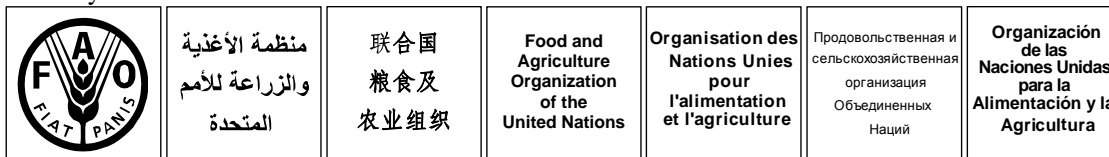


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# RESUMED SESSION OF THE TECHNICAL CONSULTATION ON INTERNATIONAL GUIDELINES ON SECURING SUSTAINABLE SMALL- SCALE FISHERIES

**Rome, Italy, 3-7 February 2014**

**Voluntary Guidelines for Securing Sustainable  
Small-scale Fisheries in the Context of  
Food Security and Poverty Eradication**

This document contains the Chairperson's text of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. It has been developed as a complement to the 1995 FAO Code of Conduct for Responsible Fisheries.

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## **ABBREVIATIONS AND ACRONYMS**

CCA	climate change adaptation
CEDAW	Convention <del>Committee</del> on the Elimination of All Forms of Discrimination against Women
CSO	civil society organization
DRM	disaster risk management
EAF	ecosystem approach to fisheries
HIV/AIDS	human immunodeficiency virus / acquired immunodeficiency syndrome
ICESCR	International Covenant on Economic, Social and Cultural Rights
IGO	intergovernmental organization
ILO	International Labour Organization
IMO	International Maritime Organization
IUU (fishing)	illegal, unreported and unregulated (fishing)
MCS	monitoring, control and surveillance
NGO	non-governmental organization
Rio+20	United Nations Conference on Sustainable Development (Rio+20)
The Code	Code of Conduct for Responsible Fisheries (FAO)
UN	United Nations
UN DRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
WTO	World Trade Organization

## PREFACE

These *Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication* have been developed as a complement to the 1995 FAO Code of Conduct for Responsible Fisheries (the Code). They were developed to provide complementary guidance with respect to small-scale fisheries in support of the overall principles and provisions of the Code. Accordingly, the Guidelines are intended to support the visibility, recognition and enhancement of the already important role of small-scale fisheries and to contribute to global and national efforts towards the eradication of hunger and poverty. The Guidelines support responsible fisheries and sustainable social and economic development for the benefit of current and future generations, with an emphasis on small-scale fishers and fish workers and related activities and including vulnerable and marginalized people promoting a human rights-based approach.

It is emphasized that these Guidelines are voluntary, global in scope and with a focus on the needs of developing countries.

Small-scale and artisanal fisheries, encompassing all activities along the value chain – pre-harvest, harvest and post-harvest – undertaken by men and women, play an important role in food security and nutrition, poverty eradication, equitable development and sustainable resource<sup>1</sup> utilization. Small-scale fisheries provide nutritious food for local, national and international markets and generate income to support local and national economies.

Small-scale fisheries contribute about half of global fish catches. When considering catches destined for direct human consumption, the share contributed by the subsector increases to two-thirds. Inland fisheries are particularly important in this respect and small-scale fisheries food production dominates the subsector. Small-scale fisheries employ more than 90 percent of the world's capture fishers and fish workers, about half of whom are women. In addition to employment as full- or part-time fishers and fish workers, seasonal or occasional fishing and related activities provide vital supplements to the livelihoods of millions. These activities may be a recurrent sideline activity or become especially important in times of difficulty. Many small-scale fishers and fish workers are self-employed and engaged in directly providing food for their household and communities as well as working in commercial fishing, processing and marketing. Fishing and related activities often underpin the local economies in coastal, lakeshore and riparian communities and constitute an engine, generating multiplier effects in other sectors.

Small-scale fisheries represent a diverse and dynamic subsector, often characterized by seasonal migration. The precise characteristics of the subsector vary depending on the location; indeed, small-scale fisheries tend to be strongly anchored in local communities, reflecting often historic links to adjacent fishery resources, traditions and values, and supporting social cohesion. For many small-scale fishers and fish workers, fisheries represent a way of life and the subsector embodies a diversity and cultural richness that is of global significance. Many small-scale fishers, fish workers and their communities – including vulnerable and marginalized groups – are directly dependent on access to fishery resources and land. Tenure rights to land in the coastal/waterfront area are critical for ensuring and facilitating access to the fishery, for accessory activities (including processing and marketing), and for housing and other livelihood support. The health of aquatic ecosystems and associated biodiversity are a fundamental basis for their livelihoods and for the subsector's capacity to contribute to overall well-being.

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<sup>1</sup> The term 'fishery resources' in this document covers all living aquatic resources (seaweed, shellfish, etc. in both marine and freshwaters) that are commonly subject to harvesting.

Despite their importance, many small-scale fishing communities continue to be marginalized, and their contribution to food security and nutrition, poverty eradication, equitable development and sustainable resource utilization – which benefits both them and others – is not fully realized.

Securing and increasing the contribution of small-scale fisheries face many challenges and constraints. The development of the fisheries sector over the past three to four decades has in many cases around the world led to overexploitation of resources and threats to habitats and ecosystems. Customary practices for the allocation and sharing of resource benefits in small-scale fisheries, which may have been in place for generations, have been changed as a result of non-participatory and often centralized fisheries management systems, rapid technology developments and demographic changes. Small-scale fishing communities also commonly suffer from unequal power relations. In many places, conflicts with large-scale fishing operations are an issue, and there is increasingly high interdependence or competition between small-scale fisheries and other sectors. These other sectors can often have stronger political or economic influence, and they include: tourism, aquaculture, agriculture, energy, mining, industry and infrastructure developments.

