

## **Consultation on the Reform of the Common Fisheries Policy (CFP)**



### **Contribution from the International Collective in Support of Fishworkers (ICSF) to the Reform of the CFP<sup>1</sup>**

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<sup>1</sup> Submitted by the Secretary, ICSF Belgium Office, Sentier des Rossignols 2, 1330 Rixensart, Belgium. <http://eussf.icsf.net/>. Contact: Brian O’Riordan [briano@scarlet.be](mailto:briano@scarlet.be)

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The International Collective in Support of Fishworkers (ICSF) is an international NGO, registered in Switzerland, and with offices in Belgium (liaison office) and India.

Affiliated to the Economic and Social Council of the UN, with liaison status with the FAO, and included on the ILO's special list of Non-Governmental International Organisations, through its Belgium office ICSF also participates in the Contact Group of NGOs (Development and Environmental) on the European Commission's Advisory Committee on Fisheries and Aquaculture (ACFA).

ICSF's Vision is of "a future in which fishing communities and fishworkers lead a life of dignity, realizing their right to life and livelihood, and organizing to foster democracy, equity, sustainable development, and responsible use of natural resources", with a Mission to "to support fishing communities and fishworker organizations, and empower them to participate in fisheries from a perspective of decent work, equity, gender-justice, self-reliance and sustainability".

## **1. Introduction**

Since its founding in 1986, the International Collective in Support of Fishworkers (ICSF) has advocated that small-scale community based fisheries are the most effective way to achieve socially and economically equitable fisheries that are environmentally sustainable; goals that will not be achieved unless the rights of small-scale fishers and their communities are recognized and respected.

In the past, lack of recognition and respect for small-scale fisheries has been a major stumbling block to achieving responsible and sustainable fisheries in Europe. With the explicit recognition of small scale fisheries and the proposal for the adoption of a differentiated approach in the Green Paper, such a stumbling block could be turned into an opportunity in the CFP reform process. We welcome this opportunity.

However, currently, the majority sector, based on small-scale, artisanal, low input fisheries is poorly understood, and inadequately documented in Europe. In many cases sector catches are not properly recorded, and statistics are lacking on catch value, vessel numbers, numbers of operators, the amount of employment generated, the demographic profile, and the distribution of benefits.

This means that the contribution of the sector to sustainable social and economic development and to environmental sustainability is not recognized let alone valued. In this respect Europe lags behind the rest of the world. EU and national level policy makers have been late and slow to

grasp the significance of small scale fisheries. This must change in the reform process if the goal of achieving responsible and sustainable fisheries in Europe is to be met.

As a contribution to improving understanding on small scale fisheries in Europe, and as a contribution to the public consultation on the CFP reform process, ICSF has established a website (<http://eussf.icsf.net>) to inform about the CFP reform process and small scale fisheries, and to encourage those representing or with an interest in small-scale fisheries to “have their say”.

ICSF would also like to associate itself with the contributions from the Coalition for Fair Fisheries Agreements (CFFA-CAPE) and Ocean2012.

## **2. 2020 Vision**

“Our sector can be viable, sustainable, and with a promising future, if given fair treatment and due recognition”, runs the preamble of the Statement drafted by over 60 participants from 8 countries who took part in the workshop “Common Fisheries Policy Reform in the European Union and Small-Scale Fisheries: Paving the way to sustainable livelihoods and thriving fishing communities” on September 28, 2009. Further details about the workshop, its documentation and Statement can be found on the website: <http://eussf.icsf.net>. The Workshop Statement is appended as an Annex (Annex 1).

Our vision is of a reformed CFP based on justice and equity; with flourishing diverse and localized fisheries, co-managed in local communities; where the role of women is recognized and respected; where the rights of small-scale fishers, minority and island communities are defined and defended; which adopts a differentiated approach to small and large scale fisheries, an approach that incorporates the principle of subsidiarity and which recognizes and rewards the good practices devised and implemented by fishers; and that strengthens the vulnerability and builds on the resilience of fishing communities.

We see the reformed CFP as providing an ethical framework for EU fisheries, which recognizes that fishing rights are a human right, and which guides the development of fisheries in Europe in a responsible and sustainable manner, based on a human rights approach (see Annex III); with the European Commission providing the moral compass to guide EU fisheries, ensuring that an appropriate balance is achieved between ecological, social, economic and ethical issues.

*“Charting a new course into the future must start by making committed changes in the present. Our ingredients for a secure future, if implemented, will result in a basic restructuring of the institutional and organizational contours of the small-scale fisheries in Europe. These measures are intended to empower the sector so that the participants within it will obtain the bargaining strength needed to “find their feet”. Equally important is the need to challenge the monopoly of the main institution of globalization -- the market. Modulating its excessive influence (rowing too*

*fast) with the anchoring role of the community and the rudder of state policy become imperative*<sup>2</sup>.”

### **3. Current Situation facing SSF and Small Island Fisheries**

The European Commission’s Green Paper on CFP Reform states that “economic and social sustainability require productive fish stocks and healthy marine ecosystems”; and that “the economic and social viability of fisheries can only result from restoring the productivity of fish stocks”. It concludes that: “ecological sustainability is therefore a basic premise for the economic and social future of European fisheries.”

However, if social and economic sustainability are not given priority attention and prominence in the reform process, there is a danger that fishing enterprises, particularly small and medium scale enterprises will go out of business, and that the social fabric of fishing communities will perish. We may be left with fish in the sea, but the fishing based livelihoods of coastal fishing communities may be lost, along with their traditions and know-how, deprived of their very life blood.

Nowhere is this more so than in Europe’s Outermost Regions (ORs) and island communities, as referred to in Declaration 30 adopted by the Conference which adopted the Treaty of Amsterdam. This “recognises that island regions suffer from structural handicaps linked to their island status...” And that “Community legislation must take account of these handicaps and (...) specific measures may be taken, where justified, in favour of these regions...” These regions can be viewed as holding characteristics that are intrinsically valuable and which play an important role in the mixture that forms Europe’s diverse coastal economy; and which should be maintained – not as museum pieces, but as vibrant and critical elements of modern Europe.

In this regard, and depending on how it is implemented, the reform process could see small-scale fisheries and island communities in remote regions either receiving their rightful attention and being restored to their rightful places, or it could sound their death knells.

If provided with conditions that allow for a full and active participation of the actors and with appropriate sectoral support, the small-scale fishing sector has significant capacity for employment in decent work, to distribute the benefits from fishing more equitably, less requirements for fuel and other inputs, and greater capacity to adapt seasonally, annually and multi-annually to changing circumstances, economically, ecologically and socially.

Small-scale fisheries could play a vital role in placing EU fisheries on a more sustainable footing, and cushioning fishery dependent communities from the economic and social consequences of the current fisheries crisis facing the EU, and from the measures required to address it.

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<sup>2</sup> Adapted from Kurien. J 1998. Small Scale Fisheries in the Context of Globalization. Centre for Development Studies. Trivandrum, India

## **4. Structural Failures of the CFP**

The reform process comes at a time of several crises in the European fisheries sector. A resource crisis, where fishing capacity of EU fleets exceeds by far the resources available, and where there are ever diminishing returns to fishing; a fuel crisis where fishing operations are highly dependent on fuel, where escalating costs and uncertainty over future supplies are undermining the economic basis of fishing. There is also a global economic crisis that is creating a scarcity of credit and other funds for investment, and that is eroding consumer purchasing power; a food security crisis, with a rapidly increasing gap between supply and demand for fisheries products, where over 60% of EU demand for fisheries products must be met by imports. Finally there is a socio-economic crisis in fishery dependent coastal communities arising from the combined impact of all these other crises.

### **4.1. Fleet Overcapacity**

Defining the overcapacity problem as one of “too many boats chasing too few fish” is to over simplify the problem. By equating overcapacity with “too many vessels”, and the overfishing problem with “too few fish”, the European Commission is missing the point. In recent years, while vessel numbers have declined by 20 to 30 per cent, the actual fishing capacity of the EU fleet (measured in tonnage and horsepower) has reduced by considerably less. This implies that smaller, less powerful vessels have gone, leaving behind fewer, larger and more powerful vessels.

The need for capacity reductions in one sector should not result in the losses of fishing opportunities, employment or other benefits in other more sustainable sectors. In the past, the small-scale fishing sector seems to have been particularly vulnerable to capacity reduction programmes, whilst larger scale fisheries seem to have been relatively immune.

Also, capacity is not just a problem of too many boats, but one of how, when and where fishing is done. It is a combination of size, power, fishing technology and other factors. It includes the use of unselective and environmentally destructive gear, and of management measures that promote waste by discarding over-quota and lower-value fish, and inadvertently cause the degradation of fishing grounds and key fisheries habitats

### **4.2. A Rights Based Approach**

To achieve the goal of ecological sustainability, the Commission proposes that a rights and results based approach to fisheries management should be adopted; an approach that will push fishing companies “to use their investments more efficiently and to eliminate their surplus capacity.” It is further proposed that access to fish stocks should be linked to performance.

“Rights, responsibility and accountability should of course go hand in hand: those who exercise responsibility in a proper and effective manner should be the ones to enjoy the access to fish stocks”, states the Green Paper.

Adopting such a rights based approach to fisheries management with the use of market based allocation mechanisms, as proposed by the Commission, has far reaching implications for small-scale fisheries and island communities, and may lead to concentration of ownership of access rights, put small-scale fisheries at a disadvantage, and lead to various perverse economic and social effects.

The need for capacity reductions in the larger scale fleet should not result in the losses of fishing opportunities and employment in smaller scale fisheries. A differentiated approach is required, one system for those segments of the fleet where capacity reductions are required, and another for those segments where no such reductions are necessary.

