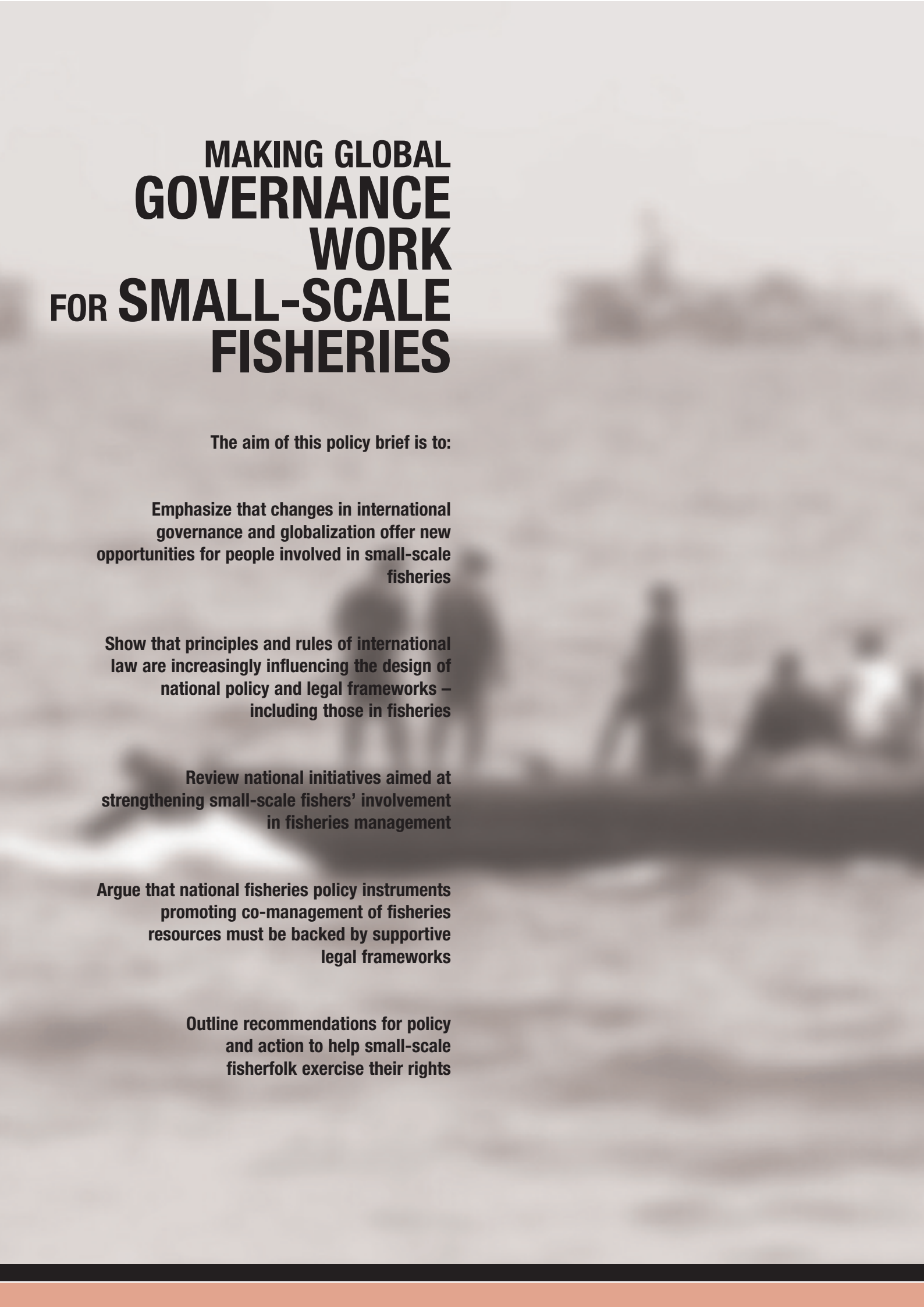




**MAKING GLOBAL
GOVERNANCE
WORK
FOR SMALL-SCALE
FISHERIES**

POLICIES TO SUSTAIN LIVELIHOODS AND FISHERIES





MAKING GLOBAL GOVERNANCE WORK FOR SMALL-SCALE FISHERIES

The aim of this policy brief is to:

Emphasize that changes in international governance and globalization offer new opportunities for people involved in small-scale fisheries

Show that principles and rules of international law are increasingly influencing the design of national policy and legal frameworks – including those in fisheries

Review national initiatives aimed at strengthening small-scale fishers' involvement in fisheries management

Argue that national fisheries policy instruments promoting co-management of fisheries resources must be backed by supportive legal frameworks

Outline recommendations for policy and action to help small-scale fisherfolk exercise their rights

GLOBALIZATION AND FISHERIES

Globalization presents both opportunities and threats to responsible fisheries and poverty reduction among fishing-dependent communities. This brief examines recent changes in the global governance regime and implications for fisheries governance at the international and national levels. It outlines the global trends that both drive fisheries policy reform and impinge on components of the fish supply chain, from producer through to consumer, with particular emphasis on trade. It also highlights the global forces that could help empower fisherfolk, and those that might increase their vulnerability.

