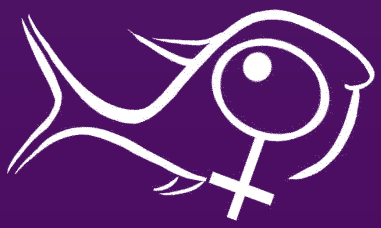
No.39 | March 2012 | ISSN 0973-1156

Yemaya

ICSF'S NEWSLETTER ON GENDER AND FISHERIES

ICSF

25 Years in Support of Small-scale Fishworkers



From the Editor

For over a hundred years, the 8th of March has been celebrated as International Women's Day (IWD). The event has come a long way from being a day of militant street protests by poor working women for a fair wage to being recognized today by governments, corporations and global institutions alike. This year, the United Nations has declared its official theme for IWD to be "Empower Rural Women—End Hunger and Poverty". This is no doubt an important goal, one which potentially benefits not only women in fisheries but the majority of women worldwide.

The rural economy in most developing countries is built upon the paid and unpaid labour of women. Women make up nearly half the labour force in both agriculture and small-scale fisheries, globally, and more than half the labour force in inland fisheries. In addition to working as farmers, fishers and fish sellers, women in rural areas often have to also take on various types of waged work in order to make ends meet. Further, they bear a disproportionate share of the responsibility of housework and caring for children, the sick and the elderly. In small-scale fisheries, poverty may be so acute and widespread that, in order to cope, women in the sector have little choice but to invest ever-increasing hours of labour, at the cost of basic entitlements to education, nutrition, health and wellbeing. The dominant modes of fisheries development and management appear to be only further intensifying the overall vulnerability of women in the sector.

In the context of fisheries, the goal to empower women and end hunger and poverty would require multiple firm and enduring commitments. First, it would require a commitment to strengthening rights to the natural resource base that supports women in small-scale fisheries. This must necessarily involve checking and regulating the forces that weaken the rights of small-scale fishing communities to fisheries resources as well as to the lands which they have traditionally lived on or used. It must also necessarily involve redistributing ownership and rights over land and productive assets in ways that are equitable and gender-just. Second, keeping in mind that women in rural areas often put in weeks and months of waged work to supplement their incomes, this would also require a commitment to strengthening the rights of workers in the informal economy. Third, given that women in rural areas bear the dominant responsibility of running their families, the lack of essential services and social support greatly intensifies their vulnerability as well as the vulnerability of fishing households and the rural economy. This year, on the occasion of IWD, women in the fisheries in certain countries have demanded social security, insurance cover for work-related accidents and greater welfare measures for fisherwomen.

Government regulation and public spending on social security are essential to ensure inclusive and equitable economic growth, in which the poor do not become victims of a liberalized developmental paradigm. This is an important agenda for a global women's struggle for rights.

Exercising Sovereignty on the Sea

Even as capital divests fishers the world over of their access rights in the fisheries, in North America, the Passamaquoddy tribe is exercising its sovereignty on the sea

By **Paul Molyneaux** (p.g.molyneaux@gmail.com), fisherman and author of "The Doryman's Reflection—A Fisherman's Life", Thunder's Mouth Press, 2005

In the battle for resources in North America, the triumph of technology and capital over the rights of indigenous peoples and historical user groups has long been celebrated as "progress". But in 1980, a historic legal verdict changed the balance of power between a sovereign nation of Native Americans and the United States (US) government. A US court recognized the legitimacy of the claim of the Passamaquoddy tribe to over 2 mn acres in the State of Maine, and the tribe settled for a sum of US$12.5 mn and 150,000 acres of land. While the land is important, the tribe also has a profound connection with the sea—Passamaquoddy means "people who spear pollock"—and while tribal leaders agreed to abide by Maine laws on land, they refused to give up their fishing rights. This sovereign right to marine resources is today helping leaders, such as tribal councilman Fred Moore III and tribal planner Vera Francis, to reaffirm their people's long-standing reliance on the sea.

In early 2012, after many years of careful consideration, the joint tribal councils authorized Fred Moore to codify tribal values in a comprehensive fisheries management plan that would promote appropriate technology, widespread access rights, and equitable distribution of fisheries-generated wealth. "It's a means to grow the traditional economy through traditional activities," says Vera Francis.

VERA FRANCIS

Vera Francis was the first to view the plan and the chart of the proposed fishing area. The management plan will revitalize traditional modes of production and ownership

In response, Fred drafted an ambitious plan that asserts the tribe's fishing rights in waters up to 200 miles offshore and along more than 350 miles of coastline in the US and Canada, in all over 35,000 sq m of ocean. Recently nominated to the tribal fisheries commission, Vera has been one of the first to view the plan and the chart of the proposed fishing area.

"Those currents out there tell the story of our relationship with the sea," says Vera, pointing to the swirl of waters on the chart where the warm core eddies from the Gulf of Maine mix with the icy Labrador Current. The vastness and complexity of interrelationships between oceanography, weather, biology and a host of other variables reflect the thousands-of-years old, and equally vast, history the Passamaquoddy have in these waters.

While Fred Moore re-establishes Passamaquoddy presence on the high seas, harvesting lobsters, scallops, fish, snow crab and marine mammals, and encouraging other tribal members to follow him, on her part, Vera is convinced that the entire tribe needs to embrace fisheries at a deeper level. "Although at this point," says Vera, "most tribe members are unaware of the actual plan, once it has been refined to truly reflect Passamaquoddy-owned and -controlled fisheries management, they will probably see its great importance." The plan will, therefore, be reviewed and vetted by the entire tribe. "Our fishers are telling the world that we are still here," says Vera, "that ours is a marine-based culture, but it doesn't operate in isolation. There is a community here supporting us." According to Vera, the management plan represents a potential revitalization of traditional modes of production and ownership. She explains this with an example: "I like the food I grew up on and I know how essential this food is to keeping us informed about who we are. We harvest certain fish at certain times; we eat them when it is the right time for them to be eaten." Vera is referring to sustainable production patterns developed over many thousands of years, a worldview that is incorporated into the fisheries management plan as it envisions a viable fisheries for the Passamaquoddy in the 21st century.