Where poverty exists in small-scale fishing communities, it is of a multidimensional nature and is not only caused by low incomes but also due to factors that impede full enjoyment of human rights including civil, political, economic, social and cultural rights. Small-scale fishing communities are commonly located in remote areas and tend to have limited or disadvantaged access to markets, and may have poor access to health, education and other social services. Other characteristics include low levels of formal education, existence of ill health (often including above-average incidences of HIV/AIDS) and inadequate organizational structures. The opportunities available are limited, as small-scale fishing communities face a lack of alternative livelihoods, youth unemployment, unhealthy and unsafe working conditions, forced labour, and child labour. Pollution, environmental degradation, climate change impacts and natural and human-induced disasters add to the threats facing small-scale fishing communities. All these factors make it difficult for small-scale fishers and fish workers to make their voices heard, defend their human rights and tenure rights, and secure the sustainable use of the fishery resources on which they depend.

These Guidelines have been developed through a participatory and consultative process, involving representatives of small-scale fishing communities, civil society organizations (CSOs), governments, regional organizations and other stakeholders. A Technical Consultation of the Food and Agriculture Organization then reviewed the Guidelines. They take into account a wide range of important considerations and principles, including equality and non-discrimination, participation and inclusion, accountability and the rule of law, and the principle that all human rights are universal, indivisible, interrelated and interdependent. The Guidelines are consistent with and promote international human rights standards. These Guidelines are complementary to the Code and its related instruments. They also take into account the technical guidelines, such as the Technical Guidelines for Responsible Fisheries No. 10 “Increasing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security”, as well as other voluntary international instruments, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (Tenure Guidelines) and the Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines), as applicable. States and other stakeholders are encouraged to also consult these other guidelines, as well as relevant international and regional instruments, to fully integrate applicable obligations, voluntary commitments and available guidance.

## **PART 1: INTRODUCTION**

### **1. OBJECTIVES**

1.1. The objectives of these Guidelines are:

- a) to enhance the contribution of small-scale fisheries to global food security and nutrition and to support the progressive realization of the right to adequate food,
- b) to contribute to the equitable development of small-scale fishing communities and poverty eradication and to improve the socio-economic situation of fishers and fish workers within the context of sustainable fisheries management,
- c) to achieve the sustainable utilization, prudent and responsible management and conservation of fisheries resources consistent with the Code of Conduct for Responsible Fisheries (the Code) and related instruments,
- d) to promote the contribution of small-scale fisheries to an economically, socially and environmentally sustainable future for the planet and its people,
- e) to provide guidance that could be considered by States and stakeholders for the development and implementation of ecosystem friendly and participatory policies, strategies and legal frameworks for the enhancement of responsible and sustainable small-scale fisheries, and
- f) to enhance public awareness and promote the advancement of knowledge on the culture, role, contribution and potential of small-scale fisheries, considering ancestral and traditional knowledge, and their related constraints and opportunities.

1.2. These objectives should be achieved through the promotion of a human rights-based approach, by empowering small-scale fishing communities, including both men and women, to participate in decision-making processes, and to assume responsibilities for sustainable use of fishery resources, and placing emphasis on the needs of developing countries and for the benefit of vulnerable and marginalized groups.

### **2. NATURE AND SCOPE**

2.1. These Guidelines are voluntary in nature. The Guidelines should apply to small-scale fisheries in all contexts, be global in scope but with a specific focus on the needs of developing countries.

2.2. These Guidelines are relevant to small-scale fisheries both in marine and inland waters, i.e. men and women working in the full range of activities along the value chain, and pre- and post-harvest activities. The important linkages between small-scale fisheries and aquaculture are recognized, but these Guidelines principally focus on capture fisheries.

2.3. The Guidelines are addressed to FAO Members and non-Members, at all levels of the State, as well as to subregional, regional, international and intergovernmental organizations (IGOs) and

small-scale fisheries actors (fishers, fish workers, their communities, traditional and customary authorities, and related professional organizations and CSOs). They are also aimed at research and academic institutions, the private sector, non-governmental organizations (NGOs) and all others concerned with the fisheries sector, coastal and rural development and the use of the aquatic environment.

- 2.4. The Guidelines recognize the great diversity of small-scale fisheries and that there is no single, agreed definition of the subsector. Accordingly, the Guidelines do not prescribe a standard definition of small-scale fisheries nor how the Guidelines should be applied in a national context. These Guidelines are especially relevant to subsistence small-scale fisheries and vulnerable fisheries people. To ensure transparency and accountability in the application of the Guidelines, it is important to ascertain which activities and operators are considered small-scale, and to identify vulnerable and marginalized groups needing greater attention. This should be undertaken at a regional, subregional or national level and according to the particular context in which they are to be applied. States should ensure that such identification and application are guided by meaningful and substantive participatory, consultative, multilevel and objective-oriented processes so that the voices of both men and women are heard. All parties should support and participate, as appropriate and relevant, in such processes.
- 2.5. These Guidelines should be interpreted and applied in accordance with national legal systems and their institutions.

### **3. GUIDING PRINCIPLES**

- 3.1. These Guidelines are based on international human rights standards, responsible fisheries standards and practices and sustainable development according to the United Nations Conference on Sustainable Development (Rio+20) outcome document 'The future we want', the Code and other relevant instruments, paying particular attention to vulnerable and marginalized groups and the need to support the progressive realization of the right to adequate food.

**1. Human rights and dignity:** recognizing the inherent dignity and the equal and inalienable human rights of all individuals, all parties should recognize, respect, promote and protect the human rights principles and their applicability to communities dependent on small-scale fisheries, as stipulated by international human rights standards: universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law. States should respect and protect the rights of defenders of human rights in their work on small-scale fisheries.

All non-state actors including business enterprises related to or affecting small-scale fisheries have a responsibility to respect human rights. States should regulate the scope of activities in relation to small-scale fisheries of non-state actors to ensure their compliance with international human rights standards.

