

POLICY BRIEF:

Applying Human Rights-based and Gender Equality Approaches to Small-scale Fisheries in Southeast Asia



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PREAMBLE

Small-scale fisheries in Southeast Asia and around the world play an important role in food security, poverty eradication, equitable development and local resource utilization. In spite of this importance, the sub-sector and those depending on it for their livelihoods tend to be marginalized from decision-making processes, which impact their access to and management of the resources that they depend directly. When access to fishery resources is threatened, the potential of small-scale fisheries to contribute to human well-being and environmental sustainability is also put at risk. In response, and to provide guidance on small-scale fisheries governance and development, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines), were developed through a global, concerted effort and then endorsed at the 31st Session of the FAO Committee on Fisheries (COFI) in 2014. The SSF Guidelines take a holistic perspective of small-scale fisheries livelihoods and draw attention to the need to secure rights and access to resources within the broader framework of human rights-based and gender equality approaches to small-scale fisheries development.

Considering the importance of small-scale fisheries throughout the region, the ASEAN and SEAFDEC Member Countries take a great interest in the SSF Guidelines and have embarked on a process to provide advice on the application of the SSF Guidelines to support sustainable small-scale fisheries in Southeast Asia. However, some of the basic concepts of the SSF Guidelines still need to be clarified further and the SEAFDEC Council in April 2017 stated that *“the details on human rights-based and gender approaches still remain unclear, thus it is necessary that the region should also focus on the specific issues on human rights”*. Against this background, a workshop was convened in Bangkok, Thailand on 26-28 September 2017 to review, discuss, and clarify the basic elements that need considered to support “human rights-based and gender-equitable” small-scale fisheries. This policy brief constitutes a condensed version of the outcomes of the workshop with regard to the applicability, relevance, and importance of human rights-based and gender equality approaches to promote secure and sustainable small-scale fisheries that support food security and poverty eradication in the countries of the region.



WHY APPLY HUMAN RIGHTS-BASED AND GENDER EQUALITY APPROACHES TO SMALL-SCALE FISHERIES?



The application of human-rights based and gender equality approaches are fundamental in creating lasting impacts with respect to ensuring food security and alleviating poverty and will contribute to:

- Improved targeting and effectiveness of fisheries policy implementation by focusing on fisherfolk and fishing communities as well as to vulnerable and marginalized groups;
- Ensured participation of both men and women engaged in small-scale fisheries and inland/coastal communities in the development of fisheries policies and formulation of management frameworks in support of small-scale fisheries;
- Improved local ownership and commitment in support of effective implementation of fisheries policies and fisheries management frameworks together with increased compliance with laws and regulations;
- Implementation of schemes for the sustainable use and conservation of fishery resources while at the same time protecting the rights of people who deriving their livelihoods from small-scale fisheries;
- Increased benefits of the fisheries sector to various members of society, including women, indigenous communities and other vulnerable groups;
- Prevention or resolution of conflicts within the small-scale fisheries sub-sector, between small-scale and larger scale fisheries, and among multiple sectors demanding space in coastal and inland areas; and
- Improved resilience of fishing communities and of ecological systems and thereby help mitigate effects of climate-change with improved food security and disaster prevention.

A photograph of a busy outdoor fish market. In the foreground, a woman with white face paint smiles at the camera. Behind her, another woman in a colorful patterned shirt is working with fish on a stall. Large metal trays filled with fresh fish are visible. In the background, other people are seen, including a man in a white shirt and another in a dark shirt with a logo. The scene is set in a narrow alleyway between market stalls.

Box 1: Why promote gender equality?

According to FAO, it is estimated that if women had the same access to productive resources as men in agriculture, farm yields would increase by 20-30 percent, which could reduce the number of hungry people in the world by 150 million people. Other studies show strong negative correlation between the lack of protection of women's rights and GDP per capita and how the protection of girls' rights translates into significant economic and social development.

Sources:

FAO (2011) *FAO at work 2010-2011, Women-key to food security*. Rome, Italy
Doepke, M. & Tertilt, M (2009). "Women's liberation: What's in it for Men?". *Quarterly Journal of Economics* 124 (4): 1541–1591
Levine, R., Lloyd, C., Greene, M. & Grown, C. (2008). *Girls count: A Global Investment and Action Agenda- a girl count report on adolescent girls*. The Center for Global Development, Washington, USA.

WHAT ARE THE BASIC ELEMENTS RELEVANT TO THE REGION?



The multi-faceted livelihoods of small-scale fishing communities and the need to ensure food security and sustainable livelihoods are the very basis of a human rights-based approach in support of small-scale fisheries. Critical elements include not only having secure tenure rights to land and water (fishery) resources but also access to public services and other aspects of sustainable social and economic development. These elements and rights are not new and governments and fisheries managers in the region who work with and support small-scale fishing communities have been addressing these for many years. The new approach is to have these elements and rights gathered under a human rights-based umbrella to provide the basis for a more holistic approach. Accordingly, some of the interrelated key dimensions of rights of small-scale fishing communities include:

- The right to food, nutrition and livelihood security;
- The right to equitable access to resources (land and fishery) and the recognition of legitimate tenure, including rights against arbitrary or forced eviction or displacement;
- The right to participate in and take responsibility in the management of fishery resources on which they depend;



- The right to adequate standard of living including affordable housing, water, sources of energy, sanitation, education, access to information and basic health services;
- The right to decent work, including labor rights and social security addressed in accordance with national laws and regulations promoting gender balanced and equitable opportunities;
- The right to equal access of men and women to services such as savings, credit and insurance, including support to market access; and
- The rights of rural/coastal communities, specifically women, indigenous people, migrants and other vulnerable and marginalized groups, including the right to develop their own organizations.