However, Vera emphasizes that the plan belongs to the tribe, not just the individuals who go to sea. "We need to keep this open and transparent," she says of the plan and

the practice. "Considering the import of Passamaquoddy fisheries, the plan may even require a referendum, which will have to be prefaced by community public hearings and broader invitations for participation. The scale of this document's import is what demands thoroughness and careful deliberation from the get-go."

Central to the plan is the Passamaquoddy view of sovereign right and responsibility. "Sovereignty isn't reckless," says Vera. "It's respectful. We can't claim a homeland and not respect the right of fish to a homeland. That includes protecting the right of fish to ancestral spawning grounds and nurseries." As an example, Vera points out that recreational fishing interests have lobbied the State of Maine to block the passage of alewifes (*Alosa psuedoharengus*) coming from the sea to many lakes in Maine's St. Croix watershed, because the alewifes eat the eggs of bass, an anglers' favorite. "The alewifes have a right to come home," she says.

The Passamaquoddy's interest in protecting its resource base covers activities from the watersheds to the deep sea, and Vera acknowledges that litigation aimed at polluters and destructive harvesting is not out of the question. "We'll also be looking offshore, at ways we can protect the rights of fish to their spawning grounds, nurseries, and feeding grounds." The plan already stakes out jurisdiction over Maine's scallop fishery. Says Vera: "The plan, by default, rejects the State's management over the scallop fishery because Maine has categorically failed in its duty to keep Cobscook Bay scallop fishery healthy or sustainable." But, she notes, there are capacity issues that hamper the tribe's ability to implement its plan. The 4,000 members of the tribe live on two reservations, Pleasant Point on the coast, and Indian Township, 30 miles inland. At Pleasant Point, fishing infrastructure is limited to a seasonal wharf and an exposed harbour. As the older fishers pass on, the younger fishers lose critical sources of hard-won knowledge and understanding, and the tribe has few boats that can operate safely in the large area it plans to access. "Obviously, we're going to need boats, and our fishers are going to need training," says Vera, but she is committed to the idea. "Passamaquoddy fisheries development has the potential for keeping the tribe close to its marine-based culture and its responsibility to protect that which has sustained us all,"

Whereas the architects of past destruction now advocate privatization and consolidation of access rights to the remaining resources, the Passamaquoddy tribe has made an unexpected entry into the discourse. Using the legal power of centuries-old treaties that recognize the inherent human rights of the tribe to its life modes, the Passamaquoddy are offering an entirely new paradigm for fisheries management, based on a history of sustainable fisheries rooted in respect.

How much of the Passamaquoddy plan will be realized is still uncertain. It has already borne fruit in that it has infused

The Passamaquoddy are offering an entirely new paradigm for fisheries management, based on a history of sustainable fisheries rooted in respect, and the practice of establishing conservation policy prior to fisheries development.

What's New, Webby?

The UN System: Working Together to Empower Rural Women

Rural women, though active agents of economic and social change and environmental protection, are, in many ways, constrained in their roles as farmers, producers, investors, caregivers and consumers. Their role in feeding and looking after their families is crucial but they continue to face serious challenges as a result of gender-based stereotypes and discrimination that deny them equitable access to opportunities, resources, assets and services.

The 10th session of the Inter-Agency Network on Women and Gender Equality (IANWGE) established a one-year task force to provide strategic direction and guidance to relevant UN processes and agencies working on promoting the achievement of the Millennium Development Goals (MDGs), with a particular emphasis on rural women. Co-ordinated by FAO, IFAD and WFP, the task force is contributing to the preparations for the priority theme of the Commission on the Status of Women 2012. Its work will also feed into the Rio+20 UN Conference on Sustainable Development and the Sustainable Development Goals, as well as the MDG Summit in 2015, and will help define new post-2015 global targets and goals that take into consideration the situation of rural women.

The website consolidates information related to the task force and its mandate. It includes a fact sheet on rural women and the MDGs. This web package also highlights official UN system observances for International Women's Day and includes related statements, events and resources.

many disenfranchised fishers with hope of reclaiming access to privatized fisheries. The tribe's access to, and oversight of, marine resources has the potential to restore depleted stocks and ravaged ecosystems, and ultimately bring the wealth generated by healthy fisheries home to the people with the longest historical reliance on those resources. For the Passamaquoddy, fisheries health equals cultural and physical health, and that is inherently the case for humanity: we cannot create a healthy society in the absence of healthy oceans tied to flourishing terrestrial ecosystems.

Facing Change with Courage

Despite grim changes that threaten fishing livelihoods, fisherwomen in South Africa are emerging as strong leaders to face the challenges head-on

By **Michelle Joshua** (michelle@masifundise.org.za) from Masifundise Development Trust, with thanks to **Rosie Shoshola** and **Sarah Niemand**

Over the past decade women in fishing communities in South Africa have faced many new challenges. The finalisation of the Long Term Rights allocation in 2005 excluded many fishers and resulted in countless households being left destitute. During this period, women were forced to find alternative ways to put food on the table. Their children had to be fed, and, when their partners or husbands were angry and despondent, they had to be comforted and supported. With the increasing use of alcohol and drugs, women became victims of domestic violence. This is the context in South Africa, when fisherwomen have emerged as strong leaders to challenge legislative and political change that threatens their traditional livelihood.

