Morocco accords great importance to small-scale fisheries and the socio-professional promotion of the workers of the sector. In this regard, actions to improve the living and working conditions of all segments of the sector have been implemented as part of an overall strategy, called Halieutis, particularly with regard to literacy programs, social security benefits, support to the organization of fishers cooperatives, especially for women, provision of appropriate facilities and infrastructure (such as fishing villages and equipped landing points), improvement of security and fishery products value-added, taking into account fisheries resource sustainability.

ADOPTION OF THE REPORT

32. The report of the Technical Consultation was discussed on 7 February 2014 but not formally adopted as the Technical Consultation could not reach consensus on paragraph 6.18. It was therefore decided that the Chairperson would present his report to the 31st session of COFI.

Agenda

- 1. Opening of the Consultation**
- 2. Election of the Chairperson**
- 3. Adoption of the Agenda and Arrangements for the Technical Consultation**
- 4. Election of Vice-Chairperson and designation of Rapporteur**
- 5. Review of the draft voluntary Guidelines for securing sustainable small-scale fisheries**
- 6. Follow up**
- 7. Other matters**
- 8. Adoption of the report**

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Appendix C
List of Documents
May 20-24, 2013

TC-SSF/2013/1	Provisional Agenda
TC-SSF/2013/2	Draft Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
TC-SSF/2013/Inf.1	Provisional list of documents
TC-SSF/2013/Inf.2	Provisional list of participants
TC-SSF/2013/Inf.3	Glossary
TC-SSF/2013/Inf.4	Statement by the Assistant Director-General for Fisheries and Aquaculture
TC-SSF/2013/Inf.5	Statement of Competence and Voting Rights Submitted by the European Union (EU) and its Member States

February 3-7, 2014

TC-SSF/2013/1	Provisional Agenda
TC-SSF/2014/2	Chairperson's Text of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
TC-SSF/2014/Inf.1	Provisional list of documents
TC-SSF/2014/Inf.2	Provisional list of participants
TC-SSF/2014/Inf.3	Glossary
TC-SSF/2014/Inf.4	Statement by the Assistant Director-General for Fisheries and Aquaculture
TC-SSF/2014/Inf.5	Statement of Competence and Voting Rights Submitted by the European Union (EU) and its Member States

Appendix D**Technical Consultation on International Guidelines For Securing Sustainable Small- Scale Fisheries****May 20-24, 2013****Opening Address****By****Mr Arní M. Mathiesen****Assistant Director-General****Fisheries and Aquaculture Department**

Ladies and Gentlemen,

It gives me great pleasure to welcome you to FAO.

I am very grateful that you have accepted our invitation to participate in this *Technical Consultation on International Guidelines for Securing Sustainable Small-Scale Fisheries* and we look forward to a week of frank discussion, lively debate and a successful resolution.

The Code of Conduct for Responsible Fisheries explicitly states that one of its objectives is to promote *the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities*. The Code also *calls for states to protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries to a secure and just livelihood*. These are the provisions of the Code that the small-scale fisheries Guidelines seek to address more specifically.

In the years since the Code was endorsed, we have increasingly recognized the contribution of small-scale fisheries to food security and poverty reduction and have thus doubled our efforts to increase the sector's profile and to promote principles of good governance. The 2008 Global Conference on Small-Scale Fisheries, that took place in Thailand, discussed three main priority areas of small-scale fisheries:

- Securing sustainable resource use and access rights.
- Securing post-harvest benefits.
- Securing social, economic and human rights.

These are the issues that framed the call for the development of an international instrument on small-scale fisheries.

Informed by the outcomes of the 2008 Bangkok Conference and of three regional workshops held in 2010, the 29th session of the Committee on Fisheries agreed on the development of international guidelines that address both inland and marine small-scale fisheries, are of a voluntary nature, focus on the needs of developing countries, draw on relevant existing instruments and complement the Code of Conduct for Responsible Fisheries. COFI also recommended that all stakeholders should be associated with its development.

In response to the COFI mandate and in the spirit of cooperation, FAO has coordinated a wide-ranging three year consultation process that informed the current Draft Guidelines. We are grateful and pleased that more than 4 000 stakeholders have been engaged directly in a variety and number of fora at national and regional levels, encompassing from fishers to ministers, in a truly participatory manner.

By working closely with stakeholders from the outset, the development and initial implementation processes have taken place in parallel. For example, the outcomes of national and regional consultations are already informing relevant policies on small-scale fisheries.

We must emphasize the strong commitment from governments, regional and international organizations and CSOs for their support and participation in the consultation process. We thank the Governments of Costa Rica, Jamaica, Mozambique and the Sultanate of Oman, for hosting regional consultative workshops, while also expressing our gratitude to all governments for their active support and guiding comments during this process.

I am particularly pleased to see so many of our development partners represented here today.

