

Policy brief

Removing obstacles to co-management of West African artisanal fisheries

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West Africa has pioneered several decades of artisanal fisheries management reform. Calls for stronger access rights and collaborative management between governments and artisanal fishers highlight that there are still major obstacles: a lack of high level political will, - reflected in low budgetary allocations- , for the implementation of artisanal fisheries policies; inadequate and poorly targeted support for fisher organizations; poorly defined and unfair roles and responsibilities of fishers in management compared to government and industrial fishing; lack of enforcement of industrial fishing and exclusive artisanal fishing zones; and inadequate defense of human rights and particularly the important role of women in artisanal fisheries.

Overview

Since time immemorial, the relationship between humans and the sea has enshrined fishing using more or less the same, small-scale, techniques until relatively recently. The emergence of industrial fishing using large and costly vessels capable of travelling long distances and extracting huge catches has been a game changer, but small-scale fishers still account for 40% of the global catch from marine and inland fisheries, a proportion that rises to 66% in Africa¹ and more than 80% in least developed countries.

¹ FAO, Duke University & WorldFish, "Illuminating Hidden Harvests – The contributions of small-scale fisheries to sustainable development", 2023, Rome. Available at: <https://www.fao.org/documents/card/en/c/cc4576en>

Small-scale fisheries employ more than 90% of the world's fishers and 492 million people depend, at least partially, on small-scale fisheries for their livelihoods and food and nutrition security. Despite these important contributions and being the major ocean users, small-scale fishers have been neglected by policy-makers and governments and it is only recently that they are beginning to receive the recognition they deserve.

Small-scale fishers are now receiving greater political commitment globally; such as through the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication² (SSF Guidelines) and the Sustainable Development Goals (SDG 14.b). These commitments are highlighted in Africa through the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa³ (AUC-NEPAD 2014).

Fishers themselves have called attention to their issues and actions needed such as through A Call to Action from Small-Scale Fishers⁴ (See Box below).

BOX 1: A CALL TO ACTION FROM ARTISANAL FISHERIES

1. Urgently secure preferential access and comanage 100% of coastal areas
2. Guarantee the participation of women and support their role in innovation
3. Protect SSF from competing blue economy sectors
4. Be transparent and accountable in fisheries management
5. Build resilient communities to face climate change and offer prospects to youth

1. Tenure rights and co-management are central to SSF

The international commitments, in particular the SSF Guidelines and the calls from fishers cover a range of human rights and guarantees of protection and good governance. Of these, two pillars of a well-managed small-scale fishery are:

- **Secure tenure rights** - to the resources that form the basis for their social and cultural well-being, their livelihoods, and their sustainable development.

² FAO, "Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication", 2015, Rome. Available at: <https://www.fao.org/documents/card/en/c/I4356EN>

³ AUC-NEPAD, "The Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa", 2014. Available at: <https://au.int/en/documents/20140910/policy-framework-and-reform-strategy-fisheries-and-aquaculture-africa>

⁴ "A Call to Action from artisanal fisheries", joint statement, 2022. Available at: <https://www.cffacape.org/ssf-call-to-action>

- **Participation in management** - empowering small-scale fishing communities, including both men and women, to participate in decision-making processes, and to assume responsibilities for sustainable use of fishery resources.

Tenure rights provide the basis for fishers to access the resources they depend on as well as to participate in the management of these resources and the need has long been recognised to protect the rights of small-scale fishers to preferential access to traditional fishing grounds and resources (art 6.18, FAO Code of Conduct for responsible fisheries 1995⁵). Participation in management may take the form of a partnership between government and local fishers as well as other groups that share responsibility for decision-making in the management of the fishery – this is called co-management.

On paper, national implementation of tenure rights provisions has advanced and seems to be increasing. The most recent and largest global study, Illuminating Hidden Harvests carried out by FAO, Duke University & WorldFish (IHH)⁶, found that preferential access areas for marine small-scale fisheries (where large-scale fisheries or certain types of gear are restricted) have become relatively common – 9 of 16 West African countries have designated such areas though they constitute a relatively small proportion of the continental shelf.

The same study finds SSF management rights are at least partially devolved in an increasingly large proportion of countries (75%) governing a third of all SSF catches. Formal co-management provisions were found for fisheries that produce around 40% of SSF catches, however, on the ground a high-level of fisher participation was estimated for only 12% of SSF catches in Africa, 15% in Asia and 19% in the Americas⁷.

2. From policy to implementation: emerging issues

The global findings are, at first sight, encouraging because of the progress in policy adoption. They also suggest, however, that there is still a big distance between the talk and the action – policy and implementation. Getting policy implementation right is key to SSF rights and co-management actually achieving important social and ecological outcomes, such as food security and nutrition, poverty alleviation, coastal eco-system conservation.

Two countries that may be considered pioneers in policy relating to SSF co-management illustrate the emerging challenges to co-management.

Senegal

Senegal has been developing a co-management approach for nearly two decades and has legislated for the involvement of fishing professional organisations, fishing communities and all other stakeholders. The government established the Artisanal

⁵ FAO, "Code of Conduct for Responsible Fisheries", 1995, Rome. Available at: <https://www.fao.org/fishery/en/publication/56346?lang=en>

⁶ FAO, Duke University & WorldFish, "Illuminating Hidden Harvests – The contributions of small-scale fisheries to sustainable development", *op. cit.*

⁷ BASURTO, Xavier, *et al.*, "Global patterns of management and governance of small-scale fisheries: contributions towards the implementation of the SSF Guidelines". In: FAO, Duke University & WorldFish. Illuminating Hidden Harvests: the contributions of small-scale fisheries to sustainable development, *op. cit.*, pp. 203-210.