The following brief biographies are descriptive of the lives of two such leaders, Sarah Niemand and Rosie Shoshola, and their roles in building community support to hold on to their way of life—a way of life that nurtures and sustains them, and those they love. They relate how women are becoming more aware of the need to unite and fight for change, with many becoming active members of the organization, Coastal Links. They also describe how these women today find themselves facing a new challenge—the threat of climate change, and their struggles to cope with it.

MASIFUNDISE DEVELOPMENT TRUST

Rosie Shoshola points out that women are becoming more aware of the need to unite and fight for change, with many becoming active members of Coastal Links

Sarah Niemand was born in Buffeljagsbaai, a small fishing community situated about 150 km from Cape Town, and can trace her family's involvement in the kelp and fishing industry back four generations. The community was founded in the early 1930s by Johannes Swam, previously a farm laborer, and his wife, Sofia. Arriving in 1933, they settled in a makeshift hut for several years, until, in 1939, Swam was able to collect enough wood from the wreckage of the Yugoslav freighter, Avala, wrecked at Quoin Point near Buffeljagsbaai, to build a small timber house, using only a hammer, a saw and a plane for tools, thatch for the roof, and tar to seal the planks of timber. The sea washed up further treasures such as driftwood with which Swam made his first dinghy. With this, he began fishing independently. Over the years, more than twenty timber homes came up, all built from driftwood; some still stand in Buffeljagsbaai today, although sadly, the Swam house was demolished last year.

A Coastal Links branch was established in Buffeljagsbaai in 2006 after a community member heard about the work of Coastal Links along the coast. Soon, Coastal Links learnt that many fishers were unsuccessful in their Long Term Rights application. To deal with this and other issues, representatives from Buffeljagsbaai began attending workshops, street marches and also assuming leadership

positions within Coastal Links, and later, on the Masifundise Board. Despite these positive developments, there is no doubt that the community at Buffeljagsbaai is under threat. In 2004, it experienced a 'mini tsunami' with the waters reaching and flooding their homes, and, in some cases, sending furniture adrift. The next year, 2005, saw the same thing happening again. Other changes are also visible. For example, the fishers are observing foreign species in their waters. Worse still, Eskom, the electricity supply agency, and the South African government have earmarked Bantamsklip on the Overberg coastline in the Western Cape as the site for a nuclear power station. Fishers fear that a nuclear power plant at a site merely three kilometres from Buffeljagsbaai will have an incalculably negative impact on the coastal communities in the Overberg region.

But despite the challenges, the women in Buffeljagsbaai are in no mood to give up. Sarah Niemand, the current Coastal Links community leader, is determined that Buffeljagsbaai be recognized as a place where traditional fishers live. Nominated in 2010 as Overstrand Women of the Year, Sarah played a vital role in lobbying to ensure that the Buffelsjagsbaai fishers were included in the Equality Court ruling in 2007, which recognizes the rights of small-scale fishers in South Africa. Today, there are about 1,500 beneficiaries of the subsequent Interim Relief measure. To ensure that more members of the community are able to earn a decent living, the women have also started a Coastal Links Women's Group. With help from the Overberg Health Department, they were able to source training in fabric painting, mosaics and a range of other crafts. Some of their products are sold at the Beach House in Hermanus, a very popular tourist destination, and at various local markets. The group also purchases permits to harvest *alikreukels* (giant periwinkles). When weather conditions makes it impossible to go to sea, the women collect and pickle, curry or grind these large sea snail-like creatures to make *alikreukel frikkadels* (fish cakes), which they serve on home-made rolls to tourists. The income from this trade has sustained many families during difficult times.

Another small fishing community about 260 kilometres north of Cape Town is Lamberts Bay. Lamberts Bay was once well known for its fresh marine products. It is referred to as the "Mecca of West Coast Rock lobster" (West Coast crayfish). The first crayfish factory was started here more than a hundred years ago by a Mr Lindström in 1918, a time in history when Lamberts Bay was strictly a fishing community of about 7000 fishers, with its own church by the sea. But when the Group Areas Act, an apartheid law, came into effect in the late 1950s, all non-whites were forcibly removed from their coastal homes and forced to settle further inland. This, together with the closure of the fishing factory in 1966, deeply unsettled the Lamberts Bay fishing community, leaving families destitute. In the words of one fisher: "Part of the character of the town died when the fish factory closed down. We, the locals, were used to the smell of the fish, especially in the factory where certain line fish species were processed into fishmeal. We referred to the smell of the fish as the smell of our money." Today Lamberts Bay has become a tourist holiday destination; its fishing factory is now a potato factory. It is also known worldwide for Bird Island, connected to the mainland by a manmade wall, where sea birds, in particular the Cape Gannet, breed, and seals abound.

However, Lamberts Bay still has more than 300 people trying to make a living from the sea. Prominent among them is Rosie Shoshola. Fishing since she was a young woman, Rosie was born in Lamberts Bay and is one of the few women in the area to own a boat. Most fishers in Lamberts Bay work on small dinghies close to the shore or in the near-shore and use traditional fishing methods, such as hand lines for fish and ring nets for crayfish. Today, however, Lamberts Bay's fishing community faces many threats. Unemployment used to be this community's biggest problem but now even those who have legal access to the sea feel that they are unemployed because their access to the sea is greatly restricted by environmental changes. In discussions about the rapid changes taking place, Rosie expresses deep worry about the decrease in 'sea days'. She describes how unexpected storms are claiming the lives of fishers. But most stirring is her account of how these changes affect her spiritually. Rosie has a deep love for the sea; a spiritual connection with it—the sea, she feels, takes her mind away from worry and anxiety, connects her to her Creator and sets her spirit free. While in recent times, many fishers have looked at alternative livelihoods, pooling their money to trade in potatoes or living off government grants and odd jobs, Rosie is still to find an alternative for her aching soul.

