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COMMITTEE ON FISHERIES

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SOCIAL ISSUES IN SMALL-SCALE FISHERIES

SUMMARY

This paper argues that more attention should be given to social issues in small-scale fisheries. Fishing communities often lack awareness, opportunity and cohesive social institutions to be able to self-organise, articulate their demands, negotiate with government agencies and actively participate in the planning of their own future. Poverty, vulnerability and low levels of social development compromise the ability of small-scale fishers to adopt responsible fishing practices and participate in co-management and community-based fisheries management regimes.

Social development issues can be addressed through various sectoral policies relating to education, health, social insurance and others. A human rights perspective provides an overarching approach to addressing social development which has been widely adopted in the UN system. The Committee is invited to provide guidance on the kind of policies and measures that could be taken by countries and development agencies including FAO in support of social development of small-scale fisheries.

INTRODUCTION AND BACKGROUND

1. Fisheries make important contributions to meeting the Millennium Development Goals on poverty reduction and food security and can be a source of wealth creation, supporting national economic development. In order to sustain and enhance these contributions, a policy environment that enables responsible fisheries in the small-scale sector is required. Legal recognition and protection of small-scale fishing and fish marketing interests as well as strengthening community fishing rights are key elements of this enabling environment. The current trend towards devolving fishing rights to resource users will have greater benefits if there is a simultaneous effort to reduce vulnerability and social exclusion in small-scale fishing communities.

2. The promotion of human rights is critical for the social development of fishing communities. These rights include legally-mandated rights to decent working conditions, gender equality, children's rights and the rights of migrants and other potentially vulnerable groups. In seeking to provide an enabling environment for responsible fisheries, fisheries sector governance would benefit from making greater use of the rules and principles of international law on human rights. Small-scale fisheries would also benefit from stronger links with national and local poverty reduction policy actions to ensure that fishing communities have equitable access to social service provision, including health, education and judicial services.

3. This paper builds on two previous COFI papers on small-scale fisheries, presented at the Twenty-fifth and Twenty-sixth meetings, in 2003 and 2005, respectively. The paper from the 25th session of COFI identified "the need to raise living standards" and emphasised fishing people's vulnerability to natural, occupational, economic and health risks and their geographical and political exclusion from wider development processes. The COFI 26 paper identified the need to improve governance in the sub-sector, focusing on practical strategies to create an enabling environment in which these fisheries could "fulfil their potential to contribute to the important goals of poverty alleviation and food security". This paper combines these concerns by linking improved living standards in fishing communities with improved governance of fishery resources.

WHY IS SOCIAL DEVELOPMENT NECESSARY FOR RESPONSIBLE FISHERIES?

4. Recent research on poverty in fishing communities concludes:

- The *income and asset-ownership status of fisherfolk is highly variable* within communities. Boat and gear owners and larger-scale traders can be among the wealthier members of their communities. Working as a crew member on a fishing boat or processing fish for sale can provide better financial returns than other wage-labour options. However, incomes are often uncertain and seasonal, and where fisheries resources are in decline, incomes are also declining.
- Fisherfolk are often excluded from access to other employment opportunities, from equitable access to land, social services such as health and education, and may have weak political representation. They may also be poorly served by roads, markets and other infrastructure. These factors lead to *marginalization of fisherfolk* in development processes.
- Marginalization, insecure rights of access to resources and dependence on uncertain production systems, as well as the risky nature of many fishing operations, make fishing people *vulnerable*. They are exposed to risk; their livelihood systems are sensitive to those risks; and their marginalization makes it difficult to adapt to the impacts of 'shocks' and adverse trends in the natural environment, the economy or to policy and governance failures.

5. Securing the right to fish can be very important to people, but it doesn't protect fishers and their families from the effects of lack of access to health and social services, arbitrary taxation, theft of fishing gear, forced eviction from their house, or sex discrimination in the workplace. Assistance from other sectors (and other budget lines) in solving some of fishing communities' most pressing non-fishery problems would make it easier for them to solve their fishery-related ones. This would then help small-scale fishers to fish responsibly and continue to contribute to reducing poverty – both their own and that of those outside the sector to whom they provide food, revenue and economic opportunity.

6. Many people in fishing communities lack the power, education and cohesive social institutions to be aware of their rights, to be able to self-organise and articulate their demands, negotiate with government officials and to carry out their responsibilities. In short, they are in need of social development in order to participate effectively as partners with government in fisheries management.

