

Second section

# Fisheries and their main stakeholders





## Chapter 3

# Fisheries stakeholders

## 3.1 Fisheries operators

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Fisheries and aquaculture are productive activities that form part of a wider and more complex economic supply chain; various types of figures from the different segments and areas of the supply chain should therefore be taken into consideration. The following, however, is an attempt to provide some elements describing the development experienced by the category of fishermen from the middle of the 20<sup>th</sup> century.

Fisheries in Italy is an activity with traditions rooted in the distant past, forming part of the history of the populations along the coast and near inland waters since ancient times.

In the 30 years from 1950 to 1980, when Italy underwent a decisive transformation from being a prevalently agricultural country to becoming an industrialised nation, the number of employees in fisheries, declined significantly, as in all primary activities. Within 30 years, this process brought a reduction of around 48.9% in the number of employees at a national scale (at a rate that appears substantially constant over the 30-year period, as seen in the census data from 1951, 1971 and 1981), which is nevertheless significantly lower than the losses in agriculture, where three out of every four workers sought employment elsewhere.

Over the same period of time, fishery products have increased significantly in value and this can help to explain the reason for the lower abandonment rate seen in this primary sector industry.

Other reasons can also be found which are not only economic in nature but also sociological and psychological: the technological progress that affected fisheries did not lead, for example, to the development of a type of business based on a single working unit, as occurred in the same period in many areas of agriculture, with the arrival of the tractor, even if the size of fishing companies is traditionally very small in Italy, as in much of the Mediterranean Region (Cataudella, Lariccia, 2005). Indeed, from the time of feudal law, the legal status of this category has always been markedly different from that of farmers, who, in central Italy for example, came under the sharecropping system and therefore lived in a condition of relative servitude, whereas fishermen enjoyed the condition of relatively free men, in terms of habit and legal status throughout history. However, fisheries could not escape an old sociological law, according to which the professions most affected by a process of ageing experience a reduction in the number of workers practising them. Also in this case, a comparison with agriculture shows that this process appears less important in fisheries. For example, in 1981 fishermen under 20 years old still made up 26% of the total number of workers at a national level and those between 20 and 29 years old accounted for 32% of those employed.

The reduction in the number of fishermen and developments in fishing systems, which underwent a profound transformation during the first half of the 20<sup>th</sup> century due to the contribution of

technological innovations (motorisation of boats, use of new materials for gear and widespread adoption of mechanised deck equipment), went hand-in-hand with a profound modernisation of the sector.

In the last 20 years of the 20<sup>th</sup> century and the first decade of the present one, however, there has been a further marked decrease in the number of fishermen, due in particular to EC policies aimed at lowering the fishing effort. Thus in just 30 years, the numbers of those employed in fisheries have practically been halved once more.

Although, quantitatively, this is not a category of significant overall importance in terms of the numbers employed, it can still be considered as having true strategic value today and should be acknowledged as increasingly relevant in the area of environmental policies and protection of the sea, as well as for the social and cultural role played by fishing communities in many areas.

In regard to the origin of the operators and the necessary requirements for carrying out their work, until around 50 years ago the fisherman's craft and the necessary skills for practising it were almost exclusively inherited as part of a tradition handed down from father to son.

Today, even if the hereditary nature of this activity still continues, to practice their profession fishermen need to be true entrepreneurs in the modern sense of the term, capable of acquiring and mastering a series of both traditional and highly innovative skills.

Fishermen, even those in small-scale fisheries (also known as artisanal fisheries), where techniques and gear have certainly undergone fewer changes, can no longer operate without being informed and remaining updated: it is necessary, for example, to know how to use increasingly advanced navigation instruments, as well as to know the opportunities and limits provided by European and national legislation and the findings and evidence discovered and highlighted by applied research activities.

Naturally, if on the one hand it is undeniable that technological innovations improved the living and working conditions of fishermen, with a growing reduction in physical effort, shorter working and sailing times, greater profitability and an increase in work safety, on the other hand, investment and production costs have increased, as well as the knowledge required to work in a profitable manner.

In this regard, it should be noted that the evolution of the division in this direction has been made possible, to a considerable extent, by a capacity to form enterprises, both as cooperatives and otherwise, together with the creation and development of trade associations and representative bodies.

The creation and development of cooperative enterprises and of local and national representative organisations facilitated many operations of a bureaucratic nature or involving access to credit, incentives and contributions, which supported and assisted many of the evolutionary processes undergone by fisheries in recent times. Cooperative organisation also provides the possibility of jointly addressing the numerous challenges that have arisen over recent years, as well as an opportunity to be informed on legislative developments.

Moreover, there is an increasing requirement for fishermen to become active players, as was first systematically recommended and specified at a global level in 1995, with the approval of the FAO Code of Conduct for Responsible Fisheries, which was also signed by the Italian government.

In this perspective, producers must know and comply with the regulatory provisions governing fisheries, not only to avoid the penalties envisaged by particular rules, but also in their own best interests. This need arises from the very nature of this type of economic activity, which, since it involves the extraction of collective natural resources, cannot disregard the adequate conservation

of resources, as well as the protection of the environment from which living resources that represent the source of their profits come from.

Increasing awareness that fishery resources are limited has in fact heightened the importance of the policies regulating the activity. At the same time, this complex and detailed process is not possible without an increasing involvement by fishermen, both in regard to decision making and the management of these resources. This complex process, which began in Italy in the early 1980s with the participation of trade associations in the bodies and committees called for by central administration (in accordance with provisions and measures starting with Law 41/82), has become increasingly consolidated in recent times, with the establishment of management consortia in shellfish fisheries. This experience is now being replicated, at least in regard to small-scale fisheries, with the creation of *consortia for the guidance, coordination and management of small-scale fisheries* (Co.Ge.P.A.), whose members assume responsibility for regulating their own catch activities.

