

Training on gender, social inclusion and human rights-based approaches in oceanic fisheries at the Forum Fisheries Agency

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Background

A two-day training workshop on gender equity and social inclusion (GSI) and human rights-based approaches (HRBA) focusing on the offshore fisheries sector was held at the Pacific Islands Forum Fisheries Agency (FFA) in Honiara, Solomon Islands in February 2020. The training was provided by the Pacific Community (SPC) through the Project Management Unit of the Pacific-European Union Marine Partnership (PEUMP) programme and the SPC Regional Rights Resource Team (RRRT). Of the 24 participants, 13 were female and 11 were male. The majority of participants were FFA staff members, and additional participants were from partner organisations such as WorldFish and World Wide Fund for Nature, the private sector (Solomon Islands offshore fishing industry), and government (SPC RRRT in-country human rights focal point).

FFA is the lead agency for PEUMP KRA2 and KRA4 which focus on increased inclusive economic benefits from sustainable tuna fishing and the reduction of illegal, unreported and unregulated fishing (IUU), respectively.

Training purpose

A key purpose of the training was to sensitise regional stakeholders to the various obstacles faced by women and men in the commercial fishing industry (with a particular

The PEUMP programme has a total budget of EUR 45 million, which is funded by the European Union and the Government of Sweden. PEUMP's objective is to assist 15 African-Caribbean-Pacific (ACP) countries in the Pacific to better manage their oceanic and coastal marine resources for food security and economic growth, while addressing climate change resilience and conservation of marine biodiversity. PEUMP consists of six key result areas (KRAs), which are implemented by multiple regional partners, including FFA, SPC, the Secretariat of the Pacific Regional Environment Programme, the University of the South Pacific, and non-governmental organisations and civil society organisations. A holistic approach is required to ensure PEUMP addresses cross-cutting topics on poverty reduction, social inclusion, equal access and benefits for women and men, including human rights-based approaches, and participation by youth and marginalised groups. PEUMP emphasises the need to mainstream gender, social inclusion and human rights-based approaches in its design, implementation and outcomes.

focus on tuna fisheries), foreign offshore operations, and their impacts on Pacific people's lives and human rights. This awareness and sensitisation aimed at building capacity and equipping FFA and partner organisations with the knowledge and tools to plan, design and implement their activities using a gender-sensitive lens, and addressing the social dimension in the oceanic fisheries sector.

The following training objectives were identified:

- Strengthen capacity of FFA-PEUMP technical staff and partners to integrate cross-cutting issues (mainstreaming skills); and
- Identify and explore entry points for the integration of cross-cutting topics under the PEUMP KRA2 and KRA4 to advise FFA on GSI/HRBA mainstreaming opportunities.

Training sessions

As a starting point, the training provided an opportunity for FFA to present on its past and current engagement in the gender and human rights space. This allowed an assessment of the organisation's status quo on prioritising, integrating and committing to gender and human rights relevant to regional offshore fisheries. In addition, it provided insight into existing initiatives that could be further developed, while revealing training needs and gaps in capacity and institutional structures that should be addressed for stronger engagement with gender and human rights aspects.

The training was divided into a "GSI day" and a "human rights day". While providing a brief overview of gender and social inclusion concepts and theory, the GSI day focused on three main topics:

- A gender perspective into industrial tuna employment;
- Social impacts of offshore operations affecting Pacific communities; and
- Diverse career pathways for women and men in oceanic fisheries.

Gender issues in the Pacific tuna industry were elaborated using country case studies from Fiji, Kiribati and Papua New Guinea (PNG) that were extracted from the FFA study on gender issues in tuna industries (Sullivan and Ram-Bidesi 2008) and updated by the facilitator where more recent information was available. Women's participation in the formal economy is increasing across these countries, while women make up almost 80% of the processing work force. Gender inequalities were described in terms of safety and security of

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FFA's gender and human rights commitments – Where do we stand?

