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Comment

Encourage self-regulation

The fisheries of many Asian countries have, over the past few decades, witnessed the proliferation of fishing methods such as bottom trawling for high-value demersal species like shrimp. The Asian region today has arguably the largest concentration of trawlers in the world, and perhaps the largest proportion of marine fish catch coming from these fisheries.

The growth of trawling has been accompanied by conflicts—often violent and even fatal—between the trawl and non-trawl sector in many countries of the region, as in India and Indonesia. While the proliferation of bottom trawling has been alarming, no less alarming has been the growth of non-selective methods like purse-seining and push-netting. These technologies have grown virtually unchecked in situations typically characterized by ineffective regulation and weak fisheries management. Not surprisingly, the economic, social and environmental consequences have been severe.

Ironically, the non-trawl small-scale sector has often had little choice but to join the race for fish. Several countries of the region have thus witnessed a transformation of this sector. From a situation where it comprised mainly non-motorized craft using selective, often passive, gear such as gillnets, lines and traps, there has been a tremendous expansion of fishing capacity in the non-trawl sector in many developing countries of South and Southeast Asia. The rapid expansion of this sector under *de facto* open-access regimes is also contributing to the overfishing pressures on coastal fisheries resources in several countries of the region.

The problems in putting in place effective fisheries management systems in such complex situations, where millions depend on the sector for livelihoods and incomes, are well known. Urgent measures are, no doubt, essential to ensure sustainable fisheries and to eliminate incentives that have led to unchecked growth in capacity in the small-scale sector.

In this context, reports about fishermen-led initiatives that aim to regulate, and even eliminate, practices such as trawling, in the Palk Bay region between India and Sri Lanka, are heartening (see page 24). Similar initiatives are also being reported from Gujarat, India, where trawler owners are reported to have agreed that, with effect from 1 January 2004, no new vessels will be added to the trawl fleet in the province. It is vital to recognize and provide adequate policy and other support to such self-regulation initiatives. Experience from other parts of the world, including Thailand and the Philippines, indicates that chances of such systems of self-regulation succeeding are higher, particularly if they are backed by appropriate policy support.

It is vital, therefore, to stimulate dialogue among the various stakeholders in the fisheries sector, to arrive at collective solutions. Long-term and short-term goals for management should also take into account social, economic, ecological and other relevant aspects of labour-surplus fisheries in developing countries. The future of sustainable fisheries hinges critically on the twin processes of self-regulation and participatory management of resources.

Marine parks

Filleting Nemo

For many indigenous communities, national and marine parks can be significant threats to their hunting and fishing rights

With the rapid loss of wild landscapes in the 19th century, Western nations created 'national parks' to preserve 'wild' landscapes and, in the 20th century, to protect examples of habitat and the species they contain—before they were lost entirely. Early marine parks were established for much the same reason.

In Africa, Asia and central America, national parks were later designed to attract Western tourism revenue and aid. In some instances, they displaced local communities and traditional owners became 'poachers'. For many indigenous communities, national parks and, indeed, marine parks can be significant threats to their hunting and fishing rights.

In Australia, threats by the Queensland State Government to drill for oil on the Great Barrier Reef in the 1980s saw the federal government, in response to a public outcry, establish one of the world's largest marine parks jointly managed with the State government.

Marine reserves were established in Victoria around the same time, though a lack of initial consultation with local communities led to considerable opposition. However, they were eventually established and included most recreational and commercial fisheries. These first marine reserves also protected public (crown) land well above the high-tide mark.

The Great Barrier Reef marine park originally included a series of very small no-take zones for scientific purposes but otherwise accommodated *and protected* a large commercial and recreational fishery. Though designed to protect the marine environment, the park housed within, and adjacent to it, a number of tourist development projects that destroyed mangroves and small sections of reef—despite some major conservation campaigns.

Other marine parks based on the 'fisheries inclusive' model were established, like the Solitary Islands marine park on the north coast of New South Wales (NSW) by NSW Fisheries.

Here a co-operative approach with all stakeholders in deciding no-take zones worked well, with additional protection of estuaries some distance inland, while allowing for fishing near small coastal towns.

No-take zones were established through agreement with specific objectives such as the protection of shoreline corals and grey nurse shark. The fishing industry and community guarded 'their' marine park, and local businesses sponsored the management, providing a management vehicle.

Sadly, this marine reserve too was later compromised, with the National Parks Department taking management from the Fisheries Department and adopting a less co-operative and more aggressive approach to management. A large sewerage ocean outfall was also established within the boundaries of the reserve.

Principal threat

By the late 1990s, many marine scientists and various government bodies in many countries had established in the public's mind fishing as a principal threat to fisheries *and the marine environment*. As fishing rights were privatized and commodified under individual tradeable/transferable quotas (ITQs) and 'days at sea' catch management regimes,

fish species in each country were presented by scientists as threatened by commercial fishing.

This increasing emphasis on 'overfishing' shifted the marine conservation debate away from the protection of the marine environment against pollution and the impact of mining and logging.

In early 2000, the Victorian State government proposed a series of marine parks to 'protect' five per cent of the State's coasts. The proposal was met with Statewide protests. The government negotiated the location of no-take zones under the threat of a potential massive electoral backlash from the unlikely coalition of recreational and commercial fishing communities. They had worked 'outside' the initially soft State bodies and then 'dragged' them along.

The original marine reserves were re-legislated. The new marine parks now allow exploration by seismic testing and drilling, while removing protection for mangroves and salt-marsh on adjacent public land in the original reserves.

These Victorian marine parks did not come about as a result of community campaigns but were imposed. Their value for 'restocking fisheries' became part of the 'spin' used to campaign for them *by government*. Their boundaries, especially of no-take zones, were chosen by selecting places with the highest recorded catches and assuming a link with biodiversity. These criteria initially saw the targeting of the limited 'lee shores', amplifying the social and economic impact of the no-take zones—and the opposition to them.

Through the late 1990s, representative bodies legislated for both commercial and recreational fishing industries had been replaced by government-appointed bodies. These now included competing interests, with representation from processors, importers and other sectors squeezing out the voices of commercial fishfolk. Even the 'women in industry' body included women from the world of science, wives of managers and so on—hardly fishfolk—thus effectively muffling the voices of women from the traditional owner-operator fleets.

Oil exploration

The Commonwealth established in the late 1990s the National Oceans Office, which established marine parks that allowed oil/gas exploration while banning fishing in distant-water Antarctic territories, targeting the control of international Patagonian toothfish fisheries. In early 2000, it proposed a series of large marine parks approved by State and federal 'appointed industry bodies' for southeastern Australia. These marine parks allow oil and gas

exploration, including seismic testing, with the inclusion of select commercial fisheries, limited by method and not scale—again creating de facto fisheries management decisions.

The management of the Great Barrier Reef marine park too has changed. Select marine scientists seemed to lead the campaign in 2003, with government blessing, to establish no-take zones covering nearly a third of the Great Barrier Reef. The tourism industry, especially the dive industry, was identified as the principle beneficiary. For tour boat and marina operators, implementation of legislation to regulate the containment and discharge of sewerage from boats and ports was further delayed—a far more critical problem than the heavily regulated commercial fisheries.

The Queensland government had run an effective campaign targeting recreational fishing too, educating recreational fishermen to 'blame themselves' for catching too many fish in the past, and building on the recent introduction of strict bag limits for select recreational species. The recreational fishing lobby was given some recreational fishing-only areas and were effectively silenced.

The creation of recreational fishing zones had also been effectively used by the NSW government to greatly reduce commercial fishing in estuaries and estuarine lakes in the south. This again re-established the notion that it is fishing alone that principally determines the abundance of fish. The economic justification was simplistic. Fish landed by recreational fishfolk were seen as more valuable to the economy than the same fish caught by commercial fishing—though, in this case, the highest value commercial fishery, sea mullet, is not fished recreationally.

This approach was, in turn, followed by ongoing restrictions of the recreational catch, with limits or bans on the landing of an increasing variety of fish species. Each Australian State is moving towards fully regulating recreational fishing and using it as its principal source of finance for fisheries management. In NSW, recreational licence fees were used for the commercial industry buyout, as they were in Victoria. Victoria also implemented additional recreational fishing areas, closing a series of coastal lakes suddenly and passing retrospective legislation to stop a single fisherman challenging this decision in court.

The marine park around Ashmore Reef off northwestern Australia was proclaimed without any research or consultation. It was simply assumed that if Indonesian fishermen were allowed to continue to fish there, they would 'threaten' turtles and dugong, and so a marine park no-take zone was necessary. Poorly marked, it is a 'trap' for Indonesian fishermen. They are prohibited from using navigational aids or motors by the Australian Fisheries Management Authority's literal interpretation of the 'traditional fishing rights' to be maintained as the territory got transferred from Indonesian control. Many fishermen are in Australian jails—around 200 Indonesian fishermen at any one time.

To be sure, marine parks can be useful tools for the management of ecotourism and the marine environment. But, to be effective, they *must* always be created with local community support. The co-operation of the adjacent local communities is essential to their management and small-boat commercial fisheries play a key role in enforcement and *cost-effective* environmental monitoring.

Marine parks without community support or small-boat commercial fisheries are extremely expensive to 'enforce'. It is very important that the aim of any proposed marine park is widely discussed and clearly presented, and that local communities are genuinely engaged. Marine parks are 'forever', so plenty of time must be taken to establish them. People play an essential role in these parks and the 'hard-hearted puritan' approach of the urban West—total protection for all species and the exclusion of humans—is impractical, unachievable, and economically, ecologically and socially unsustainable.

Wide variety

If habitat protection is to be used for fisheries management, then it must reflect the actual needs of a wide variety of

marine species. This will likely lead to management of widely dispersed shared habitats like coral reefs, mangroves, salt-marsh and coastal wetlands and the stream and river systems that feed them.

Some of these areas will have to be cleared and drained in the future for agriculture, industry, coastal development and water diversion associated with population growth. These types of habitat and the quality and strength of stream flow must be recognized as important to fish production. Stream flow could also be re-established in areas where fish production is required.

Commercial fisheries, small or large, are an industry and, as such, their management needs an economic, rather than a conservation, framework. The fish production and tourism of a given marine environment generate significant income. This income gives an economic value to all the various components of that marine environment—from the mangroves to corals and the quality and quantity of fresh water flowing to the coast. Inclusive marine parks can provide both a focus for management and a 'boundary' to calculate the economic/financial value of a wide variety of habitat types.

Those who catch fish species that rely directly on these coastal habitats and indirectly (like tuna that feed on the bait fish they produce) benefit most from investing in the management, maintenance and restoration of essential habitats. Such investment in management of coastal habitat feeding into coastal marine environments, funded in part by those who fish in them (or eat the fish) and utilize them for tourism, will enhance their value to all.

Many nations will find themselves at management crossroads in the near future as the demand for, and value of, fish from their waters, and their value as exports, increase. They will have to choose between adapting essentially traditional and regionally evolved fisheries, and catch management regimes with the internationalization of fishing rights. The latter will likely see the gradual loss of fishing rights from territorial waters under expensive catch management regimes. Local employment may well be limited to deckhands for foreign-owned corporate fleets.

Similarly, poorly planned marine parks may damage the local traditional economy by depriving people of existing rights to harvest the marine environment. Governments interested in export income from foreign tourists who come to watch fish, not eat them, may favour and 'overprotect' marine ecosystems that can easily sustain coastal fisheries and vibrant ecotourism.

Rather than just "finding Nemo" (the title of a Disney animated film that subtly 'humanizes' fish), fisheries and marine park managements must always be clear of the need to also "fillet Nemo" to maintain good health, economic independence and the marine environment.

This article is by Bob McDonald (parrot@axis.jeack.com.au), an Australia-based naturalist who works with the commercial fishing industry on habitat protection, management and restoration

Fisheries legislation

In the throes of birth pangs

Sifting through accusations and recriminations, the long and the short of Chile's new fisheries law are outlined here

It has been a long and difficult birth for Chile's new fisheries law. And if the recent bitter public disputes recorded in the Chilean press are anything to go by, the birth pangs are far from over.

The new law establishes a system of individual transferable quotas (ITQs) for Chile's most important commercial fish stocks. Its conception was prompted by the crisis in the industrial fishery caused by gross overcapacity and the associated problem of the 'race to fish'. The new law also has major implications for the Chilean artisanal fishing sector.

The passage of this law to privatize access rights to Chile's fishery resources comes at a time when Chile has just signed, or is in the process of signing, a large number of free trade agreements (FTAs). As well as providing market access for Chilean products to over 1.2 billion consumers in Asia, Europe, North America and Latin America, these FTAs also provide the possibility for direct foreign investment in Chile's fisheries—and fish quotas. This has set alarm bells ringing in the artisanal fishery, where there is a fear that Chilean fish stocks will be bought up by foreign investors, transforming this independent sector into a source of cheap labour.

The first birth pangs were felt in January 2001 when a 'transitory' law was enacted for two years, valid until 31 December 2002. This established transferable catch quotas, to be allocated to individual boatowners, for Chile's fully exploited fisheries. These fishing quotas were only applicable to industrial vessels, that is, those over 18 metres in length. The law was designed as a temporary measure to provide the necessary breathing space for discussions and negotiations to build consensus around a more complete law—the so-called 'long law'.

However, the passage of the long law through the Chilean parliament became bogged down, with over 900 amendments proposed. In mid-2002, aware of the approaching deadline of 31 December, the government proposed that the transitory law be extended for a 10-year period. This so-called 'short law', *inter alia*, established an 'artisanal extraction regime' through which a proportion of the quotas are allocated to the artisanal fishing sector (to organizations, individuals or fishery enterprises). In the meantime, the long law will next be presented to the Chilean parliament in September 2004.

The birth of the new bill has caused deep divisions within Chile's artisanal fishing communities. It has also created new strategic alliances between actors in the artisanal and industrial fishing sectors, where industrial companies lease part of their quota to the artisanal fleet that fish in the 5-mile reserved zone—the first tentative step towards feudalization.

The birth process has also continued to exclude Chile's original fishing people from legal access to the sea. The Lafkenche and the Mapuche-Huilliche communities have long livelihood and cultural traditions associated with the sea, shellfish gathering and fishing. These traditional community-based rights are not recognized by Chile's fishery law, which rules that only formal syndicate or *gremio*-structured artisanal fishing organizations may have fishing rights.

