



BRAZIL

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Why SSF?

Available official statistics suggest that over 60% of the total Brazilian estimated catch comes from small-scale fisheries, considered one of the most traditional and important social and economic activities, as source of food and income, generating direct jobs for an estimated 1 million fishers and fishworkers, as well as indirect employment for another 3 million. Small-scale fisheries are marked by local and regional diversity, resulting from differences in habitats, ecosystems, and target species of fish, as well as in the availability of fishing resources, and the technology and practices of fishers.

Brazilian national policy has historically promoted natural resource extraction, including fisheries development, as an important contributor to economic growth and development, at both national, sub-national, and local levels.

Existing mismatches between policy and reality highlight complex issues that cannot be resolved by policies promoting a simple increase in fishery production. With continuing economic and political upheaval, small-scale fisheries often support immigration of marginalized and unemployed people, seeing it as an occupation of last resort.

Despite significant advances in public policy, increased visibility, and political voices of the sector, especially in the past decade or so, fisheries current legislation is still hard to apply. Small-scale fisheries continue to lack adequate institutional and political support at all levels for sustainability and social balance especially after the loss of public participation with the extinction of federal participatory councils in 2019, severally weakening the sub national and local governance institutions. Government policies generated very heterogeneous production structures, hastened the irrational exploitation of fishing resources, and the gradual impoverishment of thousands of small-scale fishers. It is crucial to recognize that social and political circumstances may generate conflicts and harm the application of legal rules. It requires long term and participatory efforts by all stakeholders to overcome difficulties and reach coherent and applicable legal provisions to improve small-scale fisheries governance.

What are SSF?

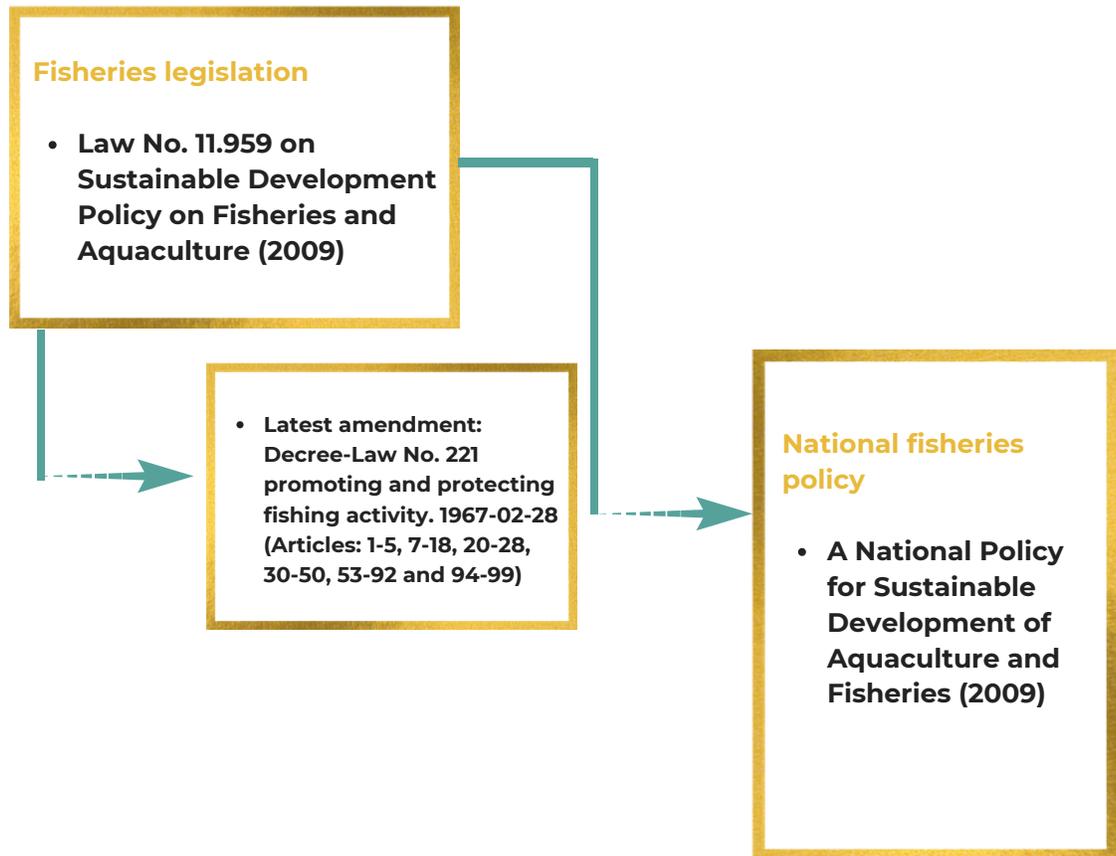
Small-scale fisheries (SSF) are legally defined in the national policy. Some States have their own definition for SSF as well.

