

# Commission Consultation on Rights-Based Management tools in fisheries

## NGO position<sup>1</sup>

*Prepared by CFFA - September 2007*

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For NGOs (see list), the objective of this debate is to determine, by using rights based tools for fisheries management, how to promote environmentally sustainable fisheries that are economically viable, generating quality jobs, which redistribute the benefits generated equitably, and which protect the social fabric of coastal communities.

Given the large variety of management systems currently applied, we think that a first necessary step is to document the best practices that, in the various Member States and elsewhere, promote fisheries that respect both ecosystems and coastal communities, and are economically viable.

On this issue, we would like to highlight that, in order for appropriate management systems to be applied to the particular situations existing in the various regions, "*the large variety of management systems currently applied in the European Community and its member states*" is a strength. In our view, concerns over transparency and efficiency (which the Commission attributes to the diversity of systems) result more from the way these systems are implemented (opacity of procedures, lack of control, etc) than from their diversity.

In the process of documentation, particular attention should be given to the experiences of the various Member States as regards small-scale fisheries, in order to allow a better knowledge and recognition of this sector's potential, which is an essential component of the coastal area. Small-scale fisheries participate in coastal area (land/sea) management, and strengthen the economic and social fabric in that fragile portion of our maritime zones.

This approach should help us to see how rights based management tools can contribute to fulfil the main objective of the CFP, i.e. an "exploitation of resources that provides sustainable economic, environmental and social conditions" (Council Regulation (EC) n° 2371/2002).

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<sup>1</sup> List signatory NGOs: Birdlife International, Coalition for Fair Fisheries Arrangements, EBCD, FISH Secretariat, International Collective in Support of Fishworkers, Seas at Risk, Oceana. These NGOs are member of the NGO Contact Group for the Advisory Committee on Fisheries and Aquaculture.

At this early stage of the debate, we would like to propose that the discussion focuses on two issues that, in our view, could help put in place economically viable, socially equitable and environmentally friendly fisheries:

- **Fishing units practising environmentally friendly, economically viable, and socially equitable fishing should be given priority access**

We fully agree with the Commission that rights based tools for fisheries management should help improve the efficiency of fisheries management, and facilitate its implementation.

Therefore, in line with the fisheries management objectives of the CFP, an approach to providing access to resources in ways that favour sustainable fisheries would be for priority access to be given to those who best fit “sustainable development” criteria, to be identified with the stakeholders (professionals, NGOs, etc)

These criteria could include the use of selective, non destructive fishing techniques, low fuel consuming techniques (one of the costs that most affect the profitability of the fishing enterprises); enterprise management that generates high quality products, a high number of jobs (at sea/on land), with decent working conditions, etc

For coastal fisheries, criteria concerning the integration of stakeholders in the social, economic and organisational fabric of coastal communities should also be taken into account.

A set of criteria which encourage responsible behaviour, help the use and dissemination of innovative techniques, and give priority access to operators that best meet these criteria would allow, in our view, economic viability to be reconciled with respecting workers rights and environmental sustainability.

Such an approach should also penalise, through a restricted access to resources, units that use unselective fishing methods, that destroy ecosystems and have a negative impact on biodiversity, units that have high running costs (for example those that use disproportionately high quantities of fuel), which produce a low level of jobs, etc

The financial support from EFF to help operators, particularly those from the small scale-sector, to better respect sustainable development criteria proposed, is an important aspect of the implementation of such approach.

This approach needs also to be combined with resource management systems that implicate strongly the stakeholders (co-management, TURFs, integrated management of the coastal zone, etc)

- **Transferability of access rights**

Within the legal framework of the European Union (right of establishment etc), the management systems currently in place in the various Members States have caused an economic value to be conferred on fishing rights, and this has started an unregulated market for fishing rights.

Proposing to formalise this market<sup>2</sup>, under the pretext that it will be easier to regulate is not a solution, because that does not allow the social and environmental shortcomings inherent in the system to be dealt with.

Therefore, we don't agree with the view expressed in the Commission Working Paper which considers that the fishing rights system of individual transferable quotas will *de facto* increase the sense of responsibility of the beneficiaries and will automatically lead to a sustainable management of the stocks whilst halting the race to fish. The economic argument of cherishing an ITQ as 'an asset' does not hold for a situation where there is a commons. There are several examples, including from Netherlands and Iceland, which seem to indicate that the introduction of national ITQs does not necessarily lead to a decrease in either fishing capacity or fishing effort. On the other hand it seems that concentration of ownership into the hands of a few operators has already been observed where there is no official market for fishing rights

Implicit in the introduction of ITQs and other rights based management systems is the concentration of ownership of fishing rights. This may be detrimental both to resource sustainability and to equity in the sector. It is therefore necessary to ensure that checks and balances are applied in any rights based systems of fisheries management to prevent the concentration of ownership and the associated harmful environmental, social and economic impacts.

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<sup>2</sup> The Commission notes that it is easier to introduce restrictions if there is a clear market for fishing rights, where the transactions are transparent and can be controlled.