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# Chapter 12

## Small-Scale Fisheries in France: Activities and Governance Issues

**Katia Frangoudes, Manuel Bellanger, Olivier Curtil, and Olivier Guyader**

**Abstract** This chapter reviews the major themes and issues related to small-scale fisheries in France. It first examines the definition of small-scale fisheries within the French legal framework and its relation to EU regulations. Some statistics describing the main trends of the small-scale fisheries fleet, gears and target species are presented. The participation of small-scale fishers in fisheries management and their role within fishers' representative organisations are reviewed. It appears that, despite their numerical importance, as compared to larger-scale fleets, and their vital socio-economic influence within coastal communities, the decision-making power of small-scale fisheries in terms of resource management is limited. Indeed, most management decisions are taken within organisations that encompass all fishing vessels, which have long been dominated by larger-scale fleets. Nevertheless, small-scale fisheries have gradually gained more visibility within these fisheries' organisations and greater participation in the decision-making process regarding resource management, which is illustrated through some practical examples. Finally, the future of French small-scale fisheries is discussed with regard to the challenges and opportunities for their emancipation and the sustainability of their activities.

**Keywords** Small-scale fisheries · France · Governance · Fisheries management · Local communities · Social justice

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K. Frangoudes (✉) · O. Curtil  
University of Brest, Ifremer, CNRS, UMR 6308, AMURE, IUEM, Plouzané, France  
e-mail: [katia.frangoudes@univ-brest.fr](mailto:katia.frangoudes@univ-brest.fr)

M. Bellanger · O. Guyader  
IFREMER, UBO, CNRS, UMR 6308, AMURE, Plouzané, France

## 12.1 Introduction<sup>1</sup>

According to French law, the national fishing fleet is divided into four categories: “small fisheries”, “coastal fisheries”, “offshore fisheries”, and “industrial fisheries”. All vessels operating for less than 24 h per fishing trip belong to the “small fisheries” category; those operating between 24 and 96 h are considered coastal fisheries (Frangoudes 2001). This division based on the time of absence from harbour does not really correspond to the definition given to small-scale fisheries in other countries, where the different categories are based on vessel length and the use of fishing gear or area of fishing. Another aspect specific to France is that vessels under 12 meters in length can use towed and passive gear depending on the season and targeted species (Guyader et al. 2013). It is not uncommon to find small-scale fishing vessels using nets for fishing or dredging for scallops or other shellfish. This chapter takes into account all types of vessels under 12 meters operating within the 12-nautical mile territorial waters and not having to keep logbooks imposed by EC Regulation n°1224/2009.

This chapter will first examine the national legal framework related to small-scale fisheries and its relation with EU legal framework concerning small-scale fisheries. Then some statistics describing the main trends of the small-scale fishing fleet, gears and target species will be presented. As small-scale fisheries are family enterprises, the support given by family members and especially those of wives will also be discussed in relation with social rights and participation in fishers’ organisations.

Small-scale fisheries and their participation in fisheries management and the role they play within fishers’ representative organisations is also reviewed. In France, fishery activities occurring within territorial waters (12 miles) are managed by “fisheries committees”: compulsory organisations present at all geographical levels (district, regional and national), which make rules to avoid cohabitation conflicts between different fleets and gears (Rural and Fisheries Act 2010). These committees have evolved over time, and nowadays, they are legally entitled to issue fishing licenses and make other rules to manage the activities of all vessels operating within territorial waters. However, the law does not give these committees the responsibility to manage quotas. This task has been given to Producers’ organisations (POs) in charge of the market organisation of fisheries. POs allocate quotas among vessels and produce management plans for regional seas to avoid overconsumption of quotas. This chapter will focus mostly on the issue of the equitable distribution of quotas among small-scale fisheries and larger fleets. Another type of organisation, the *prud’homie*, will also be presented. The *prud’homies* exist exclusively in the Mediterranean Sea, where they have been established since the sixteenth century.

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<sup>1</sup> This chapter is focused on small-scale fisheries in continental France. It does not cover the outermost regions of France, as this would extend the chapter beyond the scope of this book.

Their main responsibility is the management of fishery activities within a defined territory. Nowadays, these organisations have less power over resource management, but they are still active and play an important role at a very local level.

The role of small-scale fisheries in the decision-making process regarding resource management will also be illustrated through several examples. Finally, challenges and opportunities for French small-scale fisheries is also discussed. The chapter does not present overseas small-scale fisheries in order to retain the homogeneity of mainland French ones and their governance.

Secondary data, published articles, unpublished reports and material from different research projects conducted by the various authors, and participatory observations during field work or meetings bringing together fisheries organisations and scientists are drawn upon to illustrate the points mentioned in this chapter. The authors represent different disciplines, including law, economy and political sciences, and their research themes focus on resources management and governance issues.

## 12.2 Definition of Small-Scale Fisheries in France

“*Petite pêche*”, literally translated as “small fisheries”, is a notion used in French law, but in an ambiguous manner because it refers only to the licences for maritime navigation. However, law n° 42–427 of the 24 April 1942 dealing with “maritime commercial navigation” (revised in 1999) made the following classification: “small fisheries/*petite pêche*” category includes vessels engaged in fishing trips of less than or equivalent to 24 h; vessels operating between 24 and 96 h belong to the “coastal fisheries/*pêche côtière*” category; offshore fisheries include vessels making trips exceeding 96 h; and finally industrial fisheries include vessels over 1000 GRT and absent from harbours for 20 days or more. The “small fisheries/*petite pêche*” also include vessels involved in shellfish farming (Curtill 1998; Frangouides 2001; Reyes et al. 2015).

The Rural and Maritime Act (article L. 931-1-2010) confirms the commercial nature of fisheries, and “*petite pêche*” operations are defined as those carried out “*by vessels of less than 12 meters or those making fishing trips of less than 24 hours*”. In this new definition, the criterion of length appears without specifying fishing gear. In practice, vessels less than 12 meters in length can use different gears depending on season and availability of resources; and it is common to find vessels operating with nets and towed gear alternatively during the course of a fishing season (Rural and Fisheries Act 2010). Another term used to designate small-scale fisheries is often artisanal fishery because it refers to the family organisation of fisheries enterprises, but the Rural and Fisheries Act (L 931-2) does not define artisanal as such. Artisanal fishery refers to the social status of the owners working on board vessels up to 24 meters of length and using all types of gears (Cazalet et al. 2013; Reyes et al. 2015). So this concept does not correspond to what we call here as small-scale fisheries. Consequently, these terms are often used in ways that create ambiguity.

