"Towards new approaches of SDG 5 and Women's Rights: Addressing the Gendered Impacts in Small-Scale Fisheries"

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"Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance."

Kofi Annan
Seventh Secetrary General U.N. (1996-2006)

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I. Introduction

There is no doubt that for the 2030 Agenda and its associated Sustainable Development Goals (SDGs) the gender-environment intersection plays a fundamental role in the achievement of the objectives. To illustrate this, the International Union for Conservation of Nature (IUCN) and the UN Environment launched in 2019 a report called "Unlocking information for action and measuring the SDGs", that reflects the gender-environment nexus in four priority areas: right to land, natural resources and biodiversity; access to food, energy, water and sanitation; climate change, sustainable production and consumption, health and well-being, and women in environmental decision making at all levels.[1]

The path towards the progress in gender equality and women´s empowerment is not easy in the context of the current global climate crisis. Despite increasing evidence that women are more vulnerable, climate change policies, frameworks and solutions do not comprehensively address the inequalities and exclusions that take place in practice. For instance, in recent years, the call for the inclusion of gender in the climate and environmental justice debates highlights the fact that women are not only more vulnerable to climate change, but also respond to disasters in a different manner than men.

> [T]hese insights suggest that the intersection of gender, race, ethnicity and economic status differentially position peoples in terms of their relationship with the environment. Access to, use of, and control overland, water, forests and other natural resources vary by gender in most contexts. With the degradation of environmental resources such as waters and forests, poor women are often most disadvantages because their daily activities rely heavily on accessing food, water and energy. Because women more frequently live in poverty than men, they are more vulnerable to both large-scale disasters such as floods as well as slow-onset

[1] Rep. of the UNEP and IUCN. (2018). Gender and environment statistics: Unlocking information for

> impacts of climate change such as drought and rising temperatures. Poor women´s and girl´s daily activities frequently involve accessing water and fuelwood; degradation of these resources through climate change often increases their workload. Also, in times of disaster and relocations, women and girls are increasingly susceptible to sexual and domestic violence.[2]

According to the Food and Agricultural Organization of the United Nations (FAO), 17 percent of the world's population relies on the primary source of animal protein of fisheries and aquaculture. Moreover, half of global fish catches in developing countries relies on small-scale fisheries (SSFs) –in which fishing is done with the help of small size gear and vessel- and 90 to 95 percent of the small-scale landings are destined for local human consumption.[3]

Given the scenario described above, small-scale fisheries are a central concern for natural resource-dependent communities like coastal communities in climate change adaptation. As a specific practical example, artisanal and small-scale fishers are particularly vulnerable to the declining of fisheries stocks as a result of climate change. Moreover, in developing countries, as a result of combination of different factors, women have fewer opportunities and receive lower income from fisheries and aquaculture than men. Likewise, female workers are also more prone to being left in position of poverty than males.[4]

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[2] Andrei L. Israel & Carolyn Sachs, *A Climate for Feminist Intervention: Feminist Science Studies and Climate Change* in RESEARCH, ACTION AND POLICY: ADDRESSING THE GENDERED IMPACTS OF CLIMATE CHANGE, 41 (Margaret Alston and Kerry Whittenbuty, eds., 2013).

[3] *Small scale fishers,* FAO'S STRATEGIC OBJECTIVE 1, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO), http://www.fao.org/3/a-au832e.pdf (last visited May 12, 2020).

[4] *Why gendered and equality matters in fisheries and aquaculture?* WORLD FISH CENTER, https://www.worldfishcenter.org/pages/why-gender-equality-matters-fisheries-aquaculture/ (last visited May 12, 2020).

Consequently, the division of labour in fishing communities often follows traditional patterns with specific tasks assigned to women and men. However, gender roles in labour are not static, as they constantly need to be reshaped and negotiated. Thus, with this meaning of gender in mind and taking into account that the fishing industry is largely perceived as a male-centric, this paper will focus on exploring the gender-based dimensions of small-scale fisheries in order to assert the challenges of women's work in fisheries. First, I will explore the relations between Gender, Climate Change and Sustainable Development. Next, I will analyze the challenging role of Artisanal & Small-Scale Fisheries in the current context, with all its implications for Gender Equity and Equality. Finally, I will explore the Human Rights-Based Approach applied to Small-Scale Fisheries (HRBA-SSFs). In the final part I will offer an analysis of how HRBA along with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest in the Context of National Food Security and the Small-Scale Fisheries Guidelines apply to climate adaptation for coastal communities