FFA's current initiatives to improve gender equality:

- FFA Gender Equality Framework (2016) highlights the organisation's commitment to address inequalities at the workplace level and increase gender mainstreaming efforts at operational level;
- Publication series (Moana Voices¹) on Pacific women's emerging leadership roles, highlights individual career achievements of successful female fisheries leaders (role models) at various levels and across different oceanic fisheries-related career fields; and
- Promising cooperation with the International Finance Cooperation to address gender inequalities at the Solomon Islands' only tuna processing plant (SolTuna) through a successful financial literacy training programme, which not only provided economic empowerment for female workers but was also able to tackle absenteeism by addressing gender-related root causes, and resulted in an increase in productivity and profit for the company.

FFA's current initiatives to improve human rights at sea include:

- Advocacy on improved labour rights for crews at the Western and Central Pacific Fisheries Commission; and
- The integration of minimum labour right standards into the organisation's regional guidelines (2019) inspired by ILO's Work in Fishing Convention n°1883, which has not yet been ratified by any Pacific Island country.

Challenges identified:

Despite the current high level commitments made by FFA to improve gender and human rights, some challenges were highlighted, such as a common lack of understanding and awareness within the organisation on the above-listed initiatives, a lack of training opportunities on cross-cutting issues (i.e. no GSI or human rights training for FFA staff has been conducted before), high staff turn-over and ad-hoc gender focal points without clear mandates, limited engagement of gender or human rights experts, and few staff with terms of reference and performance indicators with specific gender or human rights requirements, which results in a lack of clear responsibilities and insufficient accountability.

² <https://www.scribd.com/document/341911594/MOANAVOICES-2017>

³ https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_161209.pdf

Participants of the Pacific Islands Forum Fisheries Agency gender equity and social inclusion and human rights-based approaches workshop in Honiara, Solomon Islands. ©Tupe Samani



female workers. In particular, safety issues were highlighted as concerns for women due to limited transportation, remote locations of processing plants, and limited street lighting when working late shifts. In addition, low wages affected women more than men because women were the main low-skilled and semi-skilled workers, with fewer opportunities to upskill. While payment structures followed the minimum wages in Fiji and PNG, women complained that a minimum wage is not always a living wage. Living wages could include different benefits that suit women's needs such as flexible hours, access to credit schemes, skills development opportunities, childcare support, and arranged transportation. The struggle to transition from a subsistence, non-cash-based lifestyle into formal employment and the multiple roles and expectations women must contend with, including household, childcare, social and other communal commitments, were highlighted. In addition, women struggle in managing these traditional expectations and a full-time job increases time burdens and adds additional stress. However, formal employment enabled women to establish themselves as public citizens (eligible for bank accounts, ID cards, establishing credit lines) and provided an escape space and an alternative socialising platform outside of the traditional roles and duties of village life. These were among the additional, non-financial benefits identified by women in the presented case studies as contributing to their empowerment.

Social dimension of increased offshore operations and centres for transshipment hubs in some PICs was discussed in light of labour influx from foreign or mixed ship crews. Health issues such as HIV/AIDS, sexually transmitted diseases, sexual harassment risks, various forms of gender-based violence (e.g. emotional or physical), informal sex trade with associated vulnerable groups such as underaged children (mainly girls), and alcohol abuse were mentioned as primary issues affecting coastal communities and their most vulnerable members. The need for fisheries agencies to work more closely with healthcare providers, women's groups and civil society advocacy groups that can provide awareness and support services to combat potential human rights abuses of often marginalised groups, were stressed as being important. The social impacts on the most marginalised groups in affected coastal communities is not well documented and often neglected because of its sensitive nature, with anecdotal evidence only and a lack of political will to effectively respond and redress the issue.