### ***12.2.1 French Legal Framework on Small-Scale Fisheries and the EU***

The European Union (EU) legal framework also ignores the concept of small-scale fisheries. The EU Common Fisheries Policy (Regulation 1380/2013) mentions this category without defining it or granting it a special regime. The only aspect related to small-scale fisheries to be found in this Regulation is in Article 17, which refers to fishing opportunities allocation, recommending Member States (MS) to use transparent and objective criteria “*including those of an environmental, social and economic nature*” in their allocation procedures. MS are called upon to “*provide incentives to fishing vessels deploying selective fishing gears or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage*” (EU Regulation 1380/2013). In this low impact fisheries category, one can certainly find small-scale fishing vessels.

Nevertheless, Article 3, paragraph 2(14) of the EU Regulation n° 508/2014 (European Maritime Fund and Fisheries-EMFF) specifically notes that “*small-scale coastal fishing means fishing carried out by fishing vessels of an overall length of less than 12 meters and not using towed fishing gear as listed in Table 3 of Annex I to Commission Regulation (EC) No 26/2004*”. In addition, Article 18 of EMFF calls on Member States to establish “*an action plan for the development, competitiveness and sustainability of small-scale coastal fishing*” if the national fleet includes over 1000 small-scale fishing vessels. Therefore, MS belonging to this group must add an action plan to their operational programmes that promotes the competitiveness and sustainability of small-scale fisheries.

France developed its Action Plan for small-scale and coastal fisheries in 2015 (Renaud 2015). The Plan highlighted that 75% of the French fleet is part of the small-scale fisheries category as defined by EMFF. It should also be noted that 70% of the French fishing fleet operates within the 12-nautical mile zone, corresponding to territorial waters, where a high percentage of vessels using passive gear is concentrated. This is based on the information from the EC register, which can, however, be misleading when analysing gears that are used, particularly in the case of small-scale fisheries. For example, dredging almost never appears as a primary gear for this fleet. Despite the adoption of this Action Plan by the French authorities, fishers’ representatives’ organisations still refuse to recognise the definition of small-scale fisheries given by EMFF.

Apparently, European and French authorities do not grant exclusive access rights to vessels of less than 12 meters, which constitute the small-scale fishing fleet. In practice, however, there exists a derogation regime to the “principle of equal access” for the 12 NM zone granted by the EU to MS based on the principle that small-scale fishing vessels must be privileged within this area (Regulation 1380/2013 Article 20). This derogation regime allows MS to implement management and conservation measures within the 12 NM zone, effectively creating a “specific regime” in this area. In France, this derogative status has led to an important number of management decisions made by fisheries committees through co-decision making with regional and national fisheries authorities. These decisions aim at progressively

reserving access to this area to vessels less than 12 meters' length. Despite these practical dispositions, the French legal framework ambiguously continues to allow large-scale fleets to operate in territorial waters.

In the following section, the importance and diversity of small-scale fisheries in terms of vessels and employment by region are outlined. As noted above, small-scale fisheries represent the majority of the fleet and are numerically very important in some regions of France.

## 12.3 Small-Scale Fisheries: Figures

In 2013, the French fleet included around 5000 vessels under 12 m, 4326 using static gear and 666 using towed gear. This represented respectively 73% and 11% of the total fleet in numbers (see Table 12.1 and Fig. 12.1). The small-scale fleet is spread over the North Atlantic (73%) with a higher proportion of vessels using towed gear, the Mediterranean Sea (91%) and the so-called “Other region” area (97%) which includes the French overseas regions. Total employment in the small-scale fleet was estimated at 8500 crew members, and 13,500 for the whole fleet (see Table 12.2).

Small-scale fisheries represented 50% of the employment in the North Atlantic, which is the main area in terms of employment, with 3785 crew members, 75% in the Mediterranean Sea and 86% for other regions. Total employment was around 8500 persons. Full time equivalent is not considered here.

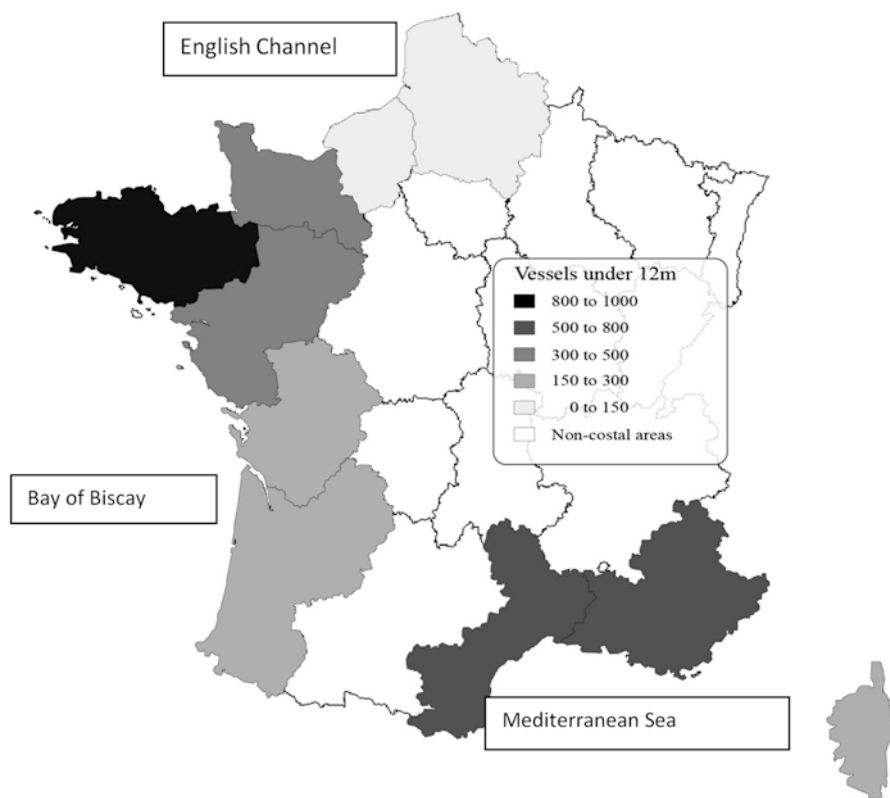
## 12.4 Trends in Small-Scale Fishing Fleet