If transferable rights, including Individual Transferable Quotas, Transferable Kilowatt Days and other such systems are introduced for larger scale fisheries, the resource access rights of small-scale fisheries, and the livelihood rights of fishing communities, particularly those in small islands in remote regions, must be ring-fenced. In the case of Iceland, this has meant that the small-boats sector have a separate quota system to the trawler fleet.

It is also necessary to guard against perverse effects of such a rights (ITQ) based approach that arise through:

- the concentration of quota amongst a few large fishing or holding companies;
- the quotas effectively ending up as the property of the banks due to foreclosure on the outstanding debts of the quota owners (large fishing and fish processing companies that may become bankrupt);
- the desire of fishing companies to maximize the value of their quotas, a desire that may lead to high grading at sea and underreporting of lower value catches ashore;
- the leasing of quotas to non-quota owners, where arrangements may erode the value of the share accruing to fishing crews, which may result in poorer and more dangerous working conditions, and otherwise establishing a kind of feudal system in the fishery;
- encouraging overcapacity through rewarding quota holders with various catch supplements, as has been the case in Iceland

There is a need for some common standards backed up by European law at EU level, whereby perverse effects at local, national or regional level can be remedied through the European courts, including through the European Court of Human Rights.



### **4.3. Focussing the Policy Objectives**

“Ecological sustainability is therefore a basic premise for the economic and social future of European fisheries.”

As noted above, if social and economic sustainability are not given priority attention and prominence in the reform process, there is a danger that fishing enterprises, particularly small and medium scale enterprises will go out of business, and that the social fabric of fishing communities will perish. We may be left with fish in the sea, but the fishing based livelihoods of coastal fishing communities may be lost, along with their traditions and know-how, deprived of their very life blood.

A major challenge facing the CFP Reform process is how to achieve the correct balance between ecological sustainability on the one side and social and economic sustainability on the other. There is also a need to strike a balance between supporting large scale capital intensive fishing enterprises through the crises facing them, and in ensuring that the impacts of conservation measures and fleet reductions do not impact disproportionately on small-scale inshore fisheries, on fishing communities on small islands and in remote areas. In this regard, some positive discrimination will be required to favour these less well documented and represented sectors. When creating alternatives to fishing, proper account must be taken of the inherent vulnerability and resilience of fishing communities. Based on detailed impact assessment studies and baseline community profiles, genuine alternative activities and livelihood diversification schemes, based on local realities and capacities for change and adaptation to changing circumstances, should be provided and otherwise promoted. Particular attention should be paid to the role of women in fishing communities and ensure that alternatives livelihood options do not increase their workload and otherwise add to the burdens placed on them.

At the same time, many fishing communities have nothing to fall back on, other than fishing. In such communities, notably island communities and communities in remote or in the outermost regions, special derogations should be provided to allow restricted fishing activities so as to enable such communities to live through the crisis. Otherwise, such communities are likely to become abandoned as people leave to look for opportunities elsewhere. This is particularly the case for the Irish islands, where special provisions should be applied as regards the salmon fishing ban, and the restrictions that apply to Area VI A (please refer to the submissions made on behalf of Comhar na nOileán Teo and the Arain Mhor Fishing Committee).

### **4.4. Focusing the decision-making framework on core long-term principles**

The process how decision making is devolved to the most appropriate level is crucial, and in this regard it is vital to ensure that the institutions vested with responsibility for fisheries management, including on technical matters, are empowered to do so. This includes having clear guidelines based on agreed principles, and ensuring that such institutions are representative both of the local authorities as well as fishing communities. Establishing such co-management institutions requires both top-down guidance and bottom up empowerment.

Currently the advisory role of stakeholders is constrained by the limited representation of the small-scale sector, and from Europe's outermost regions and small island communities. Some ways to address this would include:

- establishing working groups, ad hoc or otherwise, on small-scale fisheries and fisheries in Europe's island communities and outermost regions in all RACs, as has been done for the South Western RAC;
- Looking at how organizations that are currently excluded from the consultation process can be included. These include "non-affiliated" organizations that are excluded from the national organizations that belong to the European bodies Europeche and Cogeca.
- In adapting themselves better to a regionalized approach, it may be necessary for RACs to incorporate representation of local sea fisheries committees or their equivalent.

#### **4.5. Encouraging the industry to take more responsibility in implementing the CFP**

The use of rights based fishery management tools that promote individual interests at the expense of collective interests should be avoided in small-scale and artisanal fisheries, especially those that incorporate market based allocation mechanisms. The logic of tools such as individual transferable quotas (ITQs), and the logic of artisanal fishing are not compatible.

There are many examples of good practice that should be promoted more widely. We would like to draw the Commission's attention to the following:

- Prud'hommes de Pêche in the French Mediterranean (notably in the Var Region),
- The fishermen's marine reserves of Lira and Cedeira in North Spain,
- The Restinga Marine Reserve (El Hierero (Canary Islands), Mar de las Calmas, Spain),
- The Iroise National Park in West France,
- The Bay of Biscay selective langoustine/nephrops trawl fishery,
- The Mid Channel Agreement between France, UK and Belgium,
- The Inshore Potting Agreement in Devon
- The South West Handline and Associated Fisheries, in Devon and Cornwall
- The Hastings inshore fishery (under the auspices of the Hastings Fishermen Protection Society)
- The Hand Line Fishery for Bass in West France (Assoc des Ligneurs de la Pointe de Bretagne)

## 5. Further improving the management of eu fisheries

### 5.1. Small-Scale Fisheries in the European Union

*“There is a widely held opinion that small-scale fisheries are largely restricted to the developing countries with a maritime tradition. This is not true. In fact, small-scale fisheries flourish in the marine, riverine or lacustrine ecosystems of many developed and developing countries with a fishery tradition worthy of mention<sup>3</sup>.”*

Small-scale fisheries represent the overwhelming majority of fishers in all EU Member States, engaged in a wide range of activities. At subsistence level seasonal labour intensive activities may provide important additional sources of food and income to fishing families, whilst at the other extreme highly commercial, semi-industrial, technology intensive activities may have serious environmental effects, with implications for sustainable development.

Small-scale fisheries are generally community and family based, in a society rooted in traditions, local knowledge, culture. Both men and women play an important role in small-scale fisheries. Some 100,000 fishers, mainly men, are employed in small-scale fishing as crew. Working relations and practices are often based on cooperation, kinship, and local networks, where sharing (of tasks and benefits) are still important. Whilst it may be the men who dominate the catching of fish at sea, women play a key role in shore based activities. Women are a key link between fishing activities at sea and the shore based support and the wider distribution of benefits in the community and society at large.

Small-scale fishers are often poorly organized, and their interests largely under represented at national, regional and European level. Existing national and pan-European institutional arrangements tend to be biased towards larger, more economically powerful interests. This tends to marginalize the small-scale sector in the consultation and decision-making processes, leaving them less well informed about developments that affect them (policy changes, new regulations, international trade, climate change, and so on), making them more vulnerable to competition from other interests.

Women play a vital, though often hidden role in the fishery production and post harvest processes. At one level they may be partners and mothers of fishermen. But women are also physically, economically and socially engaged in providing inputs, engaging in fishing, fish processing and fish vending and marketing, and in the administration of small fishery enterprises. In such roles, women are often underpaid, overworked, and not respected. They tend to be under represented in fisher organizations, and without a voice in regional and EU level decision making and consultative processes.

In several countries women’s rights as “collaborating spouses” has achieved some recognition, but such a role is still highly undervalued. In Galicia in North Spain and in Portugal shellfish gathering is mainly carried out by women. In Galicia alone there are over 10,000 women

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<sup>3</sup> Kurien. J. 1998 *Ibid.*

organized in the sector, but it is only recently that their rights as fishworkers have been recognized.

Adapting fisheries management to the requirements of the small-scale sector implies that there is consensus on how small-scale fisheries are defined. Currently no such consensus exists at EU level, other than a view that under vessels under a certain size are small in scale. But the issue of defining small-scale fisheries has often proved polemic, divisive and contentious, as highlighted by the WTO Doha Round Negotiations on Rules for fisheries subsidies, where after several years it has not been possible to reach any consensus.

It is therefore vital that small-scale fishing interests engage proactively in the reform process to ensure that the criteria used to define small-scale fishing are based on appropriate logic. Such logic should transcend physical size and fishing capacity; it should seek to incorporate and otherwise make explicit the economic and social linkages that make small-scale fishing so vital to the economies, social fabric and cultural traditions of coastal communities.

## 5.2. Defining Small-Scale Fishing

*“Defining small-scale fisheries should be done and applied at the most appropriate level, be it regional, national or local. Such definitions should take account of regional particularities and geomorphology, technical aspects (fishing capacity), environmental aspects (selectivity, low discards, low seabed impact, low energy use etc), social aspects (decent work, high degree of benefit sharing, and links with local shore based activities and local employment, and the ownership and control of the operations).”<sup>4</sup>*

Likewise: *“There is no satisfactory definition of “artisanal” in the sense of “artisanal fisheries”. Some very general parameters do exist, but even these are open to discussion. For example, in social and economic terms, “artisanal fisheries” sometimes implies the use of family-labour and limited investments, but this is certainly not true in many cases. The use of criteria such as technical and financial means of operating, the distances covered, or number of days at sea are not good indicators either. Although “artisanal fisheries” is generally taken to mean any non-industrial fisheries, some are almost semi-industrial.”<sup>5</sup>*

*“The reason for these ambiguities regarding character and scale can be attributed to the fact that small-scale fisheries world over have evolved in time and space from specific ecological, and changing socioeconomic and cultural contexts which are marked by diversity rather than homogeneity. Any discussion on small-scale fisheries must therefore reckon with the fact that there is a definitional problem, which despite the prolific nature of the literature on the subject,*

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<sup>4</sup> Workshop on Common Fisheries Policy Reform in the European Union and Small-Scale Fisheries: Paving the way to sustainable livelihoods and thriving fishing communities, 28-09-2009 (<http://eussf.icsf.net>).