The women of the fishing communities believe that with a good understanding of the environment and with data which they have collected themselves, fishers would be in a better position to engage with scientists and other experts.

Sarah and Rosie, like many others, fear that soon the sea will no longer be able to provide for them as it did before. They fear that this will ultimately force them to move out and find new ways of living. They are not sure if the aged in their communities will survive the pain of being uprooted and displaced from their rich tradition. They are concerned about the high school drop-out rate—in some communities, children as young as 11 and 12 are leaving school. They claim that hunger is causing the children to become criminals. They also fear that over-fishing by big companies will deplete fish completely.

Yet they have not given up hope. Like the other women of their communities, Sarah and Rosie too believe that with a good understanding of the environment and with data which they have collected themselves, fishers would be in a better position to engage with scientists and other experts. Rising water levels, changes in water temperature, increasingly rough seas, the entry of foreign species, fewer sea days and so on—although these changes are depleting fishing livelihoods and wellbeing, Sarah and Rosie are hopeful that the new small-scale fishery policy will take into account these climate change-related effects and introduce flexibility in terms of fishing times and what species can be harvested.

There is no doubt that the fishers of Buffeljagsbaai and Lamberts Bay will have to adapt to the rapid changes overtaking their lives. And, there is no doubt also that when the changes go against them, the community, as in the past, will once again lean heavily on women like Sarah and Rosie.

PROFILE

Nalia Fedrix: Proud to be Born on the Coast

Nalia Fedrix gave up her job as a professional nurse to go fishing

By **Vivienne Solis** (vsolis@coopesolidar.org) of CoopeSolidar, Costa Rica, translated by **Daniela Barguil** (dbarguil@coopesolidar.org)

Nalia Fedrix gave up her job as a professional nurse to return to her fishing village in Nicaragua to do what she most enjoyed—fishing.

A professional nurse and fisherwoman? An unusual combination, certainly, but one that aptly describes 53-year-old Nalia Fedrix, who gave up her job as professional nurse to return to her fishing village to do the work that gave her most joy—fishing. "I inherited the art of fishing from my parents," says Nalia. "It seems to me that ever since I was born, I have fished; ever since I could think, I have fished!"

Born in a fishing village in Puerto Cabbezas de la Raan in Nicaragua, Nalia started fishing as a toddler. "We used to go to the beach to play and that's when my dad started teaching us how to fish." "*Jalar chinchorro,*" he would say, "Pull the lines!" Going fishing with friends at age 14, Nalia recalls a sea full of fish: "At that time, we used to give away everything we fished. We went fishing for fun. Those days, fish was very cheap but later, of course, the prices started shooting up. The *robalo* (common snook) in those days cost only 5 cents (US$0.0021), but now it costs 14 *córdoba*s (US$0.6).

Nalia did not pursue fishing as a means of livelihood. Instead, she trained as a professional nurse and left her fishing village to go to town to work. Throughout her stay in the city, Nalia missed the sea. The waves of the sea tugged at her heart, calling her back. "I always thought of returning to my place of origin to work as a fisherwoman," recalls Nalia. And so, quitting city life, she returned.

Never looking back, Nalia is proud that she went on to raise a family, supported by fishing alone, and that her children too have centered their lives around fishing. "For me, the sea and fishing mean a lot—I am proud I was born on the coast," she says, "Fishing has supported my family and though I am a single mother, it has helped provide my children with an education. Fishing is a good occupation. It teaches you to make good use of the time and resources you spend on it; it teaches you not to waste."

Nalia's life as a fisher has not been without its challenges. She recalls a chilling moment when she was out at sea fishing with a friend. "Suddenly, a shark, about 10 or 15 ft long, passed by us," she remembers, "And do you know, my *panga* (boat) happens to be named 'Shark'!" My friend said to me: "Why have you given such a name to your boat?" "At that exact moment, the boat turned over. It was terrifying. We spent three hours at sea before we were able to swim back to the coast."

The people in Nalia's village were sure that after this experience, she would never venture out to sea again. "But," says Nalia, "If I don't go to the sea, I get sick. I'm sure that it was God who protected us that day from that shark!"

Pulicat's *Padu* System

Growing resource scarcity in India's Pulicat Lake region is not only putting a strain on the traditional system of fisheries management but also raising vital questions about gender equity in the community

By **Ramya Rajagopalan** (icsf@icsf.net), Consultant, International Collective in Support of Fishworkers

Pulicat Lake, spread across the southern coastal States of Andhra Pradesh and Tamil Nadu, is the second largest brackishwater lagoon in India, after Chilika Lake. The saline water of the lagoon makes it an important fishing ground, especially for shrimp and mullets. Over 50 fishing villages currently fish in the lagoon area, using stake-nets (*suthu valai*) exclusively for shrimp, and drag-nets (*badi valai*), shaped like shore seines, for all fish species. The predominant fishing community in the area is the Pattanavar community. In the last few years, some *dalit* (people traditionally assigned a low status in the caste hierarchy) community members have also started fishing near the mouth of the lake.

The fishing communities in Pulicat practise the *padu* system—a traditional system of allocating rights to the fishing grounds to eligible fishermen in the lagoon area. This originated with the dominant Pattanavar community but is now being practised by people from other fishing communities in the region as well. The term *padu* means 'fishing site'. The *padu* system follows spatio-temporal regulation—fishermen are allowed access to specific fishing grounds by rotation. This means that all eligible fishers can eventually access all fishing grounds.

