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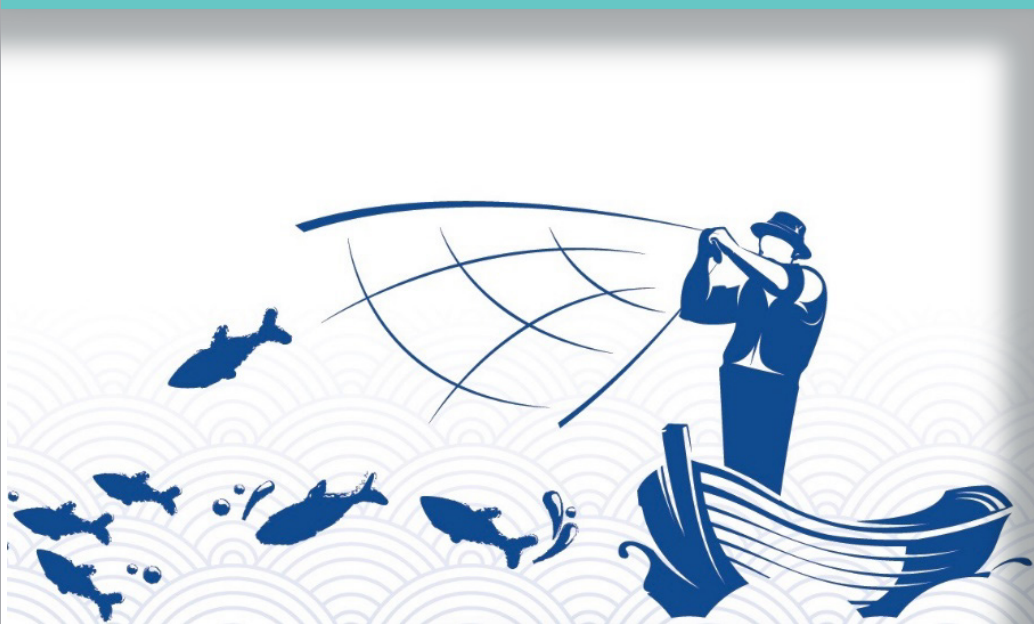
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Achieving Sustainable Development Goals by 2030

10–14 September 2018
Yeosu, Republic of Korea



Global Conference on Tenure and User Rights in Fisheries 2018

Achieving Sustainable Development Goals by 2030

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Preparation of this document

This document provides a summary of the presentations, discussions, conclusions, recommendations and case studies of the Tenure and User Rights Conference held on 10 to 14 September 2018 in Yeosu, Republic of Korea. In this document, UserRights 2018 is divided into a main book and eight accompanying volumes. The main book summarises the proceedings themselves, including descriptions of all presentations that were given. It also contains opening and closing remarks, and keynote speeches, which have been reproduced as they were given, with editorial adjustments for readability. All case studies in the eight volumes have been reproduced as submitted, with minimal post-translation corrections to spelling and grammar, and are available on the USB card included in this publication.

Abstract

Marine and inland fisheries provide millions of people around the globe with food security and livelihood opportunities. Advancing knowledge on how the world's marine and inland capture fisheries are accessed, used, and managed using various types of rights-based approaches (RBAs) is a crucial step towards achieving the Sustainable Development Goals (SDGs) and attaining food and nutrition security and livelihood benefits. The Global Conference on Tenure and User Rights in Fisheries 2018 created a neutral platform for a wide variety of participants, including government officials; fishers from industrial, small-scale and indigenous/traditional communities; fisheries-related stakeholders; nongovernment organizations (NGOs); civil society organizations (CSOs); intergovernmental organizations (IGOs); and academics from around the world. Sharing perceptions and experiences, participants exchanged information and concrete examples through case studies on how tenure and RBAs can harmonize the concepts of responsible fisheries, social and economic development as well as ideas and concerns about the fair and equitable application of user rights in capture fisheries. UserRights 2018 was a unique event that brought together both technical expertise and practical case studies, with the objective of using this diverse knowledge to advance the SDGs.

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Abbreviations and acronyms

| | |
|---------|--|
| ADLWD | Alaska Department of Labor Workforce and Development |
| AMERB | Áreas de Manejo y Explotación de Recursos Bentónicos (Areas of Management and Exploitation of Benthic Resources) |
| AMP | Adaptive Management Program |
| AUNAP | National Authority of Aquaculture and Fisheries |
| BMU | Beach Management Units |
| BOF | Board of Fisheries |
| CARP | Administrative Commission of the Rio de la Plata |
| CCRF | Code of Conduct for Responsible Fisheries |
| CDQ | Community Development Quota |
| CECAF | Fishery Committee for the Eastern Central Atlantic |
| CFEC | Commercial Fisheries Entry Commission |
| CFi | Community Fisheries Institutions |
| CFS | Committee on the World Food Security |
| CFU | Community Fishing Unit |
| CFZ | Common Fishing Zone |
| CL | Conventions Locales |
| CMA | Community Management Association |
| CMT | Customary Marine Tenure |
| COFI | Committee on Fisheries |
| CORAL | Coral Reef Alliance |
| CPUE | Catch per Unit of Effort |
| CSO | Civil Society Organization |
| CTMFM | Joint Technical Commission of the Frente Marítimo |
| DINARA | Dirección Nacional de Recursos Acuáticos (National Direction of Aquatic Resources) |
| DIPESCA | Dirección de Normatividad de la Pesca y Acuicultura (Directorate of Fisheries and Aquaculture Regulations) |
| DOF | Department of Fisheries |
| EDF | Environmental Defence Fund |
| EEZ | Exclusive Economic Zone |
| EPA | National Environment Protection Authority |
| EPO | Eastern Pacific Ocean |
| FAD | Fish Aggregating Devices |
| FAO | Food and Agriculture Organization of the United Nations |
| FCA | Fisheries Cooperative Association |
| FMP | Fishery Management Plan |
| GDP | Development and Harvesting Groups |

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| HRBA | The Human Rights-Based Approach |
| IATTC | Inter-American Tropical Tuna Commission |
| INCOPESCA | Costa Rican Institute of Fishing and Aquaculture |
| INFOPESCA | Latin American intergovernmental organization on all aspects of fisheries and aquaculture development |
| IGO | International Governmental Organization |
| IMARPE | Institute of the Sea of Peru |
| IMBL | Indo-Sri Lankan Maritime Boundary |
| IQ | Individual Quota |
| ITE | Individual Transferable Effort |
| ITQ | Individual Transferable Quotas |
| IUU | Illegal, Unregulated and Unreported |
| KMA | Kodiak Management Area |
| KRMC | Kubulau Resource Management Committee |
| LGA | Local Government Act |
| LGC | Local Government Code |
| LGPA | Ley General de Pesca y Acuicultura (General Law of Fisheries and Aquaculture) |
| LMMA | Locally Managed Marine Area |
| LTA | Lake Tanganyika Authority |
| LVFO | Lake Victoria Fisheries Organization |
| MAWG | Managed Access Working Group |
| MCL | Maximum Capture Limits |
| MCS | Monitoring, Control and Surveillance |
| MFMR | Ministry of Fisheries and Marine Resources |
| MIMRA | Marshall Islands Marine Resources Authority |
| MOF | Ministry of Oceans and Fisheries |
| MPA | Marine Protected Area |
| MPSSL | Maritime Protection Service (Sierra Leone) Limited |
| NGO | Non-Governmental Organization |
| NMFS | National Marine Fisheries Service |
| PFMC | Pacific Fisheries Management Council |
| PIRSA | Primary Industries and Regions South Australia |
| PNA | Parties to the Nauru Agreement |
| PRODUCE | Ministry of Production |
| QMS | Quota Management System |
| RAE | Régimen Artesanal de Extracción (Artisanal Regime of Extraction) |
| RBA | Rights-Based Approach |
| RFM | Regulation on Fisheries Management |
| RFMA | Responsible Fishing Marine Area |
| ROA | Regulated Open Access |
| NMR | Namena Marine Reserve |

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| SAS | Stock Assessment Surveys |
| SDGs | Sustainable Development Goals (United Nations) |
| SEAFDEC | Southeast Asian Fisheries Development Center |
| SERNAPESCA | National Service of Fisheries and Aquaculture |
| SGPF | Spencer Gulf Prawn Fishery |
| SGWCPFA | Spencer Gulf and West Coast Prawn Fishermen's Association |
| SLV | System Location of Vessels |
| SPC | Pacific Community |
| SSF | Small-Scale Fishery |
| SSF Guidelines | Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication |
| SUBPESCA | Undersecretary of Fisheries and Aquaculture |
| SwAM | Swedish Agency for Marine and Water Management |
| TAC | Total Allowable Catch |
| TURFs | Territorial User Rights in Fisheries |
| UN | United Nations |
| UNCLOS | United Nations Convention on the Law of the Sea |
| USAID SEA | United States Agency for International Development Sustainable Ecosystems Advanced |
| VGGT | Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security |
| WCS | Wildlife Conservation Society |
| WFFP | World Forum of Fisher Peoples |
| WWF | World Wide Fund for Nature |

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UserRights 2018 benefitted from generous support from multiple donors, including the Korea Maritime Institute, Yeosu City, JeollaNamdo, and the Government of Sweden. This support facilitated the attendance of speakers, presenters and authors whose efforts and expertise were integral to the conference's success, and the warm hospitality and interesting surrounds provided by the city and the province ensured that attendees would not soon forget the conference.

Additionally, the support of partners during the organization of this conference is greatly appreciated, especially from: the Canary Current Large Marine Ecosystem (CCLME); the Cofradia de Pescadores de Noia; the Coral Reef Alliance; the Department of Primary Industries and Regions South Australia (PIRSA); INFOPESCA; the International Collective in Support of Fishworkers (ICSF); the Korean Fisheries and Fishing Village Institute; the Korean Society of Ocean Policy; the Lake Victoria Fisheries Organization (LVFO); the National Federation of Fisheries Cooperatives (Suhyup); Pukyong National University; Rare; Sociedad Nacional de Pesquería; Universidad Nacional de Colombia; the University of Washington; WorldFish; and the World Wide Fund for Nature (WWF).

Finally, the support provided by one and all in the organization, preparation, content, and outcomes of the conference as well as in the preparation of this publication is greatly appreciated.

Executive summary

Fish provides millions of people around the globe with food security, nutrition and livelihood opportunities, but people in many fishing communities suffer from insecure tenure and access to resources on which their livelihoods depend. Tenure in fisheries refers to the manner in which the relationship between people in the course of the utilisation of the fishery resources is defined and negotiated. It is about the rights and the responsibilities that resource users take upon themselves in defining what resource, and where, when, how and by whom that resource will be appropriated for the use of society.

The issues associated with insecure tenure include social issues, such as increased conflicts among stakeholders, loss of livelihoods, lower incomes, food insecurity, reduced nutrition; and the fundamental economic and biological problems of overcapitalization and overfishing. To address these and other tenure related issues, the Committee on World Food Security (CFS) called for and subsequently endorsed the Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT, 2012). In turn, the VGGT provide the tenure foundation for the multi-faceted issues that our fisheries stakeholders face, as described in the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines).

Advancing knowledge on how the world's marine and inland capture fisheries are accessed, used, and managed using many different types of rights-based approaches (RBAs) should provide us with a better understanding of how to achieve social, economic and biological sustainability in our fisheries. By understanding tenure and user rights more clearly, we can leverage them to advance the goals of the 2030 Agenda for Sustainable Development – to end hunger, reduce poverty and sustainably manage natural resources.

1. Opening session

This section summarises the opening remarks as well as six keynote presentations that were delivered to set the scene for UserRights 2018. The presentations cover a broad range of issues, including a rights-based approach to fisheries governance, the foundations of small-scale fishing, the legal dimensions of tenure and user rights, and the linkage between SDGs and tenure and user rights.

1.1. OPENING REMARKS

An opening statement was given by Jongjim Kim on behalf of the Director-General of the FAO (Annex 1a). Kim welcomed participants to Yeosu and discussed current issues in global fisheries, as well as the existing frameworks for combatting them.

In anticipation of the week ahead, Mr Kim posed seven pertinent questions on the link between tenure and user rights and the SDGs:

- Can tenure and user rights support the poor and the vulnerable by securing equal rights and economic resources? (SDG 1, No poverty)
- Will tenure and user rights help to ensure that fisheries provide millions of people around the globe with food and nutrition security and livelihood opportunities? (SDG 2, Zero hunger)
- What are the so-called appropriate tenure and rights that will help to ensure equal access to fisheries for women and men? (SDG 5, Gender equality)
- How can we be sure that appropriate tenure and user rights will help to reduce inequalities and strengthen the social, economic and political inclusion of all? (SDG 10, Reduce inequalities)
- What are the different ways in which tenure and user rights can help to achieve sustainable management and efficient use of natural resources? (SDG 12, Responsible consumption and production)
- What are appropriate and successful forms of tenure and user rights to balance the conservation and sustainable use of fisheries resources? (SDG 14, Life Below Water)
- How can tenure and user rights ensure that small-scale artisanal fisheries stakeholders have access to resources and markets? (SDG 14.b)

Following Kim's remarks, a congratulatory address was made by Mr Yang Dong-Yeob, Director General-Ministry of Ocean and Fisheries, Republic of Korea. Mr Dong-Yeob referenced the importance of UserRights 2018 as a step towards UNSDG 14.b (to "provide access of small-scale artisanal fishers to marine resources and markets"), before acknowledging the OECD-FAO Agricultural Outlook Report 2017–2026, which projected a consistent increase in global fishery production for the period. With this in mind, Mr Dong-Yeob underlined UserRights 2018's significance as a platform for tackling policy challenges, in order to protect fishermen's¹ rights, create decent jobs and provide a fair distribution of profits. He emphasised that the conference could provide a constructive space for sharing ideas about valuable issues including, user rights in fisheries and its relevant social issues as well as coastal management plans. Finally, he hoped

¹ In the UserRights 2018 proceedings, the terms 'fisherman' and 'fishermen' will be used only in instances where this was the original language of the speaker/author. For gender neutrality and consistency, in all other places, the term 'fisher(s)' will be used to pick out those people who catch fish for a living, whereas 'fisherfolk' will be used to pick out those whose livelihoods depend upon the fishing industry, but who are less directly related to the catching of fish than are fishers, e.g. post-harvest workers.

the conference would provide a new course for user rights and contribute, itself, to the achievements SDGs.

1.2.SETTING THE SCENE: KEYNOTE PRESENTATIONS

The following keynote presentations were delivered to set the scene for UserRights 2018 and to illustrate some of the challenges and opportunities that arise from rights-based approaches (RBAs) to fisheries governance.

The presentations include examples of rights-based approaches in Iceland (Ragnar Arnason), the Pacific and Latin America (Hugh Govan, Eric Ross Salazar). They explore the foundations of small-scale fishing (Johan Williams), discuss the legal dimensions to tenure and user rights (Adam Soliman), and address linkages between tenure and user rights and the SDGs (Editrudith Lukanga, Jesu Rethinam).

1.2.1 Transition from Open Access to Limited Access in Fisheries: The Case of Iceland

Ragnar Arnason

Theoretical and empirical scientific investigation has firmly established that, in order to maximize the sustainable flow of benefits from ocean resources, fisheries must make a transition from open access to rights-based fishing. This transition can happen in many ways and is dependent upon the country, its history, socio-economic situation, and administrative and technical capabilities. Iceland is one country that has notably experienced this transition.

Iceland is a sizeable fishing nation with an annual marine catch of 1.5 million metric tonnes (m.mt), approximately 1.8 percent of the global marine catch. In terms of volume, Iceland ranks 10–15th in the world. However, in terms of catch per capita, Iceland is by far the largest fishing nation globally, with about 6 mt/capita. This rate is markedly higher than that of Korea (0.03 mt/capita) and that of neighbouring Norway (0.5 mt/capita).

