**The Right to Food and Securing Sustainable Small-Scale Fisheries**

This input document is drawn from Greenpeace Southeast Asia campaign experiences and engagement with will small-scale fishers, fish workers and coastal communities in Indonesia, the Philippines, and Thailand.

1. **The main human rights challenges**

**Fish workers face** human rights violations taking place at sea contravening the International Labour Organization (ILO) Convention 188 guidelines. Exploitation persists where working contracts are solely oral, leading to an unfair distribution of wages[[1]](#footnote-1). Moreover, there's a lack of oversight off the coast, increasing the likelihood of fisheries-related or human rights crimes. For example, there have been reported cases[[2]](#footnote-2), such as fisher workers jumping incidents, indicating the elevated risk and prevalence of such violations due to inadequate oversight measures.

**Small scale fishers** have to confront with small island privatisation leading to the displacement of coastal communities, like in Pari[[3]](#footnote-3) or Rempang[[4]](#footnote-4) in Indonesia and Koh Lipe in Thailand[[5]](#footnote-5), stemming from the absence of formal documentation proving ownership by the small scale fishers. In regions like Davao Gulf, small-scale fishing communities battle multiple climate hazard like the intense northeast and southwest monsoon and more frequent and intense typhoons disrupting their livelihoods and causing floods that bring associated illnesses[[6]](#footnote-6). Small scale fishers in the small islands of Bohol have to contend with the aftermath of an earthquake, sea level rise and supertyphoons[[7]](#footnote-7). Climate change is a human rights case[[8]](#footnote-8) that affects small holder fisherfolks[[9]](#footnote-9) as evidenced and reported by the Commission of Human Rights of the Philippines in its National Inquiry on Climate Change Other human rights challenges like erosion in the Bay of Bangkok threatens homes of fishing communities[[10]](#footnote-10), and traditional Indonesian fishers grapple with heightened risks to unpredictable weather.

Government policies and programs also lead to human rights challenges. The Indigenous Lom people of Tuing hamlet are now confronting a zoning plan approved by the local government to permit mining activities in the waters off Tuing[[11]](#footnote-11). The Indonesian government issued a regulation allowing the export of sea sand which has been banned since 2003 that will accelerate the sinking of small islands around the mined area[[12]](#footnote-12)[[13]](#footnote-13). Small scale fishers and fish workers rights violations are potentially perpetrated by industries through formal mechanisms like judicial review in the constitutional court, seeking to abolish the Small Island Act that prohibits mining activities on small islands[[14]](#footnote-14) and the Indonesian Migrant Worker Protection Act[[15]](#footnote-15) that safeguards workers' rights through specific mechanisms.

**II. Good practices**

Thailand, the Philippines, and Indonesia have embraced co-management or integrated coastal management. Over 1,251 locally managed marine areas are identified, with potentially more yet to be revealed[[16]](#footnote-16). While indigenous communities have a legal pathway, non-adat local communities lack clear tenure rights amidst marine policies, affecting their livelihoods[[17]](#footnote-17). In Chana, Thailand, the governor expanded protection of 55,352 acres of community-led marine areas. The Philippines' marine regulatory framework supports locally managed areas[[18]](#footnote-18)[[19]](#footnote-19). The recent National Inquiry on Climate Change Report proposes measures to hold corporations accountable for climate-related human rights abuses and suggests redress mechanisms

**III. Inclusion of SSF**

In Indonesia, while 0-2 miles of marine area is prioritized for small-scale fishers and coastal communities, the provision isn't mandatory, resulting in competition for the area with the different industries including aquaculture industry[[20]](#footnote-20). Fisheries governance has been decentralised, in the Philippines introducing mandatory spatial zones exclusive to small-scale fishers[[21]](#footnote-21).

Following the objection of the Indonesian Job Creation Law in the Constitutional Court for lacking transparency, the new Lawmaking Act[[22]](#footnote-22) eased information and participation requirements, further hindering small-scale fishers' access to crucial information and involvement, especially concerning the development of marine spatial plans tailored to their needs. Engaging stakeholders, including fishers, conservation organisations, and other users, is crucial in both Fisheries Management Area (FMA)[[23]](#footnote-23) and Marine Conservation[[24]](#footnote-24) Yet the related regulations do not require involvement of small scale fishers or conservation organisations to develop fisheries management plans. In the Philippines, small scale fishers using vessels of three gross tons or less along with indigenous people, are included in the governing body responsible for fisheries management areas[[25]](#footnote-25).

The UN Committee on Food Security's civil society-indigenous peoples mechanism, crucial for small-scale fisheries and coastal communities, faces a threat from the UN Food Security[[26]](#footnote-26) Summit process, which lacks equal representation and veers away from multilateralism, marginalizing these fishing sectors.