The evolution of fisheries also requires growth in terms of the knowledge and entrepreneurial capacity of fishermen, who need to develop their own capacities to innovate, also by means of diversification of their activities: fishing companies can play leading roles in new forms of catering and in the direct sale of traditional products, or can even create educational activities, in collaboration with environmental tourism and its operators, or even more directly, through involvement in new forms of sea tourism, as part of integrated activities that are already envisaged by legislation, such as various types of tourism related to fishing.

What is called for is a cultural and professional evolution, together with the recognition of the social role played by fishermen, in view of the distinctive value of their activity, not only in productive and quantitative terms, but also due to their contribution to employment, nutrition, the environment, green tourism and culture, and therefore to society as a whole (Iani & Ferraioli, 2010).

Certainly, all of this does not eliminate the challenges faced by fisheries operators, who have to deal with a range of economic difficulties, which in certain cases threaten the very existence of their work. At the same time, producers are also subject to challenges and difficulties of a purely economic nature, due to a lack of bargaining power caused by the excessive fragmentation of the production base and the commercial supply chain. As in many other production sectors, there is also the challenge of globalisation and the arrival of highly competitive imported products, in addition to competition with products from aquaculture, as well as the exponential rise in production costs (particularly the increase in diesel price in recent years).

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## 3.2 Cooperative associations in fisheries

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The history of fisheries cooperatives probably begins with Law No 250/1958. This law confirmed the payment of family allowances to fishermen working in small-scale coastal fisheries and inland waters and granted invalidity and old-age pensions and sickness benefits.

This law also provided an impulse for the creation and establishment of cooperative organisations in small-scale fisheries, in view of the possibility of receiving family allowances. However, this gave rise in many cases to cooperative associations centred more on the mere supply of services than on the emancipation of fishermen through a cooperative spirit and values, given the highly individualistic nature of fishing activities. In the case of many cooperatives, this has been and still is reflected in the difficulty of assuming a role of economic management and growth, and of entrepreneurial development, with activities very often remaining limited to the provision of services (procurement of fishing materials, handling of pension procedures, purchase of fuel, etc.).

The lack of consideration given to fisheries which are still basically not incorporated in the country's general economic policies, has not contributed to the development of a different cooperative model, centred on the development of genuine entrepreneurial skills.

This is the context in which fisheries cooperative associations carry out their main institutional role, to continue to propagate and develop the purpose, principles and correct management of cooperatives. This is a process of growth in which the development of cooperatives entails having to deal with the extreme complexity of a sector and activity which is closely linked and interconnected with the environment and the market situation, as well as with the evolution of an increasingly large and complex legislative and regulatory framework, ranging from sanitary and hygiene standards to controls. This challenge is much more important for the associations, due to the fact that cooperatives have historically taken on a predominant role in the sector's production base, proving to be certainly the most suitable form in the specific circumstances of Italian fisheries.

This was well understood by the legislator in 1982, with the enactment of Law 41/1982, which represents a milestone in the development of fisheries and in the growth of fishery associations, particularly cooperatives. This law assigned to fisheries cooperative functions such as training and creation of awareness among fishermen as strategic elements to usher in a new period. This was to be a time of concerted management, with participation in regulatory development and in the definition of technical and management measures, of the spread of promotional and dissemination activities, of the intensification of research activities applied to fisheries and aquaculture, and of communication with the general public.

From then until now, the cooperative movement in fisheries has been increasingly involved in a wide range of activities and functions on behalf of its members that can be summarised by three paradigms: representation, i.e. lobbying, to influence public decisions; technical assistance, services and promotional activities; and para-economic activities. The complexity of the services required raises questions concerning its mission and functions, which can be formulated as follows: does the cooperative movement represent the interests of the cooperatives or their members? The answer to this question has never been clear, giving rise to a certain confusion of roles in the activities of cooperatives and trade unions, and it will be difficult to settle this matter

unless the representation situation changes. If, on the one hand, the cooperative movement has shown that it can coexist with this ambiguity without identity conflicts, on the other hand, there is evident need for repositioning, change and an effort towards innovation, in line with the requirements of Legislative Decree 154/2004 on the modernisation of the sector, of EC regulatory development and, last but not least, of the present crisis in the fishing industry.

Different demands and expectations require equally diversified structural and practical operational solutions. Differentiation begins with the local territory, where varied and stratified interests are seen in coastal strips, regions and individual fishing communities. For the associations, this common feature amounts to a highly varied situation of requests for assistance from cooperatives or individual fishermen, basically for the purpose of facilitating the completion of procedures generally concerning individual members and various levels of public administration. In this context, the cooperative movement risks being perceived as free or low-cost procedure expeditor. It is sometimes seen as counterpart and supporter of public administration, sharing responsibility for the proposals and initiatives of the bureaucratic or political powers. No matter how mixed, varied and involved in different functions and tasks in relation to both the grass roots and the institutions, the role of cooperative associations remains one of political and union representation and of reconciling specific interests in the context of the general interest of the sector.

Aside from the unequal weight carried by the various regional structures in policy shaping and negotiation, their activities in the local territory also appear highly differentiated for reasons of a structural nature, related to the different levels of tradition and development of the local fishing economies. The local territory is an increasingly sensitive structure and the relationship between the centre and the periphery is changing to such a significant extent that cooperatives are increasingly required to operate as a network and adapt to diasporas and the dispersion of hierarchical hubs. Regional authorities also play a less-than-positive role in this context, with a tendency to govern the sector disregarding the fact that there are as many different fishing realities as there are regions<sup>1</sup>.