<sup>5</sup> FAO 2002. Management for Improved Livelihoods in West Africa - A Synthesis of interviews and Cases from Mauritania, Senegal, Guinea and Ghana. Lenselink, N.M. FAO. Rome 2002

*has not been sorted out*<sup>6</sup>.” And, therefore, “*Definitions are not universally applicable and that which may be called small-scale in one situation may be large-scale in another*<sup>7</sup>.” As for the rest of the world, so is the case for Europe.

In the ICSF Secretariat, we feel that SSF needs to be understood in its local context, and that the fishing activities need to be defined as part and parcel of the shore based activities, encompassing capture, commerce and consumption (to meet food, life and livelihood security). By isolating the fishing activity from its community-based linkages for the purposes of defining it, makes little sense to us, and could even be counterproductive, and counter to the achievement of responsible and sustainable fisheries.

We would also underscore that SSF is a generic and collective term, often used as a kind of shorthand to describe a wide variety of diverse operations, which at one extreme include subsistence activities, and at the other commercial, capital intensive, highly modernized market oriented activities. SSF also includes a rich variety of terms in many languages that often don't translate well, or even at all, into other languages. Even at EU level the Anglo-Saxon term “small-scale fishing” does not translate well into other European languages, including French, Spanish, Portuguese, Italian, Greek and so on.

When looking at SSF, it is important to take account of the terms applied to different kinds of activities, including those undertaken by subsistence, traditional or modern small-scale, or artisanal fisherman, whether inshore or coastal, professional or non-professional fishers, gleaners, mariscadores/as, pêcheurs à pied, pêcheurs artisans, pescadores/pesca de bajura, pêcheurs de petite pêche, pêche à petite échelle, pesca en pequeña escala, conchyliculture, and so on. Many such terms don't have an equivalent in English (or other) language, and cannot simply be described as SSF without some qualification, yet they could fall into a broad SSF category.

Furthermore, whilst “small-scale” fishing readily lends itself to quantitative criteria, the use of the term “artisanal” carries with it a number of implications (social, cultural and technical). It can therefore be a highly ambiguous term, and often a contentious term that gives rise to arguments about whether this or that fishing practice etc can be considered as artisanal. But implicit in the term artisanal is a non-industrial activity, where the “artisan” traditionally was a skilled manual worker in a particular craft, where both manual tools and machinery were used to transform raw materials into desirable objects or products.”

### **5.3. A differentiated fishing regime to protect small-scale coastal fleets?**

A differentiated management regime for small and large scale fisheries could involve both an area based approach where large scale fishing activities would be excluded from demarcated areas, based on 12 mile (or other) zoning, on the basis of protected areas for small-scale fisheries or exclusive boxes for small-scale fishing. In cases where small-scale fishing targets the same

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<sup>6</sup> Kurien, J. 1996. Towards a new Agenda for Sustainable Small-Scale Fisheries Development. South Indian Federation of Fishermen Societies 1996. India

<sup>7</sup> World Bank et al. 1991 WTP 152. Small Scale Fisheries Research Needs. The World Bank Washington

species as large scale fisheries, it may be necessary to establish two parallel by entirely separate quota systems, and where the quota from small-scale fishing could not be transferred to the large scale sector and vice versa.

As regards the defining of small-scale fisheries in relation to their links to their local communities, we would like to draw attention to the work of the Fundació Lonxanet which has developed a matrix for classifying fisheries (artisanal inshore fisheries, semi-industrial fisheries (inshore/offshore), and industrial fisheries (offshore/distant waters/high seas)) according to their links with local communities, including ownership structure and management arrangements, means of production, crew arrangements, division of labour, kinds of organizations and associations, fishing gears, fishing zones etc. This was described in the presentation of Dr Antonio Garcia Allut at the ICSF Brussels Workshop on 28<sup>th</sup> September in Round Table 2 (see web page “On Line Resources” of the ICSF CFP Reform website <http://eussf.icsf.net>). The matrix of characteristics has been further developed through the Fundació Lonxanet project “Identificación, Caracterización, Análisis de las Pesquerías Artesanales en España y Portugal”, and will be published shortly.

The Brussels workshop organized by ICSF and its partners in Brussels on 28<sup>th</sup> September 2009<sup>8</sup> produced a 21 point declaration, this calls on the European Commission and others to:

*“Recognize and respect the nature, importance, potential and diversity of small-scale fisheries activities. Defining small-scale fisheries should be done and applied at the most appropriate level, be it regional, national or local. Such definitions should take account of regional particularities and geomorphology, technical aspects (fishing capacity), environmental aspects (selectivity, low discards, low seabed impact, low energy use etc), social aspects (decent work, high degree of benefit sharing, and links with local shore based activities and local employment, and the ownership and control of the operations).”*

The full Declaration is included in Annex I, along with a list of workshop participants and others who have signed up to it (Annex II).

Adopting such a differentiated approach, local and regional specificities need to be taken fully into account. In this regard, management and decision taking needs to be devolved to appropriate regional and local levels, greater flexibility needs to be built into management and resource access arrangements, according to local and regional specificities. There is also a need to ensure that institutional structures and arrangements in place adequately represent the small-scale sector. These are considerable challenges.

#### **5.4. Making the most of our fisheries**

Implementing a single management system for European fisheries does not seem a sound idea, given the diverse nature of the fisheries, and the need to adopt a differentiated approach for small and large scale fisheries.

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<sup>8</sup> Workshop on Common Fisheries Policy Reform in the European Union and Small-Scale Fisheries: Paving the way to sustainable livelihoods and thriving fishing communities

There is a need for both input (effort) and output (catch limitations) controls, for different types of fisheries (demersal, pelagic, small-scale, large-scale, inshore, offshore, shellfish, finfish etc).

In our view MSY should provide a guiding framework rather than be an end in itself<sup>9</sup>. We feel that variants on MSY, such as Optimal Sustainable Yield, Maximum Economic Yield (MEY), would provide more rational and practical targets for fisheries management.

There is also a need to reform the track record based systems of granting access. This system needs to be made more just, particularly where small-scale fishing enterprises have been unfairly treated due to their landings not being properly recorded by national authorities (as in the case of the UK under 10 metre fleet).

Access should also be based on compliance with environmental and social criteria (taking account of good practices, with low environmental impact, low discards, low carbon footprint, contributing to coastal community development, strong links with shore based social and economic activities in the locality).

To our knowledge there is no evidence to show that transferable quotas have a beneficial impact on lowering discards. In fact in certain cases there is evidence that transferable quotas may even have led to increased levels of discards as there may be an inherent incentive for high grading.

### **5.5. Relative stability and access to coastal fisheries**

The issue of relative stability should certainly be reviewed, and reformed on a fishery by fishery basis. In some fisheries, there may be a case for dismantling it, or for adopting a more flexible approach, such as for fish stocks and for fisheries that are trans-boundary or otherwise regional in character. In many cases relative stability has been effectively undermined by “quota hopping” and quota trading. There is a need to see whether such activities require controlling.

The 12 mile zone, as derogation to the principle of equal access to a common resource, should be strengthened as measure for protecting inshore fisheries that are small in scale, environmentally benign, socially equitable, and which contribute to the social, economic and cultural fibre of local communities. Such a reserved zone would also provide an important conservation measure, particularly where local communities and inshore fishers are engaged in the management decision taking processes through co-management, where local knowledge can be used to demarcate areas to be closed to certain kinds of fishing, during certain seasons etc.

Management of such a zone could also be used to strengthen the participation and representation of small-scale fisheries at national, regional and EU level.

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<sup>9</sup> *Here lies the concept, MSY, it advocated yields too high, and didn't spell out how to slice the pie. We bury it with the best of wishes. Especially on behalf of fishes. We don't know yet what will take its place, but hope it's as good for the human race. R.I.P. —P.A. Larkin, Institute of Animal Resource Ecology, University of British Columbia, Canada, 1977*

## **5.6. Trade and markets – from catch to consumer**

Achieving a balance between supply and demand, and addressing the problem of the situation of increasing food insecurity as regards fish supplies in Europe are issues of key importance, where trade policy could play a crucial role.

It's important that consumption patterns in Europe change, with consumers being encouraged to eat less, but higher-quality fishery products provided through equitable commercial channels.

Labels based on geographic indicators that promote locally caught and processed traditional products that are "in season" could have an important role in this regard.

The role of large retailers in encouraging consumption habits that are detrimental to responsible and sustainable fisheries and fish trade also needs to be looked at. Retail trade may be detrimental to the interests of both producers (who may receive an unfair price for their fish), and consumers, where low prices paid to producers are not passed up the chain. The distribution of benefits through the fish supply chain therefore needs to be looked at.

In this regard, it needs to be questioned whether fishery ecolabels actually encourage responsible consumption habits, or merely serve to launder the image of the retailer selling such labelled products. Often, the costs of ecolabels and associated certification processes need to be borne by the producers, but all the benefits accrue to the retailers.

At another level, it's also important to ensure that a level playing field is established in the way that non-tariff barriers, like sanitary and food standards, are applied to fishery products originating from EU fleets on the one hand, and to those from third-country fleets, particularly from small-scale fleets in the South, on the other.