"artisanal fisheries"

National Policy for the Sustainable Development of Fisheries and Aquaculture - Law No. 11959 of 2009; art. 2, XXII

"when practiced directly by professional fishermen, autonomously or in a family economy regime, with their own means of production or by means of a partnership contract, through hand gathering, being able to use small vessels."

How are SSF governed?



Who governs SSF?

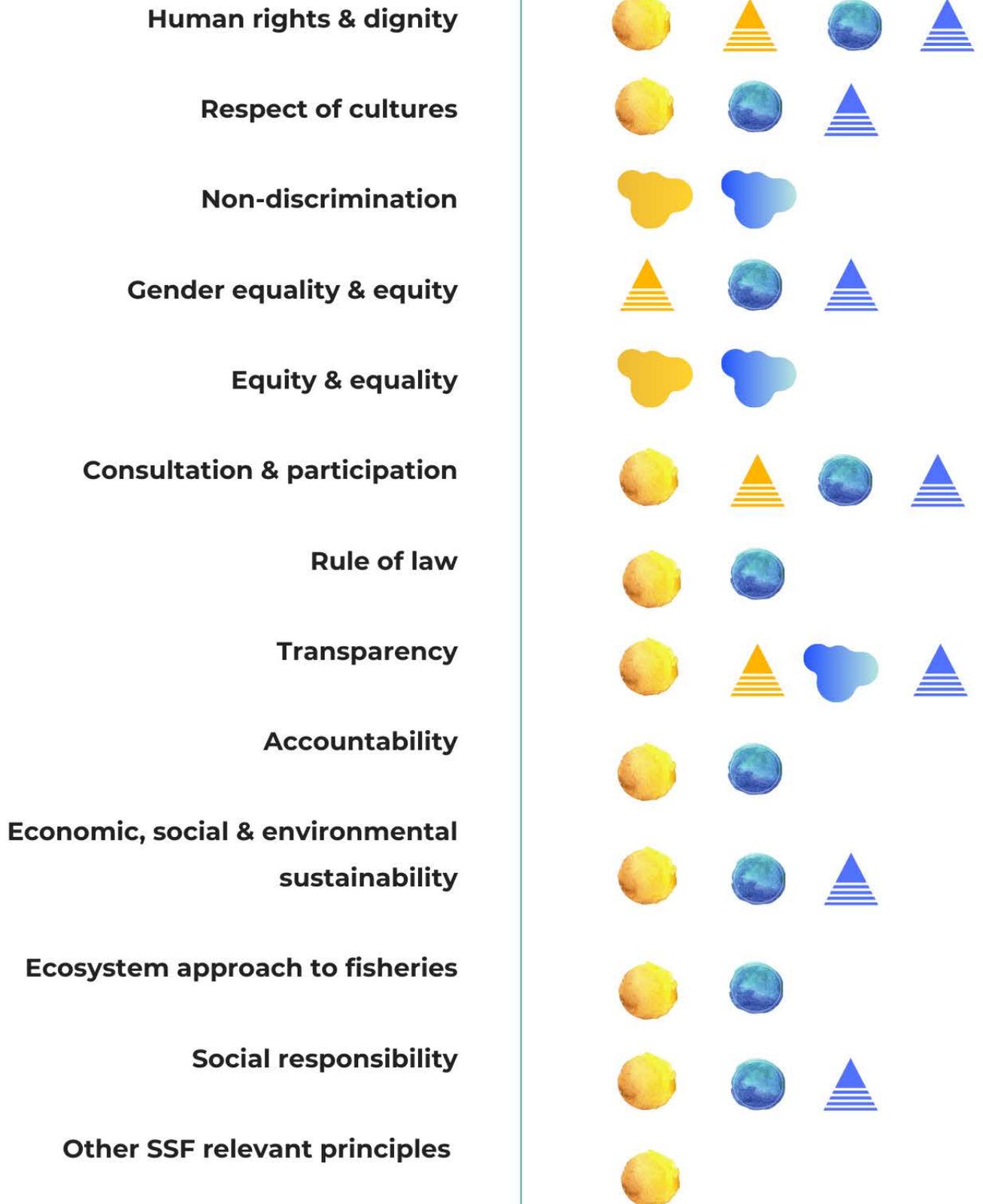
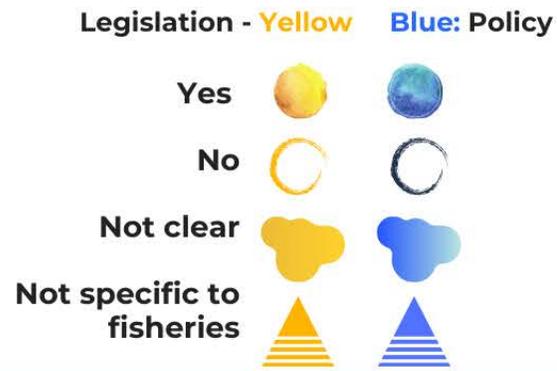
National authority in charge of fisheries governance:

- **Secretariat of Aquaculture and Fishery of Ministry of Agriculture, Livestock and Supply** with the following departments:
- 1. Department of Aquaculture Development and Management;
- 2. Department of Fisheries Development and Management; and
- 3. Department of Registration and Monitoring of Aquaculture and Fisheries

Responsibilities:

- National fisheries and aquaculture policy, covering production, transport, processing, marketing, supply and storage
- Promotion of fishing and aquaculture production
- Deployment of infrastructure to support the production, processing and marketing of fish and promotion of fisheries and aquaculture
- Organization and maintenance of the General Fisheries Registry
- Fishing and aquaculture health
- Standardization of aquaculture and fishing activities
- Supervision of aquaculture and fishing activities
- Granting licenses, permits and authorizations
- Authorization of leased foreign fishing vessels and their operation
- Granting of the economic subsidy to the price of diesel oil
- Fisheries and aquaculture research
- Provision to the Ministry of the Environment of the General Register of Fisheries' data relating to the licenses, permits and authorizations

What principles govern fisheries?



What legal and policy instruments are SSF specific?

Specific provisions for SSF

- **Registration requirements for SSF**
 - Decree No. 8425, Modified by Decree No. 8967, 23/01/2017
- **Social development, employment and decent work for SSF along the value chain**
 - National Policy on Sustainable Development of Fisheries and Aquaculture (2009)
- **Labour rights or social benefits for SSF along the value chain**
 - Various: Social Security Organization - Law No. 8.212/1991; Unemployment Insurance - Law No 10779 of 2003; Economic subsidies - Law No. 9445/1997; Strengthening of Family Farming - Decree No 1946/1996
- **Capacity building program for SSF**
 - Various: National Policy on Sustainable Development of Fisheries and Aquaculture; Law No. 11699 of 2008; National Technical Assistance and Rural Extension Policy; Rio de Janeiro State. Law No. 4116 of 2003
- **Recognition of SSF as professional workers, along the value chain**
 - Various: Law No 11959/2009. National Policy on Sustainable Development of Fisheries and Aquaculture; Law No. 13902, of November 13, 2019
- **Responsible trade in fish and certification of fishery products from SSF, including sanitary and safety standards for domestic vs. export markets**
 - Various: Law No. 11959/2009. National Policy on Sustainable Development of Fisheries and Aquaculture (2009); Normative Instruction No 24, of August 2019 -MAPA; Law No 13680 of 2018 (modify Law No 1283, de 18 de dezembro de 1950; Interministerial Normative Instruction No 7, of 2012)
- **Special treatment to women in SSF**
 - Law No. 13902
- **Protection of SSF from disaster risks/ climate change, and/or recognition of SSF vulnerability in disaster risk/climate change policies and strategies**
 - Provisional Measure No 908 of 2019