Livelihood source

Illustrative of the divisions and controversy surrounding the law is the fishery for common hake (*Merluccius gayi*, known locally as *merluza común*). Popularly called *pescada*, this is Chile's most widely eaten fish, and a vital source of livelihood for some 14,000 artisanal

fishermen in Chile's central and southen regions.

Under the provisions of the short law, 35 per cent of the common hake quotas are allocated to the artisanal sector. However, it is reported that catches have dropped so low that many artisanal fishermen are currently receiving income support from the government to compensate their loss of earnings.

Likewise, 900 processing workers are reported to have been laid off by companies unable to obtain sufficient raw material, and a further 300 workers have not had their contracts renewed.

According to a recent report by the University of Concepción, the methods used to estimate common hake stocks are fundamentally flawed. It claims that there is roughly only half the quantity of hake in Chilean waters as indicated in the official statistics of the Institute for Fisheries Promotion.

This claim has been hotly disputed by the Institute of Fisheries Research (Inpesca). While acknowledging that there may be some environmental factors acting on hake stocks, Inpesca says that there is no problem of overexploitation or faults in the stock evaluation methods. One of the main environmental factors acting on the hake is held to be the widespread invasion of squid. These are said to be the cause of significant predation (and non-fishing mortality) on hake stocks.

Cosme Caracciolo, the president of the national artisanal fishermen's organization, CONAPACH, lays the blame for the hake declines firmly on the system of fisheries management based on ITQs. He also attacks the government's limited capacity to monitor and control the fishery, since it only monitors what is legally landed. Caracciolo claims that the fishing methods used by the industrial sector (bottom and mid-water trawling) are non-selective and highly damaging to the fishery. He points out that these make large catches of hake below the commercially optimal size, which are discarded at sea. Caracciolo claims that if undersize hake discards are included, catch rates would be at least five times what are currently recorded, and that this is placing unsustainable pressure on the hake biomass. It is also noteworthy that while artisanal fishing operations are restricted to designated areas where the vessels are registered, the industrial fleet is free to migrate up and down the coast, and to land wherever they choose. This makes the industrial operations particularly difficult to control.

Artisanal fishers

Faced with an absence of hake, and with an abundance of squid, many artisanal fishermen in the central region, notably

around San Antonio and Valparaiso, have made significant investments to catch, process and export squid.

Given the relatively low value of squid, such operations require high catch rates. According to CONAPACH, every tonne of squid caught incurs costs of 30,000 pesos (some US$40), while earning 50,000 pesos (some US$70). This excludes crew wages of around 20,000 pesos (some US$27), and leaves little margin.

The fish law row has recently intensified due to the approval of an amendment to the short law (Resolution 174). This gives the Fisheries Sub-secretariat discretional powers to allow foreign fleet access to squid within Chile's exclusive economic zone, granting licences for up to one year. Furthermore, on June 1 2004, through several resolutions, the Fisheries Sub-secretary granted fishing licences to a number of industrial vessels to catch squid for fishmeal.

These developments directly undermine the efforts being made in the artisanal sector to catch, process and export squid. Also, as noted by Caracciolo, "the artisanal fishermen are catching squid for direct human consumption, while the industrial operations are reducing it to fishmeal for salmon aquaculture." To emphasize this wasteful use of resources and to promote their cause, CONAPACH celebrated the feast of Saint Peter on June 28 by offering dishes prepared with squid caught by the artisanal fishermen.

The long and the short of it seems to be that Chile's artisanal fishing sector is being severely restricted by the new law, and unfairly discriminated against in the face of lax controls over industrial operations and foreign competition. The new baby of the Chilean fisheries law would also seem to be exacerbating an intense sibling rivalry and internecine conflict that is dividing the sector and threatening the artisanal fishers' way of life. Privatization of fisheries may be good for business and foreign trade relations. But can it help conserve fish stocks, maintain employment, reconcile conflicts of interest and allocate resource benefits equitably? Surely these should be the priorities of any new fisheries law.

This article is by Brian O'Riordan (briano@skypro.be) of ICSF's Brussels office

POPs

The politics of uncertainty

The best-documented cases of political uncertainty are seen in the history of pollutants and their impact on human health and the environment

The data create a chantilly lace-like pattern, where the pattern emerges as much from the gaps as from the information in hand.
—Pete Myers, co-author *Our Stolen Future*

"We don't have enough data," is a familiar refrain heard in many political circles brought together to address a range of issues. Lack of data, uncertainty, and ignorance regularly derail many political processes ranging from fishery management to evaluating the impact of chemicals on human health. Government agencies are often paralyzed in the face of uncertainty.

Often, the politics of uncertainty is used to preserve the status quo and to avoid taking the necessary steps to prevent harm. Sometimes uncertainty about the full potential impact of certain activities or substances allows their introduction into commerce before their effect is fully realized, often leading to not-so-pleasant surprises.

The best-documented cases of political uncertainty are seen in the history of pollutants and their impact on human health and the environment. It is evident this uncertainty has wreaked havoc across species and ecosystem lines. In its 2002 report *Late Lessons from Early Warnings*, the European Environmental Agency (EEA) tracked the history of action and inaction in response to early warnings through 14 case studies.

"The key point in each case concerns the length of the gap between the specific problem being identified and effective action being taken. The answer for many case studies was that the gap was long, certainly many years or decades, and, in some cases, of the order of a century," said David Gee of the EEA, one of the co-authors of the report speaking at a conference at the University of Massachusetts' Center for Sustainable Production in Lowell, Massachusetts. "The case studies also provide many examples where 'early warnings,' and even 'loud and late' warnings, were clearly ignored; where the scope of hazard appraisal was too narrow; and where regulatory actions were taken without sufficient consideration of alternatives, or of the conditions necessary for their successful implementation in the real world."

One of the case studies in the European report involves polychlorinated biphenyls or PCBs. Recent reports identifying high levels of PCBs in farmed salmon in some cases, up to 16 times higher than levels in wild salmon have been the subject of news stories globally.

The studies suggest that PCBs are found in the salmon feed, which includes small pelagic fish. To mitigate this problem, many of the studies have recommended that salmon farmers get their feed from areas where the fish are found to have lower levels of PCBs.

The Salmon of the Americas (SOA), a salmon aquaculture industry-marketing consortium representing salmon farms in North America, Chile and Canada, is trying to respond to the reports. "We know this is a problem and we're talking with the suppliers, telling them that they need to reduce their PCBs," says Alex Trent of SOA. "But wild salmon are also contaminated the same way as the farmed because they're eating the same fish."

Food chain

In fact, high levels of PCBs and other pollutants have been detected in wild animals, particularly those on top of the marine food chain such as whales,

porpoises, sea lions, sea birds and larger fish.

According to the EEA report, the impact of PCBs on marine and other wildlife was documented as early as 1966 when Soren Jensen discovered an unknown molecule in the muscle of white-tailed sea eagles in higher levels that in the fish the eagles were eating. By the time he published his findings in 1969, he had presented information showing "remarkably high PCB concentrations in a large proportion of the Baltic Sea fauna."

At the same time, infertility was leading to a reduction in the population of three seal species in the Baltic Sea. Some studies suggested that all three species had high levels of PCBs and dicholorodiphenyl-trichloroethane (DDT). A 1998 report by the Swedish Environmental Protection Agency cites studies that link high PCB levels in seals to reproductive disorders, skin and claw damage, and damage to the intestines, kidneys, adrenal glands and skeleton.

No other well-known chemical might better exemplify the persistent nature of some pollutants than PCBs. PCBs were first developed in a lab in 1881. By 1899, chloracne, a pathological condition resulting in painful and disfiguring skin disease, was identified in people working in the chlorinated organic industry. Yet production continued.

Monsanto began mass-producing and marketing PCBs in 1929, primarily for use in electrical equipment and as ingredients in polyvinyl chloride (PVC plastics, paints, carbonless copy paper, lubricants and adhesives.

By the mid-1960s, evidence showed that PCBs were not staying in the products but instead in the environment, food chain and people. Despite the early evidence and a string of worker-related illnesses spanning three decades, PCBs were not banned in the US until 1976, when the Toxics Substances Control Act was enacted. Production in the US finally ceased in 1979. In other parts of the world, particularly in eastern European countries, production continued until the mid-1980s.

Today, we know that PCBs belong to a class of chemicals commonly referred to as Persistent Organic Pollutants (POPs). POPs are highly toxic, fat soluble, synthetic chemicals found in common, everyday products or as by-products of some industries. Once released into the environment, POPs can travel vast distances across air and sea currents. POPs accumulate in fatty issue and are passed up the food chain as one animal eats another organism.

"The PCBs found in farmed salmon further speaks of the persistent nature of these chemicals. Thirty years after it was banned, PCBs are out in the environment from historic uses and disposal circulating around and showing up in the food chain," said Mike Belliveau, Executive Director of the Environmental Health Strategy Center in Bangor, Maine, a non-profit organization that advocates for safer alternatives and cleaner industry through building partnerships.

Belliveau's organization is part of national and international networks working to eliminate certain known POPs and advocating for the development and use of safer alternatives.

"Despite what we know about PCBs and similar substances, today there are many chemicals in commerce that are similarly persistent, and should have not been allowed to be marketed and distributed," says Belliveau. "Now they are showing up in the food chain and they are showing up in fish and other marine animals. Once they are in the food chain, they become part of our diet."

Indeed, the presence of PCBs in farmed salmon shows that persistent pollutants are in the marine food chain. Many commercially valuable fish such as wild salmon, cod, tuna and haddock undergoing rebuilding plans feed on the same small pelagic fish that constitute portions of the farmed salmon feed. Yet, the impact of persistent pollutants on the reproductive and immune systems of marine animals is not thoroughly studied nor taken into account when devising management plans for the marine environment.

"The traditional fishery biologists are ignorant of the plausible effects of endocrine disruptors on fish," says Pete Myers, CEO of the Environmental Health Sciences (EHS) and co-author of *Our Stolen Future*, a 1996 book exploring the world of endocrine disruptors. EHS is engaged in advancing public understanding of environmental links to health. According to www.ourstolenfuture.org, "The investigation begins with wildlife, as it was in animals that the first hints of widespread endocrine disruption appeared."

Although *Our Stolen Future* moves from animals to people to make its case, it does examine "a series of experiments examining endocrine disruption of animals in the laboratory that show conclusively that fetal exposure to endocrine disrupting chemicals can wreak life-long damage."

Safer alternatives

Pointing to studies such as those outlined in the book, efforts are on the way at State, regional and international levels to act on early warnings, advocate the use of safer

alternatives to toxic materials when available, and to eliminate certain known toxicants from the production processes.

Through the United Nations Environmental Program (UNEP) the international community has agreed to eliminate POPs from the environment through the ratification of the Stockholm Treaty. They have prioritized a list of 12 particularly potent POPs referred to as the "dirty dozen" as needing urgent action.

Alex Trent of SOA believes such actions as the Stockholm Treaty are needed to address the issue of PCBs. "We live in a world where we've put a lot of stuff that shouldn't be there. We will absolutely support the international efforts to ban the dirty dozen," said Trent.

This article by Niaz Dorry (niazdorry@earthlink.net), a freelance writer and activist based in Gloucester, Massachusetts, US, first appeared in the February 2004 issue of *Fishermen's Voice*

World Fisheries Congress

Passion, but nothing new

The recent 21st Century Fourth World Fisheries Congress in Vancouver saw a lot of passion, but little fresh insight

The five-day 21st Century Fourth World Fisheries Congress in Vancouver, Canada, 2-6 May 2004, focused on how to reconcile the human use of aquatic resources with the conservation of ecosystems. It sought ways to manage fisheries without causing unacceptable losses of biomass, species, diversity, habitats and ecosystem function. To achieve this goal, it examined fresh, interdisciplinary ways to evaluate and maintain the economic and social benefits of healthy fisheries, in the face of global climate change, human population trends, competing habitat demands and the expressed desire for a future world of aquatic ecosystems endowed with natural diversity and resilience. The conference identified these as the major challenges facing the management of aquatic ecosystems.

There were seven plenary keynote speaker sessions during the five-day Congress. The concurrent sessions addressed each of the questions raised in the plenary keynotes. In his keynote address, Daniel Pauly addressed the need for reconciling fisheries and conservation efforts, using his much-presented assessment of fishery impacts on the ecosystem, based on a compilation and synthesis of historical information on a grand spatial and temporal scale, utilizing a mapping approach. The talk highlighted the decline of North Atlantic fisheries, how it occurred, and what to do to reverse the situation.

Kevern Cochrane of FAO/South Africa addressed the first of four critical questions: What should we care about when attempting to reconcile fisheries with conservation? He concentrated on concepts of equity and fairness, as well as responsible fisheries. The concurrent session discussed the FAO Code of Conduct for Responsible Fisheries, treaties, international conventions, limits and restrictions, and monitoring.

The human dimension featured in issues relating to community management, stakeholders and effective institutional designs. The ecological dimension was covered in discussions on reference points, targets, thresholds and uncertainty in setting harvest and escapement goals. Also discussed were fisheries trade, current and historical trade statistics, trade measures, ecolabelling, common markets, capitalization, and market and ecosystem interactions.

Historical lessons were sought through model reconstruction of past ecosystems and diagnosis of historical depletions. Speakers also dealt with how to maintain intact ecosystems, avoid extinctions and reverse local extinctions. On the matter of reconciling fisheries conservation with jurisdictional equity, the need for harmonization of law and management, in the context of international agreements, was discussed. There was also a session on the role of sport/recreational fisheries in minimizing fish mortality and maximizing value.

The second critical question, "Who owns the fish and what are they worth to society?" was presented by Steve Dunn of Australia, who sought to define issues of ownership, resolving conflict and evaluating costs and benefits to society, while attempting to reconcile fisheries with conservation.

Concurrent sessions

Five concurrent sessions followed. One focused on the mismatch between fish distributions and boundaries, in the context of straddling and migratory stocks. Another dealt with aboriginal,

artisanal, small-scale and subsistence fisheries, their conflicts with large-scale sectors, and the issues of rights, harvest and stewardship.

"Can we get more fish or benefits from fishing while reconciling fisheries with conservation?" was the question presented by Yingqi Zhou of China, who looked at whether the limits of harvest, habitat and culture have been reached or exceeded, and whether there are any solutions or improvements that may be made to current social and economic benefits.