7. Small-scale fisherfolk are often excluded from processes of development planning, either because they are mobile (including unregistered international migrants), living in marginal and remote areas, or simply because their role and contribution to the economy is poorly known and underappreciated. For these reasons, they may not be able to gain the support of external agents (e.g. governments, NGOs, donor agencies) to help them reduce their vulnerability and improve their rights and access to the basic social services. In turn, the lack of these services puts them at risk of ill health, to missing out on financial service and educational provision, to theft and conflict, and of exclusion from participation in social and political processes.

8. Development activities in fishing communities that help to address social exclusion can support the operation of community-based fishing rights. Recent community management institutions in some African fisheries have been designed to include the poor and those previously excluded from resource management institutions – including women boat owners and male crew labourers¹. Without wider investment in social development to address the factors that produced this exclusion, there is a risk that externally-enforced participation by these groups can be undermined and the benefits of community management are redistributed to favour the more powerful.

9. Where there are known violations of human rights in fishing communities, (such as failure of boat owners to provide crew members with acceptable working conditions, extensive use of child labour or systematic discrimination against women), or where there are recognised social development problems (such as lack of legal recognition of fish landing sites, or high prevalence of HIV in fishing communities), then addressing these issues, in partnership with appropriate social development specialists, can immediately become part of the fisheries development agenda.

10. Resource degradation is not necessarily the most important cause of poverty in fishing communities. Indeed, in many cases, the degraded fishery may nevertheless be a 'safety net' that prevents destitution, or continues to provide better economic returns than alternative livelihood sources. The risk of resource degradation or stock collapse may be perceived as low by many fishers in comparison to the exposure of their livelihood systems to the risks of ill health or death (particularly from Malaria, HIV/AIDS, waterborne diseases, and drowning and accidents), theft or loss of fishing gear, or lack of secure access to alternative productive assets, such as land.

¹ Nunan, F. (2006) Empowerment and institutions: Managing fisheries in Uganda. *World Development* 34(7): 1316-1332.

11. The small-scale fisheries sector is also vulnerable to external factors beyond its control. These include floodplain modification and damming of rivers, displacement by aquaculture, tourism and other coastal development, and pollution. Local systems allocating fishing rights can confront and prevent some of these threats, but not all -notably pollution and upstream modifications in river basins. Where fishing interests are historically overridden or unrepresented by competing claims, then people have no incentive to invest in managing their local fishery resources to optimise future yields.

12. The overall outcome is that, because of their continuing vulnerability and social exclusion, many fishing people currently lack both the incentive and capacity to claim and defend systems of access rights that aim to conserve stocks for their exclusive use.

13. An appropriate development response is therefore to address small-scale fishing people's vulnerability and social exclusion as important components of any programme that aims to define and strengthen rights of access as a means to improve the contribution of fisheries to poverty reduction and to rebuild fisheries to contribute to wealth creation and economic growth.

HUMAN RIGHTS AND RESPONSIBLE FISHERIES

14. Contemporary social development practice is informed both by development targets, such as the Millennium Development Goals, and by principles, rules and standards contained in instruments of international law, such as the Universal Declaration on Human Rights. The rights of fishworkers engaged in the small-scale sub-sector are identified in the 1995 FAO Code of Conduct for Responsible Fisheries², although they are not explicitly formulated within the framework of a 'rights-based approach' to development, which did not emerge until the late 1990s. The Code does not refer explicitly to any international instrument on human rights, however it is to be interpreted and applied "in accordance with other applicable rules of international law" (Article 3). Among the relevant provisions of the Code are the following:

- Article 6.13 is supportive of "effective participation [of fishworkers and others]...in decision making with respect to the development of laws and policies related to fisheries management, development, international lending and aid", while;
- Article 6.17 urges states to ensure that "all fishing activities allow for safe, healthy and fair working and living conditions".
- Article 6.18 is most directly relevant: "States should appropriately protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction".
- The Code also specifies that fishery management objectives should have a social and economic equity component (i.e. should not just specify economic maximisation criteria) and provide that "the interests of fishers, including those engaged in subsistence, small-scale and artisanal fisheries, are taken into account" (Article 7.2.2e).