**2. Respect of cultures:** recognizing and respecting existing forms of organization, traditional and local knowledge and practices of small-scale fishing communities, including indigenous peoples and ethnic minorities encouraging women leadership and taking into account Art. 5 of

the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

**3. Non-discrimination:** promoting in the small-scale fisheries the elimination of all kinds of discrimination in policies and in practice.

**4. Gender equality and equity** is fundamental to any development. Recognizing the vital role of women in small-scale fisheries, equal rights and opportunities should be promoted.

**5. Equity and equality:** promoting justice and fair treatment – both legally and in practice – of all people and peoples, including equal rights to the enjoyment of all human rights. At the same time, differences between women and men should be acknowledged and specific measures taken to accelerate de facto equality, i.e. using preferential treatment where required to achieve equitable outcomes, particularly for vulnerable and marginalized groups.

**6. Consultation and participation:** ensuring active, free, effective, meaningful and informed participation of small-scale fishing communities, including indigenous peoples, taking into account the UN Declaration on the Rights of Indigenous Peoples (UN DRIP) in the whole decision-making process related to fishery resources and areas where small-scale fisheries operate as well as adjacent land areas, and taking existing power imbalances between different parties into consideration. This should include feedback and support from those who could be affected by decisions prior to these being taken, and responding to their contributions.

**7. Rule of law:** adopting a rules-based approach for small-scale fisheries through laws that are widely publicized in applicable languages, applicable to all, equally enforced and independently adjudicated, and that are consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

**8. Transparency:** clearly defining and widely publicizing policies, laws and procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all.

**9. Accountability:** holding individuals, public agencies and non-state actors responsible for their actions and decisions according to the principles of the rule of law.

**10. Economic, social and environmental sustainability:** applying the precautionary approach and risk management to guard against undesirable outcomes, including overexploitation of fishery resources and negative environmental, social and economic impacts.

**11. Holistic and integrated approaches:** recognizing the ecosystem approach to fisheries (EAF) as an important guiding principle, embracing the notions of comprehensiveness and sustainability of all parts of ecosystems as well as the livelihoods of small-scale fishing communities, and ensuring cross-sectoral coordination as small-scale fisheries are closely linked to and dependent on many other sectors.



**12. Social responsibility:** promoting community solidarity and collective and corporate responsibility. The fostering of an environment that promotes collaboration among stakeholders should be encouraged.

**13. Feasibility and social and economic viability:** ensuring that policies, strategies, plans and actions for improving small-scale fisheries governance and development are socially and economically sound and rational. They should be informed by existing conditions, implementable and adaptable to changing circumstances, and should support community resilience.

#### **4. RELATIONSHIP WITH OTHER INTERNATIONAL INSTRUMENTS**

- 4.1. These Guidelines should be interpreted and applied consistent with existing rights and obligations under national and international law and with due regard to voluntary commitments under applicable regional and international instruments. They are complementary to and support national, regional and international initiatives that address human rights, responsible fisheries and sustainable development. The Guidelines were developed complementary to the Code and support responsible fisheries and sustainable resource utilization in accordance with this instrument.
- 4.2. Nothing in the Guidelines should be read as limiting or undermining any rights or obligations to which a State may be subject under international law. These Guidelines may be used to guide amendments and inspire new or supplementary legislative and regulatory provisions.

### **PART 2: RESPONSIBLE FISHERIES AND SUSTAINABLE DEVELOPMENT**

#### **5. GOVERNANCE OF TENURE IN SMALL-SCALE FISHERIES AND RESOURCE MANAGEMENT**

- 5.1. These Guidelines recognize the need for responsible and sustainable use of aquatic biodiversity and natural resources to meet the developmental and environmental requirements of present and future generations. Small-scale fishing communities need to have secure tenure rights<sup>2</sup> to the resources that form the basis for their social and cultural well-being, their livelihoods and their sustainable development. The Guidelines support equitable distribution of the benefits yielded from responsible management of fisheries and ecosystems, rewarding small-scale fishers and fish workers, both men and women.

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<sup>2</sup> The term 'tenure right' is used in accordance with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

**5A. Responsible governance of tenure**

- 5.2. All parties should recognize that responsible governance of tenure of land, fisheries and forests applicable in small-scale fisheries is central for the realization of human rights, food security, poverty eradication, sustainable livelihoods, social stability, housing security, economic growth and rural and social development.
- 5.3. States, in accordance with their legislation, should ensure that small-scale fishers, fish workers and their communities have secure, equitable, and socially and culturally appropriate tenure rights to fishery resources (marine and inland) and small-scale fishing areas and adjacent land, with a special attention paid to women with respect to tenure rights.
- 5.4. All parties, in accordance with their legislation, should recognize, respect and protect all forms of legitimate tenure rights, taking into account, where appropriate, customary rights, to aquatic resources and land and small-scale fishing areas enjoyed by small-scale fishing communities. When necessary, in order to protect various forms of legitimate tenure rights, legislation to this effect should be provided. States should take appropriate measures to identify, record and respect legitimate tenure right holders and their rights. Local norms and practices, as well as customary or otherwise preferential access to fishery resources and land by small-scale fishing communities including indigenous peoples and ethnic minorities, should be recognized, respected and protected in ways that are consistent with international human rights law. The UN DRIP and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities should be taken into account, as appropriate. Where constitutional or legal reforms strengthen the rights of women and place them in conflict with custom, all parties should cooperate to accommodate such changes in the customary tenure systems.
- 5.5. States should recognize the role of small-scale fishing communities and indigenous peoples to restore, conserve, protect and co-manage local aquatic and coastal ecosystems.
- 5.6. Where States own or control water (including fishery resources) and land resources, they should determine the use and tenure rights of these resources taking into consideration, *inter alia*, social, economic and environmental objectives. States should, as applicable, recognize and safeguard publically owned resources that are collectively used and managed, in particular by small-scale fishing communities.
- 5.7. Taking due account of Art. 6.18 of the Code, States should where appropriate grant preferential access of small-scale fisheries to fish in waters under national jurisdiction, with a view to achieving equitable outcomes for different groups of people, in particular vulnerable groups. Where appropriate, specific measures, *inter alia*, the creation and enforcement of exclusive zones for small-scale fisheries, should be considered. Small-scale fisheries should be given due consideration before agreements on resource access are entered into with third countries and third parties.
- 5.8. States should adopt measures to facilitate equitable access to fishery resources for small-scale fishing communities, including, as appropriate, redistributive reform, taking into account the