Fishing Division⁸ which sets up and funds Local Artisanal Fishing Committees (CLPA) intended to consult and represent local fisher stakeholders in co-management⁹. An Advisory Committee for the Allocation of Industrial Fishing Licences was set up including two representatives of industrial shipowners and a representative of the artisanal fishing industry.

Ghana

The Fisheries Act (2002) establishes several provisions intended to support SSF such as an Inshore Exclusive Zone (IEZ) that excludes large semi-industrial vessel or industrial fishing vessels up to 6 nautical miles offshore or to the 30-meter isobath – with some specific exceptions. Community Based Fisheries Management Committees (CBFMCs), established in 1997 were intended as a consultative form of co-management but required substantially more support to achieve their potential¹⁰. The Government, recognising the challenges, proposed a new co-management policy in 2020 that relies on Small-scale Co-Management Committees¹¹.

A) LACK OF SUPPORT FOR APPROPRIATE FISHER CO-MANAGEMENT ORGANIZATIONS

In Senegal, the fisher organizations expected to be the main participants in co-management. However, the CLPAs are widely regarded as dysfunctional, not locally legitimate (partly because of their membership which is not representative?) nor functioning legitimately in terms of renewal of leadership or regularity of meetings. They often conflict with the traditional bodies of social regulation such as the GIE (groupement d'intérêt économique) which manage the lucrative fish landing sites, reflected sometimes in violent social conflicts¹² between the managers of the CLPAs and the fishers who have difficulty recognising these bodies as legitimate. What is not clear is whether the effects of top-down imposition of these organizations can be improved through reforms e.g. better integration with the GIE or the independent fisher organizations grouped under CONIPAS such as Paule Kadja Traore reported occurs at Kayar CLPA¹³.

In Ghana, there is chronic lack of institutional, administrative, and financial support to local co-management institutions. The current reliance on the CBFMCs continues to be undermined by the lack of clarity in their roles and jurisdiction (e.g. lack of constitutions) and guidelines, inadequate financial support or political will. This has

⁸ In French, "Division de pêche artisanale". See « Décret n° 2018-1292 portant organisation du Ministère de la Pêche et de l'Economie maritime (MPEM) », available in French at : <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC214253>

⁹ DIAS, Ana Carolina, et. al., "From vulnerability to viability: A situational analysis of small-scale fisheries in Asia and Africa", Marine Policy, Volume 155, 2023. Available at:

<https://www.sciencedirect.com/science/article/pii/S0308597X23002646?via%3Dihub>

¹⁰ ABANE, Henrietta, "Community based management of artisanal marine fish resources in the Western Region of Ghana: Issues, challenges and the way forward", Journal of Arts and Social Science, 3 (1), pp. 98-122. Available at: https://www.researchgate.net/profile/Henrietta-Abane/publication/343189376_Community_based_management_of_artisanal_marine_fish_resources_in_the_Western_Region_of_Ghana_Issues_challenges_and_the_way_forward_1/links/5f1aea9f45851515ef44f390/Community-based-management-of-artisanal-marine-fish-resources-in-the-Western-Region-of-Ghana-Issues-challenges-and-the-way-forward-1.pdf

¹¹ Ministry of Fisheries and Aquaculture Development, "Co-Management Policy for the Fisheries Sector", Government of Ghana, 2020. Available at: <https://mofad.gov.gh/wp-content/uploads/2023/11/Co-Management-Policy-for-the-Fisheries-Sector-14-01-2021-1.pdf>

¹² DIAS, Ana Carolina, et. al., "From vulnerability to viability: A situational analysis of small-scale fisheries in Asia and Africa", *op. cit.*

¹³ TRAORE, Paule K., "Artisanal Fishing Local Councils "CLPA": the fight to preserve the marine ecosystem", CFFA-CAPE news blog, 10 July 2023. Available at: <https://www.cffacape.org/news-blog/clpa-comanagement-preserve-marine-ecosystem-senegal>

severe implications for key functions and in particular, surveillance and enforcement, which should be based on participatory monitoring or surveillance.

Participatory surveillance has been touted in West Africa for at least several decades¹⁴ but it has not been legally defined in most countries and generally lacks logistical and financial support. This important contribution in the fight against Illegal, Unreported and Unregulated (IUU) fishing is being squandered as it requires fishers to be provided with equipment allowing them to directly inform the authorities of suspicious activities, reinforced by a clear definition of the roles and responsibilities of fishers and authorities¹⁵ as made clear by Gaoussou Gueye, President of the African Confederation of Artisanal Fishers (CAOPA).

B) EXCESSIVE IMPLEMENTATION BURDEN ON SMALL-SCALE FISHERS

When the implementation of management measures most adversely affects SSF, it is particularly unfair given that the main issue is overcapacity in the industrial sector. For example, 81% of artisanal fishers in Ghana live solely from fishing, and have nothing else to rely on during the fishing closed season. Government attempts to mitigate the impact of the closed season, by distributing 15,000 bags of rice and cooking oil, are a commendable response but would need to be carried out in advance of the closure and sufficient to cater for nearly 3 million people dependent on small-scale fisheries for their livelihoods¹⁶.