Governing fisheries involves much more than applying fisheries laws and policies. A fishery system is governed by factors affecting the rights and livelihoods of the people who fish, the trade in fishery products and services, the environment the fish live in and the national economic and political context within which the sector operates:

- Fishing livelihoods are potentially influenced by a range of human rights, which are defined or referred to in a number of instruments including international and national laws, codes and agreements on gender equity, rights to decent work, the rights of the child and those of transboundary migrants.

- National fishery sector policies are set in the broader context of the evolving reflection and debate over policies aimed at development, including a focus on meeting the Millennium Development Goals (MDGs), working through national Poverty Reduction Strategy Papers (PRSPs) and developing more inclusive, democratic and decentralized forms of governance (summed up in the concept of "participation").

- In the seas and oceans, the legal basis and framework for governance reform in fisheries is to be found in the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). There are a variety of other international instruments, both binding and non-binding, related to ocean governance, which actually or potentially bear on fisheries, including Regional Seas Agreements and the Jakarta Mandate on Marine and Coastal biodiversity. These are complemented, when exercising rights and jurisdiction over the maritime spaces and resources in accordance with international law, by efforts, to take into account ecological boundaries in the seas and oceans, through the Large Marine Ecosystems (LME) initiative. Fisheries governance also often takes place in the context of wider Integrated Coastal Zone Management (ICZM) planning at national and sub-national level.

- Governance of trade, the environment and food safety are often linked. Relevant instruments regulating trade include the World Trade Organization rules, various regional trading agreements and trade bans on endangered species (such as seahorses, sea turtles, etc.) enforced through the Commission on International Trade in Endangered Species (CITES).

- Environmental governance is influenced by processes such as the 2002 World Summit on Sustainable Development (WSSD) which made an international commitment to adopt ecosystem-based management of fisheries by 2015.

- With the fish trade being increasingly globalized, international codes and standards are being crafted to regulate the capture, processing and sale of fish and fishery products. These include the International Standards Organization ISO14000 series, a system certifying compliance with environmental guidelines in

production, manufacture and trade, the Hazard Analysis Critical Control Point (HACCP) legislations, as well as various quality standards which may be set by major buyers, such as supermarket chains, or by regional governing bodies, such as the European Commission, which has stringent quality requirements for food production and import.

INTERNATIONAL LAWS, STANDARDS AND CODES GOVERNING THE FISHERY SYSTEM AND SUPPLY CHAIN



It is in this wider context that fisheries governance instruments take their place in regulating the fishery system. While most of these instruments specifically aim to regulate the capture of fish – who can catch what fish when and where and with what method – they are increasingly supplemented with others, such as the 1995 FAO Code of Conduct on Responsible Fisheries, which cover a wider and deeper range of issues related to fisheries and aquaculture, from the environment and its ecosystems to post-harvest activities, and from equity issues to fishery stock management concerns.

GLOBAL GOVERNANCE: INCREASING FOCUS ON DEVELOPING COUNTRIES AND SMALL-SCALE FISHERIES

Years of unrestrained and unsustainable patterns of consumption and production in the quest for economic growth and development have affected the integrity of the global environment and deepened inequity in wealth distribution worldwide. Growing awareness of the risks linked to that pursuit of unabated consumption and production models may pose to the well-being and quality of life of the world community as a whole has led to a gradual shift in thinking and in the definition of priorities and strategies at the international level.

In the 1992 United Nations Conference on Environment and Development (UNCED), in Rio de Janeiro, Brazil, and its Agenda 21, the concept of sustainable development reached a formal and generalized acceptance and was given a central position on the international community's global agenda. This marked the beginning of a new era with respect to natural resources management. Importantly, the Rio Declaration recognized that "Human beings are at the centre of concerns for sustainable development" (Principle 1) and that eradication of poverty through international cooperation is an "indispensable requirement for sustainable development" (Principle 5).

The 2000 Millennium Development Goals put eradication of extreme poverty and hunger at the top of the global agenda and urged the international community to develop a global partnership for development. Success in meeting these objectives requires better governance at the international level and within each country.

