



Responsible governance of tenure in fisheries: a right to food perspective

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT)¹ seek to “improve governance of tenure [...] for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food” (Paragraph 1.1). Simultaneously, experiences from the Right to Food Guidelines² have underlined the importance of a normative framework based on international human rights law for the effective implementation of the VGGT and other related instruments, such as the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) that are currently being developed.

1. Why is the right to food important for the responsible governance of tenure in fisheries?

Today, estimates indicate that 842 million people suffer from chronic hunger, not having enough food for an active and healthy life. Most of them are food producers and live in rural areas.³ Yet, these people often lack secure access to natural resources which ensure their livelihoods. Moreover, global trends such as the current increase in large-scale investments, often referred to as land or water

grabbing, can aggravate the situation by negatively impacting on the access of the local population to the natural resources upon which they depend.

Small-scale fishing communities, which provide about half of the world’s capture fisheries production and supply most of the fish consumed in the developing world, are often among those most affected by poverty. Approximately 40 million people are employed in the small-scale capture fisheries and aquaculture sectors, while an additional 100 million are employed in related activities. Despite this, small-scale fishing communities are often excluded from decision-making processes which may ultimately affect their livelihoods.⁴ Growing competition over access to resources from other sectors (e.g. tourism) and within the sector (e.g. industrial fisheries), has or can constrain access of small-scale fishing communities to fishing grounds and related coastal areas.⁵

Against this background, the right to food⁶ has an important role to play in the responsible governance of tenure in fisheries by reinforcing the principles of inclusion, participation and accountability in the process of policy elaboration and implementation.

1 FAO. 2012. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, Rome.

2 FAO. 2004. *Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security*, Rome.

3 FAO, IFAD and WFP. 2013. *The State of Food Insecurity in the World 2013. The multiple dimensions of food security*. Rome, FAO.

4 UN General Assembly. 2012. *Report of the Special Rapporteur on the right to food*, Fisheries and the right to food, 8 August 2012, A/67/268.

5 FAO - RAP. 2010. *Securing sustainable small-scale fisheries: Bringing together responsible fisheries and social development*, Bangkok.

6 This Information Note uses the shortened form “right to food” to mean the human right to adequate food as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and elaborated in General Comment No. 12 of the Committee on Economic, Social and Cultural Rights (1999). FAO’s Right to Food Glossary is available at www.fao.org/righttofood/kc/glossary_en.htm

2. How can the right to food contribute to the responsible governance of tenure in fisheries?

The right to food is realized when “every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement”.⁷ State Parties to the International Covenant on Economic, Social and Cultural Rights have committed to the legal obligations to *respect*, *protect* and *fulfil* the right to food. In the context of the governance of tenure in fisheries, it means that States must *respect* existing access of communities to productive resources as well as to coastal areas and fishing grounds from which they source their food; *protect* people from being deprived of that access by third parties; and *fulfil* their obligations by strengthening peoples’ access to and utilization of resources such as using spatial or temporal measures or other user rights as a means to allocate these resources to small-scale fishers.

An approach based on the right to food reinforces the legal framework for action at the national level by clearly identifying duty bearers and recognizing and empowering right holders. It also provides a tool to apply human rights principles to local situations. For example, the human rights principle of non-discrimination is particularly important in the small-scale sector because it entails that measures do not exclude individuals or groups on the basis of race, sex, religion, language or social status and that corrective measures should be taken to redress a historical or recurring violation. One specific way in which an approach based on the right to food contributes to the responsible governance of tenure in fisheries is that the guiding human rights principles of participation, accountability, non-discrimination, transparency,



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human dignity, empowerment and the rule of law (PANTHER)⁸, are translated into principles of implementation in the VGGT (Section 3B).

Measures, programmes and policies regarding responsible governance of tenure in fisheries will also benefit from key recommendations of the Right to Food Guidelines related to access to natural resources and the meaningful participation of stakeholders in decision-making.⁹ The Right to Food Guidelines encourage States to promote the participation of the poor in economic policy decisions¹⁰ and to ensure full and transparent participation of the private sector and civil society in institutions, particularly those representing groups most affected by food insecurity, such as communities and indigenous peoples living in coastal areas.¹¹

⁷ CESCR. 1999. General Comment 12, The right to adequate food. E/C.12/1999/5.

⁸ The PANTHER principles are found in the Right to Food Guidelines.

⁹ See note 2, Guideline 8.

¹⁰ *Ibidem*, Guideline 2.6.

¹¹ *Ibidem*, Guideline 5.4.

3. Lessons learned for responsible governance of tenure in fisheries

The implementation of the VGGT means taking the specificities of the fisheries sector into consideration. In recent years, FAO has supported stakeholders in identifying important criteria in order to address those specificities through regional consultations on securing sustainable small-scale fisheries.¹²

Some of the key lessons which emerged from these consultations include:

- secure tenure systems are needed for small-scale fishing communities to access a fair share of fishery resources to balance social, cultural, economic and environmental goals, assist in reducing conflict, enhance food security and livelihoods, and ensure the sustainability of local ecosystems;
- community based approaches to fisheries management can be applied by assigning tenure rights to fisherfolk in given areas and meaningful involvement in decision-making;
- tenure systems that are designed to recognize existing use rights are conducive to the development or strengthening of resource stewardship by communities. Use rights have to be appropriate to the cultural and historical situation, financial and human capacities;
- new and revised fishery laws can protect the specific rights of small-scale fishers, following examples of countries that give people the right to fish in traditional areas for small-scale fishing. Effective zoning is one way to separate large and small-scale operations.

While a human rights-based approach addresses the broader human rights of fishers and fishing communities and contributes to achieving food



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¹² See note 5.

security through the progressive realization of the right to food, the following provisions of the VGGT strengthen the implementation of the right to food:

- acknowledgement by States and non-State actors of the territorial vision shared by indigenous peoples and other communities with customary tenure systems that land, fisheries and forests have social, spiritual, economic, environmental and political values (Paragraph 9.1);
- recognition of the need for free, prior and informed consent of the indigenous peoples as well as consultation with and participation of other communities with customary systems before implementing measures that could affect them (Paragraph 9.9);
- recognition of the obligations of States to respect and to protect land, fisheries and forests that are collectively used and managed (Paragraph 8.3);
- the call to conduct regulated spatial planning recognizing the interconnected relationships

between land, fisheries, forests and their uses (Paragraph 20.3);

- recognition of the need to respect and to protect the civil and political rights of human rights defenders and of individuals and associations acting in defence of land, fisheries and forests, given that all human rights are universal, indivisible, interdependent and interrelated (Paragraph 4.8).

4. Conclusion

The realization of human rights, among which is the right to food, is a fundamental component of the responsible governance of tenure in fisheries and all the more so for small-scale fishers — and fishing communities who, despite their importance in feeding the world, are often excluded from this. The close linkages between the right to food and the VGGT contribute to a strong framework to support the empowerment and equitable development of the fisheries sector.



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