## **5.7. Integrating the Common Fisheries Policy in the broader maritime policy context**

It is crucial that consideration is given to the interaction with, and impact on small-scale fisheries by other coastal area usage, such as marine parks, recreational fisheries, tourism, offshore installations for wind farms and oil extraction, aggregate extraction, effluent discharge, and so on. These activities have a considerable impact on small-scale fisheries and the sustainability of coastal communities.

Also, given the significant interdependence that exists between community fisheries and maritime policies: a) ensure that the new framework for integrated maritime policy (IMP) maintains and prioritises the customary access rights of fishers to fishing areas and resources; b) strengthen the role of fishers in defining policies through this new governance framework towards assuring the quality of the marine environment and its biodiversity in coastal areas.



## 5.8. The knowledge base for the policy

Independent scientific advice, based on knowledge derived from scientific research is fundamental for sound fisheries management and policy decision taking. However, this must be tempered and otherwise guided by local (fisheries, ecological and oceanographic) knowledge, based on experience and observations. Ways must be sought to valorise this knowledge, and to promote collaboration and information sharing between fishers and scientists in the process of informing decision taking processes in fisheries.

## 5.9. Structural policy and public financial support

The use of subsidies has an important role to play in enabling fishers to shift from unsustainable to sustainable fishing practices. At another level, there is a need to invest in training, capacity building, and institutional structures that support the development of commercial chains and co-management arrangements, and which integrate the management and development of fisheries into wider coastal zone and maritime setting.

And as called for in the Brussels Workshop statement (Annex I), access to subsidies and other support measures (credit, training, etc) should be provided on a flexible basis to enable existing small-scale activities and operations to renew their vessels and equipment, and where appropriate to switch to new technologies that are that are small in scale, and environmentally, socially and economically sustainable.

## 5.10. The External Dimension

The future EU-ACP fisheries relations require the development of a framework for fisheries governance, through establishing a dialogue on how sustainable fisheries can be promoted in the third (ACP) countries. In order to improve *Policy Coherence for Development*, an EU legal obligation, this dialogue should be based on the third country's priorities for the sustainable development of its fishing sector.

This framework should define how to mobilise the financial instruments necessary to achieve the jointly decided objectives, including development funds. On the contrary, such framework should not include provisions for paying EU fleets' access costs.

Access costs to third countries' waters within such a framework should be fully paid by EU boat owners and represent a fair share of the value of the catches made. Conditions for access should also be introduced, with access for EU boat owners restricted to those operators who can demonstrate that their operations are profitable whilst matching sustainable fisheries development criteria (use of selective gears, compliance, number and quality of jobs created, etc.) and ensuring there is no competition with the local small scale sector. The latter should be given priority access in line with the FAO Code of Conduct for Responsible Fisheries.

In the marine fisheries context, good governance in EU relations with developing countries implies a more regional approach. This can be achieved either through regional cooperation (for

surveillance, research, laboratories for testing food safety, etc.) or through harmonisation (access conditions to resources).

Whether for external or for community waters, the core objective of the CFP should be to promote responsible and sustainable fisheries.

As regards strengthening its role on the international stage, the lack of trust between the EU and other international players is a major constraint. This lack of trust is created by the EU's lack of credibility, which is often perceived as 'not doing what it says, and not saying what it does'. The EU could strengthen its role on the international stage by improving its credibility with its international partners, particularly developing countries. This means that the EU needs to effectively address such issues as IUU fishing and the overcapacity of its fleet to be taken seriously by other international players. This could be achieved through proposals described here after, in the context of high seas fishing as well as bilateral relations.

One of the main challenges facing RFMOs is to establish a new basis for the equitable allocation of access to diminishing fish resources, taking account of new players. Increasingly, developing states are claiming their right to exploit fish stocks under the management responsibility of RFMOs, while many fish stocks are showing signs of overexploitation. New entrants can be accommodated, and overcapacity cannot be reduced unless current the players, such as the EU, give up part of their access share and down-size their fleet capacity. At the same time transparency needs to be increased, the decision making process improved and control and enforcement enhanced. This is particularly so for highly migratory species such as tuna, and high seas fishing for small pelagic species, where problems are particularly pressing.

As regards payment for fishing rights on the high seas, putting high seas fisheries on a sustainable footing would require a serious attempt to establish and implement catch limits, technical measures and criteria for access reflecting environmental and social concerns, and to reserve a share of the access/catches for coastal developing states, in order to give them the space to develop while managing the sustainable exploitation. In his regard, we agree with the assertion of the Long Distance RAC that "it is necessary to find a balance between all the actors involved, and that access to tuna fisheries should be analysed through a system of transparent and non-discriminatory criteria determining the responsible aspirations of stakeholders such as history of compliance, employment created/working conditions, environmental impact, etc"<sup>10</sup>.

Some experiences, particularly in the Pacific (Parties to the Nauru agreement, FFA, WCPFC) show that it is possible for developing countries to develop synergies amongst themselves; that with appropriate technical support they can become active and responsible players in RFMOs. The EU should support such regional dynamics through the various tools at its disposal (EPAs,

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<sup>10</sup>LDRAC advice tuna RFMOs, April 2009

[http://www.ldrac.eu/component/option,com\\_docman/task,cat\\_view/gid,105/Itemid,80/lang,en/](http://www.ldrac.eu/component/option,com_docman/task,cat_view/gid,105/Itemid,80/lang,en/)

FPAAs, development cooperation) as a way to improve the efficiency of RFMOs to develop sustainable fisheries.

The necessary reduction in fishing capacity within RFMOs in many ways reflects the discussion in the Green Paper and the CFP reform. In the Green Paper, the Commission questions the utility of the continued use of relative stability, considering that it can contribute to over-exploitation. If the EU is to be consistent, this is the position that it has to advocate in international and regional fora.

As regards pursuing such objectives as investment promotion, creation of jobs, or promoting good maritime governance be pursued in the framework of future international fisheries agreements, developing countries need investments in their fisheries, mainly to safeguard the future contribution of their fisheries sector to poverty alleviation and regional economic development. Investment is needed to improve the management of natural fish stocks (research, training, capacity building, etc) and to enhance fish trade in domestic, regional and global markets.

IEPAs and EPAs already include provisions on investment that could be used to secure EU investment to improve development countries' fish-landing, hygiene, transport, and processing infrastructures. At the same time there is a need for caution: the promotion of EU investments should not be at the expense of local small and medium scale enterprises, labour standards, quality of life, and the local environment. For this reason, all provisions related to fisheries should be under a specific chapter, to ensure coherence between resources conservation, labour conditions and investment criteria.

A particular issue to highlight is the case of investments linked to the transfer of EU fishing capacity – In the past, such investments have not brought to the receiving developing countries expected social and economic benefits (see EC study 2001 on joint ventures) and they have tended to aggravate the state of over-exploitation of resources, increasing also the competition with the local small scale fisheries sector (in West Africa for example). We feel that, as a rule, support to EU investments in developing countries fisheries should exclude the transfer of fishing capacity.

Another area where there have been important EU investments in developing countries' fisheries is onshore investments for processing facilities, particularly in the tuna sector. A 2009 FFA briefing highlights that the rationale behind this was, on the side of the developing country, to create jobs and 'spin-off' economic benefits such as investments in port and transport infrastructure and new businesses related to the tuna processing investments.

Using this rationale, several ACP countries have secured onshore processing facilities in their countries, often by promising valuable fishing licenses in exchange. However, there have been some concerns expressed that onshore investments have been secured without fully assessing the net benefits of the projects relative to the pressure placed on tuna resources and local

communities and environments. There is concern that governments are granting fishing licenses based on promised facilities that might never materialise and that plans do not include comprehensive analyses of resource sustainability or the net socio-economic returns that the plants will deliver. The briefing also mentions that conflicts between communities and the processing facilities have arisen (disputes over working conditions, land rights and pollution). Such conflicts not only have the potential to negatively impact the long term success of the investments, but also call into question the overall net benefits of onshore investment without ensuring socio-economic 'returns'.

Therefore, even for investments that, a priori, correspond to the needs of developing countries (job creation in particular) there is a need to set up in EU FPAs/EPAs mechanisms to fully assess the net costs and benefits of such projects. This includes: developing a methodology for avoiding overcapacity in the fishing sector, developing accountability measures for investors to ensure that facilities deliver promised benefits, calculating net foreign exchange benefits, assessing how such developments will impact local communities, and developing mechanisms to avoid and mitigate conflicts before they arise and assessing levels of benefits to processing facility workers.

As regards covering the costs of fishing activities in third country waters, these should be fully paid by EU vessel owners within the new frameworks. In addition, access for EU boat owners should be restricted to those operators who can demonstrate that their operations match with EU sustainable fisheries development criteria (use of selective gears, compliance, number and quality of jobs created, etc.) and where there is no competition with the local small scale sector, which should be given priority access in line with the FAO Code of Conduct for Responsible Fisheries.

The inclusion or not of aquaculture in future fishery partnership agreements must be determined by the coherence of such an inclusion with other EU policies, particularly development cooperation. Such an inclusion should be based on EU interests alone.

We feel the promotion of export oriented, fishmeal dependent aquaculture requiring high external inputs is entirely inappropriate. Lessons need to be learned from the environmental, social and economic crisis currently affecting salmon aquaculture in Chile, or shrimp aquaculture in Asia and Latin America.

This type of aquaculture also takes significant quantities of wild caught fish to provide sufficient food. This produces a net loss of fisheries resources, not a gain as is often claimed. The environmental and social impacts of fishmeal production, a prime ingredient for aquaculture feeds, are also significant, and the use of this ingredient should be discouraged in the interests of environmental sustainability, sustainable development, and respect for human rights.

