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**Tenure and Fishing Rights 2015:
A global forum on rights-based approaches for fisheries**

Siem Reap, Cambodia 23–27 March 2015

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Preparation of this document

This document is the report of *Tenure & Fishing Rights 2015: A global forum on rights-based approaches for fisheries* that was co-organized by the Food and Agriculture Organization (FAO) of the United Nations and the Kingdom of Cambodia's Fisheries Administration in the Ministry of Agriculture, Forestry and Fisheries, held 23-27 March 2015 in Siem Reap, Cambodia. The forum was, in part, inspired by two previous conferences -- FishRights99 and Sharing the Fish '06 -- and sought to broaden discussion beyond commercial/industrial fisheries and to include more fisheries stakeholders and types of fisheries.

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ABSTRACT

The purpose of the forum was to foster a mutual understanding of the challenges faced by different groups in fisheries communities and to find common ground and options for empowering fishers and fisheries stakeholders. The 140 participants from 38 countries discussed the importance of tenure and rights for responsible resource management and equitable development in fisheries. Best practices and lessons learned were identified by forum participants based on their own experiences in a wide range of fisheries.

The knowledge gained from the forum is being used as the starting point for the development of a proposal for a global work programme, “Advancing knowledge on rights-based approaches for fisheries: A global work programme for enhancing food security and nutrition, poverty eradication, and achieving the Sustainable Development Goals,” as well as influencing the content of a technical guide which supports implementation of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) in the fisheries sector.

The forum was made possible thanks to the generous support provided by the Kingdom of Norway, the Kingdom of Sweden, the Republic of Iceland, the Republic of Korea, the European Commission, the African Union - Inter African Bureau for Animal Resources, the Environmental Defense Fund, and the International Seafood Sustainability Foundation.

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LIST OF ACRONYMS

AU-IBAR	African Union - Inter African Bureau for Animal Resources
CFi	Community Fishery
CMA	Community Management Association
CNFO	Caribbean Network of Fisherfolk Organization
CSO	Civil Society Organization
EAFM	Ecosystem Approach to Fisheries Management
ECOSUR	El Colegio de la Frontera Sur
EEZ	Exclusive Economic Zone
EU	European Union
FiA	Fisheries Administration
H.E.	His Excellency
IEZ	Inshore Exclusion Zone
ITEQs	Individual Transferable Effort Quotas
ITQ	Individual Transferable Quota
MAFF	Ministry of Agriculture, Forestry and Fisheries
MEY	Maximum Economic Yield
MPA	Marine Protected Area
MRC	Mekong River Commission
MSY	Maximum Sustainable Yield
NGO	Non-Governmental Organization
NPFI	Northern Prawn Fishery Industry Pty Ltd
PNA	Parties to the Nauru Agreement
RFMAs	Responsible Fishing Marine Areas
SSF	Small-Scale Fisheries
SSF Guidelines	Voluntary Guidelines For Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
TAC	Total Allowable Catch
ToRs	Terms of Reference
TFC	Transferable Fishing Concessions
TK	Traditional Knowledge
TURFs	Territorial Use Rights in Fisheries
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
USD	United States Dollar
VDS	Vessel Day Scheme
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
WFFP	World Forum of Fisher People
WB	World Bank

EXECUTIVE SUMMARY

Purpose of the event

The Food and Agriculture Organization of the United Nations (FAO) and the Government of Cambodia co-organized *Tenure and Fishing Rights 2015: A global forum on rights-based approaches for fisheries* (UserRights 2015) in Siem Reap, Cambodia, 23-27 March 2015. The purpose of the forum was to foster a mutual understanding of the challenges faced by different groups in fisheries communities and to find common ground and options for empowering the future for fishers and fisheries. The forum was, in part, inspired by two previous conferences -- FishRights99 and Sharing the Fish '06 -- and sought to broaden discussion beyond commercial/industrial fisheries and to include more fisheries stakeholders and types of fisheries.

The 140 participants from 38 countries discussed the importance of tenure and rights for responsible resource management and equitable development in fisheries. The participants analyzed how various types of rights-based management systems and arrangements have worked in different settings and under different conditions to influence social, environmental and economic sustainability outcomes. Best practices and lessons learned were identified by forum participants based on their own experiences in a wide range of fisheries.

The knowledge gained from the forum is being used to finalize a technical guide which supports implementation of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) in the fisheries sector.

Designed as an interactive event, the programme consisted of scene-setting presentations that focused on the main elements, challenges and best practices of tenure and rights in fisheries; discussion panels that provided a diverse range of perspectives from various stakeholders, including governments, gender specialists, Civil Society Organizations (CSOs); and, working groups that reported back during plenary sessions on their results of their deliberations.

Highlights

Case studies presented at the forum featured both developing and developed countries and included testimonies of individually-based fishing rights and community-based fishing rights. Forum participants represented a wide range of perspectives from fishers and fishing communities to academics, non-governmental organizations (NGOs), industry, governments and international organizations from all over the world.

During the forum, several participants raised questions regarding the use of terms such as “fishing rights”, “user rights and “rights-based approaches for fisheries.” Some were concerned that these terms were not clearly defined and may mean different things to individual participants. It is important to clarify that “rights“ in the context of this forum referred to any system that assigns fishing access to individual fisherfolk, fishing vessels, enterprises, cooperatives or fishing communities.

Group discussions during the breakout sections highlighted the importance of good governance in the context of fisheries tenure. It was noted that weak governance of fisheries resources is common throughout the world resulting in a range of biological, economic and social problems, including depletion of fish stocks, habitat degradation, loss of wealth, and poverty in fishery-dependent communities. It was generally agreed that improving the security of tenure in fisheries requires an effective governance system that specifies fisheries access -- who can fish, for how long, and under what conditions -- whether the access is for individuals or fishing communities. Case studies included specific examples of user rights systems that have made a positive contribution toward reaching environmental, economic and social goals.

One of the main lessons learned from the forum is that there is no “one size fits all” approach to user rights. Situations vary from country to country, between the developed and the developing world, and between inland and marine fisheries. The different cases presented clearly demonstrated that the design and implementation of fishing rights has to be adapted to local circumstances. In many developing countries, the political economy conditions differ markedly from those in developed countries, greatly affecting the range of fishery reforms that may be successfully implemented. In particular, rule of law and power structures are important considerations in many developing countries, where there are often higher instances of poverty, a greater reliance on fishing for subsistence and inferior rights for women. Therefore, tailoring fisheries reform to the political economy conditions is crucial.

Another related lesson is the importance of effective stakeholder involvement in the planning and implementation of user rights. Ultimately, any user rights system must be suited to the specific local conditions and have the support and involvement of stakeholders. When fishery reforms are being considered, it is important that those directly involved (participants from small-scale fisheries, industrial fisheries, NGO/CSOs and government) contribute to a common understanding of existing institutions, the analysis of options and the identification of specific actions. Extra care is often required to involve groups that may be disadvantaged to ensure their perspective is properly considered.

Many participants highlighted that the VGGT and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) should be the basis for any discussion on user rights in fisheries. The representatives from small-scale fisheries (SSF) communities highlighted that in this forum the rights and problems of SSF communities were widely discussed while previous events had been concentrating more on industrial fisheries and their fishing rights.

During the plenary discussions, concerns were raised about the potential negative consequences of restricting access to fisheries through the introduction of systems such as limited entry licensing or individual transferable quotas (ITQs). In particular, some participants feared the privatization of common pool resources for the benefit of wealthy fisheries stakeholders and the exclusion of young people aspiring to enter fisheries in the future. Several participants noted that no fisheries management system is perfect and that careful consideration should be given to identifying approaches that best meet stakeholders' objectives.

The discussion, both in plenary and breakout sessions, highlighted that the role of women in the fisheries sector is often overlooked, and that women are mainly involved in the post-harvest sector. More studies are needed to document the needs of women and how they can be most effectively addressed.

Another issue raised was that of tourism and how it can adversely affect or displace fisherfolk, making their access to the beach and the marine area more limited and sometimes even impossible. Some examples were discussed that showed user rights in fisheries that not only include the right to access the fisheries resource, but also the linkage to other tenure rights such as land. It was pointed out that the inland fisheries present a complex system of overlapping rights, where economic interests from other users of the water resource, such as the electric power production industry, impact the rights of inland fishers to access the water and the full range of fisheries resources.

Next steps

In the weeks following the forum in Cambodia, a survey was carried out among participants (Annex 1). The survey reflected that participants (a total of 56 participants completed the survey) were satisfied with the overall organization and outcome of the forum, and that a regular series of regional forums should continue to occur every two to three years with a more global discussion to be held every five to six years. The top three areas for future work are:

- Allocation: processes and implications (55%),
- The political economy of adopting and implementing rights-based systems for fisheries (40%), and
- Training for capacity development of rights-based systems (40%).

Additional areas of work include:

- Tools for capacity development of rights-based systems,
- Financing transitions to rights-based systems and sustainable fisheries, and
- Identifying alternative business or livelihood strategies for communities directly and indirectly dependent on fisheries.

REPORT OF THE MEETING

1 Monday, 23 March 2015

1.1 Forum Opening

Welcoming remarks were given by the following individuals:

- H.E. Sin Run, Siem Reap Deputy Governor, Cambodia;
- Mr Johan Williams, Specialist Director Fisheries and Aquaculture, Norway;
- H.E. Eng Chea Sam, Delegate of the Royal Government of Cambodia and Director-General of Fisheries Administration (FiA), Cambodia;
- H.E. Jean-François Cautain, Ambassador of the European Union in Cambodia; and,
- Ms Nina Brandstrup, FAO Representative in Cambodia.

The Opening Address of the forum was delivered by H.E. Mam Amnot, Secretary of State, Representative of the Minister of Agriculture, Forestry and Fisheries, Cambodia. The Opening Address is reproduced in Appendix I.

The forum brought together 140 participants from 38 countries. The list of participants is presented in Appendix II and the programme of the forum is reproduced in Appendix III.

Chair of Monday Session was H.E. Nao Thuok, Under Secretary of State of Ministry of Agriculture, Forestry and Fisheries (MAFF), Cambodia. The Moderator was H.E. Georges Dehoux, Attaché, Cooperation Section, Delegation of the European Union (EU) in Cambodia and Co-Chair of the Cambodia Technical Working Group on Fisheries.

1.2 Speakers

- *Ms Kate Bonzon, Senior Director, Oceans Program, Environmental Defense Fund (EDF), USA*

Ms Bonzon presented a summary of the design principles present in rights-based fisheries management systems that have been employed around the world. Using examples from a variety of systems in place, the presentation highlighted the importance of flexibility in designing programs that meet the goals of different fisheries, including conservation of fishery resources, poverty eradication, food security and development of fishing communities. The overview of principles also highlighted the importance of a) clear goals, b) inclusion of appropriate stakeholders in design, implementation and administration, and c) adaptability of programs. Following a question and answer session, it was clear that there is not one single principle that can be used to guide all types of user rights systems.

- *Ms Kaing Khim, Deputy Director General, Fisheries Administration, Ministry of Agriculture, Forestry and Fisheries (FiA, MAFF), Cambodia*

Ms Khim provided an overview of Cambodia's experience with rights-based approaches to fisheries since 2000. Ms Kim described the introduction of collective user rights in the form of Community Fisheries (CFis) in both freshwater and marine areas. Prior to 2000, Cambodia's fisheries consisted of open access small-scale fishing areas and other areas with fishing concessions (large-scale fishing lots). This situation resulted in overexploitation of fisheries resources and conflicts between small-scale and large-scale fishers.

During the first stage of reforms, initiated in October 2000, more than 56 % of the fishing concessions were cancelled and the Royal Government of Cambodia began encouraging the establishment of CFis throughout the country. The prime objective of the 2000 Fishery Reform was to ensure that the rural communities of Cambodia could obtain access to fish for food and livelihoods. CFis operate in state-owned property, but the fishing rights are assigned to local users through CFi Area Agreements that set out the responsibilities and rights of a CFi to manage and use the natural resources in a sustainable and equitable manner. The second phase of reforms were carried out in 2012 when all the remaining fishing concessions were abolished and more substantial responsibility was assigned to CFis.

The introduction of CFis in Cambodia has substantially achieved the prime objective of the 2000 fisheries reform and resulted in positive social, environment and economic changes. Benefits include more secure fishing rights, greater participation in fish conservation activities, an increase in fisheries resources and

production, and the establishment of women fish processing groups. With respect to current challenges, most CFIs continue to depend on external funding, the capacities of CFI committees generally remain limited, and illegal, unregulated and unreported (IUU) fishing is still occurring in some CFIs.

Ms Khim concluded that CFI is a local unique institution for the fisheries governance's tenure (through free election and voluntary); it is a people-oriented small-scale fishery development through User rights-based approaches; CFI Area Agreement created the clear tenure rights. These include boundary mapping and demarcation of fishing ground; it has functioned for one decade and needs to function for more to bring the benefits to all CFI members for poverty alleviation; the prime objective of the 2000 Fishery Reform was to ensure that the rural communities of Cambodia obtain access to fish for food and livelihoods. This objective has been substantially achieved and was reflected in the deep reform in early 2012 by the government, abolished all fishing lots in the country. The "fishery success" must however be viewed against the overwhelming and the continued importance of agriculture for the members of the Community Fisheries.

- *Mr Dedi S Adhuri, Research Center for Society and Culture, Indonesian Institute of Sciences, Indonesia*

Mr Adhuri described the revitalization of Right-based Fisheries in Jor Bay, East Lombok, Indonesia. A number of concerns led to this fisheries revitalization initiative, including possible over-exploitation and pollution, poverty in fishing communities, environmentally unfriendly pond culture, conflicts between fisherfolk and aquaculturists, and the lack of an effective participatory fisheries management system.

In response to this situation, the Ecosystem Approach to Small Scale Tropical Marine Fisheries (EAFM) was created. The EAFM includes the revitalization of traditional Awik-awik Management (in Jor Bay), mangrove planting, deployment of squid attractors and a number of support activities, such as training in boat engine repair. The main lessons learned include the need to support effective stakeholder participation and that change must start with the identification of local opportunities and challenges. In particular, negotiations have to start from inside the community and need to balance environmental rehabilitation options with livelihoods considerations. An exit strategy is needed in order to ensure sustainability once donor finance comes to an end.

- *Mr Steve Cunningham, World Bank (WB) Consultant*

Mr Cunningham announced that he would present two papers at a mini workshop on Wednesday March 25, 2015, namely a WB study on trade in fishing services and a WB study on community-based use rights systems in Africa, studies that were part of the Governance of marine fisheries project.

Mr Andrew Baio, Fisheries & Environmental Resource Economist, University of Sierra Leone

Mr Baio described several initiatives designed to address concerns associated with the artisanal fisheries of Sierra Leone. Artisanal fisheries account for approximately 80% of the national annual catch and are a key corner stone of national food security. However, these fisheries operate under *de facto* open access conditions and face a high threat of overexploitation.

Two areas of focus in Sierra Leone's fisheries reform efforts are reducing illegal, unregulated and unreported (IUU) fishing, and creating greater value-addition from fish landings.

Mr Baio noted that the West African Regional Fisheries Programme in Sierra Leone (WARFP-SL) is instituting Territorial Use Rights in Fisheries (TURFs) in the artisanal fisheries through CMAs and the establishment of marine protected areas (MPAs). It is anticipated that MPAs will evolve into user rights systems in the form of Territorial Use Rights in Fisheries (TURFs). As a first step, managing MPAs is anticipated to develop the participatory management skills of Community Management Associations (CMAs) in the process of "learning by doing" before evolving to assume management responsibilities in TURFs. Four MPAs have been established: one each in the Scarcies River Estuary, Sierra Leone River Estuary, Yawri Bay and the Sherbro River Estuary. Forging CMAs involves community clustering, sensitisation and mobilisation of fishing communities, election of executives, constitution drafting/development of bye-laws, and registration of CMAs with the relevant Ministry.

Expected environmental gains from the reforms include improved condition of the sea bed, re-establishment of benthic flora/ niche habitats, increased fish stocks and enriched biodiversity. Achieving these gains requires technical and financial support, overcoming political economy issues constraining reform and understanding

that overcoming open access to fisheries will take time and political will. Inertia to change must be tactfully managed and incentives for change enhances this process.

- *Ms Patricia Jack, Vessel Day Scheme (VDS) Manager, Parties to the Nauru Agreement (PNA), Majuro, Marshall Islands*

Ms Jack described the VDS in the Marshall Islands. She reiterated the history of the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest of 1982. Under this agreement, the level of exploitation of common stocks of fish, both within the exclusive economic zones (EEZs) and adjacent waters, is set to achieve maximum benefits from the fisheries resources. The agreement has been the anchor point of sustainable fisheries management in the area now for more than 30 years, and the VDS is a keystone of this management system.

The VDS involves a common system of tradable fishing effort (days) allocated to the 8 Parties to the Nauru Agreement and a hard limit on the number of fishing days (~45,000 days) that can be fished per year. The limit on fishing days controls the amount of fish harvested, thereby contributing to sustainability of the fisheries resources. The limited amount of fish harvested helps maintain and even increase prices and improve the viability of PNA industries. Higher prices of the raw material leads to more development of value added products. The value of a fishing day has increased from US Dollar (USD) \$1,500 per day when the system started in 2010 to over USD \$10,000 at present.

Overall, the VDS has proven to be very successful, but certain challenges remain. For example, Ms Jack noted that there is a need for a more competitive tendering/auctioning process for fishing days and that the fishing power of the vessels involved in the fishery is increasing.

- *Ms Minerva Arce-Ibarra, Professor, El Colegio de la Frontera Sur (ECOSUR), Mexico*

Ms Arce-Ibarra described a Latin American experience with rights-based approaches to fisheries by elaborating on the community territorial use rights in the Gulf weakfish (*Cynoscion othonopterus*) fishery of the Gulf of California, México. In the early 1990's, there was an open access fishery operating in this area. In 2007, the fishery became a regulated limited entry fishery and in 2011 a catch quota was set. Spatial management is a sensitive issue given a group of indigenous people, the Cocopah, claim a part of the fishing zone as their ancestral land.

Fisheries reforms were characterized as a good start, but many challenges remain, including the complexity of the fishery system and its competing objectives. In addition, reforms were not implemented in a manner that fully addressed social factors nor have they resulted in significant environmental and economic benefits. This outcome was attributed to the top-down approach used to design and implement fisheries reforms.

To improve the whole fishery system, it was recommended that stakeholders discuss competing objectives explicitly to give advice in devising alternative scenarios to address and improve the management and operation of this fishery. Additionally, the currently entitled fishers should be given a certificate as "stewards of their rights to fish" which, if well administered, would result in several types of income. Other recommendations included devising a fishery monitoring plan to collect catch records, gather stock assessment information and help enforcement of regulations.

- *Ms Sherry Pictou, Bear River First Nation, PhD. Candidate, Dalhousie University, Canada*

Ms Pictou described the difference between a property rights approach and indigenous rights approach in fisheries. The presentation looked at a specific case in Ms Pictou's ancestral homeland Mi'kmaki, now referred to as Atlantic Canada. The area has several ITQ systems which were introduced in the 1990s for groundfish, herring and scallop fisheries. A number of concerns regarding these ITQ systems were identified, including the concentration of ownership, dumping of waste and fish by-catch and poor labour conditions. Ms Pictou described these ITQ systems as the "tragedy of privatization".

A 1999 Supreme Court of Canada judgement, known as the Marshall decision upheld indigenous treaty rights to a livelihood fishery for the Mi'kmaq and raised the issue of community rights vs privatization. A fundamental difference between property rights-based and indigenous rights-based fisheries is that from an indigenous perspective, indigenous (treaty) rights have an ancestral and spiritual dimension. Further, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries

and Forests in the Context of National Food Security are premised on a human rights approach, including indigenous rights, not property rights.

- *Mr Kristján Skarphéðinsson, Permanent Secretary for Fisheries and Agriculture, Iceland*

Mr Skarphéðinsson highlighted the role of fisheries in the history of Iceland and noted that fishing was free for all until 1977 when scientific reports indicated that overfishing was occurring and that the cod stock was under stress. In response, the parliament introduced input controls such as fixed number of days at sea, redirected fishing effort to species other than cod, and fishing gear limitations. These measures did not work, and the cod stock continued to decline, resulting in a vessel quota system being introduced in 1984.