The Icelandic fishing industry is advanced, high-tech and capitalistic, as even small-scale fisheries (SSFs) are primarily profit-driven. Harvests consist mainly of demersal species such as cod, haddock and flatfish, and pelagic species such as herring, capelin and mackerel. Around 98 percent of the fish harvest is exported, once it has been locally processed into a range of different products. The fishing fleet consists of about 550 active vessels, both large-scale (up to 4 000 gross tonnes (GT)) and small-scale (6 GT). Virtually all of these vessels are high-tech and state of the art, operated by around 3 700 fishers including owner-operators. The typical deep-sea trawlers are from 50–70 meters (m) and 1 500–2 500 GT, whilst pelagic vessels are typically 70–90 m and 3 000–4 000 GT. Typical multipurpose demersal vessels are 20–40 m and 100–400 GT; typical artisanal vessels are 8–15 m and 6–15 GT.

The Transition

Until 1976, there was open international access to most Icelandic fishing grounds (international common property fishery) and minimal fisheries management. From 1976, the Exclusive Economic Zone (EEZ) extended to 200 miles, and up to 2004, there was a stepwise transition amongst all Icelandic fisheries to rights-based fishing in the form of individual transferable quotas (ITQs). The 1976–2004 period also saw the interim use of i) Restricted access, ii) Total Allowed Catches (TACs) and iii) Limited fishing days. All these measures, however, carried unsatisfactory and sometimes disastrous results.

There have been four key steps in the adoption of the ITQ system:

- 1976 – Herring fishery (1 percent of the total value of the fisheries);
- 1984 – Most important demersal fisheries (50 percent of the total value of the fisheries);

- 1991 – All fisheries except small (<8 m) vessels (95 percent of the total value of the fisheries); and
- 2004 – Small (artisanal) vessels in a separate ITQ-system (100 percent of the total value of the fisheries).

Particularly at the outset of the process (1976–84), the transition to ITQs was not driven by scientific research or theory, but by poor industry profitability and a general feeling by participants that ‘something has to be done.’ Under such circumstances, ITQs seemed a practical and beneficial course of action. As initial ITQ systems worked well, their success encouraged further adoption in 1991 and 2004. The process was driven primarily by industry, whilst the government, whose cooperation was required in order to pass the appropriate legislation, was dragged along. This relationship and dynamic between industry and government is indicative of a wider trend happening in places around the world.

The biological impact of the system has been positive: most fish stocks are now much stronger than they were, and many are close to the maximum level of economic yield. The economic impact was also very significant: several fishing villages have become stronger economically, as industry profitability has greatly improved personal incomes in the fishery sector.

The general impacts of the ITQ system outlined here are seen in the 25 advanced and semi-advanced countries across Europe and North and South America, where ITQs have also been adopted. In developing countries, on the other hand, the scope for adopting ITQs is much more limited because many of these nations lack the administrative capacity to run ITQs in all fisheries. For developing countries, it’s usually feasible to implement ITQs in the industrial fisheries sector, where typically few, large vessels operate and land their catches in a small number of organized ports. In the small-scale, artisanal sector, where thousands of vessels land their catches on sandy beaches, the cost of enforcing ITQ restrictions is often prohibitive. Therefore, alternative rights-based fisheries management systems, e.g. community fisheries management, may be preferable for this sector.

1.2.2 The importance of tenure and other rights over fisheries: Pacific perspectives

Hugh Govan, Eric Ross Salazar

Several examples of input and output controls exist across the Pacific. Input controls exist through limited licences, effort quotas and territorial user rights, while output controls are established by individual quotas, vessel catch limits and community-based quotas. Technical measures mainly include size limits. The offshore fisheries dominate and obtain the most value from tuna fishery, which has a dock value of USD 3–4 billion and end value of USD 20–30 billion.

A good example of the rights-based approach is the Parties to the Nauru Agreement (PNA) Tuna management. Pacific Island Countries formed a community of countries with the majority of the fishing (PNA) and effectively combined their jurisdictions under the United Nations Convention on the Law of the Sea (UNCLOS). They imposed relatively easily enforceable input controls (Vessel Day Scheme) and are able to implement access and management control successfully. Tuna access fees to the Pacific increased to USD 0.5 billion after the adoption of PNA tuna management. Customary tenure was historically known in most countries (Table 1) but has been widely lost, abolished or eroded. Tenure mechanisms have been reinvented or refined in most countries, although still less than ten percent of communities have been supported in this way. For now, customary and local rights remain the mainstay of inshore fishery sustainability.

TABLE 1
Historical changes in customary marine tenure in the Pacific Islands

| Customary Marine Tenure (CMT) in the Pacific Islands | CMT historical | CMT current | Coastal "communities" |
|--|----------------|---------------------|-----------------------|
| Papua New Guinea | ✓★ | | 4 000 |
| Fiji Islands | ✓★ | | 850 |
| Solomon Islands | ✓★ | | 4 038 |
| New Caledonia (Fra.) | ✓★ | ? | ND |
| Vanuatu | ✓★ | | 1 400 |
| French Polynesia (Fra.) | ✓★ | ? | 48 |
| Samoa | ✓★ | Village byelaws | 330 |
| Tonga | ✓★ | Special Mgmt. Areas | 167 |
| American Samoa (U.S.) | ✓★ | ? | 74 |
| Wallis and Futuna (Fra.) | ✓? | ? | 34 |
| Cook Islands (N.Z.) | ✓★ | | 37 |
| Tuvalu | ✓★ | | 9 |
| Niue (N.Z.) | ✓★ | | 14 |
| Tokelau (N.Z.) | ✓★ | | 3 |
| Pitcairn Islands (U.K.) | ? | ? | 1 |
| Guam (U.S.) | ✓? | No | 13 |
| Federated States of Micronesia | ✓★ | Some | 75 |
| Kiribati | ✓★ | Island Council | 184 |
| Northern Mariana Islands (U.S.) | ✓★ | No? | 12 |
| Marshall Islands | ✓★ | | 103 |
| Palau | ✓★ | | 16 |
| Nauru | ✓★ | No | 14 |

In Latin America, rights-based approaches are mainly employed through input controls on the distribution of the limited licences, effort quotas and territorial use rights. The output controls include individual quotas, vessel catch limits, closed seasons and community-based quotas. There are also approaches in the region that incorporates technical measures such as catch size restrictions and gear type. The management occurs on a spectrum of scale, with extreme management forms – from total authoritarian government control to entirely traditional practices – becoming increasingly rare. Instead, management has evolved to become locally imposed. It takes the form of co-management, where information, decisions and power are shared between authorities and fishers/local communities.

Coco Island National Park in Costa Rica is an example of a top-down management approach. The National Park is a Marine Protected Area (MPA), closed to fisheries and

declared in the late seventies. More recently, the Seamounts Marine Management Area (MMA) was created with a different approach involving resource users. This followed a political mandate to include communities and resource users in the process of creating future MPAs. The National Park is viewed as a spillover area, with resources migrating to the MMA and other regions. The Seamounts MMA allows for responsible tuna fisheries, while authorities are working on vessel and catch restrictions.

Co-management, on the other hand, has been working well with the Ballyhoo fishery in Golfo Dulce, Costa Rica. The fishery is an important resource for artisanal fisheries and its products are sold to sports fishers at USD 1/fish. The over-exploitation of ballyhoo species caused concern among fisherfolk and authorities. Regulations include minimum landing size, daily allowable catch, number of licences and closure seasons. The current problem, however, is finding a way to enforce these measures.

The El Chocó community in Colombia utilizes community-based management and community and inter-institutional alliance. As an afro-descendant community, they can decide on the creation of protected areas and management measures within the community council, and then communicate decisions to government agencies. Fisherfolk have collaborated with one another for years, generating information by monitoring landings. This has enabled better management decisions.

The goal going forward is to promote marine tenure as an important basis for sustainable SSFs. There is still a clear need to promote the legitimate participation of fisherfolk and communities in decision-making. Much can be learned from these experiences, and we must think critically about the drawbacks of a ‘one size fits all’ approach. There are various challenges, such as that of displacement amongst immigrant and migrant populations. State/power holders may also resist progress towards the SDGs, such as 14.b. It is crucial to be able to capture tenure in modern legislation and to ensure rights are linked to responsibilities.

1.2.3 Limited Access and “Fisheries as a Last Resort”

Johan Williams

Global small-scale fisheries (SSFs) are too big to ignore, and their voices are too many and too loud to not matter. Remaining fisheries resources are finite and stand against very high political pressure. In a recent publication, Paul Onyango discusses how small-scale fishing has been seen as a “safety valve” that is available as the last reliable livelihood for poor fishers. This fits the way SSFs function in many developing countries as a kind of ‘social security system,’ a common good that serves as the default option when all else fails. Onyango’s case study, however, which focuses on Lake Victoria in Tanzania, argues that governance of fisheries management must understand the full meaning of small-scale fishery to those associated with it, rather than simply treating it as a last resort option.

There is a diversity of challenges facing SSFs in inland, coastal and small island areas. These include high population densities (which create a strong dependence on fisheries); declines in resources (the fishing effort increases and overcapacity is reached); competition and threats from other sectors that lead to conflict; and political difficulties that stem from a failure of centralized management and the absence of will from local government.

There are numerous questions about how SSFs can and should be managed, and these depend upon how we conceptualize SSFs. The dominant position maintains that the fishers are poor because they are fishers. The solution is, therefore, to increase income to the bona fide fishers and to limit access; this is a sector-oriented approach. Alternatively, fishers can be understood as fishers because they are poor. In this case, keeping the common resources open and encouraging alternative employment for fishers constitute the required multi-sectoral, community-oriented solution.

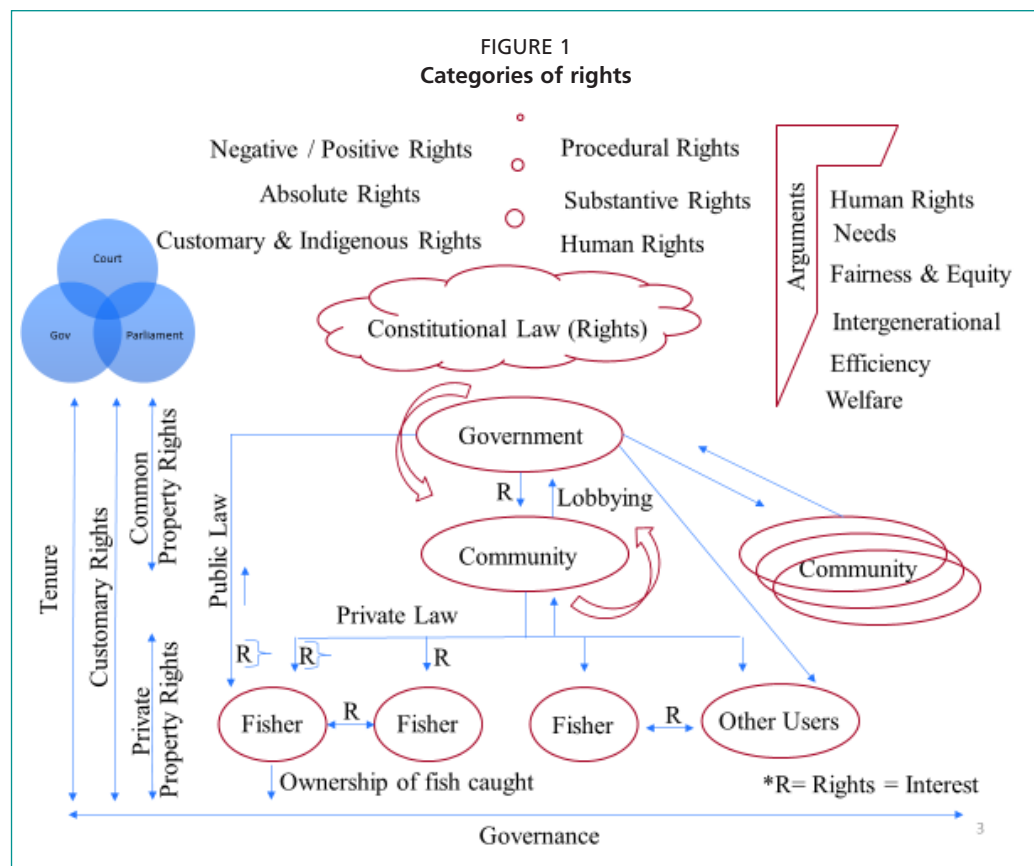
We also have the question of whether allocations are ‘rights’ or ‘wrongs.’ Given existing commercial pressures, we should ask if the fish are ‘our fish,’ and about the human rights associated with employment as a fisher: “Is it a human right to be a fisherman?” Relevant to these considerations are thoughts about livelihood and human rights that guarantee the rights of fishing communities to basic services, such as safe drinking water, education, sanitation, health and HIV/AIDS prevention and treatment. These rights protect cultural identities, dignity and traditional rights amongst fishing communities and indigenous peoples. Protecting the livelihoods of fishers also entails an understanding of how gender shapes fisheries’ policies at various levels.

Beyond this, there persist other important questions to think about:

- Can the marginalized afford a marginal cut?
- Can you apply limited regulations upon the last resort fisherfolk? What about illegal gear/fish/boat/time/size? Moreover, will these regulations come through fines, imprisonment or confiscation? Or, if applied, are there considerable social costs?
- How can tenure and user rights be established in the last resort fisheries?

One perspective, in response to these considerations and issues, is that we should keep on fishing.

However, due to the industrialization of the fishery sector, the traditional and small-scale fisheries are even more marginalized. The mechanization of capture fisheries, the expansion of culture fisheries and the taking over of coastal land by other sectors exploits marine and coastal resources. There will be many issues that arise from this, such as unfair multi-gears conflicts, expansion of aquaculture, and expansion of other industrialization and development (factories, mining, waterfront cities), as marine tourism and centralized conservation programs are promoted.



Another perspective might focus on development programs, such as blue growth. However, it's important to recognise how the "others" cannot and will not solve your problem. Fisherfolk face multiple issues, and often politicians and other stakeholders do not see these issues as their problem.

A solution, as suggested by Professor Bjorn Hersoug of the Norwegian College of Fisheries, is multi-sectoral/community-oriented: find alternative employment, and keep the common resource access open. With this, there is a precondition on decent work and economic growth (SDG 8). As George Bernard Shaw said, "the reasonable man adapts himself to the world; the unreasonable one persists in trying to adapt the world to himself, and therefore all progress depends on the unreasonable man."

1.2.4 Legal Considerations for Tenure and User Rights in Fisheries

Adam Soliman

There are several legal considerations for tenure and user rights in fisheries. We can conceptualise and compare i) a human rights approach to fisheries management vs ii) a constitutional and human rights approach versus iii) a property (and contractual) rights (common or private) approach.

We promote rights in a number of places: international law (binding agreements, non-binding agreements, instruments and codes); domestic law (constitutional law, fisheries acts); through government lobbying (fisheries regulations and policies); the courts (constitutional challenge, administrative challenges, declarations); privately (private contracts), and informally (communal informal arrangements). Taking these into account, there are also factors to keep in mind such as the cost, time and enforcement of such rights.

Rights can be categorized into separate forms (Figure 1). For example, Labour rights are those concerned with violations of occupational and health regulations (domestic or international), the employment of child and forced labour, and the exploitation of migrant workers. Labour rights may overlap with other forms, such as human rights. Nevertheless, they can be treated separately, since the focus is on the worker and his/her rights concerning work conditions.

Another example, equality and non-discrimination rights, fall directly under human rights. Often human rights institutions, such as Human Rights Tribunals, are unequipped to address these issues in fisheries.

Property rights are a different type of rights altogether. There are several types of property rights such as state property or public property, common property or collective property, private property and open access. Property is a bundle of rights, and individual rights within this bundle can be separated, transferred, removed and added. Several rights can be attached to a single property. 'Ownership' is composed of the following rights: possession, management and control, income and capital, transfer inter vivos and on death, and protections at law. Rights and ownership can come with duties as well.