Concurrent sessions discussed the effects of fishing on increasingly smaller target species, including the effect on life histories, food chain effects and fishery collapse. Supplementary themes included conservation through stock enhancement, the role of hatcheries, sea ranching, re-stocking, supplementation, grow-out, invasive species, and introduced species and the challenge to reconcile fisheries with conservation. One session dealt with how to reconcile fisheries with conservation and the constraints of climate change, and how aquatic ecosystems respond to climate change.

On the question "How can we manage fisheries ecosystems to achieve the reconciliation of fisheries with conservation?" speakers discussed how to reconcile fisheries with conservation and quantitative ecosystem indicators, and what quantitative management goals are needed for ecosystem management. Examples of ecosystem model approaches to fisheries management and where they have been successfully applied were analyzed.

The role of data quality and the imperative for improved methods in catch statistics was highlighted.

On the issue of overcapacity and effort management, case studies of effort reduction to reconcile fisheries with conservation were presented. A related topic was marine and freshwater protected areas, zonation, and temporal and spatial closures. After discussing improvements in fishing gear and techniques, and rectifying wasteful and destructive fisheries, the session turned its attention to stock assessment and adaptive management.

The session on habitat began with coral reef examples and the role of conservation in coastal zones, estuaries, enclosed seas, polar seas and deep seas as well as large rivers, natural lakes and human-made lakes, streams, watersheds and floodplains.

Apart from these concurrent sessions on keynote questions, there were dialogue sessions and an all-day 'Pathways to Reconciliation' session featuring presentations and panel discussions by leaders from the fishing industry, conservation organizations, and interest groups within the fisheries community hosted by the Sustainable Fisheries Foundation. Their goal was to improve communication among fisheries scientists and the non-scientists within the fisheries community.

The forum on the sustainable seafood movement provided an introduction to the use of social marketing strategies to advance ocean conservation, using illustrations from the seafood industry and other sectors. Panelists also highlighted the Seafood Choices movement, an effort to harness market forces and the power of consumer choice in favour of ocean conservation. Innovative business-environment

partnerships in the seafood sector, including ecolabelling and audits of seafood sources for sustainability, were discussed, as was fish farming as a potential source of environmentally friendly and healthy seafood.

The congress featured many social events too. At the opening welcome ceremony, the Copper Maker Dancers put up an excellent performance by the Kwagu'l tribe of the Kwakkwaka'wakw people on the northwest coast of the US. The dances they shared were the salmon dance and the grease trail fun dance. The welcome reception also included a grand banquet with a sampling of local culinary delights prepared by some of Vancouver's best chefs.

There was no dearth of audience in most of the concurrent sessions, and a couple of those that addressed aquaculture or large-river issues were packed and the discussion was very lively.

But some sessions, such as those on small-scale fisheries or the ethical approach, were rather thin in participation. At the end of the conference, many participants commented that there was nothing new that this congress achieved although the speakers at the plenary discussion thought that there was a general consensus on moving towards a fisheries management regime with conservation as a priority. There were passionate outbursts as well—mainly on social science being neglected and not addressing the issue of poverty resulting from the decline of fish stocks such as that of the Atlantic cod, the small-scale fisheries sector being given little importance and the imbalance in representation from African, South American and Asian continents.

This report has been filed by D. Nandakumar (nandan@office.geog.uvic.ca) of the Department of Geography, Victoria BC, Canada

Fish processing

Schooling in quality

A visit to Senegal, in late February, of 15 fish processing specialists highlighted the main constraints to the trade

Joal, 100 km from Dakar and the birthplace of the former Senegalese president, Leopold Sedar Senghor, witnessed a feverish atmosphere in late February, as the songs and rhythms of the crowds took the fishing centre by storm. All around thick smoke rose into the air, as if to compete with the majestic 'ronier' trees that dominate the skyline of these parts.

As in any typical African market, on display were roasted and smoked fish; dried, salted and fermented fish; molluscs, rays and sharks, both salted and dried; and smoked grouper. All these products seem to be vying with one another in the negotiations between traders from different parts of west Africa.

Fish processing experts from Senegal, Gambia, Guinea, Mali, Mauritania, Benin, Nigeria and Togo had arrived to learn about Senegalese good practices. "Senegal was chosen because of the progress its processing sector has achieved. The objective is to use the Senegalese experience to give inspiration to the other participant countries," said Anthony Achéampong, consultant to the Technical Centre of Agriculture and Rural Development (CTA), an instrument of the Cotonou Convention that financed the visit.

CTA's main objective is to facilitate access to information to promote agriculture and rural development. For this particular study tour, it was assisted by the West African Association for Artisanal Fisheries Development (ADEPA).

"Often when we receive smoked fish its colour changes. Not only does it become yellow, but sometimes it gets mouldy," a Beninois professional pointed out. That set the tone for the programme. Apart from quality objectives, its purpose was to help add value to seafood, reduce post-harvest losses, and promote women's activities in the rural sector.

In recent years, there has been a massive influx of Senegalese women into the sector. To finance their activities, they are organized into economic interest groups (GIEs) and in savings and credit unions. The processed fish sector, a large part of which provides for the consumption needs of the Senegalese population, also faces a bundle of constraints that are generally associated with poor infrastructure and hygiene.

The most widely used technique for fish processing is braising on the ground, which is often unhygienic and pollutes the environment. "We use two techniques for dried braised fish. In the first, the fish is processed on the bare earth using straw and wood shavings as fuel. The second uses an oven to smoke the fish, and this gives a better quality product," explained Fatou Kiné Diop, president of Fenagie-Pêche, the local union from Bargny, some 30 km from Dakar.

Fatou Kiné Diop did not mince words over the constraints that undermine her business: "If we have to work on the bare earth, it's because we have no oven. We know that braising on the ground does not give a good quality product. We know it poses hygiene and health problems. We tried to work with ovens but often they exploded.

Japanese aid

Recently, thanks to aid from the Japanese International Co-operation Agency (JICA), we started to produce satisfactory results using ovens. The other problem is the increasing resource scarcity. Previously, we were processing between 15 and 20

boxes of sardinelle per day, but now sometimes we can't work because there is no fish."

The problems that they have encountered in recent years have pushed the fish processing women and the Senegalese State to come up with new techniques of braising and smoking using ovens or by cooking. These techniques, supported by the Institute of Food Technology (ITA), a Senegalese government body, JICA and the United Nations Industrial Development Organization (UNIDO), have been added to the array used by the women processors.

But despite the progress achieved through the new processing techniques, some problems remain. For example, the specialists contend that the ITA technique of oven braising "has a short lifetime, there is a big loss on investment, the energy consumption is very high, and, in addition, a major oversight is the lack of training for the users."

Many factors are at play in processing technology: the nature of the fuel, the amount of heat needed, the material for building the oven (red bricks, cement, sea sand), temperature control, smoking time, the quantity of salt used and so on. All these factors exert an influence on the quality of the final product, including its colour and moisture content.

A manager of the GIE for processing workers of Seuti Ndiaré (which, in the Ouolof language means "grandsons of the Ndiaré", the protector of the village of Yoff, a suburb of Dakar) recalled: "One morning fisheries administration agents paid us a surprise visit. They arrived very early at our place of work without even saying hello. They forced the door and went in, just to come back some minutes later to tell us that they wanted to check on the cleanliness of our installations. After their visit, they understood that our reputation was not false."

Seuti Ndaré is one the most advanced fish processing centres in Senegal. Its site next to the sea adjoins an area where other women carry out processing activities using traditional methods. In this area, which has an entirely cemented floor, 63 women on regular salaries have developed modern processing methods. Equipped with running water and electricity, and dryers, ovens and modern buildings, Seuti Ndaré processes fish products for countries like the Democratic Republic of Congo, a large consumer of *sali* (salted and dried fish). It has been recommended that the Seuti Ndaré be made a training centre for processing women in west Africa.

"Sometimes some of our customers complain about the colour of the fish. After getting their orders, we try very hard to get the colour they like," explained Seynabou Samba, one of the managers of the GIE and also president of the Senegalese National Federation of Processing Women and Women Small Traders (FENATRAMS).

"We were advised to use the wood of edible fruit trees as fuel. According to the specialists who taught us the new processing techniques, the smoke produced is better for the consumer," she added.

Trade flows

Traditionally, the coastal areas of west Africa have witnessed trade flows—in the past, due to colonization and currently, due to globalization. In Kayar, for instance, on the Grande Côte of Senegal, Deckon Ayaba Virginie, a Togolese woman living in Senegal for more than 50 years, has built up her business since the

colonial era, specializing in the export of salted dried fish to Togo.

Numerous variations can be observed both in the practices used and among the traders themselves. At one time, for example, only Senegalese were to be found in the fish trade. But nowadays, in some processing sites like Joal, one comes across Bourkanabes, Guineans and Malians who have invested in the entire production chain. Overall, the main constraints that the trade and processing of fish have to face are the same in all west African countries.

Progress has been associated with organizational forms, the availability of credit, and the intervention of the State or funding agencies. Yet problems remain, including archaic working methods, lack of knowledge of improved techniques and insufficient support. Difficulty in access to adequate equipment and lack of space for processing sites, particularly in urban centres, and the scarcity and high price of inputs like oil, fuel, salt, firewood and water, are some other constraints.

Organizationally, illiteracy and lack of training in management and appropriate technology are stumbling blocks. Environmental aspects, including pollution and the effects of weather, need to be managed as well. Lack of credit and the means for conservation and transportation, coupled with the isolated nature of certain markets and the lack of space in markets to sell their ware, are other disadvantages.

Structured exchange networks are already in place in west Africa. For example, Ghana exports smoked sardinelle, smoked anchovy and smoked, dried and salted freshwater fish to Togo and Benin. Ivory Coast supplies Burkina Faso and, to some extent, Benin with mussels. Benin supplies Togo and Ghana with fresh and smoked crustaceans. Benin also exports catfish and smoked sardinelle to Nigeria.

These exchange flows can be developed if some barriers are lifted, not the least of which is the lack of information. Already, numerous professionals have requested for a replication of the ADEPA study. "Back in Mali, I would like to organize a study visit to Senegal to initiate Malian processors in the art of certain production techniques", said Boubacar Cissé, who heads the Mali operations of the Sustainable Fishing Livelihoods Programme (SFLP) of the Food and Agriculture Organization of the United Nations (FAO).

To improve information flows, participants also proposed that information systems be strengthened. Everyone agreed that there should be an exchange of training materials and information on braising and smoking techniques. Also stressed was the need to take advantage of the strengths of each country to try and resolve constraints in a given area. For example, how could traders in Senegal, faced with a lack of raw material (*Sardinella*) for processing, get supplies from Mauritania? How can fish products be exported to landlocked zones like Burkina Faso?

Some initiatives, however, are often undermined by State regulations. Several departments are involved in these controls and despite a policy of African integration in the flow of goods and people, countries of the subregion have different regulations.

All these present obstacles and constraints to the flow of fisheries products, which were summed up by a Togolese operator: "In Senegal, a fishing boat takes five days to arrive in the port of Lomé. But to get the fish out of the port, I need about 10 days. So the product takes about 15 days to reach its owner. Under such conditions, if the fish is not dry enough, as recommended by the CTA, there is a high risk that the produce will be spoilt when it arrives."

This report is by Malick Rokhy Bâ, a correspondent for *Sud Quotidien*, Senegal

Document

Fishers

Towards decent and safe work

Excerpts from the Report of the Committee on the Fishing Sector presented to the 92nd Session of the International Labour Conference

Introduction

8. Highlighting some of the issues to be discussed, the speaker noted that the scope provisions were broadly formulated, but with flexibility as to possible exclusions. They covered all fishers, types of vessels and areas where fishing operations took place. The aim was to provide protection for fishers working on small vessels close to shore, as well as for those working on distant-water vessels that remained at sea for extended periods. Finding the appropriate balance of protection for different categories of fishers was an important challenge. The proposed Conclusions contained two Annexes. Annex I contained the particulars to be included in fishers' work agreements and, as currently proposed, would have the same legal status as the Convention text. Annex II contained specifications concerning accommodation and thus complemented Part V of the proposed Conclusions. Finding the appropriate balance between mandatory and non-mandatory requirements regarding accommodation would be important.

General discussion

11. The Employer Vice-Chairperson noted that a new instrument for the fishing sector was being discussed despite the existence of five earlier Conventions and two Recommendations. The Committee should be guided in its deliberations by an understanding of the reasons why few governments could ratify the existing instruments. Widespread ratification of the new instrument was an important goal. About 90 per cent of employment in the fishing sector was on micro- and small fishing vessels; only 5 per cent was on large fishing vessels. Micro- and small enterprises were common in both developed and developing countries. The Conclusions should aim for flexibility and balance so as to provide basic protection for all fishers, without eroding the standards enjoyed by some. Forty years had elapsed since the adoption of the last standard for the fishing sector and many changes had affected the industry. The primary goal of the ILO was to promote opportunities for men and women to obtain decent and productive work, and that meant the creation and maintenance of decent jobs. Improvements in the living and working conditions of fishers would undoubtedly lead to greater productivity as well. Her group was willing to engage in frank discussions for the purpose of developing a Convention accompanied by a Recommendation, with a view to maintaining jobs, promoting economic development and providing basic protection for all fishers.

18. The Government member of the United Kingdom stated that the proposed Conclusions provided an excellent basis for discussion and provided the basis for a widely ratifiable Convention. The main principles were set out clearly and concisely, but took account of the diverse nature of the fishing industry. The main responsibility for ensuring that standards were implemented and enforced was placed on member States in relation to their flag fishing vessels, which was entirely appropriate given the predominance of small vessels and operations in the sector.

25. The Government member of Japan stated that lack of realism had prevented the earlier Conventions on working conditions in the fishing sector from achieving wide ratification. The proposal of the Office to consolidate the existing instruments into a new comprehensive standard more acceptable to member States was significant. To achieve this, the

text would need to take into account more fully national law and practice as well as the reality of fishing operations, particularly in small-scale family-run enterprises.