In the Atlantic area (North Sea-English Channel, Bay of Biscay), the number of vessels under 12 m decreased by 24% (−672 vessels) between 2000 and 2013. Most of the decline concerns the towed fleet (−40%; 398 vessels). Additionally, there was a 16% reduction (274 vessels) of the static fleet. In the Mediterranean area, the number of vessels under 12 m decreased by 17% (−234 vessels) between 2000 and 2013 (see Fig. 12.2).

**Table 12.1** Distribution of vessels by segments and regions in 2013

|               | North Atlantic | Mediterranean Sea | Other regions | Total |
|---------------|----------------|-------------------|---------------|-------|
| < 12 m static | 1471           | 1104              | 1751          | 4326  |
| < 12 m towed  | 598            | 41                | 27            | 666   |
| ≥ 12 m static | 163            | 21                | 22            | 206   |
| ≥ 12 m towed  | 581            | 92                | 37            | 710   |
| Total         | 2813           | 1258              | 1837          | 5908  |

Source: Annual Economic Report 2015, Scientific, Technical and Economic Committee for Fisheries (STECF 2015)



**Fig. 12.1** Number of vessels per region in 2013

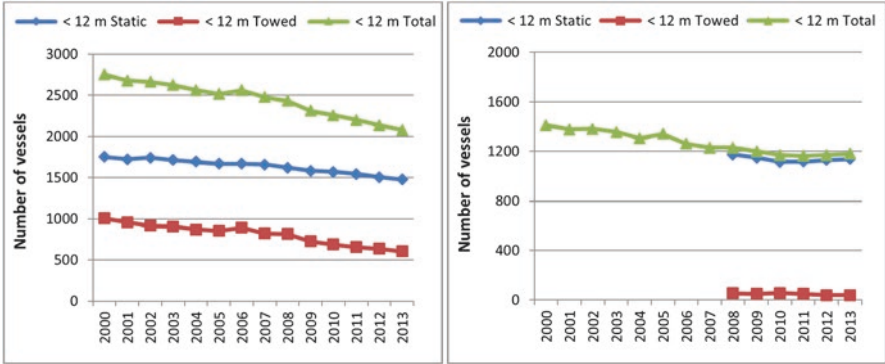
**Table 12.2** Distribution of total employment by segments and regions in 2013

|               | North Atlantic | Mediterranean Sea | Other regions | Total  |
|---------------|----------------|-------------------|---------------|--------|
| < 12 m static | 2648           | 1399              | 3161          | 7209   |
| < 12 m towed  | 1137           | 75                | 81            | 1293   |
| ≥ 12 m static | 1101           | 34                | 96            | 1231   |
| ≥ 12 m towed  | 2896           | 463               | 413           | 3772   |
| Total         | 7782           | 1971              | 3751          | 13,504 |

Source: Annual Economic Report 2015, Scientific, Technical and Economic Committee for Fisheries (STECF 2015)

### 12.4.1 Fishing Gears

In the Atlantic and Mediterranean areas, the gears used by small-scale fisheries are passive, gillnets, trammel nets, longlines, handlines, nets, pots, and traps. In some areas, they operate dredges for shellfish; and in a few cases, vessels of 11 m length can use trawls. The choice of different gears by small-scale fishers is based on the



**Fig. 12.2** Trends in number of vessels under 12 m between 2000 and 2013 in the Atlantic area (left) and the Mediterranean area (right)

### Box 12.1: Shellfish Gathering: From Informal to Formal Activity

(Summarised example from Gariglietti-Brachetto 2014)

Shellfish gathering on foot is a traditional activity performed over centuries by the coastal population and fishers' windows. This informal occupation became a real profession in 2001 thanks to the implementation of a legal status for shellfish gatherers. All of them opted for a social status by choosing between the social security system of fishers or the one of farmers. Since 2010, all persons willing to become shellfish gatherers have to follow a theoretical and practical training before starting on the job.

Shellfish gathering is defined by French law as the activity “realised on foot on the Public Maritime Domain, including rivers, lagoons and channels containing salt water, with the objective to harvest marine animals for human consumption. The fishing action should be carried without the use of respiratory equipment to remain immersed, and with the feet always resting on the ground (decree-law n°2001-426 of 11 of May 2001).

In 2012, 767 shellfish gatherers were registered, operating mainly on the Atlantic coast. The annual production amounted to 722 tons of grooved and Japanese carpet shell, 544 tons of cockles, 121 tons of furrow shells (*donax trunchus*), 280 tons of wild oysters, 192 tons of mussels. Marine plant gatherers are also part of this category, with glasswort (*salicornia*) as the main species with an annual production of 160 tonnes. Marine plants are authorised to be harvested only in Northern France. But this group does not include seaweed gatherers on foot.

The prices of shellfish products vary from area to area and between wholesale and retail markets. For example, cockles (*cerastoderma edule*) are sold in wholesale markets between 3.5 and 4 euros per kilo, and Furrow shells between 8 and 10 euros per kilo, selling at 25 euros in the retail market. The

(continued)



**Box 12.1** (continued)

majority of the French shellfish production is sold to the Spanish canning industry and only a few species are consumed at national level.

The excessive demand of shellfish from the Spanish canning industry impacted French shellfish grounds negatively. In 2000, French fisheries authorities introduced a new regulatory system, with a national license, in order to avoid overexploitation of stocks. However, this new management tool failed to improve the situation. Another management tool was then introduced, the shell fishing permit, which is issued at the local level by regional fisheries committees. For each shellfish ground, fishing permits are issued in accordance with the stock evaluation. In some areas, fisheries committees added more rules such as allocation of daily quota for each species, always taking into account stock evaluation. The only area that has not introduced fishing permits is the Mediterranean Sea, which instead imposes a daily quota on each gatherer.