As regards enhancing the potential of small-scale fisheries in third countries for sustainability, ecological and social benefits, we refer to the Bangkok Declaration of October 2008 and the

Statement of the West African artisanal fishing organisations on the reform of the CFP. Key issues include:

- Respecting the priority access rights of small scale fisheries to resources, as recognised by the FAO Code of Conduct for Responsible fisheries (art 6.18), and therefore ensuring EU fleets do not compete with that sector, for resources, for space, for investments/aid;
- Supporting MCS activities for the coastal zone, looking at all possibilities, including initiatives such as participative surveillance;
- Opening up a dialogue with third country stakeholders about the necessity to ban unselective and destructive fishing from the coastal zone, including trawling, use of mono-filament, etc.;
- Supporting mechanisms that will enable small scale fishing communities and organisations to be properly informed and to participate to the EU-third country dialogue on fisheries governance (appropriate information, capacity building programmes, participation mechanisms, including a dialogue with the EU LDRAC).

## **Annex I: Statement from Brussels Workshop on Common Fisheries Policy Reform in the European Union and Small-Scale Fisheries: Paving the way to sustainable livelihoods and thriving fishing communities**

Organized in Brussels on Monday 28<sup>th</sup> September 2006, the Statement has been signed up to by the list of participants and other organizations appended below.

We, participants from 7 countries<sup>11</sup>, representing diverse small-scale fishing interests, NGOs, scientists and others, meeting in Brussels on Monday September 28, 2009 at the workshop on Common Fisheries Policy Reform in the European Union and Small-Scale Fisheries:

**Stating** our commitment to the sustainable use of fish stocks and of the wider aquatic and coastal environment;

**Emphasising** that small-scale fisheries represent the overwhelming majority of fishing activities in all EU Member States; provide the most employment; are highly adaptable; lend themselves readily to integration into the diversity of regional particularities across Europe; and

**Declaring** that if given fair treatment and due recognition, our sector can be viable, sustainable, and with a promising future;

**Call on** the DG Mare of the European Commission, on the European Parliament, on the Council of Ministers, on the Fishing Industry representatives, on the Trade Unions, on NGOs, on scientists, and on National and Regional Fisheries Authorities to:

### **Fair treatment and fair access to resources**

1. Provide fishers and fishing communities dependent on small-scale, artisanal, inshore, inland, and small-scale fish and shell fish farming activities fair treatment in the allocation of access rights to resources and support services, with access to information and to the decision taking processes that affect their lives and livelihoods.
2. Ensure that marginalized groups, including small-island communities dependent on fishing, women in fishing communities and independently organized fishers and fish farmers are not unfairly discriminated against in the allocation of access rights to

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<sup>11</sup> The 67 participants included small-scale fishing representatives, fishermen, fisherwomen, workers in the fishing sector, NGOs and researchers from Iceland, the Azores, Madeira, and mainland Portugal, Canary Islands, Galicia, Cantabria, Asturias, Basque Country, the Mediterranean and Atlantic coasts of France, Ireland, England, Wales, and the Netherlands.

resources, and that measures are applied to ensure that their views are taken account of in the policy decision taking processes on fisheries.

### **Apply definitions of small scale fishing at the most appropriate level**

3. Recognize and respect the nature, importance, potential and diversity of small-scale fisheries activities. Defining small-scale fisheries should be done and applied at the most appropriate level, be it regional, national or local. Such definitions should take account of regional particularities and geomorphology, technical aspects (fishing capacity), environmental aspects (selectivity, low discards, low seabed impact, low energy use etc), social aspects (decent work, high degree of benefit sharing, and links with local shore based activities and local employment, and the ownership and control of the operations).

### **Recognize and Valorise small-scale fisheries**

4. Ensure that the reformed CFP recognises and valorises the contributions to social, cultural, economic and environmental sustainability provided by many small-scale fishing activities.
5. Recognize and respect the role of women in fisheries, valorise the contributions they make to the fisheries sector and to the wider community, accord them their proper status as collaborating spouses, as economic actors, and recognize the importance of the social, cultural and economic activities they engage in.

### **Secure small-scale fishing and fishing community rights**

6. Define and defend the rights of small-scale fishers and their communities in accordance with article 6.18 of the FAO Code of Conduct for Responsible Fisheries<sup>12</sup> and in line with regional specificities and priorities, and incorporate these rights into law on a just basis with the rights of other resource users<sup>13</sup>.
7. Ensure that rights based policies and rights based approaches to the management of small scale fisheries take account of the collective nature, and the livelihood, economic, social and cultural dimensions of their activities.
8. Avoid the use of rights based fishery management tools that promote individual interests at the expense of collective interests, especially those that incorporate market based allocation mechanisms. The logic of tools such as individual transferable quotas (ITQs), and the logic of artisanal fishing are not compatible.

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<sup>12</sup> “States should appropriately protect the rights of fishers and fishworkers, particularly those engaged in... small-scale and artisanal fisheries... to preferential access.... to traditional fishing grounds and resources in the waters under national jurisdiction.”

<sup>13</sup> Industrial fisheries and other extractive industries, industrial and intensive aquaculture, real estate, construction, production and other industries, tourism, and so on.

9. Rectify past injustices arising through the perverse use of quota allocations at national level based on fishing track records. Where possible and appropriate replace such national level individual track record based quota systems with alternative community based measures, specifically where the landings of the small-scale sector have not been fully documented.
10. Ensure that fishing policies, quota and other management systems, and fishing methods do not promote discards of biologically, nutritionally and economically important fish and other aquatic species, whilst reducing by-catch through improved gear selectivity.
11. Indemnify fishing communities and their livelihoods from the destructive impacts of pollution, including oil spills and spills of toxic chemicals into the aquatic environment.

### **Apply a differentiated approach to small-scale fisheries**

12. Apply a differentiated approach to sector specific management and regulatory problems. The need for capacity reductions in one sector should not result in the losses of fishing opportunities, employment or other benefits in other more sustainable sectors.
13. Apply the principle of subsidiarity to the management of small-scale fisheries, where management systems incorporate and are otherwise guided by local knowledge, experience and proven good practice.
14. Valorise local fisheries, ecological and oceanographic knowledge, and promote collaboration and information sharing between fishers and scientists in the process of informing decision taking processes in fisheries.
15. Based on existing good practices<sup>14</sup>, implement management plans, recovery plans and other regional and local management measures, such as for marine protected areas, in participation with local small-scale fishers, shellfish gatherers and their communities, ensuring that their access rights are protected. Such measures should be responsive to the demands of small-scale fishers, shell fishers and their communities, and should incorporate the monitoring of biological and sociological indicators in their design so that their social and biological effectiveness can be measured over time.
16. Support the establishment and effective functioning of co-management institutions with small-scale fishers and shellfish farmers, and provide the necessary training and support to enable such institutions to take on the necessary responsibilities and powers.

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<sup>14</sup> Initiatives include the Prud'hommes de Pêche in the French Mediterranean, the marine reserves of Lira and Cedeira in North Spain, the Restinga Marine Reserve (El Hierero (Canary Islands), Mar de las Calmas, Spain), the Iroise National Park in West France, Bay of Biscay selective langoustine/nephrops trawl fishery, and the Mid Channel Agreement between France, UK and Belgium, and the Inshore Potting Agreement in Devon.



17. Support the derogation to the principle of equal access to a common resource by safeguarding the 12 mile zone (and other areas exploited by small scale fisheries) for fishery activities that are small in scale, environmentally benign, socially equitable, and which provide important cultural and economic contributions to the local communities.

**Develop and apply appropriate measures for sustaining and diversifying livelihoods**

18. Provide access to subsidies and other support measures (credit, training, etc) on a flexible basis to enable existing small-scale activities and operations to renew their vessels and equipment, and where appropriate to switch to new technologies that are that are small in scale, and environmentally, socially and economically sustainable.
19. Take proper account of the inherent vulnerability and resilience of fishing communities in the reform process. Based on detailed impact assessment studies and baseline community profiles, provide and promote real alternative activities and livelihood diversification schemes, based on local realities and capacities for change and adaptation to changing circumstances.
21. Pay particular attention to the role of women in fishing communities and ensure that alternatives livelihood options do not increase their workload and otherwise add to the burdens placed on them.
22. Given the significant interdependence that exists between community fisheries and maritime policies: a) ensure that the new framework for integrated maritime policy (IMP) maintains and prioritises the customary access rights of fishers to fishing areas and resources; b) strengthen the role of fishers in defining policies through this new governance framework towards assuring the quality of the marine environment and its biodiversity in coastal areas.