The 2002 Plan of Implementation of the World Summit on Sustainable Development stated that "Eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, particularly for developing countries". It acknowledged that globalization and interdependence offer new opportunities for trade, investment and capital flows. Together with advances in technology, they could promote economic growth, development and improved living standards. However, it cautioned that globalization "should be fully inclusive and equitable" and that therefore special and differential treatment, such as market access preferences, should be granted to the least developed countries.

Heeding the call of the United Nations, the World Trade Organization (WTO) members placed the needs and interests of developing countries at the heart of the work programme adopted in the 2001 Doha Ministerial Declaration.

The past two decades witnessed other important developments that may potentially affect the rights of fisherfolk and other rural communities and improve their livelihoods. Implementation of the right to food as a human right (Universal Declaration of Human Rights in 1948) was given a new impetus by the 1996 World Food Summit through the reassertion of the right to adequate food for all

and the fundamental right to be free from hunger.

During this period gender issues also received considerable attention in international instruments related to human rights or the environment. For instance, the 1995 Beijing Platform for Action adopted by the Fourth World Conference on Women envisaged legislative and administrative reforms to ensure gender equality in access to natural resources, including inheritance rights.

This wave of global governance reform also swept through ocean and fisheries management. Since the adoption of the 1982 United Nations Law of the Sea Convention (LOSC), several important international fisheries instruments have been adopted and new regional fishery bodies have been created to foster regional cooperation. Most of these instruments focus primarily on high seas fishing, yet while they do not deal with small-scale fisheries, they do recognize the special requirements of developing states.

The most influential international fisheries instrument adopted since 1982 is arguably the voluntary 1995 Code of Conduct for Responsible Fisheries. The Code provides principles and standards applicable to the conservation, management and development of fisheries, acknowledges the socio-economic importance of small-scale fisheries and recognizes the need to adequately protect fishers' rights.

THE CODE OF CONDUCT AND ITS PROVISIONS FOR SMALL-SCALE FISHERIES

“Recognizing the important contributions of artisanal and small-scale fisheries to employment, income, and food security, states should appropriately protect the rights of fishers and fish workers, 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” (Article 6.18 of the Code of Conduct for Responsible Fisheries)

“Recognizing the existing rights of fishing communities is a fundamental element in building a successful fisheries management system” (Section 2.7.4 of the FAO Technical Guidelines for Responsible Fisheries No. 10 on Increasing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security)

“When designing management measures, it might be appropriate to consider those which provide exclusive or preferential access for small-scale fisheries (Section 2.7.6 of the FAO Technical Guidelines for Responsible Fisheries No. 10 on Increasing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security)

“A wider recognition of the importance of small-scale fisheries would also help to ensure that international trade regulations and agreements are more carefully structured so as to provide benefits to small-scale fisheries rather than resulting in their marginalization” (Section 2.8.4.1 of the FAO Technical Guidelines for Responsible Fisheries No. 10 on Increasing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security)

Sources: Ministerial Conference, 4th Session, 9-14 November 2001.

Fisherfolk also have rights as workers. The International Labor Organization (ILO) has devised core labor standards in an attempt to provide a minimum set of global rules for labor in the world economy. Most of these rules, however, do not currently include small-scale fisheries as they apply only to registered vessels and specifically exclude boats operating close to shore. However, recognizing the need to address the specific needs and concerns of the fisheries sector, ILO agreed in 2004 to develop separate labor standards for this sector.



GLOBAL GOVERNANCE OF TRADE

The multilateral system embodied in the WTO has contributed significantly to economic growth, development and employment in the past fifty years. It is widely recognized that international trade can play a major role in the promotion of economic development and poverty alleviation. The challenge is to ensure that all peoples benefit from the increased opportunities and welfare gains that the multilateral trade system generates. Hence, continuous efforts are required to guarantee that developing countries secure a fair share of the growth of world trade commensurate with their contribution and the needs of their economic development. In this context, enhanced market access and balanced rules have important roles to play.

In view of the particular vulnerability of the least-developed countries and the special structural difficulties they face in the global economy, the WTO has allowed some flexibility in the application of the basic principles underpinning the multilateral trading system. Exceptions to the trade-without-discrimination principle, known as most-favored-nation (MFN) treatment, have been authorized through the establishment of free trade agreements granting developing countries special access to certain markets. This is illustrated by the special regime enjoyed by the Asian, Caribbean and Pacific (ACP) states to export certain fishery products, such as canned tuna, to the European market. Under the Cotonou Agreement canned tuna originating from ACP states are exported duty free to the European market whereas a 24% duty (MFN tariff) is imposed on canned tuna imported from any other country. Similar arrangements have been concluded by developing countries with the United States of America and Japan. While these special access schemes have helped develop and sustain local industries in ACP countries, one should bear in mind that they have been conceived as temporary arrangements susceptible to modifications over time. With import duties generally diminishing, and expected to be

reduced further as part of the Doha Development Agenda, trade preferences are likely to erode significantly in the coming years as already experienced in other sectors of the economy (e.g. sugar).

