**Unlocking legal and policy frameworks for Small-Scale Fisheries**

**Background**: In June 2014, the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (FAO) endorsed the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries ([SSF Guidelines](http://www.fao.org/voluntary-guidelines-small-scale-fisheries/en/)). While there has been a lot of work focusing on the implementation of this instrument, it remains unclear how the existing national legal and policy frameworks can support the respective countries in meeting these international requirements and standards. In light of this need, the project ‘Unlocking national legal and policy frameworks’ aims to improve our understanding about how the relevant instruments can be interpreted and applied in support of the SSF Guidelines implementation.

**Instruction**: Please provide answer to the following questions in the template as best as you could and when possible indicate the information of the legal and/or policy instruments to support your answer. Please return the completed questionnaire to us by e-mail: tbti.global@gmail.com.

Responses received by **August 15th** will be included in a TBTI e-book on the topic, to be released in September 2020, with your name as the author of the contribution.

**Unlocking legal and policy frameworks for Small-Scale Fisheries (SSF)**

**Template**

Name of contributor:

E-mail:

Affiliation:

Your experience in SSF:

Your role/involvement with policy and/or legal issues:

**Case study country**:

**Part I**. **Definition of SSF or related terms** (e.g. artisanal, subsistence, semi-industrial, customary, coastal, traditional, indigenous, aboriginal, and tribal)

|  |  |  |
| --- | --- | --- |
| Question | Answer | Additional information |
| 1. Are SSF or related terms “legally” defined in the Constitution, Law, or Act?
 | **□** Yes**□** No (see next question)If yes, copy and paste the exact text(s) where SSF or related terms is mentioned: | Please indicate the exact provision(s) of the Constitution/Law/Act that supports your answer: |
| 1. Is SSF (or related terms) captured/defined in other legal and policy documents? Check all that apply.
 | **□** Primary fisheries legislation**□** Regulation, Decree, Ordinance**□** National fisheries policyIf yes to any of the above, copy and paste the text(s) used to refer to SSF: | Please indicate the document that supports your answer: |
| 1. Is there any other “informal” way that SSF (or related terms) are referred to?
 | **□** Yes**□** NoIf yes, indicate how: |  |

**Part II**. Legal framework and institutional arrangement

|  |  |  |
| --- | --- | --- |
| Question | Answer | Additional information |
| 1. What is the legal system in the country?
 | **□** Common Law**□** Civil Law**□** Customary Law**□** Mixed law systems (specify): | Please indicate any source (literature, policy, electronic website) where more detailed information can be found: |
| 1. What is the main “fisheries legislation” in the country (e.g. Act, Law, Statute)?
 | 1. Full title of legislation:
2. Year:
3. Amendments:
 | Please indicate any source (literature, policy, electronic website) where more detailed information can be found: |
| 1. What is the main “national policy” for fisheries?
 | 1. Full title of policy:
2. Year (adoption):
3. Period of coverage (if specified):
 |  |
| 1. Which “national” governmental authority (e.g. Ministry, Agency, Secretary or any other institutional body) is primarily in charge of fisheries?
 | Full name of the authority: | Please indicate any source (literature, policy, electronic website) where more detailed information can be found: |
| 1. What is the mandate of this national governmental authority?

Note - mandate can be related to: (a) Objectives (seeks to)(b) Powers (ability to)(c) Responsibilities (duty to) | **□** Defined in legislation, as follows:**□** Defined in fisheries policy, as follows:**□** No clear mandate. | Please indicate the exact provision(s) of the legislation that supports your answer:Please indicate the exact part(s) or page of the policy that supports your answer: |
| 1. Is there a national and/or sub-national governmental authority specifically in charge of SSF?
 | **□** Yes, indicate name and level of each authority (state, provincial, sub-regional, city, municipal, local):**□** No | Please indicate any source (literature, policy, electronic website) where more detailed information can be found: |
| 1. Is there any institutional mechanism (e.g. regular meetings, information sharing, reporting) to facilitate the communication and interactions among these governmental authorities?
 | **□** Yes **□** NoPlease provide as many details as possible: | Please indicate any source (literature, policy, electronic website) where more detailed information can be found: |