An increasing number of decisions have to be taken “in the field, locally”. This requires the current hierarchy of the cooperative movement and its consensus building mechanisms to aspire more to roles of coordination than to regulative principles.

Nonetheless, despite the particular nature of the needs and interests of fishermen, which differ from one locality to another, resulting in differing positions in the various departments and among the various fishing communities within them, acknowledgement should be made of the fact that for many years the associations have fulfilled a role that has enabled fisheries to be governed, through a continuous activity of summarising and mediation between operators in the fisheries industry and between these and public administration. Over the years, the governability provided by the associations has become a prominent feature of the fisheries division, also in relation to the extensive and continuous development of EC regulations, followed by that of national regulations. The participation of fishermen in collective debate and the continuous work of informing and creating awareness by the associations (which have become increasingly widespread and efficient due to the growing use of computers) has helped the profession to grow over the years and gain experience in various forms of participation in the decision-making process, which had developed at a national level to include decentralisation of resources and tasks to regional levels. It is thanks to this constant work of promotion and creation of awareness that fisheries cooperatives

<sup>1</sup> Region. See ch. 9.3

have grown in recent years and consolidated their presence in the areas of research, tourism, the environment and catering, also due to a greater diversification of the fishermen's work which has given rise to a series of activities connected with fisheries. Thus, various types of tourism related to fishing have been created, as well as ecological and environmental protection activities and those involving the enhancement of cultural heritage, and the treatment, processing and distribution of fish products.

A snapshot image of typical fishing industry cooperatives would be one of medium, small and very small enterprises. In terms of category, most of them would be classed as micro-enterprises. Few of them can be considered as small enterprises, and large or medium-sized enterprises are practically non-existent. They are mainly structures lacking in efficient administration and undercapitalised, with difficulties of access to credit and a poor investment capacity.

To overcome these structural difficulties, for a long time the cooperative movement has been proposing the establishment of a fisheries enterprises development fund, so far with little success, as a tool to stimulate business policies that can help strengthen the structure. This fund, expressly aimed at plans for recovery, merger and concentration, support for networks of enterprises, equity loans and the mentoring of start-ups, is in line with the approach of the most recent European legislation concerning state aid to small-to-medium enterprises in fisheries (Regulation EC 736/2008): it is envisaged as a revolving fund for the capitalisation of businesses, modernisation of production structures, promotion of sector agreements, promotion of business internationalisation, support for training interventions, etc.

The cooperative movement has also gained considerable experience over the years through the activity of the three consortia, Uniprom, Unimar and Fidipesca Italia, with a fourth one currently being set up for the promotion and coordination of producer organisation activities. The cooperative associations willingly conduct patronage, training and assistance activities, but in an autonomous and often voluntary form, as the cooperative movement does not use delegation and powers, as in the European scene.

On the other hand, the European setting highlights a historical delay by Italy in regard to situations that have already been consolidated in other countries, where fishery associations play a leading role in the public management of fisheries economy.

This scenario presents the challenge of a full legitimisation of the Italian fisheries cooperative movement as a leading player in fisheries management. The same challenge is also posed by the objectives of decentralised and regionalised management and by the greater involvement of stakeholders in decision-making processes envisaged by the reform of the Common Fisheries Policy (CFP).

To provide a picture of the role of representation at a European community level, fisheries cooperatives form part of COGECA Pesca, an essentially agriculture organisation with a strictly horizontal structure, in which the various supply chains of the agri-food industry, including fisheries, are divided into "sections". These sections, now known as "working groups" after a recent reorganisation, are increasingly closely integrated (COGECA and COPA, the Committee of Professional Agricultural Organisations). Representatives of the COPA-COGECA FISH working group participate in the various consultative committees in Brussels, where it expresses its positions jointly with *Europêche*, the Association of National Organisations of Fishery Enterprises, to which the Italian fisheries cooperative associations (AGCI Agrital, Federcoopescas, Lega Pesca) also belong, due to the role of many Italian cooperatives as boat owners.

Despite such a structured presence, the policies developed and decision-making mechanisms



adopted at an EC level have made the greatest contribution to weakening the role of national associations, particularly in Italy, where fishermen have become accustomed in recent decades to their respective associations having a substantial degree of influence at a political and institutional level. Although the Treaty of Lisbon, which placed the Council and Parliament on an equal footing, is substantially changing European processes towards more democratic and transparent models, until now, except for in rare cases, the closed Commission-Council system, with the intermediate COREPER level, has remained impermeable to any solicitation from the consultative level. Since the elimination of the national fisheries associations, under the reform of Commissioner Bonino (2002), only European organisations have been admitted, and numerous representatives of other “stakeholders” in fisheries (environmentalist NGOs, processing plants, banks, consumers, etc.) have been included in the committees, with the result that the statements of the consultative committees are no longer unanimous and have even less impact.

The arrival of EC policies for the Mediterranean Sea, with regulations passed by the national Council of Ministers without any consensus – indeed, with open opposition – from Italian fisheries organisations, has been a hard blow to the credibility of Italian associations, especially for those who believe that the association chairmen would be signing laws and decrees.

It is a process that is currently intensifying, due to the end of a long period of tolerance associated with the CFP in the Mediterranean Sea, which is seen in the intensification of controls by EC inspectors and the heavy consequences for operators using “*ferrattara*” driftnets. The forthcoming reform of the Common Fisheries Policy under Commissioner Maria Damanaki, with the probable end of any aid to the fleet, the introduction of transferable fishing concessions and the dreaded obligation of landing all by-catches in the ports, will further complicate the picture.

