



ARGENTINA

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Why SSF?

Argentina is a country with a huge marine wealth associated with its fishing resources. The most important fisheries are large-scale industrial fisheries that target Argentine common hake, Patagonian red shrimp and squid. While the fishing industry expanded greatly over the last 40 years, the artisanal sector has always been very small, although important locally in some sectors. In 2017, the total industrial landings exceeded 750,000 tons meanwhile the small-scale fisheries caught around 21,000 tons of fish and shellfish (less than 3% of the total) and employed about 2000 people according to a recent study sponsored by the FAO Illuminating Hidden Harvest project.

Small-scale fisheries in Argentina lack formal assessments (i.e., model based) although a few of the resources are assessed using surveys. Only a few of these fisheries, managed by the provincial governments of Río Negro, Chubut and Tierra del Fuego, Antártida e Islas del Atlántico Sur have catch or effort limits. Some small-scale fishers' organizations exist, established by fishery and locality. Small-scale fisheries in Argentina have a high percentage of unlicensed fishers that operate illegally, because of both the difficulties associated with the licenses application and its associated costs. There are some limited experiences of recognition of historical rights (San José Gulf, Chubut Province). Several SSF are largely unregulated and those that are regulated have weak and ineffective enforcement.

What are SSF?

There is no definition of SSF in either the Constitution or the Federal Fisheries Law, but SSF are defined in the provincial fisheries laws. Coastal provinces have jurisdiction and rule over the resources within 12 nautical miles from the shore, as well as in marine gulfs and inland waters; therefore provinces manage artisanal fisheries.

"artisanal fishing"

Buenos Aires Provincial Law N. 11477/1993. (Not specific to artisanal fisheries.)

"To promote the development of artisanal fishing communities by providing the necessary infrastructure in terms of roads, cold chains, technical support and credit lines for the acquisition and maintenance of vessels and facilities. Artisanal fishing is defined as the extractive activity carried out by people who individually, directly and habitually work as artisanal fishers."

What are SSF?

Continued

"maritime artisanal fishing"

Río Negro. Provincial Law N. 2519/2009. (Specific to artisanal fisheries.) Article 5:

"For the purpose of interpreting this Law, the following resource extractive practices are considered within the frame of a Maritime Artisanal Fishing Activity:

- a)** Capture of fishes by means of beach nets, gillnets, fixed nets, traps and hook gear; all of them operated from the coast, with or without the support of small vessels.
- b)** Capture of fishes or molluscs from small boats using hooks, lures of any type or traps.
- c)** Manual extraction of molluscs and / or crustaceans by diving from shore or small boats.
- d)** Manual collection of molluscs and / or crustaceans in the intertidal zone."

"maritime artisanal fishing"

Chubut. Provincial Law N. XVII N. 86/2006. (Specific to artisanal fisheries). Article 2:

"constitutes a small-scale extractive activity, exerted by direct action in a habitual, individual or associated way, in the functions of captain or sailor, as well as coastal netter, shellfish diver or coastal gatherer, through the use of fishing gear and boats or without them, in the practice of capturing or collecting marine biological resources."

"artisanal fishing"

Santa Cruz. Provincial Law N. 2934/2006. (Specific to artisanal fisheries). Article 5:

"is an activity involving the capture and collection of biological marine resources, carried out by authorized fishers with a high component of manual work on a regular, individual or associated basis, through the use of boats or without them, and by means of relatively simple and non-predatory fishing gear and techniques".

"artisanal fishing"