Excessive burdens can also be bureaucratic which is the situation caused by lack of guidance and support to implement the registration of artisanal fishing vessels or marking of fishing gear in Ghana. Small-scale fishers with little security from day to day, with already intense work schedules, may lack time, capacity, or money to deal with increasing administrative burden.

C) GOVERNMENT INABILITY TO CONTROL THE HUGE DAMAGING INDUSTRIAL SECTOR

Licensing is one of the main tools used to regulate the effort of the industrial fishers. But in Senegal licenses have been granted to industrial vessels for overexploited resources and for foreign vessels that compete directly with artisanal fisheries despite negative advices registered in the Allocation of Industrial Fishing Licenses committee. The Minister in charge of fisheries is meant to take into account the opinion of this advisory committee¹⁷, but ultimately, he has the last say.

Lack of enforcement action by government in Ghana where the illegal activities by licenced industrial fishing vessels within the IEZ (e.g. use of lights, incursions of trawlers) or the sale and transshipment to local canoes of trawler catches of small

¹⁴ NJOCK, Jean-Calvin, "PILOT PROJECT «COASTAL FISHERIES CO-MANAGEMENT IN CONGO, GABON, GUINEA AND MAURITANIA» - Terminal Report", Sustainable Fisheries Livelihoods Programme (SFLP), May 2007. Available at: <https://www.fao.org/3/ak194e/ak194e.pdf>

¹⁵ DIALLO, Mamadou A., "Small-scale fisheries: CAOPA advocates for the adoption of the order on the status of the supervisory actor", CAOPA website, 19 October 2022. Available at: <https://caopa.org/en/small-scale-fisheries-caopa-advocates-for-the-adoption-of-the-order-on-the-status-of-the-supervisory-actor/19/10/2022/news/4809/>

¹⁶ GOREZ, Béatrice, "Ghana artisanal fishers facing the perfect storm of climate change and IUU fishing", CFFA-CAPE news blog, 26 April 2022. Available at: <https://www.cffacape.org/news-blog/ghana-artisanal-fishers-facing-the-perfect-storm-of-climate-change-and-iuu-fishing>

¹⁷ See « Décret n° 2016-1804 du 22 novembre 2016 portant application de la loi n° 2015-18 du 13 juillet 2015 portant code de la pêche maritime », available in French at : <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC163863>

pelagic fish are not adequately controlled¹⁸. And it is not always the industrial fisheries that urgently require government enforcement: in Senegal, CLPAs pass local bylaws and attempt to enforce these as well as national laws. In the case of the national ban on using monofilament nets for fishing, local fishers in Kayar paid a heavy price with more than 40 wounded and one death when trying to enforce the ban on what they regard as a destructive practice used by other fishers. The Government has so far not been able to enforce the ban or prevent such conflicts and their tragic consequences¹⁹.

D) LACK OF GOVERNMENT SUPPORT FOR PARTICIPATORY SURVEILLANCE

A common expectation is for fishers on the ground to be active in monitoring and reporting infringements of national as well as local fisheries rules. In Ghana, the lack of legal backing for such enforcement means it is impossible to implement because of the lack of administrative and financial support. In Senegal, despite first being proposed in 2012 the “surveillant pêcheur” has no legal status²⁰, and no clear guidance or financial support to date²¹. Issues reported include insufficient boats, fishers having to supply their own fuel, and the lack of reaction from the authorities when enforcement is needed²². This means that local fishermen trying to defend their local fishery sustainability do so at their own cost and considerable risk.

E) UNBALANCED PARTNERSHIP: DO FISHERS VOICES COUNT?

Fishers frequently report that their inputs in consultations and other processes are not taken into consideration, that there is a lack of commitment from government to enforce laws or ensure ongoing engagement with fishers. The lack of accountability of decisions to the scientific and SSF opinions expressed in licencing committees or the inability of SSF to have their concerns considered relating to the development of other “blue” economic activities in the area, such as for example oil and gas exploration adds to a breakdown in trust²³ between resource users and officials. Support for measures such as the closed fishing season in Ghana is reducing, and without more transparency and improved dialogue as well as tangible sustainable livelihood alternatives some think that fishers may turn against these measures²⁴.

F) ARE WOMEN CATCHING UP QUICKLY ENOUGH?

The unfair and inequitable situation of SSF in Africa has possibly the most profound impacts²⁵ on women who, despite their acknowledged vital role in production, processing, and governance, tend to be under-represented and have less access and

¹⁸ PHILIPPE, Joëlle, “The role of artisanal fishing “exclusive” zones in preferential access to resources”, CFFA-CAPE policy brief, 11 December 2023. Available at: <https://www.cffacape.org/publications-blog/preferential-access-ssf-artisanal-fishing-zone>

¹⁹ TRAORE, Paule K., “Artisanal Fishing Local Councils “CLPA”: the fight to preserve the marine ecosystem”, *op. cit.*

²⁰ DIALLO, Mamadou A., “Small-scale fisheries: CAOPA advocates for the adoption of the order on the status of the supervisory actor”, *op. cit.*

²¹ *Ibid.*

²² *Ibid.*

²³ YANKEE, Ambrose, “Examining how Ghana’s co-management policy could tackle IUU fishing in the artisanal fisheries sector”, Dissertation submitted to the World Maritime University in 2022. Available at: https://commons.wmu.se/cgi/viewcontent.cgi?article=3056&context=all_dissertations

²⁴ GOREZ, Béatrice, “Ghana artisanal fishers facing the perfect storm of climate change and IUU fishing”, *op. cit.*

²⁵ FAO, Duke University & WorldFish, “Illuminating Hidden Harvests – The contributions of small-scale fisheries to sustainable development”, *op. cit.*

more limited participation within the sector. The vital roles women play in Senegal include financing fishing trips, processing raw material, creating added value, mitigating post-harvest losses, and ensuring transport and supply of affordable animal protein to populations of Senegal and West Africa. Women face competition for the land they use²⁶ for their activities and even when rights may be formal, there can be threats if support is not provided to secure these rights in countries like Senegal²⁷, Guinea,²⁸ and the Gambia²⁹.