Neither should the negative impact on the role of fisheries cooperatives at a national level, due on the one hand to the drastic restraint in public spending and on the other to the more general process of crisis of representation, be overlooked. In regard to public spending, there has been a drastic reduction in the resources available for fisheries programming over the last decade (a 77% decrease from 2000 to 2011), severely limiting interventions for the promotion and support of associations. In addition to this, the role of fisheries cooperatives risks being eroded by a process of gradual fragmentation of the association framework into a plethora of acronyms, as a result of micro-lobbying activities sponsored at a political or territorial level (from the 5 historical acronyms there are now 18 new groups, too many for a sector with 100 thousand employees).

Nevertheless, this is the new context in which associations have to find a wider and more decisive role. This should not be viewed as a one-way process, as if it were a favour that the State is granting the associations, because this would risk failing to fully grasp the importance of a strong and structured associative movement.

Without a “connective tissue” of associations, capable on the one hand of reporting labour relation matters and local issues, lobbying and making justified claims to legitimate interests and rights in institutional and political mediation, as well as preventing the establishment of misguided and damaging rules, and on the other of gaining margins of consent for measures that are often difficult to digest, there is a risk of seeing tensions and conflicts arise in regard to all measures.

The cooperative movement has stood its ground and with the help of the reinforcement provided by the historical development of the Alliance of Italian Cooperatives, it will continue its mission, even during unfavourable times for the life of the country.

The national coordination of AGCI, Confcooperative and Legacoop started a process that will lead to great changes and which represents the future, not only for the cooperative economy.

The very fact of existence comprises a spirit of belonging and of survival, with an immune system that tends to reject foreign bodies. The process has begun and the time is ripe for the birth of an alliance which will lead to the launching of projects, programmes and strategies in fisheries, helping to strengthen associations and reaffirm those issues which are part of cooperative DNA, such as transparency, legality, environmental protection and employment.

## 3.3 Workers' representation in fisheries: bargaining, welfare and fisheries policies

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The fisherman's craft has a very ancient tradition in our country and over time has become one of the firm points for the development of Italian economy. Workers in the sector are organised into employed and self-employed fishermen and partners in cooperatives.

The demands of fisheries workers are represented by the Agri-food sector unions, FAI-CISL, FLAI-CGIL and UILAPESCA-UIL. At a European level, FAI, FLAI and UILAPESCA belong to the fisheries section of the European Transport Workers' Federation (ETF).

Three National Collective Labour Agreements (CCNL) have been drawn up at a national level by the organisations most representative of the sector. FAI, FLAI and UILAPESCA draft the collective agreement for workers employed on sea fishing vessels with Federpesca, which is part of Confindustria. There are also other two collective bargaining agreements which the three unions have reached with the central cooperative organisations Federcoopescas-Confcooperative, Lega Pesca-Lega Coop and Agci Agrital. One is in regard to workers on board, employees and partners of cooperatives, on marine fishing vessels and the other covers personnel not on board, working on shore or in mariculture and valliculture in inland areas.

National bargaining in fisheries dates back to the late 1970s, although its origins are older still. It basically operated at the individual fishing community level, but did not cover the entire national territory. There was a strong need to define common rules for all fishing vessels operating in an individual area of the sea and from the same fishing community. But it was a phenomenon that did not have continuity over time and fishing community agreements were often not renewed, a problem which unfortunately still exists today, and therefore genuine agreement coverage for the sector arrived later on, with national negotiation.

This covers all the practices and characteristics of fisheries, both in legal terms and those of wages. As part of this context, the collective bargaining agreement regulates the so-called "paga alla parte" (payment in proportion to catch quantities), a particular feature of fisheries, which is also very common outside of Italy and has very ancient origins. Fuel and other expenses incurred for the fishing trip are deducted from the amount earned through the sale of the catch. The remainder is divided, normally in 50% shares, between the vessel owner and the crew, which in turn divide it among the individual workers, according to previously established "shares". It is a payment system only found in fisheries, but, although it has ancient origins, FAI, FLAI and UILAPESCA have raised the question of phasing it out in the agreement renewals of recent years, because it involves various distortive aspects with repercussions in regard to both the enforceability of wages and work safety. The system of bilateralism was introduced in the collective agreement renewed in 1994 with the boat owners'

association, as the main instrument for achieving shared solutions between employers and employees. The National Fisheries Observatory and E.Bi. Pesca (Bilateral Fisheries Board) were thereby established, the former with the tasks of providing information and training for crew members on fishing boats, research and collection of qualitative and quantitative data and the organisation of training and professional requalification courses. E.Bi. Pesca provides workers with supplementary income support in cases of sickness and accident. In view of the growing importance of this instrument, the bilateral system has also been incorporated in the national collective agreement drawn up on 28 July 2010 with the three central cooperative organisations.

## Social security cover for fisheries employees

The status of seamen working as crew members on marine fishing vessels in the social security systems currently in force in fisheries is mainly determined by the objective characteristics of the vessel on which they operate.

Our system therefore has the following social security schemes for seamen: the scheme for fishermen working in small-scale coastal fisheries under Law 250/1958 and the marine social security scheme under Law 413/1984.

The first applies to the exclusive or prevalent occupational activity of fishing, either on a self-employed basis or in partnership (fishing cooperatives or enterprises) and carried out, as an occupational activity, on “vessels not larger than 10 gross registered tonnes”. Classification in this scheme entitles the worker to retirement, invalidity and old-age pension, as well as accident compensation. Workers included in the scheme are not entitled to compensation for unemployment, sickness or maternity, or family unit allowances.