The most important threats to the sustainability of shellfish activities are the overexploitation and the high mortality of the resources. A third difficulty concerns the deficient participation of shellfish gatherers in the decision-making process for resource management. Only one part of gatherers, those contributing to fishers' social security system, takes part in the working groups of CRPM.<sup>2</sup> Those contributing to the farmers' social security are not allowed to participate in CRMPs work. Under such conditions, the majority of shellfish gatherers, including some practicing this activity on a full-time basis, are excluded from the decision-making process. And, of course, decisions taken by others are not often easy to implement.

season and targeted species as well as the regional sea being harvested. For example, in the Mediterranean Sea, in addition to fishing at sea, a large number of small-scale vessels operate in lagoons covering 50,000 hectares and linked to the sea. Lagoon fishery is an old activity practised by vessels exclusively made for this purpose and using fixed gears like fyke nets. The small-scale fisheries category includes also shellfish and seaweed gathering, the former being practised in all seas and the latter only on the Brittany coastline (Gariglietti-Brachetto 2014; Delaney et al. 2016).

### ***12.4.2 Catch Composition and Value***

As indicated in Table 12.3, the main species landed by the small-scale fleet using static gears are, in terms of value, Common sole (18%), European sea bass (15%), Pollack (6%) and Monkfish (5%). All these species are subject to a total allowable

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<sup>2</sup>Fishers' social security system includes only fishers using fishing vessels.

**Table 12.3** Main landings per species in the Atlantic area in 2013

| Species   | < 12 m Static |               |              | Species   | < 12 m Towed |               |              |
|---|---------------|---------------|--------------|---|--------------|---------------|--------------|
|   | Value (M€)    | Weight (tons) | Price (€/kg) |   | Value (M€)   | Weight (tons) | Price (€/kg) |
| Common sole ( <i>Solea solea</i> )                | 30.1          | 3109          | 9.7          | Great Atlantic scallop ( <i>Pecten maximus</i> )  | 20.8         | 8383          | 2.5          |
| European sea bass ( <i>Dicentrarchus labrax</i> ) | 23.9          | 1643          | 14.5         | Common sole ( <i>Solea solea</i> )                | 10.2         | 942           | 10.9         |
| Whelk ( <i>Buccinum undatum</i> )                 | 18.3          | 12,006        | 1.5          | Common cuttlefish ( <i>Sepia officinalis</i> )    | 6.8          | 2083          | 3.3          |
| European lobster ( <i>Homarus gammarus</i> )      | 7.7           | 437           | 17.6         | Norway lobster ( <i>Nephrops norvegicus</i> )     | 4.0          | 347           | 11.4         |
| Great Atlantic scallop ( <i>Pecten maximus</i> )  | 7.1           | 2875          | 2.5          | European sea bass ( <i>Dicentrarchus labrax</i> ) | 3.1          | 240           | 12.8         |
| Pollack ( <i>Pollachius virens</i> )              | 5.8           | 1341          | 4.3          | Inshore squids nei ( <i>Loligo vulgaris</i> )     | 3.1          | 433           | 7.1          |
| Monkfishes nei ( <i>Lophius</i> )                 | 5.0           | 1249          | 4.0          | Common shrimp ( <i>Crangon crangon</i> )          | 3.0          | 333           | 9.1          |
| Spinous spider crab ( <i>Maia Squinado</i> )      | 4.9           | 2520          | 1.9          | Atlantic mackerel ( <i>Scomber scombrus</i> )     | 2.3          | 1507          | 1.5          |
| Common cuttlefish ( <i>Sepia officinalis</i> )    | 4.5           | 2003          | 2.3          | Mussels ( <i>Mytilus</i> spp)                     | 1.6          | 1327          | 1.2          |
| Other   | 56.2          | 52,275        | 1.1          | Other   | 23.9         | 29,086        | 0.8          |
| Total   | 163.4         | 79,459        | 2.1          | Total   | 78.8         | 44,682        | 1.8          |

catch (TAC), except European sea bass. The other main species are whelks and crustaceans like the European lobster (5%) and spider crab (3%).<sup>3</sup> Total landings value is estimated to be 163 M€ for about 80,000 tons. Average price is 2.1 €/kg; but Table 12.3 shows large price differences between species. For the small-scale fleet using towed gear, the most important species are scallops (26% of total value) mainly harvested in the English Channel, followed by Common sole (13%), Common cuttlefish (9%) and Norway lobster (5%). European sea bass is also caught by this segment. Total landings value is estimated at 80 M€ for 45,000 tons.

<sup>3</sup> Great Atlantic scallop included in the landings of the small-scale fleet using static gear are harvested by a fleet segment operating static and towed gears (dredges for targeting scallops) at different times of the fishing season.

### ***12.4.3 Family Character of Fishing Enterprises: From Diversification to Gender Equality***

Small-scale fisheries enterprises are characterised by the family organisation of the work. As all other artisanal activities in France, small-scale fishing enterprises require an important contribution of the family, and wives, parents and children play their part. While men are at sea, wives carry out a number of activities essential for fishing operations. A study on the role of women in small-scale fisheries in Brittany in 2008 pointed out that women perform numerous tasks: preparation of longlines, mending fishing nets, shopping for the vessels' needs, carrying fish from vessel to buyers (restaurants, local supermarkets...) (Frangouides and Keromnes 2008). They are also in charge of administrative tasks necessary for the fishing enterprise (payment of bills, banks, accounting, etc.).

Women are also important actors in the diversification of activities of family small-scale fishing enterprises. The most common tasks are direct sale or processing of fish, crustaceans or shellfish. Direct sales can be made in certain places, either by mobile retail units, vans or stalls in the harbour or near the vessels. About 80% of the respondents to a survey conducted within fishing communities along the English Channel highlighted that women are the main actors in direct sales (Henichart et al. 2012; Montfort et al. 2017). Direct sales increase the income of fishing households and provide cash income for the family and the enterprise.