Women are increasingly gaining access to credit through associations and credit mutuals but are challenged even more than men by inadequate infrastructure, transport, limited value addition opportunities and consequent post-harvest losses. In view of this and their inadequate participation in fisheries management, the fact that collapsing fisheries will impact them across their many activities makes the situation even more inequitable.

3. Priorities for implementation of co-management

The examples presented above as well as the rapidly emerging global and African literature suggest the need to discuss priorities for consideration in improving and accelerating implementation of co-management in Africa.

First it is necessary to tease apart the concept of co-management which is often described as a partnership or collaboration³⁰ in which fishers participate in decision-making and management. Further categorizations of co-management³¹, for instance along an increasing gradient from low fisher participation to higher degrees of participation (e.g. instructive, consultative, cooperative, or delegated) tend to obscure the reality that different aspects of co-management may require different types of participation in a given fishery.

The components of fisheries management in which fishers may participate include the following³²:

1. Policy development: direction-setting, planning, and policy development;
2. Rules and harvest management;
3. Compliance and enforcement;

²⁶ GOREZ, Beatrice, "The smoke and mirrors of Blue economy bonanza make African women fish processors choke", CFFA-CAPE policy brief, 4 March 2021. Available at: <https://www.cffacape.org/publications-blog/the-smoke-and-mirrors-of-blue-economy-bonanza-make-african-women-fish-processors-choke>

²⁷ TRAORE, Paule K., "Fight against the installation of a steel plant in Bargny: Women fish processors change their strategy", CFFA-CAPE news blog, 2 March 2021. Available at: <https://www.cffacape.org/news-blog/fight-against-the-installation-of-a-metallurgical-plant-in-bargny-women-fish-processors-change-their-strategy>

²⁸ PHILIPPE, Joëlle, "Conakry: fishing community to be evicted due to a Government lease of land to Hotel Noom", CFFA-CAPE news blog, 1 December 2019. Available at: <https://www.cffacape.org/news-blog/conakry-fishing-community-to-be-evicted-due-to-the-enlargement-of-hotel-nooms-parking>

²⁹ GOREZ, Beatrice, "Looming clouds in the Gambian coastal skies", CFFA-CAPE news blog, 7 December 2021. Available at: <https://www.cffacape.org/news-blog/looming-clouds>

³⁰ FAO, Duke University & WorldFish, "Illuminating Hidden Harvests – The contributions of small-scale fisheries to sustainable development", op. cit.

³¹ SEN, Sevaly, NIELSEN, Jesper R., "Fisheries co-management: a comparative analysis", *Marine Policy*, Volume 20, Issue 5, 1996, pp. 405-418. Available at: <https://www.sciencedirect.com/science/article/abs/pii/0308597X96000280?via%3Dihub>

³² PULEY, Melinda, CHARLES, Anthony, "Dissecting co-management: Fisher participation across management components and implications for governance", *Fish and Fisheries*, Volume 23, Issue 3, May 2022, pp. 719-732. Available at: <https://onlinelibrary.wiley.com/doi/10.1111/faf.12645>

4. Ecosystem stewardship, conservation, and rehabilitation;
5. Research; and
6. Organizational management and development, and conflict management

These components of management may each incur different costs and benefits for each stakeholder and fishers may wish more or less participation in each just as there may be good reason for the state to take more of a role or not.

It is usually assumed that the benefits for SSF (e.g. power over decisions or more secure or improved harvests) of participating should outweigh the costs (e.g. maintaining organizations, time in meetings). But the outcomes of participating incurs other costs as well such as the effects of the closed season in Ghana the timing of which was considered not to take into account the impact on artisanal fishers of the loss of economic activity in that particular month³³. Though there may be benefits in the long term it is unlikely that SSF will be able to sustain the costs in the short term. The roles that SSF and government play in mitigating these costs needs to be clarified.

A) QUALITY OF PARTICIPATION IN CO-MANAGEMENT

Despite the role of co-management as a feature of equitable and well governed SSF and calls for its adoption³⁴ to achieve positive ecological and social outcomes a more nuanced approach is needed. **Co-management does not protect the SSF from several challenges, particularly whenever risks exist that the co-management mechanisms are easily dominated by the industrial sector or other non-SSF actors.**

It is particularly necessary to **examine the quality of participation in co-management that might ensure whether fisher participation is meaningful** and they are likely to be adequately represented in policy development, rule setting and enforcement. But participation is a broad term and it seems to mean different things to fishers and government.

A useful way of describing types of participation is represented as a ladder³⁵ of increasing involvement and interaction by fishers, an example of this is as follows:

- a) **Informed:** a one-way flow of information to Fishers from government
- b) **Provide information:** Fishers provide information to government or it is extracted through research or survey
- c) **Consultation / discussion:** Bonnie McCay³⁶ very presciently distinguished in 1993 between:
 - **Token consultation:** Fishers and government engage in two-way discussion or exchange but there is no intention of government to take the information provided by fishers into account - this is actually level b above.
 - **"Genuine" consultation:** Fishers and government engage in two-way discussion or exchange with clear mechanism and accountability over how fishers' input will be considered.