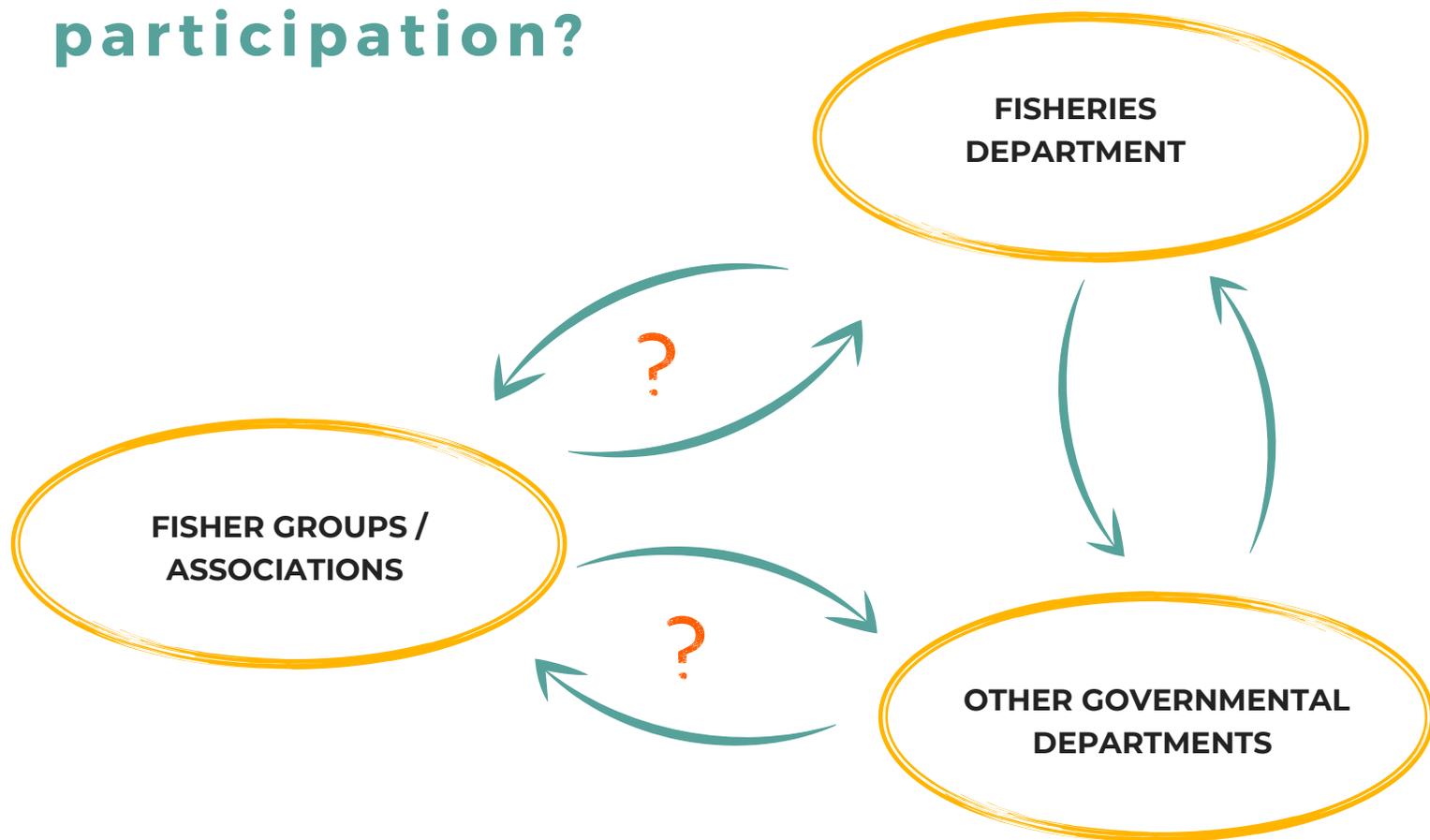
No specific provisions for SSF

- Tenure and related rights for SSF
- Exclusive fishing area or priority access to fishery resources for SSF
- Responsible trade in fish and certification of fishery products from SSF, including sanitary and safety standards for domestic vs. export markets
- 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

Topics generally not considered

- MCS measures and others aimed to deter, prevent and eliminate IUU applying to SSF

What are opportunities for interaction & participation?



Representation of SSF in governance

Representation of SSF is legally required as it mandated by the following legislation/policy: a) Law No. 9985 of 2000; b) Normative Instruction No. 7 of 2017.

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

Law No. 9.985 of 2000 provides the participation through the deliberative councils of Conservation Units composed of representatives of civil society organizations and traditional populations residing in the areas.

Holistic form of governance or reform

There is interest for a more holistic governance. For example, A Campaign and the Bill on Fishing Territories, PL 131/2020 speaks to the recognition of Traditional Territories.