The social security system under Law 413/1984 applies to workers already enrolled in the seamen’s pension scheme and those already enrolled in the special pension scheme of the suspended CNPM (National Seamen’s Social Security Fund), and the INPS Employees’ Pension Fund (FPLD) directly provides for the seamen’s pensions.

Seafarers included under this law are currently enrolled in the INPS Employees’ Pension Fund (FPLD) and have access to all the Compulsory General Insurance (AGO) services. In particular, they can receive an ordinary pension and a special disability pension in a wages scheme and in a contributory scheme, compensation in the event of the death of the insured party, without the right to a pension on the part of the survivors in a wages scheme and in a contributory scheme, compensation for unemployment, sickness, maternity, and a family unit allowance.

There is a clear lack of uniformity between the allowances paid to the workers covered by Law 413/1984 and those under Law 250/1958. This discrepancy requires a necessary reordering of the entire welfare system, with a clear definition of the distinction between an employee and/or partner and a self-employed worker.

Furthermore, fishing activities should be classed under difficult and hazardous occupations to entitle the workers to early retirement, as has been argued by FAI, FLAI and UILAPESCA for years. The various attempts to regulate difficult and hazardous occupations date to the mid-1990s and Legislative Decree 67/2011 on early retirement for those employed in particularly heavy and strenuous work was only published in May 2011, but work on board fishing boats was not listed amongst these activities, although it is clearly recognised that the work of fishermen is performed mainly at night and is particularly hazardous.

## Organisation and work safety on fishing boats

The second open question concerns safety on board. Regulation of the organisation of work on board, due to the specific nature of nautical employment relationships, is governed as a matter of priority by Directive 99/63/CE, implemented in Italian national law by Legislative Decree 108/2005. With the amendment of Directive 93/104/EC, which represents the basic rule, the area of application was then extended to offshore working activities and workers who carry out their occupation on board fishing vessels.

The resulting legislative framework is complex and fragmentary in view of the quantity and technical nature of the rules established, both at an international and national level. The growing attention of EC and international bodies and of the social partners to the topic is due to the fact that the method used to organise the work aboard fishing vessels affects the level of effort exerted by the seamen and can provide a useful indicator of the state of well-being of the workers in the place in which they carry out their work.

The recent provisions contain rules that, by way of prevention, guarantee uniform standards for the safety of all crews in regard to the organisation of working hours.

On board controls involve the verification of technical factors such as the seamen's training requirements and qualifying permits, the conditions of the lodgings and work areas, hygiene, facilities and other aspects, providing useful indicators to assess the workers' level of well-being. However, these alone are not sufficient to guarantee the necessary safety standards to safeguard workers' health, considering the particular nature of the marine employment relationship in fisheries.

Starting from the "pathology" established when an accident occurs at sea, a definition has been formulated, at an international level, of the human element considered "as a complex, multi-dimensional factor regarding both safety at sea and protection of the marine environment" and which involves several parties: crew, onshore personnel, staff of class entities, regulatory bodies (social partners), recognised organisations, the legislator and other relevant partners.

The social partners in general, and the trade union in particular, play and should play an increasingly greater role in the definition and regulation of the organisation of the work aboard the vessels through collective bargaining, since the legislator, no matter how careful, cannot definitively cover all the specific aspects involved in a complex fishing system.

## Exceptional Wages Guarantee Fund

The third open question concerns the Exceptional Wages Guarantee Fund (CIGS). In fisheries the attainment of the social security provision as an instrument to supplement workers' income arrived with considerable delay. The trade union organisations had pointed out the necessity of this useful instrument several times, remaining unheard for years.

Finally, in 2008, due to the crisis caused by the large increase in diesel prices, fisheries were granted the exceptional wages guarantee fund, with the signing of an agreement with the Ministry for Labour and Social Affairs on the exceptional wages guarantee fund in fisheries on 25 September 2008. The beneficiaries of the agreement were employees on board, including those of cooperatives, who are covered by the single collective bargaining agreement in force during that period and signed by FAI, FLAI and UILAPESCA with Federpesca on 8 March 2005. Workers who are partners in cooperatives remained excluded. For these, eligibility for the exceptional wages guarantee fund came after the signing of the collective agreement for the sector on 28 July 2010.

The widespread use of the exceptional wages guarantee fund brought a problem to light: fisheries have vital need of a system of ordinary and extraordinary social provisions, like the other productions sectors in our country, but not by way of exception.

## Relations with the institutions

FAI, FLAI and UILAPESCA organise a series of discussions in this area with institutions and counterparties on the necessity of providing greater safeguards for employees. In particular, the Ministry of Agriculture, Food and Forestry Policies, and specifically the General Directorate of Fisheries and Aquaculture, began a synergetic process with the trade unions agreeing on strategies and actions aimed at the revival of the sector in terms of fishing activity, in harmony with the sustainability of fisheries resources. The legislative provisions that amended the old structure of legislation in fisheries in 2004 instituted new bodies at a political level and changed the composition of the group of players that determine the objectives and guidelines of the national fisheries policy. These bodies, such as the General Consultative Commission for Fisheries and *Tavolo Azzurro*, include the active participation of the comparatively most representative trade unions in fisheries in order to achieve the development of employment opportunities, generational replacement and social protection, also through the encouragement of multifunctionality and the promotion of cooperatives, associations and initiatives in favour of employees.

Relations with the Ministry of Labour have been intensified since 2008, with the signing of the first agreement on the exceptional wages guarantee fund. Greater synergy with this government body is also necessary, both to resolve the issue of exceptional social provisions and to innovate the welfare system.