³³ "Ghana's implementation of closed fishing season not sustainable – CaFGOAG", Myjoyonline.com, 2 August 2023. Available at: <https://www.myjoyonline.com/ghanas-implementation-of-closed-fishing-season-not-sustainable-cafgoag/>

³⁴ "A Call to Action from artisanal fisheries", *op. cit.*

³⁵ ARNSTEIN, Sherry R., "A Ladder Of Citizen Participation", *Journal of the American Institute of Planners*, 35:4, 1969, pp. 216-224. Available at: <https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F01944366908977225>

³⁶ See the "Management Regimes" – Remarks by Bonnie J. McCay prepared for the Meeting on Property Rights and the Performance of Natural Resource Systems, September 2-4, 1993, The Beijer Institute, Stockholm, Sweden. Available at: <https://drive.google.com/file/d/1T6BxcWR-lqpSuaVA50IEYFqVnJJqFVv/view>

- **Shared decision-making:** Fishers participate in decision-making and have demonstrated opportunity to influence or even be responsible for decisions. This may lead to shared implementation and fisher responsibility.
- **Fisher power:** Fishers act independently. Rarely seen but may occur in remote inland or island communities.

For effective co-management in SSF it is assumed that a high level of participation is required and, indeed, for some of the fisheries management components described above **it is more likely for fishers to comply or even enforce rules they were involved in deciding, this requires a shared decision-making level or participation.** However, governments may have a different concept of the adequate level of fisher participation, such as consultation. Consultation, particularly if carried out “tokenistically,” i.e., without any guarantees that fisher concerns will be addressed, is unlikely to be adequate for the rule setting or compliance components of co-management.

Fishers may gauge separately the level of participation they feel appropriate for each co-management component³⁷. For instance, while high levels of participation and shared decision-making may be vital for setting management rules, enforcement may need to consider whether fisher participation in implementation is feasible, or if it is likely to be too conflictive for local fishers, in which case government should take most of the responsibility. For other aspects of co-management and fisheries services like access to market information, fishers may consider it adequate to simply be informed.

Genuine or higher levels of participation require a shift in the power balance: more empowered fishers implies that government has conceded some power. The reluctance to do so by authorities may explain some of the inconsistencies in the co-management processes observed.

Too much participation can also be a problem – the “Paradox of public participation”³⁸. In some situations, often in the conservation sector, there is a tendency to include a wide variety of stakeholders but it has been found that the more stakeholders, the smaller the role each plays, and the lesser the importance of traditional sectors. This propensity combined with novel and alien planning techniques is a real concern particularly in activities such as Marine Spatial Planning.

B) TENURE AND HUMAN RIGHTS IN PRACTICE: EQUITY IN CO-MANAGEMENT

Globally, evidence is mounting that secure tenure³⁹ is a precondition to any fisheries governance system that aims to ensure a sustainable resource use⁴⁰ and the well-being of fishery dependent communities. The need for a foundation of secure tenure

³⁷ PULEY, Melinda, CHARLES, Anthony, “Dissecting co-management: Fisher participation across management components and implications for governance”, *op. cit.*

³⁸ SUAREZ DE VIVERO, Juan L., *et. al.*, “The paradox of public participation in fisheries governance. The rising number of actors and the devolution process”, *Marine Policy*, Volume 32, Issue 3, May 2008, pp. 319-325. Available at: <https://www.sciencedirect.com/science/article/abs/pii/S0308597X07000772?via%3Dihub>

³⁹ ONYANGO, Paul, LUOMBA, Joseph, “Report on the responsible governance of tenure in Lake Victoria fisheries”, ICSF, March 2017. Available at: <https://www.icsf.net/wp-content/uploads/2017/08/930.ICSF155.pdf>

⁴⁰ BASURTO, Xavier, *et al.*, “Global patterns of management and governance of small-scale fisheries: contributions towards the implementation of the SSF Guidelines”, *op. cit.*

and human rights as a precondition to effective and equitable co-management also emerges from this review.

Human rights-based approaches

Despite the existence of co-management mechanisms, fishers in Senegal and Ghana are concerned that they are insufficiently involved in decision-making, that they bear an unfair proportion of the burden of management, and that industrial fisheries gain unfair advantage which points to major concerns relating to equity. Ruano-Chamorro and colleagues (2023) warn “*when co-management costs fall on those who are most deprived, disparities can further harm the most vulnerable people, increasing poverty and deepening social inequalities.*”⁴¹ When these disparities are considered unfair, support for management may be undermined and lead to non-compliance and even social conflicts. Ifesinachi Okafor-Yarwood and colleagues have concluded that fisheries governance mechanisms in Africa unfairly constrain SSF while failing to contain the industrial fisheries sector advancing the “*Survival of the Richest’ – the industrial sector, to the detriment of the ‘Fittest’ – the SSF*”⁴².