RAMYA RAJAGOPALAN/ICSF

Women vendors at the Pulicat fish landing centre, India. Women have no fishing rights, as they are not members of the *talaekattu* system

The system depends on a traditional patriarchal institution at the village level called the '*talaekettu*'. Every male above the age of 18 belonging to the Pattanavar community is eligible to become a member of the *talaekattu* and gain access to the fishing grounds. The membership rights to new members are bestowed by the village elders. The *talaekattu* makes decisions related not only to fishing but also to conflicts and disputes among villagers.

The increase in the demand for shrimp since the 1980s and the growing population of new fishers seeking to access fishing rights in the region are putting a strain on the traditional *padu* system. Moreover, pollutants from industries located in the nearby Ennore port region also damage the health of the fishing ground. In fact, some species have completely disappeared from the lake. As a result, the number of days of fishing allotted to each fisherman has gradually decreased over the years. Currently, the system allows only two days per week for the *suthu valai* fishers and one day for *badi valai* fishers. Once, the *padu* system was sufficient to meet the needs of fishermen who did not have to look at any other form of livelihood—they were expected to fish in their fishing grounds on the prescribed days and could not abstain, without good reason, from fishing. However, the growing pressure on resources has meant that the rules are no longer the same. Today, the rules allow fishermen to leave the fishing village for a year to look for other livelihood options, upon the condition that they diversify out of fishing during the period.

Though the *padu* system has been in practice for generations, it is not officially recognized by the State Government of Tamil Nadu, one of the two States in which Pulicat Lake falls. These communities are also not part of the licensing system of the State fisheries department and so, their customary rights do not enjoy legal protection.

There are two ways of viewing this traditional resource management system. Rajasekharan, a fisherman leader in the region, says: "The *padu* system ensures a harmonious and conflict-free life for everyone in the village

as it implements an equitable distribution of fishing grounds irrespective of the skills of the fishermen. It can also be seen as a resource management initiative." He adds that despite the number of fishing villages in the region increasing from three to 24, the *padu* system has spread to cover the new villages, with each village designating its own *padu* area. The villagers have thus managed to avoid conflicts over resource use.

A very different picture of the *padu* system emerges, however, from Sarojini, a fisherwoman from Pulicat. She says: "Women in these fishing villages are not members of the *talaekattu* and hence have no rights over fishing in the *padu* system. Most women are involved in selling and drying fish that are caught by their husbands. So, in case of households where there are no male children, on the death of the fisherman, the *padu* rights automatically revert back to the system, as the wife or girl child is not entitled to such rights. Women-headed households cannot even hire a labourer on wages to use fishing gear and craft. Most often, the fishing gear and craft are sold." Sarojini explains how the *padu* system discriminates against women even on non-fishing rights. "For drinking water, the village has a lot system of allocating a certain number of pots for each member of the *talaekattu*. However, in the case of families where there are no male members, they are not part of the *talaekattu* system, and hence are not eligible for fair allocation of drinking water. The system also discriminates in the distribution of welfare schemes available as relief at the time of natural disasters. The distribution of such schemes to women-headed households is done only after all other households get their entitlements, and the decision is left in the hands of the *chettiyar* (village head) and other village elders. Women-headed households do not have any rights over land, except for the husband's property. They are not eligible to buy any new property within the village nor are they allowed to sell their existing property in a fair manner. The price of the property and also the decision about whom to sell the property to, are both taken by the village elders."

Traditional community resource management systems, even while addressing issues of equitable resource use and conflict resolution, can embed within themselves a gender bias.

We, therefore, see how traditional community resource management systems, even while addressing issues of equitable resource use and conflict resolution, can embed within themselves a gender bias. However, even as resource constraints are forcing the system to change, women are beginning to find ways of asserting their rights. As Sarojini explains, "Earlier, women-headed households had no access to village funds. But now, with the establishment of self-help groups in these villages, women are coming out and discussing some of their problems. They have started taking part in a few village-level activities. Women were earlier not allowed to work outside the household; it is only recently that they have started working in the markets."

Milestones

By **Ramya Rajagopalan** (icsf@icsf.net), Consultant, ICSF

Voluntary Guidelines on the Responsible Governance of Tenure

Negotiations related to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, being developed by the Food and Agriculture Organization of the United Nations (FAO) and its partners, concluded successfully in Rome in early March 2012.

Ninety-six countries (plus the European Union as an FAO Member organization) along with non-governmental groups, civil society organizations, UN agencies and other international organizations, farmers, pastoralist, fishing community and indigenous peoples' associations, and private sector representatives took part in several rounds of talks by an Open Ended Working Group established by the Committee on World Food Security (CFS) to negotiate the text of the guidelines. The proposed guidelines are set to be considered for final approval by CFS at a special session in Rome in mid-May. The guidelines have been drawn up through a comprehensive and inclusive process. Developed against the backdrop of the increasing number of corporate land grabs and appropriation of other natural resources, they outline principles and practices that governments and other actors can refer to when administering land, fisheries and forest rights in order to serve the best interests of their populations, and promote food security and rural development.

The guidelines stress that all programmes, policies and technical assistance to improve governance of tenure through the implementation of the guidelines should be consistent with States' existing obligations under international law, including the Universal Declaration of Human Rights and other international human-rights instruments.

Notably, gender equality is recognized as an important principle of implementation. States are asked to ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.