The lack of professional prospects for the division and the difficulty of carrying out a particularly tiring and strenuous activity dampen enthusiasm for this profession and the generational replacement in the field is practically nil.

The fisheries crisis is causing a reduction not only in production figures, but also in the number of enterprises and therefore of workers.

According to ISMEA, the Italian fleet was composed of 38,157 fishermen in 2003, compared to 29,349 in 2008 (13,722 of which were working in small-scale fisheries). These are worrying figures, considering that those employed in the Spanish and French fisheries in 2007 reached peaks of 92,800 and 64,700 workers respectively, compared to 30,124 in Italy. ISMEA calculations, based on ISTAT data, also show a negative trend in the balance of trade: imports in 2003 totalled 3.153 billion euros, while exports amounted to 414 million euros. There is an increase in exports in 2008, amounting to 528 million euros, with a parallel increase in imports, totalling 3.655 billion euros. Fisheries continue to play a relevant role in the agri-food balance of trade deficit.

This social and economic situation is aggravated by EC policy aimed at reducing the fishing effort, which is based on the idea that the depletion of fish stocks is due to excess fleet capacity, and therefore its objective is to reduce this, without providing measures for the revival of the sector.

While maintaining the priority objective of the conservation and reproduction of fish stocks, the phenomenon of abandonment of professional fishing needs to be countered by implementing measures enabling the attainment of a good level of productivity, a decent and motivating income, and the maintenance of current employment levels, also through greater legality.

More specifically, this last aspect concerns not only the activity of fishermen at sea but also compliance with the rules benefitting their employees. Legislative Decree 154/2004 states that

“the fisheries entrepreneur is obliged to apply the relevant collective national work agreements and the social and work safety laws for the application of tax and social security advantages and granting of national and regional contributions”.

The three-year plan is an instrument that allows trade unions to carry out targeted action and to implement all the measures and initiatives necessary to promote working rights and safeguards, as part of the promotion of activities in favour of employees envisaged by the FAI-CISL, FLAI-CGIL and UILAPESCA-UIL regulation, through the structures of the national and territorial service centres.

In this sense, some direct projects have been created on the one hand to inform and train operators in fisheries regarding collective agreement provisions and on the other to verify and broaden the application of the agreements by employers and to monitor regular compliance with the payment of contributions by the enterprises.

Only by a series of strategic interventions to enhance the work and make it profitable and sustainable, through a comprehensive system of structured social provisions, simplification of the safety regulations in consideration of the particular nature of fisheries, a national collective labour agreement and a social security system that ensures a dignified life to those who retire after many years of hard work, would the minimum conditions be created to make the work of fishermen attractive to young people, and this would certainly contribute to help fisheries emerge from its marginalised situation. This is the social sustainability of fisheries for which the trade union confederations continue to struggle, together with the necessary sustainability of both marine living resources and environment.

## 3.4 The boat owners' sector

*Giannini L.*

A fundamental pillar of Italian fisheries is represented by the boat owners' sector, established and organised in a business form normally described as industrial fisheries.

It is also true that this is the sector that best expresses the entrepreneurial spirit, both in terms of work organisation and in its capacity to continuously supply the markets. In the overwhelming majority of cases, however, the reality is a model in which the boat owner (or part-owner of the fishing vessel) works on board, in a manner not unlike that of small fishing vessels. What makes the difference, and therefore gives meaning to the industrial fisheries description, is the assumption of a genuine entrepreneurial risk, due – unlike in most corporate structures – to the assumption of obligations in favour of third parties (employees) or in regard to the various relevant institutes, in a similar way to other industrial divisions of land-based companies, starting with pension contributions (INPS) and the healthcare and insurance payments required under Law 413/1984 for seamen aboard structured fishing vessels (i.e. with certain characteristics of tonnage and engine capacity), guaranteed formerly by IPSEMA and now by INAIL.

A distinctive sign of this production segment is also the coverage and guarantee assured to this division by a national collective labour agreement in place for over 30 years, which has contributed to raising industrial fisheries to a dignity equal to that of other sectors.

The boat owners' fisheries division is currently composed of around 3,000 vessels, mainly involved in fishing activities using bottom trawl, seine, mid-water trawl, longline and hydraulic dredge systems.

The workforce employed aboard these fishing vessels amounts to around 10,000 workers.

The National Federation of Fishing Enterprises (Federpesca) is the association that represents fishing boat owners. Established in 1960, and since then part of Confindustria, it unites, represents and protects Italian fishing boat owners and fishing industry enterprises in relation to public administration, Parliament and the institutions of the European Union.

A relevant part of the activity carried out by the National Federation of Fishing Enterprises is connected with the drafting of the collective bargaining agreement for marine fisheries and that for the industrial activities of the fish supply chain and industrial net manufacturers.

It is an employers' organisation of extreme importance, because it helps to regulate employment relationships in a sector that is absolutely unique in terms of legislation and, above all, of wages.

A "profit-sharing" payment system is currently used, with a guaranteed minimum monetary wage and a supplement directly proportional to the net value of each catch, as in a genuine *profit-sharing agreement*. Together with the workers' trade unions, Federpesca forms part of the National Fisheries Observatory and the Bilateral Fisheries Board (E.Bi. Pesca) for the management of the regulatory institutes envisaged by the collective bargaining agreements for fisheries. In particular, the objectives of the National Fisheries Observatory include monitoring the information/training needs of seafaring personnel on Italian fishing vessels, with particular regard to the application of the recent legislation for marine fisheries, and developing initiatives based on the results of the monitoring. The National Fisheries Observatory implements its projects on specific analysis of the industry, to respond to the real information needs of the parties comprising the observatory and, finally, promotes and organises professional training courses.