Various career pathways were presented that emphasised gender-specific challenges and changes in gender roles, while also stressing factors that foster increased female participation in male-dominated work domains. Role models were highlighted, videos on women in maritime trades and the story of a PNG female fisheries observer were used to illustrate the gender dimension and demonstrate changes. Breakout groups then identified FFA's role in promoting gender-sensitive and decent work conditions for women and men working in fish processing facilities. Groups discussed how FFA could encourage gender sensitivity in more diverse oceanic fisheries career pathways while critically looking at existing barriers that women and men may face (e.g. lacking

gender-friendly facilities on boats, security and safety issues with stronger implications for women, "macho" attitudes in a male-dominated sector) and how these can be overcome.

Participants identified opportunities and solutions that could be used to tackle the gender inequalities identified in the tuna industry, including:

- Increasing consumer awareness so it is understood that paying a decent price for fish enables equitable wages, coupled with advocacy on social responsibility standards in fish supply and value chains.
- Investing more in certification schemes such as Fairtrade and the Marine Stewardship Council.
- Continue lobbying to combat exploitative work arrangements.
- Investing more in developing women's post-harvest skills, such as handling and processing, and investing in processing facilities to enable their application.
- Exploring value-adding activities for women and men.
- Improving childcare support services for fish processing workers.
- Reviewing and reforming outdated labour laws to integrate a gender lens.
- Preventing health risks through insurance schemes, safe processing infrastructure, mobile health clinics and awareness.
- Providing opportunities for financial literacy training, savings schemes and more on-the-job learning.

The human rights day included a brief overview of concepts and definitions of human rights and human rights-based approaches using an activity game that allows interactive engagement among participants.



In the “Sinking Boat” activity, participants imagine they are in an emergency scenario where they have to prioritise certain human rights, and discard others. The challenge arises from the indivisibility and interdependence of human rights; together, different rights form a patchwork of protection where every link is important and necessary, and sacrificing one can adversely affect other, related rights. In this way, picking and choosing rights – weakening any part of the structure – can compromise the whole. The activity also generates a sense of attachment to the specific human rights; participants report ill feelings associated with giving up any number of human rights, all of which they value and perhaps even take for granted. This sense of attachment allows participants to relate more personally to human rights; that is, human rights is not a foreign, remote or abstract concept, but the rights are seen as those elements that are important and valued in Pacific lives.

The United Nations Convention on the Law of the Sea (UNCLOS or simply Law of the Sea) is the key international regulatory instrument relevant to the high seas areas beyond national jurisdictions, and which are important to the offshore fisheries sector. However, there is no reference at all in the

Law of the Sea to the application of human rights standards. Despite the absence of any reference to human rights silence in the Law of the Sea, there are many reasons why it is wrong to assume that the offshore marine environment is a vacuum of human rights obligations (see Box).

The silence of human rights in the Law of the Sea is not *carte blanche*

Human rights standards are applicable in the ocean, including the high seas, because:

1. Human rights are predominantly entitlements granted to individuals. The Law of the Sea was not designed for individuals because it is a state-centred regime. However, although human rights language is missing, the Law of the Sea does include generic references to human rights (see points below).
2. The Law of the Sea includes positive obligations of a state to ensure human rights, for example, a flag state’s duty is to assume jurisdiction under its internal law over matters that concern the crew, officers or ship in respect of social matters (UNCLOS Art. 94(2)(b)).
3. Art. 98 of UNCLOS requires masters (i.e. ship captains) to save life at sea and to recognise search and rescue facilities. The International Convention for Safety of Life at Sea reinforces the protection of the right to life at sea as a fundamental human right.
4. A 2010 judgment by the European Court of Human Rights (ECHR) states that “the special nature of the maritime environment (...) cannot justify an area outside the law where ships’ crew are covered by no legal system capable of affording them enjoyment of the rights and guarantees protected”³. The special nature of the maritime environment (e.g. vast open space with limited capacities for monitoring, control and surveillance, dangerous and costly to patrol, vessels moving between various jurisdictional zones and the high seas which leads to uncertainties as to what state is responsible) is often used by states to avoid human rights obligations. The ECHR decision sets a precedent that reinforces a duty bearer’s obligation to respect, protect and fulfil human rights, while practical difficulties associated with the maritime space must not be used as an excuse to justify non-compliance with human rights.
5. Fishing is one of the world’s most dangerous occupations, hence there are more reasons why basic human rights of individuals who work in this occupation must be guaranteed.
6. The nature and scope of human rights, in line with the concept of universality and extra-territoriality, call for an application not limited by the nature of an environment.