36. Various issues were raised by a number of delegations concerning small-scale family-run fishing operations, which accounted for most workers in the sector. The Government member of El Salvador described the progress in occupational safety and health in his country and asked the Committee to take these advances into account as it considered the situation of small-scale and artisanal fishers. The Government member of the Bahamas added that undue financial pressures on family-operated small-scale fishing boats should be avoided. The Government member of Greece highlighted the need to ensure the ongoing operation of traditional fishing vessels.

39. The Government member of India cited the FAO Code of Conduct for Responsible Fisheries (1995), which recognized the importance of safety issues, including working and living conditions, occupational safety and health standards, education and training, safety of fishing vessels, search and rescue, and accident reporting. There was a need for awareness raising, proper training and the provision of life-saving appliances, but the lack of resources most affected small-scale fishers who depended on fishing for their livelihoods.

47. A representative from the International Collective in Support of Fishworkers (ICSF) referred to his organization's work on behalf of artisanal and small-scale fishers and fishworkers. ICSF welcomed the proposal to broaden the definition of "commercial fishing" to include all but subsistence and recreational fishing in marine and inland waters. Small-scale fishing occurred in all waters. Fishing operations were changing rapidly around the world. Working and living conditions on board small-scale fishing vessels were being radically redefined with implications for employment, income, safety, health and social security of fishers. ICSF welcomed the ILO's efforts to develop new inclusive, yet flexible standards for the fishing sector, as these would facilitate the development of relevant and meaningful national legislation for both large and small-scale fishing vessels. It was important, however, to avoid dilution of existing standards for industrial fishing vessels.

48. The Employer Vice-Chairperson had listened with interest to the various comments from Government members, especially those concerning a desire for an instrument that would be flexible, not too prescriptive and thus more easily ratifiable. The instrument should tackle

broad issues in the fishing sector. The speaker expressed a note of caution with regard to the categories of vessels. There was no desire to erode the standards attained on larger vessels, but it was important to avoid an overly prescriptive instrument for small vessels, which accounted for 90 per cent of employment in the sector. The proposed Conclusions referred to social security protection on conditions no less favourable than for other categories of workers, but in most developing countries there was no unemployment insurance and little social security. This highlighted the need to consider the applicability of the text at the national level. Another example was that of medical examinations: in some countries they were mandatory, in others they were not. The Employers' group would prefer not to set up a working party, since the loss of expertise of Committee members would dilute the plenary discussions

68. The secretary of the Employers' group asked the Office whether the instrument would apply to a person who owned and operated his own small boat, that is, a truly self-employed person, not a contract worker.

72. The Government member of India expressed concern for small-scale fishers in his country, whose economic condition and limited education prevented them from acquiring, operating and maintaining costly communications equipment and other appliances that would be mandatory under some provisions of the current text. Because provisions should not be detrimental to the livelihoods of these fishers and their families, exclusions should be possible for vessels operating within territorial waters. Finally, a definition of "commercial fishing" should be included in the text.

75. The secretary of the Workers' group expressed gratitude to those Governments that did not wish to reduce existing protection, but reminded the Committee that adoption of the new Convention would replace previous instruments and close the door to their further ratification. The Workers' group had been placed in the difficult position of having to choose between offering coverage to small fishers, but possibly abandoning the protection currently provided by existing Conventions. This would be a matter for the most serious deliberation by the Workers' group.

Examination of the proposed Conclusions contained in Report V (2)

c. Proposed Conclusions with a view to a convention

Part IV. Conditions of service

IV.2. Fishers' work agreements and list of persons on board

545. The Government members of Denmark and Norway submitted an amendment to insert after the words "fishing vessel" the words "with a length of 24 metres or above". The Government member of Denmark explained that the current text covered all fishing vessels and would introduce a very bureaucratic system for small fishing vessels. The proposal sought to introduce a limit so that very small fishing vessels would not be covered by this requirement.

548. The Employer Vice-Chairperson rejected the amendment. The Committee had earlier agreed on the principle that there would be no categorization of fishing vessels. The important point was to know the number of fishers on board. She reminded the Committee that 90 per cent of fishers worked on small vessels.

Part VI. Health protection, medical care and social security

VI.I. Medical care

633. The Employer members submitted an amendment to add the words ", taking into account the area of operation and the length of the voyage", after the word "advice". Small vessels, operating close to the coast might not need such communication equipment. The Government member of Denmark withdrew an identical amendment.

VI.2. Occupational safety, health and accident prevention(parts taken from the second preliminary draft CMLC)

657. The Employer Vice-Chairperson said that employers were equally concerned about risks on board fishing vessels and the dangers inherent in fishers' jobs. But

she doubted that independent operators and small vessel owners could implement such a management system. The amendment was too prescriptive for the Convention.

VI. 4. Protection in the case of work-related sickness, injury, or death

723. The Worker Vice-Chairperson said that these amendments were proposed to address the complexities and differences within the fishing sector, specifically the need for additional requirements for larger vessels, as the current text might be overly restrictive for smallervessels, while setting too low a standard for larger vessels. He stated that the Workers' group could not agree to the reduction of existing standards and the removal of the protections provided for fishers. He agreed that the Convention should be global in scope, but special attention needed to be given to certain types of vessels. Other organizations made differences according to size. Ratification depended on getting the right balance but flexibility should not mean a reduction of standards. Non-prescriptive standards should not mean low standards for large vessels either. The proposed length limits could be discussed and some of the proposed headings might prove to be unnecessary. These amendments would give the Office to get the right balance in the texts to be submitted to the Conference in 2005.

724. The Employer Vice-Chairperson said that her group was mindful of the concerns regarding large vessels, and it was the duty of the Committee to strike a balance. The texts agreed upon so far had achieved the objectives set at the beginning of the Committee's work. These texts struck the right balance and were not stratified according to the size of vessels. Fear that standards would be eroded was not founded. Small vessels should progressively apply global standards. Therefore the Committee should continue to strike the balance sought.

D. Proposed Conclusion with a view to a Recommendation

Adoption of the report

779. The Secretary-General of the Conference extended his heartfelt thanks to Committee members for the important work that they had accomplished towards building a consolidated standard for the protection of fishers in a highly globalized industry. The Committee had recognized the need to find the appropriate balance in order to protect the vast majority of small-scale fishers, without diluting the existing protection afforded to fishers on large ocean-going fishing vessels. No fisher should slip through the protective net of the Convention. To achieve this, the mesh must be neither so wide as to allow extensive exemptions, nor so narrow that it would stifle ratification and implementation. The discussions had taken place in the shadow of the new, consolidated maritime labour Convention still being developed and this had raised some concerns. Nonetheless, the Committee had adopted substantive Conclusions that were sufficiently flexible to ensure wide-scale ratification and implementation, yet provided broad coverage for all fishers, including the self-employed, and included specific safety and health provisions to reduce the high rate of fishing accidents as well as provisions on compliance and enforcement. The important issues of accommodation, social security and specific standards for larger vessels would have to be worked on and developed over the coming year. The Office would assist with this process and it counted on the expertise of Committee members, as well as financial assistance from all parties involved, to ensure an appropriate consultation process. In conclusion, he congratulated the Committee on its achievements and expressed the hope that the future Convention on work in the fishing sector would be quickly and widely ratified, and implemented, so that the world's 35 million fishers could have decent and safe work.

The 92nd Session of the International Labour Conference was held during 1-17 June 2004 at Geneva

Transborder fishing

Historic goodwill

This is a report on a goodwill mission of Indian fishermen to Sri Lanka in May 2004

Since the start of the civil war in Sri Lanka in 1983, the Palk Bay has been a troubled location. (Palk Bay needs to be understood as also referring to Palk Straits and proximate areas in the Gulf of Mannar and Bay of Bengal.) As the bay is a shallow sea with a limited area between the Indian State of Tamil Nadu and the northern province of Sri Lanka, the civil war has had a deep impact on the fishing operations on both sides. Until 1983, the fishermen of both sides, who share a common language and a long history of contact, fished harmoniously in the Palk Bay, with only occasional problems being reported. Though an international border was demarcated at sea in 1974, fishing across the border was not uncommon and rarely an issue. However, the civil war led to major changes. The fishing operations of the Sri Lankan fishermen were drastically reduced due to severe restrictions placed on fishing on account of security requirements and the large-scale displacement of fishermen from their areas due to the war.

On the Indian side, fishermen faced great hardship as the Sri Lankan Navy shot at and imprisoned a large number of those who crossed over to Sri Lankan waters in the two decades of the civil war. However, as such incidents were only occasional ones, and the Indian fishermen were not generally prevented from fishing in the Sri Lankan waters by the Sri Lankan Navy, the Indian fleet, especially the trawlers, had free access to the fish resources of the Palk Bay, without competition from the Sri Lankan fishermen. This led to a significant expansion of the Indian fleet. Currently, 4,000 trawl boats operate on the Indian coast from Rameswaram in the south to Nagapattinam in the north, with all these boats depending, to varying degrees, on fishing in Sri Lankan waters. The 1,000 boats of Rameswaram are almost totally dependent on Sri Lankan resources, being very close to the Sri Lankan border. (The distances from the Indian coast to the Sri Lankan border at sea range from 7 km to 22 km.) Over the years the trawlers have been fishing right up to the shores of Sri Lanka, helped by Sri Lankan refugee fishermen in India who often went as crew on Indian boats. The Indian fleet fishing in Sri Lankan waters includes motorized canoes involved in gill-netting as well as, at times, sailing country craft.

The truce between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) that came into effect in 2002 has altered the situation in the Palk Bay. For the first time in two decades, restrictions on fishing have been removed in many areas of the Northern Province and normal fishing operations have commenced. The return of displaced fishermen from the refugee camps has accelerated and there is considerable amount of re-investment in fishing equipment, both privately and by various donor-supported rehabilitation programmes. This has led to an eclipse of the virtual monopoly the Indian boats had in Sri Lankan waters, and the emergence of competition. The operations of the Indian fleet, especially the trawlers, have become a major threat to the rejuvenation of the livelihood of the Sri Lankan fishermen, who have started protesting.

Clashes at sea

Starting from February 2003, there have been a number of incidents of Indian boats being captured by Sri Lankan fishermen and handed over to the authorities for further action. In some instances, there have been clashes at sea; in early 2004, a Sri Lankan fisherman was killed in one such clash.

In late 1996, various trade unions, non-governmental organizations (NGOs) and fishermen's associations got together in India to take up the problem of Indian fishermen getting arrested on the Indo-Sri Lankan border. The Alliance for Release of Innocent Fishermen (ARIF) was formed with the secretariat hosted by the South Indian Federation of Fishermen Societies (SIFFS) in Trivandrum. ARIF took up cases of Indian fishermen arrested and detained in Sri Lanka and, with the help of a variety of civil society actors in Sri Lanka, managed to expedite the release of the fishermen. Similarly, ARIF also took up the issue of Sri Lankan fishermen detained by the Indian Coast Guard and provided them humanitarian and legal assistance. The Sri Lankan boats that fished in Indian waters were basically 'multi-day' fishing boats that fished in deeper waters with longlines and drift-nets. These boats came from the south and west of Sri Lanka, where normal fisheries development had taken place and there were no restrictions on fishing operations.

The idea for a dialogue between the Tamil Nadu fishermen and Sri Lankan fishermen of the Palk Bay was mooted in early 2003 by some Sri Lankan leaders when the first set of clashes took place between the two fishermen groups. Subsequently, ARIF worked on the idea with the Tamil Nadu fishermen, many of whom were sceptical about an entirely unofficial dialogue without government backing. By the end of 2003, the situation in the Palk Bay had deteriorated and the Tamil Nadu fishermen realized that they have to take the initiative for a dialogue if they wished to fish peacefully in the Palk Bay. ARIF then took a fresh initiative to organize the dialogue through a mission programme designed to include exposure trips to Mannar and Negombo, and culminating in Colombo with a two-day workshop where the Indian and Sri Lankan fishermen would be able to discuss the problem and work out solutions.

The general consensus among the Indian fishermen was to keep an open mind in responding to the proposals of the Sri Lankan fishermen, realizing that they could fish in Sri Lankan waters only with the co-operation and understanding of the Sri Lankan fishermen. Nonetheless, there was great optimism that the Sri Lankan fishermen would give a fair deal as the relationship between the two sides remains very good, despite the recent capture of boats and the violent clashes.

Warm welcome

The goodwill team arrived in Colombo on 23 May and reached Mannar by midnight. While there was a warm welcome for the mission and no shortage of love and affection, there was also a firm resolve against the Indian trawlers. Speaker after speaker stressed the havoc done by

trawling to local fish resources, fish habitats and livelihoods.

It became clear that between the Fisheries Department, the church and others, a local awareness-building campaign had been organized on the need to preserve fish resources. Various harmful fishing methods, including the dynamiting of fish by locals, had been targeted by the campaign and a consensus was built among the fishermen against such practices. A local consensus had also been built against monofilament nets that were felt to be harmful. The fishermen, who were perhaps more bothered about livelihood loss rather than resource depletion, were clearly made to see the link between the two and ensure community control over fishing activities. It was in this context that the objection to Indian trawlers was presented, rather than in purely emotional terms.

While the harm done by the Indian trawlers to the Sri Lankan fishermen's livelihoods was expected to be the main theme, trawling and its environmental impacts became the main theme of discussion, much to the discomfort of the mission members. The Indian team explained the constraints under which the boats of Tamil Nadu operated and agreed to give serious consideration to the issues raised by the Sri Lankan fishermen.

Field visits revealed that the local fishermen were quite bitter about the Indian trawlers and the loss they caused to their nets. The three days of the week that the Rameswaram trawlers fish are dreaded by the Sri Lankan fishermen, and many take evasive action and avoid getting in the way of the trawlers or even stop fishing. (Boats from Rameswaram and Pudukottai fish only on Tuesdays, Thursdays and Saturdays on account of an agreement with local traditional fishermen, who fish on the other four days with their drift-nets. This compromise formula was worked out after a long period of conflict in the Palk Bay.) The local fishing communities in the villages that the team visited appeared to be well-knit, with the local fishermen's co-operative societies providing a common forum.