Different types of proprietary interests also exist that fall short of actual ownership. These proprietary interests may include rights to have access to or to exploit specific resources, *profit a prendre*, easements (right of way) and licences. Licences are permits to use something, do a particular thing or carry on a trade. There are different types of licences such as bare licences, contractual licences, licences by proprietary estoppels and licences coupled with an interest/right.

There are also negative and positive in rights, and with each right comes a reciprocal obligation. This means that in order to have a meaning, a right must create an obligation in others to restrict their conduct or even to act on behalf of others to secure the realization of that right. Negative rights are liberty rights; those that only require that others do not impede your ability to satisfy them. Positive rights are welfare rights; they require the participation of others to enable the right-holder to satisfy this

right. When these rights are recognized in law, they can take the form of immediately realizable rights or progressively realizable rights. Such flexibility allows for greater acceptance in adopting these rights in law, given that the adoption will likely carry a cost to other stakeholders. By spreading the costs out, the shock of the transition becomes more palatable.

Substantive rights can apply for individual fishers, but allocation rights are only a small part of the overall puzzle. Labour rights, a right to work, prohibitions on slavery, the right to food, the right to clean environment all form a broader legal regime created to benefit and protect individuals. In the context of fisheries management, procedural rights for consultation and participation in policy development may be the most important and most grounded in international law. Substantive rights, on the other hand, tend to emerge from hard-fought battles and are buttressed by clear procedural rules.

1.2.5 Relevant SDGs for Fisheries and User Rights (Part A)

Editrudith Lukanga

In September 2015, the world engaged in a vital mission to improve life for everyone, when the United Nations Sustainable Development Summit endorsed the 2030 Agenda for Sustainable Development. This includes 17 Sustainable Development Goals (SDGs), 169 targets and 230 indicators, covering a comprehensive set of issues on technical, institutional and policy changes that are needed to achieve sustainable development. The 2030 Agenda applies to all countries, integrating the three pillars of sustainable development (economic, social and environmental) to guide civil society, members of the UN, and other intergovernmental organizations. It is a vehicle for meeting the opportunities, challenges and needs of sustainable development across multiple sectors, and it also promotes the ambitious aim of eradicating extreme poverty and hunger.

The SDGs are truly transformative: they are interlinked, mutually reinforcing, and indivisible; no one goal is separate from the others, and all call for comprehensive and participatory approaches. Several SDGs are highly relevant to fisheries, aquaculture and user rights because the issues related to seafood are comprehensively integrated among the goals and targets and are significant for the future of fisheries and aquaculture. There are tools that have been developed to address issues and challenges in fisheries that, when addressed, contribute to eradicating poverty, ending hunger, halting malnutrition, and promoting gender equality and decent work. By doing so, these tools contribute to achieving SDGs.

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Alleviation (SSF Guidelines) is one of the important tools for achieving the 2030 Agenda for sustainable development and responsible fisheries. These guidelines go beyond fisheries by addressing sustainable livelihood, social stability, food security and sustainable social and economic development. The SSF guidelines complement other international instruments such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), Code of Conduct for Responsible Fisheries (CCRF), Right to Food, sharing a common grounding in human rights principles. The SSF Guidelines have six high-level objectives that are linked to the SDGs. Some key similarities between these aims are: enhance the contribution of SSF to food security and nutrition; eradicate poverty and improve socio-economic development; support sustainable utilization-management and conservation of fisheries; promote the contribution of SSF to a sustainable future; guide policies, strategies and legal frameworks for SSF, and enhance public awareness on SSF. Hence, the SSF Guidelines are useful in delivering the SDGs for the 108 million people working in SSFs that focus on no poverty, zero hunger, gender equality, decent work and economic growth, climate action, life below water and partnerships for the goals.

In terms of tenure and user rights SDG 14.b aims to provide access for small-scale artisanal fishers to marine resources and markets. The SSF guidelines emphasize governance of tenure (Chapter 5a), sustainable resource management (Chapter 5b), and how value chains, trade and post-harvest are vital, and mutually reinforcing (Chapter 7). The SSF Guidelines are a powerful tool for all, where rights and responsibilities come together. Therefore, implementation of the SSF Guidelines is key in linking fishing rights and human rights, to foster participation and empowerment for improved food security and poverty eradication.

1.2.6 Relevant SDGs for Fisheries and User Rights (Part B)

Jesu Rethinam (representing The World Forum of Fisher Peoples (WFFP))

The International Planning Committee for Food Sovereignty (IPC) fisheries group directly represents 20 million fisher peoples from inland and coastal fishing communities globally. The World Forum of Fisher Peoples (WFFP) and the World Forum of Fish Workers (WFF) who represent fisher movements from close to 100 countries across the world are the only two global fisher movements that democratically and directly represent fishers and their communities. The affected fisher peoples hold all internationally recognized human rights. Human rights and sustainable development are interdependent and mutually reinforcing, constituting distinct yet converging commitments. They are obligations that should be realized in a mutually integrated manner. In order to respond to rising global inequalities and realize the 2030 Agenda in a way that truly ‘leaves no one behind,’ human rights obligations and commitments will need to be applied, implemented and protected. At the same time, the SDGs are an operational plan for realizing all human rights, including economic, social and cultural rights and the right to development.

There are also some critiques, such as the fact that, with a few exceptions, the goals aren’t framed in terms of international human rights standards. They are not linked to international human rights mechanisms for accountability, and the indicators are not selected by community participation, but a group of technical experts. Lastly, the 2030 international development agenda incorporated a market-based framework.

The SSF Guidelines embody the human rights-based approach (HRBA) to SSFs. Human rights are indivisible, interrelated and interdependent. They include civil, political, economic, social and cultural rights. Human rights are pro-poor, with particular attention to poor communities, especially women and children that are most marginalized. Emphasis is on states, as duty bearers, which are obliged to respect, protect and fulfil human rights for all people. The guidelines build on the core UN principles of justice, respect, human rights, tolerance and solidarity and international human rights standards and principles.

Tenure rights imply access rights to fishery resources; to have their crafts and gears, to land their catch on the coast, to auction and market their catch. Fishing cannot be isolated from their rights to life and livelihood, and this includes access to fishing grounds, land for allied activities, habitation, sanitation, basic amenities and housing. Additionally, women play a significant role in pre and post-harvest activities and should have in processing and marketing, as well as participation in political processes and decision-making. These rights are collective rights of the communities.

The VGGT strongly defend existing customary tenure rights and establish that, where states intend to recognize or allocate tenure rights, they should first identify all existing tenure rights and right holders, whether recorded or not. Indigenous Peoples and other communities with customary tenure systems, small holders, and anyone else who could be affected, should be included in the consultation process. The VGGT (which this guide supports) provides an international framework for the implementation of responsible tenure, which should be applied at both national and local levels. In 2012, with the adoption of the VGGT, the UN Committee on the World

Food Security (CFS) established a new international standard for natural resource governance.

Linkages between different types of tenure rights-based approaches (RBAs) and how they contribute to achieving these SDGs have been noted. Ensuring food security by upholding the collective rights of communities with a human rights-based approach (HRBA) will help achieve SDGs related to ending poverty and zero hunger, as well as Goal 14. Ensuring and addressing women's rights to fisheries will lead to achieving Goal 5. Ensuring a safe and protected coast from all development disasters will lead to building the resilience of the poor to reduce their vulnerability to climate-related extreme events (Goal 14 and 11). By addressing the issue of market-led growth, production and consumption will result in responsible consumption and production (Goal 12). Moreover, ensuring access to and control over the fishery collective rights will lead to sustained, inclusive and sustainable economic growth, and full and productive employment and decent work for all (Goal 8).

The human rights-based approach (HRBA) and the rights-based approach (RBA) to fisheries represent two very different and contradictory approaches. The rights-based approach (RBA), with its focus on so-called 'economic efficiency,' has led to widespread social disruption in fishing communities, whilst the human rights-based approach (HRBA) has profoundly positive structural, political, material, and cultural implications if implemented fully. As such, the human rights-based approach (HRBA) to fisheries is a vital tool in the struggle for social justice and food sovereignty. FAO should work towards upholding the human rights-based approach (HRBA) approach through the implementation of SSF guidelines. These guidelines are built on human rights norms and instruments.

In tune with other global governance processes, fisheries policy at the international level is increasingly characterized by 'multi-stakeholders', where fundamentally opposing interests are glossed over and are expected to be resolved through compromise, in an effort to bring all stakeholders to the same table. There is, however, a crucial distinction between 'stakeholders' (anyone who can claim a 'stake' in a process) and 'human rights holders' (those for whom the realization of their human rights is inextricably linked to their customary and socially defined rights to fishing grounds and/or for whom conflict over fisheries affect their human rights). Such distinctions should be respected, and FAO should facilitate processes to ensure these rights.

2. Thematic session case study abstracts, papers

At the conclusion of the opening addresses and keynote presentations, concurrent sessions covering specific topics pertaining to tenure and user rights in global fisheries were conducted. The thematic sessions covered the topics of:

1. History and experiences with customary tenure rights and indigenous people's tenure rights in fisheries (Section 2.1)
2. History and experiences with open access fisheries (Section 2.2)
3. Limited access fisheries: input controls (licences, IEs, TURFs) (Section 2.3)
4. Limited access fisheries: output controls (TACs, IQs, CDQs, Catch Shares, QMS) (Section 2.4)
5. The post-harvest sector (Section 2.5)
6. Competing fisheries stakeholders (migratory fishing, industrial and SSF, national, regional, international issues) (Section 2.6)
7. Multiple-use in coastal zone management and rights (aquaculture, MPAs, tourism, etc.), and (Section 2.7)
8. Social aspects of tenure and user rights in fisheries (human rights, right to food, gender, indigenous peoples, youth) (Section 2.8)

The case study presentations shared information and practical experiences about tenure and rights-based approaches (RBAs) from around the world, illuminating how these approaches contribute to achieving SDGs. Overall, there were 74 case studies presented from fisheries in 42 countries. Case studies were based on a questionnaire designed by FAO. The questionnaire responses were then used to complete the case study template provided by FAO, and the template was standardized to ensure comparability for future analysis. The case studies submitted can be found in the subsequent volumes of this publication, where they are grouped according to the eight topics above².

² The following sections provide synopses for all case study presentations. Slides for all presentations delivered at UserRights 2018 can be found online, where they are grouped by concurrent session topic. See <http://www.fao.org/about/meetings/user-rights/programme/en/>

2.1 SESSION I: HISTORY AND EXPERIENCES WITH CUSTOMARY TENURE RIGHTS AND INDIGENOUS PEOPLE'S TENURE RIGHTS IN FISHERIES

2.1.1 Recognition of Aboriginal Rights to Fish in Canada

Paul Macgillivray

Macgillivray discussed how First Nations had utilized the Canadian constitution and domestic law to achieve greater security of access to fisheries resources. The nature and scope of aboriginal fishing rights in Canada is evolving, both through the negotiation of modern treaties and through litigation. The fundamental objective of the modern law of aboriginal and treaty rights is the reconciliation of indigenous and non-aboriginal peoples with their respective claims, interests and ambitions.

2.1.2 ARTISANAL FISHING OF THE KAQCHIKEL AND TZ'UTUJIL INDIGENOUS PEOPLES IN LAKE ATITLÁN: AN APPROACH TO THE TENURE RIGHTS OF THE FISHING SECTOR IN SAN JUAN LA LAGUNA, SOLOLÁ

Andrés Muñoz

Andrés Muñoz presented on the first human settlements in Lake Atitlán, which date back to pre-classical times. It was widely known that the indigenous inhabitants had a deep relationship with natural resources, as the indigenous communities on the shore developed fishing activities for hundreds of years. These fishing activities were the most important cultural pillars, livelihoods and means of subsistence for inhabitants. The introduction of new fishing gears and materials influenced the way fishermen carry out their activities; nevertheless, the fishermen of San Juan la Laguna still conserve traditional fishing methods, replicating the customs and traditions of their ancestors from generation to generation.

2.1.3 Rights-based Approaches in Ecuador's Fishery for Mangrove Cockles

Nikita Gaibor

Nikita Gaibor talked about the increasing recognition of Territorial Use Rights in Fisheries (TURFs) as a valuable tool for achieving marine conservation and socially equitable outcomes in fisheries management. The analysed fishery in Ecuador has been vulnerable to harvesting pressures and habitat destruction. Opportunities should be created for diversified livelihoods in areas where TURFs or similar types of territorial use privileges are implemented. A recommended course of action is to create opportunities for diversified livelihoods in locations where TURFs or similar forms of territorial use privileges are implemented.

2.1.4 Designating the Dampier Strait (Indonesia) as a Protected TURF (Territorial Use Rights in Fishing) Network

Hari Kushardanto

Kushardanto explained how implementing TURFs in Indonesia has been challenging in recent years. It demands a well-designed, bottom-up approach that engages locals, including fishers as the resource users and first beneficiaries. There is a network of 21 TURF reserves that encompasses 211,000 hectares, making it the largest comprehensive TURF reserve network in the world. Rare, a global conservation and development non-profit, is supporting this area in building the management capacity of local fisheries. Through social marketing campaign for sustainable fisheries, it will accelerate the adoption of TURFs, which are locally called Customary Fisheries Areas (or Kawasan Perikanan Adat).

2.1.5 Formalizing Community-based fisheries management, Challenges and opportunity: A case from Selayar, South Sulawesi, Indonesia

Dedi Supriadi Adhuri

Dedi Supriadi Adhuri highlighted that there are challenges and opportunities associated with formalizing community-based fisheries management in two villages in Selayar District, South Sulawesi, Indonesia. Mr Adhuri described the scale of the production in Indonesian fisheries, which sits at 6.21 million tonnes (2015), before acknowledging the historical lack of management/adequate governance of small-scale fishery resources. To deal with these challenges, the study explores potential laws, regulations and some strategies, so that the formalization of the community-based fisheries management can be materialized.

2.1.6 From customary rights to co-management in Aceh

Helga Josupeit (presenting on behalf of John Kurien)

After the tsunami of 2004, traditional rights were wiped out in Aceh Province, Indonesia. As part of post-tsunami efforts during 2007–2010, FAO and the US Red Cross tried to recover the knowledge of traditional user rights. The program covered 160 villages along 300 kilometres of coastline of the west coast of the Province. The key effort was to move the SSF away from a custom-driven system to one of co-management, through an extensive participatory process.

2.1.7 Sustainability of the indigenous fishing communities of the Bermejo River (Salta, Argentina): towards the need to improve the legal framework and governance conditions to guarantee tenure and fishing rights

Claudio Baigun

Claudio Baigun explained how the Bermejo basin (Argentina) supports valuable artisanal fisheries that are developed exclusively by indigenous ethnic groups, for whom fishing serves as a customary ancestral practice to guarantee food security. Working to improve livelihoods and well-being amongst indigenous communities, this example highlights the need to incorporate regulations based on governance that aims to guarantee indigenous fishers' rights and preserve tenure rules.

2.1.8 From individual rights to community commons Cambodia's Community Fisheries Initiative

Helga Josupeit (presenting on behalf of John Kurien)

Helga Josupeit presented on the current fishery rights system in Cambodia, which is the most extensive and well-developed system of community fisheries in the world. In Cambodia, the tenure rights were given initially to individuals and this system held for many centuries. However, in 2000, a bold, trail-blazing initiative replaced individual rights with community rights. Kurien's case study briefly narrates this unique instance of the top-down creation of community rights in an inland fishery in Cambodia. It provides a brief evaluation of the current status and indicates the likely trajectory into the future.

2.2 SESSION II: HISTORY AND EXPERIENCES WITH OPEN ACCESS FISHERIES

In many countries around the world, open access fishery is often seen as challenging, since there is an unrestricted or reduced restriction of catch of fish by resource users. Fisheries management is generally shifting towards a system with more control and more established management regimes.

