

Who's sharing the fish?

This is a reaction to the 'temperate minority'-worldview on the allocation of fishing rights that dominated the *Sharing the Fish Conference 2006*

Fremantle, Australia, the site of the *Sharing the Fish Conference 2006*, was not exactly temperate between 26 February and 2 March 2006, with Celsius temperatures in the mid- to high-30s. Nonetheless, the intellectual climate of the conference was distinctly Northern. In retrospect, perhaps this should not have been a surprise, given that it was hosted and supported by various Australian fisheries agencies and the New Zealand Ministry of Fisheries. However, the lack of representation from the South was still a shock, considering that the theme of the conference—allocation issues in fisheries management—is of enormous global importance currently, and also considering that the Food and Agriculture Organization of the United Nations (FAO) co-hosted the conference.

As someone with experience of primary fisheries research in both the South (India) and the North (Canada)—sufficient to have generated an international perspective—I offer this review from the perspective of the majority of world fishers, whose interests and concerns were largely left out of the conference, which was, nonetheless, a stimulating and thought-provoking experience.

Sharing the Fish 2006 was an expensive event. Conference fees were AUD700 (US\$500). For those who wished to stay in the hotel where the conference was held, room rates were another AUD175 (US\$125) a night. Such rates allowed the conference committee to hire a professional event management company to run the event, and thus it was extremely well organized. The downside, of course, was that ordinary participants from other parts of the world, not already dissuaded from attending by the high cost of travel, would have had to think twice about participating because of the high fees.

There was thus a paucity of representation from the most important fishing regions of the world and even a surprisingly small number of academic participants, particularly from the non-economic social sciences. I counted only three of this last group, along with the economists, lawyers and biologists who made up the academics at the conference, although there may have been several more than were immediately apparent. The character of the conference was thus professional and corporate. Tables 1 and 2 give a breakdown of conference participants by region of origin and by work.

The allocation theme of *Sharing the Fish 2006* was divided into three subtopics: “allocation across jurisdictions” (26 papers); “allocation across sectors” (51 papers); and “allocation within sectors” (25 papers). Thirteen papers did not fit into these categories. The three conference subtopics were further divided. The “allocation across jurisdictions” subtopic included “high seas, regional and national cases”. “Allocation across sectors”

Table 1. Origin of Speakers

Country	Speakers
Australia	61
New Zealand	15
United States	11
Northern Europe	8
Canada	7
Africa	4
South Pacific	3
Southeast Asia	3
Asia	2
Latin America	1
FAO	1

included “extractive vs. non-extractive uses”; “allocation between commercial and recreational sectors”; “indigenous, recreational and commercial allocation”; and a number of more conceptual papers grouped under the headings of “temporal and spatial systems of allocation” and

Table 2. Speaker Affiliations

Affiliation	Speakers
Government	62
Academic	27
NGO	13
Private sector	11
Other	3

“approaches to the allocation problem”. “Allocations within sectors” included “recreational allocation” and “allocation and reallocation within the commercial sector”.

The notion of “sector” was debatable, in the sense that the indigenous sector overlaps with the commercial and that some papers did not fit into either the “allocation across sectors” or the “allocation within sectors” subtopics. On the whole, however, the logic of the division was clear and as consistent as possible under the messy circumstances that characterize fisheries.

A final distinctive element of the conference was the large number of keynote and invited speakers, who numbered 22 out of the total 116 speakers. In combination with the effective use of daily rapporteurs and conference overview speakers on the last day, this innovation gave the conference an admirable coherence and sense of purpose.

Allocation can be seen as the implementation challenge of assigning rights to fish. In this sense, *Sharing the Fish 2006* built directly on the foundation laid by its predecessor, the *Fish Rights 1999* conference. Whether deliberate or not, the selection of keynote speakers for *Sharing the Fish 2006* fostered the impression that individual transferable quotas (ITQs) are the ideal path to allocation. Two of the three conference keynote speakers, Peter Pearse and Gary Libecap, purveyed this

point of view along with Ragnar Arnason, one of the invited speakers for the conference.

The argument for ITQs is well known and was clearly presented by these three speakers. When quota rights can be assigned such that they are secure, transferable and permanent, they result in fisheries that are ecologically sustainable because quota holders gain the incentive to care for the resource that they now own. Ecological considerations, previously externalities, are now internalized under ITQ systems.

Of most interest in relationship to this perspective, and perhaps in dissonance with the intentions of the conference organizers, several strong voices pointed to the limitations of the ITQ approach. The most forceful critique came from the invited speaker and representative of the International Collective in Support of Fishworkers (ICSF), Chandrika Sharma, whose staunch advocacy of the small-scale fisher perspective came like a cry in the wilderness. Sharma pointed out that a very small minority of the world’s fishers are subject to ITQs and wondered why such a high-profile conference was devoting so much attention to an issue of relevance only to a small proportion of the globe. As she and members of the small South African delegation to the conference noted, ITQs threaten the livelihood basis of small-scale fishers. Moeniba Isaacs and Andrew Johnston showed in their presentations how artisanal fishers in South Africa have been badly divided, and had their ability to make a living from fishing undermined by the recent South African legislation that has based all South African fisheries on ITQs. The inequity of ITQs was echoed by Frank Alcock and the two end-of-conference overview speakers, Susan Hanna and Ray Hilborn, who affirmed the challenge to equity that ITQs represent even in countries of the North.