The vessel quota system was controversial from the very start. Many problems came up in the initial phase, such as “high grading” and “black landings” which underlined the need to develop an infrastructure of tight controls. The first effects of this new system were fewer fishing vessels and fewer processing plants as a result of mergers and acquisitions in the sector. The reduction in vessels and processing plants coupled with greater use of technology resulted in fewer people working in fishing and processing as evidenced by the share of the Icelandic workforce involved in fishing and fish processing decreasing from some 12 % in the 1980s to 5.3% in 2015. However, new jobs were created in fisheries-related sectors (e.g. in information technology and engineering. Concentration of quota holding was an expected effect of the system, with the ten major fishing companies of Iceland increasing their share in total Icelandic catches from 25% in 1992 to over 50% in 2015. The restructuring of the fisheries sector during the 1980s resulted in improving stock health of cod and other fish resources.

As the quota system developed, many Icelandic sub-regions benefited socio-economically, however, many small communities lost their quotas, leaving them with reduced income opportunities. This caused the Parliament to implement special measures of assistance such as distributing a share of the total quota as “community quotas” to those most severely affected. Effects of the “community quota” scheme have only recently been introduced and effects are currently being observed.

1.3 Plenary question and answer session

The presentations were followed by a question and answer session. Some of the participants in the forum expressed opposition to ITQs as presented in Mr Skarphéðinsson statement (see section 1.2) by claiming that ITQs potentially lead to a concentration of fishing rights in few hands and thus reduce access to the fish for people living in traditional fishing communities. Mr Skarphéðinsson replied that ITQs have, in fact, resulted in less employment in fisheries but that this has not had an impact on total employment numbers in Iceland – allowing for the assumption that the Icelandic economy provided fisherfolk with the opportunity to change profession. He questioned whether a decline in the number of fishing communities should be solved only within the fisheries sector by “community quotas.” In addition, it was noted that fewer participants in the fishery sector was not necessarily the result of the introduction of ITQs but rather the technological changes of the 20th century.

In the ensuing discussion, there was a question on why the Cambodian CFIs were performing better than Ugandan beach management units. The reply from Ms Khim was that CFIs members democratically elected administrators. The council meets every month, and the control over the fisheries administrators by the communities is very close. The main challenge is self-financing. As mentioned before, the Cambodian Fisheries Administration is still providing financial subsidies to the CFIs. Ms Khim mentioned that the previous system of fishing lots did not take into account the substantial importance of fish for food security in Cambodia and that the new system incorporates the importance of fish for food security.

2 Tuesday 24 March 2015

Chair of the Tuesday Session was Mr Hajime Kawamura, Deputy Secretary General, SEAFDEC. The moderator was Ms Nancy Gitonga, Consultant, FishAfrica.

Plenary Session: Setting the Scene for Discussing Rights-based Experiences (cont.)

2.1 Speakers

- *Ms Annie Jarrett, CEO, Northern Prawn Fishery Industry Pty Ltd, (NPF), Australia*

Ms Jarrett described user rights in the Northern Prawn Fishery (NPF) which is Australia's largest and most valuable prawn fishery. The current gear unit system -- individual transferable effort quotas (ITEQs) based on head length rope -- was introduced in 2000 after the previous input control system based on boat size and horsepower failed to limit catching capacity. Gear ITEQs are statutory rights issued under the NPF Management Plan 1995 and are used as basis for managing fishery effort/catch capacity, internal and external trading, as well as setting management, research and industry association levies and fishery adjustment. The NPF is not suitable for management by individual transferable catch quotas due to the highly variable recruitment and the inability to set pre-season allowable harvests (particularly for banana prawns).

The NPF harvest strategies are based on Maximum Economic Yield (MEY) and Maximum Sustainable Yield (MSY). Corner stones of the management plan are: the target and limit reference points, escape strategies for untargeted fish species to not become by-catch, in-season trigger limits, gear controls and spatial and temporal closures. The NPF suffered from initial over-subscription of fishing licenses and has a long history of over-fishing. Individual transferable access rights were implemented to limit catch capacity and fishing efforts for stock sustainability, to improve economic return/profitability, provide operator flexibility, and provide security of access to promote greater exclusivity and encourage stewardship of resources.

The NPF experience shows that user rights can and have delivered social, economic and environmental benefits to the fishery, the nation and rights holders and engender stewardship over the resource and encourage responsible fishing practices. However, there is no such thing as the 'perfect' management system as there will always be trade-offs and a need to balance social, economic and environmental objectives. A 'rights' system must 'fit' the fishery, including the type of rights system, pre-defined objectives what to achieve with that system and enabling operating environment. Full stakeholder participation is essential in the development and implementation of user-rights. With rights comes responsibilities, therefore good governance and stakeholder stewardship is required at all levels.

- *Mr Ragnar Arnason, University of Iceland*

Mr Arnason reviewed the experiences of the case studies represented to the forum. He noted that these cases reveal a certain pattern. That is, when the fishing rights are individual, the economic and biological results tend to be positive while the social outcomes might potentially be disappointing. In cases of community fishing rights, on the other hand, the economic and biological outcomes tend to be weak, while the social outcomes appear to be good. The review of the case studies is summarized in Table 1.

Table 1: Rights characteristics of cases presented

	Individual Rights	Communal Rights			Results	
	Type	Type	Quality	Design Principles	Bio-Economic	Social
Cambodia		TURFs	Med	No?	+/-	+
Indonesia		TURFs	(Weak)	No?	(+/-)	(+)
Sierra Leone		TURFs	Med	No?	?	(+)
PNA	Days	Days	Strong	(Yes)	+	+
Mexico	Licenses	TURFs	Weak	No?	- ?	?
Canada	ITQs				+ (?)	(-)
Iceland	ITQs				+	(-)
Australia	IEQs				+	

Mr Arnason also reviewed existing theoretical and empirical knowledge on rights-based fishing, noting that there are two fundamental results that any fisheries management must take account of. First, valuable resources

held in common by a group of people tend to be overexploited, and much of the obtainable net *economic* benefits lost. In fisheries, this is demonstrated by the overexploitation of fish stocks worldwide. Second, resources held by individuals *tend* to be well used and the net economic benefits maximized. In fisheries, this is demonstrated by the substantial economic and biological improvement of several fisheries that in recent decades have been endowed with individual fishing rights.

However, Mr Árnason noted that it is not easy to introduce, enforce or even define strong individual fishing rights. In the context of the developing world's small-scale fisheries sector, which is typically composed of a very large number of fishers who employ less advanced fishing technology and require minimal infrastructure for landings. In these cases, which may constitute up to half of the value of the world's fisheries, some form of communally held fishing rights and CFIs management seems to be the best way to organize and manage the fishery sector. It is important to note, however, that community fishing rights do not eliminate the common property problem. They only make it more manageable by reducing the total number of rights holders (represented by the community). Therefore, the design and decision-making set-up in collaboration with these communities becomes crucial for their success.

- *Mr Seth Macinko, Associate Professor, Department Marine Affairs, University of Rhode Island, USA*

Mr Macinko encouraged forum organizers and participants to be careful and precise about the words being used, in particular, references to rights. He specifically challenged the title of the forum and asked what type of rights the forum title referred to (human rights, indigenous rights, user rights, tenure rights). After citing various books and articles on rights-based management systems, he stated that management does not equal ownership and that there is a risk of confusing science with law; of confusing interests with rights; of confusing incentives with rights; and, of confusing a simple tool (pre-assigned catch) with an ideology. Also, he highlighted the risk that market forces could cause the displacement of people who have traditional rights.

Mr Macinko explained why he believes more precise terminology matters, namely because policy options are being forced off the table by ideological dogmatism and conceptual confusion. In this context, he noted that there are many ways that pre-assigned catch could be used. Mr Macinko emphasized that the proponents of "rights-based fishing" openly talk of the enclosure and privatization of what are currently public fishery resources belonging to the people of coastal nation states. Simply renaming the privatization effort as an exercise in "tenure rights" will not address fundamental issues facing fisheries policy makers around the world. He also challenged proponents of "rights-based fishing" to openly discuss how the recent emphasis on inviting "Wall Street" investors into fisheries could be made compatible with the emphasis on human rights found in the recent SSF Guidelines.

- *Ms Francesca Romano, Land Tenure Officer, Climate, Energy and Tenure Division, Natural Resources and Environment Department, FAO, Italy*

Ms Romano gave an overview of the VGGT and their implementation. She highlighted the overlaps with the SSF Guidelines. She further elaborated on the role and importance of tenure rights in fisheries.

2.2 Plenary question and answer session

The question and answer session concentrated on ITQs and their impact on fishing communities. Mr Árnason underlined that strengthening rights will result in changes with regard to, as for example, living conditions. He noted that putting in place safeguards (e.g. community based rights) is important. Further, he noted that ITQs imply significant costs for enforcement, and that costs might occur during transitions periods for those communities or individuals who lose their traditional rights. Therefore, the design of any user rights system has to be very carefully developed to appropriately address both social aspects and economic gains.

Ms Romano highlighted the need to enlarge the discussion beyond the fisheries sector itself and consider the relationship between the fisheries sector and other sectors, such as tourism and agriculture.

Ms Jarrett explained that former fisherfolk are returning to the Australian Northern Prawn Fishery from other professions. Training programmes, career plans and safety training (offered by the NPF) are important factors that increase the attractiveness of returning to fisheries professionally. After the implementation of the ITQs the total number of boats decreased and several boats were sold to other members of the community. With increased profits in the prawn fishery, companies buy out smaller operators (including those who want to retire).

Panel 1: Experiences with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system

- Mr Johan Williams, Specialist Director Fisheries and Aquaculture, Ministry of Trade, Industry and Fisheries, Norway highlighted a specific weakness in the original design of fisheries tenure systems in his country. He explained that initially widows were excluded from obtaining the user rights possessed by their former husbands and that actions have been taken to address this situation. Now there is a five-year grace period in which relatives, including a son or daughter, can keep the boat and become a fisher.
- Mr Peter Degen, International Technical Advisor, Mekong River Commission (MRC) Fisheries Programme, Phnom Penh, Cambodia, highlighted the important role of rights in the work of the Mekong River Commission. He noted that it is important to distinguish between fishing rights for fishers and fishing rights for communities and between marine and freshwater fisheries. Many people involved in fisheries are marginalised and do not have access to information and are thus not able to participate in political processes. Transparency needs to be addressed, and appropriate tools are needed for this. Reporting should go beyond project reports but should also entail proper communications and be budgeted.
- Mr Aly Ercelawn, Economist, Pakistan Institute of Labour, Education and Research and Pakistan Fisherfolk Forum, Pakistan, described the SSF Guidelines as the basis for any discussion on fishing rights. In Pakistan, the road to equality is through business and wealth based rights. He underlined that the forum should be more careful in using language and defining terms such as illegal fishing. He noted that often illegal fishing is a term difficult to define. In his country, several examples exist of exclusion from traditional rights through economically powerful actors. Nevertheless, Pakistan has a long tradition of co-management and restrictive access to fishing resources.
- Mr Miguel Peña Castellot, DG MARE, European Commission, Brussels, Belgium, described the terms used in the new European Union (EU) Common Fisheries Policy. The term used to describe a ‘fishing right’ is ‘transferable fishing concessions’ (TFC). This term is intended to encompass a broad category of rights-based management systems, including TURFs, ITQ or IEQ. Transferability is considered as a fundamental element of rights-based fishing to enable adjustments in fishing capacity, recognizing that sooner or later transferability develops, open transferability was preferred to grey or black market transferability. The term “concession” was chosen to signify that it was not a full property title, but rather a user right that was granted (and could be recovered) by society. The term also implied that society should recover part of the economic profits from the exploitation (part of the resource rent).
- Ms Christiana Louwa, El Molo Forum, Kenya, described the problems encountered by indigenous people regarding the acceptance of their traditional rights, including fishing rights, as they are not written into formal law and often are disregarded by official law keepers. In general, in the application of tenure rights, the needs of Indigenous Peoples and SSF/ Communities are disregarded. The implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is key for guaranteeing access to equal rights. For indigenous peoples and SSF, very often imply privatization and grabbing of their resources, including fisheries, land and forests. As an example, she cited the allocation and privatization of community land (150 000 acres) to Lake Turkana wind Power LTD in Loiyangalani Marsabit County. In the Republic of Kenya, the National Oceans and Fisheries Policy 2008 states that it is difficult to enforce management measures in the fisheries sector, because the fishing communities have been slow in taking up their role as co-manager of the resources. Overall, there is a lack of SSF and Indigenous Peoples involvement in decision making, formulation of laws and policies on fisheries, and that traditional knowledge is overlooked.
- Mr Arthur Bogason, World Forum of Fish Harvesters and Fish Workers, Iceland, highlighted the work of the World Forum of Fish Harvesters and Fish Workers in the drafting process of the SSF Guidelines and that these guidelines should be the basis for any discussion on fishing rights. He pointed out that the forum seems to be centered around property rights and catch shares and that transferability of rights is discussed too lightly. He identified only four fishers in the room. He asked: “Whose agenda is the forum taking forward?” He felt that the forum wants ITQ systems, which are covered up by words like catch shares and tenure rights. He also asked: “How is the profitability of ITQs calculated?” When ITQs lead to closure of communities, is the value of the resource for these communities calculated?

2.3 Parallel working groups on SWOT¹ analysis of user rights systems

The plenary broke into 4 parallel working groups on “Experiences with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system”. The participation was decided on a random basis, as all four groups had the same themes. The TOR of the working groups is reproduced under appendix IV. The working groups conducted a SWOT¹ analysis for the various types of user rights systems and reported back to the plenary on Wednesday.

2.4 Plenary session: strategic governance and legal issues of rights-based approaches– What decisions were made, why, and what was the impact?

- Mr Wes Erikson, Fisherman, British Columbia, Canada

Mr Erikson described how the British Columbia groundfish fishery has evolved over the last 40 years from an open access, high discard fishery to a full retention, fully monitored fishery that catches over 72 species of fish. The key to this recent success was a four-year consensus-driven process, involving stakeholders, tasked to achieve clearly-defined objectives.

The fisheries now have an advisory body, which reflects the values of the fishing community, and is dynamic in nature, allowing the fishery to be co-managed. None of this was easy; in fact, many changes seemed impossible. The four most important components of this success experienced by the British Columbia groundfish fishery are: (i) the removal of the ‘race’ for fish; (ii) the introduction of the individual accountability of fishers which facilitated cooperation and communication among fishers; (iii) transferability of quota, which supports selective fishing and staying within allocations; and (iv) monitoring and catch reporting based on fisher-funded at-sea videos and observers, with a logbook audit process affordable to smaller as well as the largest vessels. The most important tool in the evolution of this multi-gear, multi-sector, and multi-species fishery was the establishment of catch shares or tenure rights.

- Mr Paul Macgillivray, Fisheries Management Specialist, Canada

Mr Macgillivray described fisheries access and allocation arrangements as critical elements of all fisheries management systems. His presentation covered the legal nature of fishing rights and the security of tenure that aboriginal, commercial and recreational harvest groups have in various fisheries on Canada's Pacific coast.

The presentation focused on a recent court decision finding that five First Nations on Vancouver Island each have a constitutionally protected aboriginal right to fish within their respective court-identified fishing territories and to sell fish. This court decision has strengthened the commercial fishing tenure rights of the five First Nations and led to increases in their allocations of fish for commercial purposes. Further negotiations and a continuation of the trial are expected to result in a more detailed delineation of the First Nations’ commercial fishing rights, including how much fish is needed to accommodate the rights, the allocation priority of the First Nations’ rights relative to other harvest groups and the extent to which government can impose fisheries management restrictions on the First Nations.

2.5 Plenary question and answer session

It was noted during the question and answer session that not all fishers in Canada agree to the fisheries management systems that were presented and that these systems do not apply throughout Canada; they are limited to one geographic area (British Columbia). Also, a forum participant said that it would be interesting to hear how an aboriginal person from British Columbia would view the presentation talking about aboriginal law and the recent court case.

It was also noted that the Canadian examples could not be replicated in other areas of the world since well-managed fisheries require robust management agencies, which do not exist in many developing countries. In response to a question on increased concentration resulting from ITQs in the groundfish fishery, Mr Erikson explained that his family previously had four fishing vessels and now operate only two. Mr Erikson also explained that ITQs do not have legal status as property and cannot be used as collateral for a bank loan. This situation makes it expensive and difficult for new parties to enter. The presenter noted that each case described

¹ Strengths, Weaknesses, Opportunities, Threats

is specific to its location and that there is no suggestion that these examples in British Columbia can be applied easily in other parts of the world.

3 Wednesday, 25 March 2015

The Chair of Wednesday Session was Mr Ernesto Penas Lado, Directorate General for Maritime Affairs and Fisheries (DG MARE), Directorate A - Policy Development and Co-Ordination, European Commission. The Moderator was Mr Adam Soliman, Director, The Fisheries Law Centre and University of British Columbia, Canada

3.1 Plenary session: Reporting back from parallel working groups on experiences with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system

A brief summary of each working group's reports follows.

3.1.1 Group A

Group A concluded that every fishing community is different and that these differences must be taken into consideration in order to develop an effective fisheries management system. The group also highlighted the importance of reconciling economic development with environmental sustainability. Other important considerations identified included improved human welfare, the use of nature in a sustainable and balanced manner, and the need to clarify the difference between common access and community rights. The group noted that the technology accompanying economic development may be disruptive to the local culture. Another challenge is the effect of external influences, such as upstream agriculture waste, dams, and industrial pollution on fisheries. Group A questioned whether communities possess the governing powers needed for fisheries to confront these external influences.

3.1.2 Group B

Group B conducted a strengths, weaknesses, opportunities, and threat (SWOT) analysis on the following fisheries management systems: open access, TURFs, total allowable catch (TAC) quotas, ITQs and community rights. The group noted that open access management could provide a socioeconomic safety net, but that this approach to managing fisheries often results in overexploitation and total collapse of the fishery. In the discussion of TURFs, Group B found that the main opportunities are (i) that this management approach can be incorporated into a Marine Protected Area (MPA) whilst serving and (ii) that it could serve as a tool to control fishing efforts. However, in some TURFs, rules are not respected, and industrial fisheries enter TURF zones without permission underlining a lack of enforcement. A particular challenge facing the use of TURFs is how to create regulations capable of addressing migratory or straddling stocks.

With respect to TACs, Group B noted that limiting the harvest to a total quantity helps protect the ecosystem as a whole; however, single species TACs often encourage greater proportions of unrecorded catch. TACs are also costly to enforce, encourage over-capitalization, and entail safety risks associated with a race to fish before the quota has been reached. The group felt that TACs are most successful when they are based on the best scientific knowledge and stock assessments available. Group B noted that ITQs have the potential to harvest fish in the most efficient way; however, it is difficult for new or young fishers to enter the system and obtain ITQs, which can lead to inequality.

Finally, Group B discussed community access and rights by examining the example of Lake Victoria. The group identified that the main strengths were in the community's potential to encourage sustainable fishing practices while creating social cohesion. However, community access systems can lead to overfishing and degradation of habitat if the community does not set and enforce regulations on the amount that can be fished and the gear that can be used.

3.1.3 Group C

Group C discussed the possibility of developing generic forms of rights-based management systems in fisheries that could be adaptable at a national level and also conform to international guidelines, such as the VGGT. The group suggested that participants in discussions regarding fishing rights should not defend their positions but

rather share experiences and knowledge in order to lend more credibility to the process. Furthermore, the group suggested that working groups should be user-rights specific.

3.1.4 Group D

Group D identified the need to first establish the goals for a fishery, then conduct a situation analysis, and lastly evaluate the system with international frameworks. In discussing these components, several challenges were noted. These included considerations of who will benefit and who will lose in the transition from open access to rights-based systems, how to prevent elite capture in the distribution of use rights, the varying definitions of rights and tenure, and who is excluded from these systems. Common problems that arise in rights-based systems are weak governance, lack of effective enforcement, limited human, and organizational capacity, insufficient funding and top-down donor driven objectives.

Group D also had a focused discussion on individual transferable quotas (ITQs) drawing on several examples, in particular, the USA surf clam fishery. The group identified the winners in this fishery as the boat owners and the losers as the boat crews. In order to be successful, the group noted that ITQs must be fully regulated, members must be 100% compliant, and there must be demarcation of the management area. Overall, it was concluded that ITQs should be used as a management tool and not an objective.

3.2 *Plenary session: strategic governance and legal issues of rights-based approaches – What decisions were made and why? A small-scale fisheries perspective*

- Mr Naseegh Jaffer, Director of Masifundise, and Secretary General of World Forum Fisher People (WFFP), South Africa

Mr Jaffer described South African fisheries management in the post-apartheid period, that is, since 1995. He noted that during this period, apart from sports fishing, all fishing rights were allocated under an individual quota system that mostly benefited large commercial fishing and fish processing companies. This system failed to recognise traditional and customary fishing communities and therefore traditional harvesting methods became illegal. No institutional capacity was put in place to manage small-scale fisheries and consultations with fishing communities were ineffective. Mr Jaffer stated that this approach to managing fisheries resulted in the criminalization of small-scale fishers, increased poverty and food insecurity, and resulted in the breakdown of social cohesion especially in poor rural communities and the inability of fishers to meet their livelihoods needs.