For more information: www.fao.org/news/story/en/item/128907/icode/

Mapuche: People of the Land and Sea

Chile's indigenous fisherpeoples, struggling to protect their livelihoods, find that laws protecting their customary rights are in direct conflict with sectoral laws that seek to open up the natural resource base to commercial exploitation

By **Patricio Igor Melillanca** (patricio@ecoceanos.cl), from Ecoceanos, Chile. This article is based on an interview conducted for the Voice of Fishers Project of the FAO

The Bay of Mehuín in the southeast Pacific region, 800 km south of Santiago, Chile, has been home to fishing communities and deep-sea divers for hundreds of years. The Mapuche-Lafkenche is one such community that lives along the bay in the Region de Los Rios in south Chile, meeting its livelihood through fishing, harvesting shellfish and farming benthonic resources.

The Mapuche-Lafkenche people have a complex relationship with their land and marine environment. The natural resources which sustain them physically and economically in the form of food and material resources also sustain their cultural, religious and spiritual lives. Vital ingredients for medicines and health are extracted from the natural resources they harvest. Sea water, for instance, is used as a Mapuche medicine at certain times of the year. Seaweeds like *cochayuyo* (bull kelp) and *luga* (a type of seaweed) are used to treat not just human beings but also animals. The traditional doctors and *machis* (shamans) use a large variety of plants found along the coastal strip as cures. In the words of Boris Hualme Millanao, a leader of the Mapuche-Lafkenche community and spokesperson for the Marine Defence Committee of the Mehuín community: "These natural products give us our life, our food and our economy."

LABQUENCHE.BLOGSPOT.COM

Mapuche Lafkenche leaders gathering in the Bio Bio region, Chile. Customary rights to use their ancestral land and water resources has supported traditional livelihood

These natural resources also allow the community to practise barter and commerce (*trafkintun*). Although barter may no longer be the sole means of exchange, it is still practised by the community at a time when Chilean society increasingly calculates value only in terms of money, ignoring collective interests or customary rights.

Customary rights to the use of their ancestral land and water resources have supported the traditional livelihood forms of the Mapuche-Lafkenche community for generations. Of primary importance today is that these rights be secured through legislation. Two specific advances for customary rights have been the 1989 International Labour Organization (ILO) Convention 169 at the international level, and the Law No.20.249 (passed in November 2007), better known as the "Lafkenche Law". The struggle now is to seek interpretation of this legislation in ways that reinforce customary rights. The legislation, however, is in direct conflict with sectoral laws relating to natural resources. There is the mining law, which takes precedence over almost all other laws, not only the indigenous one. Further pieces of legislation being drafted are the Water Code, the Law on Native Woodlands, and the Fisheries Law. These sectoral laws specifically seek to open up natural resources to exploitation by various economic interests.

An example of this struggle with private economic interests is the 15-year-old conflict with Celulosa Arauco y Constitución (CELCO), for alleged human-rights violations. The Valdivia pulp mill, one of several owned by CELCO, is located 500 m from the south bank of the Cruces River in the Los Ríos region, upstream from the nature sanctuary and 40 km from the Bay of Mehuín, where the Mapuche-Lafkenche and other indigenous fishing communities live. The pulp mill produces 550,000 tonnes of pulp a year for export. Pulp production is a highly polluting process and expels large amounts of toxic chemical effluents. The company plans to lay a 40-km waste pipeline from the pulp mill to Mehuín, with a 2-km undersea extension, through which the plant's effluents can be discharged directly into the ocean at a depth of 18 m.

The law describes the Mapuche-Lafkenche as 'People of the Land', a position that leaves the community without any customary rights over the sea and coastal resources.

CELCO was granted permission to build the waste pipeline on 24 February 2010 by the Regional Commission for the Environment (COREMA). The pipeline is expected to be completed in two years' time. The population that will be affected by the project includes 20 coastal communities of Lafkenche people and the traditional fishing communities of Mehuín, Cheuque, La Barra and Mississipí. Another 20 native communities further south, and associations of fishing communities with nearly 1,000 members in neighbouring bays and inland areas could also be negatively impacted. The Defence of the Sea Committee (Comite de Defensa del Mar) appealed to the courts against the environmental permit granted to the company, and demanded that the lives of indigenous people as well as their right to live on the coast, which is guaranteed under Chilean law, be protected. But the appeal was rejected by the Supreme Court in Chile. Denied justice, the Defence of the Sea Committee took its case to the Inter-American Commission on Human Rights (IACHR), seeking urgent precautionary measures and a restraining order against pipeline construction.

Today the challenge before the Mapuche-Lafkenche community is to be able to build a movement to defend its customary rights and to demand the implementation of legislation that defends these rights against predatory private interests. Critical to this would be the sharing of experiences between local communities, and studying the new legislation in order to interpret it in ways that protect Lafkenche interests. Studying the Lafkenche Law, however, throws up several basic questions starting with how the law defines the Mapuche-Lafkenche people.

Boris Hualme Millanao, a Mapuche leader, explains: "The Chilean State describes the Mapuche-Lafkenche as 'people of the land'. This position leaves the community without any customary rights over the sea and coastal resources. This justification is sought to be imposed through anthropology and the educational system, fooling the Lafkenche society into believing that the law only applies to the land. This interpretation has to be challenged, not only with the State and private economic interests, but also within the community itself, in order to reclaim our traditional rights. This is the biggest challenge before the community leaders."

This will not be an easy struggle. As Boris Hualme Millanao says, "We know that this will come at a high cost. They will imprison us, apply the Anti-terrorist Law to stop us, and create many other difficulties. But what is clear is that we must not get distracted by this or that small project, or by a government that brings us suitcases full of money to buy our co-operation. To be true to our way of life and to defend our rights, we must never give up."

