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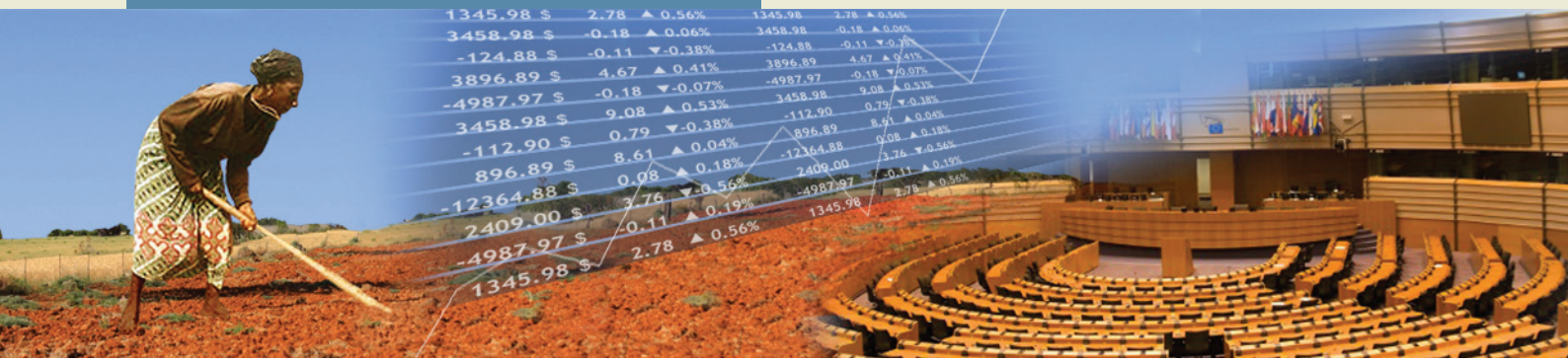

Fisheries and the right to food

Report of the Special Rapporteur on the right to food to the 67th session of the UN General Assembly

1. A general assessment

Global marine and inland fisheries provide food security to millions of people. They do so through two channels. First, fish consumption accounts for 15 per cent of all animal protein consumed worldwide, and this proportion is even higher in low-income food deficit countries (LIFDCs) (20 per cent), or in certain regions such as Asia (23 per cent) or West Africa (50 per cent). There are at least 30 countries where fisheries contribute over a third of total animal protein supply, and 22 of these are LIFDCs. Second, the fisheries sector provides 54.8 million people with employment in capture fisheries and aquaculture and an estimated 150 million people in upstream and downstream activities. In developing countries, many of those involved in fishing are small-scale fishers, and women are strongly represented in this sector, especially in the pre- and post-harvest sector, while many others depend on the revenues drawn from these activities. Small-scale fishing is a highly labor-intensive and productive sector, although its importance is sometimes underestimated because of the volume of unreported catch and because some of this small-scale fishing is purely occasional, functioning as an essential safety net for coastal communities in times of crisis.

Aquaculture has developed rapidly over the past few decades. Between 1980 and 2010, global fish-food production from aquaculture expanded twelve-fold, and it now may provide up to 45 per cent of all fish for direct human consumption. Asia is by far the leading region in this regard, accounting for 88 per cent of all aquaculture production (62 per cent in China alone). The growth of aquaculture has led to a shift of fishmeal feed from livestock farming to aquaculture uses. But recent reports highlight extensive overfishing and negative ecosystem impacts caused by the fish feed reduction industry. Policy initiatives therefore should reduce the competition between fishmeal and fish-food availability for human consumption, as well as looking to encourage direct human consumption of species of smaller fish, and to impose limits on what proportion of these fish can be diverted to fishmeal.

2. The sustainability of the fishing industry and overfishing

A number of environmental challenges are emerging, including overfishing, climate change, pollution and habitat loss. Between 1970 and 1990 fisheries harvesting capacity in the world grew eight times faster than the rate of growth in landings, and fishing techniques are also contributing to overfishing. The capacity of the global aggregate fishing fleet is at least double what is needed to exploit the oceans sustainably, a trend exacerbated by public subsidies which further increase fishing capacity. Fishing methods such as industrial bottom trawling -- the equivalent of deforestation in deep waters -- are particularly destructive and wasteful. These trends are magnified by the rise in atmospheric carbon dioxide, which leads to increased sea temperatures and ocean acidification, adversely impacting fish populations. Finally, oil spills, agricultural and industrial run-off, pollution from aquaculture, and the enormous accumulation of plastic debris in water will have lasting impacts on marine wildlife, contributing to dead zones in the ocean.

Combating overfishing. Too little progress has been achieved on reducing overfishing, despite some efforts to rein in fuel and boat-building subsidies, and the establishment of marine protected areas (MPAs), as well as initiatives to combat illegal, unregulated, unrecorded (IUU) fishing. One concern of the Special Rapporteur is that while IUU industrial fishing is a problem, most of the catch of small-scale fishers goes unreported, and analogizing this catch to illegal fishing -- while it makes an important contribution to food security -- is troubling: this does not encourage the fishers concerned to shift to more responsible practices, nor does it acknowledge the function of fishing as an occasional activity for some coastal communities (including inland coastal communities). The Special Rapporteur also notes that the structural causes of IUU fishing should be addressed. The current approaches fail in part because of capacity gaps and weak governance in developing countries, and lack of commitment by the flag States to investigate and prosecute their distant water fishing fleets. And coastal communities will not be in a position to participate in regimes that seek to reduce overfishing or to combat IUU fishing without access to adequate social protection, without fair prices, or if they are priced out of a fair share of fisheries resources through the licensing of fishing rights.