One consequence of the growing integration of national economies into the world economy is that many countries are increasingly looking for domestic legal models with which foreign partners feel comfortable. This is illustrated by the recent evolution of the regulatory framework governing fish and fish products safety in developing countries where seafood exports are an important source of revenue. In these countries, fish and fish safety regulations are strongly influenced by the rules applicable in the importing countries, mainly the European Union (EU), the United States of America (US) and Japan. In response to consumer demand, the EU and the US have, in the past decade, strengthened their food safety rules, notably by making implementation of the HACCP system a specific legal requirement for imported seafood products, thus making it increasingly difficult for developing countries to export their fish and fish products to EU and US markets.

Since UNCED, many certification schemes and codes of practice have been developed to promote ecologically-sustainable development of fisheries resources. Although there is little evidence that the increased use of such schemes and codes have a negative impact on producers in developing countries, there is no doubt that it creates an additional hurdle for small-scale fishers to export their products. For instance, US authorities accept only shrimps originating from a fishery using certified turtle excluder devices (TEDs), making it increasingly difficult for any producers, particularly small-scale fishers, to export their products to the US. Fitting nets with adequate TEDs requires investments that most small-scale fishers cannot afford.

BENIN: SHRIMP EXPORTS

Shrimp is Benin's second export product after cotton. While export in frozen form is made by small enterprises, all shrimp are caught by small-scale fishermen in brackish inshore waters, estuaries and lakes. Between 1995 and 2002, Benin exported an annual average of 430 tonnes of shrimp, mainly to EU countries.

With EU regulations on sanitary controls of fish products becoming more and more stringent and Benin's lack of capacity to comply with these requirements, an auto-suspension of shrimp exports into Europe was imposed by the Veterinary Organisation of the European Commission in 2003.

In this context, the ministry in charge of fisheries was selected by the EU/ACP Secretariat to implement a two year project - Strengthening Fisheries Products Health Conditions (SFP) - to contribute to capacity-building to comply with European standards and to develop new strategies to reinforce the ability of both industrial and artisanal fisheries to access markets and, more particularly, the right to export to the EU.

This project collaborated closely with other development initiatives supporting the small-scale fisheries sector in the country, namely the Sustainable Fisheries Livelihoods Programme (SFLP) and the IFAD/AfDB SPELL project. The synergies generated by this collaboration materialized into various activities:

- training of fishermen and fishmongers on HACCP, Good Manufacturing Practices (GMP), Good Hygiene Practice (GHP) and Good Environmental Practice (GEP) ;
- capacity-building in internal control systems;
- dissemination of laws and regulations applicable to shrimp fisheries.

As a result of these joint interventions, in 2005 the EU agreed to restore Benin's export authorization, providing that further measures are carried out with a follow-up inspection.

INCORPORATING PRINCIPLES AND RULES OF INTERNATIONAL LAW INTO NATIONAL POLICY AND LEGAL FRAMEWORKS

If changes in the global governance regime over the past twenty years have been remarkable, their ability to improve the governance regime within a country will depend, to a large extent, on the willingness and ability of each government to translate the principles introduced by these changes into actions at the national level.

Over the past decade, many states reviewed their national policy and legal framework with a view to addressing the concept of sustainable development and other principles developed by UNCED as part of national development plans and poverty reduction strategy papers. Likewise, sectoral policy instruments governing natural resources such as forestry, water, wildlife and fisheries were reassessed and reformulated in order to incorporate this concept in the cornerstone of these instruments.

In the field of fisheries, this shift in approach has resulted in an added concern for institutional and social sustainability to the existing management objectives such as maximum sustainable yield (MSY) and maximum economic yield (MEY), which deal primarily with production processes. Sustainable management of fisheries is more closely aligned with the concept of optimum utilization of fisheries resources recognized by the UNCLOS, in that it considers trade-offs between ecological, economic and social optima and issues of social justice and historical rights of access. Fisheries legislation enacted since the UNCED reflects this change in thinking and generally includes a reference to both sustainability of the resource base and the sustainability of fishing communities, for instance through a commitment to poverty reduction in those communities.

EXAMPLES OF FISHERIES LAW:

The main fisheries law of Senegal (Fisheries Act No. 98-32 of 1998) stipulates that the state should define a policy aiming at protecting and conserving fisheries resources and ensuring their sustainable utilization in a manner that preserves the marine ecosystem.

In South Africa, the Marine and Living Resources Act of 1998 (Act No. 18 of 1998) provides that one of the objectives of this legislation is to achieve a balance between optimum utilization and ecologically sustainable development of marine resources.