II. Gender, Climate Change and Sustainable Development

While some recent publications have detailed key data gaps in our understanding of the social and economic aspects of fisheries, they have been less categorical about the role of gender for environmental sustainability in Small-Scale Fisheries (SSFs).[5] Conversely, gender recognition in climate change negotiations has been called for attention in international forums since 1997 but it was not until COP 13 held in Bali in 2009, when feminist first

[5] C*f.* Danika Kleiber et al., *Gender and small-scale fisheries: a case for counting women and beyond* in FISH AND FISHERIES INSTITUTE FOR RESOURCES, ENVIRONMENT AND SUSTAINABILITY, UNIVERSITY OF BRITISH COLUMBIA*,* 16, 547-562 (2014).

expressed their public concerns about the lack of attention of gendered consequences.[6] In one of those meetings, a new paradigm of "no climate justice without gender justice" was introduced to the Indonesian civil society, which gave a new awareness and understanding on the importance to be actively promoting this new model to the larger groups of women in Indonesia and also to work with affected people, particularly women.[7] Later, this group transformed in *GenderCC* –Women for Climate Justice- and was internationally recognized at COP 13 in Bali when they produced several position papers addressing the gendered impacts of climate change.[8] Currently GenderCC and other organizations and individuals, "keep pushing to ensure that the IPCC [Intergovernmental Panel on Climate Change] reports include attention to gender" since there is a lot of evidence suggesting that there are differential gendered impacts.[9]

In this order, one important step recently done by the United Nations Climate Change Secretariat was the launched of the Gender Action Plan (GAP). It started in 2014 when the Conference of the Parties (COP) established the first Lima work programme on gender (LWPG)[10] with the major goal to advance gender balance and integrate gender considerations

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[6] Margaret Alston, *Introducing Gender and Climate Change: Research, Policy and Action* in RESEARCH, ACTION AND POLICY: ADDRESSING THE GENDERED IMPACTS OF CLIMATE CHANGE, 3-11 (Margaret Alston and Kerry Whittenbuty, eds., 2013).

[7] Ulrike Röhr, Rep. Gender and Climate Change: networking for gender equality in international climate change negotiations, UNFCC COP13/CMP3, GENDERCC – WOMEN FOR CLIMATE JUSTICE (January, 2008) https://gendercc.net/fileadmin/inhalte/dokumente/6_UNFCCC/ReportCOP13_web.pdf (last visited May 14, 2020).

[8] Alston, *supra* note 6, at 6.

[9] *Supra* note 6, at 7.

[10] Rep. of the Conference of the Parties on its twentieth session, held in Lima from 1 to 14 December 2014, FCCC/CP/2014/10/ADD.3 (Feb. 2, 2015).

into the work of Parties and the secretariat in implementing the Convention and the Paris Agreement so as to achieve gender responsive climate policy and action. COP 22 decided on a three-year extension of the LWPG, with a review at COP 25 (Decision 21/CP.22), and the first gender action plan (GAP) under the United Nations Framework Convention on Climate Change (UNFCCC) was established at COP 23.[11]

In order to better understand gender as a critical factor of vulnerability, in *Introducing Gender and Climate Change: Research, Policy and Action*, Alston defines it at:

> [t]he socially constructed behaviors, customs and attitudes that shape what it is to be female and male in various cultural contexts. Gender is relational, is that it is shaped in the context of female and male interactions and is historically, socially, culturally and contextually bound. […] Gender relations are continually contested in the intimate sphere [known as] ´gender regime´ and that these negotiations are reinforced in the wider societal level of the ´gender order´ -the laws, institutions and frameworks (for example the UNFCCC) that create uneven power relations between women and men.[12]

As a determinant element in the analysis of climate events, women are much more like to be living in poverty and less likely to own land and resources that could protect them in a post disaster event than man. The vulnerability is also reflected in the fact that they generally have less education and training, less access to health resources and during and after climate event they are more prone to suffer violence and even death.[13] Additionally, according to the World Health Organization (WHO), the concept of health revisits an important place when defining *Gender*, as the complex social processes through which people are defined and linked and

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[11] *See The Gender Action Plan,* UNCC, https://unfccc.int/topics/gender/workstreams/the-gender-action-plan (last visited May 14, 2020).

[12] Alston, *supra* note 6, at 8.