provisions of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

- 5.9. States should ensure that small-scale fishing communities are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed. States should recognize that competition from other users is increasing within small-scale fisheries areas and that small-scale fishing communities, in particular vulnerable and marginalized groups, are often the weaker party in conflicts with other sectors and may require special support if their livelihoods are threatened by the development and activities of other sectors.
- 5.10. States and other parties should, prior to the implementation of large-scale development projects that might impact small-scale fishing communities, consider the social, economic and environmental impacts through impact studies, and hold effective and meaningful consultations with these communities, in accordance with national legislation.
- 5.11. States should provide small-scale fishing communities and individuals, including vulnerable and marginalized people, access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights in accordance with national legislation, including alternative means of resolving such disputes, and should provide effective remedies, which may include an entitlement to appeal, as appropriate. Such remedies should be promptly enforced in accordance with national legislation and may include restitution, indemnity, just compensation and reparation.
- 5.12. States should strive to restore access to traditional fishing grounds and coastal lands to small-scale fishing communities that have been displaced by natural disasters and/or armed conflict taking into consideration the sustainability of fisheries resources. States should establish mechanisms to support fishing communities affected by grave human rights violations to rebuild their lives and livelihoods. Such steps should include the elimination of any form of discrimination against women in tenure practices in case of natural disasters and/or armed conflict.

## **5B. Sustainable resource management**

- 5.13. States and all those engaged in fisheries management should adopt measures for the long-term conservation and sustainable use of fisheries resources and to secure the ecological foundation for food production. They should promote and implement appropriate management systems, consistent with their existing obligations under national and international law and voluntary commitments, including the Code, that give due recognition to the requirements and opportunities of small-scale fisheries.
- 5.14. All parties should recognize that rights and responsibilities come together; tenure rights are balanced by duties, and support the long-term conservation and sustainable use of resources and the maintenance of the ecological foundation for food production. Small-scale fisheries should utilize fishing practices that minimize harm to the aquatic environment and associated species and support the sustainability of the resource.

- 5.15. States should facilitate, train and support small-scale fishing communities to participate in and take responsibility for, taking into consideration their legitimate tenure rights and systems, the management of the resources on which they depend for their well-being and that are traditionally used for their livelihoods. Accordingly, States should involve small-scale fishing communities – with special attention to equitable participation of women, vulnerable and marginalized groups – in the design, planning and, as appropriate, implementation of management measures, including protected areas, affecting their livelihood options. Participatory management systems, such as co-management, should be promoted in accordance with national law.
- 5.16. States should ensure the establishment of new or promote the application of existing monitoring, control and surveillance (MCS) systems applicable to and suitable for small-scale fisheries. They should provide support to such systems, involving small-scale fisheries actors as appropriate and promoting participatory arrangements within the context of co-management. States should ensure effective monitoring and enforcement mechanisms to deter, prevent and eliminate all forms of illegal and/or destructive fishing practices having a negative effect on marine and inland ecosystems. States should endeavour to improve registration of the activity. Small-scale fishers should support the MCS systems and provide to the state fisheries authorities the information required for the management of the activity.
- 5.17. States should ensure that the roles and responsibilities within the context of co-management arrangements of concerned parties and stakeholders are clarified and agreed through a participatory and legally supported process. All parties are responsible for assuming the management roles agreed to. All endeavours should be made so that small-scale fisheries are represented in relevant local and national professional associations and fisheries bodies and actively take part in relevant decision-making and fisheries policy-making processes.
- 5.18. States and small-scale fisheries actors should encourage and support the role and involvement of both men and women, whether engaged in pre-harvest, harvest or post-harvest operations, in the context of co-management and in the promotion of responsible fisheries, contributing their particular knowledge, perspectives and needs. All parties should pay specific attention to the need to ensure equitable participation of women, designing special measures to achieve this objective.
- 5.19. Where transboundary and other similar issues exist, e.g. shared waters and fishery resources, States should work together to ensure that the tenure rights of small-scale fishing communities that are granted are protected.
- 5.20. States should avoid policies and financial measures that may contribute to fishing overcapacity and, hence, overexploitation of resources that have an adverse impact on small-scale fisheries.