Sources: FAO. (1995). Code of Conduct for Responsible Fisheries. Rome, FAO. 41 pp.

FAO. (2005). Increasing the contribution of small-scale fisheries to poverty alleviation and food security. FAO Technical Guidelines for Responsible Fisheries. No. 10. Rome, FAO. 79 pp.

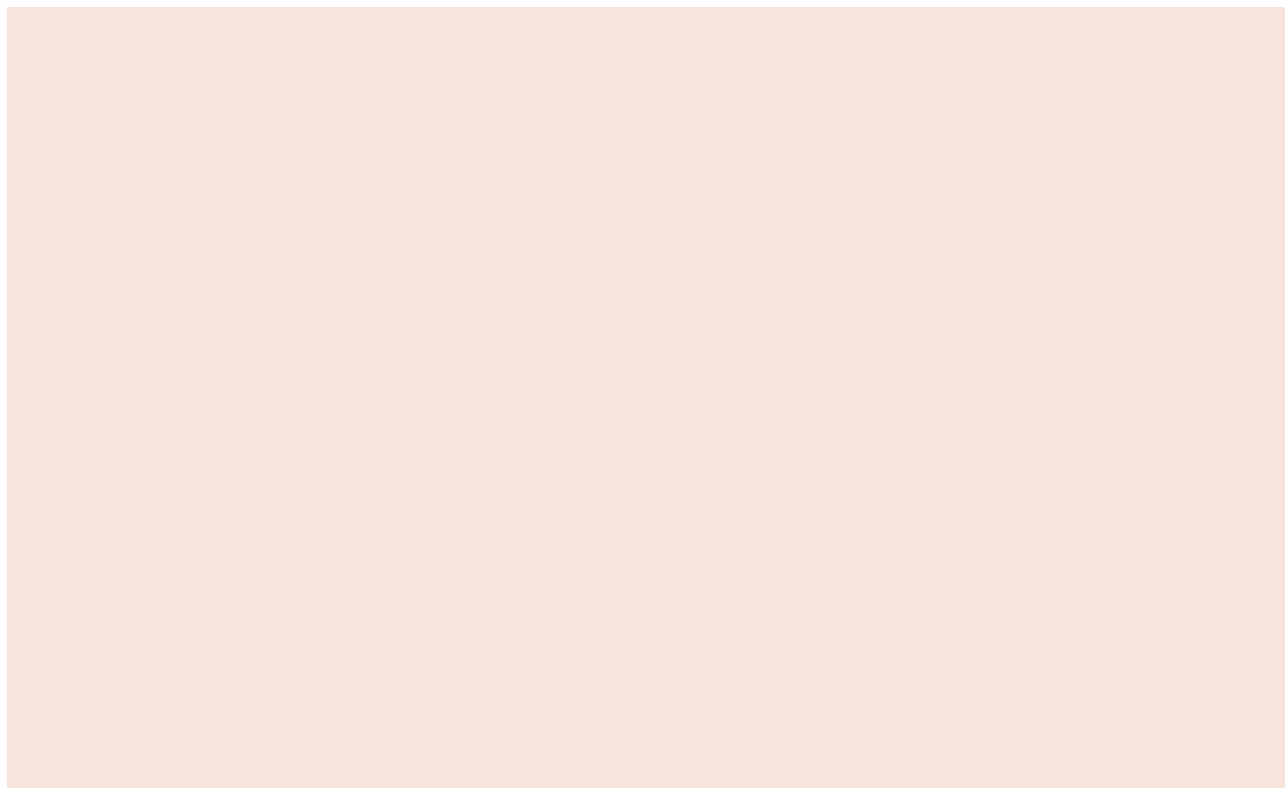


GOVERNANCE AND DEMOCRATIZATION

It is now widely-acknowledged that without improvement in governance at both international and national levels it will be impossible to achieve the Millennium Development Goals with respect to poverty alleviation (MDG 1) and environmental sustainability (MDG 7). While there is no universal definition of the concept of governance, there is a general understanding that governance refers broadly to decision-making processes and to institutional frameworks designed to facilitate these processes. Governance deals with, inter alia, participation, transparency, accountability and information. There is broad consensus that improving governance should be a priority in all countries.

In developing countries, bad governance has often been blamed for the ills of society so that in recent years international aid to development has been increasingly linked to improvement in governance. This approach prompted many developing countries to initiate democratization and decentralization processes and to promote the rule of law and social equity. These processes, however, are still incomplete due to lack of political will, administrative capacity and/or financial resources. Moreover, long-term sustainability of decentralized institutions has yet to be secured in many places. In particular, efforts need to be made to ensure that devolution of power from central to local level of government is supported by transfer of adequate financial resources.