[13] *Cf*. Alston, *supra* note 6, at 9.

how this evolves over time. "These processes operate at an interpersonal level, at an institutional level and across wider society, in government, the institutions of the state and whole economies. At all these levels, gender is an important, but modifiable determinant of health across the life course."[14]

As it can be noticed, the idea of development is intrinsic to the concept of gender. Therefore, the 2030 Agenda for Sustainable Development (2015) adopted by all United Nations Member States in 2015, offers the perfect framework for addressing the gaps that affects gender in the practice. In the core of their 17 Sustainable Development Goals (SGSs) and 169 targets is the recognition that the solutions to "mitigate poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests."[15] Among other qualities, the Agenda is an integrated plan of action through the 17 SDGs, which are presented as urgently needed transformative steps to shift the world onto a sustainable and resilient path.[16]

For the purpose of this paper, there are three main goals that must be taken in consideration when addressing gender issues in SSFs: the SDG 5 -achieve gender equality and empower all women and girls- and its interaction with the SDG 14 –conserve and sustainable use of the ocean and marine resources for sustainable development. Both SDGs provide

[14] *Gender, health and the 2030 agenda for sustainable development*, Bulletin of the World Health Organization, WORLD HEALTH ORGANIZATION, https://www.who.int/bulletin/volumes/96/9/18-211607/en/ (last visited May 14, 2020).

[15] See *Sustainable Development Goals*, KNOWLEDGE PLATFORM, SDGS, https://sustainabledevelopment.un.org/post2015/transformingourworld (last visited May 14, 2020).

[16] *Id.*

considerable guidance through detailed targets on how to advance each of these goals. The UN has instrumented 9 *Targets* and 14 *Indicators* for SDG 5, and 10 *Targets* and 10 *Indicators* for SDG 14. Targets specify the goals and Indicators represent the metrics by which the world aims to track whether these Targets are achieved. There is free tracker tool for SDGs, open to all users who want to track and explore global and country-level progress towards the 17 SDGs through interactive data visualizations.[17]

According to a Wildlife Conservation Society´s (WCS) report of 2012, there is a plenty evidence for the need of a balanced gender approach to secure the livelihoods and nutritional needs of fish dependent communities. In *A Gender Perspective on Securing Livelihoods and Nutrition in Fish-dependent Coastal Communities,* the authors emphasize that "the fisheries management community must recognize that environmental instability is directly linked to social instability, and social instability flows from inequities [like gender inequity, that emerge] in societies."[18]

III. The challenging role of Artisanal & Small-Scale Fisheries in the current context

A. Towards some definitions of Artisanal & Small-Scale Fisheries (SSFs)

The *Food and Agricultural Organization of the United Nations (FAO) Fisheries Glossary* – under which approximately 1580 terms and definitions are grouped by subject areas- defines

[17] *See* SDG TRACKER, https://sdg-tracker.org/ (last visited May 14, 2020).

[18] *See* Matthews, Elizabeth et. al, *A Gender Perspective on Securing Livelihoods and Nutrition in Fish-dependent Coastal Communities*. Rep. to The Rockefeller Foundation from Wildlife Conservation Society, Bronx, NY. (December, 2012).

artisanal fisheries as those where "fishing households (as opposed to commercial companies), using relatively small amount of capital and energy, relatively small fishing vessels (if any), making short fishing trips, close to shore, mainly for local consumption", are involved.[19] Whereas, *small-scale fisheries*, "tend to imply the use of a relatively small size gear and vessel."[20] Sometimes, SSFs refers to low levels of technology and capital investment per fisher though that may not always be the case.[21]

It is important to mention that despite the substantial contribution to food security, the situation of SSFs and how they fit into the multiple activities of the rural economy and coastal communities remains poorly understood. Likewise, they have a low visibility and receive little attention from policy-makers in comparison to large-scale industrial fisheries. According to FAO, one of the reason for it, is that they are often open access enterprises that contribute little to the national Gross Domestic Product (GDP) and command little political attention or support through research, subsidies etc.[22] Nevertheless, because of the poverty associated with some SSFs, they have tended to receive project support from international development donors but have not received systematic research support to improve understanding of their functioning, governance and human and resource benefits.[23] Another characteristic of SSFs is that they encompass a dynamic and evolving sub-sector of fisheries employing labor-intensive harvesting,

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[19] FAO Term Portal, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS. http://www.fao.org/faoterm/en/?defaultCollId=21 (last visited May 14, 2020).

