

Rights Based Fishery Management Workshops – General Summary

As the presentations and discussions in this set of workshops demonstrate, there is a range of rights based fisheries management approaches available beyond the Individual Transferable Quota [ITQ] systems most often talked about. The other options include limited entry or access rights, community based management, territorial use rights, and cooperatives. Social, economic, political, and biological factors all come into play in choosing the form a rights based system may take.

Central to the discussion of rights based fishery management approaches is the term “rights” and what it refers to. In fisheries, two kinds of rights are most important: management rights which deal with who has the right to be involved in managing the fishery and use rights which deal with who has the right to use the fishery or to go fishing. From this perspective, the concept of a right in fisheries can be thought of as a privilege and not necessarily as a property right involving exclusive ownership.

User rights address such issues as who have access, how much fishing effort will be allowed, and how much catch can be landed. In turn, this entitlement to use of a fishery can be allocated to a variety of entities including groups, individuals, communities, corporations, and cooperatives, and may, in some circumstances, be place based.

Management rights and who holds them may depend on the type of the fishery management decision being made. Broad policy issues involving, for example, the management approaches that will be allowed or the general guidelines for determining who has access, usually involve government managers and a wide range of interest groups. More specific regulatory decisions involving how the fishery will be fished may more likely involve just those directly engaged in the fishery.

Some of the conclusions that can be drawn from the Canadian Maritimes’ experiments with ITQ systems and community based management approaches centered on a quota allocations include the following:

- Establishment of a use rights system essentially defines who can and who cannot participate in a fishery, and results in impacts on boat owners, crewmembers, related industries, and whole coastal communities.
- The less the system allocates to individuals when it is initially set up, the less irreversible the measure or approach is.
- Transferability of rights is likely to lead to a concentration of fishing effort. In Canada, when the government set up an ITQ system, measures were taken to avoid having fishing sectors controlled by a few but trust agreements between processors and fishermen formed and these measures were circumvented.
- Community based management in Canada happened in response to government efforts to implement an ITQ system in a particular fishing sector. People realized they could not just fight the system they did not like – they had to come up with an alternative.

- The system of democratic, self-governance that fishermen set up in Nova Scotia addresses who is allowed to fish and how the quota allocation will be harvested, conflict resolution, research projects, and policy relations with other groups including the federal government. The approach involves a tremendous amount of capacity building in grassroots organizations such as fishermen's associations. Through a democratic process, people decide what they want a fishery to look like.
- A community based approach has provided more of an opportunity to adapt to changes in resource abundance.
- The community based approach in effect in Nova Scotia is actually a trust agreement between the federal government and the local communities where the local communities take care of the public resource on behalf of the Canadian public. The federal government issues a quota and allocation decisions are made at the community level.
- Community based management is a dynamic process that can lead to other things such as establishment of institutions to provide technical support, formation of networks of groups working on common issues, etc.
- More work needs to be done in Canada to compare the impacts of the various approaches in place.

Cooperatives are another form of a rights based fishery management approach that allow fishermen to jointly harvest, market, and price their product, and in general, make many of their own decisions. In the U.S., the Fishermen's Cooperative Marketing Act of 1934 establishes the legal framework for forming cooperatives, and provides fishermen with the opportunity to work together collectively without being in violation of antitrust laws. Types of fishing cooperatives include marketing and supply cooperatives without a quota which have a limited ability to negotiate price or cooperate in harvesting; harvesting cooperatives which have a group allocation but only cooperate in dividing the share among vessels; and marketing cooperatives with a quota which can jointly harvest, market, and negotiate prices. In Japan, cooperatives are the backbone of fisheries management, and include fishing rights tied to a particular area of the sea.

The key message emerging from this set of workshops is that rights based fishery management discussions should be expanded to examine all the choices, and that no one form of use rights is superior in all circumstances. Much may depend on the type of fishery people envision, and the amount of responsibility they are willing to assume in achieving that goal. Most importantly, it may be a matter of trying to create an atmosphere where people believe in the system they are working with.