Within the diversification movement, women have also initiated new activities such as visits along the shore (seaweed or shellfish gatherers), seal and dolphin watching, or just giving an insight into fishing operations. According to French law, fishing vessels are not allowed to transport passengers; those who want to undertake that activity must submit a special request to the fisheries administration in order to obtain a derogation. These derogations are mostly found in Corsica where fishers conduct "Pesca Turismo" seasonally. Local fishers often spend more time carrying tourists than actually fishing. Small-scale fisheries organise fishing trips, and catches are cooked and consumed at the end of the excursion (Frangouides 2004, 2011).

Receiving and guiding tourists on vessels or on the shore, talking to customers and attracting new customers requires new skills. As fishermen are busy at sea, women are taking training courses to develop these skills. Fishermen justify their lack of interest by saying: "*Our job is at sea. As soon as the fish is landed, our contribution ends*". The contribution of wives or life partners in the fishing enterprise was at last recognised in 1997 when the Fisheries Act legalised it with the introduction of the Collaborative Spouse Status (CSS). Women could therefore enjoy social benefits, including pension schemes. But the visibility and legal recognition of their contribution were the most important gains for women.

### **12.4.3.1 Gender Equality in Fisheries?**

Initially, spouses or life partners could access the Collaborative Spouse Status (CSS) if the man, as head of the fishing enterprise, requested so. During the first 10 years after the law was enacted, few women opted for this status. The situation changed in 2008 when a new law made the legal status mandatory for all women contributing to the family enterprise. Since then, they must choose one of the following designations: associate, employee or CSS.

In 2017 the number of women opted for CSS was 590. This figure also includes spouses of shellfish farmers. Women have a preference for CSS because it is less costly than the other two designations. Moreover, associate owner status is rarely chosen because husbands are reluctant to share vessel ownership with their wives. This attitude can be explained by the French tradition that views the sea and fisheries as a male space.

The CSS, with its access to retirement schemes and more visibility, allows women to benefit from free vocational training and be part of fishers' organisations (Frangoudes et al. 2014). Women's participation in fisheries committees is the most important benefit granted to women, provided that the husband does not stand as candidate in elections. However, few women replaced husbands and became members of fisheries committees, which remain almost exclusively male organisations. Since 2008, only two women have chaired district committees. Moreover, the transfer of decision-making power regarding resources management to the regional level in 2010 has weakened the district committees and made it difficult for women to occupy positions of power within fisheries committees. Centralisation of decision-making has meant that women have fewer possibilities to lead these committees, first because the regional seat is far from the coast, and second because women are mostly known locally through the social roles they perform. The same phenomenon is observed in other arenas, such as municipal elections. According to Roux (2004, 2012), women elected at municipality level lose their leadership positions as soon the decision-making power is given to "Communities of municipalities".

## **12.5 Governance of Small-Scale Fisheries, Institutional Framework**

In France, small-scale fishers are members of different organisations, but only one is mandatory: fisheries committees. According to the Fisheries Act, all commercial fishers must be members of these committees found at all administrative levels. In France, there are 13 district/inter-districts and 12 regional committees including outer most regions. The National Committee of Fisheries and Marines Cultures is

the national representation of all committees (Rural and Fisheries Act 2010). Membership and official mandates, defined by law, have evolved since they were first established in 1945. Thirteen Producers Organisations (POs) have the responsibility to regulate market and ensuring better prices for the fish. PO's are also open to Small-scale fisheries. The role of POs has also evolved and now includes preparing regional management plans and allocating fishing opportunities to their members. Finally, there are thirty-three *prud'homies*, territorial organisations found only in the French Mediterranean Sea, have had as their main objective over centuries the management of fishing activities at delimited territorial levels.

The “Platform of Small-scale Fisheries” is the newest organisation established in 2012. It is a voluntary organisation bringing together only small-scale fishers. It is a member of Low Impact Fisheries in Europe (LIFE), an organisation lobbying at EU level for small-scale fisheries interests. A short presentation of the work, responsibilities and actions of these organisations, and the place of small-scale fisheries within this complex institutional framework in relation to power and social justice, is presented below.

### ***12.5.1 Evolution of Fisheries Committees***

Fisheries committees bring together all French commercial fishers, crew members, Producers organisations and cooperatives. They were established in 1945 to support fishing populations and fleets that suffered during the Second World War. Since that date, three main reviews of the law have taken place, in 1992, 1998 and lastly in 2010 with the Rural and Fisheries Act (République Française 2010). From 1945 to 1992, members of these committees were not elected but designated by the fisheries administration, and they mainly represented the industrial and large-scale vessel segments. Since 1992,<sup>4</sup> all fishers have voted for their representatives, and they can stand for election if they wish so, provided that they are part of one of the trade unions' lists. Nowadays, fisheries committee members are more legitimate than in the past, as they are elected through a democratic process. Direct election of fisheries committee members is the most important innovation introduced by law. Every five years, vessel owners of all fleet segments, including small-scale fisheries and shellfish gatherers and crew members, vote to elect their representatives for district committees, which in turn elect the members of regional committees and of the National Fisheries Committee. The councils of these committees at different levels have between 42 and 52 members, who then elect their board. Crew members are represented only at district and regional levels but not at the national.

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<sup>4</sup>Decree 93–335 of 30 March 1992 laying down the rules for the organisation and functioning of the National Committee for marines Fisheries and Marine Farming and the regional and local committees for marine fisheries and marine farming, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000356874&categorieLien=cid>

Despite the democratisation of the electoral process, the system is still not equal because all fishers cannot be candidates, as they must belong to a list established by one of the various national trade unions. Under such conditions, many small-scale fisheries cannot be elected because only a few of them are members of these trade unions. So, small-scale fishers wishing to gain more decision-making power and become a visible group must set up their own trade union, at national or regional level, and then win the majority of a fisheries committee's seats. Since 2010, the Mediterranean small-scale fisheries opted for such a strategy and won the elections not only because they were greater in number but also because they went as a unified group, which made the difference compared to the past, when larger-scale fishers led all the committees. Another aspect contributing to this success was the fact that the larger fleet was in difficult situation due to the lack of sardines and the subsequent withdrawal of many vessels. This successful experience ended in 2017 because during the elections that year there was a lack of common agreement among small-scale fisheries.