In response, fishing communities started to call for a new form of “access” rights that would take their livelihood needs into consideration. Accordingly, intensive actions (concurrent to developing the SSF Guidelines) decried “ITQs”, “private rights-based approaches”, “property rights”, and “shares” in favor of a “human rights-based approach” to allocate fishing rights to fishing communities. This led to the development of a new policy and several changes to the South African law on access to fisheries. The new policy took into account the following key principles: holistic approach accepting the interdependency of social, cultural, economic and ecological needs; communal rights under shared governance and management responsibilities; recognition of customary and traditional practices; incorporation of local and indigenous knowledge systems; encouragement of shortening the value chain in favor of fishing communities; equity in all fishing practices; support of gender and (dis)ability equity and youth development; and, finally the recognition of intra-governmental responsibility to address broader social needs in fishing communities alongside this policy.

Based on the experience in South Africa, Mr Jaffer concluded that ITQs and synonymous ‘rights-based’ practices do not conform to the universally accepted human rights paradigm and, therefore, are not appropriate tools to allocate fishing rights. Effective participation of fishing communities is key to shaping policy, legislation and management procedures in the fishery. A multiplicity of allocation and management approaches are needed in order to sustain the fishery. Researching, monitoring and evaluating the fishery must take into account this multiplicity. Equity and subsidiarity must be key underlying principles when allocating fishing rights. Finally, Mr Jaffer stated that a human rights-based approach is possible for fishing rights.

- *Mr Aboubacar Sidibe, African Union - Inter African Bureau for Animal Resources (AU-IBAR), Kenya*

Mr Sidibe described the policy of his organization with regard to access rights in fisheries. He explained that territorial use rights fisheries and rights-based fisheries are some of the fisheries management principles

enunciated in the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa adopted by African Heads of States and Governments in June 2014. The AU-IBAR is championing continental efforts geared towards improving the management of the small-scale fisheries for increased sustainable contribution to livelihoods and food security. How to improve fisheries governance through effective participatory management for inclusive decision-making processes remains one of the main issues in the management of African artisanal fisheries. The challenge is how to design appropriate rights-based approaches in Africa, including for example trade-offs between individual fishing rights and fishing community rights. In general, rights-based approaches can provide opportunities to strengthen the fisheries management capacity under an effective tenure system, but in the case of African artisanal fisheries, equitable allocation systems should be applied that are acceptable for all.

The concept of user rights-based approaches in fisheries is relatively new on the African continent and the implementation is very limited. The allocation of user rights can cause controversy if the criteria for allocation are not properly defined and accepted by stakeholders. The pervasive fear in marginalized artisanal fisheries communities is that the sector would be privatized or monopolized with the powerful being allocated exclusive rights over the ‘‘common property resources’’.

The rights-based approach for fisheries is consistent with Policy Framework & Reform Strategy for Fisheries and Aquaculture in Africa. However there is a need for considerable awareness in the implementation of various approaches including: (i) user rights to harvest a certain fraction of the allowable catch, (ii) rights to exclusive harvest within a given geographic region (TURFs or MPAs, and (iii) rights to manage a resource stock collaboratively with well-defined membership (cooperatives) and the methods for allocation of fishing rights clearly outlined in a participatory manner.

The implementation of the right-based approach in African artisanal fisheries needs to take into account the principles and the rights of the participatory management (co-management) for efficiency and sustainability. In African artisanal fisheries, given their complexity, it is imperative to pay greater attention to one of the common criteria for allocation of rights in fisheries - ‘grandfathering’ or first possession- where rights are granted based on the basis of historical participation in the fishery.

Panel 2: Strategic governance and legal issues of rights-based approaches– What decisions were made, why, and what was the impact?

Ms Nadine Nembhard, Coordinator, Caribbean Network of Fisherfolk Organisations (CNFO) noted that user rights in fisheries should be based on a human rights approach. With this in mind, the SSF Guidelines should be the basis of any discussion on user rights and access rights. In addition, the equity principle and social factors should also be considered in an inclusive decision-making process.

Mr Nao Thuok, Under Secretary of State of MAFF Cambodia noted that, in his country, fish accounts for 80% of animal protein supply. In 1987, a new law was passed that addressed conflicts between small-scale harvesters and holders of fishing concessions with exclusive rights of access to large areas. In 2000, a policy reform was passed which led to the abolishment of some fishing concessions and the establishment of CFIs. In 2012, there was a new policy reform in which remaining fishing concessions were totally abolished and additional CFIs were established. The establishment of CFIs resulted in access to fishing grounds being granted to small-scale fishers through community fishery groups. Government retained 10% of all fishing areas for conservation. This reform led to a reduction in conflicts concerning the access to the fishery.

Mr Godfrey Monor, Executive Director, Lake Victoria Fisheries Organization, Uganda highlighted the importance of Nile perch fisheries in Lake Victoria, providing livelihood for over 250 000 fishers and their families. Each of the three Lake Victoria countries (Kenya, Tanzania and Uganda) has their own law for accessing fisheries. Overexploitation of Nile perch in the lake is a reality, caused mainly by open access. The way forward is to move to resource ownership and to better share responsibilities. The road map is to give ownership, link with local governments and involve fisherfolk in conservation efforts.

Mr Erick Ross Salazar, Manager, MarViva Sciences, San José, Costa Rica described the work of the MarViva Foundation in supporting the sustainable use and conservation of coastal and marine resources in the Eastern Tropical Pacific. In Costa Rica, Panama and Colombia, MarViva focuses on the following activities: the promotion of responsible fishing gear; voluntary implementation of minimum fish landing size; market-driven demand for responsible fish and seafood; streamlining value chains; and, increased prices for responsibly-harvested fish products. In Costa Rica there are no exclusive fishing rights. The national fisheries

authority Inopesca has promoted Responsible Fishing Marine Areas (RFMAs). The intent is to encourage greater compliance with fishing regulations within these open access management areas. Fishers' associations have seen RFMAs as a tool for protecting their fishing grounds. They seek to regulate fishing gear in sensitive areas. RFMAs are still very new, and MarViva is working with several RFMAs promoting responsible fishing, value chain improvement, capacity building and community surveillance. Improving gender equality is also an important issue in many communities. With respect to future directions, it was suggested that the Fisheries Agency needs to strengthen its Department for RFMAs and the Coastguard Service must work closely with fisherfolk associations.

Ms Graciela Pereira, President of the Network of Women in Fisheries in Latin America, INFOPECA, and Uruguay discussed gender issues in the context of user rights. She noted that secure access leads to greater food security but that in Latin America this security is threatened by climate change, growing population and reduced access to natural resources. Women are particularly vulnerable as they seldom hold tenure rights. Additionally, community and indigenous rights are only marginally recognized. Improving women's rights is an extremely important issue in the post harvesting sector, where women often have no social support. However, women are considered more reliable than men by the banks. Overall, the issue of gender and user rights needs to be discussed more, as very little literature exists on this issue.

3.3 Parallel working groups on strategic governance and legal issues of rights-based approaches: What decision were made and why?

The plenary broke into four parallel working groups (same groups as on Tuesday) on governance challenges: Solutions adopted to overcome governance challenges and lessons learned. The working groups reported back to the plenary on Friday. The notes and conclusions can be found in section 5.1.

3.4 Parallel working groups respectively on: Gender and fishing rights; The redistribution effects/impacts of rights-based approaches; and What will the future look like?

The plenary broke into three working groups on different themes, such as gender, redistribution effects and future of user rights. The participants registered for each working group based on their personal preference and interest. The working groups reported back to the plenary on Friday. The notes and conclusions can be found in section 5.2.

4 Thursday, 26 March 2015,

4.1 Field trip

Kompong Phluk CFI was established in 1999 and supported by FAO. The community is located in Prasat Bakong district, 12 km from National road # 6. The CFI consists of 3 permanently settled villages: Dey Krahom, Thnaut Kombot and Kok Kdols. All border with the Tonle Sap Lake to the South, fisheries protected areas to the North, Danrun to the East and Chong Khneas CFI to the West. The CFI area is 14,293 hectares and is inundated 6-8 months during the rainy season. During the rainy season people live in their villages but during the dry season 60 % of the families move closer to the shores of the Tonle Sap for fishing and move back when rains come again.

Kompong Phluk has 48 hectares of high density inundated forest, which mostly include species like Baringtonia, Cocoscera among others. So far, the forest height is about 15 meters. The history of forest management in Kompong Phluk CFI dates back to 1916. At that time, there were only 5 families who made a living by fishing and farming crops. By 1925, the population had increased and people began clearing forest to cultivate watermelon, maize and sesame. The impact of forest destruction was realized when the communities felt vulnerable from strong winds during rainy season. In 1930, the people decided to protect their forest to ensure regeneration. This area was also reserved as a burial place for the dead during wet season.



Figure 1: The inundated forest community of Kompong Phluk CFi

The belief in the sanctity of the forest as a place where the dead were laid to rest worked as an important indigenous knowledge tool and helped to conserve the forest and ensured regeneration for 70 years. It is believed that before 1940 Kompong Phluk was very rich in biodiversity that included fish such as the Giant cat fish, dolphins, Trey Proma and many other fish which are now very rare or extinct and wildlife such as water birds, storks, pelicans, boas, Cabras, Monkeys and big wild cats. In 1980, the upland farmers moved to the inundated forest and cleared much of it to plant mung beans and watermelon. But in 1995, the authority and the local community stopped this activity to allow for forest regeneration. In 1999 with initiation from FAO and participation of local people, the CFis were established to manage and conserve natural resources sustainability.

Fishing is the most important livelihood activity in the CFi with about 94 % of the population being fishers. Other livelihood activities include fish trading, middlemen, retailers, fish processors, piggery, fish cage culture, vegetable growing and 6 % moneylenders and mechanic. Fishing gears use, include mainly gill nets, shrimp traps (Konsom and Sai yun), small fish traps, long lines, seine nets and arrow fence traps. Average fish catch per family/week is 30-60 kg with a daily fish consumption of 2 kg. Fish is usually sold fresh, but processing by smoking, sun drying and fermenting into Prohok is very common as well.

5 Friday 27 March 2015

The Chair of Friday Session was H.E. Eng Chea San, Delegate of the Royal Government of Cambodia and Director-General, FiA, Ministry of Agriculture, Forestry and Fisheries, Cambodia. The Moderator was Mr KwangSuk Oh, Director, International Cooperation Division, Ministry of Oceans and Fisheries, Republic of Korea.

5.1 Reporting back from 4 parallel sessions on strategic governance and legal issues of tenure/ rights-based approaches

This group discussion centered on governance challenges, governance solutions and lessons learned from a variety of experiences with rights-based management systems. Participants were split into four groups, each examining different regions and their respective situations. The discussion clearly showed the diversity that exists in fisheries between countries, types of fisheries, types of governance and social, economic and environmental structures.²

5.1.1 Group A

² The complete tables and notes from all four groups can be found in Appendix VI.

In Group A, fisheries in Cambodia, Madagascar, Korea, Canada, and the Rift Valley (Africa) were examined. In the discussion of governance challenges, several reoccurring themes emerged that were common to all the countries. These included limited coordination between several government ministries involved in user rights and tenure decisions, the relative lack of secure tenure found in small-scale and artisanal fisheries compared to large-scale fisheries, limitations associated with traditional top-down hierarchical management, and a governmental tendency to side with industry and the economic elites.

In Cambodia, part of the governance solution to these challenges has been to devolve management and enforcement powers to community groups and to close administrative and legal loopholes in an attempt to improve efficient intergovernmental ministry cooperation. A lesson learned from Cambodia was that livelihoods and regulatory enforcement are positively related. Similarly, in the Republic of Korea, the government has made efforts to reform fisheries tenure and management systems in a manner that attempts to include small-scale fishers in planning and enforcement activities to support the sustainable regulation of fisheries. Lastly, in the Rift Valley countries, conflicts between indigenous people and newcomers to the fisheries sector led to greater governance efforts to recognize and consider tribal rights.

5.1.2 *Group B*

Group B looked at the countries of Mozambique, Pakistan, Marshall Islands, Kenya, Canada, India, South Africa, Cambodia, Japan, Sierra Leone, and Costa Rica. The governance challenges cited by this group included: open access in fisheries leading to overfishing; constraints on defining regulations and user rights in legislation; the lack of communication between different levels of administration and between the administration and communities themselves; the exclusion of women from management and tenure governance structures; and, the weight given to considerations such as roads, dams, and intensification of agriculture, in decision-making.

Various governance solutions have been advanced in the countries discussed by Group B. In Mozambique, for example, the government established fishery zones to reduce overfishing and to create a sense of a fishing community among the fisherfolk who share an assigned zone. Pakistan, the Marshall Islands, and Kenya have all made greater efforts to consult with and engage the local fishing communities in creating structured management schemes. In India, the government is exploring the broad spectrum of tenure rights, including how women can be better represented in governance structures.

5.1.3 *Group C*

Group C evaluated the challenges and government solutions resulting from several specific country-based management structures, including Marine Protected Areas (MPAs), TURFs, community-based development projects, and Individual Transfer Quotas (ITQs) in French Polynesia, Cambodia, Mauritania, Senegal, Guinea, Spain, Kenya, the Philippines, Cambodia, and Australia. In the discussion of MPAs, common challenges noted were the lack of participation and involvement of local interests in the creation and zoning of the MPA, the difficulty in acquiring knowledge about fish resources and stocks, and the regulation of activities from other countries. The main solutions from the various countries were to directly involve the government in the establishment of MPAs and to involve all stakeholders in decisions regarding MPA regulations. Even with this solution, MPAs often did not solve fisheries management problems. It was noted that significant biological work needs to be done to provide the scientific basis for establishing effective MPA zones.

With regard to TURFs, the common challenge found was the lack of effective enforcement. To address this challenge, both Spain and Kenya are taking measures to prevent migrant, foreign fisherfolk from fishing in these areas and to monitor who is fishing in TURF areas. The lesson learned from the TURFs case studies is that enforcement is costly and that although limited entry may benefit members of the TURF, migrant fisherfolk's rights should still be taken into account. In the Philippines, activities such as mining are having a negative impact on the country's natural resources, including fisheries. In Cambodia, the infrastructure development efforts, including the building of dams and roads, have also had negative impacts on fisheries. Government solutions to these respective challenges have been to provide greater information to all stakeholders, to support advocacy groups, to bring the issue of fisheries to a higher level and into the decision-making process of other activities, and to encourage the implementation of fishery resource allocations so as to promote sustainable use levels of the fishery.

Lastly, the discussion of the ITQ system employed in Australia highlighted the challenge of the cost of such a management schemes. It was noted that the system promotes sharing between the government and industry to

help identify key functions for fishing communities in co-management schemes. The general lessons learned from the ITQ systems in Australia are that the industry is sometimes more efficient and cost effective than the government, and that resource stewardship can be created and promoted in the country.

5.1.4 Group D

Lastly, Group D focused on governance challenges, solutions and lessons learned from fisheries in Cambodia, The Republic of Maldives, Uganda, Indonesia, and Canada. The challenges that emerged were the use of top-down management structures, conflicting interests within management systems, over-exploitation of fisheries resources, displacement of fisheries workers, and that regulatory frameworks do not promote and appropriately regulate new emerging fisheries. The main solution associated with these varying challenges was to include meaningful consultations with all stakeholders, including traditional and indigenous peoples. In order to incorporate these consultations in the decision-making process, there needs to be the political will to do so, and it can often take a long time to make such a change. However, the consultations are important in creating management and tenure systems as they often have a major impact on small scale fisheries and they also serve to bring transparency to the process.

5.2 Reporting back from parallel working groups: Gender and fishing rights; The redistribution effects/impacts of rights-based approaches; What will the future look like?

5.2.1 Working group 1: Gender and fishing rights

The working group on gender and fishing rights found that traditional fishing rights systems do not foster a meaningful role for women in the fisheries sector. It was noted that the challenges that women face extend beyond the fishery and are linked to broader social conditions, including human rights and land tenure rights. The working group theorized that open access should have an equalizing effect on women's participation in the fishery. However, in reality, social and cultural customs are commonly responsible for limiting women's access to fisheries, even in an open access fishery.

The following factors that limit women's participation in the fishery were identified: lack of access to capital, violence, sexual assault, theft, the inability to travel unaccompanied, the traditional role of taking care of children, and the inability to inherit property or tenure rights. As a result, fisheries tend to move from common property to "male property." However, empowering women is necessary so that they can participate more equally in the economy and the fishery. The working group viewed this broader issue of empowering women as a more essential endeavor than trying to determine the effects of ITQs on women. For women, tenure and individual rights in the fishery were seen as secondary to broader social and political rights.

Four alternative questions to the original questions posed given to the working group were then proposed:

1. How should gender be considered in ensuring that women can fully benefit from access rights to fishery resources, at all stages of the value chain; from pre-harvest to the consumer?
2. What aspects of traditional tenure rights, or of the formalization of such rights, need to be scrutinized to avoid institutionalizing inequities in the current system?
3. How can rights not only be given, but sustained?
4. How can women be empowered to exercise their rights?

The working group also compared the distribution of women in the fisheries value chain in several parts of the world (Box 1).

Box 1: Distribution of women in fisheries value chain

- Europe
 - Fishers (1.5%)
 - Aquaculture (15-25%)
 - Processing (45-50%)
- India
 - Fishers (nearly 0%)
 - Pre harvesting (high %)
 - Post harvesting (high %)
 - Big business tends to be vertically integrated and tends to exclude women
 - Security and legal protection are insufficient
- Uruguay
 - Value chain is male dominated, women are excluded
 - Women are considered only as processing workers and customers
- Kenya
 - Travel restriction on women limit their ability to do business
 - Women are involved only after landing

The working group proposed that a conference be held to specifically focus on the issues related to the empowerment and capacity building of women in the fisheries value chain.

5.2.2 Working group 2: The redistribution effects/ impacts of rights-based approaches

The working group decided to alter their TORs and focus on examples of the transferability and redistribution of rights. At the outset, the group noted that the initial distribution and allocation of fishing rights comes before issues regarding transferability of those rights arise. The following general observations emerged from the discussion: (i) the approach used to allocate fishing rights should depend on the specific objectives (environmental, economic and social) for which the rights-based system is introduced; (ii) improved economic efficiency may have undesirable social implications; and, (ii) equity may be particularly difficult to achieve.

Examples from various countries highlighted the diversity that exists with respect to the transferability of fishing rights. For example, in Iceland there were concerns regarding concentration of fishing rights when ITQs were introduced. In response, Iceland restricted ITQ transfers to large-scale operators. Several countries, including Norway, established limits on quota holdings at the time ITQs were being introduced, thereby restricting the level of concentration. Japan has established coastal community management arrangements, but there is no uniform approach to bringing in new entrants. Lastly, Uganda allows intergenerational transfers of fishing rights, where the eldest son inherits father's fishing right. These diverse examples demonstrate that there is no standard approach to reallocating fishing rights.

5.2.3 Working group 3: What will the future look like?

The third working group was asked to discuss critical future challenges facing environmentally, economically, and socially sustainable fisheries, and how different types of rights-based systems can or cannot contribute to overcoming these challenges. The working group noted that the UserRights 2015 forum created a platform for defining holistic approaches required to improve tenure and fishing rights globally. The group also noted that although there is no "one size fits all" rights-based system, there are several commonalities among the challenges that fisheries face. These include issues of exclusion and inclusion, equity, feasibility of consultative processes and inter-sectoral aspects of fisheries. With regard to these common challenges, differences will arise depending on whether a fishery is inland, coastal, community-based, small-scale, large-scale or offshore.

The group also discussed the definition of the term "rights", the allocation of fishing rights, the security of fishing rights and the responsibilities of those who hold fishing rights. The following main points emerged from the discussion: exclusion is inevitable in any system of fishing rights, external as well as internal factors

in fisheries and their impact on the sector must be considered, and stakeholders' dialogue and consultations help promote equity. The importance of knowledge and information in creating effective fisheries management systems was emphasized, and it was noted the importance of ongoing assessments of fish stocks. In order to ensure effective and equitable rights-based systems, the following components were identified at a national level: good governance, strong rule of law, adaptability, political will and support, and a recognition that fisheries resources belong to the state. Support from the government can help communities gain control over local natural resources.

The working group then outlined lessons learned and proposed steps from its discussion (Box 2).