2.2.1 Recognition of the tenure rights for ensuring the sustainability of artisanal fisheries in Senegal in the context of food security and the eradication of poverty

Papa Gora Ndiaye

Papa Gora Ndiaye's presentation covered the importance of incorporating the Code of Conduct for Responsible Fisheries within national fisheries legislation. Ndiaye also suggested that the VGGT be adopted by Senegal, before identifying several obstacles in the way of sustainable artisanal fishing in this country. Amongst these obstacles were the inadequate enforcement of fishing regulations, strong competition for fisheries resources, and inadequate storage and conservation conditions. These issues have not been resolved and have created new management challenges in the sector. The SSF subsector plays an important role and requires concessions for access rights that are protected by national legislation.

2.2.2 Tenure rights in Sipacate-Escuintla, Guatemala

Diego de la Cruz

Diego de la Cruz discussed how artisanal fishermen come into conflict with industrial and sport-fishing sectors since the fishing area corresponding to each sector is not delimited throughout the Pacific of Guatemala. Guatemala lacks a fisheries management plan that emphasizes production control, individual catch quotas and division by fishing sector. De la Cruz described the governance and fisheries management, with particular attention to target species, short-term operational management processes, and the planning of long-term fisheries policies.

2.2.3 On the Development of Territorial Use Rights in the Small-Scale Fisheries of Sierra Leone

Andrew Baio

Andrew Baio discussed how the allocation of rights to SSF communities in Sierra Leone had helped curb threats that were previously considered intractable. SSFs contribute 80 percent of the annual national catch and are particularly well-placed for fish food security. Evaluation using the Multi-Criteria Analysis technique revealed various opportunities and challenges in this sector. The evaluation carried useful lessons for SSFs that seek to institute rights-based management strategies.

2.2.4 Whose Tenure or User Rights – Community and Individual: The case of two river estuarine communities in Ghana

Kofi Agbogah

Kofi Agbogah presented on his case study of two river estuarine communities in Ghana. Most major rivers in Ghana empty into the Atlantic Ocean through estuaries that harbour biodiversity (mangroves, fish, clams and other wetland resources). These resources provide livelihoods for riparian communities nearby, and their use by closed communities provides an interesting lens through which we can understand traditional tenure and user rights in a community-based management/co-management arrangement. Civil society groups under various funding support mechanisms are accelerating the development of strong co-management institutions in some important estuaries, to demonstrate how community-based management can best be implemented while securing the rights and tenure of the resource users. Agbogah's case study

describes implementation approaches in securing community and individual tenure and user rights in the Ankobra and Volta estuaries.

2.2.5 Open access challenges in attaining Sustainable Development Goals in Lake Tanganyika: The case study of Kabonga and Kagunga landing sites

Nyakorema Beatrice Marwa

The case study site is located in the Western branch of the East African Rift Valley and is shared between Burundi (8 percent), Democratic Republic of Congo (45 percent), Tanzania (41 percent) and Zambia (6 percent). Ms. Marwa's presentation explored the bottlenecks emanating from fishery management laws that are not harmonized, and from policies and practices between Lake Tanganyika riparian states. It conveyed the current situation and management of the fishery before explaining the contribution of open access to achieving sustainability. Concrete steps were then recommended for navigating the challenges facing the fishery, with an emphasis on the need for evidence from well-collected data to inform management measures.

2.2.6 A review of the lobster fishery management in Kenya: A case study in the development of the rights-based fisheries management system

Mwaka Said Barabara, Edward Kimakwa

Mwaka Said Barabara explained that lobster fishery is one of the most important resources in Kenya, practised by communities for centuries. The fishery is based on five spiny lobster species: *Panulirus ornatus* (ornate spiny lobster), *P. longipes* (long-legged spiny lobster), *P. penicillatus* (pronghorn spiny lobster), *P. versicolor* (painted spiny lobster), and *P. homarus* (scalloped spiny lobster). Lobsters are harvested by small-scale fishers along the entire Kenyan coastline. Well-defined use, access, management and ownership rights complemented by biological controls and technological interventions can help drive the fishery to sustainability and improve socio-economic returns.

2.2.7 Empowering artisanal fisheries to manage communal grounds

Christian Barrientos

Christian Barrientos presented work that advances community engagement through relatively low-cost Global Positioning System (GPS) trackers. These trackers can rapidly provide fine-scale information on (1) the dynamics of the fishers that operate within this sector and (2) the location, size and attributes of important fishing grounds upon which communities are dependent. This approach could be considered within a global context, where uncertainty over marine and terrestrial resource users can lead to management decisions that potentially compromise local livelihoods and deprive indigenous communities of traditional user rights.

2.2.8 Alignment of Cote d'Ivoire and Senegal national policies to the PFRS

Amadou Tall

Amadou Tall explained that the blueprint for African fisheries management and aquaculture development is highlighted by "adaptive management" to suit local circumstances. This approach is reinforced by environmental sustainability, including co-management and rights-based approaches (RBAs). This has resulted in countries moving from open access fisheries to user rights-based fisheries. Mr Tall talked about the alignment of national laws to the PFRS in Cote d'Ivoire and Senegal, which was intended to institute a shift towards co-management approaches. This has been successful in Senegal, but Cote d'Ivoire still requires significant efforts in order to introduce more responsibility for small-scale fishers and more inclusive, less top-down, management structures.

2.2.9 Dealing with the changing face of artisanal fisheries on the Kenyan coast: Rationale for strengthening local institutions, challenges and way forward

Paul Mboya Tuda

Paul Mboya Tuda talked about the changing face of artisanal fisheries, where there are strong attempts to generate profit by investing in modern gears and motorised vessels. There are concerns that the local institutions may no longer exert significant influence over who and where fishing occurs, given that these responsibilities are not explicitly defined in the current regulations. The case study explores how regulatory measures from the government have been ineffective due to a lack of enforcement capacity within government agencies. These shortcomings increase the rates of illegal and unregulated fishing efforts and their associated challenges.

2.2.10 Small-scale fisheries and access rights in Timor-Leste

Ulrich Schmidt

Ulrich Schmidt discussed the extension of exclusive fishing rights for small-scale and artisanal vessels to all of the Timorese EEZ, and the legal and regulatory requirements for sustainable resource use under this premise, including means necessary to ensure compliance. Discussions also included the proposal of technical assistance measures to increase small-scale and artisanal fish production within sustainable limits, for example by diversifying fishing grounds, vessels and gear, and strengthening value chains.

2.3 SESSION III: HISTORY AND EXPERIENCES WITH LIMITED ACCESS FISHERIES: INPUT CONTROLS (LICENCES, IES, TURFS)

2.3.1 Delineating Municipal Waters and Establishing Managed Access Areas in the Philippines

Dennis Calvez (presenting on behalf of Paolo Domondon)

Dennis Calvez talked about Rare, a global conservation and development non-profit that works with and supports these municipalities under a global fisheries program called Fish Forever. The Philippines case study details the experience of delineating municipal waters and employing managed access, as well as how this is contributing to issues of poverty reduction and food security.

2.3.2 Sardine fishing in the Bolivarian Republic of Venezuela

José Mendoza, Telimay Castro

Mendoza and Castro discussed one of the most important fishing countries in the Atlantic Caribbean area – the Bolivarian Republic of Venezuela. The country has a high diversity of resources, and within its extractive and aquaculture sectors exist the artisanal and industrial subsectors. Artisanal fishing focuses on sardine (*Sardinella aurita*), and industrial fishing focuses on tuna (*Thunnus albacares*); these represent half of the total catch and generate high levels of employment. The fishery for this resource involves a series of interrelated actors from fishermen to the consumer. In economic terms, the activity is relevant because of the number of jobs generated during the capture, processing and commercialization. In the social sphere, the population structure is constituted mainly by young people, with 61 percent of fishermen. The sardine is a resource of great strategic importance for its contribution to food security and is considered as the main fishing resource in Venezuela.

2.3.3 The Experience of Community-Based Fisheries Management in Korea

Dohoon Kim

Dohoon Kim explained that in Korea, fishing communities have traditionally been allowed to assert exclusive rights over fisheries resources in a certain area of water near their residence, to increase fishing productivity and income (called Maul fishery). The Korean government has actively promoted the community-based fisheries management program since 2001 for more effective management of coastal fisheries. Those communities participating in the community-based fisheries management program showed higher production value and income than those outside the program, indicating a significant positive effect of the community-based fisheries management.

2.3.4 Re-examining user rights in the Philippines: selected cases in Panay

Rodelio Subade

Rodelio Subade presented on how property rights largely influence the manageability and sustainability of renewable resources like fisheries. The area-specific user rights mandated by the Philippine fisheries code has provided more secure fishing grounds, particularly for SSFs where resource stakeholders are competing. Subade's research looks into the existing arrangements in two municipalities of Iloilo province in Panay Island, tracing back customary tenure rights and traditional practices.

2.3.5 The status of Lake Victoria fisheries under limited access fisheries

Rhoda Tumwebaze

Rhoda Tumwebaze discussed Lake Victoria in East Africa, where the commercial fishery is dominated by three species: Nile perch (*Lates niloticus*), Nile tilapia (*Oreochromis niloticus*) and Daga (*Rastrineobola argentea*). The main challenges of the Lake Victoria fisheries include increased fishing pressure, inadequate/unsustainable

funding to implement research and management interventions, increased illegalities due to weak enforcement, inadequate infrastructure for fish quality and safety, and under-developed aquaculture to meet the demand of fish and relieve fishing pressure from capture fishery. Tumwebaze's work recommends the development and implementation of a specific rights-based program, with the participation of key stakeholders for the improvement of the fishery.

2.3.6 Kodiak's setnet salmon fishery in the context of Alaska's limited access management system

Amber Himes-Cornell (presenting on behalf of Joseph Zelasney)

Amber Himes-Cornell underlined that the seafood industry is a cornerstone of Alaska's economy and that within the industry, salmon is responsible for the greatest economic impact. Alaska has a limited entry permit system for salmon, and the presentation explored the challenges and shortcomings of this system. Next steps for improving the contribution of rights-based approaches (RBAs) in achieving sustainability goals were also discussed, including non-market-based, supplemental forms of access to commercial fishing, and measures to provide young people with exposure to and experience in fishing.

2.3.7 Cases for the operation of self-directed a closed season in Korea

Changsoo Lee

Changsoo Lee conveyed the paradigm shift that has taken place in a part of Korea's fishery management as a result of fishery co-management between the government and fishermen. It's necessary for the Korean government and fishermen to extend the fishery co-management to other fishery areas as soon as possible, Lee suggested, in order to efficiently reduce administrative costs and preserve fisheries' resources.

2.3.8 Providing legislative powers to the commercial fishing industry to set management arrangements

Steven Shanks

Steven Shanks explained how, in November 2017, the Minister for Fisheries provided legislative powers to commercial fishing industry representatives in the Spencer Gulf Prawn Fishery (SGPF), Australia. This set the management arrangements for a one-year trial period. The legislative powers allow industry representatives to sign the legal instruments that set the area and period of a fishing run (prawn fishing between the quarters of the lunar cycle that include a new moon). The harvest strategy sets Total Allowable Catch (TAC) and areas to be fished, based on the results of Fishery Independent Surveys (FIS). This ensures fishing is undertaken at sustainable levels. SGPF is the only example in Australia where the commercial fishing industry has been given legislative powers to regulate the management of a fishery.

2.3.9 Fisheries management in data deficient industrial fisheries of Sierra Leone: input controls and ecological risk assessment

Andrew Baio (presenting on behalf of Sheku Sei)

Andrew Baio's presentation communicated how managing fisheries in data deficient situations could be challenging in developing countries like Sierra Leone, where technical capacities are not yet fully developed. Mr Baio's study used an Ecological Risk Screening (ERS) technique to gauge information on fishing's effect upon different ecological systems. This made it possible to assess impacts, prioritize issues, and offer advice on the risks associated with fisheries management units. There were fisheries management challenges including IUU fishing, seaweed and plastic pollutions, and degradation of mangrove habitats. The empirical analysis reveals that revenues at maximum economic yield (REV MEY) can be maximized at levels 21 percent less

than the sustainable yields for shrimps. A precautionary fleet limitation of 20 fishing vessels for shrimp fishery is proposed, under a dual scheme of demersal fish and shrimp licences, with fishing restricted to night hours of 18:00 to 06:00 to minimize bycatch.

2.3.10 Marine fishery development and user rights management in Jimo

Meng Su

Meng Su presented on Jimo, a district of Qingdao (since 2017) that is located southeast of the Shandong Peninsula. The case study explores the challenges and shortcomings of Jimo's current fishery management system. It then discusses the effects of the fishery management measures on fishery production and resources, before considering the future approach to fishery management based on user rights to achieve fishery restoration.

2.3.11 Managed access: a rights-based approach to managing small-scale fisheries in Belize

Mauro Gongora

Mauro Gongora presented on Belize fisheries, where the commercial fisheries are important to the livelihoods of approximately 2 800 fishermen, their families and coastal fishing communities. Belize's Fisheries were considered open access until 2011 when in July there was a turning point: the Belize Fishery Department and key partners pioneered the implementation of a rights-based approach (RBA) to fisheries management at two of its marine reserves. This approach was called 'Managed Access.'

2.3.12 China's marine fisheries management since the implementation of the Fisheries Act in 1986

Yang Han

Yang Han explained how, to reduce overexploitation of offshore marine fisheries resources, China has successively implemented several regulations on limited access fisheries. The presentation focused on the exploitation and utilization of marine fishery resources in China, explaining associated characteristics, experiences, causes and effects, since the implementation of the Fisheries Act in 1986. It also put forward some policy recommendations.

2.4 SESSION IV: HISTORY AND EXPERIENCES WITH LIMITED ACCESS FISHERIES: OUTPUT CONTROLS (TACS, IQS, CDQS, CATCH SHARES, QMS)

2.4.1 Effects of the individual quota (IQ) system on the pelagic fishing industry of Jurel (*Trachurus murphyi*) in the central-south zone of Chile

Rodrigo Zamora Gómez

Rodrigo Zamora Gómez presented on individual quotas in the Chilean jack mackerel fisheries in Southern Chile. The analysis of this case study shows the benefits of the IQ system and its contribution to the system of industrial fishing. Key advantages are that the IQ system gave the industry some rationality, allowed planning of fishing activity, encouraged industry growth, improved economic efficiency, and reduced uncertainty. This regime strengthened fishing rights and gave greater stability to the industrial fishing sector.

2.4.2 Fishing management of the paiche “*Arapaima gigas*” in Lake El Dorado, Pacaya Samaria Nature Reserve, Loreto, Perú

David Mendoza

David Mendoza discussed management of paiche “*Arapaima gigas*” in Lake El Dorado of the Pacaya Samiria Reserve-Loreto, Peru. Paiche fishing quotas in the El Dorado area are exclusively given to the Capture Fisheries Unit (CFU), Yacu Tayta, with the aim of protecting the recovery of the paiche population. Illegal fishermen are taking paiche and there are conflicts with the legal owners of the paiche fishing quotas. Yacu Tayta has formed control and surveillance committees to fight the presence of illegal fishermen.

2.4.3 Allocation of individual quotas in artisanal fishing

Alejandro Gertosio

Alejandro Gertosio Ramirez presented on fishing quotas for small-scale fisher groups, focusing on Chile. The fisheries management includes a coastal reserve for use (exclusive use of artisanal fisheries), allocation of quotas between artisanal and industrial, allocation of quotas to the industrial fisheries as ITQs, and allocation of ITQs via auction for any user. There also exist forms of quota assignment inside the small-scale fisheries sector. This case study highlights the advances in the allocation of individual quotas inside the artisanal fisheries, analysing the risks, challenges and opportunities that these models involve. In-depth analysis in the Bío Bío Region focuses on common sardine and anchovy fishery.