Since the establishment of the fisheries committees throughout France, their main task has been the promotion and representation of the interests of the fisheries sector in order to improve its social and economic condition. This role was strengthened by the 1992 law that allowed them to manage the resources within territorial waters.

However, in 2010, the Fisheries Act abolished fisheries committees at harbour level and regrouped them at district level in areas where fisheries activities remain important, like in Brittany. But decision-making power relating to resources management has now been transferred entirely to the Regional and National Fisheries Committees (CRPM and CNPM, respectively).

The CRPM and CNPM are now the place to discuss rules and measures to manage the fisheries within the 12 NM zone. New rules to be implemented are discussed within working groups created on the basis of fish species (seaweed, scallops, langoustines...), or by gear (netters, pelagic trawlers...). As soon as an agreement is reached within these groups, it is submitted to the board of CRPM or CNPM, which has the final say on the matter. After being approved by the council, the decision is examined by the Regional or National Fisheries Administration. It is then submitted for validation to the representative of the State (Prefect or Minister). CRPMs have, for example, the power to adjust the number of allocated fishing licenses to the available resources, to adjust the fishing effort. They can also make decisions facilitating the coexistence between different fishing gears operating in territorial waters. CRPMs also have the power to adopt rules regarding the technical characteristics of fishing gear and the exploitation of fish stocks that are not under the European quotas system. They can also the professionalization of informal activities as shellfish and seaweed gathering on foot (Box 12.1).

Overall, the level of influence of small-scale fisheries on the decision-making process is difficult to measure due to the lack of statistics concerning the number of small-scale fishers who participate in the working groups or are elected to fisheries committees and boards. The second difficulty is to evaluate the effective participation of small-scale fisheries during discussions and their influence on decision-

making due to the lack of information provided by the committees. It can be assumed that the current mode of election based on trade unions and the functioning of the fisheries committees based on working groups with frequent meetings prevent small-scale fishers to participate in the decision making, as they cannot be replaced on fishing vessels during their absence. Days spent in meetings are not paid for, and income is reduced because the majority of small-scale fisheries do not employ crew members. Anecdotal evidence shows that fishers' participation is higher when working groups of committees are held at local level, just because travelling requires less time and meetings are organised at the best times for fishers. In this case, CRPM and regional fisheries administration staff move to local level to meet and discuss with fishers. This happens for local stocks, for example seaweed, which are located in one particular district. But it is not the case for others species or gears. The example of seabass handliners association (Box 12.2) shows well how some decisions of fisheries committees favour larger vessels and exclude small-scale fisheries. In general, centralisation of decision-making has made it difficult for small-scale fisheries to participate in decision-making due to lack of time to travel.

**Box 12.2: Fishers Adding Value to Fish: Association of Handliners of Brittany**

*(Summarised example from Bernard G. 2009)*

The association of handliners of Brittany, established in 1993, brings together fishers using handlines to catch sea bass and pollack. This handliners group decided to defend their fishing activity, environmentally friendlier than other fishing gear, by promoting the environmental responsibility of their activity and increasing the price of wild sea bass, a species losing its value due to the massive production of sea bass by Mediterranean aquaculture. To achieve this objective, fishers acted collectively and created the trade-mark "Handline sea bass from the tip of Brittany" which differentiates wild from farmed sea bass. This differentiation aims at increasing consumers' awareness on the matter and establishing links between producers and consumers. Information about their own fishing activity and transparency of products was meant to bring consumers closer to fishers. Membership was open to all fishers using handlines as their main gear and targeting sea bass and pollack in all Atlantic coast harbours, with the core group based in Brittany.

The association does not have any responsibility in resource management within the fisheries committee framework, but the low impact of handlines on the ecosystem became the main slogan of these fishers to promote their specific activity in the fisheries sector and society in general. They advocate their cause as follows: low discards, release of undersized fish, high survival, little impact on seabed, no or little ghost gear.

The members of the association decided, in common, to increase their environmental image by reducing their fishing effort, decreasing the number

(continued)

**Box 12.2** (continued)

of days at sea from seven to five a week. They also introduced a biological rest period during the breeding season of sea bass, but did not want to be inactive during these 2 months.

This biological rest was compromised due to the overexploitation of the stock of sea bass by other gears as Danish seines, seines, pelagic trawlers and recreational anglers. To restore the stock, which is not under the EU TAC and quota system, the European Commission suggested the introduction of new management rules to Member States. In the beginning, France did not decide to privilege the small-scale fleet depending exclusively on this species for their livelihood. Fisheries authorities, with the support of fisheries committees, gave more attention to the preservation of seiners and pelagic fishers rather than small-scale fisheries. Finally, they accepted a proposal made by the handliners association, which was precisely the extension of the biological rest already practised by them to all fleets and the banning of fishing in spawning areas.

Nevertheless, these measures were not sufficient to protect sea bass stocks as handliners and larger vessels target sea bass as soon as the season starts. The vulnerability of handliners stems from the inability of fisheries authorities to make a clear decision to support them. Larger vessels, with the help of fisheries committees, lobbied against handliners interests. Thus, in spite of voluntary efforts to improve the ecological sustainability of their activity, the economic sustainability of handliners remains at risk because of the competition and conflicts with other fleets.

## 12.5.2 *Mediterranean Specificity: The Prud'homies*

*Prud'homies* are old fishers' institutions found in the French Mediterranean Sea. They are related to brotherhoods and corporations from the Old Regime, the period before the French Revolution. Unlike all other brotherhoods, *prud'homies* were not abolished during the French Revolution in 1789 thanks to the intervention of the fishers of Marseille explaining their role during the revolutionary process (Feral 1990; Faget 2011). Since then, *prud'homies* were established in each coastal village with the objective of managing, regulating and monitoring fisheries activity within an allocated territory. *Prud'homies* are regrouping all vessel owners and fishing rules are adopted by the majority of their members who are small-scale fishers. The elected leaders must be fishers with wide experience because they have legal functions in matters of conflicts between fishers or in cases where offenses are committed within their territory, for instance.