Co-management systems risk becoming dominated by powerful interest groups including industrial fisheries, and thus SSF require broad human rights protections to prevent co-management being used (deliberately or unintentionally) to the detriment of human rights. For instance, claiming the participation of SSF in co-management may hide the reality that their position and needs were in fact ignored favouring those of more powerful and dominant stakeholders. This strongly supports arguments for a Human Rights Based Approach (HRBA)⁴³ whereby ensuring first the protection of the rights of SSF (e.g. access to fish and livelihood, equality, health, culture, healthy ecosystems⁴⁴) reduces the chances of inequitable outcomes of co-management for SSF. Though co-management is not considered an adequate approach to achieving SSF human rights (SSF are negotiating against sometimes considerable odds), in some cases it may be the only viable option (e.g. lack of political will for implementing human rights legislation). This suggests that a specific focus on equity is needed starting from first securing human rights as a legal basis and then investments in improving participation in decision-making, fostering conflict resolution mechanisms combined with an emphasis within and outside the sector on reducing poverty⁴⁵.

Tenure rights and access

Protection and recognition of the access rights of small-scale fisheries is specifically addressed by Sustainable Development Goal 14.b. Access rights are not the only rights that should be passed to SSF fishers from central authorities or governments, the rights to manage and exclude others are also important to devolve or decentralize. Globally, the IHH Study found that **when access conditions are associated with the**

⁴¹ RUANO-CHAMORRO, Cristina, et. al., “Disparities in the impacts of co-management on fishers’ livelihoods”, *Sustain Sci*, 30 June 2023, vol. 18, pp. 2723–2733. Available at: <https://link.springer.com/article/10.1007/s11625-023-01361-w>

⁴² OKAFOR-YARWOOD, Ifesinachi, et. al., “Survival of the Richest, not the Fittest: How attempts to improve governance impact African small-scale marine fisheries”, *Marine Policy*, Volume 135, 2022. Available at: <https://www.sciencedirect.com/science/article/pii/S0308597X21004589?via%3Dihub>

⁴³ GRAY, Tim, et. al., “Democracy and Human Rights in the Management of Small-Scale Fisheries in England”, *Sustainability*, 6 February 2023, Vol. 15, p. 2956. Available at: <https://www.mdpi.com/2071-1050/15/4/2956>

⁴⁴ CHARLES, Anthony, “Human Rights and Fishery Rights in Small-scale Fisheries Management”. In: POMEROY, Robert S., ANDREW, Neil, “Small-scale Fisheries Management – Frameworks and Approaches for the Developing World”, CAB International, 2011, pp. 59–73. Available at: http://smu-facweb.smu.ca/~charles/PDFS_2005/098.pdf

⁴⁵ RUANO-CHAMORRO, Cristina, et. al., “Disparities in the impacts of co-management on fishers’ livelihoods”, *op. cit.*

devolution of rights to fishers, it is more likely that fishers may develop governance in ways that benefit livelihoods and conservation of their fishing resources⁴⁶. By far the most common access strategy provided by governments for SSF was through licencing and yet devolved rights almost always are associated with access strategies based on place of residence or historical use. So, in fact, devolved rights are limited in formal small-scale fisheries laws and regulations, governing less than 5 percent of global SSF catch.

Nine of 16 West African countries have designated preferential access areas (PAAs) for SSF, however, it is not clear whether these are completely exclusive (e.g. the exemptions for certain industrial vessels in Ghana and their incursion in Senegal). A study of 33 African countries found enforcement of PAAs to be a key governance challenge and that industrial fleets spent 3–6% of their fishing time within inshore areas reserved for small-scale fisheries during 2012–2016⁴⁷. Depending on the country, up to 26.5% of apparent fishing effort occurred in PAAs (in 2019). The cases of Senegal and Ghana support the contention that the lack of adequate management of access is one of the biggest challenges for PAAs to achieve their potential.

Clearly, the lack of control of the most damaging fishing by industrial fishers, many of Asian origin, and their illegal competition with SSF needs to be urgently addressed. Enforcement should particularly focus on dealing with these industrial incursions while providing a backstop for SSF in case their efforts at self-regulation require it.

Effectively developing and combining management rights with the rights of access and in particular exclusion is key to fishers' empowerment to manage their fisheries, provided safeguards are in place to ensure fairness and equity.

The central and yet invisible role of women in SSF

Women's activities are often not considered in national statistics nor national policies and specific challenges, including cultural prohibitions, may prevent access to work opportunities for women to and limit their ability to control their future. As the fisher's Call to Action⁴⁸ well points out, women are challenged even more than men by inadequate infrastructure, transport, access to credit (including micro-credit), limited value addition opportunities and consequent post-harvest losses, weak access to fisheries resources and to raw material. More specifically to women, they experience harassment and thefts of products at point of sale or during transport, little participation at the low level of the national and regional fisheries and aquaculture professional associations as well as at the high levels of management decision-making.

Multi-level action and investment by governments, fisheries management bodies, NGOs and other actors needs to consider protection and promotion of women's SSF livelihoods in all the areas covered in this report and particularly⁴⁹:

⁴⁶ BASURTO, Xavier, et al., "Global patterns of management and governance of small-scale fisheries: contributions towards the implementation of the SSF Guidelines", *op. cit.*

⁴⁷ BELHABIB, Dyhia, et al., "Catching industrial fishing incursions into inshore waters of Africa from space", *Fish Fish.* 2020;21:379–392. Available at:

<https://www.imsehawaii.org/iuuf/ewExternalFiles/Catching%20industrial%20fishing%20incursions%20into%20inshore%20waters%20of%20Africa%20from%20space.pdf>

⁴⁸ "A Call to Action from artisanal fisheries", *op. cit.*

⁴⁹ OKAFOR-YARWOOD, Ifesinachi, et. al., "'Ocean Optimism' and Resilience: Learning From Women's Responses to Disruptions Caused by COVID-19 to Small-Scale Fisheries in the Gulf of Guinea", *Frontiers Marine Science*, 22 June 2022, Sec.