2.4.4 Quota allocation by vessel (IVQ) management of the Peruvian anchoveta fishery, in a strong environmental variability ecosystem

Adriana Giudice (on behalf of R. Bernales; A. Giudice; U. Munaylla)

Adriana Giudice presented on a case study about the Peruvian anchoveta (*Engraulis ringens*), which is the largest monospecific fishery in the world. The fishery became the subject of a rights-based management system in 2008, consisting of quota allocation per vessel (IVQ). In a productive yet uncertain ecosystem (Humboldt Current), marine research intensified to acquire a solid base for sustainable management measures; it allowed precise estimates of biomass and TAC volumes, which, with the capture control programs, are the basic features of a successful IVQ management system. The implementation of the restrictions followed a period of open access over-exploitation. The rights-based approach (RBA) has been successful in terms of its economic, social and environmental impacts. The case study details these impacts in the context of sustainable development.

2.4.5 Towards TAC-based fisheries management in Korea – experiences and challenges

Jungsam Lee

Jungsam Lee explained how the sustainability of coastal fisheries is threatened by the sharp decline in annual fisheries resources since the mid-1990s. These fisheries are responsible for 20 percent of production volume but 40 percent of production value, as the seafood has a higher value than that found in offshore fisheries (fresh fish, live fish). To combat the threat to coastal fisheries, Korea is actively engaged in stock enhancement projects such as creating coastal ranches, installing artificial reefs, and releasing fish fries in the coastal waters.

2.4.6 The fishery right of Zhoushan in the context of a limited access management system

Yang Yang

Yang Yang explained how Zhoushan fishery is the largest in China, accounting for one-tenth of China's annual fishing output. It is also China's largest base for seafood production, processing and marketing, known as the 'fish warehouse' and 'seafood capital.' There have been many challenges to fishing rights from external factors and this study also recommended the improvement of the fishery rights system. The Program Director at the National Marine Fisheries Service (NMFS) West Coast Region has identified three specific issues that he feels are the most important to consider in our evaluation: 1) barriers to new entrants, 2) community stability, and 3) processor stability.

2.4.7 What are the key factors for a successful design and implementation of a rights-based system in the allocation of fishing opportunities in the demersal fisheries in Sweden?

Karin Kataria

Karin Kataria presented on the implementation of a rights-based system in Sweden. In 2017, the Swedish Agency for Marine and Water Management (SwAM) introduced a system where fishing opportunities can be temporarily transferred between individual fishermen during the year. The new system is based on annual, individually-allocated fishing opportunities. These individual allocations are, with some exceptions, based on the individual fisher's reported catches during a reference period (2011–14). The system can be adjusted and improved to allow for longer-term fishing rights. The design of such a system is crucial in avoiding unwanted effects.

2.4.8 Pacific Groundfish

Priscilla Rivas

Priscilla Rivas presented on the Pacific Groundfish. In 2011, the Pacific Fisheries Management Council established a catch-share program for the Pacific Groundfish Fishery which spans the entire West Coast of the U.S. Catch-share programs typically divide the total allowed quota of fish among fishers, with each quota owner getting a certain percentage of the total. A suggestion by the Program Director at the National Marine Fisheries Service (NMFS) West Coast Region has identified three specific issues that he feels are the most important to consider in our evaluation: 1) barriers to new entrants, 2) community stability, and 3) processor stability.

2.4.9 History and experiences with limited access fisheries (input and output controls): the case of the small pelagic fishery in Angola

Vieira Ferreira Nzambi Córdia

Vieira Ferreira Nzambi Córdia's presentation looked at Angola, a country with a very long coastline, sharing the Benguela Current Large Marine Ecosystem (BCLME) with

Namibia and South Africa in the SADC region. This is one of the most productive Large Marine Ecosystems (LMEs) in the world. The study looks at getting access to the pelagic fishery by exploring the management and existing rights-based approaches (RBAs) and their potential to secure the sustainability of resources. It reveals that the Angolan commercial fishery is, in general, managed by a rights-based approach (RBA) in the form of IVQs and TACs, while regulated by a set of management measures and enforced by MCS.

2.5 SESSION V: HISTORY AND EXPERIENCES WITH RIGHTS AND THE POST-HARVEST³ SECTOR

2.5.1 Women in catch and post-catch in fishing

Elsy Perucho Gomez

Gomez' case study focuses on women in Amazon fisheries, examining their role in the capture and post-harvest activities in Colombia's fishing chain. Women play an active role in fisheries; they participate in the extraction of Piangua in the Pacific and regularly involve children as they clean the shrimp when hired by boat owners. In the Caribbean, 70 percent of the workforce in processing companies is comprised of women who occupy administrative and operational positions. There is, however, a problem of low institutional commitment to the fisheries sector and tenure in fisheries – especially for the female participants in the sector. Despite the existence of the Rural Women's program and the leadership of FAO Colombia, strategies of governance and guidelines must be made concrete to improve the conditions of women and achieve post-conflict goals.

2.5.2 Empowering women clam collectors in Tunisia

Helga Josupeit

Helga Josupeit discussed the case of Tunisia, where the clam production sector employs more than 4 000 women at 17 production sites, primarily concentrated in two major coastal areas, Gabès and Sfax, with an average annual production of 700 tons mostly directed for export. These women have no rights on the resource they are collecting, which represents their only source of income. As a result of joint-coordination between FAO and the Tunisian government, together with private stakeholders, Tunisian women clam collectors have been given privileged access to the high-value European market, as well as an equity partnership with the main Italian clam importer. The FAO project had been identified as a product with excellent growing possibilities and good market opportunities. There is still a long way to go for the women to have equal rights to the clam resource.

2.5.3 Small-scale fishery promotion in high-value markets

Eric Ross Salazar

Eric Ross Salazar's presentation focused on the community of Costa de Pájaros in the Pacific of Costa Rica, which fulfilled legal requirements for the creation of a responsible fishing marine area (RFMA) on its traditional fishing grounds. The area is open access to any licensed fisher that complies with special regulations within the area. However, this has caused conflicts with fishers that use less responsible gear, who were displaced by fishers travelling to the RFMA from other communities. Fishers comply with special gear regulations that go beyond the requirements of the RFMA, and landing sites only sell fish above minimum landing sizes as responsible.³

2.5.4 U.S. West Coast Shoreside Pacific whiting fishery

Christopher Anderson (presenting on behalf of Marie Guldin)

The US West Coast Shoreside non-tribal Pacific whiting fishery exists off the coasts of Washington, Oregon, and California. Harvesters target Pacific whiting, a migratory pelagic species sometimes marketed as Pacific hake, and deliver catch to land-based processing facilities. In 2011, an individual tradable fishing quota was introduced into the fishery through the implementation of the West Coast Groundfish Trawl Catch Share Program. Many observed changes are influenced by increases in the TAC, occurring under catch shares but exogenous to the program.

³ The post-harvest incorporates all processes, steps and handling from the catch, to distribution and sale of fishery products.

2.5.5 A case study of advanced post-harvest management in Korean fishing village community

Heon-Dong Lee

Dong-Heon Lee explained that there had been a growing interest in utilizing post-harvest management as a means of improving the quality and freshness of fisheries products. In the past, fishermen focused on quantitative production and efforts to increase the value-added of marine products were relatively insufficient. Recently, however, the fishing village community has been trying to increase the value added by combining the production, processing, distribution, sales, and tourism of the fishing village. The study explores an advanced case of increasing the value-added and the marketability of marine products, through post-harvest management led by the Korean fishing village community.

2.5.6 The Bering Sea/Aleutian Islands crab ITQ program

Christopher Anderson

Christopher Anderson's presentation explained how the Aleutian Islands crab fishery had been made famous by Discovery Channel's Deadliest Catch program, which shows viewers how harvesters brave the ice and storms of the Bering Sea to catch king, snow and tanner crabs. Although it was always well-managed biologically, in 2005 the fishery implemented an ITQ program in order to reduce overcapitalization and reduce the competitive fishing that created dangerous conditions. The case study draws on several recent NOAA studies, including the recently completed ten-year review of the effects of the catch share program.

2.6 SESSION VI: HISTORY AND EXPERIENCES WITH RIGHTS AND COMPETING FISHERIES STAKEHOLDERS (MIGRATORY FISHING, INDUSTRIAL AND SSF, NATIONAL, REGIONAL, INTERNATIONAL ISSUES)

2.6.1 Collaboration experience between the artisanal and industrial fisheries in Costa Rica

David Chacón (presenting on behalf of Vivienne Solís)

This presentation discussed the successful mitigation case of small-scale fishers of Tárcoles. The main target resource in this fishery is white shrimp. In 2010, there was over-exploitation and a subsequent agreement, under which a withdrawal area for the semi-industrial vessels (up to 1 mile from the coastline) was established. Very shortly after the agreement, the positive impact on the white shrimp resource became evident, as the species returned into the catch and over the years, the presence of this resource has grown. In view of the successful experience, in 2017 the State expanded the coverage to the whole country and increased the withdrawal for the semi-industrial fisheries to 5 miles.

2.6.2 The croaker (*Micropogonias furnieri*) fishery in Uruguay

Pablo Puig

Pablo Puig presented on the assignment of user rights at the coastal fishery of croaker (*Micropogonias furnieri*) in Uruguay. This case study explores the assignment of user rights in Uruguay within different types of fisheries, but with particular emphasis on SSFs, which are very important from a social perspective. Legislation and restrictions have improved resource sustainability, maintained a balance in the equity of access to resources for all users, and reduced conflicts between users. This includes protected areas and use by fishing and water sports, among others.

2.6.3 Conflicts of interest between artisanal and industrial fishing activities in Colombia

Elsy Perucho Gómez

Gómez presented the case of Colombia, where fishing has been divided into two key stages – artisanal fishing (since prehistory) and industrial fishing (1962 to present day). Industrial fishing initially focused on the capture and processing of marine shrimp. This led to investments in infrastructure and technological support so that the industry could have the required returns. However, this also encouraged industrial fishing to invade the territories of artisanal fisheries, reducing the scope of artisanal fishermen. In the late 1980s, fishers introduced ‘electronic trasmallos’, a low investment technology that had a high impact on catches and reduced the production and capture capacity of industrial fishing. There has also been significant conflict over tuna fishing, where industrial vessels can impoverish artisanal fishers.

2.6.4 Conflicts in productive development in the hake fisheries (*Merluccius gavi peruanus*) of Peru

David Mendoza Ramirez

David Mendoza Ramirez explained how the hake resource in the case of Peru is in the process of recovery, and many regulations and decrees are applied to its fishery, establishing fishing periods, fishing zones, TACs and IFQs. These quotas apply only to the industrial fleet, while small-scale vessels do not have a fishing quota and are not subject to fishing area prohibitions. These aspects generate conflicts between both actors due to the possible occurrence of illegal fishing by small-scale boats and, on the other hand, the prohibition of productive development of the SSFs.

2.6.5 User rights conflict between Sri Lanka's small-scale fishermen and mechanized trawlers in Northern Sri Lanka

Sashini Fernando

Sashini Fernando's presentation explored the conflict between small-scale fishermen and mechanized trawlers in Sri Lanka. The open-access nature of the fishing grounds has expanded fishing effort over the years, with over 1 023 780 individuals depending on income gained through fishing-related activities. The Fisheries and Aquatic Resources Act No 2 (1996) has been adopted for Sri Lanka's overall fisheries management. Restriction of destructive fishing practices and gear has been implemented through the Sri Lanka National Plan of Action to prevent, deter and eliminate IUU fishing. This case study discusses and proposes the use of environmentally friendly fishing methods such as size segregated (SS) pole and line fishing and the introduction of modernized gear as a solution to mitigate the conflict.

2.6.6 Conflicts (or competition) between fisheries and regions in Korea

Young Tae Shin

Young Tae Shin discussed how rapid developments in Korea have resulted in conflicts or competitions between fisheries, such as those between trawl fishers and shore angling fisheries. There were also other conflicts addressed, such as those of anchovy dragnet fisheries and between the Gyongnam and Chonnam regions.

2.6.7 Examples of fishing disputes in Korea

Joon Mo Park

Joon Mo Park presented on cases of arbitrated fisheries disputes in Korea. Park addressed the reasons for fisheries disputes and gave three types of examples in Korea: conflicts between fishing and offshore fisheries, between coastal fisheries, and regional disputes by maritime boundaries. Park examined the process of dispute settlement for the aforementioned kinds of conflict. Future tasks that were discussed included coordinating members of the Convention, securing expertise, and setting up adjustment standards by sea area and species.

2.6.8 Implementation of user rights in Lake Albert fisheries in Uganda

Daisy Olyel Aciro

Daisy Olyel Aciro presented on the Lake Albert open access fishery in Uganda. Controls are implemented in the fishery through the issuance of licences. Aciro's work acknowledged how, as much as user rights are exclusive in nature, the practice in the Ugandan context (in the fisheries licensing system) is very important for the promotion of sustainable fisheries management. Despite some shortcomings, such as the fact that those who cannot pay for the licences are encouraged to fish illegally, Ms Aciro underlined the potentially positive contribution of user rights to the sustainable exploitation of fisheries resources.

2.6.9 Management of coastal and cross-border pelagic species in North-West Africa

Birane Sambe

Birane Sambe discussed how effective stock management of small pelagic species is a major challenge for countries fronting the North West Atlantic (Morocco, Mauritania, The Gambia and Senegal). Migratory species are scattered in EEZs and are shared among two or more countries. They are by far the largest fisheries, both in terms of biomass and catch volumes, and are crucial for food and nutritional security in Africa. At the same time, IUU fishing is an issue. Recent assessments of the resources indicate that some stocks are overexploited, with the fishmeal industry also driving up demand. These factors pose significant challenges and impact both the sustainability and

effective management of the fisheries. Sambe suggested that agreements emphasizing cooperation and collaboration between countries, as well as those that take due account of the precautionary principle, need to be taken into account.

2.6.10 Complications of designing tenure rights systems for highly migratory fisheries

Vishwanie Maharaj

Vishwanie Maharaj's presentation focused on the on-the-ground realities of designing a rights-based management program for a highly migratory fishery with a high seas component. The presentation also covered other design features to address the aspirations of developing coastal states, with a particular interest in increasing participation in the fishery. The work is focused on the Eastern Pacific case, with findings relevant to other tuna-producing regions. This relevance is contingent, however, on the context of the tuna fishery, which can vary depending on vessel size, catch composition (on high seas vs exclusive economic zones), value chain complexity, current value and potential post-transformational value. Other factors important to consider are the strength and capacity of governance institutions and of other reform-enabling conditions.

2.6.11 Small-scale fisheries of Sierra Leone

Kamara Kadiatu Seaport

Kamara Kadiatu Seaport presented on SSFs in Sierra Leone. These fisheries are dominated largely by men, whereas the post-harvest sector is, in its majority, comprised of women. The sector is characteristically labour-intensive with mostly traditional fishing methods. At the same time, it is partially mechanized, with the use of small boats involving traditional fishing gear, such as gillnets, cast nets, beach seines, purse seines, ring nets, traps and hooks and the hand collection method. Seaport's presentation highlighted a variety of challenges such as IUU fishing, MPA management, the licensing of artisanal canoes as fishing crafts, and attendant gears - to name but a few. These potential barriers require urgent management if they aren't to become impediments to a progressive fishery sector.

2.7 SESSION VII: HISTORY AND EXPERIENCES WITH MULTIPLE-USE IN COASTAL ZONE MANAGEMENT AND RIGHTS (AQUACULTURE, MPAS, TOURISM, ETC.)

2.7.1 Namena Marine Reserve: Best practices and lessons learnt

Alisi Rabukawaqa-Nacewa

The Namena Marine Reserve was founded in 1997 to ensure the conservation of marine resources currently in the customary fishing grounds of Kubulau, in the province of Bua, Fiji. These grounds are owned by the indigenous population adjacent to the MPA. The villagers claim ownership of traditional fishing rights of the Namena Barrier Reef, which had involved mainly subsistence fishing. They are dependent upon these rights for their livelihoods. An increase in commercial fishing in the 1980s and 1990s posed a serious threat to Namena's reefs. Alisi Rabukawaqa-Nacewa explained that the Reserve had faced a number of challenges. In particular, it is difficult to ensure both ecosystem health and the preservation of its status as a premium destination while using the Reserve to facilitate positive and community-driven economic growth in the region.