Box 2: Lessons learned and next steps

- No "one size fits all" fisheries rights-based approach
- Scoping and identification of problems/challenges is necessary
- Learning from the experiences of other relevant fisheries
- Political willingness to enhance fisheries
- Awareness raising from fishers at the local, national, international levels

Plenary comments looking forward: What should we do better in the future?

A brief summary of several "Open Microphone" comments is presented below.³

Mr KwangSuk Oh, Director, International Cooperation Division, Ministry of Oceans and Fisheries, Republic of Korea discussed the Republic of Korea's co-management system. Prior to 2001, Korea had a centralized fisheries management system that could not protect fisheries resources from overexploitation. Under this system, competitive fishing resulted in a high level of illegal fishing and overfishing. In 2001, the Korean government and fishers introduced Korea's Fisheries Co-management. As of 2013, there were over 1000 fishing communities participating in fisheries co-management. Four steps were identified for co-management: (1) to improve the fishing ground environment; (2) to more actively manage fisheries resources; (3) to improve business; and, (4) to ban IUU fishing and observe fisheries laws. The main co-management system in the Republic of Korea has resulted in a large number of participating communities and fishers, a gradual increase in the amount of fisheries biomass since the year 2003 and an increase in the average income of fishing communities participating in co-management. These positive results were attributed to clear objectives, strong political will, creating proper incentives and active communication amongst local and national actors.

Ms Mina Hori (Kochi University/Japan) and Nobuyuki Yagi (The University of Tokyo/ Japan) gave the presentation "Sharing Experience on Japanese Fisheries Management". In their presentation they introduced Japanese management approaches for offshore, long distance, and coastal fisheries. Whereas offshore and long distance fisheries are managed by a top-down approach, coastal fisheries are managed by applying a bottom-up approach. Coastal communities are responsible for setting rules for users including gears, minimum size of caught fish, length of fishing season, and no take zones. As clarified under the 7c Taiho Code, collecting benefits from rivers, streams, and mountains are open for all and are to be shared. One of the most popular rights-based management systems employed by communities is a pooling system in which all fishers who share the fishing grounds pool the sales and divide it among all the members. Clear advantages of the pooling systems include lower operational costs, effective use of resources, and ordered fishing grounds. However, potential weaknesses include stagnation in investment and lowered motivation to work.

Ms Maria Sahib Mimra presented the Vessel Day Scheme (VDS) in the Republic of Marshall Islands and its impact on fisheries management and resource utilization. The experience shows that the VDS is well accepted by all stakeholders, after a rather lengthy adaptation process. The impact of the VDS on the tuna resource seems to be positive. Overall, the impact on the Republic of Marshall Islands' economy can be evaluated.

Ms Jesu Rethina, SNEHA, discussed considerations related to women and fisheries rights issues in India. She noted that addressing the tenure rights of women requires looking into both harvest and post-harvest activities, in addition to issues of housing and shelter. Fisheries is a source of livelihoods for many women, primarily post-harvesting activities. Tenure rights are required for housing, for fish landings and for supplying fish to

the consumer. She stated that rights of women include having access to housing and shelter, fish catch (to participate in auctions) and access to post harvest facilities (to access to beach and other facilities for fish processing activities). Ms Rethina noted that there is a shift from landing fish at shore-based fisheries to harbor-based fisheries. As a result, the domestic fish trade that existed, even in small fish landing centres, is vanishing and having a negative impact on women. Major fishing harbors are controlled by businesses that do not encourage women fish vendors to access fish from these harbors. Ms Rethina made several recommendations, including securing housing and shelter for women, improving access for women vendors to fish in landing centres and fish processing facilities, and to provide better amenities at markets to prevent further displacement.

Mr Nikola Kutin from the National University of Management, Cambodia, described an initiative involving numerous partners that is intended to achieve research sustainability at the National University of Management. The initiative involves setting up a national socioeconomic observatory to analyze socioeconomic impacts related to: fisheries (inland, marine, including aquaculture) and waterway transport (maritime and inland). The project will collect data from multiple sources, provide these data to everyone and prepare two reports: Stakeholder Analysis and Composite Indicators. In the months following the 2015 UserRights forum, a report will be prepared on the creation of composite indicators related to the fisheries sector and maritime transport, including indicators related to economic performance, sustainability and adaptively (vulnerability). In addition, a website will be created, and a conference will be held on “Maritime Issues in Cambodia.”

Mr Claudio Baigun from Wetland International commented on fishing rights in inland fisheries. He noted that fishing tenure in inland fisheries is fundamental in assuring economic growth, food security, employment, equitable access to resources and poverty alleviation. He noted that inland fisheries had been overlooked during the work of this forum and noted some of the differences in user rights issues between marine and inland fisheries. It was noted that artisanal inland fishers are facing increasing conflicts associated with water and land uses such as damming, drying of floodplains for urbanization, agricultural and cattle ranching practices, all of which reduce fish habitats, limit access to fishing areas and can impact fish quality. Tenure conflicts involve land-water interfaces particularly in highly pulsatile systems (Amazon, Orinoco, Meckong, etc.) given floodplains are valuable areas for various productive activities that may compete with fishing. In conclusion, Mr Baigun highlighted the need to adopt new visions of fisheries sustainability encompassing a basin scale perspective and stakeholder participation in policy-making decisions.

Mr Tom Grasso of EDF described their initiative for science in data-limited fisheries. Three billion people worldwide rely on seafood as a key source of protein, and nearly 260 million people work in ocean fishing and related jobs, many in developing countries. EDF is working on the ground in places like the United States, the EU, Mexico and Belize where reforms are taking hold, as well as in Indonesia, Philippines, Cuba and other countries. EDF’s goal is to catalyze reforms in fisheries managed by 12 governments that together control 62 percent of the world’s catch. Reforms at this scale, when combined with the eight percent of fisheries already fully reformed, could tip the entire global fishing economy so that sustainable fishing takes hold worldwide. EDF’s approach to fisheries reform centers on working with governments to grant fisherfolk long-term, secure rights to fish under a clear set of rules. This resets fisherfolk’s incentives, so that conservation pays. The new project as illustrated by Mr Grasso is aiming at improving the data availability for fisheries from developing countries, especially those with data deficiency.

Mr Pedro Garcia of SAUFF gave an overview on the implementation of fishing rights at grassroots level in South Africa and illustrated the present conflict between stakeholders, especially small scale fisherfolk versus industrial fisheries. After years of conflict, the South African government is starting to create a new legal framework for small scale fisheries and has asked FAO to assist in preparing this framework. The anchor stone of this revised framework will be the SSF guidelines, and the new legislations will be fully based on it.

Ms Jane Njeri Kinya from the Kenya Ministry of Agriculture, Livestock and Fisheries gave an overview of fisheries governance in her country. She described a study on the management of fisheries in Lake Victoria. There are three Partner States that share Lake Victoria (Kenya, Uganda and Tanzania). In Kenya the study assessed all of the different agencies involved in collection of fees for the fishery and proposed the establishment of a Fisheries Levy Fund to support fisheries management and research. The study also recommended that a TAC be established for Lake Victoria and that the TAC be divided equally among the three countries. While the proposal has not been implemented, the potential benefits include a seamless fishery

for the three partner states, linking fishery resource sustainability to management fund mobilization, and economically empowering the current fishers. The challenges include not only the high cost of monitoring compliance with the TAC for fisheries management authorities, but also that fisheries administrators perceive a risk of moving the Fisheries Levy Fund away from the respective current fisheries management administrations.

Mr Sony Oum from NTFP-EP, Cambodia showed a video on partnerships for fisheries and forestry. The video showed that traditional fishing rights were being degraded or destroyed. He noted that environmental disasters also affect people on the Mekong River and their livelihoods. In addition, it was mentioned that some communities risk losing their land to economic developers and hydro dams, and that communities need to be put in a position to keep their traditional rights to land and access fisheries' resources. Partners for Forestry and Fishery Cambodia (PaFF) is currently helping 30 communities improve their livelihoods and, over the next eight years, the programme will expand to cover 75 forestry and fishery communities.

Mr Adam Soliman from the Fisheries Law Centre, UBC, Canada gave an overview of the various definitions of fishing rights. Many participants commented that this type of presentation was fundamental for the whole meeting and should have been given as an introductory presentation on day one.

Ms Graciela Pereira described the work of INFOPESCA in Latin America related to post-harvesting activities, a topic she identified as not receiving enough attention during the forum. Ms Pereira noted that several working groups had highlighted post-harvest activities as an important element of tenure rights and, given the prominence of women in the post-harvest sector, suggested that additional work needs to be carried out to address the concerns identified.

5.3 Consolidating thoughts— Forum highlights

5.3.1.1 Comments on the forum highlights from various perspectives

H.E Prof. Nao Thuok, Under Secretary of State of MAFF and Mr Georges Dehoux, Attaché, Cooperation Section, Delegation of the EU in the Kingdom of Cambodia and Co-Chair of the Cambodia Technical Working Group on Fisheries provided comments on the highlights of opening day of the forum. They noted that on Monday, various case studies were presented, giving a wide range of perspectives on the different ways user rights are applied in fisheries from developed to developing countries. It was noted that the host country, Cambodia, represents an outstanding example of successful community-based user rights.

Mr Hajime Kawamura, Deputy Secretary General, SEAFDEC and Ms Nancy Gitonga, Consultant, FishAfrica, reported on the second day of the forum. They noted that on Tuesday, the theory of the fishing rights as a management tool was discussed, along with further examples of rights-based approaches which are applied in several countries. The day included a panel of six experts gave brief presentations on social, economic and environmental aspects of implementing user rights systems. The panel provided forum participants with useful information on challenges that can occur in the context of user rights approaches in fisheries management. The day concluded with two other presentations touching on the industry and community perspectives with respect to strategic governance and legal issues of right based approaches.

A brief summary of the main challenges associated with the implementation of user rights systems is presented below (Box 3).

Box 3: Main challenges and issues

1. The processes to reach a compromise on user rights agreements are very long and require patience, focus, commitment, and elaborate stakeholder and resource users consultations and involvement. The case of Australia's northern prawn fishery demonstrated this quite well.
2. It is recognized that a valuable resource held by a single or entity is likely to be taken care of and can therefore maximize incomes and economic growth but such a system may not be fair or preserve traditions. While negotiating user rights, the full suite of options - which may be territorial rights, sole ownership, ITQs and IQs, community rights - ought to be considered in the decision-making process.
3. Should oceans be privatized in pursuit of profits and fisheries sustainability? Careful use of words in this fisheries management paradigm is needed. User rights is not exclusively applicable to industrial fishing. It is applicable across the entire spectrum of resource users and beneficiaries. Decisions on user rights impacts, especially on other fisheries and resource users, should be clearly thought through, be properly articulated and the ownership of such rights considered as an annual privilege.
4. The negotiated VGGT are useful as they provide an opportunity, space and guidance for communities to engage with other stakeholders. This notwithstanding, are these guidelines useful in guiding the user rights approach processes to realize fair decisions?
5. No management system is perfect. Therefore, stakeholders, resource users and beneficiaries should look for the system that best suits them and the environment. In selecting any fisheries management system, limiting fishing access is critical. Open access and uncontrolled fishing for any capture fisheries should not be given consideration as it spells disaster for the fisheries, the environment and the users.

Mr Miguel Peña Castellot, DG MARE, European Commission and Mr Adam Soliman, Director, the Fisheries Law Centre, UBC, Canada, reported on the third day of the forum. They noted on Wednesday, two presentations were made by two colleagues from Africa: a South African small-scale fisherman and an official from the African Union. The first presentation highlighted how things developed in South Africa after the end of the apartheid and the choices, often painful, that had to be taken in the path to democracy. The second presentation showed the challenges and advantages of cooperation between nations, especially important in a field like fisheries where fishing grounds are often shared by fishing nations and where fishing resources move around.

A consistent message throughout one day was that widespread consultation and inclusion of all stakeholders, particularly customary fishing for subsistence or for profit, which are nearly always small-scale, artisanal fisherfolk -- is of the utmost importance to get the fishery management right for society. The system has to be built into law and has to result in stability and security for all. Effective enforcement is also crucial as well as access to justice and judicial control. Stability does not mean that the fishery management system is carved in stone. It has to be possible for the system to evolve and adapt to changing circumstances. Supranational approaches are, of course, welcomed because access to and management of fisheries is often a supranational issue.

The panel presentation session on Wednesday added to the discussion on several topics, including gender issues, and one conclusion was that an entire conference should be dedicated to women and fisheries. The rest of presentations on day three brought to the forum the importance of good data for management and emphasized the need for governance and for equity considerations. The last panel presentation stressed the role of NGOs and the importance of bottom up approaches.

H.E. Eng Chea San, Delegate of the Royal Government of Cambodia and Director-General of FiA, Ministry of Agriculture, Forestry and Fisheries, Cambodia and Mr KwangSuk Oh, Director, International Cooperation Division, Ministry of Oceans and Fisheries, Republic of Korea reported on the main outcomes of the last day

of the forum. They noted that on Friday, fisheries management systems in many countries were discussed, including examples from developed and developing countries, as well as those that emerged from top down and bottom up approaches, with a particular focus on livelihoods, food security and nutrition.

Discussions included that fisheries governance is needed to address challenges such as population increase, migration and economic crisis which all affect securing tenure in SSF. Devolving management to local levels and co-management are possible solutions, together with legal processes. In addition, the role of Marine Protected Areas for management was debated. It was recognized that approaches vary and no “one size fits all” solution is available, but common themes are stakeholder inclusion (or exclusion), the need for better science, transparency and accountability (or the lack of it), and the need for cross-sector dialogue.

In addition, gender issues in fisheries were discussed in several presentations. Socio-economic and cultural factors that favor men in fisheries were identified as problematic, along with the trend toward “all male” property replacing common property. The need to better target women in empowerment and capacity building efforts throughout the value chain was also highlighted. Major challenges were identified, including how women can be empowered to exercise their rights and how these rights can be sustained. Other points highlighted include the importance of community organization and empowerment, equity of resource allocation and equitable development in general, the need for political will, and participatory management based on stakeholder participation and consultation.

It was argued that fisheries belong to the State and will continue to do so but that there is a collective responsibility to manage resources involving State, fishers and resource users in all stages of the value chain, and all citizens.

5.4 *FAO comments*

Ms Helga Josupeit, FAO, highlighted the gender aspects of tenure rights and noted that women are often overlooked in the allocation of fishing rights, in part because they are mainly involved in the post-harvest sector. Also, the forum found that there is very little literature dealing with the theme of women’s involvement in the fishery and that more work should be dedicated to this issue. There had been a call for a dedicated forum on just this topic.

Ms Rebecca Metzner, FAO, summarized the outcomes of the forum, noting that there were 140 participants from 38 countries and that Asia was particularly well represented. While the gender distribution was somewhat uneven, she noted that approximately one-third of the participants were women. A key aspect of the forum was the generation and sharing of knowledge which was appreciated by the majority of participants, and Ms Metzner noted that information sharing extended beyond the structured daily programme with numerous groups forming in the evenings to discuss their specific fisheries rights issues. The holistic ecosystem approach is increasingly becoming the basis for fisheries discussions and this was evident throughout the forum. Importantly, since the approval of the CCRF in 1995, several global instruments have been approved such as: the Right to Food, the Declaration on Indigenous Rights, the Voluntary Guidelines on Governance of Tenure and the Voluntary Guidelines for Securing Small-scale Fisheries, which are all important when talking about tenure rights in fisheries.

The forum had identified a number of common challenges, including financing the introduction of rights-based approaches in fisheries and the importance of triangulation of food security, livelihoods and wealth. Equity and efficiency were identified as fundamental components of the decision-making process, as well as the importance of taking into account imbalances of power.

Ms Metzner also noted that capacity development for on-the ground actions is essential, and identified four specific groups in this context -- fishers, managers, communities and politicians. Timeframes for transitions to new fisheries management approaches vary from two years, eight years or even 30 plus years in some instances. Ms Metzner emphasized that it is important to continue the dialogue on fishing and tenure rights and noted the call for future regional meetings that could be held every one to three years, with global meetings occurring every five years.

5.5 *Closing ceremony*

The closing speech from FAO was given by Ms Metzner and the farewell speech on behalf of the host county, Cambodia, delivered by H.E. Eng Chea San (Appendix VI).

6 After session activities

One of the first steps taken to move forward on the topic of governance and rights-based approaches in fisheries after the UserRights 2015 forum was to survey all participants. A questionnaire sent to each participant provided the basis to evaluate the forum, identify priority topics for follow up action and help plan the timing of future forums. A brief summary of the survey results follows, and the full results of the survey are reproduced in Appendix VII.

Overall, there was a high level of satisfaction with the forum. Specifically, about 80% of the respondents indicated that they were satisfied or very satisfied with the organization of the forum. Several constructive critiques were provided that will be helpful in planning future forums, For example, some respondents indicated that the overall scope of the meeting was not clear and had not been presented at the start of the forum. As well, several respondents indicated that the terms of reference (ToR) of the breakout groups were not very systematic and that the case studies presented in the plenary sessions were uneven in quality. The utility of examples was also questioned since the experience in one part of the world is not always applicable in other parts.

The division of time between breakout groups and plenary was generally found adequate. The vast majority of respondents, over 90%, indicated that they had acquired new knowledge and made new professional contacts that will help them improve their work. The field trip was found inspiring by the majority of respondents, indicating that it was important to see the reality of the fisheries management at a community level.

Allocation was identified as the most important governance of tenure topic that should receive additional attention in the future. The other two top topics identified as priorities for future work included political economy factors and training for capacity development. Additional areas of work identified as important included: tools for capacity development of rights-based systems, financing transitions to rights-based systems and sustainable fisheries, and identifying alternative business or livelihood strategies for communities directly and indirectly dependent on fisheries.

Several respondents indicated that the User Rights 2015 forum had marked a positive change from the previous discussions on fishing rights that had been held in developed countries and that had focused heavily on ITQs.

With respect to future meetings, most respondents reiterated the desire for regional level meetings should occur every two to three years and a global meeting every three to five years.

Appendix I: Opening Address by H.E. Eng Chea San, Director General of Fisheries Administrations, Ministry of Agriculture, Forestry and Fisheries, Cambodia

The opening address given by H.E. Eng Chea San, Director General, FiA, Ministry of Agriculture, Forestry and Fisheries, Cambodia, follows.

Excellency Nao Thuok, Under Secretary of State of Ministry of Agriculture, Forestry and Fisheries, Cambodia,

Excellency Sin Run, Deputy Governor of Siem Reap Province,

Ms Nina Brandstrup, FAO Representative in Cambodia on behalf of H.E. Dr. José Graziano da Silva, Director-General of FAO,

Excellency Jean-François Cautain, Head of the Delegation of the European Union in Cambodia,

Excellency Eng Chea San, Delegate of the Royal Government of Cambodia and Director-General of Fisheries Administration, Ministry of Agriculture, Forestry and Fisheries of Cambodia,

Mr Johán H Williams, Specialist Director Fisheries and Aquaculture, Ministry of Trade, Industry and Fisheries, Norway,

Excellencies, Ladies and Gentlemen,

Distinguished National and International Guests!

Today, on behalf of **H.E. Dr. Ouk Rabun**, Minister of Agriculture, Forestry and Fisheries of Cambodia, I have a great pleasure to participate in the opening of the global forum on “rights-based approaches for fisheries” as part of Tenure and Fishing Rights 2015. I would like to thank and highly commend the Food and Agriculture Organization of the United Nations (FAO) and the FiA of the Ministry of Agriculture, Forestry and Fisheries of Cambodia for closely collaborating in organizing such an important event on the land of Angkor in Siem Reap province.

I would like to warmly welcome Excellencies, ladies and gentlemen, officials at all levels, experts, all delegations, representing a wide range of international organizations, distinguished national and international guests for joining today’s event. Your participation and significant inputs as ideas, experiences and recommendations are very useful for contributing to sustainable management, conservation and development of fisheries sector in the world.

We are all highly ambitious for the future of the world; that is the world free of extreme poverty and the world where decent jobs are available, everyone has good incomes and is well fed with nutritious food, all children have access to quality education, economies are dynamic with sustainable growth, the benefits from the growth are equitably shared, natural resources are used sustainably, and temperature increases from climate change are well manageable. To achieve this ambitious future, tremendous efforts need to be made in the spirit of collaboration and partnership both within individual country and in the world. Therefore, this forum is of critical importance as it is an event that reflects such spirit, aimed eventually at bringing prosperity and happiness to the people.