[20] *Id.*

[21] *Id.*

[22] FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO), http://www.fao.org/3/ae534e/ae534e02.htm (last visited May 14, 2020).

[23] *Id.*

processing and distribution technologies to exploit marine and inland water fishery resources. The activities of this sub-sector, conducted full-time or part-time, or just seasonally, are often targeted on supplying fish and fishery products to local and domestic markets, and for subsistence consumption.[24]

While fishing has long been considered a male domain, i.e., it is often assumed for social, cultural, or religious reasons that women do not participate in fishing activities; however, in the late 1980s women's fishing activities gained some recognition after some authors wrote about the valuable contributions by women to fisheries economies and marine derived food security around the world. Since then, a growing number of publications and initiatives have highlighted the importance of women to the marine fisheries sector in coastal contexts around the world. Several recent high-level fisheries reports and policy instruments have added to this momentum, emphasizing gender equality as an integral component of efforts to secure coastal livelihoods and the wellbeing of men and women in fishing communities around the world. However, despite growing attention to women and gender in fisheries, gender considerations continue to be under-emphasized in fisheries policies and management worldwide, including *Traditional Fisheries* and *small-scale fisheries*.[25]

[24] *Increasing the Contribution of Small-scale fisheries to Poverty Alleviation and Food Security.* FAO TECHNICAL GUIDELINES FOR RESPONSIBLE FISHERIES 10, F.A.O., ROME (2005).

[25] Sarah Harper et. al., *Valuing invisible catches: Estimating the global contribution by women to small-scale marine capture fisheries production.* PLOS ONE 15(3) (Mar. 4, 2020) https://doi.org/10.1371/journal.pone.0228912 .

B. Gender equity & Gender equality

The International Labor Organization (ILO) defines *Gender Equity* as "the fairness of treatment for women and men, according their respective needs." On the other hand, *Gender Equality* implies the "enjoyment of equal rights, opportunities and treatment by men and women and by boys and girls in all spheres of life."[26] Both concepts must be taken into consideration when talking about gender in SSFs since the circumstances, involvement, constraints, options and benefits are often different for women and men.[27] One of the major barriers to gender equality in SSFs are cultural traditions –in some cases embedded of religion and ritual practices- and the organization of social structures.

To illustrate this, in *Lobitos*, a small village in the coastal Perú, the lived reality of declined and insecure fish stocks and growth of alternative livelihoods threatens the traditional coastal gender dichotomy of *ama de casa* (female household manager) working in the home and *pescador* (fisherman) working as the sole income generator.[28] The case of *Lobitos* is an example of how a prevailing dichotomous gender framework in Latino cultures fails to recognize the multiplicity of gender identities in a community affected by climate change.[29]

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[26] *ABC of Women Workers´rights and Gender Equality*. Second Edition (2000) INTERNATIONAL LABOUR OFFICE (ILO), http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_087314.pdf (last visited May 14, 2020).

[27] *See* Naomi Joy Godden, *Gender and Declining Fisheries in Lobitos, Perú: Beyond Pescador and Ama de Casa* in RESEARCH, ACTION AND POLICY: ADDRESSING THE GENDERED IMPACTS OF CLIMATE CHANGE, 251-263 (Margaret Alston & Kerry Whittenbuty, eds., 2013).

[28] *Id.*

[29] *Id.* at 251.

Latino societies are highly patriarchal and through the lens of *machismo* –a stereotyped "cult of virility" of the men-, "the home" is considered the woman´s natural place, as a familiar binding force for "the mother" and "the wife", often are synonym of violence, sexual abuse and even homicide.[30] Additionally, other factors outside the home exacerbate the binary structure of men working in public as the sole "breadwinner" and women working in the private home. For instance, the few alternative employment opportunities and water scarcity for optional agriculture affects the socio-economic situation of women in Perú amid the vulnerable context.[31]

In 2019, Perú was ranked at 82 of 189 countries on the Human Development Index (HDI)[32], a summary measure of average achievement in key dimensions of human development carried out by the United Nations Development Program (UNDP). On the Gender Inequality Index (GII), a measure that reflects inequality in achievement between women and men in reproductive health, empowerment and the labour market dimensions, Perú was ranked 38 of 189 countries.[33] Those indicators reflect how declining fisheries in a context of climate change adaptation is affecting gender roles and relations in *Lobitos:* the dichotomous construction of gender is irreconcilable with the livelihood in a coastal community of developing countries.[34] It is clear that the small-scale fisheries sector offers a challenging context for analyzing gender-

[30] *Id.* at 252.