In regard to the bilateralism available to fisheries, recently increased in the renewal of the collective bargaining agreement of 20 May 2009, E.Bi. Pesca is certainly a decisive element that has been operating in favour of the industry since its establishment in 1994.

This body, established at a national level, has the role of ensuring the implementation of agreements and decisions aimed at improving the on-board living and working conditions for the crews employed as fishermen and for the boat owners themselves.

In particular, E.Bi. Pesca provides a supplementary contribution through a specific fund for cases of sickness and accident, envisaged contractually and governed by the body's own regulations. Industrial fisheries are also present, through their representative organisation Federpesca, in Federazione del Mare - the Italian Maritime System Federation, which was established in May 1994. This now unites most fisheries organisations: AIDIM (maritime law), ANCIP (port operators), ANIA (insurance), Assologistica (logistics), Assoport (port administration), Assonave (shipbuilding), Assorimorchiatori (port towage), Collegio Capitani (maritime staff), Confitarma and Fedarlinea (merchant shipping), Federagenti (maritime agency and brokerage), Fedepiloti (port pilotage), Federpesca (fishing navigation), IPSEMA (maritime welfare), RINA (certification and classification), Cons.A.R. (research), Tmc (promotion of coastal shipping) and UCINA (leisure-boating industry). Assoitica, the National Association of Fishing Enterprises, is a member of Federpesca. It was established on 28 May 1986 and unites enterprises operating totally or partially in fisheries.

The association's activity involves any initiative aimed at the increase, improved marketing and enhancement of fishery products in relation to public opinion. It also conducts analysis and interpretation of EC and national provisions on food safety, commercial transactions and processing, providing its members with consultancy services for the sector involved and on forthcoming legislative scenarios.

Assoitica also provides fishing enterprises with legal consultancy and is in close contact with

the various Ministries (Health, Agriculture, Food and Forestry Policies, Production Activities, etc.) and with national and international research and study institutes, with which it has established an active relationship of dialogue to represent the problems and requests of the associated enterprises. Federpesca also represents Italian enterprises in the sector in relations with the Italian National Council of Economy and Labour (CNEL). At a European level, it represents Italian fishing enterprises in Europeche, the Association of National Fishery Company Organisations of the EU countries, and is a constituent part of the Regional Advisory Committee (RAC) of the Mediterranean Sea, i.e. the consultative body that provides opinions to the European Commission on matters concerning fisheries in the Mediterranean Sea. Federpesca is also a promoter of Feder.Op.it, the Italian Association of Fish Producers Organisations.

Feder.Op.it, the leading national producer organisation association, is a federation or national union of Italian Fisheries and Aquaculture Producer Organisations and is legally recognised under the Ministerial Decree of 6 December 2001. In addition to the promotion, coordination and development of producer organisation in Italy, the main objective of Feder.Op.it includes:

- preparation of common production and marketing rules;
- planning and implementation of programmes of collective interest;
- improvement of product quality;
- creation of quality, traceability and product certification systems (at a production level and along the supply chain);
- implementation of inter-professional agreements and supply chain contracts;
- feasibility and marketing programme studies (also aimed at the internationalisation of producer organisations);
- modernisation of the sector, together with protection of resources, in view of the crisis in the sector or of excess production (when prices fall below the EC threshold);
- technical assistance programmes;
- implementation of activities delegated by public authorities.

Essentially, either directly through Federpesca, or by means of the aforementioned organisations of the industrial system that refers to it, industrial fishing enterprises can rely on a network aimed at the development of associations, also on the basis of specific operational programmes, which have been implemented since the 1990s and regulated first by Law 41/1982, followed by Legislative Decree 154/2004.

The enterprises of the segment described above are involved in fishing activities, the processing and marketing of fish products, and the manufacture of nets, gear and services for fisheries, and are organised in the following national trade unions:

- National union of coastal and Mediterranean fishing boat owners;
- National union of ocean-going fishing vessels;
- National union of industrial activities in the fish supply chain and net manufacturers, without prejudice to any responsibilities of trade associations belonging to the confederate system.

This large package of organisations at the service of the entrepreneurial world of fisheries has doubtlessly influenced the growth and awareness of the division, providing the profession with considerable unity and strength and overcoming the sense of isolation of individual boat owner enterprises through an increased sense of belonging.

The boat owners' association is most active in the quality certification of the fish products of national enterprises, with a view towards the enhancement of national catches in response to constant increases in imported products from non-EU countries.



These aspects are of extreme importance in order to allow a further necessary promotion of the primary production link in the fish supply chain, in order to recover levels of value in relation to other players positioned along the same supply chain.

A final note regards the difficulties in continuing to provide boat owners with the protection, support and lobbying activities described above in an effective manner, as has been done up to now. This is in view of the progressive disengagement of public contribution in support of initiatives to develop associations, in a notably complex scenario that is further complicated by a proliferation of regulations for fisheries, which are not always coherent and consistent, at all levels (EC, national and regional) and by the economic crisis which is strongly affecting fisheries.

## 3.5 The role of environmental non-governmental organizations in Italian fisheries

*Costantini M.*

Over the last twenty years, Non-Governmental Organizations (NGOs) - each one according to its “genetic code” - have been active in the most diverse sectors of fisheries (in Italy and elsewhere). Such an engagement was even classified by the European Commission, which grouped NGO representatives into activists, diplomats and communicators. Among activists, Greenpeace is the most widely known. Diplomats are well represented by WWF. Great communicators are Sea at Risk and Oceana (AA.VV. 2007).