The main scope of *prud'homies* was to ensure an equitable distribution of resources among fishers, not the management of resources per se. For this reason, there were random draws for lots of fishing posts (mainly in lagoons), and strict



regulations on reciprocal access to fishing zones managed by neighbouring *prud'homies*. Resource management within their territory was made by imposing limitations of fishing time, net mesh sizes or seasonal fishing bans. *Prud'homies'* legal function is limited to the settlement of problems affecting the social order of the fishing community operating in a given territory. They also guarantee the respect for certain unwritten rules. They still play an important part in fisheries management, though their role is now weaker than in the past due to the modification of responsibilities and the powers of fisheries committees (Raicevich et al. 2017). Autonomous decisions and the power to monitor fishing activities and pass judgements on infringements is a strong point for the *prud'homies* because they can react quickly at the most local level in case of a lack of resources, conflicts between fishers, etc. (Frangoudes 1997, 2001; Cazalet et al. 2013; Reyes et al. 2015). Few *prud'homies*, due to their local legitimacy, have seats on the councils of fisheries committees.

The *prud'homies* contribute to the management of marine resources by implementing pragmatic conservation measures at a local scale, which they are able to enforce through regulatory, jurisdictional and disciplinary powers. In 2003, the *prud'homie* of Saint-Raphael designated an area of 450 hectares at Cap-Roux as a reserve (Decugis 2009), with depths reaching up to 80 m. In 2013, the marine reserve was extended for six more years. The sea bed is rich and varied and includes *Posidonia Oceanica*, rocks and *coralligenous facies*, which contribute to the development of important biodiversity. Fisheries assessments performed by the University of Nice pointed out that a remarkable number of fish species were present in the marine reserve, including emblematic species like groupers and capon.

Within this area, professional and recreational fishing is prohibited. The reserve has been marked off and it is monitored by the *prud'homie*, which is even entitled to control recreational fishers. This example shows the capacity of small-scale fishers to manage locally the fishing activities in order to sustain the marine ecosystem and biodiversity of their area.

### ***12.5.3 Platform of Small-Scale Artisanal Fisheries***

In 2012, small-scale fishers decided to change French fisheries' institutional system by establishing a new organisation exclusively for small-scale fisheries. These fishers considered that small-scale fisheries were invisible and without power within the CRPM and CNPM and that only a new organisation could increase their visibility and promote their rights. The name of this new organisation is "*Plateforme de la Petite Pêche Artisanale*". Despite its efforts, it was not able to mobilise massively small-scale fisheries. Thus far, only few local small-scale fishing organisations have joined, and they are all run by fishers with strong personalities. This lack of interest to establish an independent small-scale fishing organisation can be explained by different reasons, the most important one being the fear of losing fishing rights allocated by fisheries committees. The main challenge for the Platform is how to

strengthen their visibility within the fisheries sector and society in general. To achieve this, the Platform of small-scale fisheries, as a group, should modify its strategy and choose the best option to influence the decision-making process. They either build their own independent organisation outside the legal fisheries organisation with the risk of being marginalised, or create a national trade union for small-scale fishers and participate in the election of fisheries committees in the hope of obtaining many seats.

The Platform is member of the Low Impact Fisheries in Europe (LIFE), an organisation that lobbies for small-scale fisheries at EU level, and established alliances with Environmental NGOs, which has not eased its relations with fisheries committees. Thus, so far, the role that the Platform can play within the institutional framework in the national context is still to be figured out and specified.

### ***12.5.4 Small-Scale Fisheries and POs***

POs are major actors in the socio-economic system in French fisheries. They are groups of harvesters that develop collectively fisheries management plans. Historically, they were created to establish a minimum price mechanism, which mainly served the large-scale fleets. Since PO membership is voluntary, only fishers that wished to benefit from the minimum price scheme joined. Most small-scale fisheries were operating outside POs until about 2005 (Frangouides and Bellanger 2017). This situation progressively evolved when the fisheries administration decided to use POs as a cornerstone of the quota allocation system. Regulatory power delegated by the national administration to POs includes fishing rights management, monitoring, control of activities and commercialisation.

According to legal statutes dating from 2006, the French national quotas are shared out into sub-quotas per PO (JORF 2006). The distribution of the national quota among POs is based on the historical landings (also referred to as ‘track records’) of member producers over the period 2001–2003 (Larabi et al. 2013). POs are then responsible for implementing their own internal allocation rules, which vary across POs and across species within POs. Many PO quotas are essentially managed by a pool system. However, for quotas that are effectively limited (e.g. for which the uptake could be greater than 95%), POs tend to use non-tradable individual quotas that are considered easier to enforce than collective limits by PO managers, since individual limits allow for meaningful threats of individual penalty for quota overrun.

Quotas for vessels that are not members of a PO are collectively managed by the national fisheries administration. The main reason why fishers massively joined POs was that those who remained outside were operating in a race-for-fish where fishery closures could happen early in the season. Since historical landings constitute the principle for sub-quota allocation to POs, some POs were reluctant to accept the membership of small-scale vessels that do not own any historical rights. This issue is particularly critical for small-scale fisheries because in the past the landings

by small-scale vessels were not systematically recorded (compliance with landing declaration requirements were deficient), and the use of logbooks was mandatory for large-scale vessels only. This led the administration to underestimate the historical landings of many small-scale fisheries in the years 2001–2003. Eventually, the inclusion of small-scale fisheries was facilitated by the EU-funded decommissioning policy from which many larger vessels benefited. With the departure of many larger vessels and increased quota availability, POs decided to facilitate the integration of small-scale fisheries into their organisations. Bellanger et al. (2016) showed that some POs granted small-scale fisheries a share of their PO sub-quota, thereby allowing them to stay in the fishery though they did not have historical landings track records. However, the question of equity within and among POs is still being raised by many stakeholders. Some POs invariably complain about the use of historical landings as the basis for sub-quota assignments, which they claim to be unfair to small-scale fisheries and also raises issues regarding intergenerational equity. Overall, the access to fisheries under quota for small-scale fisheries and new entrants remains quite restrained.