Weak defence

The three proponents of ITQs seemed unable to defend themselves against these challenges, saying that while ITQs might increase inequity, the broader environmental and social benefits they brought were worth it. Pearse succinctly encapsulated this response by stating that

it is the end, not the means that is important, a statement I personally found highly problematic as it goes against the increasing emphasis on process and social justice that has informed theories of co-management and fisheries governance in recent years. I was also troubled by the amiable reasonableness of the ITQ proponents, which softened an otherwise harsh message.

The lack of sufficient participation by delegates representing the world's most populous fishing regions meant that the conference did not adequately discuss allocation and rights-based approaches appropriate to the majority of the world's fisheries, which are highly complex, diverse and rapidly changing. The invited speaker Mahfuzzudin Ahmed did list allocation alternatives for tropical fisheries but at a level of generality that sparked little debate. ITQs are clearly of little relevance in most complex developing country fisheries. What is the cutting edge in community-based quotas? How can allocation be worked out between semi-industrial fleets and small-scale subsectors with thousands of units? While I can see the real advantages of introducing ITQs for semi-industrial fisheries in developing countries for capacity reduction and sustainability, how could such ITQs co-exist with other forms of rights for the small-scale subsector that would have to be extremely

well protected? How do we manage large and complex fisheries that are also data-poor and in regions where governance is weak? How can fishers be protected when coastal tourism, industrial development and oil exploration move into traditional fishing grounds? It is not enough to leave such questions to the very end of the deliberations, for the conference overview speakers; and it makes me wonder why the FAO was not able to put such questions more forcibly on to the agenda of the conference.

Despite these concerns about the conference, within the confines of the largely antipodal group of papers at the conference, there were many that provided examples of challenges—and creative solutions—similar to those encountered in the fisheries of the South. The Maori case in New Zealand, for example, as introduced by the invited speaker Alison Thom, shows that strong communities can participate in an ITQ process and come out ahead.

Equity implications

It would be interesting, nonetheless, to see a more disinterested presentation of that process, and to hear about the equity implications of sharing quota for the communities. The Alaskan native quota allocation case would be another example to consider. There are surely lessons from many of the other papers presented at the

conference that may be helpful for the majority-world fisheries. One example was the paper presented by Claire Anderson, which discussed the development of a more transparent instrument for inter-sector allocation by the Queensland government.

If the debate over the applicability and equity of ITQs bumped along mostly in the background during the conference, two topics created a buzz during the event. The first of these followed the presentation of Rosemary Rayfuse, who talked about allocation across jurisdictions. She argued that the principle of freedom of the high seas has now been sufficiently constrained by international agreements that it should be withdrawn.

In effect, obligations under international law, particularly when regional marine fisheries organizations are involved, have created a situation where there are now legal instruments to control access and allocate fish stocks on the high seas. These instruments are still far from perfect, and illegal, unreported and unregulated (IUU) fishing persists to the degree that some observers, such as another invited speaker, Gordon Munro, are pessimistic about their ever being controlled.

The increasing concern of international organizations like Greenpeace, represented at the conference by Alistair Graham, for the protection of deep-sea mounts may be a recognition that the time may have come for effective restrictions on such sensitive areas. The question that arises, however, is whether so much effort on the part of international organizations should be invested in environmental areas that are marginal to the livelihoods of the world's fishers. In terms of social benefit, it would seem a better use of resources to focus on threats to the tropical coastal waters where most of the world's fishers and marine biodiversity co-exist.

The second topic that stimulated considerable interest at *Sharing the Fish 2006* was triggered by an example given by Pearse, and relates to ITQs and allocation across sectors. Pearse stated that the Canadian Minister of Fisheries has recently given an ITQ share to the

recreational fishery sector for halibut on Canada's Pacific coast. This arrangement satisfied the commercial halibut sector, which had been increasingly concerned about the growing share of fish caught by the recreational sector. The advantage for the commercial sector was that, in future, any further growth in the recreational catch would have to be purchased from them, and they would thus get a fair market rate instead of the gradual erosion of their quota as had been occurring. The buzz at the conference revolved around the innovation of giving a transferable quota to a disparate group of unorganized recreational fishers who would have little choice but to become organized in order to administer their new right. This experiment clearly stimulated the minority-world fisheries managers present, all of whom face large and growing demand from recreational stakeholders. It is less relevant for places like India, where recreational fishing is virtually nonexistent. Nonetheless, it does raise an interesting comparison with small-scale sectors in majority-world fisheries, which also have large numbers of diverse stakeholders who often lack effective institutional means for negotiating their rights.

As these points demonstrate, the *Sharing the Fish Conference 2006* was a stimulating forum. Clearly, however, it would be preferable, in future, to seek much greater participation from the majority areas of the fisheries world. If that is not possible, then it would be wise to indicate more clearly that such a conference is geared primarily towards the interests of the fisheries of the North, a small minority in global terms. It would be a pity if this were the outcome, however, as *Sharing the Fish 2006* and its predecessor *Fish Rights 1999* have been important milestones on the path to improving fisheries management. 3

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