- Enhancing women’s institutional visibility, recognition, voice, and opportunities for sustainable fisheries participation including in the drafting national and regional policies.
- Supporting women’s cooperatives’ pivotal and innovative role in lobbying for and advancing women’s recognition, empowerment, and participation within SSF.
- Providing appropriate credit and micro-credit schemes for women in the SSF value chain.
- Ensuring disaggregated data collection to make visible the roles and responsibilities of women along the fisheries value chain
- Increase the number of women at the decision-making levels, for example in Non-State Actors platforms.

C) FISHER ORGANISATION

Far more attention is needed for the support of appropriate fisher organizations for specific tasks. Ishmael Kosamu in 2015 reviewed cases from 9 African and 4 Asian and American countries and found that the sustainability of small-scale fisheries only depended on the strength of collective social capital of the local communities⁵⁰. With weak local social capital, the fisheries were unsustainable regardless of the degree of government involvement.

Sustainable governance of small-scale fisheries has been strongly linked to well-functioning fisher organizations⁵¹, but how to build and support such organizations internally and through supportive policies is still not well understood.

Getting the creation and support for fisher organizations wrong can have negative impacts such as in the examples of CLPAs and CBFMCs above and the imposition of inappropriate approaches ultimately may risk undermining family life and cultural systems, and destroy the local social organization of production⁵². In addition, reliable financial support and institutional recognition at national and regional levels is needed for women’s cooperatives and other organizations as they are vulnerable to disruption that limits their capacities to champion women in SSF⁵³.

The creation of local institutions for co-management requires deeper consideration, experiences suggest that at one extreme, new externally imposed institutions, such as the CLPAs in Senegal, may be perceived locally illegitimate and may afford opportunities for capture by powerful players. But even if these institutions are ultimately accepted, they may lose legitimacy because they are inadequately resourced or insufficiently guided to perform as expected (see next section below). Tailoring support for local institutions for co-management needs to include the extent to which existing local and traditional institutions can be built and how legitimacy

Marine Conservation and Sustainability, Volume 9. Available at:

<https://www.frontiersin.org/articles/10.3389/fmars.2022.862780/full>

⁵⁰ KOSAMU, Ishmael B.M., "Conditions for sustainability of small-scale fisheries in developing countries", *Fisheries Research*, Volume 161, January 2015, pp. 265-373. Available at:

<https://www.sciencedirect.com/science/article/abs/pii/S0165783614002690?via%3Dihub>

⁵¹ ELSLER, Laura G., et. al., "Strong collective action enables valuable and sustainable fisheries for cooperatives", *Letter*, 4 October 2022, *Environmental Research Letters*, Volume 17, Number 10. Available at:

<https://iopscience.iop.org/article/10.1088/1748-9326/ac9423>

⁵² RUDDLE, Kenneth, DAVID, Anthony, "Human rights and neo-liberalism in small-scale fisheries: Conjoined priorities and processes", *Marine Policy*, Volume 39, May 2013, pp. 87-93. Available at:

<https://www.sciencedirect.com/science/article/abs/pii/S0308597X12002138?via%3Dihub>

⁵³ OKAFOR-YARWOOD, Ifesinachi, et. al., "'Ocean Optimism' and Resilience: Learning From Women's Responses to Disruptions Caused by COVID-19 to Small-Scale Fisheries in the Gulf of Guinea", *op. cit.*

and autonomy of function could be best be fostered. As Ishmael Kosamu puts it: “*the prime role for governments in small-scale fisheries in developing countries [...] seems to be as intelligently absent as possible, by way of respecting, protecting, and supporting local institutions*”⁵⁴.

D) NATIONAL POLITICAL WILL

It is apparent that at a national level in most countries, the fisheries sector, especially SSF, receives very little political attention. This is of grave concern because of the many ramifications across many other government responsibilities and priorities – national and local food security and nutrition, health, employment, poverty alleviation, and conservation. Sustainable SSF bring wide benefits and conversely, SSF collapse will have wide impacts. Greater political awareness of this at the highest level and across sectors will be necessary for governments to respond to calls from fisheries agencies for increased budgetary support and would also trigger more intense scrutiny of the progress in implementing SSF co-management.

E) FINANCES AND SOURCING

The recurring theme of insufficient or no funding for key co-management activities such as enforcement or the functioning of local co-management institutions underscores the call by SSF⁵⁵ for governments or donors to guarantee sufficient financial means in annual national budgets to support co-management systems.

Much donor assistance for SSF takes the form of projects, usually of relatively short duration, such as the case of Ghana with the CBFMCs. It appears self-evident: **projects can pilot a technique, provide infrastructure, or build capacity, but using such outcomes as a basis for fisheries management and enforcement depends on maintaining adequate financing for implementation.** This would normally be reflected in the appropriate recurring budgets and staff at local and national government levels. While such government commitments would be relatively easy to monitor, this is rarely done.

Fishers and other stakeholders concerned with the sustainability of SSF will need to ensure governments properly cost and make provision for the financial implications of the co-management declarations, policies and strategies adopted – without budgetary provision these cannot be considered credible. Much more sustained investment is needed across the board and particularly in processes of organization and participation for fishers and enforcement and protection of SSF (social security, mitigation of impacts of management measures and also against industrial fishing or other more powerful sectors).

