

A New Vision of the Sea

Local and regional ‘parliaments of the sea’ can ensure the participation of society in the management of marine areas while respecting the rights of fishers. An example from France

“Numerous ethnographic studies show that the sea and its resources are not an open-access resource, but a common good, collectively controlled by artisanal fishing communities through traditional institutions, and that privatisation or coercive measures by public administrations risk leading to the decline or even disappearance of these communities.”

– Marie-Christine Cormier-Salem in *Small-scale Fisheries and the Globalisation of the Seas* (2017)

Among the principles set out in the Voluntary *Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (the *SSF Guidelines*), one of the first specifies: “Consultation and participation: ensure the active, free, effective, meaningful and informed participation of artisanal fishing communities, including Indigenous Peoples, taking into account the United Nations Declaration on the Rights of Indigenous Peoples throughout the decision-making process related to fishery resources and areas where ‘small-scale fisheries operate, as well as adjacent land areas, and taking existing power imbalances between different parties into consideration. This should include feedback and support from those who could be affected by decisions prior to these being taken, and responding to their contributions.”

The management of coastal fishing in France is largely based on these principles. There have always been unwritten historical agreements enabling fishing communities to share the spaces of working and living. Although these arrangements have survived and continue to exist, they have had to be translated into enforceable legislation in response

to the increasing use of the territorial sea, the decline in certain coastal resources and the need to assert the fishers’ determination to manage the area sustainably. In the Mediterranean, management by the *prud’homies* is still a reality in several ports despite the decline in the number of fishers.

Today, professional maritime fishing is managed by a complex legal system comprising, firstly, the Common Fisheries Policy, one of the EU’s most integrated common policies. Secondly, national regulations put in place by the

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Comite National des Peches Maritimes et des Elevages Marins (National Committee for Maritime Fisheries and Fish Farming) or by the state. And, thirdly, regional rules laid down by the Comites Regionaux des Peches Maritimes (CRPMEM, the Regional Maritime Fisheries Committees).

The CRPMEMs are professional organizations now covered by the Agriculture and Fisheries Modernization Act of 27 July 2010, which accords them the status of legal entities under private law and gives them the prerogatives of public authority, namely, compulsory membership; levy of a mandatory professional contribution; the authority to establish rules for managing resources that are enforceable in law; and the ability to appoint guards.

Marked advantage

Thus fishers have the marked advantage of being able to manage

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their own activities in the territorial waters of their region. For example, the CRPME in Brittany, supported by its four departmental committees, has made extensive use of this ability for 30 years to set up a coherent system for managing fisheries and the maritime space, remaining as close as possible to the realities on the ground and the resources available.

This management system is implemented within 12 nautical miles of the territorial sea, through the introduction of licences differentiated by *métier* with a quota on the number of vessels. It is accompanied by technical measures concerning the length of vessels, fishing gear, the setting of fishing calendars and zones, limits on fishing effort, and market size, among other things, tends to allocate individual rights of access, as long as the procedure to create them is approved by the authority in charge of the area, namely, the Regional Prefect. Licences issued by the Comité des Pêches are allocated to the owner/vessel and are neither negotiable nor transferable. The criteria imposed for allocation of priority include track record, market trends and socio-economic balance.

Any entity, a fisher or an organization interested in contesting the criteria, can submit an appeal for misuse of power before the administrative judge. The aim is to maintain social and economic equilibrium through collective management of resource sharing and a balanced resolution of cohabitation disputes, with a view to regional development. This system, based on proposals from the local level, has enabled a bottom-up approach that meets the requirements of regional management.

The backdrop

The list of initiatives implemented over the last 30 years is a long one. It starts with the historic example of the management of scallops in the Bay of Saint-Brieuc, which served as a model, for the introduction of a comprehensive coastal zone management system that has generated almost 4,000 fishing authorizations a year, covering all *métiers* from boat fishing, including for laminaria seaweed, to professional on-foot fishing and shore-based seaweed harvesters.

Despite its complexity, this system remains flexible and evolving. In a

statement on 14 May 2024, Brittany's CRPME said: "We have made the very clear choice of prioritizing access to fishing rights for new ship owners and owner-operators in order to avoid a monopoly of fishing rights, promote a small-scale fishing model, and encourage those who want to set up in fishing."

The fisheries committees face a number of problems. While they have complete freedom to manage coastal species not covered by quotas, those covered by quotas are managed by producers' organizations, where the major fishing groups have more influence. European rules are not always compatible with the rules put in place by the committees. In Normandy, for example, scallop fishermen cannot apply their regulations to English fishermen who fish beyond the 12-mile limit. This requires difficult negotiations, especially in the context of Brexit.

The 2010 reform abolished the local committees in favour of departmental committees, which in some large departments have physically displaced the committees from the ports. As a result, participation in elections has fallen and divisions have become more acute.

Powerful new players—a coalition of environmental NGOs in France and elsewhere in Europe—are now involved in the fisheries debate and are questioning the legitimacy of the fisheries committees, believing that they have the legitimacy to impose their vision of fisheries because they represent civil society. They are calling for restrictions on gear, areas and fishing seasons, without any consideration for the consequences or local realities. In all, 450 boats have been banned for a month and the restriction will be in place for another two years. The aim is to protect dolphins, a measure that goes counter to the fishers' own efforts to limit their catches of dolphins.