## **6. SOCIAL DEVELOPMENT, EMPLOYMENT AND DECENT WORK**

- 6.1. All parties should consider integrated, ecosystem and holistic approaches to small-scale fisheries management and development that take the complexity of livelihoods into account. Due attention to social and economic development may be needed to ensure that small-scale fishing communities are empowered and can enjoy their human rights.
- 6.2. States should promote investment in human resource development such as health, education, literacy, digital inclusion and other skills of a technical nature that generate value-added of the fisheries resources as well as awareness raising. States should take steps with a view to progressively ensuring that members of small-scale fishing communities and crafts peoples have affordable access to these and other essential services through national and subnational actions, including adequate housing, basic sanitation that is safe and hygienic, safe drinking-water for personal and domestic uses, and sources of energy. Preferential treatment of women, indigenous peoples, and vulnerable and marginalized groups – in providing services and giving effect to non-discrimination and other human rights – should be accepted and promoted where it is required to ensure equitable benefits.
- 6.3. States should promote social security protection for workers in small-scale fisheries. They should take into account the characteristics of small-scale fisheries and apply security schemes to the entire value chain.
- 6.4. States should support the development of and access to other services that are appropriate for small-scale fishing communities with regard to, for example, savings, credit and insurance schemes, with special emphasis on ensuring the access of women to such services.
- 6.5. States should recognize as economic and professional operations the full range of activities along the small-scale fisheries value chain – both pre- and post-harvest; whether in an aquatic environment or on land; undertaken by men or by women. All activities should be considered: part-time, occasional and/or for subsistence. Professional and organizational development opportunities should be promoted, in particular for more vulnerable groups of post-harvest fish workers and women in small-scale fisheries.
- 6.6. States should promote decent work for all small-scale fisheries workers, including both the formal and informal sectors. States should create the appropriate conditions to ensure that fisheries activities in both the formal and informal sectors are taken into account in order to ensure the sustainability of small-scale fisheries in accordance with national law.
- 6.7. States should take steps with a view to the progressive realization of the right of small-scale fishers and fish workers to an adequate standard of living and to work in accordance with national and international human rights standards. States should create an enabling environment for sustainable development in small-scale fishing communities. States should pursue inclusive, non-discriminatory and sound economic policies for the use of marine, freshwater and land areas in order to permit small-scale fishing communities and other food producers, particularly women, to earn a fair return from their labour, capital and management, and encourage conservation and sustainable management of natural resources.

- 6.8. States and other stakeholders should support already existing, or the development of, complementary and alternative income-generating opportunities – in addition to earnings from fisheries-related activities – for small-scale fishing communities, as required and in support of sustainable resource utilization and livelihood diversification. The role of small-scale fisheries in local economies and the links of the subsector to the wider economy need to be recognized and benefited from. Small-scale fishing communities should equitably benefit from developments such as community-based tourism and small-scale responsible aquaculture.
- 6.9. States and all parties should create conditions for men and women of small-scale fishing communities to fish and to carry out fisheries-related activities in an environment free from crime, violence, mafia activities, piracy, theft, sexual abuse, corruption and abuse of authority. All parties should take steps to institute measures that aim to eliminate violence and to protect women exposed to such violence in small-scale fishing communities. States should ensure access to justice for victims of violence, abuse, etc., including within the household or community.
- 6.10. States and small-scale fisheries actors, including traditional and customary authorities, should understand, recognize and respect the role of migrant fishers and fish workers in small-scale fisheries, given that migration is a common livelihood strategy in small-scale fisheries. States and small-scale fisheries actors should cooperate to create the appropriate frameworks to allow for fair and adequate integration of migrants who engage in sustainable use of fisheries resources and who do not undermine local community-based fisheries governance and development in small-scale fisheries in accordance with national law. States should recognize the importance of coordinating among their respective national governments in regard to migration of fishers and fish workers in small-scale fisheries across national borders. Policies and management measures should be worked out in consultation with small-scale fisheries organizations and institutions.
- 6.11. States should recognize and address the underlying causes and consequences of transboundary movement of fishers and contribute to the understanding of transboundary issues affecting the sustainability of small-scale fisheries.
- 6.12. States should address occupational health issues and unfair working conditions of all small-scale fishers and fish workers by ensuring that the necessary legislation is in place and is implemented in accordance with national legislation and international human rights standards and international instruments to which a State is party, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and relevant conventions of the International Labour Organization (ILO). All parties should strive to ensure the inclusion of the aspect of occupational health and safety as an integral part of fisheries management as well as of development initiatives.
- 6.13. States should eradicate forced labour, prevent debt-bondage of women, men and children, and adopt effective measures to protect fishers and fish workers, including migrants, with a view to the complete elimination of forced labour in fisheries, including small-scale fisheries.
- 6.14. States should provide and enable access to schools and education facilities that meet the needs of small-scale fishing communities and that facilitate gainful and decent employment of youth,

respecting their career choices and providing equal opportunities for all boys and girls and young men and women.

- 6.15. Small-scale fisheries actors should recognize the importance of children's well-being and education for the future of the children themselves and of society at large. Children should go to school, be protected from all abuse and have all their rights respected in accordance with the Convention on the Rights of the Child.
- 6.16. All parties should recognize the complexity that surrounds safety-at-sea issues (in inland and marine fisheries) and the multiple causes behind deficient safety. This applies to all fishing activities. States should ensure the development, enactment and implementation of appropriate national laws and regulations that are consistent with international guidelines of FAO, the ILO and the International Maritime Organization (IMO) for work in fishing and sea safety in small-scale fisheries.<sup>3</sup>
- 6.17. States should recognize that improved sea safety, which includes occupational health and safety, in small-scale fisheries (inland and marine) will best be achieved through the development and implementation of coherent and integrated national strategies, with the active participation of the fishers themselves and with elements of regional coordination, as appropriate. In addition, safety at sea of small-scale fishers should also be integrated into the general management of fisheries. States should provide support to, among other things, maintenance of national accident reporting, provision of sea safety awareness programmes and introduction of appropriate legislation for sea safety in small-scale fisheries. The role of existing institutions and community-based structures for increasing compliance, data collection, training and awareness, and search and rescue operations should be recognized in this process. States should promote access to information and to emergency location systems for rescue at sea for small-scale vessels.
- 6.18. [All parties should protect the human rights and dignity of small-scale fisheries stakeholders in situations of occupation to allow them to pursue their traditional livelihoods, to have access to customary fishing grounds and to preserve their culture and way of life. Their effective participation in decision-making on matters that affect them should be facilitated.]

[Taking into account the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security [including section 25], all parties should protect the human rights and dignity of small-scale fisheries stakeholders in situations of armed conflict in accordance with international humanitarian law to allow them to pursue their traditional livelihoods, to have access to customary fishing grounds and to preserve their culture and way of life. Their effective participation in decision-making on matters that impact them should be facilitated.]