These rights are founded in internationally recognized human rights conventions, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The SSF Guidelines emphasize the importance of implementing these rights through strengthened capacity of small-scale fishing communities, involving both men and women, to participate in decision-making processes and to assume responsibilities for the sustainable use of fishery resources.

REGIONAL POLICY FRAMEWORKS RELEVANT TO SMALL-SCALE FISHERIES

The range of rights and related responsibilities that are key to the sustainability of small-scale fisheries and alleviation of poverty in rural communities is clearly reflected in regional policy documents such as the ASEAN Charter, ASEAN Community Blueprints, and ASEAN-SEAFDEC Resolutions. Hence, community rights to be recognized and supported in the context of small-scale fisheries governance and development are already reflected in regional as well as in national policy frameworks and related laws and regulations. However, to be effective, implementation mechanisms should be strengthened together with coordination among responsible agencies and other stakeholders. Moreover, sectoral policies and national development plans applied at different levels are often overlapping and contradictory, and limited inter-sectoral and inter-agency coordination are adding to limitations in the effectiveness of their implementation. This implies that the basic rights of fisherfolk and rural communities, as defined in national legislations, may not be secured - leading to their further marginalization and hardships. Hence, policy coherence needs to be improved and effective practices, processes, and institutional structures for the implementation of relevant policies need to be established and/or reinforced.





Applying human rights-based and gender equality approaches to small-scale fisheries governance and development implies a change of perspective: there is a need to put people – the small-scale fishing communities – at the center of attention. Depending on national laws and regulations and the specific settings in a given situation, there are many opportunities to support this shift to targeted actions on the ground. The following eight areas of action are proposed as examples to stimulate regional and national reflections in incorporating human rights-based and gender equality approaches in small-scale fisheries in the region:

1. Legal frameworks: Fisheries and related laws need to be holistic, covering not only resource and conservation-related matters but also the livelihoods, rights, and responsibilities of fishers, fish workers and all other actors across the small-scale fisheries value chains, including men, women, youth, and migrant workers in pre-harvest, harvest, and post-harvest activities. Moreover, policy and legal frameworks should be in line with international, regional, and national instruments relating to human and social development as well as to the conservation and sustainable use of natural resources.

2. Organizational development: There is a need to support the creation of representative small-scale fisheries organizations, or strengthen existing organizations, so that people engaged in small-scale fisheries can participate effectively in decision-making processes on equal terms. Hence, there should be provisions that allow small-scale fishers, fish workers, and their communities to create legally recognized fisheries and community-based organizations in support of sustainable development.

3. Empowerment: Small-scale fisheries community members need to have the capacity and be empowered to claim their rights and assume their responsibilities, with special consideration to gender-specific needs, in order to facilitate active, meaningful, and informed participation. It is important to provide awareness-raising support to ensure that all involved are aware of their rights and responsibilities.

4. Participation: Processes and institutional structures should be available to offer small-scale fishing communities a voice and due recognition in decision-making processes. Importantly, although technical solutions for addressing a given problem

may not differ from earlier approaches within the sector, the human rights-based and gender equality approaches remind us that the process of identifying and implementing the solutions must be more participatory and transparent so that they respond to the specific needs and abilities of the small-scale fishing communities.


5. Policy coherence, including social development: Priority issues impacting the rights of small-scale fishing communities may not be within the fisheries sector as such but relate to access to basic goods and services (labor standards, gender equality aspects, market promotion, health, credit, etc.) or natural resource management (e.g. land and water management) that fall under different sectoral and institutional arrangements. The specific needs of the small-scale fisheries should be communicated to those working in the “non-fisheries” areas. A holistic approach is required to support small-scale fisheries to address the broader social development needs of fishing communities. This requires coordination across line ministries as well as regional stakeholders.

6. Government work planning and budgeting: should take into account the need for institutional coordination, capacity development, and gender mainstreaming in small-scale fisheries governance and development. The related investment would have long-term returns in terms of increased aggregated social and economic benefits to small-scale fishers and their communities, and to a country at large.

7. Capacity development: support should be provided to relevant public officials, fisheries officers, and other stakeholders to aid them in carrying out their responsibilities.

8. Value chain: It is necessary to take a holistic perspective and address the whole small-scale fisheries value chain when it comes to dealing with power imbalances among various value-chain actors. This should include issues relating to pre-harvest, harvest, post-harvest processes, and market access.

9. Gender equality: Gender equality is fundamental to community development and well-being and men and women should have equal and equitable rights and opportunities. A gender perspective should always be applied and mainstreamed in all initiatives and actions in achieving gender equality in small-scale fisheries management. Implementation of actions in small-scale fishing communities must be considered gender sensitive and promote gender equality and equity in its objectives and actions that to promote equal participation in and provide access to education and training for men, women, and youth, to support small-scale fisheries governance and development.





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