I strongly believe your participation in this forum would greatly contribute to the enhancement of right-based approaches for sustainable management of fisheries resources, which is conducive to contributing to ensuring food security, meeting nutrition needs, increasing incomes, and, in turn, reducing poverty and improving livelihoods of the people, especially the poor and the disadvantaged. We do share common strategic goals and it is worth to recall that they are to end hunger, food insecurity and malnutrition, promote productivity and production of agriculture and fisheries, alleviate poverty, and enhance resilient livelihoods. In this connection, we need to jointly work out comprehensive strategies for protection, use and management of natural fisheries resources in a sustainable manner for the sake of the present generation and generations to come.

Excellencies, ladies and gentlemen

Despite the fact that Cambodia is moving forward from low-income to achieving a lower-middle income status, and that the people's income has increased, fish and aquaculture remain the staple food, together with rice forming the mainstay of Cambodian diet. Researches show that many Cambodian people like to consume fish, and, on average, the annual per capita consumption of fish is between 52 kg and 63 kg. Fish accounts for 80% of Cambodian people's intake of animal protein. Fisheries sector also plays important roles in Cambodia in a social safety-net and in creating job opportunities. Over 6 million people are engaged in fisheries sector-related activities, being fishers, fish processors, fish traders, fish tool and equipment makers and sellers and so on.

Taking this into account, the Royal Government of Cambodia has set the National Fisheries Sector Policy which recognizes that the fisheries sector is crucial to people's livelihoods and the national economy, identifying fisheries' contribution to the national goals of environmental protection, conservation of biodiversity, socioeconomic development, good governance and poverty alleviation as part of the Royal Government's Rectangular Strategy. The Royal Government's enduring vision for the fisheries sector has been established, focusing on the management, conservation and development of sustainable fisheries resources to contribute to ensuring people's food security and to socioeconomic development in order to enhance people's livelihoods and the nation's prosperity.

To improve livelihoods of the people and to empower the local communities to take part in the management and conservation of the fisheries resources, the Royal Government of Cambodia implemented the fisheries reform in 2000, and deepened it in 2012 by cancelling all fishing lots and making them available for artisanal fishing, strengthening and expanding fisheries communities and fisheries conservation. The reform has increased and promoted the role and the rights of the dependent people and communities to join and collaborate with the government in protecting, managing and conserving the fisheries resources. The legal and regulatory framework and mechanisms have been developed to support the FiA and local communities, aimed at ensuring sustainability of fisheries resources for Cambodian people. In this context, the small-scale fisheries, rights to access the fisheries resources, and the communities have been increasingly recognized for legal protections and support.

The Ministry of Agriculture, Forestry and Fisheries of Cambodia has a mission to bolster up rural household economies and their livelihoods through promoting the development of all sub-sectors of agriculture. Under the wise leadership and guidance of **Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia**, the Ministry of Agriculture, Forestry and Fisheries has been performing its duties in partnership with national and international organizations as well as various communities to serve the best interests of the Cambodian people in accordance with its mission. Correspondingly, the cooperation in the fisheries sector through the FiA with development partners have been increased, especially in law and regulation preparation and dissemination, technical capacity building, fisheries community development, technical extension on the aquaculture development, and fishery resources conservation.

Excellencies, ladies and gentlemen

We have common responsibility to attain sustainability of fisheries resources and increased living standards of the people. Thus, we need to strive for fisheries resources protection and conservation, strive against all types of illegal fishing activities, by strengthening law enforcement, at the same time reinforce and develop management capacity of fisheries communities to ensure the effectiveness, develop aquaculture, and to improve the quality and safety of fishery products. Besides, we need to reduce the vulnerability of our fisheries environment to existing and future threats, including the effects of climate change. We need to ensure that the great contributions that fisheries bring to nutrition, livelihoods and growth are available to all the people, especially small-scale fishers, the poor and the disadvantaged.

Much attention had been paid to the commercial large-scale fisheries before, but less to small-scale ones. That is why meetings like this one are so important, helping to promote the small-scale fisheries, especially through right-based approaches. Promotion of legitimate rights for legitimate livelihood activities related to fisheries would help bring about the sustainability of fish stock for our children and generations to come. Nonetheless, all considerations and measures to be taken need to cover participatory aspects as well as environmental, socioeconomic, and cultural aspects to have balance between the development and conservation.

I believe that this forum would give all participants and parties concerned a chance to exchange views and ideas in a constructive manner on how to inventively maximize benefits for the rural people in a sustainable manner. The 5-day event, including presentations, discussions and field visits, serves as platform for

contribution by all participants to developing common favorable strategy for an enabling environment that empowers rural people to play more active and stronger role in the process of sustainably managing and using our natural fisheries resources for stimulating socio-economic development. The forum will promote communication and cooperation among governments, private business partners, academic communities and other organizations. I wish you all success in your deliberations and encourage you to make use of this opportunity to foster and expand cooperation, learning and friendship, which will benefit all of us. The Ministry of Agriculture, Forestry and Fisheries through FiA is committed to the cooperation and will take account of key recommendations with which the forum comes up.

Once again, on behalf of **H.E. Dr. Ouk Rabun**, Minister of Agriculture, Forestry and Fisheries, I would like to extend my hearty welcome and profound gratitude to Excellencies, ladies and gentlemen, for joining the opening ceremony of the global forum on “rights-based approaches for fisheries”. Finally, with the official announcement of the opening of this meaningful event, I would like to wish Excellencies, ladies and gentlemen, distinguished national and international guests a fruitful outcome of the forum, good health and immense success, and a pleasant stay here in Siem Reap province. I do hope our land of Angkor will provide all delegations with happiness and good memories.

Thank you!

Appendix II: List of participants

Title	Surname	Name	Organization	Country
Ms	Aboubacar	Sidibe	AU-IBAR	
Mr	Adhuri	Dedi S.	Research Centre for Society and Culture, Indonesian Institute of Science	Indonesia
Ms	Agnarsdottir	Anna	University of Iceland	Sweden
Mr	Ahn	Chiguk	FAO	Italy
Mr	Andrianarivelo	Ny Aina	Blue Ventures Conservation	Madagascar
Ms	Arce	Minerva	ECOSUR	Mexico
Mr	Arnason	Ragnar	University of Iceland	Iceland
Mr	Asmath	Safy		
Ms	Bagnis	Hinano	Tetiarioa Society	French Polynesia
Mr	Baigun	Claudio	Wetlands International (Caribbean and Latin America)	Argentina
Mr	Baio	Andrew	University of Sierra Leone Natural Resource Management Consortium	Sierra Leone
Mr	Bennabou	Abdelouahed	COMHAFAT/ATLAFCO	Morocco
Mr	Bess	Randall	Environmental Defense Fund	New Zealand
Ms	Beye Traore	Dienaba	SRFC	Senegal
Mr	Bogason	Arthur	World Forum of Fish Harvesters & Fish Workers	Iceland
Ms	Bonzon	Kate	Environmental Defense Fund	USA
Ms	Brandstrup	Nina	FAO Cambodia	Cambodia
Mr	Bunna	Pech	FiA	Cambodia
Mr	Camara	Larine	Minister des peches et de l'economie maritim	Mauritania
Mr	Cautain	Jean-Francois	Delegation of the EU to Cambodia	Cambodia
Mr	Chan	Tho	FiA	Cambodia
Mr	Chan	Ratana	FiA	Cambodia
Ms	Chap	Sreyphea	The Learning Institute	Cambodia
Mr	Cheang	Norith	FiA	Cambodia
Mr	Chhuon	Kimchhea	FiA, Ministry of Agriculture, Forestry, and Fisheries	Cambodia
Ms	Chin	Leakhena	SEAFDEC	Thailand
Mr	Clark	Richard	FAO	Australia
Mr	Cunningham	Stephen	IDDRA	UK
Mr	Deap	Loeung		Cambodia
Mr	Degen	Peter	MRC	Cambodia
Mr	Dehoux	Georges	Delegation of the EU to Cambodia	Cambodia
Mr	Del Rio	Nelson	Prosperity of the Commons International	USA
Mr	Em	Puthy	FiA	Cambodia
Mr	Eng	Chea San	MAFF	Cambodia
Mr	Ercelawn	Aly	Pakistan Institute of Labour, Education and Research Pakistan Fisherfolk Forum	Pakistan
Mr	Erikson	Wesley	Pacific Halibut Management Association	Canada
Mr	Estepa	Norberto	FiA	Cambodia
Mr	Fersoy	Haydar	FAO	Turkey
Mr	Foster	Charles		

Title	Surname	Name	Organization	Country
Mr	Fuentevilla	Carlos	FAO	Italy
Ms	Fustos	Elizabeth	Chemonics International	USA
Mr	Garcia	Pedro	South African United Fishing Front	South Africa
Mr	Gerald	Miles	Rare	USA
Mr	Gindano	Christopher	Marina Research Group, University of Washington	USA
Ms	Gitonga	Nancy	FishAfrica	Kenya
Mr	Grasso	Thomas	Environmental Defense Fund	USA
Mr	Greboval	Dominique	Indian Ocean Commission	Mauritius
Ms	Hansel	Carmelita	Mindanao State University	Philippines
Ms	Hap	Navy	FiA	Cambodia
Mr	Hastings	Jay	Sustainable Communities International	USA
Ms	Heng	Chinda	The Learning Institute (LI)	Cambodia
Ms	Heng	Sreydeth	FiA	Cambodia
Ms	Hori	Mina	Kochi University	Japan
Ms	Jack	Patricia	PNA Office	Republic of Marshall Islands
Mr	Jaffer	Naseegh	WFFP	South Africa
Ms	Jarrett	Ann	NPFI	Australia
Mr	Jones	Ronald	Learning Institute	Cambodia
Ms	Josupeit	Helga	FAO	Italy
Ms	Kaing	Khim	FiA	Cambodia
Mr	Kamuturaki	Seremos	Uganda Fisheries and Fish Conservation Association	Uganda
Mr	Kawamura	Hajime	SEAFDEC	Thailand
Mr	Kea	Polak	FiA	Cambodia
Ms	Keo	Sovathepheap	FiA	Cambodia
Mr	Kimchhea	Chhuon	FiA	Cambodia
Ms	Kinya	Jane	Ministry of Agriculture, Livestock & Fisheries	Kenya
Mr	Kutin	Nikola	National University of Management	Cambodia
Ms	Landman	Jessica	Environmental Defense Fund	USA
Ms	Laura	Anna-Marie	Rare	USA
Mr	Lieng	Sopha	Department of Community Fishery Development (CFDD)	Cambodia
Mr	Liyanarathna	Nimal Jayasinghe	Practical Action	Sri Lanka
Mr	Loeng	Senghour	FiA	Cambodia
Mr	Logan	Philip	NOAA (Retired)	USA
Ms	Logan	Nan	NOAA (Retired)	USA
Mr	Long	Sona	Cambodia Climate Change Alliance, Government of Cambodia	Cambodia
Ms	Louwa	Christiana	El Moro Forum/ Coordinating Committee-member WFFP	Kenya
Mr	Macgillivray	Paul	Independent Fisheries Consultant	Canada
Mr	Macinko	Seth	University of Rhode Island	USA
Mr	Malate	Erudito Boavida	Ministry of the Sea, Inland Waters and Fisheries - National FiA - ABNAP	Mozambique
Mr	Mathew	Sebastian	International Collective in Support of Fishworkers	India
Mr	Mattson	Niklas	Niras / EU Programme "Promotion of inclusive and sustainable growth	Cambodia

Title	Surname	Name	Organization	Country
			in the agricultural sector: fisheries and livestock"	
Ms	Mattson	Turid		Cambodia
Ms	Mattsson	Ylva	Swedish Agency for Marine and Water Management	Sweden
Ms	Metzner	Rebecca	FAO	Italy
Mr	Miles	Gerald	Rare	Australia
Mr	Monor	Godfrey	Lake Victoria Fisheries Organization	Uganda
Mr	Morikawa	So	University of Tokyo	Japan
Mr	Morm	Amnot	MAFF	Cambodia
Mr	Mukherjee	Rajdeep	Bay of Bengal Programme	India
Mr	Nao	Thuok	MAFF	Cambodia
Mr	Naoki	Mizuno	University of Tokyo	Japan
Mr	Ndiaye	Papa Gora	REPAO	Senegal
Ms	Neang	Simorn	FiA	Cambodia
Ms	Nembhard	Nadine	CNFO	Belize
Mr	Nouala	Simplice	AU-IBAR	
Mr	Noumonvi	Kokouvi Julien	Direction de la Production Halieutique et Aquaculture	Benin
Mr	Oh	KwangSuk	Ministry of Oceans and Fisheries	South Korea
Mr	Ouk	Vibol	FiA	Cambodia
Mr	Oum	Sony	Non-Timber Forest Products Exchange Programme (NTFP-EP)	Cambodia
Mr	Peña Castellot	Miguel	Comision Europea	Belgium
Mr	Penas Lados	Ernesto	DG Mare/ EU	Belgium
Ms	Pereira	Graciela	INFOPECA	Uruguay
Mr	Pich	Sereywath	FiA	Cambodia
Ms	Pictou	Sherry	Bear River First Nation	Canada
Mr	Plamondon	Jim	Khum Chrouy Sdau	Cambodia
Mr	Prin	Savin	FiA	Cambodia
Mr	Pulungan	Agusdin	WAMTI (Indonesian Farmer and Fisher Society Organization)	Indonesia
Mr	Rathnaweera	Erwin	Practical Action	Sri Lanka
Ms	Rattana	Tiaye	SEAFDEC-TD	Thailand
Ms	Rethinam	Jesu	SNEHA (Social Need Education and Human Awareness)	India
Mr	Rodgers	Leonard	Fintrac / USAID, Cambodia HARVEST	Cambodia
Ms	Romano	Francesca	FAO	Italy
Mr	Runolfsson	Birgir	FAO	Italy
Ms	Sahib	Maria	Marshall Island Marine Resource Authority	Republic of Marshall Islands
Mr	Salazar	Erick Ross	MarViva Foundation	Costa Rica
Ms	Salinin	Soeung	FiA	Cambodia
Mr	Samreth	Sambo	FiA	Cambodia
Mr	Sanguila	Misael	Mindano State University	Philippines
Mr	Say	Prummy		Cambodia
Mr	Schmidt	Ulrich	Consultant	Cambodia
Ms	Seggel	Anika	FAO	Italy
Mr	Shifaz	Ahmed	Ministry of Fisheries and Agriculture	Maldives
Ms	Sim	Thavary	FiA	Cambodia

Title	Surname	Name	Organization	Country
Mr	Skarphedinsson	Kristjan	Permanent Secretary for Fisheries and Agriculture, Iceland	Iceland
Mr	Soliman	Adam	The Fisheries Law Centre, UBC	Canada
Mr	Sou	Jotra	FiA	Cambodia
Ms	Sreng	Phonny	FiA	Cambodia
Mr	Sreykeo	Sopheak	FiA	Cambodia
Mr	Stavrinaky	Aristoteles	Environmental Defense Fund	Mexico
Ms	Tegelskär Greig	Gunilla	Swedish Agency for Marine and Water Management	Sweden
Ms	Thach	Phannady	FiA	Cambodia
Mr	Thor	Sensereivorth	FiA	Cambodia
Mr	Tum	Nyro	Cambodia-HARVEST Program	Cambodia
Mr	Un	Veng	FiA	Cambodia
Mr	Un	Vannak	CEPA	Cambodia
Mr	Uy	Ching	FiA	Cambodia
Ms	Westlund	Lena	FAO	Italy
Mr	Williams	Johan	Ministry of Trade, Industry and Fisheries, Norway	Norway
Mr	Yagi	Nobuyuki	The University of Tokyo	Japan
Mr	Yin	Dara	Forum Syd Cambodia	Cambodia
Ms	Zak	Bonnie	Indian Ocean Commission	Mauritius

Appendix III: Programme

Tenure and Fishing Rights 2015

A global forum on rights-based approaches for fisheries
23 – 27 March 2015, Siem Reap, Cambodia



Tenure & Fishing Rights 2015

A global forum on rights-based approaches for fisheries

Draft Programme

Sunday 22 March 2015

14:00 - 18:00	Registration at Apsara Angkor Hotel
18:00 - 19:30	Welcome Reception at Apsara Angkor Hotel

Monday 23 March 2015

07:45 - 09:00	Registration at Apsara Angkor Hotel	Speakers
		Chair: H.E. Nao Thuok, Under Secretary of State of Ministry of Agriculture, Forestry and Fisheries (MAFF), Cambodia
09:00 - 09:45	Forum Opening	<p>Welcoming Remarks</p> <ul style="list-style-type: none"> • Welcome speech by H.E. Sin Run, Siem Reap Deputy Governor, Cambodia • Mr Johán H Williams, Specialist Director Fisheries and Aquaculture, Ministry of Trade, Industry and Fisheries, Norway • H.E. Eng Chea San, Delegate of the Royal Government of Cambodia and Director-General of Fisheries Administration, Ministry of Agriculture, Forestry and Fisheries, Cambodia • H.E. Jean-François Cautain, Ambassador of the European Union in Cambodia • Ms Nina Brandstrup, FAO Representative in Cambodia, on behalf of FAO Director-General José Graziano da Silva <p>Opening</p> <ul style="list-style-type: none"> • H.E. Ouk Rabun, Minister, Ministry of Agriculture, Forestry and Fisheries (MAFF), Cambodia
09:45 – 10:30	Plenary Session: Setting the Scene for Discussing Rights-based Experiences: <i>An overview</i>	Ms Kate Bonzon, Senior Director, Oceans Program, Environmental Defense Fund, USA

	<i>An overview of the types of user rights and how they may conserve fishery resources and provide food security, contribute to poverty eradication, and lead to development of fishing communities.</i>	
10:30 - 11:00	Plenary: Question and answer session	Moderator: Mr Georges Dehoux, Attaché, Cooperation Section, Delegation of the EU in the Kingdom of Cambodia and Co-Chair of the Cambodia Technical Working Group on Fisheries
11:00 - 11:30	Plenary session: Cambodia's experience with rights-based approaches: the social, economic and environmental aspects of developing and implementing a user rights system	Ms Kaing Khim, Deputy Director General, Fisheries Administration, Ministry of Agriculture, Forestry and Fisheries, Cambodia
11:30 - 12:00	Plenary session: A [nother] Asian experience with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	Mr Dedi S. Adhuri, Research Center for Society and Culture, Indonesian Institute of Sciences, Indonesia
12:00 - 14:00	Lunch	
14:00 - 14:30	Plenary session: An African experience with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	Mr Andrew Baio, University of Sierra Leone and Managing Director, Natural Resource Management Consortium, Sierra Leone
14:30 - 15:00	Plenary session: A Pacific experience with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	Ms Patricia Jack, Vessel Day Scheme (VDS) Manager, Parties to the Nauru Agreement (PNA), Majuro, Marshall Islands
15:00 - 15:30	Plenary session: A Latin American experience with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	Ms Minerva Arce-Ibarra, Professor, El Colegio de la Frontera Sur (ECOSUR), Mexico
15:30 - 16:00	Plenary session: A North American indigenous peoples experience with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	Ms Sherry Pictou, Bear River First Nation, Canada
16:00 - 16:30	Plenary session: A northern hemisphere developed country	Mr Kristján Skarphèðinsson, Permanent Secretary

	experience with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	for Fisheries and Agriculture, Iceland
16:30 – 17:00	Plenary: Question and Answer session	
17:00	Close of the Day	
18:30-20:30	Conference Dinner	

Tuesday 24 March 2015

		Chair: Mr Hajime Kawamura, Deputy Secretary General, SEAFDEC Moderator: Ms Nancy Gitonga, Consultant, FishAfrica
09:00 - 09:30	Plenary session: A Southern hemisphere developed country experience with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	Ms Annie Jarrett, CEO, Northern Prawn Fishery Industry Pty Ltd (NPF), Australia
09:30 - 10:00	Plenary Session: Reviewing the experiences <i>The above case study experiences in the light of the available rights-based theory</i>	Mr Ragnar Árnason, Department of Economics and Chair, Institute of Economic Studies, University of Iceland
10:00 - 10:40	Plenary session: Perspectives on rights-based approaches as a management tool	Mr Seth Macinko, Associate Professor, Department Marine Affairs, University of Rhode Island, USA Ms Francesca Romano, Land Tenure Officer, Climate, Energy and Tenure Division, Natural Resources and Environment Department, FAO
10:40 - 11:00	Plenary: Question and answer session	
11:00 - 12:00	Panel discussion: Experiences with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system <i>Gender, industry, small scale, governments, indigenous people, and CSO perspectives</i>	<ul style="list-style-type: none"> • Mr Johan Williams, Specialist Director Fisheries and Aquaculture, Ministry of Trade, Industry and Fisheries, Norway • Mr Peter Degen, International Technical Advisor, Mekong River Commission (MRC) Fisheries Programme, Phnom Penh, Cambodia • Mr Aly Ercelawn, Economist, Pakistan Institute of Labour, Education and Research and Pakistan Fisherfolk Forum, Pakistan • Mr Miguel Peña Castellot, DG MARE, European Commission • Ms Christiana Louwa, El Molo Forum, Kenya • Mr Arthur Bogason, World Forum of Fish