[31] *Cf. id.* at 260.

[32] *Cf.* Human Development Index (HDI), UNDP http://hdr.undp.org/en/countries/profiles/PER (last visited May 15, 2020).

[33] *Cf.* Gender Inequality Index (GII), UNDP http://hdr.undp.org/en/indicators/68606 (last visited May 15, 2020).

[34] *Cf. supra* note 27, at 252.

based impacts of climate change on theses communities. A Human Rights-based approach presents as the best option for do it.

IV. The Human Rights-Based Approach to Small-Scale Fisheries

A. Human Rights as a Conceptual Framework and Gender Mainstreaming

According to the United Nations, a human rights-based approach (HRBA) can be defined as:

> [C]onceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyze inequalities, which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress and often result in groups of people left behind.[35]

As we can notice the idea of "Leaving no one behind", keystone of the commitment to the 2030 Agenda for Sustainable Development, re-appears here.[36] The Agenda calls for breaching the gap by recalling on substantive equality of opportunities and outcomes for people who are vulnerable and need to be empowered. In this sense, a HRBA approach relies in two main rationales: "(a) the intrinsic rationale, acknowledging that a human rights-based approach is the right thing to do, morally or legally"[37] ; and second one, "(b) the instrumental rationale,

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[35] *UN 2030 Agenda, Human Rights-Based Approach,* https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach (last visited May 14, 2020).

[36] *The Sustainable Development Goals Report 2016,* https://unstats.un.org/sdgs/report/2016/leaving-no-one-behind (last visited May 14, 2020).

[37] *See What is HRBAP?, Human Rights-based Approach to Programming,* UNICEFF, https://www.unicef.org/policyanalysis/rights/index_62012.html (last visited May 14, 2020).

recognizing that a human rights-based approach leads to better and more sustainable human development outcomes. In practice, the reason for pursuing a human rights-based approach is usually a blend of these two."[38]

In *Rights-based fisheries governance: from fishing rights to human rights,* their authors discuss how the perspective around 'rights-based fishing' –the assumption that fishermen can participate in fisheries management decisions-is challenged by what fishery sector analysts call the 'rights-based approach' suggesting that insecurity among fisherfolk living in poverty "can be most effectively addressed by making use of the existing legal framework that supports the Universal Declaration of Human Rights, as the poverty and marginalization experienced in many smalls fishing communities amounts to a violation of people's social, economic and cultural rights and sometimes their civic and political rights as well."[39] They also reaffirm that this new approach does not mean rejecting one type of management or fishing rights system in favor of another, but that "the adoption of a broad human-rights-based approach makes good use of existing legal and policy frameworks; subsumes the narrower (property) rights-based approach to fisheries governance, engages a wide range of development actors; and is compatible with the broad architecture of development assistance."[40]

According to the UN, a human rights-based approach to development must be understood along with the concept of gender mainstreaming. They are complementary and mutually reinforcing, since "gender mainstreaming calls for the integration of a gender perspective in

[38] *Id.*

[39] Edward H. Allison et. al. , Rights-based fisheries governance: from fishing rights to human rights in FISH AND FISHERIES GOVERNANCE, 13, 14–29 (2012).

[40] *Id.* at 25.

development activities, with the ultimate goal of achieving gender equality".[41] The 1997 agreed Conclusions of UN Economic and Social Council (ECOSOC) defined *Gender mainstreaming* "as the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's and men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality and equity."[42]

Along with the HRBA, gender mainstreaming, a key gender equality strategy that arose after the 1995 Beijing women's conference, goes beyond other approaches by demanding systemic changes to existing institutions and institutional practices. It is important to note that gender mainstreaming is not simply about fitting women into the existing order but to ensure the achievement of gender equity in all the spheres of action. This means for instance, that if certain institutions and institutional practices need to be overhauled to ensure gender equity, they don't merely recruits more women into those institutions alone but also implements plans and decision for strength its achievement. [43]

[41] *Cf. supra* note 37.

[42] *Gender Mainstreaming* Extract from Rep. of the Economic and Social Council for 1997 (A/52/3, 18, Sept. 1997).

[43] *Towards gender-equitable small-scale fisheries governance and development* A Handbook, *in support of the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*. 5. FAO (Nilanjana Biswas ed. 2017). http://www.fao.org/3/a-i7419e.pdf .