Good examples of WWF’s diplomatic activity are provided by the advocacy carried out by the NGO in Bruxelles, at the European Commission and the European Parliament, for the reform of the Common Fisheries Policy, and by the presence of WWF representatives in boards and committees dealing with fisheries issues (e.g. European Fisheries Fund – EFF; Regional Activity Centre – RAC; General Fisheries Commission for the Mediterranean – GFCM; International Commission for the Conservation of Atlantic Tunas – ICCAT), environmental issues (e.g. Habitat Directive; identification and management procedures for marine Sites of Community Importance – SCIs), natural and fish resource protection and management (e.g. Barcelona Convention; Convention on Biological Diversity – CBD). WWF representatives sit in management committees of national and international Marine Protected Areas (e.g. Miramare MPA; Torre Guaceto MPA) and in boards of MPA network associations (e.g. MedPan; AdriaPan), where fishery, in particular artisanal, is an issue to be managed.

Despite an initial tendency to disregard the contribution of NGOs to the global fisheries debate (in the nineties), not considering their voice to be authoritative, concrete and above all, reasonable, non-governmental organizations have now entered with full rights the debates on illegal fishing (Illegal, Unreported and Unregulated Fishing - IUU), on control regime compliance, on integrated basin management to harmonize fisheries and Natura 2000 habitats and species conservation objectives (marine Sites of Community Importance – SCIs according to the European Habitat Directive), and last but not least, on the reform of the Common Fisheries Policy.

Initially accepted *ob torto collo* by the other stakeholders, NGOs, through their specific mandates,

have been and still are in the position to facilitate the identification of solutions on a scientific basis. They can suggest specific answers stemming from a different perspective than that of fishermen and shipowners, especially insisting on compliance to legislation and regulations, and on the promotion of a scientific and ecosystem management of fishery resources and exploitation.

By definition, NGOs are called to play an independent role in society (Calado *et al.*, 2012). For this reason, they can facilitate decision processes carried out by governments (ministries, governmental departments and agencies), local communities and “constituencies” (policy actors that join their efforts to find a solution to pragmatic or ethical issues, or to defend acquired rights, such as certain artisanal fishermen communities). In the framework of such debates, NGOs can provide transversal views and perspectives, and improve solely sectorial approaches (for example, fishermen dealing only with fishermen). Furthermore, NGOs can bring into the debate specific knowledge (such as scientific knowledge) and outer competencies not strictly related to the sector, that in most cases prove to be valuable for a better planning and management of natural resources and their use. For example, a good number of NGOs are currently already involved in Marine Spatial Planning (MSP) processes. MSP is a not so new concept and it deals with the allocation of “marine territory shares” to different uses (fishery exploitation, recreational use, extraction of resources, etc.) (Calado *et al.*, 2012).

NGOs are in the position to deliver messages that are usually distant from the general public, such as scientific ones, to specific communities and stakeholders (for instance to fishermen), thus promoting a sort of cultural “training” in the public and private sector. In this area, NGOs may also work in partnership with academic institutions.

Such a mandate of NGOs was recognized by a high number of international agreements, including UNCLOS (United Nations Convention on the Law of the Sea), CBD (Convention on Biological Diversity) and Agenda 21 (a sustainability action plan adopted at the United Nations Conference on Environment and Development – UNCED, held in Rio de Janeiro in 1992). Indeed in 1992, UNCED strongly supported and promoted NGO participation in environmental negotiations. Since then, NGOs have played an increasingly prominent role within environmental institutions, participating in many activities such as policy negotiation and implementation monitoring.

UNCLOS Article 169 envisages the consultation and cooperation between international Governmental Organizations (GOs) and NGOs on matters within their specific and declared competence. Finally, CBD’s preamble highlights “*the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector for the conservation of biological diversity and the sustainable use of its components*”.

NGOs’ action can therefore rely on both international mandates and *ad hoc* scientific contents for advocating and education. However, an ignorance of specific scientific outcomes, or even just a plain belief in statistical “truths” often make information sources toothless when facing counterparts in the debate on natural resource management. It is apparent that stakeholders in this sector tend to make confusion between the respective roles of NGOs and academic bodies. Only (but not always) in the latter case, we can rely on a *super partes* opinion. Debates should be carried out on the basis of different interpretations of sound scientific data. If a species catch rates decrease as demonstrated by a peer-reviewed scientific journal, the confrontation between the NGO and, for example, vessel-owning industry’s representatives to find a solution to prevent stock collapse of the fished species should be based on two different interpretations of the same scientific publication: WWF’s version versus shipowners’ version. Such an approach is

expected to be obvious when it comes to debates dealing with sustainable development, where a balance is sought between economic growth and ecological conservation. However, this does not prove to be true, especially in Italy, for two reasons: firstly, the respective roles of the NGO and the research body that carried out the study are confused (that is, the objectivity and value of scientific data are not perceived) and secondly, striving to understand the scientific publication is regarded as not necessary. The debate is never on specific scientific outcomes, but rather on different perspectives of the world.

Therefore, there is a methodological gap, as stakeholders do not read scientific publications and usually rely on scientific counsellors for decision making, often without even evaluating hard data. Furthermore, there is a gap between the progress of sectorial scientific knowledge (based on cutting-edge modelling) and the scientific approach adopted in policy resolutions.

These examples alone demonstrate how, in a sector such as that of fisheries, so-called “science to action” communication actions are utterly required to reduce the last remaining frictions among stakeholders. Fisheries is a strategic sector, and there is a wealth of high-quality research activity going on. In the debates aimed at identifying mechanisms to promote sustainable management, the value of both scientific data and science-based management schemes are still underestimated. This opens opportunities to NGOs to carry out focused communication and advocating both in international policy *fora* and in fishery co-management bodies.

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