The Indian fishermen leaders had clearly not expected such a strong attack on trawling as a method of fishing. They had also underestimated the depth of anger and resentment of the Sri Lankan fishermen in response to the operations of the Indian fishermen. The mission leader expressed his opinion that the situation had appeared a lot more manageable when he had visited the area in June 2003. Then, although similar views had been proferred, the fishermen themselves appeared to be ready for compromise. Now they appeared to be closing ranks, and the opinions of the fishermen have hardened, reflecting an overall consensus reached between the fishermen, the church, the district administration and political leaders. A number of incidents, including the death of a Sri Lankan fisherman in Vadamarachi, seem to have contributed to this state of affairs. If some of the restraint that the Indian fishermen were now ready to show had happened even a few months back, the situation might not have become so bad.

Although many fishermen were ready to accept that trawling caused environmental damage, some felt that this was exaggerated. It was argued that the total catch in Rameswaram had actually not come down and the current crisis is due to the increased fleet size as well as the unprofitable operations on account of increasing fuel costs and reduced price for shrimp. (In technical terms, this means that there is no 'biological overfishing', just 'economic overfishing'.) Some of the Rameswaram fishermen felt that the four types of trawl nets that were recently voluntarily banned (pair trawl, 'mixture' net, *chank* net and 'roller' net) did most of the damage, and the standard shrimp trawl was not such a danger. According to them, it is some of these nets that are operated very close to the shore that did most of the damage to the environment as well as the livelihoods of the Sri Lankan fishermen. The Nagapattinam fishermen were more ready to accept that the trawl net did damage the environment but they were unable to dismount the tiger they had chosen to ride.

Trawl crisis

The recent changes in the Nagapattinam fisheries were also discussed. There has been a crisis in the trawl sector on account

of uneconomic operations, and 40 to 50 trawlers had been sold off as scrap during the last season. In recent seasons, the boats have become larger in size so as to help reach the deep-sea prawn resources available at the depth of 500 m.

These deep-sea prawn resources were showing signs of decline too, as the Chennai trawlers competed for the same resource. However, an interesting development in Nagapattinam district was the diversification into hook-and-line operations for yellowfin tuna that the fishermen have discovered in deeper waters. Around 60 boats from Akkaraipettai are seasonally catching yellowfin tuna, using the deep-sea prawns as bait. Even more revolutionary was a group of Nagore fishermen who have completely given up trawling and shifted to yellowfin tuna fishing. They have even set up Philippines-style fish aggregating devices called *payao*s for aggregating tuna. For this group, the multi-day fishing boats of Sri Lanka are a threat as they have, on occasion, destroyed the *payao*s.

Whatever be the truth about the damage caused by trawling to the environment, there was a consensus that the trawl sector, from Rameswaram to Nagapatinam, was facing a major economic crisis and that the current fleet size is just not sustainable. The discussion then shifted to the possibility of fleet reduction. All agreed that fleet reduction was essential but had no clue how this could be effected. ARIF members suggested various methods by which the fleet could be reduced, either compulsorily or voluntarily. The possibility of approaching the government and, in turn, international donors for a buyback scheme was also suggested. The response to this idea was enthusiastic, as a large number of trawler owners were just looking for a way out and were prepared to jump at any offer that covered at least their debts. Obviously, any buyback scheme should be backed by a management regime that did not allow new trawlers to come in place of those that have left the sector.

Interestingly, some of the associations had sought a freezing of the fleet strength in Rameswaram, when the number of boats had swelled to 500. However, the Fisheries Department did not take this suggestion seriously and kept issuing licences until the current fleet strength of nearly 1,000 was reached. The attitude of the department to trawling was also discussed and it was felt that many of the officers were still in the old frame of mind that saw promotion of trawling as being synonymous with 'modernization' and 'progress'.

Working together

The divisions and lack of unity among the Rameswaram fishermen were also discussed. The fishermen were clear that

Details of trawlers engaged in transboundary fishing

District and trawl bases	No. of trawlers	No. of trawlers that cross over to Sri Lanka	Areas in Sri Lanka where fishing is done	Dependence on Sri Lankan resources
Ramnad dist. (Rameswaram, Mandapam)	1700	900	Arc between Thalai Mannar and Delft Island	Very High
Pudukottai (Kottaipatinam, Jagadapatinam)	1000	1000	Delft Island to Jaffna within the Bay	High
Nagapatinam (Kodikarai and further north on Bay of Bengal coast)	1200	600	Palk Straits and beyond; Jaffna, Vadamarachi area	Medium to low; mostly seasonal incursion into Sri Lankan waters
Total	3900	2500		

the time has come for working together and if ARIF facilitated a coming together, a coordination committee of the 13 associations could be set up to follow up the results of the mission and to work on long-term issues. They were ready to initiate a process of discussion on hard issues like fleet reduction and alternative employment, if ARIF also helped out.

The discussion reflected a significant departure from the normal position that trawl boat associations in India tend to take when criticized. The strong stand taken by the Sri Lankan fishermen, the atmosphere of camaraderie created by the mission and the consequent breaking down of mental barriers undoubtedly contributed to this change in stance.

On 25 May, the mission members met to decide on the stand to be taken at the workshop in Colombo, now that the Sri Lankan fishermen had revealed their thinking in Mannar. The meeting tried to understand the dimensions of transborder fishing by the Indian boats in the Palk Bay. It emerged that the Ramnad, Pudukottai and Nagapatinam fishermen had different areas of fishing in Sri Lanka, with perhaps some overlap. An attempt was made to quantify the size of the problem by looking at numbers of boats involved in each district in transborder fishing and the extent of dependence on Sri Lankan fish resources. The table summarizes the result of the discussion.

This exercise helped to clarify the kinds of concessions that the different groups could offer. The Rameswaram fishermen felt they could keep a distance of three nautical miles from the Sri Lankan shore, which should, to a large extent, take care of the problems faced by the Mannar fishermen. The Pudukottai fishermen also felt that they could remain three nautical miles from the Sri Lankan coast. The Nagapattinam fishermen, on the other hand, felt that they could stay as far as seven nautical miles on the Jaffna-Vadamarachi stretch where they normally operate and where the sea is also deeper near the shore. Though there already is an informal ban on the use of four types of trawl nets, a rigorous application and formalization of this ban was also suggested as an additional concession from the Indian side. Any violation of the agreement by Indian boats would be punished by not allowing such boats to fish any longer (that is, by getting the Fisheries Department to withdraw their licences or stop issuing tokens).

It was felt that if trawling became an issue, the Indian side could offer to reduce the fleet strength gradually to around half, over a period of three to five years, based on discussions with the government.

Maritime borders

The workshop in Colombo on 27 May featured a session of presentations on the problem at hand. V.Vivekanandan, leader of the Indian mission, outlined the historical evolution of the fishing conflict in the Palk Bay, starting from pre-independence days to the present time, with major changes taking place due to the 1974 and 1976 agreements on the maritime borders, the start of the civil war in 1983 and the recent post-2002 peace

process in Sri Lanka. He stressed the historical relationship between fishermen on both sides and the general harmony that has prevailed in the Palk Bay, despite the occasional hiccups that occurred when new technologies were introduced like nylon nets in the early 1960s and trawling in the late 1960s.

The 1974 Kachchativu agreement produced a political storm in Tamil Nadu but did not actually affect fishing operations in the Palk Bay, where movement of fishermen across borders continued unabated. The start of the civil war and the restrictions of fishing on the Sri Lankan side led to the Indian fleet expanding to make use of the unexploited resources on the Sri Lankan side. The restart of fishing operation on the Sri Lankan side has now led to a situation wherein the Indian fleet is in conflict with the Sri Lankan fishermen who are re-establising their claim over the Palk Bay resources.

Soosai Anandan, Reader in Geography, University of Jaffna, made a presentation of the problem from the perspective of the fishermen from the Northern Province. He stressed the importance of resource conservation and management for a small nation like Sri Lanka and the enormous importance of fish resources for the livelihoods of people in the northern province. He talked about the 1974 and 1976 agreements. He pointed out that the very productive Wadge Bank, south of Kanyakumari, went entirely to India. Even though India allowed fishing by Sri Lankan fishermen in the Wadge Bank for some years, the benefit was only for the Western Province; the Northern Province fishermen had no real chance to fish in the Wadge Bank. As far as the Pedro Bank on the northern side is concerned, two-thirds of it went to India after the boundary was demarcated. Thus the fishermen of the Northern Province have limited fishing areas and have to protect their resources.

Fish catches had peaked in Jaffna around 1983, when the civil war started. Subsequently, they declined drastically before making a small recovery in the early 1990s. Now, after the peace process began, there has been a new growth in fish landings, but catch levels still remain a far cry from the heydays of 1983. Resource depletion seems to be the main cause, as the fishing effort is now significant.

The problem of the 'high security zones' that cover large areas of Jaffna, where fishing is prohibited up to 5 km from the shore, was also discussed. It was also pointed out that the government was unwilling to give multi-day fishing boats to the Tamil fishermen in the north, citing security reasons.

Sharing session

The post-lunch session saw representatives from each district sharing

their problems and experiences. Devadoss from Rameswaram talked about the risks to life and limb that the fishermen faced during the two-decade civil war and the price they paid for pursuing their livelihood in a war-affected zone.

He also explained why Rameswaram trawlers ended up in Sri Lanka. It was not because of depletion of resources, as assumed by the Sri Lankan fishermen, but because the area close to Rameswaram was rocky and unsuitable for trawling. The trawling grounds start only after a few miles and any normal trawling operation will automatically take the trawler into Sri Lankan waters, since the boundary was just 7 km from Dhanushkodi.

Ravi from Pudukottai talked about a similar problem that made their trawlers end up in Sri Lankan waters. The 3-mile zone reserved for artisanal fishermen in Tamil Nadu force the trawlers to start operations after that distance from the shore, which only increases chances of crossing the border and ending up in Sri Lankan waters. Manoharan from Nagapattinam explained how the Nagapattinam fishermen come to Sri Lankan waters seasonally and concentrate on deep-sea fishing in the other months. He explained how some of their boats have diversified operations to go after yellowfin tuna and face competition from the multi-day fishing boats of Sri Lanka.

The Sri Lankan fishermen cited the long war period and the loss of fishing livelihoods, the large-scale displacement of fishermen and the loss of property as common problems. Though NGOs and the church were helping to some extent with revolving funds for equipment purchase through co-operatives, fishermen still had to raise a lot of resources themselves. It is in this context that the incursion of Indian trawlers was hampering the pursuit of their livelihoods. Based on the awareness-raising campaign conducted by the Fisheries Department, the church and concerned individuals, action has been taken against harmful methods of fishing.

The operations of around 200 trawlers in the Jaffna area have been curtailed by the Sri Lankan fishermen. The trawler owners have been given a deadline of December 2004 to stop trawling completely. The co-operatives, even though short of resources, have offered to help them shift to alternative fishing methods.

Unacceptable operations

The Vadamarachi fishermen also found the operation of Indian trawlers close to their shores unacceptable, especially as long stretches of their coast had been converted into high-security zones. They felt that the Indian fishermen have a large

area of their own to fish in and it made no sense for them to operate in the limited area that Sri Lankan fishermen of the north possessed.

The group discussions resulted in two points of view. The Sri Lankan fishermen wanted an end to trawling in their waters. They felt that the Indian trawlers could be given a few months to stop trawling. The Indian fishermen, on the other hand, wanted to keep a 3-mile distance from the shore and avoid certain trawl nets.

A working group was then formed to work out a compromise solution. In its report, it said that the Indian side had agreed in principle that trawling has to be stopped in Sri Lankan waters, given that Sri Lankans are banning their own trawlers. No agreement was, however, reached on the time frame for stopping trawling, as the Indian side wanted a much longer period than what the Sri Lankans found acceptable. A three-month period has been given for further dialogue on the issue and for a mutually acceptable time frame; a Sri Lankan delegation will visit India during this period to carry forward the dialogue.

As an interim measure, the Indian trawlers will keep a distance of three miles from the Sri Lankan coast in the Palk Bay and seven miles on the northern coast (the Jaffna-Vadamarachi stretch). The Indians will not use the four types of trawl nets earlier identified. Any violation of the above understanding by Indian boats will be reported to the Indian fishermen's organizations, which will take suitable action against the erring boats; the Sri Lankan fishermen will not take direct action. Both sides will work for the speedy release of fishermen and boats currently detained by both countries.

In an intervention, Vivekanandan explained the significance of the agreement reached by the two fishermen groups. He wanted the Sri Lankan fishermen to understand the implications of the agreement for Indian fishermen. He said that the agreement, in principle, to stop trawling was a revolutionary decision in the Indian context. Despite various conflicts over trawling in Indian waters, it had, over the years, become the most important fishing method. India caught around 2.8 million tonnes of fish each year and was among the leading marine fish producing countries in the world. It is important to recognize that trawling contributes to over half of this catch.

Though the dangers of trawling were acknowledged, and many restrictions put on trawling, including a seasonal ban, the vast shelf area that India possessed gave trawling greater scope than in Sri Lanka. Given the importance of trawling and the sheer size of the sector (which has approximately 50,000 trawlers), it was unthinkable of talking about stopping trawling in India. Even government agencies and fisheries departments would find it difficult to accept such an idea.

In the area between Rameswaram and Nagapattinam (the area relevant for the agreement with Sri Lankan fishermen), the total trawl fleet was 4,000, representing an investment of around 1.2 billion Indian rupees (approximately 2.5 billion Sri Lankan rupees). The total debt of trawl fishermen would be at least 600 million Indian rupees. The total number of fishermen manning this fleet was around 20,000. If shore-based workers and dependent families are also counted, the numbers would be in the range of 200,000-300,000 in this area alone. Given the size of the sector, stopping it overnight was impossible. Only the government can take up the task of rehabilitating such a large population and even this is a difficult and time-consuming task, according to Vivekanandan.

He, however, acknowledged that a great beginning had been made in the Colombo meeting, which had the potential to transform fishing in India. He felt that the Indian fishermen's representatives might not have made the trip had they had even a hint of the nature of the agreement they were to conclude.

Unexpected outcome

The fishermen back home would wonder whether it had been worth sending this team to Sri Lanka, if the outcome was to stop trawling. Therefore, it needed a lot of courage on the part of the Indian fishermen to accept this agreement. Sri Lanka may be a small country but the

concern shown by the Sri Lankan fishermen for resource protection is a lesson for Indian fishermen.