## Annex II: List of Persons and Organizations who have signed the Brussels Workshop Declaration

1. **Béatrice Gorez**  
Coordinator CFFA-CAPE  
[cffa.cape@scarlet.be](mailto:cffa.cape@scarlet.be)
2. **Brian O'Riordan**  
Secretary, ICSF Belgium Office  
[briano@scarlet.be](mailto:briano@scarlet.be)
3. **Michael Earle**  
Fisheries Adviser  
Green Group  
European Parliament  
[michael.earle@europarl.europa.eu](mailto:michael.earle@europarl.europa.eu)
4. **Pierre Gillet**  
Member ICSF  
[pierre.gillet@skynet.be](mailto:pierre.gillet@skynet.be)
5. **Rozan Consten**  
Pew Environment Group  
[rconsten@pewtrusts.org](mailto:rconsten@pewtrusts.org)
6. **Yann Yvergniaux**  
Assistant de Projet CIAPA –  
réforme PCP et PPE UE  
ICSF Belgium Office  
[Yann.yvergniaux@gmail.com](mailto:Yann.yvergniaux@gmail.com)
7. **Alyne Delaney**  
Innovative Fisheries Management  
(IFM), Aalborg University Research  
Centre  
[ad@ifm.aau.dk](mailto:ad@ifm.aau.dk)
8. **Carsten Pederson**  
Africa Contact  
[cp@afpl.dk](mailto:cp@afpl.dk)
9. **Alain le Sann**  
Pêche et Développement  
[ad.lesann@orange.fr](mailto:ad.lesann@orange.fr)
10. **Pierre-Philippe Jean,**  
ESIN (Federation of European  
Small Islands)  
Association des Iles du Ponant  
[iles.du.ponant@wanadoo.fr](mailto:iles.du.ponant@wanadoo.fr)  
[ppjean@wanadoo.fr](mailto:ppjean@wanadoo.fr)
11. **Annie Castaldo**  
Shell fish farmers (SSF) CIVAM,  
Etang de Thau  
[annie.castaldo@wanadoo.fr](mailto:annie.castaldo@wanadoo.fr)
12. **Bastien Malgrange**  
Pêche et Développement  
[malgrangeb@googlemail.com](mailto:malgrangeb@googlemail.com)
13. **Bruno Dachicourt**  
Fondation France Pêche Durable et  
Responsable  
[bruno.dachicourt@orange.fr](mailto:bruno.dachicourt@orange.fr)
14. **Christian Décugis**  
Prud'homie de St Raphael/  
Comité Local de Pêche du Var  
[c.decugis@ville-saintraphael.fr](mailto:c.decugis@ville-saintraphael.fr)  
[clpvar@clpmemvar.org](mailto:clpvar@clpmemvar.org)

15. **Danièle le Sauce**  
Pêche et Développement  
[daniele.le.sauce@wanadoo.fr](mailto:daniele.le.sauce@wanadoo.fr)
16. **Elizabeth Tempier**  
Pêche et Développement  
[etempier@free.fr](mailto:etempier@free.fr)
17. **Fanny Brun**  
Pêche et Développement  
[peche.dev@wanadoo.fr](mailto:peche.dev@wanadoo.fr)
18. **José Gouyen**  
Pêche et Développement  
[jose.gouyen29@orange.fr](mailto:jose.gouyen29@orange.fr)
19. **Katia Frangoudes**  
AKTEA - European Network of  
Women's Organisations in  
Fisheries and Aquaculture  
[Katia.Frangoudes@univ-brest.fr](mailto:Katia.Frangoudes@univ-brest.fr)
20. **René-Pierre Chever**  
Secrétaire, CLPM du Guilvinec  
[rene-pierre.chever@wanadoo.fr](mailto:rene-pierre.chever@wanadoo.fr)  
[rpchever@orange.fr](mailto:rpchever@orange.fr)
21. **Robert Bouguéon**  
President CLPM du Guilvinec  
Via [rpchever@orange.fr](mailto:rpchever@orange.fr)
22. **Sylvie Arnaud**  
Association des Femmes des  
Pêcheurs de la Méditerranée  
Via: [valerie.fieschi@club-internet.fr](mailto:valerie.fieschi@club-internet.fr)
23. **Arthur Bogason**  
World Forum of Fish Harvesters  
and Fish Workers ; National  
Association of Small Boat Owners  
of Iceland  
[Arthur@smabatar.is](mailto:Arthur@smabatar.is)
24. **John O'Brien**  
Fisherman, Inis Bó Finne Island,  
Donegal, Ireland  
Via [lughfilms@eircom.net](mailto:lughfilms@eircom.net)
25. **Arjan Heinen**  
Combinatie van Beroepsvissers  
Medewerker visserijbeheer  
Member ICSF  
[arjan.heinen@gmail.com](mailto:arjan.heinen@gmail.com)
26. **Cornelie Quist**  
Member ICSF  
Adviser Netherlands Inland Fishers  
Association  
[cornelie.quist@gmail.com](mailto:cornelie.quist@gmail.com)
27. **Maarten Bavink**  
MARE – Centre for Maritime  
Research, University of Amsterdam  
[J.M.Bavinck@uva.nl](mailto:J.M.Bavinck@uva.nl)
28. **Marja Bekendam de Boer**  
VinVis – AKTEA  
[info@hoekman-bekendam.nl](mailto:info@hoekman-bekendam.nl)
29. **Cristina Moco**  
Mutua dos Pescadores;  
Rede Portuguesa das Mulheres da  
Pesca – AKTEA  
[cristina.moco@mutuapescadores.pt](mailto:cristina.moco@mutuapescadores.pt)

30. **Liberato Fernandez**  
President of the Island Working  
Group, SW RAC ; Federaçao das  
Pescas dos Açores  
[porto.abrigoop@gmail.com](mailto:porto.abrigoop@gmail.com)  
[fernandes.liberato@gmail.com](mailto:fernandes.liberato@gmail.com)
31. **Luis Calaça de Sousa**  
COOPESCAMADEIRA  
[coopescamadeira@sapo.pt](mailto:coopescamadeira@sapo.pt)
32. **José Antonio Fernandez**  
AAPAP  
[aapsacv@mail.telepac.pt](mailto:aapsacv@mail.telepac.pt)
33. **Angeles Millé Rodriguez**  
Federacion Galega de Redeiras  
Artesas  
[gelimarso@hotmail.com](mailto:gelimarso@hotmail.com)
34. **Antonio Garcia Allut**  
University of la Coruña ; Fundación  
Loxanet  
[angaat@telefonica.net](mailto:angaat@telefonica.net)
35. **Benito González Sineiro**  
Federación Galega de Confrarías de  
Pescadores  
Via:  
[xoanlopez@confrariasgalicia.org](mailto:xoanlopez@confrariasgalicia.org)
36. **Cristo F. Jiminez**  
Cofradia Alcala Tenerife (ES) ;  
Cofradia de Pescadores Nuestra  
Señora de la Luz  
[cofradia.luz@canarias.org](mailto:cofradia.luz@canarias.org)
37. **Dolores Bermúdez**  
Asociación Galega de Marisqueo a  
Pie (Areal)  
[cofradia@cofradiacamarinas.org](mailto:cofradia@cofradiacamarinas.org)
38. **Enrique Paz Setien**  
Federación de Cofradías de  
Cantabria  
[federacioncpc@terra.es](mailto:federacioncpc@terra.es)
39. **Irene Estévez Souto**  
Cofradia de Ceidera  
[secretaria@confrariaceideira.org](mailto:secretaria@confrariaceideira.org)
40. **Javier Martínez Durán**  
Provincia de Pontevedra  
Via  
[xoanlopez@confrariasgalicia.org](mailto:xoanlopez@confrariasgalicia.org)
41. **Jordi Juanós**  
Fundación Lonxanet  
[jordi.juanos@fundacionlonxanet.org](mailto:jordi.juanos@fundacionlonxanet.org)
42. **José Agustín Pérez Pernas**  
Cofradia de Cedeira  
[secretaria@confrariaceideira.org](mailto:secretaria@confrariaceideira.org)
43. **José J. Pascual-Fernandez**  
Instituto Universitario de Ciencias  
Políticas y Sociales, Universidad de  
La Laguna  
[jpascual@ull.es](mailto:jpascual@ull.es)
44. **Juan Dimas García Acebal**  
Federación de Cofradías de  
Pescadores del Principado de  
Asturias  
[fecoppas@fecoppas.e.telefonica.net](mailto:fecoppas@fecoppas.e.telefonica.net)

45. **Juan Manuel**  
Cofradia de Lira  
Via: [emiliolouro@mardelira.net](mailto:emiliolouro@mardelira.net)
46. **Juan Manuel Gomez Blanco**  
Fundación Lonxanet  
Via:  
[miriam.montero@fundacionlonxanet.org](mailto:miriam.montero@fundacionlonxanet.org)
47. **Leandro Azcue**  
Federation des cofradias de Guipuzkoa  
[leandro@fecopegui.net](mailto:leandro@fecopegui.net)
48. **Maria José Rico Fernandez**  
Federación de Cofradías de Pescadores del Principio de Asturias  
[fecoppas@fecoppas.e.telefonica.net](mailto:fecoppas@fecoppas.e.telefonica.net)
49. **Raul Garcia**  
WWF  
[pesca@wwf.es](mailto:pesca@wwf.es)
50. **Xabier Ezeizabarrena**  
Grupo Municipal de EAJ-PNV de Donostia  
[xabi.ezeiza@icagi.net](mailto:xabi.ezeiza@icagi.net)
51. **Xoán López Alvarez**  
Federación Galega de Confrarías de Pescadores ; SW RAC Working Group on Traditional Fisheries  
[xoanlopez@confrariasgalicia.org](mailto:xoanlopez@confrariasgalicia.org)
52. **Tris Lewis**  
Marine Conservation Programme Officer (Europe),  
Oak Foundation  
[tris.lewis@oakfnd.ch](mailto:tris.lewis@oakfnd.ch)
53. **Dave Cuthbert**  
New Under Ten Fishermen's Association (NUTFA) ; South West Handliners' Association  
[davethefish@aol.com](mailto:davethefish@aol.com)
54. **Hannah Simcoe Read**  
University of East London  
[H.Simcoe-Read@uel.ac.uk](mailto:H.Simcoe-Read@uel.ac.uk)
55. **Jerry Percy**  
Chief Executive,  
Welsh Federation of Fishermens Associations Ltd  
[jerry@wffa.org.uk](mailto:jerry@wffa.org.uk)
56. **Magnus Johnson**  
Environmental Marine Biology Centre for Environmental & Marine Sciences  
University of Hull  
[m.johnson@hull.ac.uk](mailto:m.johnson@hull.ac.uk)
57. **Mark Prime**  
Post-Graduate Researcher,  
Centre for Environmental & Marine Sciences,  
The University of Hull  
[mark.prime@gmail.com](mailto:mark.prime@gmail.com)