3. The globalization of fishing and license and access agreements

The fishing industry is increasingly globalized. International trade of fish products has risen from 8 million tonnes in 1976, with a value of about $8 billion, to 57 million tonnes in 2010, worth an estimated $102 billion. Roughly 40 per cent of all fish production is traded internationally, which is more than other foods such as rice (5 per cent) and wheat (20 per cent). For many LIFDC/developing countries, fisheries has become an increasingly important, but undervalued, economic sector, both as a source of export revenues and as a source of State revenues from selling access to distant water fishing fleets. But various new concerns emerge with the globalization of the fishing industry through trade and access arrangements.

First, this trend may lead to decreased fish-food consumption by those who face food shortages and malnutrition; and competition for marine resources increases between populations with widely diverging purchasing power. The growth of export-led fishing may also encourage overfishing, and sharpen the competition for resources between industrial and small-scale fishing, leading to the loss of jobs over time for fishers in the small-scale sector.

Second, although small-scale fishers in developing countries may benefit from the opportunities created by the increased demand in foreign markets, middlemen or fish processing factories may pay relatively low and only marginally higher (or even the same) prices than those paid by local markets and consumers. Small-scale fishers also generally face considerable obstacles, such as competition from larger firms, and tariff and non-tariff trade barriers, including difficulties in meeting stringent hygiene and sanitation standards demanded by importing countries.

Third, while export-led fishing may result in employment opportunities on foreign vessels, wages and job security in that sector are often poor and dangerous. Recent research has exposed poor, even slave-like working conditions on many industrial vessels operating illegally in developing coastal countries.

Increased trade and license- and access-related payments can generate revenues for the developing countries concerned. But a number of problems are

identified in this respect. Benefit sharing often remains unequal between the coastal (host) States and the flag States of the fishing vessels. There is also considerable underreporting of catch to host countries, which can lower domestic revenues. And even where license and access agreements generate substantial revenues for host countries, the poverty-reducing impacts are ambiguous. The wealth generated by commercial fisheries may be concentrated among a small number of business and political elites, or repatriated to other countries, without benefitting the fishers, let alone society at large. Often, most benefits accrue to the exporting firms, and not to improving the food security of the fishers or fish workers.

4. Protecting small-scale fishers

The International Guidelines on Sustainable Small-scale Fisheries. The FAO Committee on Fisheries (COFI) is currently developing International Guidelines for Securing Sustainable Small-Scale Fisheries. The Special Rapporteur welcomes this important initiative. He notes that access rights of artisanal and small-scale fishing communities – over 90 per cent of whom are in developing countries – are protected under various instruments, including the United Nations Fish Stocks Agreement (which requires States to take into account the interests of artisanal and subsistence fishers) and Article 6.18 of the Code of Conduct for Responsible Fisheries (which recognizes "the important contributions of artisanal and small-scale fisheries to employment, income and food security," and recommends that States protect the rights of small-scale and artisanal fishers).

However, there are diverging views as to how to ensure such protection. Proposals to clarify and strengthen access rights, through an approach based on transferable fishing quotas, could lead to rent capture by certain actors in a privileged position, which is difficult to reconcile with poverty-reduction objectives, as recognized by the Human Rights Committee. The Special Rapporteur would therefore favor instead providing exclusive rights for small-scale fishers in coastal areas or on lakes, as has been done in Cambodia in Tonle Sap lake. He also notes that top-down management strategies have not been benefiting the small-scale sector. Instead, co-management schemes have been more successful in establishing sustainable approaches to managing fishing intensity and ecosystems impacts. Indeed, while some co-management schemes have failed, such failures are often the result of communities not having been sufficiently involved in setting policy objectives or in ensuring that policy-making and evaluation are based on local knowledge of fish and marine ecosystems.

The Special Rapporteur therefore favors involving local fishing communities in the design, implementation and assessment of the fisheries policies and interventions affecting them, in accordance with human rights norms and standards. He also encourages States to (i) regulate the industrial fishing sector in order to protect the access rights of traditional fishing communities; (ii) consider the introduction of exclusive artisanal fishing zones and exclusive user rights to small-scale and subsistence fisheries, where appropriate; (iii) strengthen the position of small-scale fishers in the production chain, for instance, by supporting the formation of cooperatives and supporting them to expand into the high-added values stages of the industry; (iv) support fishers groups wishing to access export markets, under conditions that provide decent employment and promote sustainable fisheries management; (v) provide adequate social protection or safety net interventions to communities who depend on fishing for their livelihoods in order to reduce the need for food-insecure and/or low-income groups to engage in potentially unsustainable subsistence fishing practices in times of crisis; and (vi) take measures that support women's role in the fisheries sector, for instance by ensuring access to credit for women and providing adequate facilities for them at landing sites.