The mission team met on 29 May to take stock of the situation and decide on follow-up action. Though the members had boldly agreed to the decision to stop trawling in Sri Lankan waters, there were doubts about the implementation of the decision. There was also a feeling that some of the Sri Lankan fishermen had got the impression that the Indians had agreed to stop trawling in three months, rather than ask for three months' time to take a decision on the time frame for stopping trawling. It was felt that the reciprocal visit from the Sri Lankan side would help to clear up the ambiguity. Overall, it was felt that something had been accomplished by the mission, but success now depends on follow-up.

This report has been prepared by V. Vivekanandan (vivek@siffs.org), Convenor, Association for Release of Innocent Fishermen (ARIF) and Chief Executive Officer, South Indian Federation of Fishermen Societies (SIFFS)

The devil in the detail

Practice has preceded theory in the implementation of co-management, which also needs a supportive social and cultural environment

After 60 years of scholarship (provided that we consider Raymond Firth's monograph on the Malay fishermen to be the seminal work), social scientists seem finally to be having some impact on fisheries management. Co-management, which originated as a discourse among fisheries social researchers some 20 years ago, is now to be found everywhere. In December 2003, I was at a conference in Cape Town, which revealed that co-management is now written into the fisheries legislation of a number of countries in Southern Africa. In January 2004, I travelled for two weeks in India, where I heard fisheries administrators talk enthusiastically about co-management. In March, another fisheries co-management conference was held in Penang, Malaysia, with participants from all over Southeast Asia.

A meeting of senior fisheries officials of ASEAN (Association of Southeast Asian Nations) countries embraced the concept in 2001. In many countries, indigenous peoples' movements are sponsoring co-management. The Code of Conduct for Responsible Fisheries, drawn up by the Food and Agriculture Organization of the United Nations (FAO), expresses concerns and declares principles that, in effect, invoke co-management solutions. In 2003 Kluwer published a book, edited by Douglas Clyde Wilson, Jesper Raakjær Nielsen and Poul Degnbol of the Institute of Fisheries Management and Coastal Community Development (IFM) in Denmark, on the fisheries co-management experience on all continents.

Co-management in fisheries has, indeed, become a global issue. It cannot be dismissed as a social scientists' utopia. However, it must be stressed that, in this case, practice preceded theory. The co-management scholarship is not more than a couple of decades old, but co-management-type institutions have, in some instances, a much deeper history; in some countries they have existed for centuries. It is only recently that these institutions have been recognized as examples of a unique management practice that also has the merits, in the modern age, of resource conservation and sustainable fisheries development.

Co-management stresses the need for involving and empowering those people in the management decision-making process whose livelihoods depend on marine resources, and who are affected by management decisions. Actually, there is nothing inherently 'fishy' about co-management. We are, in fact, talking about a form of governance that builds on public-private partnership, where there is private involvement on the part of actors from both industry and civil society—those represented by interest organizations, non-governmental organizations (NGOs) and community groups, for instance. There is now an extensive literature on public-private governance in society, and fisheries co-management scholarships may be regarded as a sub-discourse. In some instances, governance theorists draw on the fisheries co-management literature, as does the Dutch political scientist Jan Kooiman in a recent book, *Governing as Governance*.

Participatory democracy

Co-management is about participatory democracy, and should, therefore, work on elementary democratic principles such as transparency, accountability, equity, social justice, and so on. But just as participatory democracy cannot replace the representative democracy of

citizenship, neither can co-management. Co-management can, nevertheless, add to, and thus deepen and broaden, the democratic process.

There is obviously a public interest in fisheries management, which sector participants and NGOs, with their various agendas, cannot and will not always consider. As representative for the public interest, the State has a role to play in fisheries management, and, for this reason, should not be excluded from influencing the decision-making management process. There are some things that only the nation State can do, such as providing enabling legislation. The State works at all levels, and there is a role in fisheries management for local government as well. Local government has interests at stake in fisheries, and, generally, has a better grip on the local situation than central government.

At the same time, there are limits to what State authorities can do. The economist Charles Lindblom once said that the State has no fingers, only thumbs. The ecological and social diversity, complexity and dynamics of fisheries are such that the central authorities cannot possibly be on top of every local situation. As a local speaker pointed out, at a meeting I attended in Cochin, India, in January 2004, "the government cannot manage 6,000 km of coastline, involving 250,000 boats and 750,000 fishermen". In India, fisheries management in its modern form is still pending. Therefore, the principle of 'subsidiarity' (stating that decision-making authority should be vested at the lowest possible administrative level) should be adopted. Fisheries management must also involve the local community. As Jeffrey L. Pressman and Aaron Wildavsky observe in *Implementation*, "The closer one is to the source of the problem, the greater is one's ability to influence it, and the problem-solving ability to complex systems depends not on the hierarchical control but on maximizing discretion at the point where the problem is most immediate".

Co-management also invites the positive contribution of user groups and civil society, since they possess and control knowledge that may inform the management process, thus producing more viable outcomes. The more complex the situation that a management system must address, the greater the need for critical feedback from those who are affected by it. Co-management systems must allow for a learning process. One cannot assume that everything will work perfectly from the outset.

User groups

Decisions and institutions are made more legitimate by the participation of user groups and stakeholders. A fisheries management system depends on

voluntary consent. Without it, violations of rules and regulations would be rampant, unless a government was willing to spend what it takes to force people to abide by them.

A management system that does not enjoy legitimacy would, therefore, be a costly one, if indeed it worked at all. Top-down, heavy-handed, totalitarian regimes have never produced voluntary consent, and there is no reason to expect that fisheries management systems will be any different.

I cannot see how it is possible to oppose the ideals that co-management attempts to promote—at least, if one is democratically inclined—just as it is equally hard to be against the principles of the FAO's Code of Conduct. In both cases, the devil is in the detail, as the saying goes. Co-management can mean different things, and what matters is how these ideals and principles are applied in concrete settings. There is no blueprint solution for every situation. As with countries, democracy may assume different forms, and one is not necessarily better than another. One may, perhaps, argue that some countries, some fisheries and some communities may not be ready for co-management. But when some Western intellectuals launched a similar argument against the rapid democratization of Latin American countries with autocratic regimes, Mario Vargas Llosa—the Peruvian author—found it utterly patronizing.

It is, however, easy to point to difficulties and complicating factors, just as it is with democracy. The Norwegian social scientist, Jon Elster, for instance, pointed out the challenge that citizens' mobility poses for the democratic process. People are not always where you expect to find them when you need them. As Eyolf Jul Larsen and colleagues demonstrated in a recent FAO technical report on freshwater fisheries in southern Africa, the frequent migration of fishermen makes co-management more difficult. But then, co-management does not have to apply on a local scale alone.

Co-management is bound to be time-consuming and, therefore, costly, and there is a need to find ways of communicating and making decisions that are responsive to urgent problems. There is—as political scientists have been careful to underline with regard to organizations—a conflict between internal democracy and external efficiency. A cumbersome decision-making process can prevent an organization from being flexible in the short term. Even so, that should not cause us to sacrifice democracy, since democracy is favourable to legitimacy, which, again, helps the process of implementation and enforcement; democracy is also in concurrence with basic human rights, as well as being one of the most effective ways of securing them. But it raises the question about which functions should be handled at what level. Co-management should, therefore, be reserved for questions of principal importance, while the details of implementation may be left to administrators.

Since co-management is such a tasty concept, it is an easy prey to Orwellian 'newspeak'. A concept with positive connotations may be attached to destructive practice. A new label may be adopted to justify a traditional pattern as when a missile is named the 'peacemaker'. Some of the most oppressive regimes have, as we know from recent history, called themselves democracies. As a concept, co-management may thus become a rhetorical device for political whitewashing. There is some evidence of this tendency presented in the recent co-management anthology of Wilson and colleagues. Then co-management becomes corrupted easily, and naturally falls victim to harsh but misfired criticism, from academics, for instance.

Not precise

That said, I think the research community may be criticized for not being sufficiently precise and consistent in the way that co-management has been defined and discussed. Over time, there has been a tendency to describe co-management in broader and broader terms. If, for instance, co-management is described as "mainly an arrangement to ensure communication between governments and communities" as is the case in the FAO report by Larsen and colleagues (which, to

be fair, is not the only thing they say about co-management)—I fear that any government could rightfully claim to exercise co-management.

I have never heard of a government that, in one way or other, does not communicate with the fishing industry. But if one insists that co-management should be about the devolvement of management authority to user organizations and coastal communities, the empowerment of user groups and stakeholders, and participatory democracy, where civil society is granted legal rights to become involved in regulatory decision-making—which I think we should say—then the number of States that could legitimately claim to practice co-management would be drastically reduced.

As with democracy, co-management is no easy challenge. It is more than an institutional quick fix. Enabling legislation and organizational reform are necessary, but not sufficient. It also requires capacity building and psychological empowerment. Users must learn to trust their own individual and collective judgments. Co-management also needs a supportive social and cultural environment. Co-management at a community level may not work if the community does not work, and for the community to work, co-management is not sufficient. User groups and stakeholders must be properly organized to be effective in the co-management process. Co-management may produce biased outcomes if some stakeholder groups are better organized than others. Organizational formation must thus take place prior to, or as an integral part of, co-management institution building.

There are also risks and pitfalls. Things may go wrong, disappointments may occur, and conflicts may arise. Perhaps there is no use for a co-management handbook, since there are no standard solutions for co-management that can be adopted regardless of context. In the Cape Town meeting I attended in December 2003, we concluded, however, that a kind of checklist might be helpful. When co-management was introduced in Malawi, they did not think of working with the legislators to provide the necessary legal backing. There are numerous things that may happen in the process that it is wise to think of in advance. Things may also simply be forgotten. At this point in time, we should be able to compile such a checklist, as there are many experiences of co-management to tap into that have been carefully documented by social researchers.

Risk of inequity

Some have argued that co-management risks entrenching inequities that already exist in the fishery: that the powerful will

become even more empowered. This is an obvious risk, but it would, nevertheless, be an outcome that goes against the basic idea of co-management.

Co-management aims at the exact opposite, that is, empowering the disempowered. Nor is co-management intended to be a new tool of government control, though there is data that suggests this is how some governments perceive it to be. Thus, co-management may fall victim to the same tendency that has so often occurred in the case of producer co-operatives in fisheries, where civil society did not play a role and where they were not allowed to be autonomous. They often failed as a result, because fishing people turned their backs on them.

I have argued elsewhere that the success of co-management arrangements hinges upon four major design issues. First, there is the question of scale. Should co-management be installed at a local level alone, or should it be applied at all levels of decisionmaking? The second issue is that of delegation. What management functions should be subject to co-management? Any fisheries management system must address the questions of how, where, when, who and how much. Should all or just some of these decisions be co-managed? Thirdly, there is the issue of representation: which stakeholders should be involved, how should they be involved, and in what capacity? Finally, there is the matter of property rights. What kind of property rights is most conducive to fisheries co-management—private, communal, State or none? Which property rights system is politically acceptable? Co-management may, for political reasons, be forced to work with one hand tied behind its back, and will fail in consequence.

These are the key questions relating to institutional design though, alas, there are no easy answers. They are also more of a political than technical nature, so that the answer is to be found only in relation to the particular cultural, social, economic and ecological contexts within which a co-management system must work. Therefore, careful empirical research is needed prior to any implementation. Before the co-management reform, managers need to know both the context and the current fishing practice well. If not, the risk of failure may simply be too high for the co-management effort to be worthwhile.

Natural and social researchers can make an important contribution to the co-management building process. But they do not possess all the knowledge required. User groups and stakeholders should be involved from the very beginning and throughout the whole process. And when the implementation starts, then is the time to bring in the lawyers, the educationalists and the social workers, as they all possess crucial expertise for making co-management work.

This article by Svein Jentoft (sveinje@nfh.uit.no) of the Norwegian College of Fishery Science, University of Tromsø, Norway, is based on a lecture given at the Fishery Forum for Development Co-operation, Tromsø, Norway, 21-22 January 2004

Nordic fishers

The men and the sea

Fishermen relate to the sea in different ways, as this profile of two Nordic fishermen shows

"Que va," the boy said, "there are many good fishermen and some great ones. But there is only you."

—Manolin in *The Old Man and the Sea*

August was the month I arrived in the north of Norway in a small village where there were more boats, trees, fish, birds, cows, elks and sheep than people—a village called Leines, surrounded by waters, clear and blue.

The sea in Leinesfjord is beautiful—and with a beauty that lives a life of its own. The ocean spreads itself in a never-ending and undulating blue expanse, and lies in harmonious proximity to the other wonders of nature. Not often can you find such close symmetry of sea, mountains and sky...

Gradually shifting your eyes from the sheer luminous wonder of the blue waters, you see a tapestry of differing shades of brown and green. The mountains in Leines loom high and haughty above you in majestic grandeur, vying with the beauty of the sea for your attention. It is as though they compete with one another to unravel their colours before the human eye. Where the sea excels in differing shades of blue, the mountains challenge in differing shades of browns, dotted with greens.

Amazingly—and comfortingly enough—this huge majestic beauty is accommodating and friendly. Between the waters of the sea and the earth of the mountains lies another blue wide expanse—the sky, with its ever-changing display of pastel shades. The time of the day and the moods of the weather are reflected in its shifting shades. It is almost as though the sea launders its many sheets and displays them for you, in freshly washed shades of blue.

This panorama keeps appearing before your eyes in a perennial nature-show, and you wonder how one can fish—take life—amidst all this pristine loveliness.

Torfinn Pettersen does precisely that. He fishes. For him, the decision is basically very simple: " It is my bread and butter." When Torfinn says that, you realize he is being very humble—and that there is more than what meets the eye, that it is more than just "bread and butter"' that pulls him towards the sea.

Torfinn is tall and has the detached bodily air of a male model, yet he does not 'display' his physique. It was difficult for me to get Torfinn to stand or sit still for a few minutes to talk to. When he does stand still, he exudes an air of confidence and comfortable acceptance of his lean, agile body.

Torfinn is a farmer's son, for whom the call of the sea was too irresistible—and he responded from a very early age. He went fishing a lot when he was a kid, in the sea and often in the rivers too. He is a fisherman who lives up to his image.

"It is long and big and heavy," says Torfinn, pointing to his halibut. "I gave it a hug". Torfinn's eyes light up whenever he talks about the fish he has caught—especially when he talks about the halibut. A prize catch.