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<sup>3</sup> These include, *inter alia*, the 1968 Code of Safety for Fishermen and Fishing Vessels (since revised), the 1980 FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, and the 2010 Safety Recommendations for Decked Fishing Vessels of Less than 12 Metres in Length and Undecked Fishing Vessels.

## **7. VALUE CHAINS, POST-HARVEST AND TRADE**

- 7.1. All parties should recognize the central role that the small-scale fisheries post-harvest subsector and its actors play in the value chain. All parties should ensure that post-harvest actors are part of relevant decision-making, recognizing that there are sometimes unequal power relationships between value chain actors and that vulnerable and marginalized groups may require special support.
- 7.2. All parties should recognize the role women often play in the post-harvest subsector and support improvements to facilitate women's participation in work. States should ensure that amenities and services appropriate for women are available as required in order to enable women to retain and enhance their livelihoods in the post-harvest subsector.
- 7.3. States should foster, provide and enable investments in appropriate infrastructures, organizational structures and capacity development to support the small-scale fisheries post-harvest subsector in producing good quality and safe fish and fishery products, for both export and domestic markets, in a responsible and sustainable manner.
- 7.4. States and development partners should recognize the traditional forms of associations of fishers and fish workers and promote their adequate organizational and capacity development in all stages of the value chain in order to enhance their income and livelihood security in accordance with national legislation. Accordingly, there should be support for the setting up and the development of cooperatives, professional organizations of the small-scale fisheries sector and other organizational structures, as well as marketing mechanisms, e.g. auctions, as appropriate.
- 7.5. All parties should avoid post-harvest losses and waste and seek ways to create value addition, building also on existing traditional and local cost-efficient technologies, local innovations and culturally appropriate technology transfers. Environmentally sustainable practices within an ecosystem approach should be promoted, deterring, for example, waste of inputs (water, fuelwood, etc.) in small-scale fish handling and processing.
- 7.6. States should facilitate access to local, national, regional and international markets and promote equitable and non-discriminatory trade for small-scale fisheries products. States should work together to introduce trade regulations and procedures that in particular support regional trade in products from small-scale fisheries and taking into account the agreements under the World Trade Organization (WTO), bearing in mind the rights and obligations of WTO members where appropriate.
- 7.7. States should give due consideration to the impact of international trade in fish and fishery products and of vertical integration on local small-scale fishers, fish workers and their communities. States should ensure that promotion of international fish trade and export production do not adversely affect the nutritional needs of people for whom fish is critical to a nutritious diet, their health and well-being and for whom other comparable sources of food are not readily available or affordable.



- 7.8. States, small-scale fisheries actors and other value chain actors should recognize that benefits from international trade should be fairly distributed. States should ensure that effective fisheries management systems are in place to prevent overexploitation driven by market demand that can threaten the sustainability of fisheries resources, food security and nutrition. Such fisheries management systems should include responsible post-harvest practices, policies and actions to enable export income to benefit small-scale fishers and others in an equitable manner throughout the value chain.
- 7.9. States should adopt policies and procedures, including environmental, social and other relevant assessments, to ensure that adverse impacts by international trade on the environment, small-scale fisheries culture, livelihoods and special needs related to food security are equitably addressed. Consultation with concerned stakeholders should be part of these policies and procedures.
- 7.10. States should enable access to all relevant market and trade information for stakeholders in the small-scale fisheries value chain. Small-scale fisheries stakeholders must be able to access timely and accurate market information to help them adjust to changing market conditions. Capacity development is also required so that all small-scale fisheries stakeholders and especially women and vulnerable and marginalized groups can adapt to, and benefit equitably from, opportunities of global market trends and local situations while minimizing any potential negative impacts.

## **8. GENDER EQUALITY**

- 8.1. All parties should recognize that achieving gender equality requires concerted efforts by all and that gender mainstreaming should be an integral part of all small-scale fisheries development strategies. These strategies to achieve gender equality require different approaches in different cultural contexts and should challenge practices that are discriminatory against women.
- 8.2. States should comply with their obligations under international human rights law and implement the relevant instruments to which they are party, including, *inter alia*, CEDAW, and should bear in mind the Beijing Declaration and Platform of Action. States should endeavour to secure women's equal participation in decision-making processes for policies directed towards small-scale fisheries. States should adopt specific measures to address discrimination against women, while creating spaces for CSOs, in particular for women fish workers and their organizations, to participate in monitoring their implementation. Women should be encouraged to participate in fisheries organizations, and relevant organizational development support should be provided.
- 8.3. States should establish policies and legislation to realize gender equality and, as appropriate, adapt legislation, policies and measures that are not compatible with gender equality, taking into account social, economic and cultural aspects. States should be at the forefront of implementing actions for achieving gender equality by, *inter alia*, recruiting both men and women as extension staff and ensuring that both men and women have equal access to extension and technical services, including legal support, related to fisheries. All parties should

collaborate to develop functional evaluation systems to assess the impact of legislation, policies and actions for improving women's status and achieving gender equality.

- 8.4. All parties should encourage the development of better technologies of importance and appropriate to women's work in small-scale fisheries.