		Harvesters & Fish Workers, Iceland
12:00 - 14:00	Lunch	
14:00 - 15:15	4 parallel working groups on Experiences with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	
15:30 - 16:00	Plenary session: Strategic governance and legal issues of rights-based Approaches – What decisions were made, why, and what was the impact <i>An industry perspective</i>	Mr Wes Erikson, Fisherman, British Columbia, Canada
16:00 - 16:30	Plenary session: Strategic governance and legal issues of rights-based approaches – What decisions were made, why, and what was the impact? A community perspective	Mr Paul Macgillivray, Fisheries Management Specialist/Consultant, Canada
	Plenary: Question and answer session	
17:00	Close of the Day	
	Cocktail Reception at National Museum	

Wednesday 25 March 2015

		Chair: Mr Ernesto Penas Lado, Directorate General for Maritime Affairs and Fisheries (DG MARE), Directorate A - Policy Development and Co-Ordination, European Commission Moderator: Mr Adam Soliman, Director, The Fisheries Law Centre and University of British Columbia, Canada
09:00 - 09:45	Plenary session: Reporting back from four parallel working groups on Experiences with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system	<i>Group selected reporters</i>
09:45 - 10:15	Plenary session: Strategic governance and legal issues of implementing rights-based approaches – What decisions were made and why? <i>A small-scale fisheries perspective</i>	Mr Naseegh Jaffer, Director of Masifundise (South Africa) and Co-ordinator of World Forum Fisher People (WFFP)

10:15 - 10:45	Plenary session: Strategic governance and legal issues of implementing rights-based approaches – What decisions were made and why? <i>A financial perspective</i>	
10:45 - 11:00	Plenary: Question and Answer session	
11:00 - 12:00	Panel discussion: Strategic governance and legal issues of rights-based approaches – What decisions were made, why, and what was the impact? <i>Gender, industry, small scale, governments, indigenous people, and CSO perspectives</i>	<ul style="list-style-type: none"> • Ms Nadine Nembhard, Coordinator, Caribbean Network of Fisher-Folk Organizations (CNFO) • H.E. Nao Thuok, Under Secretary of State of Ministry of Agriculture, Forestry and Fisheries (MAFF), Cambodia • Mr Godfrey Monor, Executive Director, Lake Victoria Fisheries Organization, Uganda • Mr Erick Ross, Manager, MarViva Sciences, San José, Costa Rica • Ms Graciela Pereira, President of the Network of Women in Fisheries in Latin Amerika, Infopesca
12:00 - 14:00	Lunch	
14:00 - 15:30	4 parallel Working Groups on Strategic governance and legal issues of rights-based approaches: What decision were made and why?	
15:30 - 17:00	3 parallel Working Groups on, respectively: <ul style="list-style-type: none"> • <i>Gender and fishing rights</i> • <i>The redistribution effects/impacts of rights-based approaches</i> • <i>What will the future look like?</i> 	
17:00	Close of the Day	

Thursday 26 March 2015 – Field trip, will be divided into 4 sites.

Friday 27 March 2015

		<p>Chair: H.E. Eng Chea San, Delegate of the Royal Government of Cambodia and Director-General, Fisheries Administration, Ministry of Agriculture, Forestry and Fisheries, Cambodia</p> <p>Moderator: Mr KwangSuk Oh, Director, International Cooperation Division, Ministry of Oceans and Fisheries, Republic of Korea</p>
09:00 - 09:45	Reporting back from 4 parallel sessions on strategic governance and legal issues of tenure rights-	<i>Group appointed reporters.</i>

	based approaches	
09:45 - 10:15	Reporting back from the 3 Parallel Sessions on <ul style="list-style-type: none"> • <i>Gender and fishing rights</i> • <i>The redistribution effects/impacts of rights-based approaches</i> • <i>What will the future look like?</i> 	<i>Group appointed reporters.</i>
10:15 - 12:00	Plenary Comments Looking forward: What should we do better in the future?	<ul style="list-style-type: none"> • <i>Approximately 24 pre-selected participants will have five (5) minutes to comment.</i>
12:00 - 14:00	Lunch	
14:00 - 14:30	Plenary Comments: Looking forward: What should we do better in the future?	Moderator: TBD
14:30 - 15:30	Consolidating Thoughts – Forum Highlights <i>Comments on the forum highlights from various perspectives</i>	Monday <ul style="list-style-type: none"> • H.E Prof. Nao Thuok, Under Secretary of State of MAFF • Mr Georges Dehoux, Attaché, Cooperation Section, Delegation of the European Union in the Kingdom of Cambodia and Co-Chair of the Cambodia Technical Working Group on Fisheries Tuesday <ul style="list-style-type: none"> • Mr Hajime Kawamura, Deputy Secretary General, SEAFDEC • Ms Nancy Gitonga, Consultant, FishAfrica Wednesday <ul style="list-style-type: none"> • Mr Miguel Peña Castellot, DG MARE, European Commission • Mr Adam Soliman, Director, The Fisheries Law Centre, UBC, Canada Friday <ul style="list-style-type: none"> • H.E. Eng Chea San, Delegate of the Royal Government of Cambodia and Director-General of Fisheries Administration, Ministry of Agriculture, Forestry and Fisheries, Cambodia • Mr KwangSuk Oh, Director, International Cooperation Division, Ministry of Oceans and Fisheries, Republic of Korea FAO <ul style="list-style-type: none"> • Ms Helga Josupeit, FIPI, Fisheries and Aquaculture Department, FAO • Ms Rebecca Metzner, Branch Chief FIPI, Fisheries and Aquaculture Department, FAO

15:30 - 16:00	Closing Ceremony	Co-Organizers' Closing Comments <ul style="list-style-type: none">• FAO• Cambodia Close of Forum & Cambodia Farewell
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Appendix IV: Working group Terms of Reference (ToRs)

USER AND FISHING RIGHTS 2015

Terms of reference: WORKING GROUP 1 (Tuesday 26 March 2015 at 14hrs):

Experiences with rights-based approaches: the social, economic and environmental aspects of implementing a user rights system

The working groups is asked to carry out a SWOT analysis for the various types of user rights systems with regard to environmental aspects:

	<i>Strength</i>	<i>Weaknesses</i>	<i>Opportunities</i>	<i>Threats</i>	<i>Examples</i>
Open Access					
TURFs					
Quotas					
ITQs					
Community Rights					
Rights by fishing type or fishing gear					

The working groups is asked to carry out a SWOT analysis for the various types of user rights systems with regard to economic and social⁴ aspects:

	<i>Strength</i>	<i>Weaknesses</i>	<i>Opportunities</i>	<i>Threats</i>	<i>Examples</i>
Common Access					
TURFs					
Quotas					
ITQs					
Community Rights					

The group will discuss the above from a general perspective as well as specifically for small-scale fisheries and for large-scale fisheries (time permitting).

⁴ Economic and social aspects could be split up in two different tables.

Appendix V: Closing farewell speeches

Farewell by Ms Rebecca Metzner, Chief, FIPI, FAO

Your Excellency, colleagues and friends, ladies and gentlemen.

We have had a long week here in beautiful Siem Reap. We have shared ideas.

We have discussed many different views, and we have – I believe – achieved the goal of better understanding the challenges faced by different groups and fisheries communities. And, I think we have a better understanding of the diversity of issues that fishers, communities and fisheries managers face. We have also recognized that there is a lot of work to be done – and much of it will be on the ground – because fisheries, fishers, and fishing communities are very different even *within the same country or part of a country*.

This is excellent information, and we will be using it to help finalize FAO's guidance on how people in the fisheries sector can use the Voluntary Guidelines on the Government of Tenure for Land, Fisheries and Forestry.

In addition to the substantive part of the conference, we have also been able to learn a lot about our delightful host country, the Kingdom of Cambodia and the City of Siem Reap. We have been able to meet some of the communities of fishers and see the world they live in and the exceptional work they are doing to make their lives, and the lives of future generations, better.

Ladies and gentlemen, I know that in giving FAO's thanks, I will inevitably forget someone somewhere, but let me try.

First and foremost, I wish to express our gratitude to the Government of Cambodia, the Ministry of Agriculture, Fisheries and Forestry, and the Fisheries Administration. It is hard to describe the enormous amount of behind the scenes work that has taken place – from securing visas for participants, for moving us about en masse on land and water, for showcasing the forum on television and throughout the city, and for giving us entry to the Wats at Angkor. I want to give a special thanks to Ms Khim and her fabulous team staffing the secretariat. I am truly overwhelmed.

On behalf of FAO, I also want to thank each and every one of you – for coming and actively participating, both within the meeting and however in the before and after hours work that was going on throughout the meeting. However, I must also thank our 8 sponsors – Norway, Sweden, Iceland, the Republic of Korea, the European Commission, EDF and ISSF, who made this possible. Your engagement made a potentially dry meeting lively, interesting and constructive – and our fabulous interpretation team deserves special thanks for making our discussions more available and comfortable to all.

I wish to thank the warm and friendly staff of this hotel who have made our stay here welcoming and organized, getting us from and to the airport, answering our requests, and providing kind hospitality.

Finally, I want to thank our Programme Committee and my incredible staff both here and back in Rome. We couldn't have done this without the many suggestions, guidance and their hard work.

In closing, I know everyone here – each and every one – has worked long and hard, and I can say I am truly pleased with the results of this forum. I hope the tide is really changing, from talk to action. So, from the bottom of my heart, my thanks to one and all for contributing and sharing so that we can support fishers, fishing communities in their lives and work.

Or kun and good journeys.

Farewell speech by H.E. Eng Che San, MAFF

Ladies and gentlemen

On behalf of Government of Cambodia, MAFF and FTA I would like to thank you all for the participation in this important forum.

We have discussed rights-based approaches in fisheries, including ITQs, territorial rights, individual rights and community rights. During this forum the excellent presenters showed us examples of differing fishing rights from different countries, both in the developed or in the developing world, examples from different conditions and situations. However, the one thing that came out very strong is that all of us have the same goal for responsible and sustainable fisheries. We all want to assure the fisheries resources for the future generation, reduce poverty in fishing communities, and secure food security and livelihood. As an organizer, we would like to excuse any inconvenience that might have happened during the forum. Thanks to FAO for taking up this important initiative.

Dear participants, I wish you all a safe trip home.

Appendix VI: Four parallel sessions on strategic governance and legal issues of tenure/ rights-based approaches

Table 2 - Governance challenges, solutions and lessons learned from Group A

Country	Governance Challenges	Governance Solutions	Lesson learned
Cambodia	<ul style="list-style-type: none"> - Tenure complex, more insecure than secure - Many government ministries involved in use decisions - CFis have limited experience or capacity in managing resources - Top down, hierarchical management system - Funding of CFi management is inadequate - Courts are part of the problem 	<ul style="list-style-type: none"> - Devolve many management and enforcement powers to CFis - Unambiguous documentation of land status - Close administrative and legal loopholes 	<ul style="list-style-type: none"> - Livelihoods and regulatory enforcement are positively related
Madagascar	<ul style="list-style-type: none"> - Small scale and artisanal fishery vs. large scale fishery - Limited coordination between ministries - Policies are not based on science - Benefits are not shared equitably, especially in the large scale fisheries 		
Republic of Korea	<ul style="list-style-type: none"> - Large scale, offshore fisheries have secure tenure, but small scale near shore fisheries do not have secure tenure - Too many fishing units assigned to the near shore fishery - Insufficient regulatory enforcement and political will - Demarcation difficult due to ecosystem diversity - Small ministries have difficulty accessing funds 	<ul style="list-style-type: none"> - Decision making shared and cooperative 	
Rift Valley countries	<ul style="list-style-type: none"> - Land tenure problems, trust vs. communal - 100% Artisanal fishery with thousands of boats and hundreds of thousands entering the fishery - Needs of indigenous peoples conflict with new comers - Few people have the knowledge to manage the fishery - Government tends to side with industry and social and economic elites 	<ul style="list-style-type: none"> - Tribal rights need to be considered 	
Canada	<ul style="list-style-type: none"> - Industrial model only allows access to fishery by large scale commercial actors 		

Table 3: Governance challenges, solutions and lessons learned from Group B

Case	Legal and governance constraints	How did we overcome	Lessons learned
Mozambique	<ul style="list-style-type: none"> - Change in fishery law. Definition of fishery right. In the past was “just” a license not a “right to fish” - In the process of defining regulation - Used to have socialist system; Land remains property of the state - Importance to decentralize decision, however district level do not have the capacities to take decisions 	<ul style="list-style-type: none"> - This is clear for industrial fishery/ large scale fishery. However in artisanal fishery is not clear how to apply the concept user rights in artisanal fishery - Now we have fishery zones, everyone can fish in the assigned area. Now start thinking in terms of “community” 	
Pakistan	<ul style="list-style-type: none"> - Important to take into consideration the effects of “market” in the realization of RtF; Markets effect Government - Important to divide marine and inland fishery - Mechanized fishery and non-mechanized fishery, would need different arrangements 	<ul style="list-style-type: none"> - Importance to talk in the framework of VGGT - Strengthening community rights. Community decides who, for how long and how to fish (Of course this will be different by zones and seasons) - Suggestions: no regulation for non-mechanized fishery; Simple open access, except for the way to fish (use of dynamite). - In marine mechanized, need structure to enforce overall quota and species - Maximize local political power, minimize federal government power 	
Marshal Islands	<ul style="list-style-type: none"> - The role of customary rights is still very strong in the region, but we have problem in managing the resources - Government is giving the legal rights to the people (traditional closed areas, traditional closed period, which have been legalized) 	<ul style="list-style-type: none"> - Always consultation with the coastal community, and this is where the education and awareness comes from, however it is a small community (60/80) 	

Case	Legal and governance constraints	How did we overcome	Lessons learned
Kenya/ Africa	<ul style="list-style-type: none"> - Problem with open access; Overfishing - People coming from town to fish, not linked to the customary community (occasional fisherman) - Lack of link/communication between upper and lower administration level - Same as to empowerment of communities without appropriate capacities 	<ul style="list-style-type: none"> - Need to impose a quota, or close season based on data - Trying to impose governance structures - Ideally the process should be bottom down 	<ul style="list-style-type: none"> - Same case as for Mozambique: decentralization of decision making should come with capacities
Canada		<ul style="list-style-type: none"> - Involvement is key to success, from the manager to the fisherman, to decide together 	<ul style="list-style-type: none"> - We need to recognize that there is an evolution in fishery - We should be starting from some “number” and then set our goals: what do we want from the fishery - Population increase and technology evolves
India	<ul style="list-style-type: none"> - Seasonal bans vary from state to state - For SSF, TURFs usually apply, but do not work well - Moving from non-mechanized to mechanized sector - Loosing landing sites (e.g. harbors), particularly women - Women completely excluded in the governance structures 	<ul style="list-style-type: none"> - SSF should have an open access to a certain limit - Look at the broad spectrum of tenure rights, including women - More possibility and space for women 	
South Africa	<ul style="list-style-type: none"> - Need a policy framework, on which regulations are based - 22 sectors, with different policy, that affect one another (see the case of pelagics assigned to industrial fishery) 	<ul style="list-style-type: none"> - There is a need to have a regulatory framework - Need of capacity building at local level (awareness and getting the message out, so that people can take informed decision, e.g. bring the lessons of VGGT, SSF, to the ground) 	<ul style="list-style-type: none"> - Everybody deal with shared resources - Vacuum in regulatory framework (general term, not only SA)
Cambodia	<ul style="list-style-type: none"> - The weight of externalities (roads, dams, intensification of agriculture) 	<ul style="list-style-type: none"> - Federations to voice rights 	<ul style="list-style-type: none"> - Race against time - Intensification of agriculture and how to deal with externalities
Japan		<ul style="list-style-type: none"> - The community (local fisheries) has the right to fish, but is the community that decides 	<ul style="list-style-type: none"> - Different approach for the different fishery sectors

Case	Legal and governance constraints	How did we overcome	Lessons learned
		- TAC system	
Sierra Leone	- Open access in the coastal resources Inshore Exclusion Zone (IEZ) of 5 knot enforced by MCS/VMS	- Free access system in costal fishery - MPA to evolve in TURs - Reinforcement of by-laws need for voluntary guidelines	- Issue of elite capture, economy considerations government willingness to invest in resource management - Patience
Costa Rica	- 95 % of gears are illegal	- Changing the law to confiscate gears even if are not used - Checking the market, as well the restaurant	

Table 4: Governance challenges, solutions and lessons learned from Group C

Case	Challenge	Government Solution	Lesson learned
MPA Fr. Polynesia	- How to define purpose: 3 parties, each with different purpose: fishers, government, tourist industry, free access	- Government decided to split lagoons (arbitrary), Co-management system created (paper tiger)	- Base line studies needed, scientific assessment to start with, need clear goals - Livelihood concerns - Leadership needed to design implementable co management system - Paper tiger, avoid replication
MPA Cambodia	- Participatory design	- Zonation, and MPA later, management committee formed, pre formed consensus, social economic studies, system of management committees to include all actors formed	- Take all interest groups into account, ground up design before final demarcation of MPA, biological work done before deciding on MPA, actors identification, transparency needed
MPA Mauritania	- Government supported financing of MPA with regional importance, resource for the whole EEZ, supply to everybody, also land implication, bird protection	- Government directly involved, stakeholder committee, clear fund	- Need to identify sustainable funding arrangements, clear

Case	Challenge	Government Solution	Lesson learned
			goal for MPA, MPA does not solve management problems
MPAs in Senegal, Guinea etc	- No involvement of actors	- MPAs created	- Sustainability of funding
PNA	- Joint accountability, effective implementation	- Develop compliance system with parties and operators, compliance system reviewed after 5 years	- Monitoring and audit needed, sanctions not possible, legal power needed, transparency key
Hand line TURF Lira, Spain	- Self-imposed TURFs, control of gears, social pressure in community in case of misbehavior	- Outsiders entering fishers, therefore public enforcement necessary	- Government has to police private benefits, enforcement system costly
TURF Lake Naivasha, Kenya	- Overfishing leads to limited entry, fisherfolk not from that region come from other places; from Lake Victoria, fisheries act legal framework	- Legal imposition that migrant fisherfolk have to leave, no compensation for rights lost	- Limited entry has to take into account acquired rights, even of migrant fisherfolk
MPA	- No knowledge of fish resources, other activities from neighbouring countries		
Philippines, community based development project	- Elites from wealthy other activities such as mining, no idea on impact on resources	- Project provided information to all the stakeholders, advocacy groups, bring the issue to higher level, lobby to international level	- Research important, needs to inform about resource and impact of other projects, preservation works better and now a tourist area, protection from tsunami, network important
Cambodia Mekong	- Fishing rights to communities and Dams in Cambodia, Infrastructure development, poorly organized fisherfolk	- Implementation of allocation of fishery resource without organizational capacity	- No study on the capacity of community to manage, enforcement problem, high - Implementation costs, lack of capacity of community and government to manage and co-manage
Australia ITQs	- Cost of management, how to start co-management	- Co-management identify key functions, share between government and industry	Industry more efficient and cost effective than government, resource stewardship creation

Table 5: Governance challenges, solutions and lessons learned from Group D

Cases	Governance challenges	Governance solutions	Lessons learnt
Cambodia	- Top down is not clear to fisheries administration or fishers	- Advice sought from MRC, initial units of dialogue based on different interests – subsequently brought together	- Meaningful consultations brought transparency to process; success depended on continued support
The Republic of Maldives	- Regulatory framework does not cater to new emerging fisheries	- Consultations are going on to develop a new fisheries policy	- Major impact on small scale fishers - Long process to make such change - Political will
Uganda	- Too many conflicting interests	- Starting out with consultations with fewer interests - broadening it at a 2 nd stage	- Not yet implemented - Why did the multi-stakeholder dialogue not work?
Indonesia	- Over-exploitation & displacement		
Canada: co management	- Management difficulties	- Include traditional knowledge	

Additional comments from Group D

When defining governance & tenure, Group D participants noted that there are additional elements to the definition as captured in the VGGT. These include institutions and laws, mechanism and processes, and relationships and behaviors. Moreover, the relationship between rights-based approaches and human rights needs to take into account universal human rights (UDHR) as well as legal rights, since rights-based approaches should be coherent with human rights. Good governance is also a pre-requisite for the success of any rights-based approach and must be required to exercise legal rights—with the caveat that property rights do not supersede human rights. Finally, Group D noted that there is a complex architecture of governance and that goals need to be identified and governance adapted accordingly, that governance is not just a fisheries issue but rather a multi-sectoral issues including multiple users of water body which requires a broader approach, and that there is a need to account for power relations.