Huge catch

We are at the harbour and the halibut that he hugs is huge—a whopping 175 kg. At night, I hear that Torfinn has surpassed all his previous records, and that he is nearing shore with the catch of his lifetime. At the small harbour, it is pitch

dark and the waters look solemn and subdued and we wonder where Torfinn's boat is...until we see the lights shining and hear his boat *Spant* silently coming in.

It is fitting that on this historic and memorable moment in Torfinn's life, there is a whole jetty silently waiting for him. There are no other boats to steal any of the greatness of the occasion, any of the night, away from him. It is 12 midnight and the rest of the village is sleeping. When Torfinn comes in, he is like a child hugging a secret. There is music playing behind him—from his radio. Torfinn says that music is his only companion out in the silent expanse.

The line rose slowly and steadily and then the surface of the ocean bulged ahead of the boat and the fish came out. He came out unendingly and water poured from his sides.

—from *The Old Man and the Sea*

Torfinn says when he is out in the waters and he is drawing in his catch, he feels excited when he sees the fish rising in the water, big and looming up... Talking to Torfinn, I realize that, for him, the sea is home and house. He talks of going and being out in the sea and returning to the shore, but I feel he prefers a full, total time at sea.

Which makes him a contrast to the other Nordic man of the sea I met—Vegard Rye Carlsen, the boatbuilder. Vegard is very calm, almost stolid and very unlike the turbulent waters of the Nordic sea he builds his boats for.

It was in the kitchen of his house that I first met Vegard, and he was doing what he seemed at home in: cooking. I watched as he went about his work in a methodical manner. There is nothing of the wildness of the sea or the roughness of the waves in his movements, and his attitude is calm.

"*Narayana* saved us, she has never let us down". There is pride and quiet satisfaction in Vegard's voice when he talks of the long cruise in his boat *Narayana* over several nautical miles. There is a very no-nonsense and practical air about this man, even when he talks about his long journey; an attitude that almost belies his happiness in having made it. It is this down-to-earth connectivity with the now and the present that makes Vegard Rye Carlsen special. Why and how did he name his boat *Narayana*, I ask. He explains that it was already named *Narayana* when he got it in Trinidad. "I was looking at it and buying it at the same time."

Grand reception

When Vegard was nearing the shore of Leines in *Narayana* for the first time, there were a few anxious moments when the wind did not rise to the occasion, and two other boats had to be called in to help. The reception accorded to Vegard stands

testimony to the fact that this was no ordinary sailing. Vegard had come a long way, and the relief and joy of coming home were as natural as the shining flowers on the hair of the little girls who were all dressed up at night to welcome the crew of *Narayana*.

I wonder if the contrast the sea offers to these men is a chance to test their maleness, and a means to find their spaces in openness; the second skins they can mould onto themselves. It is almost as if they are going out into another of their selves, giving in to their innate sense of voyeurism, which gets satisfied through the waters that lie in eternity. This difference is what they chase after—the domesticity with which they deal during their shore-lives, and the need to break free. The sea offers the perfect foil to their civilized and controlled selves, and to the civil and metered life on land.

When I look at Torfinn and Vegard, I see two men connected to the sea in different ways: Torfinn needs the sea to live and Vegard, who loves to contain his world in a " rucksack on my back", enjoys testing the might of the sea with his boats. Yet, there is much that I find common between these two men of the sea. There is solidity, an ease and acceptance of their place, and confidence born of a comfortable connectivity with the sea and nature, and a down-to-earth practicality—and no attempt to romanticize the sea and bring it inside, within the walls of the home. It is as though they are quite content to have the boundaries well defined, to have two separate worlds—one on earth and the other, on water. And to merge the two would be insensible...

Yet there is adventure, danger and excitement that shake their everyday mundane tasks. I think Torfinn personifies this the most—he quivers in happiness sailing in with the catch. When he is on land, the need is to go out again...the urgency to "sea"again.

Then the fish came alive, with his death in him, and rose high out of the water, showing all his great length and width and all his power and his beauty.

—from *The Old Man and the Sea*

This piece is by Prema Nair (p_n_@rediffmail.com), an independent researcher, based in Trivandrum, India. Illustrations by Gunnar Album (album@online.no)

Amend principles, criteria

This piece is in response to an article on the Marine Stewardship Council that appeared in *SAMUDRA Report* No. 37

To tell consumers of marine products whether their fish are coming from a sustainable fishery is, no doubt, a tall order. It would be surprising if an organization endeavoring just that would not come under criticism. Therefore, I have never been surprised by outpourings from parties disagreeing with one or the other of the judgements of the Marine Stewardship Council (MSC). However, the article reproduced from *The Guardian* in the March 2004 issue of *SAMUDRA Report* talks of some major flaws, and even hints at the need for some top management changes.

Four years ago, I was invited by MSC to attend a meeting of 'senior advisers'. After reading a lot of written material, talking to people and participating in the discussions, I wrote up some recommendations, which I submitted to MSC's board. My feeling is that they were never heeded. But I believe that some of those recommendations are still relevant, particularly in view of what we have read in the March issue of *SAMUDRA Report*. What follows is a selection of those recommendations.

MSC should give priority attention to three important and inter-related issues: (a) public image and publicity; (b) cost and financing of certification; and (c) principles and criteria. Undoubtedly, public image and publicity are key to MSC's success, for its image in the eyes of both fishermen and consumers at large will determine the demand for MSC's logo. Therefore, MSC must make up its mind on the public image it wishes to project. Only a clear decision would enable a well-focused publicity campaign. Most of the audience MSC must address—fishing people, in particular—want clear-cut answers. At this time, MSC's image still appears rather hazy.

It seems that MSC may be reflected in the public eye mainly as one, or a certain combination, of the following characterizations:

i. an environment and fishery resources-oriented public non-profit organization, which, through eco-certification, wishes to use market motivation to promote rational fisheries;

ii. an enviro-business whose main interest lies in selling eco-certifications by promising customers that its logo would upgrade their products' market value (while ensuring its own profitable existence);

iii. fishery industry's and related business' answer to extravagant 'green anti-fishing' statements and campaigns.

While MSC may, in fact, comprise all three characterizations, in the public eye these are not the same. Hence, once decided on, the preferred image should be resolutely publicized, notwithstanding different individual, business and ideological approaches and motives among MSC's sponsors, participants, activists and clients. In my view, a well-modulated combination of (i) and (iii) is the one that should bring about the most favourable attitude among both MSC's immediate clients and fish-products consumers at large.

Certification costs

In spite of the inertia of the already ongoing procedures, I am strongly advising against leaving the cost of certification and the financial arrangements involved to direct negotiations between the representatives

of the fishery to be certified and the certifying consultancy firms, particularly, but not only, in Third World countries.

An honest, corruption-proof eco-labelling business must, like justice, not only be done, but also be evident. The present procedure may seem, in the eyes of many, as leaving a door open to various 'arrangements' between the negotiating parties.

My suggestion is that while the client fishery is required to bear the costs of the certification process, all financial arrangements are concluded between the certifying firm and MSC, which collects dues from clients and pays consultants. All parties should agree and make it legal that all financial relations between the certifiers and the certified would represent an offence. Leaving all financial relations to MSC would allow 'discounts' and 'soft payments' in deserving cases, especially when handling applications from small-scale fisheries in Third World countries.

In the past, MSC discussed the option of adopting an approach intrinsic to small-scale fisheries in developing countries and, hence, specifically adapted principles and criteria, but decided against it. MSC's principles and criteria have been criticized in the press and at meetings as being unsuitable for small-scale fisheries that would not be able to meet such standards. MSC's present standards, say the critics, require the sort of management and data available only to fisheries in industrial countries, and by adopting them, MSC becomes another offshoot of 'bad' globalization, which favours the rich and the strong. For example, the Nordic ecolabelling system proposes flexibility where data and management systems are missing. Accordingly, 10 years of stable catches and effort would indicate a sustainable fishery.

There is thus a need to discuss a revision of the principles and criteria, and either amend them so they would also fit small-scale fisheries and fisheries in developing countries such as Thailand, Indonesia, India and China—all major producers—or prepare separate principles and criteria for such fisheries, and regard fishing people and their communities as a part and parcel of the system to be sustained.

Aquaculture certification

In aquaculture, MSC should promote eco-certification of farmed fish for two main reasons: First, the share of farmed fish in total food-fish production, including marine and estuarine/lagunar species, will continue increasing, and cannot be ignored. Second, many aquaculture practices have become controversial from the point of view of the protection of marine habitats and wild

stocks, and their high fishmeal requirements.

In order to avoid multiplication of mechanisms and logos, such certification should be implemented within the existing MSC system. MSC's decision should not be affected by possible or hypothetical commercial competition between the fish farming and capture sectors.

Eco-certifications would honour good practices, on the one hand, and, by default, censure bad ones, on the other. Some practices, like salmon farming along north America's west coast, or shrimp farming in mangrove habitats, have become rather explosive issues. Excess pollution also arises from cage farming in inshore areas. Technological and other solutions are possible and might be expedited, should MSC achieve the desired prestige and market influence. However, for certifying farmed fish (and shellfish) specific principles and criteria would have to be drafted. These standards should cover contamination of fish raised in polluted environments or fed with contaminated fodder.

Another controversial issue is genetic modification of farmed species. In my opinion, where it isn't covered by legislation, MSC shouldn't take sides, but its relevant principles and criteria should allow, by default, eco-certification of genetically modified aquatic products, where it is legal.

This piece is by Menakhem Ben-Yami (benyami@actcom.net.il), a fisheries management and development adviser, based in Israel

Video

Easy to watch and informative

***Under the Sun* is a film on the transient fisherfolk of Jambudwip, West Bengal, India**

Under the Sun, a 33-minute film in English made for the International Collective in Support of Fishworkers (ICSF) by Dusty Foot Productions and directed by Rita Banerji, talks about the traditional stake-net fishery practised in Jambudwip island, and a recent standoff that has ensued between the fishworkers there and the government.

Jambudwip, a 20-sq km island, is just off the southern edge of West Bengal in the Sundarbans biosphere reserve. Small-scale fishworkers have been practising *behundi jal* or stake-net fishery there since at least the 1950s. Jambudwip is the largest local site for this fishery. The skills and knowledge involved in this sort of fishing are indigenous, ecofriendly and, like most traditional crafts, intuitive but transferable.

Enter the State Forest Department, which alleges that the fishermen's use of the island amounts to an encroachment of forest land. And in order to legitimize a ban, it invokes a Central government conservation act issued in 1980, that is, about 25 years after the fisherfolk are known to have started using the island. No doubt, the fishworkers have been using the forestland but only in the same way in which farmers use the soil in their fields—sustainably, and with respect for regeneration. Lurking in the shadows—and throwing light on the sudden embargo—is a plan to build an ecotourism resort in the area. That plan is said to be funded by the Sahara group, one of the few large entrepreneurial businesses originating from West Bengal.

The film documents this scenario in two parts: first, it shows us the technique and knowledge involved in the stake-net fishing process, and then, it analyzes the standoff between the fishing community and the government. The analysis of the standoff is also a document on how bureaucratic intervention can get things entangled beyond belief.

Under the Sun is a documentary in the descriptive mould. There is an emphasis on delineating things and showing the interdependence among them: topography, people, techniques and processes. As a result, we get to see a variety of visuals that relate to Jambudwip's fishery activities: the landscape, people, shelters, tools and materials, and, of course, fishing and the sea. Where live footage is difficult to obtain, the documentary makes use of simple 3D (three-dimensional) simulations. For example, the position of the creek where the fishermen berth their boats is animated in bird's-eye view. This gives a sense of how intimately connected the fishing process is with geographic features. Likewise, underwater views of the ocean floor and the unique structure of the net are 3D-modelled and intercut with live action. Films that deal with maritime activities often revel in impressionistic shots of the sea and the boats. Not so in *Under the Sun* and, visually, this is one of the strengths of the film. The broad range of descriptive content gives a very real sense of place and context.

Misinformed officials

The second part of the film traces the genesis of the standoff. Lawyers, fishworkers and NGOs clarify that much of the Forest Department's plans and allegations are misinformed. An example: the Minister of Forests, who personifies the establishment/bureaucracy in the film, talks about an alternative site for rehabilitating the fishworkers: "Haribhanga island is ideally suited for this sort of fishing. It has a creek for

parking the boats." In reality, there is no creek in Haribhanga and it cannot accommodate a tenth of the fishworkers. This is besides the fact that the fish caught here are not for human consuption. Examples of this sort abound.

Central to the idea of encroachment is the notion that humans are at odds with nature, and that development is in opposition to what is natural. The film challenges this idea and asserts that from an ecological standpoint, such a notion is myopic and stagnant. For the viewer, however, a philosophical angle such as this can seem out of place.

Aren't the issues involved, and the probable solutions, more practical and on the surface? Living in India, one suspects that relativistic, philosophical discussions on real issues have a tactical function in bureaucracy: it buys time, misleads people, tests their patience and makes them give in to a sense of fatigue before they eventually get done in.

Documentaries also portray the cultural milieu in which they are filmed, as a by-product and outside of their area of specific focus. It is fascinating how this film conveys Bengal's culture of respect for the humane and poetic things in life. Here Bikash Raychaudhury, an anthropologist who studied Jambudwip in the late 1960s, captures the spirit of ecology as he talks about the fisherworkers' craft in his book *The Moon and Net*:

"Living with the fishermen, quite intimately for some months, I distinctly got the impression that it is not money alone which drives them to such a wholehearted involvement in their work. The challenge and beauty of the open sea, the risk and fun of tracking *shola* fish, setting up the net and hauling up in eager expectation ...all these together have a charm for them."

This sensitivity and awareness—including the joy of reflecting on the fishermen—are not lost on the government administrators and officials either; they talk passionately about the fishermen's heritage, knowledge base and indigenous wisdom. Issues are discussed with depth and élan and all this makes *Under the Sun* an easy-to-watch, informative film.