58. **Paul Joy**  
New Under Ten Fishermen's  
Association (NUTFA) ; Hastings  
Fishermen's Protection Society  
[hfps@btconnect.com](mailto:hfps@btconnect.com)
59. **Richard Vardy**  
University of East London  
[richard.vardy2@btopenworld.com](mailto:richard.vardy2@btopenworld.com)
60. **Gilles Bernard**  
Association des ligneurs de la  
Pointe de Bretagne
61. **L'association des Coureurs de Grève  
(pêcheurs à pied)**
62. **Comité Local des Pêches  
d'Audierne**
63. **Carine Nadal**  
The Gaia Foundation  
[carine@gaianet.org](mailto:carine@gaianet.org)

### Annex III: Matrix of Fishery Specific Characteristics

See also “Enredados en el Lenguaje: Una Aproximación al Concepto de Pesca Artesanal”, Antonio Garcia Allut, Fundación Lonxanet para la Pesca Sostenible, Presentation to the ICSF Brussels Workshop 28th September 2009 (<http://eussf.icsf.net>).

Antonio Garcia Allut, 2002.	<b>ARTESANAL</b> (bajura). Producción a Pequeña escala	<b>SEMI-INDUSTRIAL</b> (bajura, altura, gran altura). Producción a Escala media	<b>INDUSTRIAL</b> (altura, gran altura). Producción a gran escala.
Propiedad Medios Producción	“Empresas” de carácter familiar. Cuando hay más de un propietario, el parentesco constituye un criterio para formar sociedades de propietarios. El dueño de la embarcación es el patrón de la misma.	“Empresas” de carácter familiar o “empresas” que están en manos de socios capitalistas (S.L.). Los dueños suelen no participar de la actividad pesquera. (armadores en tierra).	Empresa capitalista perfectamente organizada. Concentración de empresas en grupos de poder económico. Los propietarios no participan de la actividad pesquera.
Producción De Mercancías	Producción caracterizada por un alto nivel de incertidumbre y oscilación de las capturas. Se produce para un “mercado” pero los productores no tienen control en los procesos de comercialización. El excedente es difícilmente acumulable.  Inexistencia de lucro. Los ingresos son muy oscilantes.	La incertidumbre sigue siendo una constante pero parcialmente paliada con tecnología. La producción va orientada al “mercado” y los productores tienen parte del control en algunas de las fases de comercialización. El excedente es acumulable. Hay lucro.	Producción ampliada de mercancías. Producción para el mercado y empresas de transformación que pueden estar en manos de los mismos propietarios. Los niveles de incertidumbre son menores por una mayor inversión en tecnología. Un gran control de los procesos de comercialización. El excedente es reproducible y acumulable.
Gestión de la actividad económica	Las características de este sector permiten una gestión basada en estrategias de flexibilización económica en función del componente familiar de la tripulación y la diversificación económica de los miembros de la unidad doméstica.	Se utilizan modelos de gestión empresarial basados en el balance entre costes de producción e ingresos.	La maximización de beneficios constituye el modelo básico. Se gestiona como una empresa altamente capitalizada.

<p>Criterios de selección de la tripulación.</p>	<p>Parentesco y grado. Amigos o vecinos. Buenos trabajadores. Conocimiento directo de cada uno de ellos.</p>	<p>Parentesco y grado. Amigos, vecinos y desconocidos que solicitan trabajo. No hay conocimiento directo a priori de todos los tripulantes.</p>	<p>Agencias de contratación, solicitudes particulares. No hay conocimiento entre los propietarios y los tripulantes.</p>
<p>División y proceso del Trabajo</p>	<p>El patrón y la tripulación constituyen la única marca diferencial, aunque difuminada por la participación del patrón en las faenas productivas. Entre la tripulación no existe división del trabajo. No hay especialización</p> <p>Cadena operatoria simple</p>	<p>Hay una mayor división del trabajo y tareas. Encontramos patrón de pesca, patrón de costa, cocinero, contraamaestre, maquinista,... etc.</p> <p>Cadena operatoria compleja en función de la capacidad tecnológica y productiva.</p>	<p>Hay una división social del trabajo y una marcada jerarquización del mismo. Cadena operatoria compleja basada en la capacidad tecnológica y productiva.</p>
<p>Sistemas de Remuneración</p>	<p>Remuneración "a parte" en donde los marineros asumen los riesgos de la empresa. No existen contratos. Al no haber división del trabajo todos cobran igual. El patrón del barco lleva el 50% de lo ganado ese día.</p>	<p>Remuneración "a parte". Puede haber una combinación entre el "sistema a parte" (porcentaje) y un salario base. Se cobra en función del puesto que se desempeña.</p>	<p>Hay una combinación entre salario y porcentaje. Las diferencias salariales están determinadas por la función de responsabilidad de cada trabajador: patrón de pesca, contraamaestre, cocinero...</p>
<p>Tipo de Asociacionismo</p>	<p>Se rigen por la Cofradía de Pescadores de cada comunidad. Este tipo de organización tiene un gran componente social. Los tripulantes no están sindicados.</p>	<p>Existen propietarios que pertenecen a cofradías de pescadores pero paralelamente crean, subsectorialmente, asociaciones desde las que defienden intereses económicos comunes. Los tripulantes están sindicados.</p>	<p>Las cofradías de pescadores desaparecen de este modelo. Los armadores están asociados en cooperativas de armadores o asociaciones. Los tripulantes están sindicados.</p>



<i>Tecnología</i>	Se dan todos los niveles de tecnificación. Dependen del tipo de pesquería que desarrollan. Equipamiento básico: brújula o compás, equipo de radio, maquinilla o halador. Equipamiento medio: lo anterior más sonda, GPS y plotter, radar.	Nivel medio y alto de tecnificación.	Niveles altos de tecnificación. Tecnificación puntera. Proyectos I+D.
<i>Tipos de artes y modalidades de pesca</i>	PERMEX (pueden alternar hasta cinco artes diferentes). Jornadas de pesca diarias.	Normalmente utilizan un único arte (pesca intensiva: tiempo/capacidad extractiva altos). Jornadas de pesca diarias o de varios días continuados.	Emplean un único arte intensivamente (campañas de pesca de uno o varios meses de duración)
<i>Estrategias de Pesca</i>	Basadas más en la diversificación pesquera que en la especialización: uso de artes en función de un ciclo anual y del calendario de pesca propuesto por la Administración.	Domina la especialización. Un solo arte. La alternancia de artes es muy puntual. La escala productiva está relacionada con la capacidad tecnológica de extracción.	Especialización. Un solo arte. Gran capacidad extractiva que permite producciones a gran escala.
<i>Ecosistemas y Zonas de Pesca</i>	Ecosistema Costero. Desde la franja litoral hasta los límites de la plataforma continental.  Las incursiones de pesca están limitadas a un área de la que se tiene un gran conocimiento.	Las áreas de pesca no se limitan a las adyacentes a la comunidad. Pueden recorrer largas distancias y hacer jornadas de pesca de más de un día de duración. Actúan sobre ecosistemas ligados a la plataforma marina.  El conocimiento situacional es combinado con la tecnología.	Áreas de pesca lejanas al puerto base. Normalmente actúan sobre zonas oceánicas y costeras de terceros países.  El conocimiento del mercado (demanda) y la tecnología constituyen la guía para la toma de decisiones en la pesca (qué se pesca, dónde y cuándo).
<i>Actividad productiva dependiente o sometida a la gestión de:</i>	Xunta de Galicia (Consellería de Pesca) en aguas interiores preferentemente. En el caso de aguas exteriores están regidos por el M.A.P.A.	M.A.P.A , Unión Europea y Acuerdos entre terceros países..	Unión Europea, Organismos Internacionales y Acuerdos entre terceros países. También, acuerdos privados entre países y armadores
<i>Relaciones con las Administraciones Públicas y flujo de la</i>	Tuteladas por la Xunta de Galicia La información.	Ministerio Mar. Bruselas. Tienen asesores jurídicos y económicos para recabar	Ministerio. Bruselas. Buscan proactivamente información. Se asesoran jurídicamente.

<i>información y capacidad de influencia</i>	La información llega a través de la Administración. Es una información ya interpretada por terceros.	información así como estudiarla. Organizaciones representativas regionales de la PPC: RACs	Tratan de influir en el diseño de las políticas pesqueras. Lobies.
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**Annex IV: Adopting a Human Rights-Based Approach to Development of Fisheries and Fishing Communities. Chandrika Sharma, Executive Secretary, ICSF**

**Presentation made to the Conference on Small Scale Fisheries. Saturday 12 September 2009, Organized by Afrika Kontakt, PUGAD and LLH, Denmark.**

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According to the FAO, about there were about 43.5 million fishers and fish farmers in 2006, with another about 170 million people estimated to be employed in other fisheries-related activities (FAO, 2008). It has also been estimated that small-scale fisheries contribute over half of the world's marine and inland fish catch, nearly all of which is used for direct human consumption, and employ over 90 per cent of the world's capture fishers. Further, at least half of the people employed in small-scale fisheries are women (FAO, 2009). Notably, for small-scale fishing communities, fishing is much more than a form of employment—it is a way of life, with belief systems, cultures and identities linked to fisheries.