**IV. Problem in Supply Chain**

Fish workers usually engage in both the production and fish processing stages aboard vessels, but they often face inadequate health and safety conditions throughout these supply chain phases[[27]](#footnote-27). Small-scale fishers encounter challenges during production due to socio-economic and environmental factors. They grapple with debt bondage, limiting their fishing activities, and cope with difficulties caused by unpredictable weather conditions.

1. https://www.greenpeace.org/static/planet4-southeastasia-stateless/2021/09/075ce208-gp-sea\_asean-briefing-paper.pdf [↑](#footnote-ref-1)
2. https://th.boell.org/en/2023/04/11/indonesia-migrant-fishers [↑](#footnote-ref-2)
3. https://ejatlas.org/print/pulau-pari [↑](#footnote-ref-3)
4. https://en.antaranews.com/news/293463/conflict-in-rempang-island-arose-due-to-poor-communication-jokowi [↑](#footnote-ref-4)
5. https://www.bangkokpost.com/opinion/opinion/2485939/a-search-for-land-justice-on-koh-lipe [↑](#footnote-ref-5)
6. https://www.researchgate.net/publication/374117822\_Understanding\_vulnerability\_and\_building\_resilience\_in\_small- [↑](#footnote-ref-6)
7. https://www.gmanetwork.com/news/scitech/weather/886234/sinking-islands-of-bohol-may-already-be-uninhabitable-due-to-slow-onset-sea-level-rise-caused-by-climate/story/ [↑](#footnote-ref-7)
8. https://www.ciel.org/wp-content/uploads/2023/02/CHRP-NICC-Report-2022.pdf [↑](#footnote-ref-8)
9. <https://chr.gov.ph/wp-content/uploads/2019/11/Exhibit-3O-Salaysay-ni-Gg.-Pablo-R.-Rosales.pdf> (p. 64 of the report) [↑](#footnote-ref-9)
10. <https://www.mekongeye.com/2023/08/21/rising-sea-samut-songkhram/> [↑](#footnote-ref-10)
11. https://news.mongabay.com/2021/06/tin-mines-close-in-on-an-indonesian-hamlet-still-clinging-to-nature/ [↑](#footnote-ref-11)
12. https://www.greenpeace.org/southeastasia/press/58968/sea-sand-export-returns-after-a-20-year-ban/ [↑](#footnote-ref-12)
13. https://www.greenpeace.org/static/planet4-indonesia-stateless/2021/03/17185db9-gp-spermonde-report-v8.pdf [↑](#footnote-ref-13)
14. https://www.mongabay.co.id/2023/08/21/pt-gkp-gugat-uu-pesisir-keselamatan-pulau-kecil-di-tangan-mahkamah-konstitusi/ [↑](#footnote-ref-14)
15. https://www.kompas.id/baca/ekonomi/2023/11/20/perlindungan-hukum-pelaut-migran-dalam-uu-no-182017-perlu-ditegakkan [↑](#footnote-ref-15)
16. Presented by Indonesian National Agency during MPA vision 30x45 dissemination conducted by Marine Spatial Management Directory of Ministry of Maritime Affairs and Fisheries of Indonesia https://betahita.id/news/detail/8590/kkp-2023-targetkan-200-ribu-hektare-kawasan-konservasi.html?v=1679539328 [↑](#footnote-ref-16)
17. https://www.sciencedirect.com/science/article/pii/S0308597X22003852 [↑](#footnote-ref-17)
18. https://www.sciencedirect.com/science/article/abs/pii/S0308597X1830263X?via%3Dihub [↑](#footnote-ref-18)
19. https://portal.rare.org/en/where-we-work/philippines/ [↑](#footnote-ref-19)
20. https://oceanjusticeinitiative.org/wp-content/uploads/2023/02/Fishers\_and\_Ocean\_Justice.pdf [↑](#footnote-ref-20)
21. https://www.sciencedirect.com/science/article/pii/S0743016722000286 [↑](#footnote-ref-21)
22. https://legalcentric.com/content/view/175791 [↑](#footnote-ref-22)
23. Ministry of Maritime and Fisheries Affairs Regulation No. 22/2021 [↑](#footnote-ref-23)
24. Ministry of Maritime and Fisheries Affairs Regulation No. 31/2020 [↑](#footnote-ref-24)
25. https://www.bfar.da.gov.ph/wp-content/uploads/2021/04/FAO-No.-263-s.-2019.pdf [↑](#footnote-ref-25)
26. https://www.csm4cfs.org/ [↑](#footnote-ref-26)
27. https://www.greenpeace.org/static/planet4-southeastasia-stateless/2021/09/075ce208-gp-sea\_asean-briefing-paper.pdf [↑](#footnote-ref-27)