This review is by Ramu Aravindan (landeater@vsnl.com), a filmmaker, based in Bangalore, India

Document

Fishery harbours

The Kochi Declaration

The Kochi Declaration on Fishery Harbours was adopted at a recent conference in India

We, the representatives of fishworker organizations, research institutions and universities, non-governmental organizations (NGOs), trade unions and governments, having met for two days at Kochi on 24-25 June 2004, under the auspices of Protsahan (a Trivandrum-based NGO), with the involvement of the National Institute of Ocean Technology, Chennai and the Harbour Engineering Department, Government of Kerala, to deliberate on the current status and future prospects of fishery harbours and fish landing centres in India, do hereby resolve as under:

Aware that harbours are complex facilities that act as vital interfaces between capture of fish and their utilization,

Acknowledging that harbours are often situated in some of the most ecologically fragile, densely populated coastal zones, which are, in turn, the final sinks of pollutants from upstream, land-based developmental activities,

Cognizant also of the provisions of both binding and non-binding international Agreements, Conventions, Guidelines and Recommendations on resource management, environment and biodiversity, and

Recognizing that harbours form the focal point in the application of food safety control and are important points in the application of occupational safety and health standards, and measures for personal/physical security needs, and therefore call for greater participation of relevant stakeholders in harbour governance,

We *Urge* for greater recognition by governments and all other stakeholders of the paramount importance of the management and maintenance of harbours. The responsibility of keeping harbours clean should extend beyond harbour authorities to society at large, based on the 'polluter pays' principle.

We *Call* upon governments and all other stakeholders, particularly users of harbour facilities, to acknowledge the critical role of harbours as the focal point for both fishery resource management and regulatory interventions in fish marketing.

We *Urge* governments and all stakeholders to pay keen attention to quality assurance in the supply chain, and to ensure the adequate supply of clean and/or potable water, as necessary.

We *Stress* that governments and all other stakeholders should ensure better coordination between the various agencies that have to implement safety and health standards.

We *Affirm* the necessity to create and develop governance structures that integrate the interests of the State with those of all other stakeholders.

Alongside, we *Proclaim* the need for a qualitative improvement in the amenities and public comfort facilities for the day-to-day living needs of users, especially women and small traders, and that these facilities should also be properly maintained.

We *Call* for better organizational and legal arrangements to facilitate participation of all relevant stakeholders in harbour governance.

We *Reassert* the fundamental and inalienable role of government in crucial

areas of infrastructure provision and financial support for activities like dredging and major repair of harbours.

Finally, we *Call* for the adoption of more context-specific and dynamic approaches to developing and managing fishery harbours.

This declaration was adopted on 25 June 2004, at the conference on "Fishery Harbours: Current Status and Future Management Concerns", Kochi, Kerala, India

Document

ILO conference

Flexible, inclusive standards

The following is the statement made by ICSF to the ILO Committee on Conditions on Work in the Fishing Sector

The International Collective in Support of Fishworkers (ICSF) has been working towards valorizing the artisanal and small fishers and fishworkers, particularly in developing countries, for the past two decades. We have been working towards bringing artisanal and small-scale fisheries under the ambit of the ILO labour standards since 1990.

We welcome the proposal to develop new labour standards for the fishing sector with a view to reach a greater portion of the world's fishers, particularly those working on board smaller vessels. We also appreciate the proposal to broaden the definition of "commercial fishing" to include all but subsistence and recreational fishing in marine and inland waters.

Small-scale fishing vessels are no more confined only to the littoral waters, and they are now found all over the exclusive economic zones (EEZs). While 24-metre fishing vessels targeting pelagic resources are found fishing in territorial waters, 12-metre fishing vessels longlining are found fishing in the EEZ of the flag State and beyond. This includes waters of other coastal States as well. The labour arrangements on board, as a result, have broadened from only self-employed or kinship-based sharing arrangements to include wage labour and employment of migrant workers. Distinct categories of workers and owners are emerging in several contexts.

Working and living conditions on board small-scale fishing vessels, as a result, are getting radically redefined, with implications for employment, income, safety, health and social security of fishers. In this context, we welcome the proposal to develop new inclusive standards for the fishing sector since it has the potential to respond more meaningfully to the social needs of fishers in the context of the rapidly changing nature of fishing operations in different parts of the world.

From the 1970s, coastal States have been declaring their EEZs. Several fisheries have witnessed a boom-and-bust phase since then, and fisheries resources are believed to have reached their biological limit. Yet, there are only a few examples of national legislation urgently promoting effective fisheries management. The scenario is even bleaker when we look into national legislation to protect the living and working conditions of fishers on board fishing vessels below 24-metre length, particularly in many developing countries. This is evident from a quick read of the ILO White Report on the age of globalization. When fishing vessels and fishers from the small-scale sub-sector are moving across the EEZs, there is greater relevance not for exclusive, but inclusive, labour standards. ILO should take the initiative to lay down flexible principles and labour authorities to develop relevant and meaningful national legislation for both large and small-scale fishing vessels.

Workshops organized

We would like to take this opportunity to inform the Committee that during 2003-2004 we organized workshops in the Philippines, Sri Lanka, India and Ghana, with a view to educate fishers, particularly in the unorganized artisanal and small-scale sub-sector, about ILO's proposed comprehensive labour standards on work in the fishing sector, and to gauge their responses to the proposed standard. Small-scale fishers have been fishing outside national waters in all these countries for several years. All of them have distinct employer and

worker categories in the small-scale sub-sector.

The artisanal, small-scale, semi-industrial and industrial fishers of Ghana and India and the artisanal and small-scale fishers of the Philippines and Sri Lanka supported the ILO proposal for a comprehensive standard on work in the fishing sector. The Sri Lanka workshop, however, observed that the nature and intensity of risk and uncertainties faced by the artisanal, small-scale sub-sector and the safety, medical care and social security issues that concern this sub-sector were different from those facing the distant-water fishing vessels. Fishers of Sri Lanka and Ghana would also like to see the scope of the Convention include beach seine fishers who do not fish from fishing vessels. The traditional, small-scale fishers of India would like to see greater flexibility in the way the standard would be implemented, making provisions for exclusions and exemptions.

The Ghana workshop further drew attention to the high incidence of girl children between the ages of 5 and 8 being employed for fishing in Lake Volta, which produces the largest quantity of inland fish in Ghana. The participants drew attention to the high incidence of accidents in Lake Volta and observed that the number of accidents in the Lake was more than that in the marine waters of Ghana. A summary of these reports, in English, titled "Fishing for Standards" is available at the back of the conference room.

In conclusion, while negotiating flexible and inclusive standards for the fishing sector, we would like to support the concerns of the Workers' Group, cautioning against any dilution of existing standards for industrialized fishing vessels.

This statement was made by ICSF (icsf@vsnl.com) at the 92nd session of the International Labour Conference in Geneva

News Round-up

Easy subsidy

The **European Commission** (EC) has taken a new decision in order to implement the provisions included in the 2002 Common Fisheries Policy (CFP).

This time around, the aim is to simplify fishery-aid concessions to Member States, provided that the subsidy does not jeopardize or threaten the conservation of species. This rule would take effect on 1 November.

In a press release, Franz Fischler, the commissioner for the EU Agriculture, Rural Development and Fisheries, expressed his view of a "balanced and coherent norm that establishes simpler and quicker procedures while guaranteeing the control required to ensure compliance with regulations."

This simplification established by the European executive covers the categories that "have never been researched by the EC," namely the promotion or publicity of fish products, producers' associations, protection and development of aquatic resources, innovative measures and technical assistance.

Exemptions also include equipping fishing ports, scrapping fishing vessels, socio-economic measures, investments in the transformation or commercialization of fishing products, as well as aquaculture and inland waters.

No, not here

Argentina has followed Brazil in disallowing the fishery fleet of the European Union (EU) to gain access to national waters by virtue of the treaty the EU negotiates with Mercosur countries (Argentina, Brazil, Uruguay and Paraguay).

Overexploitation of resources is the main reason for rejecting the European request. "Our ocean is over exploited and we can not receive new players," Miguel Campos, Head of the Secretariat of Agriculture, Livestock, Fisheries and Foods, pointed out.

A 1994 agreement with the EU allowed large vessels from the Spanish fleet to enter Argentine waters, exercising great pressure on the hake (*Merluccius hubbsi*), the nation's main resource.

Shrimp shrink

The US has slapped tariffs on shrimp imports from China and Vietnam, fuelling fears that shrimp prices could jump this month. The US Commerce Department ruled that China and Vietnam have been dumping their products in the US market at unfair prices.

The proposed tariffs range from just under 8 per cent to nearly 113 per cent and are expected to take effect in about a week. In total, tariffs could affect about $2.3 billion in annual shrimp trade.

The decision to apply large punitive tariffs cheered hard-pressed US shrimpers, but could anger processors, restaurants and consumers who have made the low-priced shellfish the nation's most popular seafood.

A decision will be made later this month on whether duties also should be imposed on shrimp from Thailand, Brazil, Ecuador and India.

The ruling "is a critical step on the road to recovery for tens of thousands of fishermen, farmers and processors devastated by the massive volume of dumped Chinese and Vietnamese shrimp," Eddie Gordon, president of the Southern Shrimp Alliance, said in a statement.

The trade group, with members in eight southern States of the US, claims the dumping halved the value of the US shrimp harvest between 2000 and 2002, from $1.25 billion to $560 million, as domestic producers were forced to respond to the imports' lower prices.

"This is going to result in immediately higher prices within the month," said Wally Stevens, president of the American Seafood Distributors Association, a trade group opposed to import duties. Stevens said his group will continue to argue against the tariffs as the US International Trade Commission considers final penalties. That decision is expected in early January.

Stevens said the reason that Asian exporters can deliver a cheaper product is not because of illegal

trade practices, but because they can raise shrimp on highly efficient farms. The United States has a colder climate, so Americans must catch shrimp in the wild, burning up expensive boat fuel to do so.

Women's network

Women with interests in all aspects of the fishing industry in **Europe** have called for the formation of a North Sea Women's Network. The women were attending a two-day conference at Peterhead in the northeast of Scotland to discuss the changing role of women in fishing communities.

The conference came at a time when the first of the new regional advisory councils—the one covering the North Sea—is getting off the ground. Each of the new councils will require one member of its 24-strong executive committee to represent women's interests.

Lea Verstraete, director of structural policy in the European Commission's fisheries division, told delegates that although equal opportunities are enshrined in community

principles, in reality there was under-representation of women when it comes to a decision-making role. "We need to build on this," she said. Regional advisory councils should provide an important way of helping this process.

Tonkin training

Vietnam will train fishermen on how to recognize the demarcation lines of the Tonkin Gulf, as well as the legally applicable limits of different maritime areas.

The Tonkin Gulf has been demarcated along 21 points, with geographic co-ordinates determined in the agreement between Vietnam and China, reached on 30 June, on the delimitation of the territorial sea, the exclusive economic zone and the continental shelf.

Previously, disputes were common in the Tonkin Gulf because of undefined territories, leading to the arrests of many fishing vessels and fishermen from both countries.

In addition, the agreement on fisheries co-operation establishes a buffer zone three nautical miles wide from the demarcation line on each side and ten nautical miles long from the Pei Lun river mouth. Small fishing vessels of both sides are allowed to pass through the buffer zone to the agreed fishing areas.

Seahorses down

When the impotence drug Viagra was launched in 1998, few people could have foreseen its impact on the seahorse—the peculiar-looking and sexually ambiguous member of the *Hippocampus* genus.

Seahorses have for 600 years been used

in traditional Chinese medicine as a cure for impotence, served up in rice wine, mixed up raw with herbs or dished up in soup as a source of potency and virility. The arrival of Viagra appears to have spurred a huge increase in demand for impotence remedies using seahorses as a cheaper alternative.

Twenty-five million seahorses a year are now being traded around the world—64 percent more than in the mid-1990s—and environmentalists are increasingly concerned that the booming trade in seahorses is putting the creatures at risk.

Seahorses were recently added to the list of protected species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), meaning all 166 member nations will be required to regulate the cross-border trade in seahorses and prohibit the trade in any specimen under 10 cm in length.

Trawl gift

Around 15 of the sea-worthy 50 Indian fishing craft captured by the **Sri Lanka** Navy in the island's territorial waters over the past two-and-half months will be handed over to needy Sri Lankan fishermen, according to a decision of the Minister of Fisheries, Chandrasena Wijesing. These fishing craft are 40-50-ft wooden trawlers made in Tamil Nadu. The engines of some

trawlers are good and the hulls of others, in serviceable condition.

India enforces a seasonal ban on trawling by deep-sea vessels during the monsoons. In addition, Rameswaram District in Tamil Nadu has banned fishing on three days of every week. On such days, Indian trawlers are said to come in hundreds into Sri Lankan waters, often bulldozing Sri Lankan fishing craft and cutting the nets of local fishermen.

Past omissions came home to roost. Why hadn't the lifeboats, of which there were too few in any case, been swung out in anticipation of being needed? Why hadn't the davits and block and tackle been de-iced at regular intervals? In addition, there was the absence of the crew members trapped in the forward part of the ship when the watertight doors were closed and perhaps alive. The naval recruits from the training division had no experience with lifeboats. The mass of people crowding from the upper deck onto the slick ice-coated sundeck, which was also the boat deck, slipped and slid as the boat listed. Already the first ones went flying overboard, because there was nothing to hang on to. Not all of those who fell wore life jackets. Now many jumped into the water out of sheer panic. Because of the heat inside the ship, most of those making their way onto the sundeck were too lightly dressed to withstand the shock of an air temperature of 18 degrees Celsius and correspondingly low water temperature —was it two or three degrees warmer? Even so they jumped.

—from *Crabwalk* by Günter Grass

ICSF

ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-Governmental International Organizations. It also has Liaison Status with FAO. Registered in Geneva, ICSF has offices in Chennai, India and Brussels, Belgium. As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and action, as well as communications. SAMUDRA REPORT invites contributions and responses. Correspondence should be addressed to the Chennai office.

The opinions and positions expressed in the articles are those of the authors concerned and do not necessarily represent the official views of ICSF.

SAMUDRA Report can now be accessed on ICSF's home page on the World Wide Web at http://www.icsf.net or http://www.icsf.org

Published by
Chandrika Sharma for
International Collective in Support of Fishworkers
27 College Road, Chennai 600 006, India
Telephone (91) 44-2827 5303 Facsimile (91) 44-2825 4457
E-mail: icsf@vsnl.com

ICSF Brussels Office:
Rue du Midi 165, B-1000 Brussels, Belgium
Telephone (32) 2 - 513 1565 Facsimile (32) 2-513 7343
E-mail: icsfbrussels@yucom.be

Edited by
KG Kumar

Designed by
Satish Babu

Cover
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