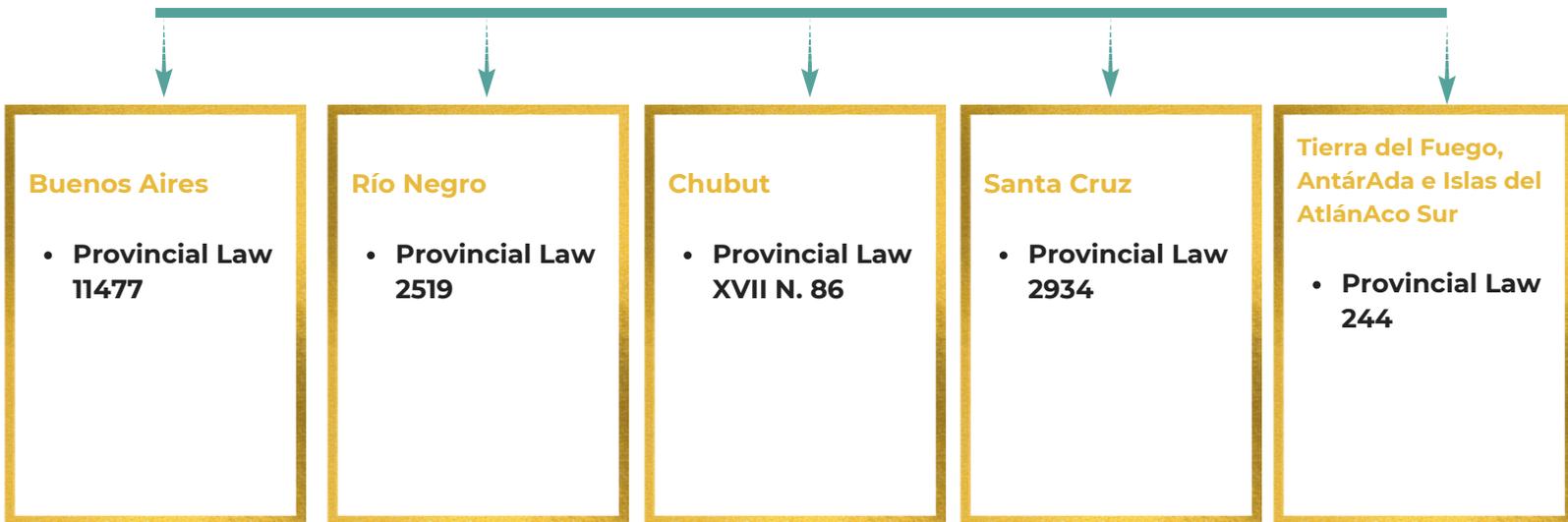
Tierra del Fuego, Antártida e Islas del Atlántico Sur. Provincial Law N. 244/1995. (Not specific to artisanal fisheries).

"Artisanal fishing: extractive fishing activity carried out by natural or legal persons who personally, directly and regularly work as artisanal fishers. For the purposes of this Law, a distinction will be made between artisanal shipowner, shellfisher, kelp gatherers and artisanal fishers. These categories of artisanal fishers will not be exclusive, therefore one person can qualify and act simultaneously as two (2) or more."

How are SSF governed?

For the most part, SSF are under jurisdiction of the coastal provinces, since these rule over the resources within 12 nautical miles from the shore, as well as in marine gulfs and inland waters.

Provincial fisheries policies



Who governs SSF?

Authorities in charge of fisheries governance:

- SSF are governed by the provinces through their own Enforcement Authorities. The provincial governments are organized into Ministries / Secretariats / Sub-secretariats / Directorates.
- The hierarchy of the enforcement authority depends on the importance given to fishing and on the particular bureaucratic organization of each province.
- for example, in Buenos Aires Province, the Authority in charge of fisheries is a Directorate (Provincial Directorate of Fisheries, Undersecretariat of Agriculture, Livestock and Fisheries, Ministry of Land Affairs);
- in the province of Chubut it is the Secretariat (Secretariat of Fisheries),
- in Tierra del Fuego, Antártida e Islas del Atlántico Sur it is the Secretary of Fisheries, Ministry of Production and Environment

What principles govern fisheries?

Legislation - Yellow Blue: Policy

Yes



No



Not clear



Not specific to fisheries



Human rights & dignity



Respect of cultures



Non-discrimination



Gender equality & equity



Equity & equality



Consultation & participation



Rule of law



Transparency



Accountability



Economic, social & environmental sustainability



Ecosystem approach to fisheries



Social responsibility



Other SSF relevant principles



What legal and policy instruments are SSF specific?

Specific provisions for SSF

- **Exclusive fishing area or priority access to fishery resources for SSF**
 - Various regulatory decree and law specific to the provinces
- **Registration requirements for SSF**
 - Various provisions in different provinces, some with exemptions for artisanal fisheries in terms of license payment (e.g. Buenos Aires), while some are very specific about criteria for registration (e.g. Tierra del Fuego, Antártida e Islas del Atlántico Sur)
- **Recognition of SSF as professional workers, along the value chain**
 - Professional Fisher Diver Patent (2008). Ordinance N. 4/08 of the Directorate of Navigation Security Police (DPSN), Argentine Naval Prefecture, for the regulation of professional divers.