## **9. DISASTER RISKS AND CLIMATE CHANGE**

- 9.1. States should recognize that combating climate change, including in the context of sustainable small-scale fisheries, requires urgent and ambitious action, in accordance with the objectives, principles and provisions of the United Nations Framework Convention on Climate Change (UNFCCC), taking into account the United Nations Conference on Sustainable Development (Rio+20) outcome document 'The future we want'.
- 9.2. All parties should recognize and take into account the differential impact of natural and human-induced disasters and climate change on small-scale fisheries. States should develop policies and plans to address climate change in fisheries, in particular strategies for adaptation and mitigation, where applicable, as well as for building resilience, in full and effective consultation with fishing communities including indigenous peoples, men and women, paying particular attention to vulnerable and marginalized groups. Special support should be given to small-scale fishing communities living on small islands where climate change may have particular implications for food security, nutrition, housing and livelihoods.
- 9.3. All parties should recognize the need for integrated and holistic approaches, including cross-sectoral collaboration, in order to address disaster risks and climate change in small-scale fisheries. States and other relevant parties should take steps to address issues such as pollution, coastal erosion and destruction of coastal habitats due to human-induced non-fisheries-related factors. Such concerns seriously undermine the livelihoods of fishing communities as well as their ability to adapt to possible impacts of climate change.
- 9.4. States should consider assisting and supporting small-scale fishing communities affected by climate change or natural and human-induced disasters, including through adaptation, mitigation and aid plans, where appropriate.
- 9.5. In case of disasters caused by humans, impacting small-scale fisheries, the responsible party should be held accountable.
- 9.6. All parties should take into account the impact that climate change and disasters may have on the post-harvest and trade subsector in the form of changes in fish species and quantities, fish quality and shelf-life, and implications with regard to market outlets. States should provide support to small-scale fisheries stakeholders with regard to adjustment measures in order to reduce negative impacts. When new technologies are introduced, they need to be flexible and adaptive to future changes in species, products and markets, and climatic variability.

- 9.7. States should understand how emergency response and disaster preparedness are related in small-scale fisheries and apply the concept of the relief-development continuum. Longer-term development objectives need to be considered throughout the emergency sequence, including in the immediate relief phase, and rehabilitation, reconstruction and recovery should include actions to reduce vulnerabilities to potential future threats. The concept of 'building back better' should be applied in disaster response and rehabilitation.
- 9.8. All parties should promote the role of small-scale fisheries in efforts related to climate change and should encourage and support energy efficiency in the subsector, including the whole value chain – fishing, post-harvest, marketing and distribution.
- 9.9. States should consider making available to small-scale fishing communities transparent access to adaptation funds, facilities and/or culturally appropriate technologies for climate change adaptation, as appropriate.

### **PART 3: ENSURING AN ENABLING ENVIRONMENT AND SUPPORTING IMPLEMENTATION**

#### **10.POLICY COHERENCE, INSTITUTIONAL COORDINATION AND COLLABORATION**

- 10.1. States should recognize the need for and work towards policy coherence with regard to, *inter alia*: national legislation; international human rights law; other international instruments, including those related to indigenous peoples; economic development policies; energy, education, health and rural policies; environmental protection; food security and nutrition policies; labour and employment policies; trade policies; disaster risk management (DRM) and climate change adaptation (CCA) policies; fisheries access arrangements; and other fisheries sector policies, plans, actions and investments in order to promote holistic development in small-scale fishing communities. Special attention should be paid to ensuring gender equity and equality.
- 10.2. States should, as appropriate, develop and use spatial planning approaches, including inland and marine spatial planning, that take due account of the small-scale fisheries interests and role in integrated coastal zone management. Through consultation, participation and publicizing, gender-sensitive policies and laws on regulated spatial planning should be developed as appropriate. Where appropriate, formal planning systems should consider methods of planning and territorial development used by small-scale fishing and other communities with customary tenure systems, and decision-making processes within those communities.
- 10.3. States should adopt specific policy measures to ensure the harmonization of policies affecting the health of marine and inland waterbodies and ecosystems and to ensure that fisheries, agriculture and other natural-resource policies collectively enhance the interrelated livelihoods derived from these sectors.
- 10.4. States should ensure that fisheries policy provides a long-term vision for sustainable small-scale fisheries and the eradication of hunger and poverty, using an ecosystem approach. The overall

policy framework for fisheries should be coherent with the long-term vision and policy framework for small-scale fisheries and human rights, paying particular attention to vulnerable and marginalized people.

- 10.5. States should establish and promote the institutional structures and linkages – including local–national–regional–global linkages and networks – necessary for achieving policy coherence, cross-sectoral collaboration and the implementation of holistic and inclusive ecosystem approaches in the fisheries sector. At the same time, there is a need for clear responsibilities and there should be well-defined points of contact in government authorities and agencies for small-scale fishing communities.
- 10.6. Small-scale fisheries stakeholders should promote collaboration among their professional associations, including fisheries cooperatives and CSOs. They should establish networks and platforms for the exchange of experiences and information and to facilitate their involvement in policy- and decision-making processes relevant to small-scale fisheries communities.
- 10.7. States should recognize, and promote as appropriate, that local governance structures may contribute to an effective management of small-scale fisheries, taking into account the ecosystem approach and in accordance with national law.
- 10.8. States should promote enhanced international, regional and subregional cooperation in securing sustainable small-scale fisheries. States, as well as international, regional and subregional organizations, as appropriate, should support capacity development to enhance the understanding of small-scale fisheries and assist the subsector in matters that require subregional, regional or international collaboration, including appropriate and mutually agreed technology transfer.

## **11. INFORMATION, RESEARCH AND COMMUNICATION**

- 11.1. States should establish systems of collecting fisheries data, including bioecological, social, cultural and economic data relevant for decision-making on sustainable management of small-scale fisheries with a view to ensuring sustainability of ecosystems, including fish stocks, in a transparent manner. Efforts should be made to also produce gender-disaggregated data in official statistics, as well as data allowing for an improved understanding and visibility of the importance of small-scale fisheries and its different components, including socio-economic aspects.
- 11.2. All stakeholders and small-scale fisheries communities should recognize the importance of communication and information, which are necessary for effective decision-making.
- 11.3. States should endeavour to prevent corruption, particularly through increasing transparency, holding decision-makers accountable, and ensuring that impartial decisions are delivered promptly and through appropriate participation and communication with small-scale fishing communities.