2.7.2 The experience of the Treaty of Río de la Plata and its maritime front between Argentina and Uruguay

Daniel Gilardoni

Daniel Gilardoni explained how the Joint Technical Commission of the Frente Marítimo (Comisión Técnica Mixta del Frente Marítimo (CTMFM)) had made significant progress in the implementation of management decisions based on science, applying the ecosystem approach to the management of fisheries in the area. Fishing vessels operating in the area of the Treaty must have a valid licence granted by one of the two states, be equipped with a System of Location of Vessels (SLV), and report information about their activities and catches to fisheries authorities. These sit among other obligations.

2.7.3 Areas of management and exploitation of Benthic Resources (AMERB) of Loco/Chilean Abalone (*Concholepas concholepas*), in the region of Los Lagos, Chile

Jürgen Betzhold Formigli

Jürgen Betzhold Formigli presented a case study that summarizes the current state of AMERB implementation in southern Chile. It is focused on the case in the Los Lagos region, in the fishery associated and authorized in the resource management plans of the Loco or Chilean abalone (*Concholepas concholepas*). This is a mollusc of high-value commercial value for small-scale fishers. This system has achieved, on the one hand, regular access to the benthic fisheries and promoted the conservation of these resources. It has also promoted the consolidation of fishers' organizations and their management capacities, making the production levels recover in the AMERBs, and increasing fishers' incomes through organised commercial management (the management, exploitation and marketing of the resource.)

2.7.4 Problems of competition between commercial fishing and recreational fishing in Korea and their solutions

Kwang-Nam Lee

Kwang-Nam Lee explained that the issue of fishing rights has been under government review for 40 years. However it is yet to be implemented through legislation because of opposition from fishing associations and immaturity in conditions. However, due to the improvement of national income level and the growth of socioeconomic leisure demand, the domestic fishing population is continuously increasing. Consequently, competition and friction are growing between commercial and recreational fisherman.

The purpose of Kwang-Name Lee's study is to understand conflict-induced species that are the main basis for tension between commercial and recreational fishers. It analyses and investigates actual competition issues in-depth, seeking a fundamental solution and establishment of a management plan for the wide use of fishery resources.

2.7.5 Whose custom is important? A case of conflict among multi-layered customary rights groups for fishing in Okinawa, Japan

Aoi Sugimoto

Aoi Sugimoto discussed a case of conflict among multi-layered customary rights groups for fishing in Okinawa, Japan. The Shiraho Airport conflict became a battle between governments, Fisheries Cooperative Associations (FCAs) and local residents since the fishing rights have been granted to the FCA consisting of Itoman fishers. This Japanese case points to both the complexity and dynamism of customary rights for fishing activities, as well as the potential risk of institutionalizing customary rights, which could result in a serious conflict among multi-layered customary rights groups.

2.7.6 Gaps in the traditional and legal ownership of marine resources in the Marshall Islands

Maria Sahib

Maria Sahib presented on the Marshall Islands, where ownership of coastal resources has traditionally lay with the coastal communities. Powers and responsibilities associated with ownership are not formally defined in the law or tested in the court system, meaning traditional resource owners hold de facto power overuse of the resources. The work, Sahib explained, focuses on a gap analysis, with research based on the similarities and differences in the traditional and legal structures of 24 outer islands.

2.8 SESSION VIII: SOCIAL ASPECTS OF TENURE AND USER RIGHTS IN FISHERIES (HUMAN RIGHTS, RIGHT TO FOOD, GENDER, INDIGENOUS PEOPLES, YOUTH)

2.8.1 Mixed artisanal shellfish fishery (Noia, Galicia, Spain)

Juan Manuel Gómez Blanco

The case study of this presentation focuses on the management plan of a fishery in Noia, Galicia, Spain, in which artisanal fishers and shellfish farmers actively participate under scientific advice. This management plan is approved annually by the regional government and is the main generator of income. Data indicated that as much as EUR 25 million was generated in one year, and moreover, the economic revenues have an equitable redistribution, generating wealth in the area and being vitally important for highly dependent shellfish communities.

2.8.2 Garífuna communities in Honduras and their land tenure disputes

Graciela Pereira

Graciela Pereira presented on the invisible fishers and fish processors. Los Garífuna, an ethnic group, descended from African slaves brought from what is today Nigeria to the American continent. Pereira's study was conducted in various villages of Honduras in the Bay of Tela. Fishing is one of the few means of income, and the area has a huge tourism potential and development, however, this has brought challenges. There is a lack of recognition of the status of Indigenous People and the right to land and access to their traditional fish resources. The proliferation of agro-industrial, tourism, hydropower and mining, projects in addition to the presence of drug trafficking and organized crime, already caused the disappearance of some communities and is attacking the survival of the Garífuna communities.

2.8.3 Influence of women's involvement in fisheries socioeconomics in a coastal fishing community in Mbalangoda, southern province of Sri Lanka

Walpita Gamage Inoka Lakshmi, Udeni Edirisinghe, Chandramali Jayawardana

Walpita Gamage Inoka Lakshmi presented a study that evaluates the impact women's involvement in fisheries has on the socio-economics of fisher households in Hirewaththa and Patabandimull. These are two fishing villages in Ambalangoda. The study indicated that, even though households, where women were involved in fisheries, earn a higher income, living conditions remained similar to households in which there was little female involvement in fisheries. This may be mainly due to low literacy rates, large family size composition and bank loans taken out by the women involved in fisheries. This suggests that it's necessary to carry out social development programs to enhance their living standards.

2.8.4 Fishery governance and indigenous peoples of the Amazon: Challenges in times of environmental crisis

Liseth Johanna Escobar Aucu

In the riverside populations of the Amazon basin, fishing is one of the main sources of food, especially for ethnic populations. It carries integral economic, social and cultural dimensions, and for many years, the indigenous peoples of the Colombian Amazon have fished in a sustainable way, thanks to ancestral knowledge that has allowed for artisanal fishing for self-consumption. However, over time, phenomena such as urbanization, population growth and the increase in catch levels, coupled with changes in the forms of the social organization of indigenous peoples, have affected fisheries sustainability. The case study examines this history and explains how in the last 25 years, the State has encouraged institutional agreements for fisheries management, an initiative that's been joined by the private sector represented by NGOs. Finally, the implementation of institutional agreements has reduced the significance of customary

fishing in determining fisheries management. Recommendations are made to improve strategies for sustainable fisheries, and to promote the tenure rights of indigenous peoples.

2.8.5 Sustainable community fisheries management: A case in Cambodia

Sopha Lieng, Nobuyuki Yagi and Hiroe Ishihara (presenting on behalf of Sopha Lieng)

Ishihara explained that in 2001, small-scale fishers were granted new user rights to fish in their exclusive fishing zones, under a revised legal framework from the Cambodian government. This change would improve their livelihood and encourage their participation in sustainable fisheries management. Despite challenges with the implementation of community fisheries management, it is the way towards maintaining sustainable fisheries and equitable distribution of fishery resources, as community fishers play very important roles in fisheries management and conservation. The study also discussed the changes of livelihood of the community fishers and impact on the community fisheries after the application of new user rights.

2.8.6 Improvement of membership issues of the fishing village for continuous development of the fishing community in Korea

Kwang Nam Lee

The number of fishing villages in Korea increased by 27 percent from 1990–2016 (1 598 to 2 029) due to coastal development. However, the fishing population is ageing: fishing household populations under the age of 50 decreased in all categories but the senior population, in their 60s and 70s, increased as a fishing household population. A number of issues face fishing villages too, as they require a cooperative community to manage farms effectively and fundamentally depend on the successful integration of new, often younger, populations that move into the fishing society. Kwang Nam Lee proposed some key steps towards addressing these challenges, which focused on reforming fishing villages successfully as a basis for a sustainable fishery.

2.8.7 Two institutions for one fisheries management? Pooling system and individual operation in Wagu spiny lobster fishery

Hiroe Ishihara

Hiroe Ishihara explained the study of a lucrative spiny lobster fishery in Japan, operating under a TURF and unique two-part institutions – a pooling system, and individual operation. The two institutions operate within its designated and mutually-exclusive fishing zones, and the area of group operation zone has gradually expanded over the years by taking ROA zones away. This case-study poses a fundamental question regarding the fisheries management: “why did fishermen choose two separate management systems, i.e. institutions, for one fishery management?” Using a unique dataset of individual vessels’ harvest volume and locations from 1991 to 1997 (i.e. prior to the introduction of the current regime), it is argued that fishing grounds with a higher share of the catch at the beginning of each season were often designated as fishing grounds for the pooling system. Further, by using semi-structured interviews to all fishermen, it’s revealed that individual operation plays a vital role in reducing the discontent of younger fishermen and fostering the necessary shared understanding of the socio-ecological condition for the pooling system.

2.8.8 Towards a managed-access approach to sustain sustainable small-scale fisheries management in Southeast Sulawesi, Indonesia

Handoko Susanto

Handoko Susanto conveyed the need to recover fisheries in Kolono Bay, Indonesia, where communities from five villages came together and agreed to establish

974 hectares of managed access area along with 50 ha of marine reserve (managed access with reserves). Site selection criteria must include type of fisheries targeted, socio-cultural dimensions, community and government acceptance, seascape and other spatial issues. The case study elaborates on the establishment of managed access with reserves in Kolono Bay, Indonesia, as an example of community-based small-scale fisheries management, and the effort by the provincial government to scale-up the solution to a province-wide initiative.

2.8.9 Adapting a fishing fleet to conflicting goals

Jan Frederik Danielsen

Jan Frederik Danielsen presented on the Norwegian seafood industry. A highly effective and profitable industry, it rests on two legs: salmon aquaculture and fishing. The capture sector has, however, retained structural remains from times bygone. Over the last 20 years, the Government has introduced measures aiming at transforming the capture sector to address the challenges facing a modern fisheries industry; sustainable fishing, profitability and contributing to maintaining livelihood and jobs in marginal coastal areas. The Norwegian Government are currently revising the fishery policy to safeguard that the fisheries sector will increase its contribution the Norwegian society.

2.8.10 Competing stakeholders in small-scale fisheries: A case study from Nigeria

Stella Willams

Stella Willams discussed a case study from Nigeria, one of the maritime nations in West Africa. Discussion of tenure and fishing rights in Nigeria's SSFs underlines that women do fish in Nigeria, and do play a very important economic role. The gender perspective in the fishing communities is of great significance, and critical in terms of its value chain contributions to economic growth.

2.8.11 Upgrading traditional marine resource management in Maluku and Papua: process, outputs and outcomes

Dedi Supriadi Adhuri

Dedi Supriadi Adhuri discussed an 'upgraded' community-based management by inserting modern knowledge and practices to the communities initiatives. The presentation explains the process, outputs and outcomes of such an initiative. In this regard, the paper will highlight the process toward the formalization of traditional management practices in the form of village law, as well as its impact on the marine/coastal resources, the harvest and the community's wellbeing.

2.8.12 Conservation and sustainable livelihood: A case study from Indonesian Manta Rays Hunters Community

Amiroh Utami

Amiroh Utami explained that in 2014, Indonesia's government announced full protection regulations for endangered marine megafauna, such as oceanic and reef manta rays, and whale sharks. With the nation-wide manta sanctuary, the community is at a critical crossroads: comply with the sanctuary and potentially lose their key income (there's been high demand of manta rays and gill-rakers since the early 2000s), or send the manta fishery into collapse while facing possible legal consequences. The establishment of fisheries laws with enforcement will only be effective when coupled with programs that address the livelihood needs of the affected community.

2.8.13 Fishery management in Korea: the transition from input controls to output controls

Il-hwan Cho

Analysing fishery management in Korea, Cho began the presentation with the statistic that fish consumption in Korea had an average of 58.4 kg per capita from 2013–15. This is one of the highest in the world, greater than Japan (50.2 kg per capita) and more than double the United States of America (23.7 kg per capita). Presently, Korea has a Fisheries Act that sets limits on fishing vessels, gears, grounds, seasons and target species. Further, its Fisheries Resource Management Act includes Fisheries resources surveys, a closed season, minimum catch size for 40 species, and a Total Allowable Catch (TAC) scheme, amongst other regulations such as protected areas and fish stock restoration. Several challenges are facing fishery management in Korea, however, as total catch declined by 46 percent from 1986 to 2017, there is diminishing diversity in the catch, and global warming has enforced scarcity of resources with the water temperature rising 1.1 degrees Celsius during the last 40 years. Cho proposed a shift away from input controls to output controls, restoration of depleted stock and of sea forests, and regional cooperation in fishing area 61, which is the most productive in the world.

3. Wrapping up

This section highlights the linkage between the case studies and the SDGs, with particular emphasis on how tenure and user rights both relate and contribute to the achievement of particular SDGs. It draws attention to the importance of using SDGs as a normative framework for tenure and user rights in order to make them consistent with human rights principles.

3.1 CAN TENURE AND USER RIGHTS HELP ACHIEVE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT?

Sebastian Mathew

Sebastian Mathew summarized the Proceedings with a discussion about the relationship between the Tenure and User Rights Conference and the 2030 Agenda for Sustainable development. Mathew was charged with the task of creating linkages between the themes of the case studies and the SDGs, with particular attention to the responsible governance of fisheries tenure. On this basis, the following summary was given:

The 2030 Agenda for Sustainable Development: UN Sustainable Development Goals (SDGs)

The SDGs arose from the Millennium Development Goals (MDGs), in order to build on them and to complete what they had not yet achieved (UNGA Resolution 17/1, dated 25th September 2015). The SDGs broaden the scope of the MDGs; they aim to stimulate action until 2030, focusing on people, planet, prosperity, peace and partnership, whilst recognizing the principle of common but differentiated responsibilities. A key difference is that the MDGs were goals focused on developing countries, whereas SDGs are universal goals that apply to countries with various socio-economic realities. Providing a globally shared, normative framework that fosters collaboration of countries and stakeholders, the SDGs are integrated and indivisible, balancing the three pillars of sustainable development – social inclusion, environmental sustainability and economic growth. Perhaps most importantly, the SDGs aim to establish the human rights of all; to achieve gender equality and the empowerment of women everywhere.

Tenure and user rights in global fisheries obviously relate to all SDGs. Some, however, are particularly relevant:

TABLE 2
SDGs where tenure and user rights are most relevant

| | |
|---------|---|
| Goal 1 | No Poverty End poverty in all its forms everywhere. |
| Goal 2 | Zero Hunger End hunger, achieve food security and improved nutrition and promote sustainable agriculture. |
| Goal 3 | Good Health and Well-being Ensure healthy lives and promote well-being for all at all ages. |
| Goal 5 | Gender Equality Achieve gender equality and empower all women and girls. |
| Goal 6 | Clean Water and Sanitation Ensure availability and sustainable management of water and sanitation for all. |
| Goal 10 | Reduced Inequality Reduce inequality within and among countries. |
| Goal 12 | Responsible Consumption and Production Ensure sustainable consumption and production patterns |
| Goal 14 | Life Below Water Conserve and sustainably use the oceans, seas and marine resources for sustainable development. |
| Goal 15 | Life on Land Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt biodiversity loss. |

There are other relevant SDGs, too:

TABLE 3
Relevant SDGs

| | |
|---------|---|
| Goal 4 | Quality Education Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. |
| Goal 9 | Industry, Innovation and Infrastructure Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation. |
| Goal 11 | Sustainable Cities and Communities Make cities and human settlements inclusive, safe, resilient and sustainable. |
| Goal 13 | Climate Action Take urgent action to combat climate change and its impacts |
| Goal 16 | Peace, Justice and Strong Institutions Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels |
| Goal 17 | Partnerships to Achieve the Goals Strengthen the means of implementation and revitalize the global partnership for sustainable development. |

It is important that SDGs be always viewed together, with their targets and goals being inseparable. Targets are part of the roadmap to achieving goals. Thus linked to the ten relevant goals mentioned below, there are 26 pertinent targets (Table 4).