Appendix VII: Post-forum survey

Overview

Following the forum, participants had the opportunity to take a 10-question survey over the four-week period from 15 April to 15 May 2015. The results are presented below and included background information about respondents, their perceptions about the forum, key areas for future work, and modalities for delivering messages about governance, tenure and rights-based fisheries management systems. A total of 56 participants responded, corresponding to a response rate of 40 percent.

The overall satisfaction of participants with the forum was very high, with about 80 percent of the responses indicating “satisfied” or “very satisfied” with the overall organization of the forum. Overall, the division of time between breakout groups and plenary was found to be adequate. New knowledge and establishment of new professional contacts were praised by more than 90 percent of respondents. The field trip was found inspiring by the majority of participants, with most participants expressing it was important to see the reality of the fisheries management at community level.

Constructive criticisms were raised, including: the overall scope of the meeting was not clear; the ToRs of the breakout groups were not very systematic, and; the situation varies from country to country, and especially between developed and developing countries.

Allocation issues were identified as the most important area for future work. Additional topics included the political economy of adopting and implementing rights-based systems for fisheries and training for capacity development of rights-based systems, with easily digestible tools identified as important means to help all stakeholders better understand governance and tenure. For the way forward, respondents requested meetings at regional levels, preferably on a two to three year frequency, with a global gathering held every fifth year or so.

Respondents agreed that more work needs to be done on the topic of governance and tenure, and several respondents declared that the User Rights 2015 forum had marked a positive change from the previous discussions on fishing rights that had been more focused on developed country experiences, and particularly emphasizing the use of ITQs.

Question 1: In which geographical region are you working?

Although less than half of the participants responded, the responses complement the information that there were participants who came from 39 countries.

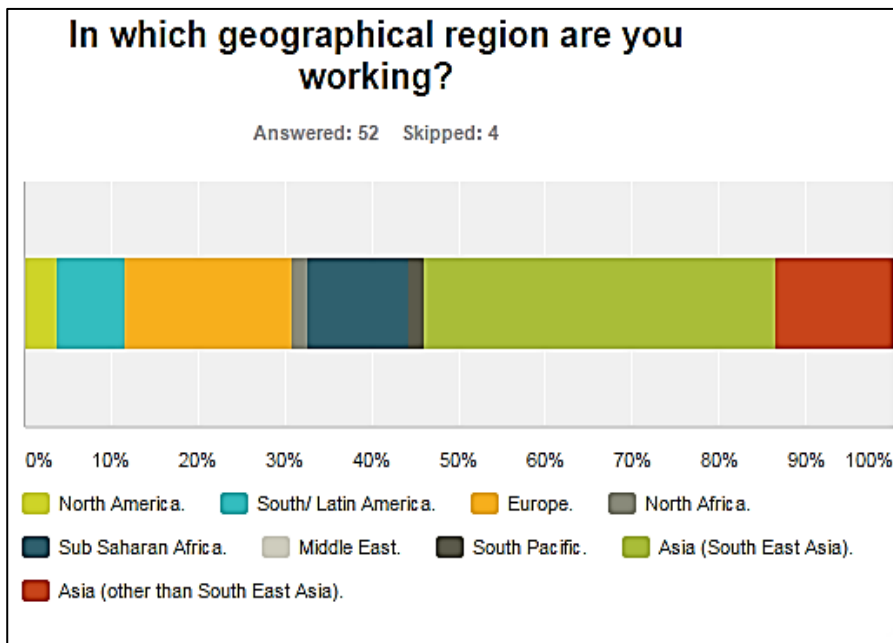


Figure 2: Geographical regions in which participants are working

Question 2: For what type of organization are you working?

In organizing UserRights 2015, considerable effort was made to bring together a diverse collection of perspectives from various disciplines, perspectives and knowledge as reflected below.

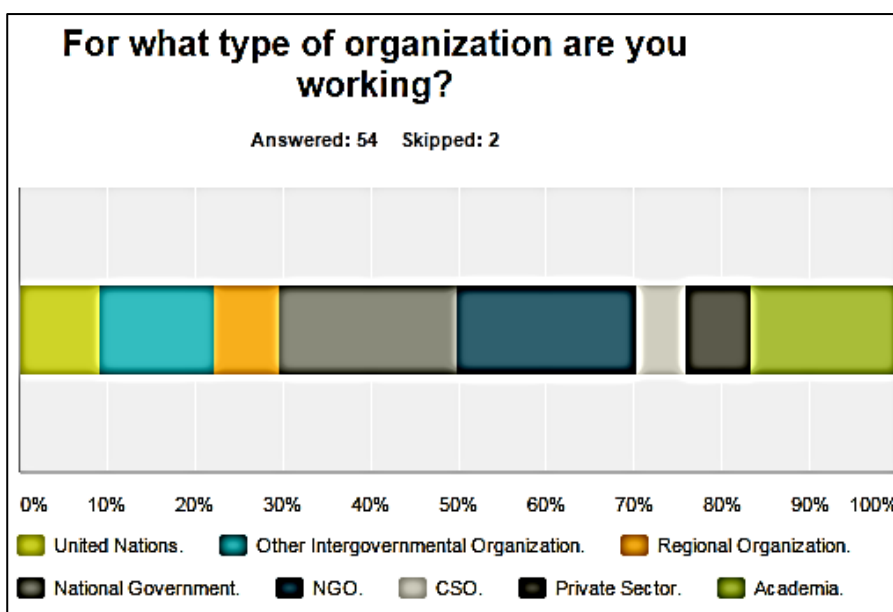


Figure 3: Types of organizations participating

Table 6: Types of organizations participating

Answer Choices	Responses	
United Nations.	9.26%	5
Other Intergovernmental Organization.	12.96%	7
Regional Organization.	7.41%	4
National Government.	20.37%	11
NGO.	20.37%	11
CSO.	5.56%	3
Private Sector.	7.41%	4
Academia.	16.67%	9
Total		54

Question 3: Satisfaction with the forum’s overall organization?

Participants were asked to provide their assessment of the overall organization of the forum, with approximately 80 percent satisfied.

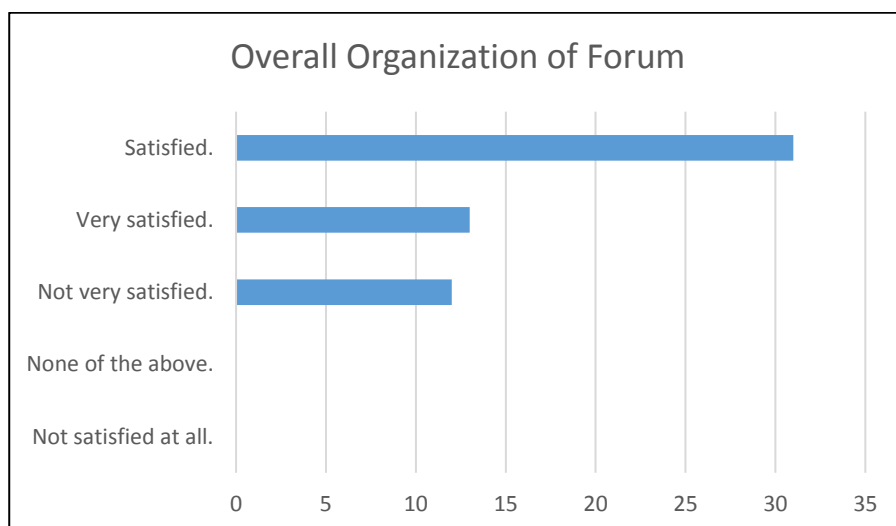


Figure 4: Overall satisfaction with forum organization

Comments provided by participants

“I could hear the very opposite views on the contrary to what I previously thought on a fisheries management system. Any new system developed to adapt the new environment has both sides, bright and dark. The choice is the matter.”

“Issues and problems are varying from country to country in accordance with the economic, social, political, cultural, and geographical contexts. So it is doubtful whether it is possible to discuss all these complex matters in a one single forum with the people with different nature of issues.”

“The objectives of the forum and what was hoped to be achieved could have been more clearly identified at the start of the meeting. As a result, the outcomes from forum were unclear – maybe a common objective would have set the precedence for the conference and discussions generally to achieve the objective.”

“The conference was well organized. Participation from additional developed countries would have been beneficial, I think, but not entirely an organizational issue.”

“Since the venue was a developing country in need of this type of conference/ workshop, I felt there was too much emphasis on rights programs of developed countries, programs which probably cannot be easily adapted to developing nations.”

“The organization was fantastic, the content was very good and informative.”

“The assignments given to breakout groups were very poorly designed and indeed most groups rebelled and refused to follow them.”

“Not enough time for discussion/ dialogue.”

“Perhaps excluding the coffee breaks was a mistake as this reduced the opportunities to liaise with other participants - in the end, it might have been better to shorten the plenary sessions.”

“I thought that some of the presentations would have been much more effective had it preceded the group i.e. the presentation by Adam Solomon’s re the various types of user-rights would have been of enormous help during the break-away sessions but this only came at the end of the conference.”

“Information about program etc. was very late. The number of participants would probably have been greater if the conference had been advertised earlier and more broadly.”

“The time was not enough to discuss the whole topic comprehensively.”

“First of all, thanks to staff of both, the FAO and the Government of Cambodia, for organizing this forum! Now, turning to the forum's content: a) the “setting the scene” presentation needed to include the Voluntary Guidelines for Securing Sustainable SS Fisheries; b) We missed experts from the side of collective action theory which applies to good self-governance and to community-based fisheries management (remember E. Ostrom's Nobel Prize, and her current followers: Dr. Fikret Berkes, Dr. Tony Charles, among others). Because it was obvious that the seminar presentation on the commons overusing natural resources (papers and theory from the 60's) was quite flawed; c) More delegates representing coastal and indigenous communities were needed (there was not equity with regard to indigenous people attendance).”

“More focused on Capture and Culture fisheries. Focus on Women in fisheries was very little. Participation of women in the Conference should be increased.”

“There should of been much more effort and/ or funding provided to make sure Cambodia CSO/NGOs attended, there was too much Cambodian government (State) perspectives provided and so was not balanced by key NGOs also working on Tenure and Rights issues in Cambodia, from both terrestrial and land perspectives...it looked very bad that for whatever reasons Cambodian NGOs did not even attend their own conferences when these are the issues many discuss!”

“I think we spent too much time discussing about language and negative consequences of RBM instead of finding the right people (or groups) that deserve fishing rights.”

“I would have preferred a more focused conference.”

Question 4: What do you think about the balance between time spent in plenary and breakout sessions?

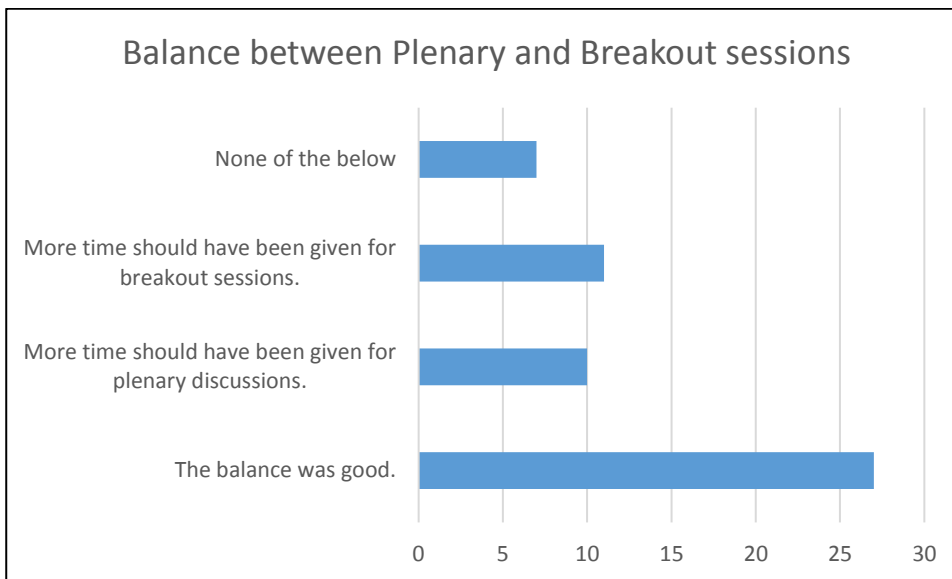


Figure 5: Balance between plenary and breakout sessions

Comments provided by participants

“There was a lot of plenary on examples of rights but very little discussion about what rights might work in what circumstances. The agenda could have been better structured to focus the minds on identifying what could work in what circumstances, which would have resulted in more debate about solutions and less on the polarized views of 'rights' or 'no rights'.”

“The breakout sessions were able to provide more focus on specific problems facing developing nations in their efforts to craft programs for their smaller scale fisheries. But there was no time to adequately discuss these problems.”

“Notice some rush to discuss during break-out sessions as time was not adequate.”

“The plenary presentations should have included more case studies such as Naseegh Jaffer's and the PNA. The working group discussions should have been designed to answer specific questions about how to tackle important tenure rights challenges. The purpose of the meeting should have been clearly elucidated and the sessions designed to contribute to achieving the meeting's purpose.”

“Constructive discussions happen if more time are given. Ideas and thoughts can be captured when enough time is given for a subject to be discussed upon. Plenary could be used to receive feedback and an outcomes document can be developed then to capture everyone's views.”

“Presentations should prime breakout sessions followed up by plenary discussions.”

“Very useful discussions transpired during the breakout sessions.”

“Panel discussion was not properly arranged. There was only short presentation by panelists and Q&A. Time allocation was too short for 6 panelists to discuss. Group discussion was not properly arranged. The prepared template was not fit for discussion. Time allocation was too short for them.”

“Sufficient time was allocated in both instances to provide the organizers with the necessary feed-back from the break-away groups.”

“It would be better if the discussions are separated between developing and developed countries. The context is very different to be discussed in the same session. More time was needed to discuss each [of the] issues properly. Better guidelines for breakout discussions were needed.”

“More time should have been given to people who were critical to all fishing rights-based systems. Also you didn't give enough time to the people who wanted to present the issues related to the indigenous people. Next time you could organize debates (for and against ITQs for example) giving equal time to the both sides.”

“If we all know that in general, there are two views/ paradigms with regard to managing fisheries (the one which considers fishing as livelihoods and therefore as within a human rights approach, and the other that promotes the use of transferable rights, transferable quotas, led by the World Bank et al.) why didn't we had more lawyers in the Forum? Additionally, in order to come up with a more integrative view of these two paradigms, why there was no team addressing interdisciplinary/transdisciplinary approaches to fisheries? The Forum format should be targeted to solve a conflict in place with regard to fisheries governance, otherwise no serious progress will be made in any new meeting.”

“Although it was a balanced forum between the time spent in plenary and breakout sessions, please next time include the academia.”

“Fewer and higher quality plenary presentations. Supplemented with discussants and followed by considerable well-chaired discussions.”

Question 5: Did you acquire new knowledge or make new professional contacts that will help you to improve your work?

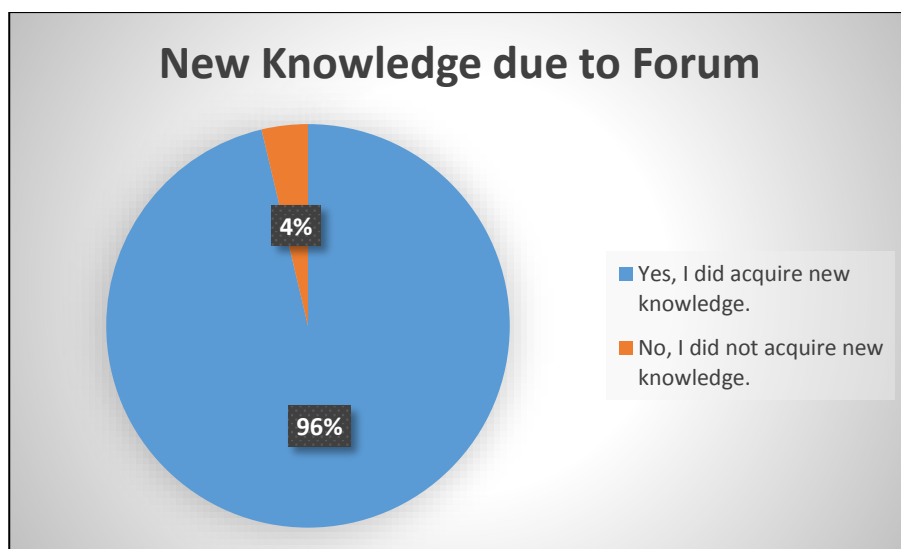


Figure 6: New knowledge due to forum

Comments provided by participants

“It would have been helpful to have in writing a very brief summary of the work of each participant.”

“I think it is necessary to create more opportunities to the participants to deal with professionals in order to improve the status of to make new professional contacts. On the other hand professionals also have to change their mindsets to cooperate with new comers as well.”

“The diversity of participation provided the chance to gain experience from diverse geographical area.”

“There were many case studies from all continents on useful experiences.”

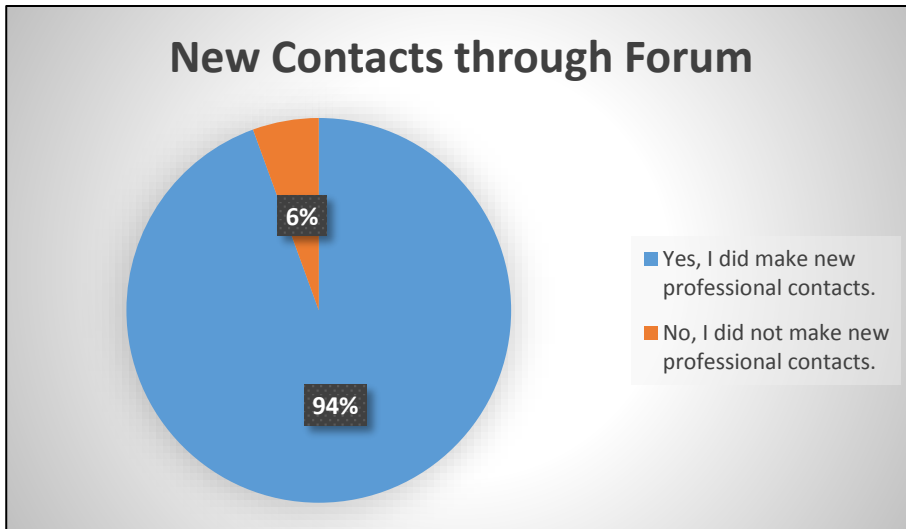


Figure 7: New contacts through forum

Comments provided by participants

“Both acquisitions were eclectic.”

“Lot of acquaintances made with very useful contacts and subsequent exchanges.”

“Some new angles on tenure and fishing were presented and I made a few new contacts that may well prove useful.”

“The new knowledge was of particular interest as much can now be disseminated for consideration by individuals and organizations within our own region/s. it was great making new contacts as this will enable us to put our own networks in touch with individuals and organizations who have evidence-based success stories.”

Question 6: Did you find the field trip to be...

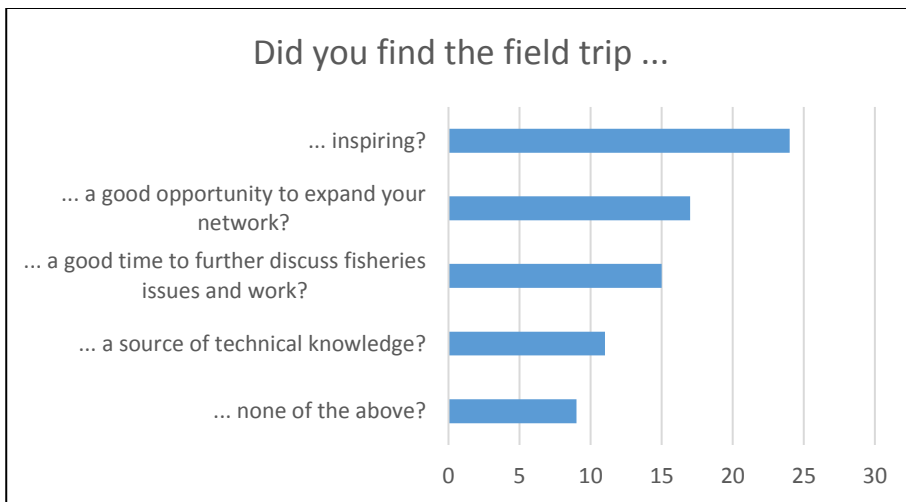


Figure 8: What did you find the field trip to be?