DOCUMENT **STATEMENT**

Women's Organizations Question UN CSW

Excerpts from the Statement drafted by **Asia Pacific Forum on Women, Law and Development (APWLD), Association For Women's Rights in Development (AWID), International Women's Health Coalition (IWHC), International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific) and Women Living Under Muslim Laws (WLUML)/ Violence is Not Our Culture Campaign**

We, the undersigned organizations and individuals across the globe, are alarmed and disappointed that the United Nations Commission on the Status of Women (CSW) failed to adopt agreed conclusions at its 56th session. This failure has diminished the considerable work, energy, time and costs that women all over the world invested on the 56th session of the CSW. The advancement of women's human rights should not be put on hold because of political battles between states. We say NO to any re-opening of negotiations on the already established international agreements on women's human rights and call on all governments to demonstrate their commitments to promote, protect and fulfill human rights and fundamental freedoms of women.

We are particularly concerned to learn that our governments failed to reach a consensus on the basis of safeguarding "traditional values" at the expense of human rights and fundamental freedoms of women. We remind governments that all Member States of the United Nations (UN) have accepted that "the human rights of women and of the girl-child are an inalienable, integral and individual part of universal human rights" as adopted by the 1993 World Conference on Human Rights in Vienna. Governments must not condone any tradition, cultural or religious arguments which deny human rights and fundamental freedoms of any person. After more than 60 years since the Universal Declaration of Human Rights (UDHR) was embraced and adopted by the UN, the relationship between traditional values and human rights remains highly contested.

We affirm the UDHR as not only "a common standard of achievement for all peoples and all nations" but a common standard of assessment for all traditional values. The UDHR is an embodiment of positive traditional values that are universally held by this community of nations and are consistent with the inherent dignity of all human beings. We remind governments that under the Charter of the United Nations, gender equality has been proclaimed as a fundamental human right. States cannot contravene the UN Charter by enacting or enforcing discriminatory laws directly or through religious courts nor can they allow any other private actors or groups imposing their religious fundamentalist agenda in violation of the UN Charter.

"No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor limit their scope. Not all cultural practices accord with international human rights law and, although it is not always easy to identify exactly which cultural practices may be contrary to human rights, the endeavour always must be to modify and/or discard all practices pursued in the name of culture that impede the enjoyment of human rights by any individual." (Statement by Ms. Farida Shaheed, the Independent Expert in the field of cultural rights, to the Human Rights Council at its 14th session, 31 May 2010)

Amongst other things, it is alarming that some governments have evoked so-called 'moral' values to deny women's sexual and reproductive health and rights. Sexual and reproductive rights are a crucial and fundamental part of women's full enjoyment of all rights as well as integral to gender equality, development and social justice. Social and religious morals and patriarchal values have been employed to justify violations against women. Violence against women, coercion and deprivation of legal and other protections of women, marital rape, honour crimes, son preference, female genital mutilation, 'dowry' or 'bride price', forced and early marriages and 'corrective rapes' of lesbians, bisexuals, transgender and inter-sexed persons have all been justified by reference to 'traditional values'.

We remind governments that the CSW is the principal global policy-making body dedicated exclusively to gender equality and advancement of women with the sole aim of promoting women's rights in political, economic, civil, social and educational fields. Its mandate is to ensure the full implementation of existing international agreements on women's human rights and gender equality as enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the International Conference on Population and Development Programme of Action as well as other international humanitarian and human rights law.

The complete Statement is available at : http://us1.campaign-archive2.com/?u=118e22b87fa01f36b66ad923d&id=a137b67d47&e=224fad1e57

Q & A

Interview with María Hernández Rojas, a fisherwoman from Tárcoles community, Costa Rica.

By **Vivienne Solis** (vsolis@coopesolidar.org) of CoopeSolidar, Costa Rica, translated by **Daniela Barguil** (dbarguil@coopesolidar.org)

Maria, how many years have you been fishing?

I have been fishing for the past 15 years.

What is your first memory of the sea?

The desire to go to sea, to fish. I also remember one of the first times I went out, I fell out of the *panga* (boat) because it was so unsteady. But we were near the shore, and because I knew how to swim, I was not scared.

Who taught you to fish?

It was my older brother, Marcos, who taught me how to fish, first with lines. He used to say "As soon as you feel a strong pull, a *tironaso*, you must quickly pull up."

What does fishing mean to you? And the sea?

I would say fishing is something that at least helps to maintain the household. The sea gives me a wonderful feeling, it feels great to be there, it is a wonderful thing.

What are the challenges that women face in the fishing sector?

I think a woman faces many challenges as a fisher; the activity itself is a challenge. When one goes out to sea, there is, of course, the danger of rains, storms, tides and waves, but there is also the challenge of constant self-improvement. Also, if the boat gets damaged, one must fix it; buy a spare part; fix the spare part—that's a big challenge; it's difficult to deal with all that.

Why is fishing important?