Therefore, gender mainstreaming is a process and not a one-time activity, requiring of continuous assessment of the impact of government legislation, policies and programmes (or interventions by aid agencies and civil society organizations) on the lives of recipients.[44] At the same time, indicators of gender inequality can fluctuate from between historical moments. This implies that both gender-discriminatory laws, policies, customs and practices may be challenged, and that all societal conceptions, from marriage and family to policy and governance, along with their institutional practices) can demand an adjustment in order to eventually root out gender inequality, keystone of gender mainstreaming.[45]

B. Gender policies for rural women and the CEDAW

As distinct gender pattern tends to evolve depending on the circumstances of particular fishing communities, it is not clear whether such variations last over a period of time or whether they are related to particular brief events. Nevertheless, women are constrained to develop specific conducts when in new situations because of this kind of variations. More often their lives are affected by changed policies emanating from new local, national, or globalized structures.[46]

From a local and national level, food security and nutrition objectives are rarely reflected in gender-related policies, and gender equality concerns are often missing in food security and

[44] *Id.*

[45] *Cf. supra* note 43, at 5.

[46] Katia Frangoudes & Siri Gerrard, *(En)Gendering Change in Small-Scale Fisheries and Fishing Communities in a Globalized World. Maritime Studies* 17, 117–124 (2018).

nutrition policies. To overcome this disconnect, cross-sectorial collaboration is needed so that institutions and stakeholders become more systematically engaged in the food security and nutrition policy debate. This will denote greater policy coherence and ensure mutually reinforcing measures, which can advance both the gender equality and the food security and nutrition agendas.[47]

At the international level, it has been recognized that eliminating gender inequalities and ensuring equitable opportunities -for women and men- is a precondition to achieving food security and nutrition, and to realizing other human rights. Understanding not only their roots but also their interlinkages can help to identify the synergies and trade-offs between relevant SDG targets and inform policy-making from a systemic perspective. For instance, increasing women's proprietorship over resources and their participation in society and the economy, is not only a matter of social justice, but can also contribute to stronger and more inclusive economic growth that can benefit society as a whole.[48]

In 2014 the World Bank, FAO and the International Fund for Agricultural Development (IFAD) have recognized that gender inequalities limit agricultural productivity and efficiency and, in so doing, undermine development agendas. From a policy perspective, it is important that the root causes of gender inequality are addressed through transformative approaches so that structural barriers faced by rural women and girls are overcome.[49] Moreover, the role of policy-makers in ensuring that gender equality is prioritized throughout those sectors that impact on

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[47] *Cf. Strengthening sector policies for better food security and nutrition results*. GENDER EQUALITY, POLICY GUIDANCE NOTE 6. FAO (2017), http://www.fao.org/3/a-i7218e.pdf .

[48] *Id.*

[49] *Id.*

food security and nutrition outcomes (such as for example agriculture, health, education and social protection) is key.[50]

Some gender and climate change scholars suggest that women are not only victims of climate change, but also often cope to adapt to adversities different than men, by using their particular skills and own livelihood strategies. For example, by substituting the crops they grow or switching to subsistence rather than commodity production.[51] Hence, rural women are resourceful economic agents who contribute to the wellbeing of their families and the growth of communities in many ways. They play a major role in household food security and nutrition, and support their households and communities by providing basic resources like water, fuel, and care. Nonetheless in many parts of the world, rural women face multiple forms of discrimination that affect their capacities and potential as farmers, businesswomen and guardians of household food security. Moreover, women often have less access to and control over productive resources and assets, and fewer opportunities than men to be involved in decision-making processes.[52]

At a systemic level, legal and policy frameworks need to dismantle gender discrimination and promote and protect the equal rights of women and men.[53] Accordingly, as gender equality is itself a human right is both enshrined in the Universal Declaration of Human Rights, as well as in the "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW) and other international human rights instruments. The CEDAW is one of the most interesting

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[50] *Id.*

[51] Israel, *supra* note 2, at 41.