**Part III**. Key principles in the legislation and policy documents

*Question*: Are the following principles mentioned/specified in the legislation and/or fisheries policy?

|  |  |  |  |
| --- | --- | --- | --- |
| Principles | Legislation | Policy | Additional information |
| - Human rights and dignity- Respect of cultures**-** Non-discrimination**-** Gender equality and equity**-** Equity and equality**-** Consultation and participation**-** Rule of law**-** Transparency**-** Accountability**-** Economic, social and environmental sustainability**-** Ecosystem approach to fisheries**-** Social responsibility**-** Other principles relevant to SSF | **□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes, indicate: | **□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes **□** No **□** Not clear**□** Yes, indicate: | Please indicate any source (literature, policy, electronic website) where more detailed information can be found: |

**Part IV**. Specific provision and consideration on SSF

*Question*: Is there any legal and/or policy instrument related to the following topics, specifically for SSF? Indicate the “name” of the document where the provision can be found and provide details as appropriate. Include provision that is ‘relevant’ to SSF, even if it is not specific.

|  |  |  |
| --- | --- | --- |
| Question | Legal/policy instruments | Additional information |
| 1. Tenure and related rights for SSF
 | Name:Specify how tenure is defined for SSF and/or what rights they have.**□** No specific provision for SSF**□** Topic generally not considered | Please indicate, if applicable, the exact provision(s) of the legislation that supports your answer: |
| 1. Exclusive area or priority use for SSF

  | Name: Specify whether it is inland, coastal, marine**□** No specific provision for SSF**□** Topic generally not considered | Please indicate, if applicable, the exact provision(s) of the legislation that supports your answer: |
| 1. Registration requirements for SSF
 | Name:Specify type (general, vessel, gear) and whether there is any exemption (e.g. for subsistence SSF, fee exemption, etc.) **□** No specific provision for SSF**□** Topic generally not considered | Please indicate, if applicable, the exact provision(s) of the legislation that supports your answer: |
| 1. Social development, employment and decent work for SSF
 | Name: **□** No specific provision for SSF**□** Topic generally not considered |  |
| 1. Capacity building program for SSF (e.g. access to education, training)
 | Name: **□** No specific provision for SSF**□** Topic generally not considered |  |
| 1. Recognition of SSF as professional workers
 | Name: **□** No specific provision for SSF**□** Topic generally not considered |  |
| 1. Labour rights or social benefits for SSF (e.g. financial support during closed season, social security, etc.)
 | Name: **□** No specific provision for SSF**□** Topic generally not considered |  |
| 1. Responsible trade in fish and certification of fishery products from SSF
 | Name: **□** No specific provision for SSF**□** Topic generally not considered |  |
| 1. Legal protection of women in SSF
 | Name: **□** No specific provision for SSF**□** Topic generally not considered |  |
| 1. Special treatment to women in SSF (e.g. financial support during maternity leave)
 | Name: **□** No specific provision for SSF**□** Topic generally not considered |  |
| 1. Protection of SSF from disaster risks and/or climate change
 | Name: **□** No specific provision for SSF**□** Topic generally not considered |  |

**Part V**. Interaction and stakeholders participation

|  |  |  |
| --- | --- | --- |
| Question | Answer | Additional information |
| 1. Is there any institutional mechanism (e.g. regular meetings, information sharing, reporting) to facilitate the communication and interactions **among** governmental authorities?
 | **□** Yes **□** NoExplain/example: | Please indicate, if applicable, the exact provision(s) of the legislation that supports your answer: |
| 1. Is there a co-management or decentralised fisheries management scheme (e.g. co-management, community-based management)?
 | **□** Yes**□** NoExplain/example: | Please indicate, if applicable, the exact provision(s) of the legislation that supports your answer: |