Comments provided by participants

“But the meeting with the community leaders was difficult to hear and follow, even though I was sitting in the front and a close Cambodian colleague was providing the translation.”

“Since the community is so close to the meeting venue, I think it would have been very productive to invite the CFi head to give a presentation at the conference prior to the field trip. Given my personal experience in Cambodia with community based meetings, I think this could have been done very inexpensively.”

“This is good because from this visit we have had an opportunity to experience a different type of inland fishing community and how they were compatible with their natural system in order to sustain their livelihood/entrepreneurship activities.”

“Got to experience the Cambodian fishing methods and practices and compare to my locality.”

“It seems in the Pacific, we are doing something right, so looking at the situation outside of Pacific, we are far better off.”

“Grass roots conservation effort which was commendable.”

“A good opportunity to network, which somewhat made up the lack of coffee breaks. Interesting visits.”

“I could see real activities.”

“When engaging locals in other countries/continents one is always reminded that challenges very seldom seeks a common solution simply because dynamics changes from country to country.”

“The Fisheries Community that we visited is actually one of the wealthiest in the region. Very large part of their income is come for the tourism. Why we didn't visit a community which is facing difficulties. The place that we have visited is a tourist attraction so it wasn't possible to see whether the reforms undertaken by the Cambodian government was successful. Anyway from a tourist point of vu, the field trip was fun.”

“It would have been useful to have more focused discussion on practical issues facing fishers in the context of tenure reforms.”

“Thank you also for the trip. It was a good opportunity to assess (through observation) how people of Cambodia, including children, are doing.”

“The field trip was inspiring to see the actualization of certain concepts presented at the forum. We saw what the women were doing at the Flooded Forest & Fish Refuge Management for Livelihood Improvement of Community-Based EcoTourism At Kampong Phluk Commune that shown concretely what were discussed at the forum.”

“It was an inspiring fieldtrip inasmuch as I have seen what we are discussing in the forum "in action". In other words, those women have put meaning with what we are discussing.”

“The lake fishing made me think more on the people living there. They are very much small scale fishing women.”

“Enlarging my knowledge and understanding to realities different than these of coastal communities in the developed world.”

Question 7: Do you find that the most pressing tenure and access rights issues were raised and/ or addressed at Tenure & Fishing Rights 2015?

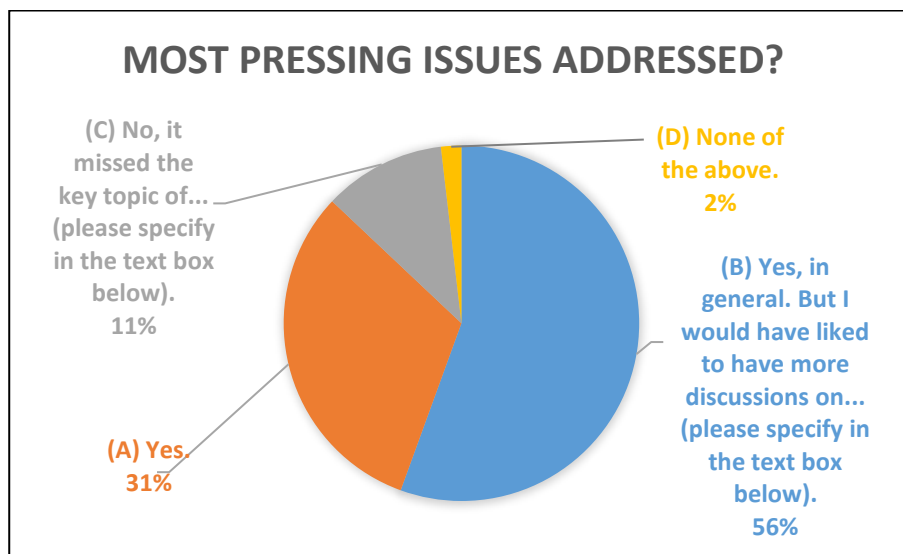


Figure 9: Most pressing issues addressed?

Comments provided by participants

“Important to discuss tenure issue upstream in the value chain, that is in fish marketing and fish processing.”

“What rights can work where? Too much debate on rights or no rights, rather than looking at what rights based systems might work in what circumstances/fisheries. The generic 'template' for working group discussions did not work well as it did not fit the topics well. This resulted in less than optimal results/input from several of the working groups.”

“I would have like to hear more discussion on the challenges facing developing nations.”

“As I explained above context of issues are differs from area to area, country to country, and region to region. Main thing that we are conducting this workshop in once in 5 years. Is this cater our requirements? Second thing: it would be better to conduct some regional level workshops where provide the opportunities to discuss the issues in the regional level in more effective manner.”

“More focused discussions within clearer distinguished categories of fisheries (high sea, off shore, artisanal, riverine, inland, etc.) should have taken place in focus groups. Then the tenure and fishing rights at the interfaces of those fisheries or with other main sectors might have been sorted out.”

“What factors led to stronger tenure arrangements in some fisheries? What are the main constraints to achieving stronger tenure in other fisheries and how can those constraints be addressed?”

“Tenure and fishing rights, gender on post-harvest fisheries.”

“The discussions should be more detailed for each user rights type.”

“Providing those interested in adopting such systems any kind of road map on what to do and how to get help in doing it.”

“[Those] that relate to the Pacific because one size doesn't fit all.”

“Stressing the fact that most fisheries resources are fully/ over-exploited would have given depth to the discussions - beyond advocacy! The discussion did not move the agenda forward.”

“Potential solutions/ practical ways forward/ means of reconciling various (often disparate) viewpoints. Also, I thought the discussion on fisheries for food security in the broader sense - not just for livelihoods for the fishing communities - did not get enough attention.”

“I felt we only had presentations about general fisheries management.”

“Community fishery rights.”

“Inland fisheries tenure and fishing rights.”

“I think if more time was dedicated to the actual lay-out of the program we may have had sufficient time to address many of the key user-rights issues (tongue in cheek) but I do feel that this topic needs further discussions and deliberations.”

“I think key topics related to community based fisheries management, tenure and access right from developing countries such Thai, Philippine especially Cambodia as the host country is not fully address in this forum.”

“I think most of the presentations talked more about a snapshot of the cases, Discussions on the dynamics of these tenure and access rights might be needed more to understand the pressures, strength and weaknesses of every type of it.”

“Rights of the indigenous people. Why [do] some people consider that ITQs, TURFs etc. could privatize the oceans? Do we have [an]other alternatives to regulate the fishing industry? Are there too many fisherfolk or too many big boats? What other alternatives of income could be provided to the fisherfolk (examples)? The effect of climate change on the fisheries?”

“On how to execute initiatives and control and survey decisions. On looking for alternative means of income for fisherfolk. On added value to fishery products.”

“Difficult to say which indeed are the most pressing tenure and access rights issues! It was quite evident that the context could vary dramatically from fishery to fishery or from area to area.”

“First, a transversal topic that impacts all natural resources and ecosystems is climate change; this is one of the more pressing issues; Second, we were expecting to see more on The Voluntary Guidelines for Securing Sustainable SS Fisheries.”

“The most pressing issue of concern to me is the indigenous tribe, which was addressed in the forum.”

“I was hoping for much more discussion on the real world challenges of RBA and how these practically link to implementing the VGSSF in a developing-world context, there should have been more targeted time allowed for discussing strategies for implementation of the guidelines.”

“At the end of the forum there was a general consensus that there were no meaningful and concrete outcomes from it. Beyond human rights we need to talk about ways of giving fishing rights to those who really depend on marine resources, not only as a source of food but also as part of their identity. Everybody needs to eat but not everybody needs to be a fisher.”

“Some speakers wants to stick to current system that they have used to without compromise. Then how can we improve governance?”

“I would have like more discussion on the resource the sharing of it and its finite nature.”

“I would have likes more discussion on the key issue: how to ring-fence access to the fishing rights, key question for both the developing and the developed world.”

Question 8: Are you working in marine or inland fisheries?

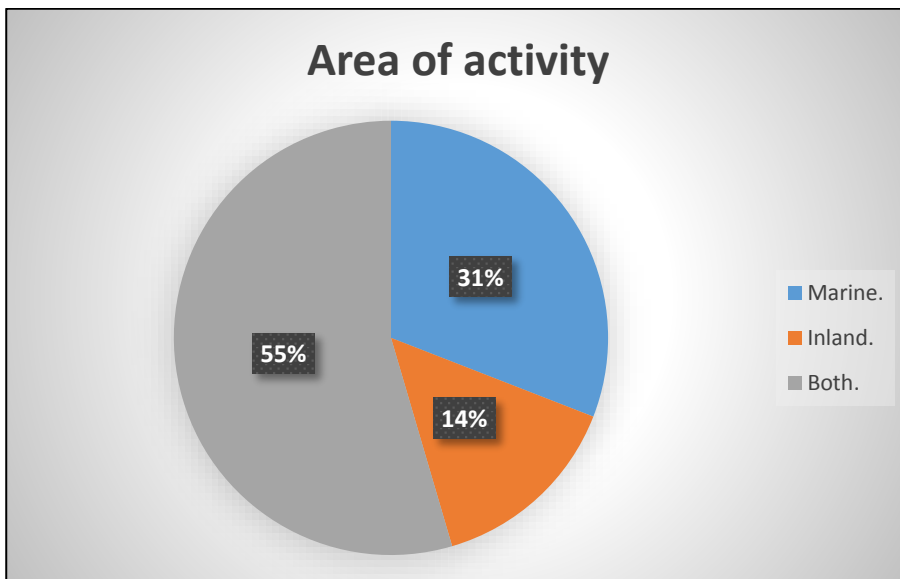


Figure 10: Area of activity

Comments provided by participants

“It is not so easy to simply mark three boxes. There is so much that needs attention at the community level.”

“Within the concept of Fisheries governance, the difficult task is to create the feeling of ownership among the fishers and thereby we need appropriate tools in order to change the mindset of relevant stakeholders. In addition to that achieve such objectives we need to have good communication materials as well.”

“User rights is about allocation of resources that are hugely influenced by political economy considerations. It will be impossible to avoid exclusion so, any programme should build alternative livelihood strategies for communities. Climate change is with us and it will be prudent to develop adaptation and mitigation strategies to ameliorate its impacts.”

“Any time a fishery is managed there will, by definition, be limits placed on the fishing community. Determining who the winners and losers will be, before implementing any methodology, is critical. These questions are largely social, political, legal and economic, and not simply technical resource management issues. Mitigation and adaptation strategies to address problems that will be faced by losers should be considered an integral part of any management plan.”

“Communication (not just "digestible communication materials") per se; not only influencing policies and strategies but influencing politics under conditions of imperfect governance.”

Question 9: What areas within the topic of the governance of tenure do you believe should receive additional attention and why? (Please choose three options)

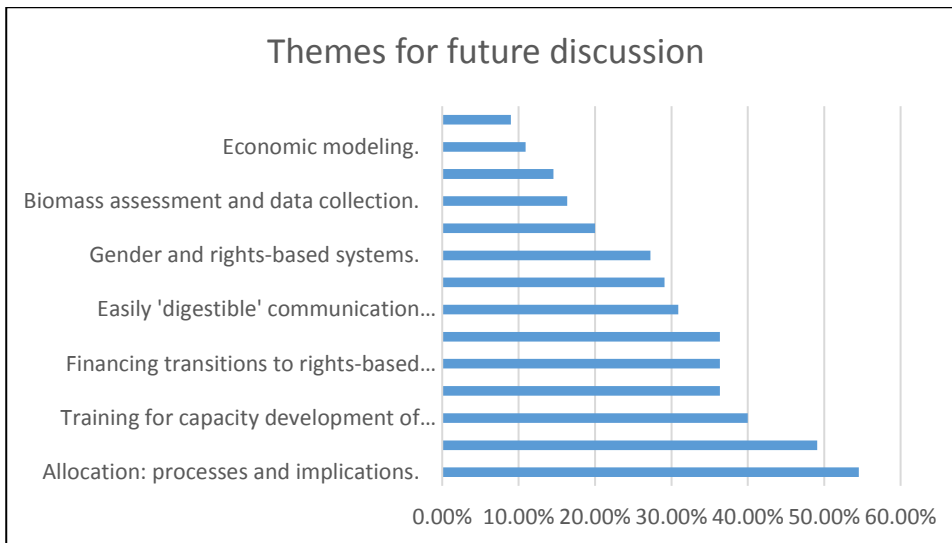


Figure 11: Themes for future discussion

Comments provided by participants

“More attention should be paid to the terms used. Question 9 uses language that is found in the voluntary guidelines on tenure which appears more acceptable to many. However, much of the conference material and the choices above refer to "rights-based systems". The term rights-based has legal implications and prompts a strong negative reaction from many people.”

“In my country, there are still no clear procedures for allocation of rights to users and still financing of the transition is a major problem. In addition, most fisheries management programs are not implemented in tandem with support for alternative livelihood programs.”

“There is little experience in governance of tenure in rights based fisheries management in Sub- Sahara Region.”

“Other: managing fishing capacity.”

“Open access is the common practice and allocation causes serious challenges.”

“Again, I would like to see a bit more emphasis on overall food security in developing countries, not just implications for the fishing communities (even though they are of course most immediately impacted) - I take this to be included in the political-economy discussion.”

“I believe the suggested topics should be included because they are key challenges in developing world where state budget and capacity remain limited to fully exercise their rights-based systems.”

“Over many years many stake-holders have contributed constructively to developing user rights systems which have and continues to be applied internationally. It is our sincere belief that all regional, continental and international guidelines should now be adapted to ensure that the principal beneficiaries, the fishers and fishing communities, can fully understand and participate in the final decision making (the adaptation of information must be completed in such a manner that it does not distort the message which has been developed over a number of years) IUU fishing plays a critical role in the spheres of unemployment, sustainable livelihoods and food security all of which could be significantly reduced (unemployment) or tremendously enhanced in the case of sustainable livelihoods and food security. It is therefore an absolute imperative that IUU fishing enjoys priority attention thereby reducing the need for alternative livelihoods which in most instances are drawn-out and lengthy processes (by design) which the world can ill-afford especially in developing countries where hunger and corruption is almost common place.”

“Industrial fishing vs Small scale fishing; the negative impacts of the small scale and industrial fisherfolk; The tragedy of common or lack of management leads to over exploitation of the fisheries; Corruption in the developing countries and its impact on the fisheries; The limits of the bio-economic models; Human rights in the context of fishing.”

“In governance, the academic community should not be neglected. The academia should be included inasmuch as we could have more inputs from this sector.”

“Much more on the actual implementations of the VGSSF as alternatives or accompanying Rights-based approaches, especially in a wider context of food sovereignty.”

“Cultural identity derived from fisheries. Maybe there is the key to implement rights-based approaches.”

“Poverty in fishing community is not a matter of fisheries alone. Restructuring of national industries fundamentally affects the life of fishers. People follow a good job and a good education for children. Birth control may more affect than fishing itself in maintaining sustainable resources

“The list is very complete and is a near perfect match for the objectives and tools of the Common Fisheries Policy (CFP).”

“The design of Pareto-improving efficient fisheries management regimes. The design of efficient community fisheries management units.”

“Defining the objectives of the fishery i.e.; economic stability, maximum employment, resource conservation, rebuilding of stocks, stock assessment or any number of other possible objectives is the first step towards improved management. This "first step" needs to be taken and it needs to be discussed why it needs to be taken.”

Question 10: Do you think that global and regional workshops should be taking place every ___ years?

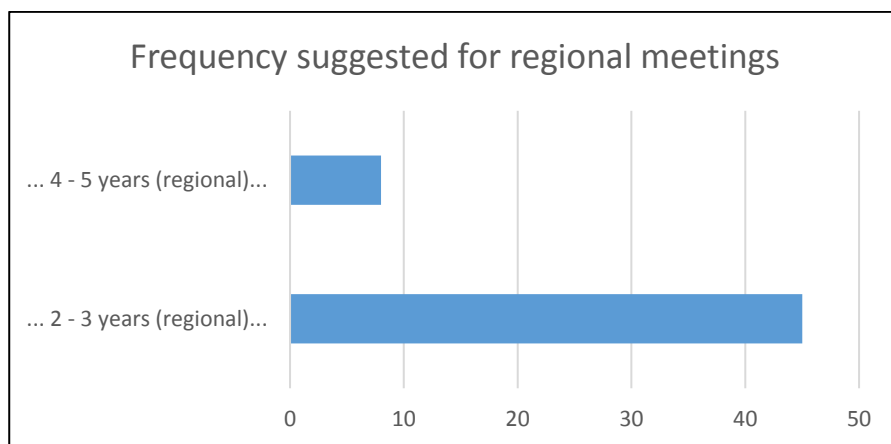


Figure 12: Frequency suggested for regional meetings

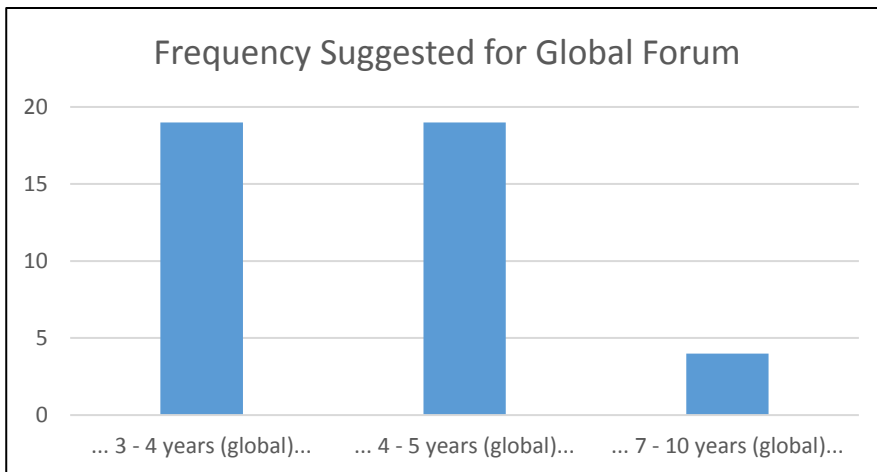


Figure 13: Frequency suggested for global forum

Comments provided by participants

“Asia and Africa (Cape Town) are cost effective and central to the debate about artisanal fisheries/ IUU fishing/ and fisheries which are a mix of artisanal and industrial”

“Regionally - Either somewhere in South Asia or South East Asia”

“We need to stay engaged with the issues and the challenges and opportunities they present and address and seize them respectively.”

“Regional approaches and fisheries exchanges with similarly situated communities would be invaluable. Legal advice such as model statutes and ordinances modeled on the approach of the Right to Food implementation guidance would be very wise.”

“Marshall Islands fisheries is one of the best well managed areas in the world, and has an interesting land and tenure right management. It will be great to share their best practice for the next workshops. No idea of the cost.”

“Choose hot spots of overcapacity/ poor governance/ IUU fishing to increase visibility.”

“Meetings should rotate within the continents to share the different experiences.”

“The location should be rotated and depends on focal issues FAO wants to influence in a particular country.”

“Pacific region, Central Africa or South America.”

“Indonesia (this country is rich of community-driven tenure-based fisheries. The government and NGOs are very keen to adopt the tenure and access right based fisheries recently.”

“Laos, Myanmar.”

“South America, Africa, Europe-North America, Asia, Pacific Islands for regional.”

“Morocco, Senegal, Côte d'Ivoire.”

“Japan, Cambodia; Canada; Belize; the Caribbean (Haiti; Puerto Rico, Cuba).”

“For regional forum, I choose India. For global forum, I choose Sweden.”

“Thailand.”

“In Latin America Mexico, Colombia and Peru are always cost-effective options to host these events.”

“Rome, Italy.”

“Also regional approaches are interesting. One of the novelties of the CFP [Common Fisheries Policy] is regionalization.”

This publication reports on the Tenure and Fishing Rights 2015: A global forum on rights-based approaches for fisheries that was co-organized by the Food and Agriculture Organization of the United Nations and the Kingdom of Cambodia's Fisheries Administration in the Ministry of Agriculture, Forestry and Fisheries, held 23-27 March 2015 in Siem Reap, Cambodia. The purpose of the forum was to foster a mutual understanding of the challenges faced by different groups in fisheries communities and to find common ground and options for empowering fishers and fisheries stakeholders. The 140 participants from 38 countries discussed the importance of tenure and rights for responsible resource management and equitable development in fisheries. The knowledge gained from the forum is being used as the starting point for a proposal for a global work programme, "Advancing knowledge on rights-based approaches for fisheries: A global work programme for enhancing food security and nutrition, poverty eradication, and achieving the Sustainable Development Goals", as well as influencing the content of a technical guide which supports implementation of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security in the fisheries sector.

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