[52] *Id.*

[53] *Id.*

instruments to analyze regarding rural women rights since brings significant concepts to the discussion. Often described as an international bill of rights for women, states that women can enjoy all of their human rights and fundamental freedoms. Besides, governments are legally obligated to align national laws with its provisions in order to "protect women from discrimination and all forms of political, social, cultural and economic inequality based on gender."[54]

The Convention makes specific provisions for rural women and notes they are often marginalized from control and management of natural resources. In this sense, it is important to remark the article 14, paragraph 2 (h) establishes the right to adequate housing in rural areas, "where basic infrastructure and services are often inaccessible or of poor quality" it also reinforces rural women´s rights to land "(for example, recognition of women's legal capacity, recognition of security of ternure, and elimination of discrimination against women in registration and titling)"can be applied to protect their right to adequate housing."[55] Moreover, the article ensures that "additional measures can also be taken to improve the conditions of rural housing from a *gender-responsive perspective*."[56]

The Convention also refers to fisheries in several parts. Article 14, paragraph 2 (a) in respects to "Rural women's right to participate in and benefit from rural development" reads: "36. States parties should establish enabling institutional; legal and policy frameworks to ensure that rural development, agricultural and water policies, including forestry, livestock, fisheries and aquaculture, are gender-responsive and adequately budgeted. (…)" Then compels States

[54] CEDAW, 1986. Convention on the Elimination of All forms of Discrimination against Women. UN General Assembly Res. A/RES/39/46, 39TH Session (Supp. No. 51), UN Doc. A/39/51 (1986).
[55] *Cf.* General recommendation No. 34 On the Rights of Rural Women. Committee on the Elimination of Discrimination against Women. CEDAW/C/GC/34. (Mar. 4, 2016).
[56] *Id.* at 21.

Parties to "(a) Integration and mainstreaming of a gender perspective in all agricultural and rural development policies, strategies, plans and programmes enabling rural women to act and be visible as stakeholders, decision-makers and beneficiaries in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest in the Context of National Food Security; the Voluntary Guidelines for Securing Sustainable Small-Scales Fisheries in the Context of Food Security and Poverty Eradication; GR 23 (1997) on women in political and public life; and the SDGs.[57]

C. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest in the Context of National Food Security

"The Guidelines", officially endorsed by the Committee on World Food Security on 11th May 2012, promote secure tenure rights and equitable access to land, fisheries and forests as means of eradicating hunger and poverty; supporting sustainable development and enhancing the environment.[58] As they are not legally bidding, these Guidelines were envisioned to serve as a guide for "improving governance of tenure of land, fisheries and forests (…) for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable

[57] *Id.* at 10.

[58] Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest in the Context of National Food Security, FAO (2012), http://www.fao.org/3/a-i2801e.pdf (last visited May 15, 2020).

social and economic development."[59] It is important to mention that from the very beginning it is established that "all programmes, policies and technical assistance to improve governance of tenure through the implementation of these Guidelines should be consistent with States' existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments".[60]

According to FAO, "the Guidelines" provides a framework of reference and set out a series of principles along with internationally accepted standards for practices for the responsible governance of tenure (lands).[61] The objective of the framework is that States can use it when developing their own strategies, policies, legislation, programmes and activities. They also allow governments, civil society, the private sector and citizens to evaluate whether their proposed actions and the actions of others represent acceptable practices.[62]

These pioneering Guidelines, which started with a consultation process by the FAO in 2009, incorporating from the first moment all interest group – governments, CSOs, academia, private sector – in consistence with the 2030 Agenda of "Leaving no one behind", and the States, which were engaged in word-by-word review of the guidelines.[63] The consensus that ended up in the Guidelines can be resumed in: a) Recognize and respect all legitimate tenure right holders

[59] *Id.* at 1.

[60] *Id.*

[61] *Cf.* Voluntary Guidelines on Tenure, FAO, http://www.fao.org/tenure/voluntary-guidelines/en/ (last visited May 15, 2020).

[62] *Id.*

[63] Jorge Muñoz, *VGGT: The global guidelines to secure land rights for all,* WORLD BANK BLOGS, (Oct. 5, 2017) https://blogs.worldbank.org/voices/vggt-global-guidelines-ensure-secure-land-rights-for-all (last visted May 15, 2020)

and their rights; b) Protect tenure right holders against the arbitrary loss of their tenure rights; and c) Women and girls [were to] have equal tenure rights and access to land.[64]

Finally, those States adhering to "the Guidelines" commit themselves to considering existing land users' tenure rights, regardless of their legal status, or recording. For instance, if the Guides are observed, no blind implementation of land use rights on State lands is possible. The existing users of State lands will need to be recognized, and their rights need to be respected. Besides, the Guidelines are also technical guidelines showing pathways to facilitating the enjoyment of legitimate tenure rights, with 10 technical guides to show the way, ranging from gender focus to agricultural investments, forest tenure rights, to registers of rights, and others.[65]

