

# The Locus of Rights

The forthcoming global conference on "Securing Sustainable Small-scale Fisheries" should have a focus that extends beyond property rights

Nearly a quarter century after the 1984 World Conference on Fisheries Management and Development, organized by the Food and Agriculture Organization of the United Nations (FAO), and 13 years after the formulation of the 1995 FAO Code of Conduct for Responsible Fisheries, FAO will be organizing a global conference, in association with the Royal Government of Thailand, on "Securing Sustainable Small-scale Fisheries" (the 4SSF Conference) in Bangkok from 13 to 17 October, 2008 (see page 26).

The 1984 Conference talked, among other things, about ensuring "a continuing and assured share of the fisheries resources for small-scale producers and their active involvement in the management of the resources" and observed that it would be politically and socially difficult to limit entry into fisheries because alternative sources of employment and income are scarce in small-scale fisheries.

The 1995 FAO Code of Conduct for Responsible Fisheries highlighted the importance of protecting the rights of subsistence, small-scale and artisanal fishers and fishworkers to a secure and just livelihood through preferential access to traditional fishing grounds and resources.

The proposed focus of the forthcoming 2008 conference is to secure access and user rights of small-scale fishers, indigenous peoples and fishing communities to coastal and fishery resources that sustain their livelihoods. The current thinking within FAO thus seems to suggest a firming of position in support of a rights-based approach, even for small-scale fisheries, mainly to generate a consensus on who could possibly fish. Securing access and user rights are viewed in conjunction with securing post-harvest benefits and social, economic and human rights.

Being global in nature, the conference's challenge will be to arrive at a locus of coherent measures that can spell out acceptable versions of use and access rights for different types of fisheries in countries at different levels of development. Fishing communities wish to see that these rights

are not narrowly defined in terms of property rights.

Attempts to improve working and living conditions should be comprehensive enough to extend coverage to all self-employed persons, owner-operators and workers in fisheries. Also importantly enough, the rights of women as self-employed co-workers—paid and unpaid—and as members of the community should be recognized.



All fishery workers should have the right to social-security benefits. Initiatives to strengthen democratic governance and enhance policy spaces for fishing community representation in decision-making processes should be made more effective. Also, traditional and other community-based

institutions should be better acknowledged.

The attempt to secure access and user rights of small-scale fisheries should recognize the informal rights that support sustainable use of aquatic space and resources and equitable distribution of benefits within the community. It is also important to examine the way in which recognizing rights, including through legislation, policy and practice, can contribute to responsible and effective fisheries and coastal management.

Issues related to management approaches, technology use, energy use, scale of operations and investment ought to be addressed, as they relate to sustainable and equitable resource use. The forthcoming conference should also examine threats to sustainable fisheries from destructive and illegal, unregulated and unreported (IUU) fishing, coastal and marine activities, and climate change.

We would certainly hope that the set of measures or recommendations that would finally emerge from the Conference is close to the notion of rights as held by small-scale fishers, indigenous peoples and fishing communities. Securing economic and human rights, and securing sustainable resource use and access rights should certainly not act as a Trojan horse for property rights in small-scale fisheries, if fishing communities do not wish so.