

**East and Southern Africa Small-scale Fisheries Workshop (ESA-2008)  
24 to 27 June 2008**

**Zanzibar Statement  
on Rights-based Approach to Small-scale, Artisanal and Indigenous Fisheries**

***Preamble***

*We, 45 participants from Kenya, Malawi, Mozambique, South Africa, Tanzania, Uganda, and Zambia, representing small-scale, artisanal and indigenous fishing communities engaged in inland and marine fisheries; fishworker organizations and non-governmental organizations; researchers; activists; as well as some representatives of government institutions from the East and Southern African (ESA) region;*

*Having convened at a Workshop ‘Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management’, in Zanzibar from 24 to 27 June 2008, to develop a shared perspective on the rights-based approach to fisheries in the context of the FAO Global Conference on Small-scale Fisheries, Bangkok, from 13 to 17 October 2008;*

*Being concerned about the negative impacts of globalization such as threats arising from indiscriminate industrial shrimp-trawling and distant-water tuna-fishing, tourism development, and industrial aquaculture; safety of fishers and fishing operations in marine and inland waters; the creation of non-participatory and exclusive marine protected areas, inland and coastal pollution, discrimination against women and high incidence of HIV/AIDS in fishing communities; and lack of respect for customary land rights of fishing communities;*

*Being aware of responsible fishing practices and customary rights of coastal and inland fishing communities as well as local and traditional knowledge of fishers in the region;*

*Affirming that fishing is a way of life for coastal and inland fishing communities who are the custodians and responsible users of marine and inland fishery resources; and*

*Believing that dependence of fishing communities on fishery resources and associated and dependent ecosystems is shaped by the need to meet livelihood requirements and food security in the struggle to eradicate poverty, as well as the need to recognize cultural and spiritual values;*

*Hereby, adopt the following statement addressed to our governments and the FAO:*

**Rights of Fishing Communities**

1. The fishing communities should have the full enjoyment of the Universal Declaration of Human Rights and international human rights law. The indigenous fishing communities should have the full enjoyment of the UN Declaration on the Rights of Indigenous Peoples (2007).

2. The rights of fishing communities to safe drinking water, sanitation, health and HIV/AIDS prevention and treatment services, and education and training, should be recognized.

3. A rights-based approach to fisheries should recognize the customary rights, local knowledge, traditional systems and practices, and the rights to access marine and inland resources of small-scale, artisanal and indigenous fishing communities, as well as the right to land for homestead, fishery-related, and other livelihood-related activities. Furthermore, such an approach should enhance collective, community-based access and management regimes.

4. All the rights and freedoms that are agreed to as relevant for rights-based approach to fisheries, should apply equally to all men and women of fishing communities.

### **Fishing Rights**

5. The fishing rights should not be treated as a tradable commodity and they should be seen as an integral part of human rights. A rights-based approach to fisheries should not lead to the privatization of fisheries resources.

6. Efforts should be made to improve the safety of small-scale and artisanal fishing operations and to ensure safety of fishers in marine and inland waters. Labour rights and safe working and living conditions of fishers should be guaranteed by the ratification and implementation of the ILO Work in Fishing Convention, 2007, and by extending its relevant provisions to inland and shore-based fishers and fishing operations.

7. Mechanisms for the monitoring and review of the legislative framework for the effective implementation of this rights-based approach should be developed and implemented.

8. Financial and capacity-building support should be made available to recognized fishworker organizations, community-based, non-governmental organizations and research institutions to implement programmes to promote fishing communities' awareness of rights and to strengthen capacity to lobby and advocate for their rights.

9. Specific measures to address, strengthen and protect women's right to enable them to participate fully in the fishery should be developed. These measures should work towards the elimination of all forms of discrimination against women and should secure their safety against sexual abuse.

10. Conservation initiatives, including MPAs, coastal area management programmes, tourism interventions and industrial aquaculture should respect the rights of coastal communities to unhindered access to beaches, landing sites and fishing grounds.

### **Fisheries governance**

11. The management of inland and marine fishery resources should be devolved to the local level in the region. Programmes for devolution of fisheries management should be preceded, and accompanied, by capacity-building programmes for fishers' and fishing community organizations to enhance negotiating power as well as to build up capacity for responsible fisheries management.

12. The decisions affecting the access and use of land or water bodies currently enjoyed by, or of benefit to, fishing communities, should be made with the full and effective consultation and involvement of the fisher people and should proceed only with their full, prior and informed consent.

### **Conflict resolution**

13. Mechanisms should be developed to resolve and mitigate conflicts between industrial and small-scale, artisanal fishing, as well as between different fishing groups and interests. Particular attention should be given to mitigating conflicts between industrial bottom trawling and small-scale non-trawl fishing.

### **IUU and industrial fishing**

14. Effective and timely initiatives should be undertaken to combat the incidence of illegal, unreported, and unregulated (IUU) fishing in the lakes as well as in the South and East African exclusive economic zones, which impacts the viability of the small-scale fisheries.

### **Post-harvest issues**

15. Measures should be developed to provide access to infrastructure and access to credit to local processing, trade and marketing initiatives. In this context, greater emphasis should be placed on local, national and regional markets within Africa. Further, measures should be put in place to ensure that the benefits of value addition along the fish supply chain are enjoyed by local fishing communities and that vulnerability to middlemen, transporters and global trade processes is minimized.

### **Coastal and inland pollution**

16. Measures should be developed to address all forms of pollution that are degrading the marine and inland aquatic environment and thus progressively destroying the livelihoods of marine and inland fishing communities.

### **In conclusion**

17. For the effectiveness of a rights-based fisheries approach we recognize the indivisibility of: (i) fishery access and user rights, (ii) post-harvest rights and (iii) human rights, and we believe that the development of responsible and sustainable small-scale artisanal and indigenous fisheries is possible only if they are addressed in an integrated manner.

18. We call upon governments and FAO to ensure that the principles, mechanisms, and measures proposed in this Statement are recognized in the development of a rights-

based approach to small-scale, artisanal and indigenous, inland and marine fisheries in the ESA region.