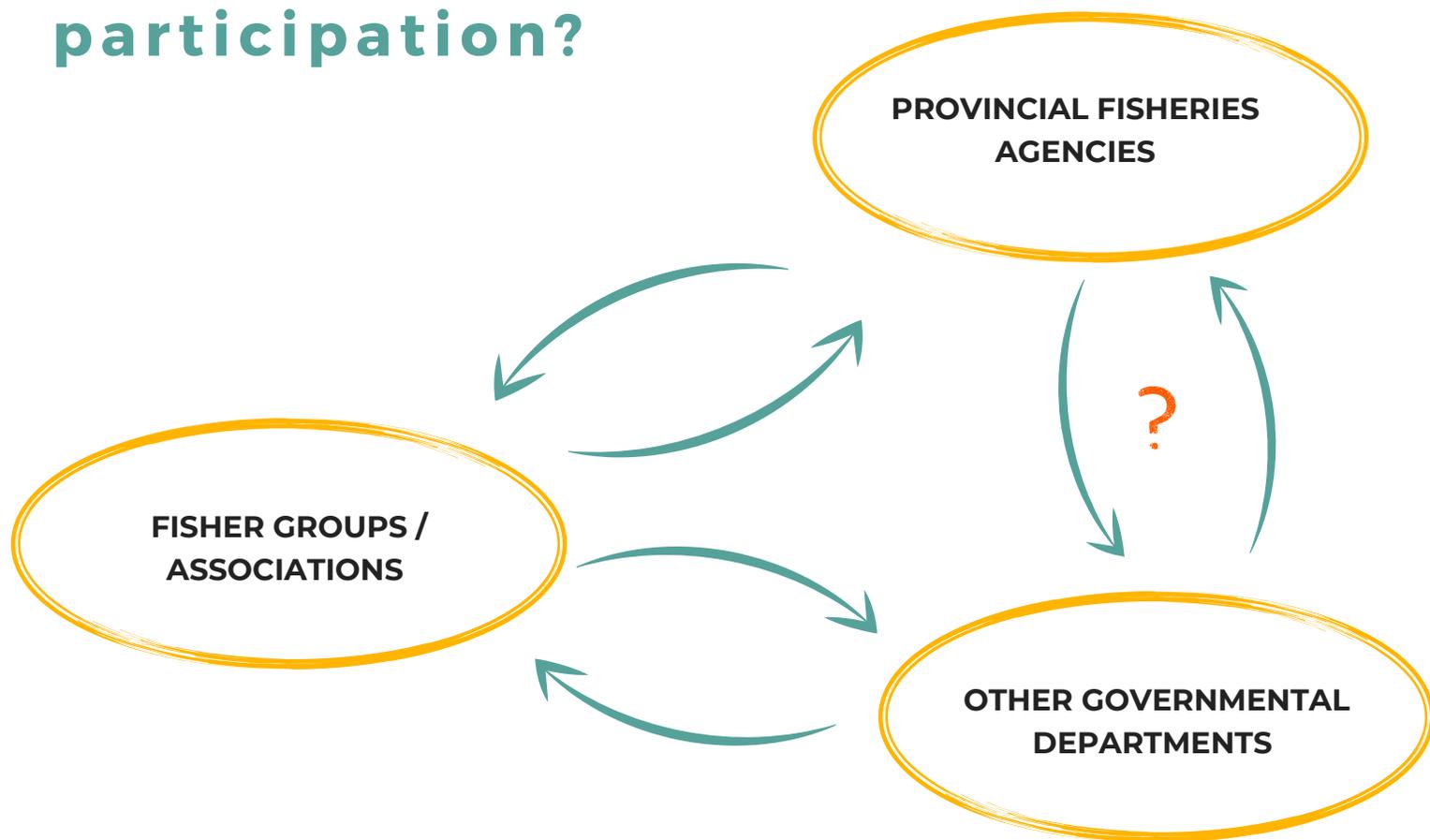
No specific provisions for SSF

- MCS measures and others aimed to deter, prevent and eliminate IUU applying to SSF
- Social development, employment and decent work for SSF along the value chain
- Responsible trade in fish and certification of fishery products from SSF, including sanitary and safety standards for domestic vs. export markets

Topics generally not considered

- Tenure and related rights for SSF
- Labour rights or social benefits for SSF along the value chain
- Capacity building program for SSF
- Legal protection of women in SSF, along the value chain
- Special treatment to women in SSF
- Protection of SSF from disaster risks/ climate change, and/or recognition of SSF vulnerability in disaster risk/climate change policies and strategies

What are opportunities for interaction & participation?



Representation of SSF in governance

Representation of SSF in decision-making and/or resource management is NOT legally required. Agreements reached at Consultative Commissions are not binding.

Fishers' participation in management, including co-management or decentralised fisheries management schemes

Legislation at different levels foresees the creation of non-binding consultative commissions. However, those commissions have not been implemented in most of the provinces.

Holistic form of governance or reform

Currently, a group of legislators are preparing a draft of a national artisanal fisheries law.