## **12.6 Concluding Remarks: Looking to the Future of Small-Scale Fisheries**

The following points can be highlighted regarding the main challenges and perspectives of French small-scale fisheries. First, it appears that small-scale fisheries do not benefit from any specific policy despite their numerical importance, and that they are not organised in their own right. They are members of organisations bringing together all fishing vessels. However, it is clear that they have gradually gained more visibility within these organisations, without reaching yet the higher spheres of power within them, and despite structural modification within small-scale fisheries. However, small-scale fisheries are now participating actively in the sustainable management of the resources within territorial waters.

Another critical factor is the importance of small-scale fisheries within coastal communities. Small-scale fisheries footprint is strong because vessels fish daily and often sell their catch directly within the community. They also have a preference for local labour compared to large-scale vessels using local and foreigner labour. Family members are also involved in fishing enterprises. All these aspects make small-scale fisheries visible within the community, and the EU has recognised this contribution by supporting them through EMFF. This is not the case at national level where national and regional fisheries authorities, fisheries committees and politicians still do not give them any specific support. This negative attitude towards small-scale fisheries is based on the idea that large-scale vessels generate more jobs, more fish and more revenues. They do not recognise that the number of small-scale fishers is probably greater than those employed by the large fleet. In addition, revenues generated by small-scale fisheries are important; it is for these reasons that they find crew members locally and offer good salaries with satisfactory working conditions.

Within this complex context, it is also important to discuss some aspects which may help reinvent the current fisheries system and allow small-scale fisheries to become full actors within the public space. Giving them exclusive use of territorial waters would certainly contribute to strengthening their position within fishers' organisations and guarantee them a space to operate. MPAs could also represent a benefit in terms of space and resources; but is this possible within the French legal framework? The last point to consider is the issue of organisation and what the best course of action is to review and rethink the current system.

Concerning the allocation of the right to exclusive use of territorial waters by the State, the EU has opened a way which French small-scale fishers could call on to claim that right. In their view, the exclusive use of territorial waters would decrease competition with the large fleet and protect them from seasonal transfers of large-scale fleet fishing effort, which always leads to conflicts of space. But granting this right to small-scale fisheries remains difficult because the fisheries sector has been perceived by all as "one body" having "a single voice" for centuries; and nobody is ready to modify this situation, unless small-scale fishers raise their voices.

As mentioned, MPAs could be a good solution in terms of exclusivity for fishing space. However, Marine Natural Parks as defined by the law cannot exclude the large fleet from their territory and reserve it only for small-scale fisheries. In France, these conservation tools are not empowered to manage fishing activities, this jurisdiction remains in the hands of the CRPMs. Marine Parks have the right to ban fishing activities only when this modifies the initial state of resources and ecosystems within their area. Fisheries committees are members of Parks' management councils to be able to defend their own roles and rights if necessary. The example of the *prud'homie* of Saint Raphael shows the role of local fishers' organisations in the establishment of a marine fisheries reserve for the conservation of resources and of fishing rights. By implementing and monitoring this area, the *prud'homie* sets aside the available resources for its members by excluding all other users. In other areas where this local organisation is not present, it is impossible to establish fishery reserves without the participation of the State agencies.

Organisational issues appear to be the main impediment to small-scale fisheries empowerment. Fisheries committees are compulsory organisations that include all professional fishers. The law grants them responsibility to manage fishing activities within the 12 nautical mile zone; and these committees are ready to defend fishers' rights if they feel threatened either by the EU or by other users such as wind farms companies. In theory, they have the mission to protect the entire fisheries sector; but some small-scale fisheries feel that they are being neglected, especially in processes of decision-making on management issues. They feel that the committees advocate more in favour of large-scale interests rather than small-scale fisheries. For the small-scale fisheries group, the establishment of an independent organisation is the only alternative to strengthen their participation in resources management, quota allocation, and for the global protection of their rights. Under the current legal system, small-scale fisheries cannot leave fisheries committees; so the Platform of small-scale fisheries has to co-exist as a formal and informal organisation advocating for the rights of small-scale fisheries.

The main concern is therefore to find a solution to manage both organisations, and avoid that the committees putting pressure on fishers who want to join the new entity by telling them that their fishing licenses would not be renewed for example. The departure of small-scale fisheries represents another risk for fisheries committee because their survival depends on small-scale fishers' membership fees, since the EMFF forbids direct financial support to fisheries organisations. Small-scale fisheries are numerically important and represent a good source of income through membership fees but also the payment of each fishing license. As stated above, the Platform of small-scale fisheries should perhaps modify its strategy and become a national trade union instead of an independent organisation. This would allow them to fight to improve their situation and rights within the committees. Otherwise, the action of the Platform will focus only on protesting against committees.

Finally, small-scale fisheries have recently gained a better position within POs as many of them are now participating in the decision-making bodies. The decommissioning of large fleet vessels favoured small-scale fisheries integration in these POs without upsetting the system of quota allocation already in place. Even though internal rules have not been adopted to favour small-scale fisheries, at least they have been successful in securing quotas. Their main aim now is to obtain an increase in their share of the quotas.

For the others who are not members of POs, who operate on fast-consumed national quotas managed by national fisheries authorities, the challenge is to gain access to POs in order to obtain individual quotas allocated by POs. Their lack of power makes it difficult to claim such rights even when Article 17 of the CFP asks Member States to revise fishing allocation by favouring gears with low impact on ecosystems. In terms of fisheries governance, small-scale fisheries have little room for manoeuvre, but the establishment of the Platform and the different initiatives taken by the EU or LIFE can be seen as positive for the future of small-scale fisheries in France.

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**Katia Frangouides** is a political scientist working at the UMR AMURE of the University of Brest. Her main research interests are small-scale fisheries and fishers, interactive governance and gender in fisheries.

**Manuel Bellanger** is an economist at Ifremer, France. His research interests span the governance of common-pool resources and the management of marine socio-ecological systems.

**Olivier Curtil** is a Lecturer of public law at the University of Brest. He is conducting his research within the UMR AMURE about the European and French fisheries legal frame.

**Olivier Guyader** (PhD) has been working for 20 years in data collection systems for the improvement of knowledge on small-scale fisheries. As an economist, he is involved in integrated projects dealing with the governance and management of fisheries with a special focus on right based management systems and their sustainability.