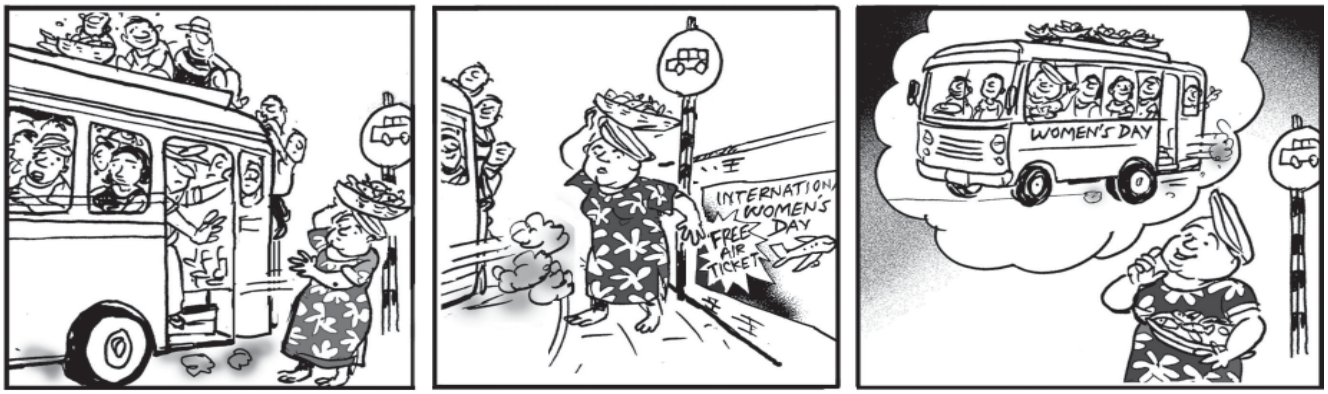
Fishing is important for our children and our families—to help us live our lives today and also in the future. Also, it is important that our children learn how fishing has been done through time.

A story you would like to share?

I have a strong memory of the time I fell out of the boat. I still remember the shock of falling. I fell. I put my foot on the sand, and just then, I stepped on a ray. A big one. It felt soft and slippery. In that instant, I jumped back into the boat and fell flat. I must have been about 8 years old at the time.

YEMAYA MAMA

"Women's Day Special!"



REVIEW

World Development Report 2012: Gender Equality and Development

The International Bank for Reconstruction and Development / The World Bank. 426p. ISBN 978-0-8213-8825

By **Ramya Rajagopalan** (icsf@icsf.net), Consultant, ICSF

While women in recent times have made certain gains in the realms of rights, education, health, and access to jobs and livelihoods, gaps remain in many areas. The worst disparity is the rate at which girls and women die relative to men in developing countries. Excess female deaths account for an estimated 3.9 mn women each year in low- and middle-income countries. This year's "World Development Report (WDR) 2012: Gender Equality and Development" argues that closing these gaps is a core development objective in its own right. Greater gender equality can enhance productivity, improve development outcomes for the next generation, and make institutions more representative.

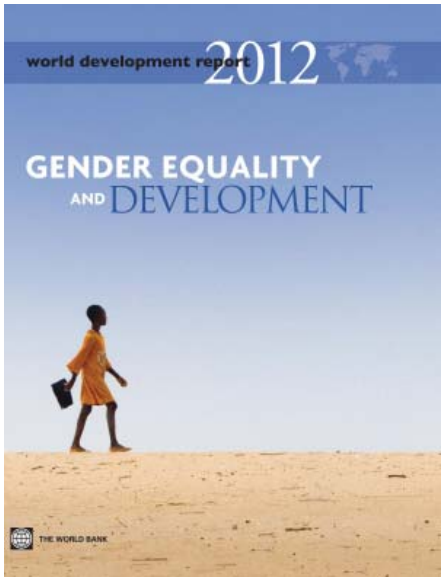
The WDR 2012 has nine chapters in three parts. Part I takes stock of gender equality, while Part II asks: What has driven progress? What impedes it?. Part III addresses the role and potential for public action.

The report focuses largely on inequalities affecting women, dwelling upon those that are likely to be reproduced and passed on to the next generation. It draws on a large and growing body of quantitative gender research, complemented by new analysis, particularly on time use, domestic violence, mortality risks, and inputs into agriculture and entrepreneurship.

According to the report, gender equality matters for two reasons—the ability to live the life of one's own choosing and be spared from absolute deprivation is a basic human right and should be equal for everyone, independent of whether one is male or female; and secondly, greater gender equality contributes to economic efficiency and the achievement of other key development outcomes. Gender equality also leads to greater control over household resources by women, which can enhance countries' growth prospects by changing spending patterns in ways that benefit children. Empowering women as economic, political and social actors can also change policy choices and make institutions more representative of a range of voices.

The analysis focuses on the role of economic growth, households, markets, and institutions in determining gender differences in education and health, agency and access to economic opportunities. The report focuses on four priority areas for domestic policy: (i) reducing excess female mortality and closing education gaps where they remain; (ii) improving access to economic opportunities for women; (iii) increasing women's voice and agency in the household and in society; and (iv) limiting the reproduction of gender inequality across generations.

The complete report can be downloaded from http://siteresources.worldbank.org/INTWDR2012/Resources /7778105-1299699968583 /7786210-1315936222006/Complete-Report.pdf



ICSF

PUBLISHED BY
Chandrika Sharma for International Collective in Support of Fishworkers
27 College Road
Chennai 600 006
India
Tel: (91) 44 2827 5303
Fax: (91) 44 2825 4457
E-mail: icsf@icsf.net

Web site: www.icsf.net

EDITED BY
Nilanjana Biswas

ILLUSTRATIONS BY
Sandesh
(sandeshcartoonist@gmail.com)

DESIGNED BY
P. Sivasakthivel

PRINTED AT
Nagaraj & Company Pvt. Ltd., Chennai

Writers and potential contributors to *YEMAYA*, please note that write-ups should be brief, about 500 words. They could deal with issues that are of direct relevance to women and men of fishing communities. They could also focus on recent research or on meetings and workshops that have raised gender issues in fisheries. Also welcome are life stories of women and men of fishing communities working towards a sustainable fishery or for a recognition of their work within the fishery. Please also include a one-line biographical note on the writer.

Please do send us comments and suggestions to make the newsletter more relevant. We look forward to hearing from you and to receiving regular write-ups for the newsletter.