The largest numbers of fishers and fish farmers are in Asia—about 86 per cent of the total—with about 8.6 per cent in Africa, and 3.2 per cent in Latin America. While Asia has the largest concentration of fishers, small-scale fisheries in other developing and small island countries have considerable strategic importance. In Sub-Saharan Africa, for example, as in Senegal, Ghana, Guinea, Sierra Leone, Liberia, Angola and Mozambique, small-scale fisheries are vital for food and livelihood security, particularly in a context of war and civil strife. In Senegal, small-scale fisheries employ over 60,000 fishers, and, up to 600,000 people, some 17 per cent of the workforce, earn their living from fishing.

Small-scale fisheries, given that they are inherently more sustainable, continue to provide the model on which to sustain fisheries and fishery dependent livelihoods into the future. Despite this, the small-scale sector has not been given due recognition or support in countries across the world. The continuing importance of small-scale fisheries is evidence of the sheer dynamism of the sector.

This presentation highlights the need for adopting a human rights-based approach to development of fisheries, given the international consensus on achieving human rights. It points out that the principle of non-discrimination inherent in such an approach requires a special attention on those presently disadvantaged within the sector, particularly in small-scale fisheries. A specific focus on small-scale fishing communities, particularly on women, is warranted given available evidence of their vulnerability as well as their importance in any vision of sustainable development. A human rights approach, by stressing that everyone, including, and in particular, marginalized groups, have legally mandated and recognized rights, and the basis to claim them, not as charity, but as a right, is the first step towards empowerment.

Small-scale fishworkers and their supporters have organized several regional workshops since 2007, all of which have called for a human rights-based approach to development in relation to fisheries and fishing communities. These processes have also thrown up concrete proposals of what a rights-based approach

should mean in practice, from the perspective of small-scale fishworkers. The Bangkok Statement<sup>15</sup>, adopted by participants of the Civil Society Workshop held prior to the 4SSF, represents a culmination of these processes.

The rights highlighted in the statement include:

- Rights of fishing communities and indigenous people to their cultural identities, dignity and traditional rights, and to recognition of their traditional and indigenous knowledge systems;
- Rights of access of small-scale and indigenous fishing communities to territories, lands and waters on which they have traditionally depended for their life and livelihoods;
- Rights of preferential access to fisheries resources under national jurisdiction;
- Rights of fishing communities to use, restore, protect and manage local aquatic and coastal ecosystems;
- Right of communities to participate in fisheries and coastal management decision-making, ensuring their free, prior and informed consent to all management decisions;
- Rights of women to participate fully in all aspects of small-scale fisheries, eliminating all forms of discrimination against them and securing their safety against sexual abuse;
- Rights of women of fishing communities to fish resources for processing, trading, and food, particularly through protecting the diversified and decentralized nature of small-scale and indigenous fisheries;
- Right of women to fish markets, particularly through provision of credit, appropriate technology and infrastructure at landing sites and markets;
- Rights of fishing communities to basic services such as safe drinking water, education, sanitation, health and HIV/AIDS prevention and treatment services;
- Rights of all categories of workers in the fisheries, including self-employed workers and workers in the informal sector, to social security and safe and decent working and living conditions;
- Rights of fishing communities to information in appropriate and accessible forms.

It is worth noting that many of these “rights” seen as important by small-scale fishworkers are already recognized in existing international law, including customary law. These include the 1966 International Covenant on Economic Social and Cultural Rights (ICESCR); the 1982 United Nations Convention on the Law of the Sea (UNCLOS); the 1995 United Nations Fish Stocks Agreement (UNFSA); the 1995 Code of Conduct for Responsible Fisheries (CCRF); the 1992 Convention on Biological Diversity (CBD); the ILO Convention 169 on Indigenous and Tribal Peoples (1989); the ILO Work in Fishing Convention 188 (2007); the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the 2007 UN Declaration on the Rights of Indigenous Peoples.

It is also worth noting that the Bangkok Statement did not make any distinction between fishing communities in the North and South. The call to establish small-scale fisheries as the preferred model for the exclusive economic zones of countries, as well as other issues highlighted in the Statement, was seen as relevant for all countries.

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<sup>15</sup> The civil society statement finalized in Bangkok on 13 October 2008 is reproduced in SAMUDRA Report 51, December 2008, pp 7-9.

Deliberations at the FAO's Committee on Fisheries (COFI), since 2003, have increasingly reflected international trends of a growing focus on issues of social development and human rights. The 27<sup>th</sup> session of COFI recognized that: "progress in the implementation of international human rights instruments, including the conventions on the rights of seafarers and working conditions in fisheries were critical to both small-scale and large-scale fisheries" and stressed that: "the recognition and adoption of human rights principles can help achieve poverty eradication and facilitate the adoption of responsible fisheries practices". The Global Conference on Small-scale Fisheries (4SSF)<sup>16</sup> held in October 2008, reaffirmed that human rights are critical to achieving sustainable development (FAO 2009).

The report to the United Nations General Assembly (UNGA) on the work of the tenth meeting of United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) noted: "The question of whether the Consultative Process should address issues related to human rights, including ownership of resources in the marine environment, was raised by several delegations. In this context, it was noted that a greater focus on social dimensions and human rights would also enhance stakeholder involvement, especially in coastal communities...." (para 27).

It is evident that, in general, there is a growing commitment to a human-rights based approach to development<sup>17</sup>, as well as to bringing in human rights considerations into fisheries policies.

Clearly, the onus of implementing a human rights-based approach to development in relation to fishing communities cannot rest with fisheries line agencies alone. Commitment and action from a wide range of actors, internationally, nationally and locally, and particularly from governments and multilateral organizations, are crucial. However, fisheries line agencies do have a crucial role in working with other relevant agencies and organizations to seek improvement in the quality of life of fishing communities and to secure their rights. They have the obligation to ensure that all policies adopted within fisheries, whether related to fisheries management or the post-harvest sector, are consistent with a human rights-based approach to development, and benefit particularly the disadvantaged groups within the sector.

At a time when the EU is preparing to fundamentally reform its Common Fisheries Policy, it needs to dwell on how a human-rights based approach to development can be applied in a fisheries context, both domestically and in external fisheries policy, and promoted through development cooperation policy.

As mentioned earlier, fisheries are of tremendous strategic importance in ACP countries. In an European context as well small-scale fisheries play a key role, with about 90 per cent of the coastal fishing fleet in EU 25 being small-scale. The small-scale fleet is considered relatively more energy efficient, environmentally sustainable, and socially equitable. Women play a vital, though often hidden and unrewarded role. In Galicia (North Spain) and Portugal, for example, women predominate in the shellfish gathering. It is noteworthy that in several EU Member States women's rights as "collaborating spouses" has achieved some recognition.

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<sup>16</sup> [www.4ssf.org](http://www.4ssf.org)

<sup>17</sup> 126: "We resolve to integrate the promotion and protection of human rights into national policies and to support the further mainstreaming of human rights throughout the United Nations system, as well as closer cooperation between the Office of the United Nations High Commissioner for Human Rights and all relevant United Nations bodies". *2005 World Summit Outcome: Sixtieth Session of UN General Assembly*. Accessed online at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>

Against this backdrop, and drawing from the Bangkok Statement and processes related to it, the following issues need attention in the context of the CFP Reform process:

- How can it be ensured that capacity reductions in EU fleets/reduction in their access rights in EU waters, do not lead to capacity increases in other fishing areas, particularly in developing country fisheries, impacting on social, economic and cultural rights of communities in these countries? How can it be ensured that views of fishing communities from ACP countries in fisheries partnership agreement decision-making are better represented?
- How can effective 'participation' of fishing communities in fisheries management decision-making be secured, in particular, in deciding what kind of management measures (including restrictions on destructive gear) are needed to help secure economic and social rights of small-scale fishing communities. How can management systems (for inland and coastal fisheries) be designed in ways that suit the local context, taking note of local social and cultural norms and institutions, and in ways that incorporate traditional knowledge into scientific advice?
- How can preferential access rights of small-scale fishers to fishing grounds and resources be secured? How can allocation systems (in both inland and coastal fisheries) that prejudice the economic, social and cultural rights of small-scale fishers and coastal communities to access resources and carry out their customary livelihoods, be changed? In particular, taking note of observed impacts of market-based allocation mechanisms in other parts of the world, how can it be ensured that their introduction within the EU does not lead to concentration of ownership of access rights, fish and quota leasing arrangements that worsen working conditions for fishers, and which may undermine the social, economic and cultural rights of coastal communities? How can the rights of small-island and indigenous fishing communities and minority ethnic and language groups within the EU, be restored and protected?
- How can it be ensured that small-scale fisheries, within and outside Europe, have equitable access to markets and a fair price for their fish? How can rules of trade be structured so as to bring concrete benefits to small-scale fishing communities, through, for example, higher prices for fish, and greater employment opportunities, including in fish processing? How can it be ensured that policies and practices related to the promotion of international fish trade, do not adversely affect the livelihood and nutritional rights of small-scale and artisanal fishing communities, and the prices received by small-scale fishers locally.
- How can due recognition be given to the important economic and social roles that women play in coastal communities and in small-scale fisheries, as "collaborating spouses", as manufacturers, riggers and repairers of fishing equipment, as small-scale fishers and fish sellers, and as mothers of fishing families?
- How can transparency and sharing of information, within and outside the EU, be ensured? How can fisher communities and civil society within the EU have full access to scientific data, information on markets and prices, on use of public aid, and on allocation of resources, enhancing their ability to participate in decision-making?