It is expected that by bringing those who enact rules and those who apply them closer together, through decentralization, government should be more knowledgeable about the needs of the poorest and marginalized people in local communities, and hence more responsive to these needs. The degree to which decentralization may benefit small-scale fishers in any given area will depend, to a large extent, on factors such as the balance of socio-economic and political power, the relative importance of the fisheries concerned and the ability of small-scale fishers to organize themselves in order to make their voice heard in local councils and assemblies.



DECENTRALIZATION AND FISHERIES MANAGEMENT

The need to improve governance and achieve sustainable utilization of fisheries resources has led decision-makers to question the effectiveness of top-down or command-and-control management approaches in fisheries. The main criticisms of these approaches include:

- (1) lack of involvement of stakeholders in the decision-making process, which results in a lack of legitimate basis for regulations or management measures and, consequently, in non compliance;
- (2) implementation and enforcement that rely heavily on technical capacity and are often too expensive to operate;
- (3) lack of incentives and capacity for resource users to claim and defend rights to fishery resources due to their vulnerability and social exclusion (see Policy Brief No. 1 of this series).

The last fifteen years has seen a global trend to change the management regime of fisheries from state control to fisheries co-management systems. Co-management can be defined as a partnership approach where government and resource users share the responsibility and authority for the management of a fishery or area, based on collaboration among themselves and with other stakeholders. It may take many different forms, depending on the local context, ranging from mere consultation of stakeholders to devolution of fisheries management responsibilities to identified local communities or groups.

Co-management and decentralization are vital to each other but initiatives for either one or the other are generally not undertaken conjointly or in a systematic way. It appears that within the fisheries context, co-management is often initiated first and decentralization of fisheries institutions is dealt with, if at all, at a later stage.

Commitment to co-management by governments should lead to the creation of an enabling environment through the adoption of a policy and legal framework supportive of co-management and through implementation of defined policies, laws and regulations.

WHERE CO-MANAGEMENT IS ADOPTED

In developing countries, the Philippines has been a leader in establishing fisheries co-management mechanisms and in the devolution of fisheries management powers. The government formalized the transfer of fisheries management authority to municipalities through legislation by enacting the Local Government Code in 1991 and consolidated it in subsequent legislation by adopting the Fisheries Code in 1998. Recently, other countries such as Indonesia and Cambodia have adopted new policies and laws supporting fisheries co-management.

In West Africa, the SFLP has initiated a pilot project on inland fisheries co-management including sites in Burkina Faso, Côte d'Ivoire, Ghana and Mali, and coastal co-management in the Congo, Gabon, Guinea and Mauritania.

In practice, community participation in fisheries management is implemented through, *inter alia*, multi-stakeholder committees such as in Senegal, with the creation of local councils for artisanal fisheries, or in Uganda, with the establishment of beach management units, and professional organizations as in Madagascar where the "Groupement des armateurs à la pêche crevettière de Madagascar" is actively participating in the management of the coastal shrimp fishery.

In December 2001, the responsibility for fisheries licensing on Uganda's Lakes George and Edward was delegated from central government to local authorities working in partnership with newly-created fishing Beach Management Unit (BMU) committees. This was made possible by a new fisheries policy seeking to promote co-management of fisheries and amendment of the national fishery laws concerning fishing vessel licensing. Licenses are allocated through a participatory, transparent and accountable system of negotiation involving communities, local leaders, local government and the Department of Fisheries Resources. There is a clear focus on equitable distribution of fishing licences, with gender balance and livelihood dependency being taken into account and previously marginalized groups such as crew labourers and women have been allocated a guaranteed share of the available new fishing licences.

Source: ILM Project Final Report



Some critics have argued that devolving fisheries management powers to local communities or fisher groups is unlikely to be effective unless such communities or groups are also granted the authority to enforce the management measures governing fishing activities within their area of jurisdiction. In most places, central governments have so far resisted such demands on the grounds either that enforcement is a prerogative of the state, or out of fear that it may lead to the constitution of armed local militia that may in turn jeopardize public order.

However, there is evidence that states may, under certain conditions, be willing to allow local communities to participate in surveillance and law enforcement. In Indonesia, the Fisheries Act No. 31 of 2004 provides for community participation in law enforcement through reporting of violations of fisheries laws and regulations by local communities. An initiative promoting participatory surveillance has been undertaken with the support of the Sustainable Fisheries Livelihoods Programme (SFLP), through a pilot project in Guinea to show that participation of local fishing communities in surveillance and enforcement may improve compliance with local rules without disrupting public order. Other countries in the region have expressed interest in the Guinean experience and requested SFLP support.