D. The HRBA and the Guidelines for Securing Sustainable Small-Scale Fisheries

The *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (SSF Guidelines) are the first internationally negotiated document dedicated specifically to the small-scale fisheries sector. These Guidelines signify a global consensus on principles and guidance for small-scale fisheries governance and development.[66]

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[64] *Id.*

[65] *Id.*

[66] *See* Danika Kleiber et. al., *Promoting Gender Equity and Equality Through the Small-Scale Fisheries Guidelines: Experiences From Multiple Cases Studies* in THE SMALL-SCALE FISHERIES GUIDELINES, GLOBAL IMPLEMENTATION, 737-759, (Svein Jentoft et. al. eds., 2017).

Moreover, their represent a significant achievement towards women's empowerment since the principles of gender equity and equality emerge as fundamental guiding principles in the SSF Guidelines. In fact, Gender equity and equality is the fourth guiding principle of the SSF Guidelines[67] and sits within its wider human rights framework, where tenure rights, access to fishing resources and markets, recognition of and opportunities for fisheries jobs, equal pay, education and food security, among several other themes emerge as gender concerns for many SSFs.[68]

At the same time, it also implies a significant opportunity for governments to meet important goals related to social and economic equity and equality, environmental sustainability, and local food security, including relevant Sustainable Development Goals (SDGs).[69] From a procedural point of view, the SSF Guidelines demand to be comprehended and applied through promoting a Human Rights Based Approach (HRBA) and following internationally accepted human rights standards, which requires strengthening political will. Small-scale fishers and fish workers also need to have a canal for transmitting their concerns and needs.[70]

As a policy document the SSF Guidelines, "contain acknowledgement of the roles of women in the SSFs value chain, the need for gender equity and equality in access to human well-being

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[67] *See Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication,* F.A.O. http://www.fao.org/voluntary-guidelines-small-scale-fisheries/guidelines/en/ (last visited May 14, 2020).

[68] *See supra* note 66.

[69] *Id.*

[70] *Id.*

resources, and the need for equal gender participation in fisheries governance."[71] Furthermore, the inclusion of gender in the SSFs Guidelines is essential for *three* different reasons. Primary, it acknowledges that both genders participate in all aspects of the small-scale fisheries value chain in different ways. For instance each gender does his/her labor in accordance with different cultural and economic values; consequently, it is not rare that women's work often going uncounted and not considered in fisheries governance, despite being vital to small-scale fisheries.

Additionally, it states that gender is key to secure other intersecting issues, particularly human rights and well-being, food security, and climate change. Therefore, gender is considered as a key variable in understanding and enacting change to these systems. Finally, it underlines how gender differences impact in power and decision making in small-scale fisheries contexts and how those differences encourage to accomplish a more representative, fair, and sustainable small-scale fisheries governance.[72]

V. Conclusion

Fishing communities, specifically coastal fishing communities, are challenged with the most direct and cruel effects of climate change and other natural disasters, like flooding, water scarcity, and declining fisheries. They face economic and environmental uncertainties and the defy of protecting their own livelihood rights, while at the same time standing up against policies and practices that destroy their ecosystem and their livelihood options.

[71] *See Kleiber supra* note 5, at 737.

[72] *Id.* at 739.

In this entire context, Women and girls are the most vulnerable. However, they play a key role not only for resilience of small-scale fishing communities, but also for climate change adaptation, environmental and climate justice, and disaster risk management. Aligned with this reality is the fact that the small-scale fisheries subsector itself is being forced to move towards unsustainable practices. As we saw along this paper small-scale fisheries (SSFs) sector is not as interest for investors and government. Nonetheless, it does represent an incredible opportunity to move forward to Sustainable resource management approaches.

Concepts like Gender Equity and Gender Equality applied to sustainable SSFs would bring the chance to change other fishery sectors, like the traditional fishing practices and the Illegal, unreported and unregulated fishing (IUU fishing). Furthermore, the HRBA along with both Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest in the Context of National Food Security the Voluntary Guidelines and SSF Guidelines, represent an enormous advance in the subject, since they offer an alternative treatment focused not only in women´s rights but also in the Sustainable Development Goals Agenda.

Finally, a successful gender approach to other sectors, for sustainable fisheries management will require the active participation and engagement from all sectors, including support of the research and academic community, international cooperation, the incorporation of gender analyses and other gender mainstreaming into research methodologies and frameworks. The SSFs Guidelines showed us that a change for better is achievable.