³ *Jamaa and Others v Italy*, Merits and just satisfaction, App No 27765/09, [2012] ECHR 1845, (2012) 55 EHRR 21, 33 BHRC 244, 23rd February 2012, Council of Europe; European Court of Human Rights [ECHR]; Grand Chamber [ECHR]

Real examples of human rights case studies from the Pacific were used to highlight common conditions conducive to human rights abuses, such as transshipment at sea because of its nature to hold people at sea for long periods (e.g. enables human trafficking), the use of flags of convenience to circumvent jurisdictional responsibilities for human rights abuses by the state of origin, or IUU activities that are often associated with poor work conditions or inhumane treatment. The case studies also emphasised the gender dimension of human rights abuses from a family perspective (e.g. wives and families of abused or murdered seafarers), economic angle (e.g. human rights abuses as a deterrent for the promotion of employing more Pacific Islanders), and showcased gaps in labour rights (e.g. work conditions on vessels, unreasonable contract arrangements, irregular salaries or insufficient insurance coverage).

A human rights-based approach to oceanic fisheries was presented to help participants understand its benefits, from a social dimension, and also from an operational, economic and development perspective. Applying an HRBA means that *duty bearers* in oceanic fisheries can be held accountable for their decisions and actions, which may impact on various human rights, such as the right to decent work. This means that the right to work has to be manifest in public policy and legal frameworks that regulate labour markets addressing the specific labour protection needs of the people working in the fisheries sector, including the gender-specific issues for fish processing work described earlier. Governments must ensure that public labour and employment regulations meet minimum standards, especially of those human rights conventions to which they have signed and ratified. In doing so, governments have to ensure that the regulative framework does not allow potential loopholes for the private sector to hide behind corporate veils. An HRBA also entails the empowerment of rights holders to claim their rights and creates mechanisms that support these claims such as legal redress, compensation or a fair trial for maltreated seafarers and their families. The SPC RRRT PLANET principles (see Box) were presented as a tool that can be used to foster a people-centred approach that ensures human rights principles are respected, promoted and applied, for example in FFA's programming. A case study using a current FFA initiative that promotes gender equality in the tuna industry was used to apply each PLANET principle, explaining what each principle means before applying it in the case study context.

FFA upholds human rights in Pacific waters

In 2019, FFA strengthened its regionally harmonised minimum terms and conditions for access by fishing vessels by aligning them with the international standards of the International Labour Organization (ILO) Work in Fishing Convention. The ILO Work in Fishing Convention sets minimum standards for fishers to have decent work conditions on board fishing vessels. These minimum work conditions cover accommodation, food, occupational safety and health protection as well as medical and social security. While this is a breakthrough achievement by FFA, the lack of capacity, limited local resources, weak enforcement, limited access to legal remedies and justice systems, as well as jurisdictional uncertainties may be the greatest challenges to ensure the implementation of these requirements at the national level by FFA member states.



PLANET PRINCIPLES AND SOME GUIDANCE ON THEIR APPLICATION

P – Participation

Meaningful participation includes and engages affected people and communities to the greatest extent possible with strong considerations of those who would usually be excluded because of their gender, race, social status or other characteristics.

L – Link to rights

Interventions will be guided by national, regional and international human rights standards, commitments and normative frameworks. This includes the identification of and linkages to the concrete human right(s) in question. For example, the right to decent work concerns women and men working in tuna processing plants, however a gender analysis reveals a significant impact on women because they make up almost 80% of low-skilled workers while they have additional obligations and needs which hinder their full participation in the work place compared to their male counterparts. On the other hand, a call for decent work conditions on fishing vessels for crew members affect mainly men because of the nature of the job with almost 100% male crew coverage. The example demonstrates that human rights and gender equality derive from the same source and are integrative concepts which need to be considered in close relation when identifying and linking human rights in the specific context of oceanic fisheries.