PARTICIPATORY SURVEILLANCE IN GUINEA (SFLP PILOT PROJECT)

Involving of fishing communities in fisheries management and surveillance of coastal fishing activities was recognized by the Guinean government early 2006 with the adoption of Ministerial Order No. 00676/MPA/SGG/2006 of 2 February 2006. A new decree provides for the creation of Committees for the Development of Landing Sites (Comités de Développement des débarcadères). Made up of representatives of local socio-economic organizations or associations. These committees are responsible, in partnership with the National Centre for Fisheries Surveillance, for law enforcement in the artisanal fishing zone. To this end, they are empowered to designate informants among fishers operating in the area and belonging to a local association. These informants, who receive special training in fisheries surveillance (legislation, use of GPS and radio, etc.), are required to report any breach of local fisheries regulations, in particular incursion of industrial fishing vessels into the artisanal fishing zone, to fisheries control officers posted in the area. Upon notification, the latter have a legal obligation to act and, where required, to take all necessary measures within the limits of the fisheries law.

footnote 2: See FAO. 2005. Reducing fisherfolk's vulnerability leads to responsible fisheries - Policies to support livelihoods and resource management. New Directions in Fisheries - A Series of Policy Briefs on Development Issues, No. 01. 8 pp. Available at <http://www.sflp.org/briefs/eng/01.pdf>

RIGHTS AND OBLIGATIONS OF SMALL-SCALE FISHERS

The trend towards converting state-governed or open access fisheries to private, user-group or community-based access regimes, combined with the shift towards fisheries co-management and improved access to global markets, offers new opportunities to small-scale fishers, but also poses new threats. Against a backdrop of dwindling abundance of fisheries resources, it will become increasingly difficult to allow new participants into small-scale fisheries, thus reducing options for local communities in their livelihoods strategies. There are also signs that increasing access to global markets, by raising the value of the resources, attracts new entrants to fisheries or, where access is already limited, encourages existing fishers to intensify their fishing activities.

Introducing limited access regimes has resulted in the creation of property rights in fisheries resources and mechanisms for allocation of such rights. A property rights regime can be a state, private or a common property regime. The most universal is the state property regime. In such a regime the state is the custodian of the fishery resource and can choose to allot rights to individuals or groups, most commonly through license or permit systems.

The common property regime whereby a local community, instead of an individual, holds exclusive rights to harvest fish in a particular geographical area is the regime of choice in many small-scale fisheries. It is common practice that states establish through legislation so-called artisanal or small-scale fishing zones adjacent to the coastline to be used exclusively by artisanal or small-scale fishers. In these cases, common property rights are weak as the very existence of such rights depends entirely on the willingness and ability of the central or local authority, as the case may be, to control effectively access to these zones, for example to prevent incursion in the exclusive zone by industrial fishing vessels.

Co-management, by involving local communities or fisher groups in the decision-making process and by transferring to them management and implementation powers, will broaden the scope of fisheries rights of such communities or groups and strengthen them. These rights will no longer be confined to a right of access and withdrawal but also include a right to manage and control access by non-community or group members.

The nature of fisheries rights, in particular whether they constitute property rights, has been abundantly commented on. The extent of property is commonly determined by the strength of the various property characteristics of transferability, durability, security and exclusivity. Whether these rights are categorized as ownership, user rights, licenses or permits, the critical question is what the holders of those rights can do with them (transferability), and to what extent they are vulnerable to being taken away (durability, security) and likely to be interfered with (exclusivity).

While transferability is the key defining feature of most property rights, it is not as important in the context of small-scale fisheries as such fisheries are rarely managed through quota systems. They may, however, be managed by licenses which can be limited in number and made transferable, thereby conferring a right of access on the license-holder. Durability is an important feature as it will affect the behavior of right holders: the longer the duration of the right, the greater the interest of right holders to act responsibly. Security is achieved through the legal recognition of the right and the ability of the right holder to protect it. Exclusivity is the right to hold and manage the right without external interference. In any given society, the degree of vulnerability or strength of such rights will be measured by the extent to which such rights are recognized and protected by law, the ability of the judiciary to protect them and the capacity of rights holders to take legal action to redress any wrong. So far, few governments have accepted local communities or fisher groups as legal entities capable of holding rights over fisheries, thus preventing them from taking legal action to defend their interests.