A range of opportunities for increasing revenue for local or government co-management costs have been listed (e.g. MOFAD 2020: landing fees, local fines, fuel taxes, contributions from fisher associations, support from CSOs, private donations and development partners, national or local government sector generated revenue). Donors should be encouraged to consider budget support or other suitable mechanisms to support the relevant functions of government fisheries agencies.

⁵⁴ KOSAMU, Ishmael B.M., “Conditions for sustainability of small-scale fisheries in developing countries”, *op. cit.*

⁵⁵ “A Call to Action from artisanal fisheries”, *op. cit.*

Conclusion and recommendations

The calls of fishers, greatly aided by the SSF Guidelines and the emergence of regional and national policies, have raised the profile and importance of SSF co-management and fisher rights - now fishers and their supporters must go beyond broad calls and pay far more attention to detail in each national or even local context.

Each country and local situation requires that more flexible and locally appropriate solutions for implementation are developed. Governments and their partners should be encouraged to understand that “one-size fits all” often does not fit anyone and that what may seem to them to be bottom-up approaches appear, with good reason, to be top-down from the bottom looking up!

This should also be of concern to organizations primarily concerned with biodiversity conservation which have come to recognize the importance of working with coastal communities and SSF. These approaches in helping SSF achieve their sustainable livelihood aspirations through locally tailored governance arrangements seem to provide the best opportunities for achieving conservation that is equitable and fair in the highly biodiverse coastal regions of lesser developed and developing countries.

Despite the need to move towards developing specific solutions for the diverse contexts of SSF, some general recommendations for increasing support for implementation of SSF governance are as follows:

1. **Transparency and access to information are a key ingredient for fishers’ participation to fisheries management.** As SSF are neglected in official statistics, and particularly women, it is necessary for governments to improve gender sensitive data collection and dissemination of information of the sector, so that their importance and their contributions to food security, livelihoods, sustainable use of the ocean are more visible. It is also vitally important to make public all relevant information, including legislation, fishing authorisations, data on performance and the rationale for management regulations, to the minimum standards of the Fisheries Transparency Initiative (FiTI).
2. **Governments must make budgetary provisions to ensure the implementation of SSF policies** and particularly that the priorities are fully supported. This requires realization from donors of the inadequacy of project modalities and a reappraisal of sector budget support. A whole of government approach should be taken - success or failure will have impact across multiple sectors: national and local food security and nutrition, health, employment, poverty alleviation, gender equality and conservation. SSF policies should include realistic and detailed budget and resource implications incorporated into national and local budgets; governments and donors should be held to account in meeting them. Fisher organizations may need to advocate at higher levels and across other sectors not usually addressed.
3. **Increase tailored support for appropriate fisher organizations** ensuring that they are appropriate, legitimate, and sufficiently supported to be able to perform their expected functions. This support needs to be sensitive to the existing local institutions and socio-cultural contexts of legitimacy and functionality. Special consideration for the participation of women in these institutions and support for women’s organizations is needed. Other local supporting institutions, such as civil society organizations and decentralized

fisheries agencies need to be provided with clear roles and responsibilities and the capacity to exercise them. Fishers may need to take the lead in defining the sorts of organization they need and how to build them.

4. **Eliminate barriers to fishers' exercise of their rights and participation in fisheries management processes** defining the roles and responsibilities of the authorities and fishers in each aspect of management. Accelerate the development and enforcement of preferential or exclusive access areas for SSF as well as the mechanisms for participating in all aspects of fisheries management - ensuring that these be implemented and resourced. Legal recognition of human rights and fishers' rights to tenure requires streamlining and reduction of administrative burdens (such as licencing) for SSF ensuring that these systems function. Consultation mechanisms need to provide clear evidence of how fishers' inputs have been considered and if appropriate conflict resolution mechanisms cannot be found in fisher organizations they will need to be developed. Fishers should continue to drive and produce research and information regarding their needs, including for a reserved access to the coastal fishing areas⁵⁶.
5. **Prioritize and greatly increase enforcement of regulations on industrial fisheries.** The expected benefits of preferential access for SSF and trust in government will only be realized when industrial fisheries, by far the most impactful sector, is seen to receive the bulk of the enforcement burden. Governments should also ensure that SSF are fully supported and safeguarded to carry out participatory surveillance but that governments significantly take up the burden of regulating and enforcing the industrial sector.
6. **Greater attention to human rights, and equity** to ensure that vulnerable communities rights, and in particular women, are sufficiently defended. The human rights of SSF fishers to access, livelihoods, and health need to be framed as more important than the corporate interests of industrial fishing and treated accordingly where the two sectors interact. The benefit of broad-scale efforts to reduce poverty should not be forgotten in terms of reducing the pressure for unsustainable fisheries and the impact of industrial fishing on local communities. Particular attention must be paid to the extreme vulnerability of women both as a consequence of fisheries failure and their inadequate participation at the low level of the national and regional fisheries and aquaculture professional associations as well as at the high levels of management decision-making. Multi-level action and investment by governments, fisheries management bodies, NGOs and other actors needs to protect and promote women's SSF livelihoods and roles throughout the market chain. Fishers may have to continue raising these issues for the foreseeable future and at all levels.

Málaga, 1 February 2024

⁵⁶ PHILIPPE, Joëlle, "The role of artisanal fishing "exclusive" zones in preferential access to resources", *op. cit.*