² FAO (1995). Code of Conduct for Responsible Fisheries, Rome. www.fao.org/DOCREP/005/v9878e/v9878e00.htm

- Article 11.2.15 also urges states, multilateral development banks and other international organisations to ensure that policies and practices related to the promotion of international fish trade and export production do not “adversely impact the nutritional rights and needs of people for whom fish is critical to their health and well being and for whom other comparable sources of food are not readily available or affordable”.

Thus, the Code can be linked to the Universal Declaration on Human Rights³ (UDHR) in its support for rights to participation in governance (in accordance with Article 21 of the UDHR), rights to decent work (Article 23), an adequate standard of living and adequate food (Article 25).

15. The synergies between principles and more detailed technical provisions of the Code and human rights provide an opportunity to ‘mainstream’ fisheries in a wider development context, and this process has begun through the recent trend for inclusion of fisheries in wider poverty policy processes (e.g. Poverty Reduction Strategy Papers). The addition of a rights-based framework makes states responsible for addressing fisherfolk’s poverty, irrespective of the growth potential of the fishery sector.

16. Investing government revenues and development assistance budgets in social development in fishing communities will require justification that there is some comparative advantage to doing so, in terms of meeting MDGs, for example, relative to investment that could be made in other communities also subject to poverty and infringement of rights to food, decent work and dignified lives. The strength of this argument will obviously depend on the importance of the actual and potential role of fisheries in the national economy. Where fisheries employ large numbers of people, contribute to the tax base and to export revenues, and also contribute to national diet, there is a strong case for investing to maintain or enhance the productivity of the sector. Where fisheries are of minor national importance, fisheries still may provide localised ‘engines of growth’ or important ‘safety net’ occupations for the landless poor.

17. Even in the absence of cost-benefit data, there are some cases where the argument for investing in social development is compelling. In the case of HIV-affected fishing communities, the cost of not investing in targeted HIV prevention (in the broadest sense) goes well beyond the potential for lost revenues and efficiency in the fishery sector itself⁴;

A HUMAN RIGHTS PERSPECTIVE OF SOCIAL DEVELOPMENT

18. Fisheries development will need to address the factors that most immediately and directly threaten the sustainability of fisherfolk’s livelihoods. Often, these factors are not related to their fishing activities and the status of the resource. Neither are most of them specific to fishing communities, but apply - to a greater or lesser degree - to the poor in general, especially to the rural poor living in remote areas with little access to social services, infrastructure and markets. Addressing social development issues in fishing communities requires ways of working and diagnostic tools for policy reform and planning that may be new to the fishery sector. Rather than

³ UNHCHR (1988) Universal Declaration of Human Rights. United Nations High Commissioner for Human Rights, Geneva. (accessed from http://www.idir.net/~cnc/UN_UDHR.htm)

⁴ In Uganda, where HIV prevalence is high in fishing communities, the government is investing in addressing HIV in the fisheries sector as a matter of national priority - to prevent these communities becoming a reservoir for future epidemics and imposing the social and economic burden of the epidemic on yet another generation of its citizens. MAAIF (2004). Uganda Strategy for Reducing the Impact of HIV and AIDS on Fishing Communities. Ministry of Agriculture, Animal Industry and Fisheries, Kampala, Uganda. (available from http://www.mrag.co.uk/Documents/ug0672/ug0672_9.pdf)

being a burden on the sector, this can be seen as a series of new opportunities to engage with a wide array of development partners – and to broaden the funding base for fisheries-related development.

19. The normative justification for adoption of a human rights perspective to social development in fishing communities is that values and rights are placed at the very heart of development practice - it sets out a vision of what ought to be and, backed by international law, it provides a stronger basis for citizens to make claims on their states and for states to claim support for enhancing the access of their citizens to the means to realise their rights.

20. A human rights perspective can become a catalyst to transform the practice of development - from a focus on identifying and meeting needs, to enabling people to recognise and exercise rights⁵. The human rights perspective identifies freedom (including freedom from hunger), participation and empowerment as the ultimate ends for development.

21. In the case of small-scale fisheries, a broad human-rights approach to social development makes good use of existing legal and policy frameworks; provides a basis for investment and action that does not rely solely on cost-benefit analysis (for which data are seldom available); engages a wide range of development actors; and is compatible with the broad architecture of development assistance, including the MDGs. Adopting a rights framework also reminds fishery managers, community leaders, fish consumers and donors that small-scale fishers have a right to development, and that governments are accountable for helping them realise that right.