Source: SFLP National Coordination Unit of Guinea, Conakry, Guinea



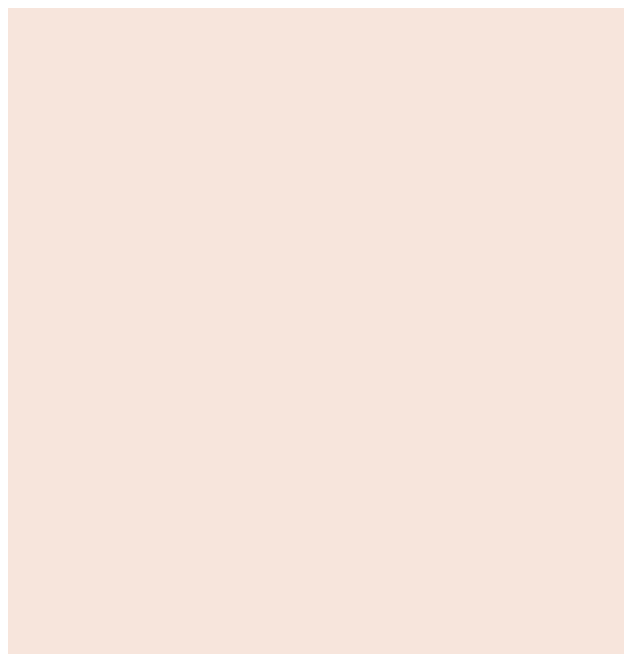
HOW CAN FISHERFOLK EXERCISE THEIR RIGHTS?

The increasing influence of global governance instruments, coupled with local empowerment, allows fishery stakeholders to take advantage of opportunities to improve fishery management and development outcomes. For example, governments can be held to account for their commitment to global agreements on working conditions, environmental standards and poverty reduction policies.

Few fisheries departments can be expected to have expertise in all areas that impinge on the governance of fishery systems. Providing an enabling environment for responsible fisheries in support of national development goals will therefore require the development of new partnerships between government departments as well as between them and a wide range of private sector and civil society actors.

In order to enable or assist fisherfolk - especially those in the artisanal or small-scale fisheries sector - in the claim and defense of their rights, fishery departments, in partnership with other government departments and with civil society organizations, can take all measures necessary to ensure that:

- relevant principles of international law and governance are adequately reflected in national policies and legal frameworks;
- provisions applicable to fisheries laws and regulations, including relevant international rules and standards (e.g. applicable food safety standards for exporting fish and fish products), are widely disseminated;
- appropriate service providers, both public or private, establish and maintain an environment that meets the requirements for international trade of fishery products;
- the national legal framework is reviewed and revised so as to provide mechanisms allowing fisherfolk to be granted meaningful and secure rights to the assets that are essential in their pursuit of sustainable livelihoods. These are not limited to rights to fishing-related assets but also include rights to equitable services and freedoms enjoyed by other citizens such as health, education, justice and political participation. Such an undertaking requires close coordination with national Poverty Reduction Strategy Programmes (PRSPs) and other national economic planning processes;
- fishing communities or fisher groups are recognized as legal entities with the capacity, *inter alia*, to undertake legal actions to defend their rights;
- a functioning institutional and legal framework is established that allows exercise and enforcement of fisheries rights, notably by improving effectiveness and probity of the judiciary;
- **and**, devolution of fisheries management power is supported by effective mechanisms for ensuring compliance as well as equitable distribution of benefits from improved fishery management.



Source: SFLP National Coordination Unit of Guinea, Conakry, Guinea

Empowering fishing communities or fisher groups and small-scale fishers requires support from government and international donors through projects as well as through non-gov't org and civil society org activities. Stakeholders can:

- work with fishing communities and local government to empower fishery sector organizations that represent the interests of the poor and marginalized in fishing communities;
- work in partnership with fishery sector organizations to inform small-scale fisherfolk fully on the extent of their rights and responsibilities; and,
- provide capacity building and training programme designed to enable small-scale fisherfolk to exercise their rights and fulfill their obligations effectively.



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Global Organizations working for Responsible Fisheries and Ocean Governance

- FAO Fisheries Division - <http://www.fao.org/fi/default.asp>
- Large Marine Ecosystem Program - <http://www.edc.uri.edu/lme/>
- Marine Stewardship Council – <http://www.msc.org>
- UNESCO – Intergovernmental Oceanographic Commission
<http://ioc.unesco.org/iocweb/index.php>
- UNEP Regional Seas Program - <http://www.unep.org/regionalseas/>
- World Fish Center <http://www.worldfishcenter.org>
- Global Environment Facility International Waters Program
http://www.gefweb.org/projects/Focal_Areas/iw/iw.html

Global organizations working for fisherfolk's rights

- International Collective in Support of Fishworkers - <http://www.icsf.org>
- World Forum of Fishworkers (??? – defunct???)
- Environmental Justice Foundation - www.ejfoundation.org/
- Coalition for Fair Fisheries Agreements
<http://www.cape-cffa.org/>



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in addressing fisheries and development issues**

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