



# Land tenure in Asia and the Pacific – Fisheries

Fishing village in Halong Bay, Viet Nam.

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## Linkages to land tenure

Over the past century, there has been a profound shift from viewing our seas and inland waterways as open access resources to places in need of careful management to avoid further depletion of fish stocks. This acknowledges that most of the world's fisheries are in a fragile state. Fisheries cover different contexts, including national marine resources, inland water sources, and international seas.

Small-scale fisheries contribute around 40 percent of the world's catch, including 90 percent of those employed in the sector. 492 million people depend to some extent on small-scale fisheries. Asia is a key region with just over half the global catch, of which 47 percent is through small-scale fisheries. A further 33 percent of Asia's small-scale fishery catch is found inland. Yet small-scale fisheries face increased competition for water resources. This is not only from a large-scale commercial fishing industry. Inland fisheries, for example, must contend with hydroelectric power projects, irrigation for agriculture, tourism, and climate change. Indeed, inland waterways may cross multiple national borders where upstream activities impact upon downstream fisheries. Infrastructural developments such as hydropower dams can also hinder the ability of fish to migrate upstream.

Small-scale fisherfolk are often among the poorest and most vulnerable groups in society, further threatened by dwindling fish stocks. Yet fisheries and their related security of tenure have frequently received less attention in development

programming. This is despite the notion that improving tenure security contributes to poverty alleviation, food security and the sustainable conservation of fish stocks.

Tenure rights in fisheries involves having access and usage rights to water resources. The idea is that secure tenure rights correlate with sustainable management practices, breeding longer-term certainty for fishing communities over their livelihoods. Yet in many countries, marine and inland water areas are considered state property. Such rights may be available through the issuing of permits and payment of rights fees. But there may be competition with state zoning, such as through marine exclusive economic zones (EEZs). This can breed clashes over resources managed under collective customary tenure rights and commercial ventures, potentially but not always operating under state regulation. The allocation of commercial fishing rights can undermine small-scale customary arrangements.

There is often a lack of transparency in decision-making over tenure, which would otherwise help identify and prohibit illegal fishing. Having well-defined and equitable tenure rights is essential for the well-being of small-scale fisherfolk throughout the world. This can involve a clear set of rights and responsibilities, both in relation to the resource and also to other actors. Institutional capacity is needed to support responsible governance, also requiring local participation to help set up effective management regimes. This needs to be backed up by appropriate enforcement and dispute mechanisms should conflicts occur.

## Creating effective programmes

The FAO programme priority area Better Environment BE3 includes a call for the conservation and restoration of marine, terrestrial and freshwater ecosystems through targeted policies and practices. Asia has one of the worst levels of co-management in its small-scale fisheries at 25 percent, highlighting the need for a programmatic focus.

While tenure is a key component of work here, there is no singular approach. This reflects variety in the local contexts of customary tenure systems, the range of competing claims over water resources, and the range of potential outcomes including poverty alleviation, food security, and resilience to climate change and other natural disasters. There are many ways to approach rights such as aligning them to Territorial Use Rights in Fisheries (TURF), different types of national zoning, and community-based quotas.

Further programmatic decisions involve gender sensitivity, particularly with 45 million women participating in fisheries globally, which is 40 percent of all those employed in the sector. Many fisherfolk are also Indigenous Peoples and so projects can be geared to specific rights such as the application of Free, Prior and Informed Consent (FPIC). While fishing resources are key, a broader remit should account for associated land for housing and other diversified economic activities.

There are several international frameworks to support programming on fisheries. FAO itself has the 1995 [Code of Conduct for Responsible Fisheries](#). This is complemented with the 2015 [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication](#) (SSF Guidelines), which closely aligns to the VGGT. The SSF Guidelines include options for:

- Granting of exclusive use zones
- Addressing resource-use conflicts
- Co-management strategies



SDG 14 (Life Below Water) contains targets for sustainable fisheries, an important measure by which to design fisheries projects.

### Case study: Supporting tenure security for small-scale fisheries in the Philippines

In 2017, USAID explored how marine tenure could be better integrated into general fisheries programming in the Philippines. To do so, they consulted with government officials, fisheries organisations, Indigenous Peoples and other small-scale fisheries community groups. It is noted that the 1987 Constitution establishes a tenure principle through the provision of preferential use rights for subsistence fisherfolk. This is reflected in subsequent national laws, with implementation largely devolved to Municipal Fisheries and Aquatic Resource Management Councils (MFARMCs). Nevertheless, despite the strength of the legal framework, building commitment to enforce these rights remains a challenge, demanding a bottom-up development of capacity. In its work with the government of the Philippines, USAID therefore recognizes the need to emphasize how respecting the tenure of small-scale fisheries is crucial to reduce extreme poverty. Securing tenure must be a key component in the design of projects for small-scale fisheries, with investments having to engage with co-management regimes that can also account for the fragility of marine ecosystems.

For more information on this analysis, please consult the report [Marine Tenure and Small-Scale Fisheries: Learning from the Philippines Experience](#) from USAID.

### Further reading

- **FAO, Duke University and WorldFish.** 2022. *Small-scale fisheries and sustainable development: Key findings from the Illuminating Hidden Harvests report*. Rome, FAO; Durham, USA, Duke University; Penang, Malaysia, WorldFish.
- **FAO.** 2015. *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*. Rome, FAO.
- **Courtney, C.A. & Jhaveri, N.J.** 2017. *Marine Tenure and Small-scale Fisheries: A Sourcebook on Good Practices and Emerging Themes*. Washington, DC: USAID Tenure and Global Climate Change Program.