- 11.4. All parties should recognize small-scale fishing communities as holders, providers and receivers of knowledge. It is particularly important to understand the need for access to appropriate information by small-scale fishing communities and their organizations in order to help them cope with existing problems and empower them to improve their livelihoods. These information requirements depend on current issues facing communities and concern the biological, legal, economic, social and cultural aspects of fisheries and livelihoods.
- 11.5. States should ensure that the information necessary for responsible small-scale fisheries and sustainable development is available, including on illegal, unreported and unregulated (IUU) fishing. It should relate to, *inter alia*, disaster risks, climate change, livelihoods and food security with particular attention to the situation of vulnerable and marginalized groups. Information systems with low data requirements should be developed for data-poor situations.
- 11.6. All parties should ensure that the knowledge, culture, traditions and practices of small-scale fishing communities, including indigenous peoples, are recognized and, as appropriate, supported, and that they inform responsible local governance and sustainable development processes. The specific knowledge of women fishers and fish workers must be recognized and supported. States should investigate and document traditional fisheries knowledge and technologies in order to assess their application to sustainable fisheries conservation, management and development.
- 11.7. States and other relevant parties should provide support to small-scale fishing communities, in particular to indigenous peoples, women and those that rely on fishing for subsistence, including, as appropriate, the technical and financial assistance to organize, maintain, exchange and improve traditional knowledge of aquatic living resources and fishing techniques, and upgrade knowledge on aquatic ecosystems.
- 11.8. All parties should promote the availability, flow and exchange of information, including on aquatic transboundary resources, through the establishment or use of appropriate existing platforms and networks at community, national, subregional and regional level, including both horizontal and vertical two-way information flows. Taking into account the social and cultural dimensions, appropriate approaches, tools and media should be used for communication with and capacity development for small-scale fishing communities.
- 11.9. States and other parties should, to the extent possible, ensure that funds are available for small-scale fisheries research, and collaborative and participatory data collection, analyses and research should be encouraged. States and other parties should endeavour to integrate this research knowledge into their decision-making processes. Research organizations and institutions should support capacity development to allow small-scale fishing communities to participate in research and in the utilization of research findings. Research priorities should be agreed upon through a consultative process focusing on the role of small-scale fisheries in sustainable resource utilization, food security and nutrition, poverty eradication, and equitable development, including also DRM and CCA considerations.
- 11.10. States and other relevant parties should promote research into the conditions of work, including migrant fishers and fish workers, health, education, decision-making, etc. in the context of gender relations, in order to inform strategies for ensuring equitable benefits for men and

women in fisheries. Efforts to mainstream gender should include the use of gender analysis in the design phase of policies, programmes and projects for small-scale fisheries in order to design gender-sensitive interventions. Gender-sensitive indicators should be used to monitor and address gender inequalities and to capture how interventions have contributed towards social change.

- 11.11. Recognizing the role of small-scale fisheries in seafood production, States and other parties should promote the consumption of fish and fishery products within consumer education programmes in order to increase awareness of the nutritional benefits of eating fish and impart knowledge on how to assess fish and fishery product quality.

## **12. CAPACITY DEVELOPMENT**

- 12.1. States and other parties should enhance the capacity of small-scale fishing communities in order to enable them to participate in decision-making processes. To this effect, it should be ensured that the range and diversity of the small-scale fisheries subsector along the entire value chain is appropriately represented through the creation of legitimate, democratic and representative structures. Specific attention should be paid to the need to work towards the equitable participation of women in such structures. Where appropriate and necessary, separate spaces and mechanisms should be provided to enable women to organize autonomously at various levels on issues of particular relevance to them.
- 12.2. States and other stakeholders should provide capacity building, for example through development programmes, to allow small-scale fisheries to benefit from market opportunities.
- 12.3. All parties should recognize that 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 both men and women and vulnerable and marginalized groups. Moreover, capacity development should include building the resilience and adaptive capacity of small-scale fishing communities in relation to DRM and CCA.
- 12.4. Government authorities and agencies at all levels should work to develop knowledge and skills to support sustainable small-scale fisheries development and successful co-management arrangements, as appropriate. Particular attention should be given to decentralized and local government structures directly involved in governance and development processes together with small-scale fishing communities, including the area of research.

## **13. IMPLEMENTATION SUPPORT AND MONITORING**

- 13.1. All parties are encouraged to implement these Guidelines in accordance with national priorities and circumstances.

- 13.2. States and all other parties should promote aid effectiveness and responsible use of financial resources. Development partners, specialized Agencies of the United Nations, and regional organizations are encouraged to support voluntary efforts by States to implement these Guidelines, including through South–South cooperation. Such support could include technical cooperation, financial assistance, institutional capacity development, knowledge sharing and exchange of experiences, assistance in developing national small-scale fisheries policies and transfer of technology.
- 13.3. States and all other parties should work together to create awareness of the Guidelines, also by disseminating simplified and translated versions for the benefit of those working in small-scale fisheries. States and all other parties should develop a specific set of materials on gender to secure the effective dissemination of information on gender and women’s role in small-scale fisheries and to highlight steps that need to be taken to improve women’s status and their work.
- 13.4. States should recognize the importance of monitoring systems that allow their institutions to assess progress towards implementation of the objectives and recommendations in these Guidelines. Assessments of the impact on the enjoyment of the progressive realization of the right to adequate food in the context of national food security and on poverty eradication should be included. Mechanisms allowing the results of monitoring to feed back into policy formulation and implementation should be included. Gender should be taken into consideration in monitoring by using gender-sensitive approaches, indicators and data. States and all parties should elaborate participatory assessment methodologies that allow a better understanding and documentation of the true contribution of small-scale fisheries to sustainable resource management for food security and poverty eradication including both men and women.
- 13.5. States should facilitate the formation of national-level platforms, with cross-sectoral representation and with strong representation of CSOs, to oversee implementation of the Guidelines, as appropriate. Legitimate representatives of small-scale fishing communities should be involved both in the development and application of implementation strategies for the Guidelines and in monitoring.
- 13.6. FAO should promote and support the development of a Global Assistance Programme, with regional plans of action to support the implementation of these Guidelines.