The creation of reserves and marine protected areas (MPAs) in the name of preserving biodiversity, without the participation of fishers, challenges their management responsibilities. In Brittany, a reserve for the protection of birds was greatly extended by excluding fishers from the management of the area, which was entrusted to an association for the protection of birds. Geographer Marie-Christine Cormier



Lorient fishing port, France. In Europe, fishermen are accused of being the main destroyers of the oceans, even though marine resources have improved overall

Salem said: “The creation of protected areas, by changing the regimes of ownership and access to the sea and its resources and by dispossessing artisanal fishermen of their fishing grounds and territories, are among the main mechanisms for enclosing maritime communal areas.”

Contesting stereotyping

Generally speaking, in Europe, fishermen are accused of being the main destroyers of the oceans, even though marine resources have improved overall. The main problems today are climate change and pollution from land-based sources, leading to green tides and blooms of toxic plankton. On these issues, environmental associations can be allies to fishers and shellfish farmers. This is what is happening in the Parc National Marin D'Iroise off the coast of Brittany. For 20 years, with the support of fishers, this park has enabled consultation among fishers, scientists, elected representatives and

associations, with fishers retaining responsibility for managing their resources. It provides them with the means to manage and better protect their resources. There have been many positive results, without the imposition of any ban on fishing, except in limited areas. But the coalition of NGOs does not want this model and is calling for an end to the marine park and the establishment, instead, of reserves.

For the NGO coalition, the campaign on reserves and MPAs also serves as a lever for a radical rethink of towed gear, which is blamed for being non-selective, for destroying the seabed and for consuming fossil fuels. While it is true that these gears have been the subject of fierce debate for centuries, if they have survived, it is because they have found their place and have come to be accepted by most fishers where they have been deployed. Their use can, and must, be improved; some innovative fishermen are well aware of this, as are scientists.

A look back at history is enlightening, because every time there were attempts to ban dredges and trawls, in the 18th and 19th centuries, a few years later they were once again authorized, with regulatory measures. The bans had not led to an improvement in resources but had caused supply crises. More recently, in-depth studies on the impact of scallop dredges on the seabed of the Gulf of Maine in the US have provided new evidence: "... our seabed monitoring has revealed

This is what happened during the one-month fishing ban for 450 boats in the Bay of Biscay to protect dolphins, in disregard of the actions taken by researchers and fishermen to limit by-catches. The same is true in the case of the creation of reserves or a general ban on dredgers and trawlers through the imposition of a definition of small-scale fishing that excludes boats over 12 metres and those using towed gear. In contrast, the Iroise Marine Park and the Natura 2000 area in southern Brittany, where fishermen maintain their rights and responsibilities within the context of consultation with associations, scientists and elected representatives, operate on a democratic basis and have demonstrated their effectiveness.

The measures are taken only after debate, which is time-consuming but guarantees acceptance of the measures adopted. Said Marie-Christine Cormier-Salem: "The status of spatial units, as defined by fishing activity, the way in which they are exploited, developed, perceived and shared, in other words, the way in which they are managed and governed, is the central issue in fisheries. The areas structured by fishing practices, are liquid and shifting, with porous boundaries, are not *res nullius*, but *res communes* or communal, under the control of a community that identifies with them, claims them as its territory and ensures their defence and conservation."

It is on this basis that we are calling for the setting up of local and regional parliaments of the sea, to ensure the participation of society in the management of marine areas while respecting the rights of fishers, who are not the only users of the sea. But if we put all the stakeholders on the same level, the rights of fishers cannot be recognized, all the more so as their numbers are decreasing and society's knowledge of the specific nature of their activity and their culture is fading away in favour of a vision of the sea reduced to the simple function of recreation and a reservoir of biodiversity.

Yet fishers are the men and women of the future; unlike all others, they have always had to confront nature, its limits and the vital need to adapt to it. The lessons they are now being taught by "people from the land" sometimes amount to what one geographer describes as "urban indecency". 3

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a scallop population unchanged after about two decades, and has described a high degree of similarity between an obviously resilient fished benthic community and its unfished analogues in the central Gulf of Maine. We must, therefore, consider the possibility that commercial scallop fishing is not detrimental to the benthic community as a whole in this high-energy environment, and that the central Gulf of Maine is capable of maintaining a healthy macro-benthic community over decadal time scales." Indeed, the evolution of the seabed does not depend solely on the impact of fishing, but more broadly on the impact of the swell, currents, storms and temperatures. The use of towed gear, which is controlled, regulated, limited and, above all, seasonal, is, therefore, not always as destructive as environmental NGOs claim.

Marine ecology: an inclusive view

The challenge concerns the implementation of measures to manage fisheries and conserve and enhance marine biodiversity, and, therefore, the effectiveness of co-management and the participation of people of the sea in the governance of their territory. Environmental associations have their place and their say in alerting people on issues, proposing measures and monitoring changes in biodiversity, but they should not put fishers under their tutelage.

For more

Artisanal fishing in France : between autonomy, marginalisation and tutelage

<https://peche-dev.org/spip.php?article528>

We urgently need to recognise the collective rights of fishermen

<https://fishingnews.co.uk/features/fisheries-science/french-fisheries-scientist-alain-le-sann-we-urgently-need-to-recognise-the-collective-rights-of-fishermen/>

CRPMEM: Comité Régional des Pêches Maritimes - Élevages Marines - Hauts-de-France

<https://www.comitedespeches-hautsdefrance.fr/>

Pêcheurs bretons en quête d'avenir Broché – Illustré, 20 octobre 2016

<https://www.amazon.com/P%C3%AAcheurs-bretons-en-qu%C3%AAte-davenir/dp/236758057X>

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