Tenure Rights

Systems of tenure, according to the 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, define and regulate how people, communities and others gain access to land,

fisheries and forests. These tenure systems determine who can use which resources, for how long, and under what conditions.

All presentations during the eight sessions talked about tenure rights and associated duties to access, use and control land, fisheries and forests. However, amongst these presentations and case studies, there exists vast diversity. There are cases of customary, informal, periodic, publicly held, communal, individual and collective tenure rights. Some case studies reference tenure rights in transition, too, while others discuss secure or insecure inland and marine tenure rights.

TABLE 4
SDG Goals and related targets where tenure and user rights are most relevant

| SDG GOALS | PERTINENT TARGETS |
|---|---|
| SDG 1: No Poverty | <p>1.1 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.</p> <p>1.2 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.</p> <p>1.3 By 2030, ensure that all men and women, in particular, the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.</p> |
| SDG 2: Zero Hunger | <p>2.1 By 2030, end hunger and ensure access by all people, in particular, the poor and people in vulnerable situations (including infants) to safe, nutritious and sufficient food all year round.</p> <p>2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.</p> |
| SDG 5: Gender Equality | <p>5.1 End all forms of discrimination against all women and girls everywhere.</p> <p>5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.</p> <p>5.A Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.</p> <p>5.C Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.</p> |
| SDG 6: Clean Water and Sanitation | <p>By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes.</p> |
| SDG 8: Decent Work and Economic Growth | <p>8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.</p> <p>8.6 By 2020, substantially reduce the proportion of youth not in employment, education or training.</p> <p>8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.</p> <p>8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular, women migrants, and those in precarious employment.</p> |
| SDG 10: Reduced Inequality | <p>10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.</p> <p>10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.</p> <p>10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies. In India, to my knowledge, more than 90 percent of workers in some coastal provinces are originating from the hinterland. Policymakers and leaders need to recognize the issue of migration in fisheries.</p> |

| | |
|--|---|
| SDG 12: Responsible Consumption and Production | <p>12.2 By 2030, achieve the sustainable management and efficient use of natural resources.</p> <p>12.3 By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses.</p> <p>12.C Rationalize inefficient fossil-fuel subsidies that encourage wasteful consumption, by removing market distortions, in accordance with national circumstances, including by restructuring taxation and phasing out those harmful subsidies - where they exist - to reflect their environmental impacts, taking fully into account the specific needs and conditions of developing countries and minimizing the possible adverse impacts on their development in a manner that protects the poor and the affected communities.</p> |
| SDG 14: Life below Water | <p>14.B Provide access for small-scale artisanal fishers to marine resources and markets.</p> <p>Indicator: Progress by countries in the degree of application of a legal/regulatory/policy/institutional framework, which recognizes and protects access rights for small-scale fisheries.</p> |
| SDG 15: Life on Land. | <p>15.4 By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for sustainable development.</p> |
| SDG 16: Peace, Justice and Strong Institutions. | <p>16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.</p> <p>16.5 Substantially reduce corruption and bribery in all their forms.</p> <p>16.6 Develop effective, accountable and transparent institutions at all levels.</p> <p>16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels.</p> |

UserRights 2018 also presented a variety of geographic contexts. These ranged from mountains to coastlines, from internal waters to territorial waters to the EEZ, and from small-scale artisanal fisheries (significant emphasis!) to industrial fisheries. Meanwhile, there was an analysis of developing countries, including SIDS, to six OECD countries, and from fisheries recovering from the civil war to fisheries impacted by civil war.

We face multiple questions that are raised about tenure rights among fishers and fish processors, and among men and women. The drivers for tenure reforms come from both internal and external pressures: markets (e.g. EU), environmental organizations and FAO projects; funding support from the World Bank; pressure from tourism, real estate, industrial fishing, joint ventures, access agreements, and so forth.

Tenure Rights and the SDGs

i) Indigenous/Customary/Collective Tenure Rights and SDGs

Indigenous tenure rights are disputed, as we can see in Argentina, in the Garífuna, and in Central America. Customary marine tenure rights are sometimes unable to deal with pressure from external markets (e.g. Lamakera, Indonesia), but can promote SDGs 1, 2, 5 and 14.b (e.g. Aceh, Indonesia). Customary and collective tenure rights have partially contributed to achieving SDG 1 and 2 (e.g. Selayar, Indonesia, Tonle Sap, Cambodia).

ii) Open Access Fisheries and SDGs

Overfishing can undermine some of the SDGs. Overfishing and its associated pressures cause a reduced availability of fish, which makes it difficult to achieve SDGs 1, 2 and 15 (e.g. Lake Tanganyika). Collective tenure rights to deal with pressures from other sectors, such as tourism and real estate, could potentially contribute to SDGs 1, 2 and 15.

iii) Limited Access Fisheries and SDGs

Marine tenure for industrial fishing inclusive of labour standards (e.g. Sierra Leone) potentially contributes to SDG 8. Marine tenure rights are separate for small-scale artisanal fishing (co-management associations) and joint venture industrial fishing. However, if SSF fishing zones are not respected, this will hinder progress towards SDG 1. Tenure rights on land, as compensation to alleviate pressure on fishing grounds (e.g. China), advances SDG target 1.3, which is to implement nationally appropriate social protection systems and measures for all. This will also lead to SDG 10.4 that targets social protection policies to achieve greater equality progressively. As the study of Belize demonstrates, effective marine tenure leads

to conservation and sustainable use of nearshore marine resources (SDG1, 2, 10 and 14). Effective marine tenure leads to better income for fishers, too, as case studies in Alaska and Korea show (SDG 1, 2, 14).

iv) Output Control and SDGs

Output control leads to better planning in fisheries, illustrated by the examples of industrial fisheries in the United States, Angola and demersal fisheries in Sweden. Chilean jack mackerel and anchovy fisheries in Chile and Peru have created employment in the processing industry in rural areas, and there is reported improvement in labour conditions in fishing in Uruguay (SDGs 1, 2 and 8). There is the employment of women in the service industry related to fisheries (quality control, certification, etc.) (SDG 5), and less pressure on these fishery resources, creating longer fishing seasons (SDG 14).

v) Rights, Post-Harvest Sector and SDGs

There is frequent invisibility of women in the harvest and post-harvest activities, seen for example in Costa Rica, Colombia and Tunisia. The importance of women being organized to improve their access to resources and markets was highlighted (e.g. INFOPESCA project in Tunisia to help women improve their tenure rights and access to market, and the successful organization of women in Costa Rica). This feeds into SDG 5.

Women need to be organized in fisheries in order to improve their access to resources and markets. Community rights in Korea act as a barrier to entry into fishing and, additionally, there is an ageing population of male fishers moving into post-harvest activities and tourism. Traditional rules are now being relaxed in Korea; women can fish, and the State mediates in order to promote this (SDG 5).

vi) Tenure Rights and Competing Fishery Stakeholders

Access to traditional fishing grounds is being restored in small-scale fishing communities that have been displaced by armed conflict (e.g. Sri Lanka) (SDG 1, 2, 5, 14). Improved, harmonized tenure systems for shared stocks (Northwest Africa, Eastern Pacific) benefit SDG 14 in particular, whereas instability in a neighbouring country leads to disorderly migration of cheap labour into fishing (e.g. Lake Albert, Uganda, Congo), and this is not helping the SDGs. There exist issues with dual jurisdiction of customary law and western law (e.g. Fiji) over marine resources, too. We must think critically about what this implies for the SDGs.

vii) Social Aspects of Tenure and User Rights, and SDGs

Formalized fishing rights are acting as a hindrance to protecting larger community interests (e.g. Okinawa, Japan, on building an airport). What the implications of these for the SDGs? A lack of formalization of customary rights persists, leading to conflicts (e.g. Marshall Islands) and conservation-driven tenure reforms, as is the case in Indonesia. We must ask then, whether these contribute to SDGs 12 and 14? In addition, is this in conflict with SDGs 1 and 2? In Indonesia, traditional knowledge is being codified (SDG 14).

Conclusion

The SDGs provide an important normative framework to make tenure rights and user rights consistent with human rights principles and standards. Securing tenure and user rights through formalization might help to provide a stable legal and policy environment while maintaining greater coherence across tenure rights and SDGs would help ensure no one is left behind – this is the challenge for us to address! Finally, there is a need for more studies on tenure systems and practices, in order to identify the most optimal arrangements to balance the economic, social and environmental dimensions of sustainable development.

3.2 THE WAY FORWARD: NEXT STEPS FOR TENURE AND USER RIGHTS IN FISHERIES

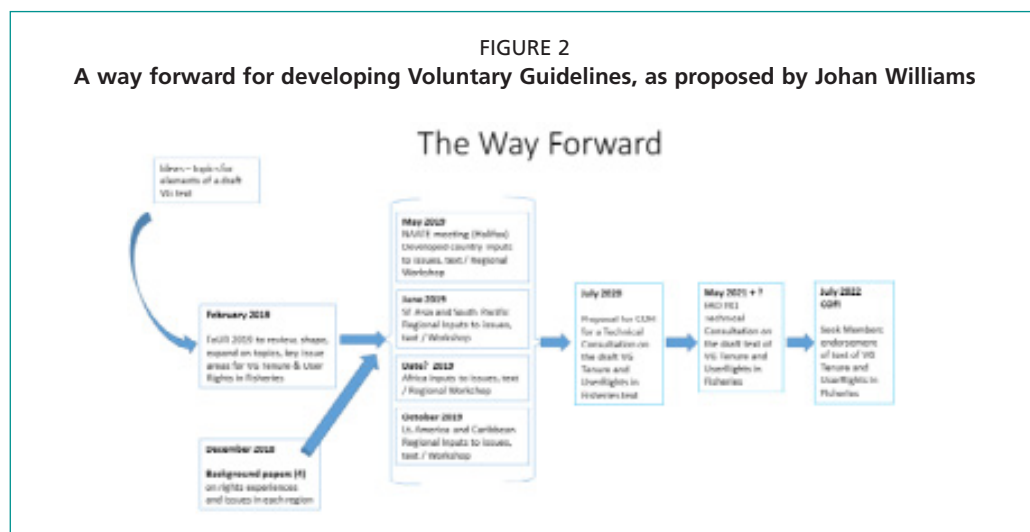
As participants gathered to propose and explore solutions for the way forward after UserRights 2018, Johan Williams delivered a presentation to introduce the panel discussion.

He explained what had come before UserRights 2018: “FishRights ’99”, “Sharing the fish ’06”, “Tenure and Fishing Rights 2015”, “Friends of UserRights 2015”, and “Entebber 2016: Advancing a global work programme for rights-based approaches in fisheries.” He then emphasized the stakes of acting on the reports of these events, arguing we need a conceptual turnaround since the consequences of meeting or failing to meet the SDGs, VGGT and call from COFI 2018 are most serious, relating to life and death. In particular, he underlined his own target of a negotiated FAO Voluntary Guideline addressing and advising on rights allocation under shifting circumstances. He underlined the need for regional specificities (since we have already operated under a global viewpoint) and proposed regional workshops to fulfil this need.

The “work-plan idea from 2018–2020” advanced by Mr Williams involved firstly arranging various activities on the ground, to develop appropriate rights-based fisheries management systems and to develop the Voluntary Guidelines on Tenure and User Rights in Fisheries (Figure 1). This included three regional workshops in 2019, to gather key issues and draft texts for the Committee on Fisheries (COFI 34) in 2020. If COFI 34 approves, there would be a technical consultation with member states to negotiate the text of such voluntary guidelines. Ultimately, once the text of guidelines is negotiated and approved, it would be presented to COFI 35 for consideration and endorsement by 2022.

After the presentation, the panel – comprised of Sang-go Lee, Paul McGilivray, Amadou Tall, Yuttana Theparoonrat, Herman Kumara, Graciela Pereira Rodriguez, Hugh Govan, Claudio Baigun, and Johan Williams – was invited to discuss the issues at hand and to advance thoughts and proposals for what the key issues are and how they should be navigated.

The ensuing discussion provoked requests for local work on the ground to develop rights-based fisheries management systems. Participants agreed, broadly, to develop practical guidance on the options and opportunities for fisheries stakeholders to consider when advancing fisheries user rights and tenure. It was recommended that FAO develop a timeline for the way forward, too, in order to gather regional inputs for such guidance and to take advantage of relevant key regional celebrations and dates.



Source: FAO.

4. Closing remarks

After the panel discussion, closing remarks were delivered by Ms Rebecca Metzner, Head of Policy, Economics, and Institutions Branch in Fisheries and Aquaculture (FIAP), FAO. Ms Metzner thanked the Yeosu Convention Centre team, the Conference Organizing Team led by Ms Cindy Seda and Ms Kyeong Min Yeom, and the interpretation team. She also expressed gratitude to Major Kwon Oh-Bong of Yeosu and Governor Kim Young Rok; FAO's co-organizer, the Ministry of Oceans and Fisheries; Cho Seung Hwan and Li-Wang Cho of the Yeosu office of the Ministry of Oceans and Fisheries; and to Yeosu-based Yun Jong Ho.

Mr Jong Ho Yoon, Director General of the Korean Ministry of Oceans and Fisheries also delivered a speech.

Annex 1. Program

| Sunday, 9 September 2018 | |
|---------------------------|---|
| 15.00–17.00 | Registration (Yeosu Expo Convention Center) |
| 17.00–19.00 | Welcome Reception (Yeosu Expo Convention Center) |
| Monday, 10 September 2018 | |
| 8.00–9.00 | Registration (Yeosu Expo Convention Center) |
| 9.00–10.00 | Official opening Welcoming Remarks |
| 10.00–10.20 | Setting the scene Transition from Open Access to Limited Access in Fisheries |
| 10.20–10.40 | Ragnar Árnason Setting the scene Forms of Tenure and User Rights in Fisheries |
| 10.40–11.00 | Eric Ross, Hugh Govan Coffee |
| 11.00–11.20 | Setting the scene Limited Access in Fisheries as Last Resort |
| 11.20–11.40 | Johan H. Williams Setting the scene Legal Considerations for Tenure and User Rights in Fisheries |
| 11.40–12.00 | Adam Soliman Setting the scene Relevant SDGs for Fisheries and User Rights |
| 12.00–14.00 | Editrudith Lukanga, Jesu Rethinam Lunch |
| 14.00–15.40 | Concurrent Session I History and experiences with customary tenure rights and indigenous people’s tenure rights in fisheries |
| 15.40–16.00 | Coffee |
| 16.00–17.40 | Concurrent Session II History and experiences with open access fisheries |
| 17.40–18.00 | Close of day |
| 18.00–20.00 | Dinner (Yeosu Expo Convention Center) |

| Tuesday, 11 September 2018 | |
|------------------------------|---|
| 9.00–10.00 | Panels: Summaries and discussion of previous sessions I. Customary tenure rights and indigenous people's tenure rights in fisheries II. Open access fisheries |
| 10.00–10.20 | Coffee |
| 10.20–12.00 | Concurrent Session III History and experiences with limited access fisheries: input control (licences, IEs, TURFs) |
| 12.00–14.00 | Lunch |
| 14.00–15.40 | Concurrent Session IV History and experiences with limited access fisheries: output control (TACs, IQs, CDQs, Catch Shares, QMS) |
| 15.40–16.00 | Coffee |
| 16.00–17.40 | Concurrent Session V History and experiences with tenure rights and the post-harvest sector |
| 17.40–18.00 | Close of day |
| Wednesday, 12 September 2018 | |
| 8.30–10.00 | Panels: Summaries and discussion of previous sessions III. Input control in fisheries IV. Output control in fisheries V. Tenure rights and the post-harvest sector |
| 10.00–10.20 | Coffee |
| 10.20–12.00 | Concurrent Session VI History and experiences with tenure rights and competing fishing stakeholders (migratory fishing, industrial and SSF, national, regional, international issues) |
| 12.00–14.00 | Lunch |
| 14.00–15.40 | Concurrent Session VII History and experiences with multiple uses in coastal zone management and rights (aquaculture, MPAs, tourism, etc.) |
| 15.40–16.00 | Coffee |
| 16.00–17.40 | Concurrent Session VIII Social aspects of tenure and user rights in fisheries (human rights, right to food, gender, indigenous people, youth) |
| 17.40–18.00 | Close of day |
| Thursday, 13 September 2018 | |
| 8.30–10.00 | Panels: Summaries and discussion of previous sessions VI. Competing stakeholders VII. Multiple uses in coastal zones VIII. Social aspects of tenure and user rights |
| 10.00–10.20 | Coffee |
| 10.20–11.00 | Republic of Korea Experiences with tenure and user rights in fisheries Il-Hwan Cho |
| 11.00–11.20 | Briefing for Field Trip |
| 11.20–18.00 | Field Trip (Departure from Conference Center) (Lunch provided) |
| 18.00–20.00 | Dinner (Yeosu Expo Convention Center) |

| Friday, 14 September 2018 | |
|---------------------------|---|
| 8.30–10.20 | Keynotes for achieving the SDGs: Highlights from the concurrent sessions Sebastian Mathew Discussion with session summarizers |
| 10.20–10.40 | Coffee |
| 10.40–12.30 | The Way Forward Tenure and User Rights in fisheries: Next steps Panel discussion |
| 12.30–13.00 | Closing Ceremony |
| 13.00–14.30 | Field Trip Lunch |

Annex 2. Opening addresses

2.1 OPENING ADDRESS

My name is Jongjin Kim and on behalf of the Director-General of the FAO, Dr Graziano da Silva, I would like to welcome you to the beautiful city of Yeosu, Province of Jeollanam, for the opening of this important and timely global conference “Tenure and User Rights in Fisheries 2018: Achieving Sustainable Development Goals by 2030.” I hope that the interesting video and harmonious music we have just heard will inspire us - today, and during the rest of the busy week ahead.