A – Accountability

Interventions will be accountable to the people and communities they serve, including by making accessible all information on what work is being done and money being spent, and by operating responsive feedback and complaint mechanisms. This will require a clear understanding of duty bearers' roles and responsibilities while assessing rights holders' needs to claim their rights. Calling on states to fully incorporate minimum labour standards and decent working conditions within the often challenging environment of offshore fishing is one way of holding a duty bearer accountable while awareness, access to information and transparency are key to support those whose rights are concerned to speak up.

N – Non-discrimination

Interventions will not discriminate on the grounds of sex, gender, ethnicity, disability, language, religion, geography or any other factor. Existing discriminatory practices and inequalities need to be understood (e.g. undertaking gender and human rights analysis) in order to avoid exacerbating these and designing actions that do not restrict, exclude or distinguish (in a direct and/or indirect way) between people because of the above-listed factors. Ethnic discrimination may be common on vessels with crews of mixed ethnicities, migrant crew members may face unequal treatment because of their migrant status, contract arrangements may not be communicated well in local languages leading to language barriers for some, or female maritime police officers may face discriminatory behaviour when undertaking vessel monitoring, or control and surveillance actions on foreign vessels.

E – Empowerment

Intervention will empower Pacific people in all their diversity with knowledge and expertise, including understanding their rights. This means they are able to claim their rights, to actively contribute to decision-making or shaping policies, rules or conditions that affect them. For example, trade union setups could be powerful tools to support male and female workers in the fisheries industry to articulate their needs, file complaints and advocate for their rights. This anticipates empowering awareness campaigns, access to information, motivation and sometimes confidence to actively participate.

T – Transforming social norms

Intervention will, to the greatest extent possible, work with partners to transform harmful social norms that constrain development outcomes. This is directed towards achieving real change and making actual impacts that are more likely to result in long-term success.

Conclusion

The training offered a tailored view on GSI and human rights within the very complex area of oceanic fisheries, and included the side effects of offshore operations that affect coastal communities. Recent human rights abuses at sea that are affecting Pacific people, impacting employment attractiveness for Pacific Islanders in this sector, and the enablers and triggers of inequalities and human rights violations (e.g. IUU fishing, transshipment at sea, use of flags of convenience, and gender-insensitive work conditions in tuna processing plants) were key areas highlighted during the training. Opportunities, solutions and added values that GSI and HRBA integration can add to overcome barriers and constraints were identified, which provided the participants with ways to improve GSI and HRBA mainstreaming. The facilitators presented the topics and issues in a way that allowed field practitioners to grasp concepts and put them into practice. For example, they provided tips, ideas and examples on how the learnt content can be used to plan GSI- and HRBA-responsive interventions, and highlighted existing successful initiatives that can be built

upon. Participants appreciated that the training sessions were tailored to the oceanic fisheries arena they work in because they could directly see how they could approach a GSI and human rights mainstreaming process. None of the participants had attended a specific GSI and HRBA training from an oceanic fisheries perspective before, while only a few had attended more general GSI training. Future needs that the participants identified include: 1) a specific training to include more private sector actors, especially from the tuna industry that focuses on corporate social responsibility; and 2) more in-depth training on human rights issues at sea so they could better understand the complexity of legal and practical implications at regional and national levels.

References

Sullivan N. and Ram-Bidesi V. 2008. Gender issues in tuna fisheries case studies in Papua New Guinea, Fiji Kiribati. Honiara, Solomon Islands.

Chelcia Gomes (foreground), Senior Research Analyst and the Gender Focal Point for Coastal Fisheries at Worldfish in the Solomon Islands was among participants at the PEUMP FFA GSI, human rights and MEL training workshop in the Solomon Islands in February 2020. © Martin Chong (SPC)