Ladies and Gentlemen,

The Guidelines you discuss this week are the first dedicated international instrument to directly address small-scale fisheries. They seek to support responsible governance of fisheries and sustainable social and economic development for the benefit of current and future generations, with an emphasis on vulnerable and marginalized people - such as women, children and the elderly, indigenous peoples and food insecure groups.

The overarching goal of the Guidelines is to enhance the contribution of small-scale fisheries to food security and nutrition and to support the progressive realization of the right to food. Promoting a human rights-based approach, they aim to achieve poverty eradication, equitable development and sustainable resource utilization. The Guidelines seek to achieve this by empowering small-scale fishing communities, including both men and women, to participate in decision-making, enjoy their human rights, and assume responsibilities for sustainable use of fishery resources.

The Guidelines seek to give effect to the commitments made at Rio +20 where World Leaders committed, among others, to ensure and protect access to fisheries and markets by small-scale fishers and stressed the crucial role of healthy marine ecosystems, sustainable fisheries and sustainable aquaculture for food security and nutrition and in providing for the livelihoods of millions of people.

The Guidelines complement and support, in addition to the Code of Conduct for Responsible Fisheries, other international instruments, in particular the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Contexts of National Food Security (*Tenure Guidelines*) and the Voluntary Guidelines on the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (*Right to Food Guidelines*).

I hope you will have a robust and fruitful discussion over the next five days. I wish you a successful Consultation.

**Resumed Session of the Technical Consultation on International Guidelines For Securing
Sustainable Small-Scale Fisheries**

February 3-7 2014

DRAFT

Opening Address

By

Dr Lahsen Ababouch

Director, Policy and Economics Division

Fisheries and Aquaculture Department

Good morning Excellences, Ladies and Gentlemen,

On behalf of Mr Árni Mathiesen, Assistant Director-General of the Fisheries and Aquaculture Department, I welcome you all to Rome and to FAO to participate in this resumed session of the Technical Consultation to discuss the final text of the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Alleviation*. I would like to express my gratitude that you have once again accepted FAO's invitation despite your responsibilities and busy schedule.

At the outset, I would like to commend all Member States who participated in the first session of the Technical Consultation, held 20-24 May 2013 and congratulate them for a very fruitful discussion and advancement of an important part of the text. We should be proud of the progress achieved so far, thanks also to the excellent stewardship of the Chairman Dr Fabio Hazin.

The strong participation and lively debate seen during the first session demonstrates the enhanced commitment and importance given to the small-scale fisheries sector by COFI Member States. While there is still progress to be made in order to fully recognize the contributions small-scale fisheries can make to improve food security and nutrition and eradicate poverty, the active participation and engagement by all stakeholders during the development process of these Guidelines clearly show that we are in the right direction towards achieving this objective.

I am also pleased to see so many of our development partners represented here today and heartened by the significant representation from Civil Society Organizations, who have been a driving force in the development process of this instrument and will be a key partner in its implementation.

The first session of this Technical Consultation was carried out in an environment of consensus seeking debate, which demonstrated the willingness of delegations to reach out and seek common ground on this urgent topic. More than half of the paragraphs in the Draft Guidelines were reviewed during the first session. This work highlighted that Member States had diverging views on several issues. Our challenge during this technical consultation is to reach out for other views with the aim to attain agreement and consensus on a final text of the Guidelines, especially given that the 31st Session of the Committee on Fisheries which we hope will endorse them will take place in June, which is just around the corner.

Ladies and Gentlemen,

For this reason I call upon each and every delegation, to make all efforts to complete and approve the Guidelines during the session we begin today. I call upon Members to show flexibility, to encourage

cooperation and to have the urgent challenges faced by the small-scale sector in mind as you debate the remaining provisions of the Guidelines.

I would like to reiterate that the Guidelines will be the first dedicated international instrument to address small-scale fisheries. Their goal is to support responsible governance of fisheries while securing the rights of small-scale fishers to sustainably utilize their fisheries resources and promote the social and economic development of their communities.

Dear colleagues, as you work through the Guidelines, I would also encourage you to think about the steps following their completion. I would encourage you to send a clear signal to both the Secretariat and to COFI regarding the high importance of their implementation.

Dear delegates, I will be available during the Technical Consultation should any issues arise, and will closely follow your discussions. I would also like to inform you that in keeping with existing FAO practice, an administrative report will be prepared at the conclusion of the consultation. The report will be factual in content and will include the negotiated and hopefully adopted Guidelines as an attachment. The Secretariat will present this report alongside the Guidelines to COFI for endorsement and will seek clear guidance from Member States on the path forward.

The consultative process has been thorough, transparent and lengthy. The time for consultation is coming to an end. Small-scale fisheries need these guidelines finalized so that we can mobilize ourselves for their implementation.

Thank you for your attention.