22. The vision statement for small-scale fisheries in COFI/2005/5 – that they not be marginalized, be empowered to participate in decision-making, thereby achieving dignity and respect, and that poverty and food security do not persist – is a vision drawn directly from a rights-based way of thinking. The key point to emphasise is that human rights frameworks are already in place – they do not require extensive new policy-reform. There are opportunities to proceed immediately with their implementation.

Strategy for action

23. A strategy to bring together responsible fisheries with social development to strengthen capacity and incentives of fisherfolk to invest in defending their fishing rights could be based on the following principles:

- Addressing over-exploitation that threatens resource sustainability and the flow of benefits from fisheries to the wider economy is the priority objective of a shift towards rights-based fishing.
- As well as defining rights to fish, the rights of present and future generations to benefit from the resources should be included. Building the value of the resources should be an explicit objective of fisheries management in the small-scale sub-sector.
- A rights-based approach, in defining and allocating rights to fish, would also address the broader human rights of fishers to an adequate livelihood and would therefore include poverty-reduction criteria as a key component of decisions over equitable allocation of rights, including in decisions over inclusion and exclusion, and the protection of small-scale fishworkers' access to resources and markets. It would also include addressing deficiencies in fishing people's rights of equitable access to health care, education, justice and the rule of law.

⁵ Cornwall, A. and Nyamu-Musembi, C. (2004). Putting the 'rights-based approach' to development into perspective. *Third World Quarterly* 25(8): 1415-1437.

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- Transition to rights-based fishing requires relationships between fishing rights-holders and duty-bearers (such as governments) to be transparent and based on mutual trust and accountability. This requires empowerment of fishing communities, both through their social inclusion and building their capabilities.
 - In countries where fisheries make significant economic contributions, integrating responsible fisheries policies with wider poverty reduction policies, such as Poverty Reduction Strategy Papers, is a necessary condition to achieve inter-sectoral policy coherence and maximise the contribution of fisheries to meeting poverty targets such as the Millennium Development Goals. It is also important for ensuring that fisheries agencies receive a fair allocation of central and local government budgets.

CONCLUSION

24. Providing development support to fishing communities in the form of strengthened human rights and better access to social services can help achieve poverty reduction and facilitate the adoption of responsible fisheries practices. Programmes like those designed to introduce rights-based fishing to the small-scale sector may fail at either poverty reduction, resource conservation, or both, if they are undertaken in isolation from a consideration of the broader social and cultural conditions in fishing communities and in societies at large.⁶ Treating co-management and property rights reforms as merely technical and organisational issues, and not also as political and institutional issues, risks the failure of genuine reforms.

SUGGESTED ACTION BY THE COMMITTEE⁷

25. The Committee is invited to review this paper and provide guidance to Member Nations, FAO and other agencies and international governmental and civil society organizations on appropriate approaches, strategies and measures in which a human rights perspective might be used to foster social development and more effective resource management in small-scale fisheries. The Committee may wish to specifically comment on the Strategy for Action outlined in paragraph 23 and recommend specific social development measures relating, inter alia, to the following:

- a legal framework that ensures access to justice for all individuals and groups within fishing communities;
- policies allowing for non-discriminatory, secure access to and utilization of resources important to small-scale fishing communities;
- assurance of access to natural resources and social sector support services by women and vulnerable, marginalized and traditionally disadvantaged groups, including migrant workers, indigenous peoples, displaced persons in fishing communities;
- legal provisions for representation in local decision-making processes by women and other vulnerable groups in fishing communities to allow them to participate fully and equitably in the economy.
- social protection measures such as direct cash transfers to the poorest and other safety net measures such as post-disaster food aid.

⁶ This point has been made effectively in two previous FAO technical reports, which also outline the importance of understanding social and cultural issues as an essential part of fisheries management: Townsley, P. (1998). *Social Issues in Fisheries. Fisheries Technical Paper 375*, FAO, Rome and McGoodwin, J.R. (2001). *Understanding the Cultures of Fishing Communities: A key to Fisheries Management and Food Security. Fisheries Technical Paper 401*, FAO, Rome.

⁷ These recommendations are compatible with those given in FAO (2006) *The Right to Food: Putting it into Practice*. Rome.