We have over 180 registered participants to UserRights 2018, coming from a wide range of institutions and bringing a diversity of perspectives to our discussions. We have government officials; fishers from indigenous and traditional communities, industrial and small-scale fisheries, fisheries-related stakeholders; nongovernment organizations (NGOs), civil society organizations (CSOs), international governmental organizations (IGOs); and academics from around the world. This diversity, I believe, will be our strength.

As you well know, fish provides millions of people around the globe with food security, nutrition and livelihood opportunities, but many people in fishing communities throughout the world suffer from insecure tenure and access to the resources on which they depend. The issues associated with insecure tenure specifically include food and livelihood insecurity; increased conflicts amongst stakeholders; reduced nutrition, as well as the fundamental economic and biological problems of overcapitalization and overfishing.

To further address the multi-faceted issues that our fisheries stakeholders face, FAO has supported them around the world by developing two sets of important voluntary guidelines: i) the Committee on Food Security (CFS) Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (known as the VGGT) and ii) the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (known as the SSF Guidelines). Both Guidelines recognise that responsible governance of tenure is central to the protection of human rights, food security, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development.

More specifically, the VGGT seek to improve the governance of tenure of land, fisheries and forests for the benefit of all, with an emphasis on vulnerable and marginalised people. Similarly, the SSF Guidelines called for States to ensure that small-scale fishers, fish workers and their communities have secure, equitable, and socially and culturally appropriate tenure rights to fisheries resources, small-scale fishing areas and adjacent land, with special attention paid to women with respect to tenure rights. Thus, it seems logical that advancing knowledge on the use of many different types of rights-based approaches in marine and inland fisheries should provide us with a better understanding of this part of the solution towards socially, economically and biologically sustainable fisheries.

But our work goes beyond the imperative sustainability of global fisheries. We need to make use of our shared understanding about tenure and user rights to contribute effectively to achieving the SDGs, so that we end hunger, reduce poverty and sustainably manage natural resources at the same time. The fisheries sector has a

role, and we need to be able to measure the contribution and progress made by inland and small-scale fisheries in addition to what industrial fisheries do.

Ladies and Gentlemen, there are at many important questions before us, and I would like to put forward seven of them for your consideration:

1. Can tenure and user rights support the poor and the vulnerable by securing equal rights and economic resources? (SDG 1, No poverty)
2. Will tenure and user rights help to ensure that fisheries provide millions of people around the globe with food and nutrition security, and livelihood opportunities? (SDG 2, Zero hunger)
3. What are the so-called appropriate tenure and rights that will help to ensure equal access to fisheries for women and men? (SDG 5, Gender equality)
4. How can we be sure that appropriate tenure and user rights will help to reduce inequalities and strengthen the social, economic and political inclusion of all? (SDG 10, Reduce inequalities)
5. What are the different ways in which tenure and user rights can help to achieve sustainable management and efficient use of natural resources? (SDG 12, Responsible consumption and production)
6. What are appropriate and successful forms of tenure and user rights to balance the conservation and sustainable use of fisheries resources? (SDG 14, Life Below Water)
7. How can tenure and user rights ensure that small-scale artisanal fisheries stakeholders have access to resources and markets? (SDG 14.b)

In addition to these questions, I wish to reflect upon the part of the journey that has brought us here to Yeosu today.

In 2011, FAO and Korea held a Workshop on the Governance of Tenure in Fisheries and Aquaculture, to help bring fisheries issues into the development of the Voluntary Guidelines on the Governance of Tenure. In 2015, FAO and the Kingdom of Cambodia co-organised the conference, “Tenure and Fishing Rights 2015: A global forum on rights-based approaches for fisheries.” In 2016, the Lake Victoria Fisheries Organization hosted “Entebbe 2016: Advancing a global work programme for rights-based approaches for fisheries.” A few months later, the 32nd Session of the FAO Committee on Fisheries commended FAO for the global UserRights 2015 forum and welcomed the initiative of FAO on the complex topic of rights-based approaches for fisheries (para. 117). COFI also underlined that FAO should serve as the neutral platform for advancing knowledge on rights-based approaches (para. 119), and this provided further impetus for organising this conference.

This brings us to today, to this conference and the week ahead of us. Your excellency, colleagues, ladies and gentlemen, the design of this conference has been based on the fact that there is no ‘one-size-fits-all’ form of tenure or rights-based approach. It recognises that rights frameworks need to be adapted to local contexts and developed using inclusive, consultative and co-management approaches. The eight concurrent session topics are intended to show the diversity of rights and systems described by 75 case studies from more than 40 countries around the world.

In addition, the use of the questionnaire and case study template means that there will be opportunities to compare and understand the similarities and differences of the many case studies, both now and in the future. The cases presented here will provide the foundation, the database – requested by the FAO Committee on Fisheries – of existing rights-based management systems (para. 123) that will be available to all for ongoing work in this area. As a result, I expect that there will be a lively and constructive dialogue not only during this week but also in the coming months and years.

We need to share and address the valid concerns of allocation, marginalization, transferability, manipulation, concentration, and loss of livelihoods; particularly when governance is weak or ineffective and when overcapacity exists, if we are going to

ensure more sustainable fisheries provide food, nutrition and livelihoods for the future and do not leave anyone behind.

As I look forward to the outcomes of this conference, I would like to thank the Korean Ministry of Oceans and Fisheries for co-organising UserRights 2018, and for supporting our global fight against hunger, malnutrition and poverty. I also offer many thanks to Jeollanam Province and the city of Yeosu for sharing their fascinating culture and warm, generous hospitality.

And, to one and all, I thank you for coming to this conference and urge you to put your hearts and your minds to work for our current and future generations. The issues before you this week are a vital piece of our work to achieve the SDGs, and I expect this to be a productive and fruitful week of experience and knowledge sharing. In particular, I look forward to learning of the next steps – the way forward -- for advancing knowledge on tenure and rights-based approaches, and I wish you the best in your endeavors.

Mr Jongjin Kim (*speaking on behalf of the Director-General of the FAO*)
Deputy Regional Representative
Office of the Assistant Director-General and Regional Representative of the FAO
Rome, Italy

2.2 CONGRATULATORY ADDRESS

Thank you for the kind introduction. Distinguished guests, ladies and gentlemen,

First and foremost, I would like to extend my warm welcome and appreciation to the distinguished delegates from FAO Members, international organizations, non-governmental organizations and academia for taking the time to participate in the Tenure and User Rights in Fisheries 2018 here in Yeosu, Korea. It would be remiss of me not to express my special gratitude to Mr Jong-jin Kim, the Deputy Regional Representative to FAO Regional Office for Asia and the Pacific, and Ms Rebecca Metzner and her team at the FAO Fisheries and Aquaculture Department, for your dedicated efforts leading up to the Conference.

In September 2015, the UN adopted 17 Sustainable Development Goals to eradicate poverty in all of its forms everywhere and realize sustainable development. Of the Goals, the 14th falls on “Life below water: conserve and sustainably use the oceans, seas and marine resources for sustainable development” to emphasize the importance of oceans and marine resources. Also, the UN arranged the “Call for Action” at the Ocean Conference, which was adopted as a resolution at the General Assembly in July 2018. From today, we are here at the FAO User Rights Conference 2018 to have a constructive and in-depth discussion to accomplish Goal 14, especially 14.b. to “provide access of small-scale artisanal fishers to marine resources and markets.” We are proudly taking a step by step approach to realize the SDGs by adopting and implementing Blue Growth Initiative and Code of Conduct for Responsible Fisheries under the FAO.

According to the OECD-FAO Agriculture Outlook Report for 2017-2026, the volume of global fishery production, consumption and trade will constantly increase for the next decade. Production will reach 190 million tons in 2026, 15.2 percent up from the average of 2014 to 2016 with aquaculture outstripping capture fishery in production from 2021. Also, per capita fishery consumption will rise up to 21.6kg in 2026, a remarkable growth from 9.9kg in the 1960s. The outlook of fishery trade volume provides an annual growth of 1.5 percent to occupy 26 percent of all production. However, aforementioned development in fisheries has walked through both sunshine and shadow. While satisfyingly contributing to global food security and economic development in developing countries, it notoriously raised a number of problems including fishery resources depletion, Illegal, Unreported and Unregulated (IUU) fishing, human rights violation and labour exploitation, and traditional fishery collapse.

Our mandate, in this era of large-scale global industry and improved added value of fisheries, there shall be all-out efforts for sustainable fisheries to manage fishery resources, prevent IUU fishing and promote small-scale fishery & its protection. In addition, a more efficient and practical policy is required to protect fishermen’s rights, create decent jobs and provide a fair distribution system of profits. In this regard, this venue is very timely and meaningful to discuss valuable issues, including access limit to user rights in fisheries, conventional & indigenous rights, stakeholders of industrial fisheries, multi-purpose coastal management & user rights and its relevant social issues.

It is my sincere hope that progressive participation and constructive discussion on those issues are extended by the participants, to record this Conference as a provider of a new direction for user rights and to contribute, itself, to SDGs achievement. Wrapping up my speech, I would like to recommend you experience various fishery products and food in Yeosu, the center of fishery production. I also wish you many fond memories in this beautiful marine city.

Thank you.

Mr Yang Dong-Yeob
Director-General
Ministry of Ocean and Fisheries
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Annex 3. Closing remarks

Good afternoon!

When one is listening to the closing of a conference, one frequently hears the end of a story — not today. Today, as I reflect on the week, I want this to be different. I want this conference to be another step along the journey our world is undertaking towards a world where – really, genuinely – no one is left behind.

Of course, this raises the question of “What are the next steps?” Well, FAO has some immediate tasks:

- The tenure team will be preparing a questionnaire so that you can tell us your feedback about this conference.
- At the same time, the team will be ensuring that we have your final presentations to put on our website.
- We will also be working to prepare and publish the Proceedings.
- And, to be sure that we keep busy, we will also be working to meet the request made by FAO Members in 2016 at the 32nd Session of the FAO Committee on Fisheries. At that meeting, “members recommended the creation of a database for existing rights-based management systems”. Your questionnaires and case studies are the foundation of this database – which we hope to be live either at the end of this year or at the beginning of 2019.
- We will also be simultaneously working on a bilateral basis to undertake, on a spot-by-spot basis activities.

But what else? Ladies and gentlemen, we have been reminded that the SDGs give us a strong normative framework to which we should align tenure and user rights. We have also heard from the final session panel, and I will try to distill a few of the key points that I heard from them about the way forward. As mentioned, FAO is not a funder. FAO needs a mandate to go and seek funds to undertake the great ideas proposed. What does this mean? It means we need a path that leads us to be able to do the many key things that have been proposed, including:

- **Regional meetings for each continent** to develop regionally meaningful guidance on tenure and user rights.
- Then, in 2020, it means we need to ask the FAO Committee on Fisheries (COFI) for support to develop **Voluntary Guidelines on Responsible Tenure and User Rights for Fisheries** for both marine and inland, capture and culture-based fisheries. A text that is global and yet, at the same time, includes regional nuances – such as ensuring the SDGs are the normative framework that is used, ensuring what is already in law is respected, and ensuring that on-the-ground options, tools, measures and stakeholders are clearly articulated to one and all.
- And then, in 2022, it means we need to **seek the endorsement of such Guidelines** because, if endorsed, we can create what we call an umbrella programme, and seek funding for doing the many things that have been suggested by participants and the panel.

Colleagues, friends, one and all – In short, there is much to do. However, I would be remiss if I did not mention our collective gratitude to:

- The team at this well-designed Yeosu Convention Center as well as the Conference Organizing Team led by Ms Cindy Seda and Ms Kyeong Min Yeom who have graciously kept us going to tea, coffee and lunches as well as handling microphones, presentations, etc., as well as

- Our most excellent interpretation team who have made our discussion easier
Please, a big hand for all of them.

I also want to thank Major Kwon Oh-Bong of friendly and fun Yeosu, as well as Governor Kim Young Rok.

And, of course, I must thank our co-organizer, the Ministry of Oceans and Fisheries. We could not have achieved the outcomes of this conference with MOF's operational and substantive support – before and during this conference. So, many thanks and much gratitude to Cho Seung Hwan and Li-Wang Cho of the Yeosu office of the Ministry of Oceans and Fisheries, and to Yun Jong Ho, based here in Yeosu.

Ladies and Gentlemen, as we go forward, let us be sure that we work from the global level to local levels, to maintain our fisheries – so that they provide us with both an identity and an income. Biologically sustainable and economically viable fisheries that are part of our healthy ecosystems are not enough. Our fisheries must also be socially sustainable. So, let us work together to make sure we shape - and are better able to develop - tenure and user rights, to end up with fishing rights that keep us fishing right.

My thanks to each and every one of you.

Ms Rebecca Metzner

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Global Conference on Tenure and User Rights in Fisheries 2018

Achieving Sustainable Development Goals by 2030

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Yeosu, Republic of Korea

Marine and inland fisheries provide millions of people around the globe with food security and livelihood opportunities. Advancing knowledge on how the world's marine and inland capture fisheries are accessed, used, and managed using various types of rights-based approaches (RBAs) is a crucial step towards achieving the Sustainable Development Goals (SDGs) and attaining food and nutrition security and livelihood benefits. The Global Conference on Tenure and User Rights in Fisheries 2018 created a neutral platform for a wide variety of participants, including government officials; fishers from industrial, small-scale and indigenous/traditional communities; fisheries-related stakeholders; nongovernment organizations (NGOs); civil society organizations (CSOs); intergovernmental organizations (IGOs); and academics from around the world. Sharing perceptions and experiences, participants exchanged information and concrete examples through case studies on how tenure and RBAs can harmonize the concepts of responsible fisheries, social and economic development as well as ideas and concerns about the fair and equitable application of user rights in capture fisheries. UserRights 2018 was a unique event that brought together both technical expertise and practical case studies, with the objective of using this diverse knowledge to advance the SDGs.

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