

# Norway-FAO Expert Consultation on the Management of Shared Fish Stocks

Bergen, Norway, 7 - 10 October 2002

## CONCEPT PAPER

### Introduction

The management of shared fishery resources remains one of the great challenges on the way towards achieving long-term sustainable fisheries. For the purpose of this Consultation, the expression *shared fish stocks*, includes stocks of fish and fishery resources accessible to more than one State, i.e., stocks crossing the EEZ boundary of one coastal State into the EEZ(s) of one, or more, other coastal States; fish stocks to be found exclusively within the high seas; and fish stocks to be found both within the EEZ(s) of one or more coastal State(s) and the adjacent high seas. The third class is subdivided, in turn, into highly migratory stocks, and all others - so called straddling stocks. The classes of shared fish stocks are, of course, not mutually exclusive. One can, for example, find many examples of highly migratory stocks, which cross the EEZ boundary of one coastal State into the EEZ(s) of one, or more, other coastal States.

### Focus

The focus of the Expert Consultation will be on those fish stocks crossing the EEZ boundary of one coastal State into the EEZ(s) of one or more other coastal States (1982, UN Convention, Article 63, paragraph 1), sometimes referred to as joint stocks or as transboundary stocks<sup>1</sup>, and straddling stocks (1982, Convention, Article 63, paragraph 2). The Expert Consultation will explore the many problems facing coastal states, and in the case of straddling stocks, distant water fishing nations, in attempting to manage, on a cooperative basis, these important classes of shared fishery resources. Several current co-operative arrangements have been established bilaterally between two countries, or multilaterally, between a small number of countries, in addition to those established through Regional Fisheries Management Organizations (RFMOs).

Resource sharing problems also exist within a country between, for example, regions or provinces or between groups of fishers applying different types of harvesting technologies to the same stocks. While such issues will not be explicitly addressed in the consultation some of its outcomes would apply equally to domestic fisheries where these problems are present.

### Objective

The principal objective of the Expert Consultation is to assist countries, through their bilateral and multilateral management arrangements, and RFMOs, to improve their efficiency and performance in the management of shared fishery resources. Inaction, or insufficient

---

<sup>1</sup> Some authors use the term *shared stocks* to mean only those stocks referred to in Article 63, paragraph 1.

action, with respect to management is likely to make all stakeholders worse off in future. Delays in taking action could also make it considerably more difficult to find mutually agreeable solutions, if countries have already committed themselves to long-term and substantial capital investments in these fisheries.

### **Issues to be addressed**

While there is no precise knowledge on the numbers and abundance of the two classes of shared fish stocks, it has been estimated that they may be as many as 1,500 of those which cross the coastal State EEZ boundary into the EEZ(s) of one or more other coastal States, alone. It has been further argued that many, if not most, of the fish stocks encompassed by EEZs throughout the world are, in fact, shared to some extent, if only through dispersion across jurisdictional boundaries. Thus, there can be little doubt about the prevalence of shared fish stocks and their economic importance in world fisheries. Several of these stocks are, at the present time, subject to effective co-operative management by the concerned coastal States, and, where relevant, distant water fishing nations. Many other stocks are over-exploited. With respect to straddling stocks, the resources are, as well, for parties to the Agreement, subject to the provisions of the UN Fish Stocks Agreement, which came into force on December 11, 2001. Nonetheless, the fact remains that the number of shared stocks subject to effective cooperative management is small in relation to the total number of such stocks. Thus, the scope for improved management of world shared fish stocks is immense.

In addition to the necessary knowledge about resource distribution and movement, there are a number of critical issues that affect the effectiveness and outcome of the process of management of shared fishery resources. These issues include the:

- mandate for management;
- political will of national authorities and regional organizations to promote cooperative management;
- institutional arrangements and the capacity of national authorities and regional organizations to promote management. National authorities and RFMOs must have the capacity and institutional strength to support rational decision-making based on adequate collection and analysis of fisheries data and facilitate the implementation of the decisions and measures for the management of shared stocks, in co-operation with the fishing industry and fishing communities;
- use of decision-making procedures and criteria for the allocation of shared resources based on transparent and equitable criteria;
- access provisions for new entrants, with respect to Article 63, paragraph 2 shared stock fisheries;
- membership and participation rights that are based, *inter alia*, on harvesting interests as well as environmental interests (e.g. eco-system and biodiversity interests);
- mechanisms for the sharing of fisheries management functions and responsibilities as well as the sharing of management costs, and
- prevention and elimination of IUU fishing activities.

There is a growing awareness that a failure to develop the necessary knowledge and achieve consensus on these important issues stand as a threat to effective resource management, leading, as a result, to the erosion of both the resource base and economic returns from fishing.

### **Outcome of the Expert Consultation**

The Expert Consultation is being convened to address the practical problems that confront the management of shared fish stocks. As such, it will draw upon lessons to be learned from both successful, and unsuccessful, experiences in attempted cooperative fishery resource management. The academic or theoretical aspects of the management of such resources have been discussed in detail and have greatly enriched our understanding about the complexities in arriving at satisfactory outcomes. These discussions should serve as background for the Expert Consultation. It is stressed that the Consultation will seek to achieve practical outcomes to assist the day-to-day management of shared fishery resources, and in particular those bilateral and multilateral arrangements as well as RFMOs that are confronting a number of very difficult management issues.

The Consultation will examine how these issues might be addressed by sharing relevant experiences and identifying critical success factors in the various stages and for the various functions of cooperative management including information exchange and sharing, negotiating agreements, implementation procedures and related institutional and legal arrangements, and human resources and capacity building.

The Expert Consultation will not prescribe solutions to the issues considered in the meeting. Rather, the Consultation will serve as open, technical and neutral forum where options and their implications for management can be reviewed in a frank and constructive manner. Countries, on an individual, bilateral or multilateral basis, in turn, can consider the results of the Consultation and act as they deem appropriate.

The report of the Expert Consultation will be made available as an information paper at the Twenty-fifth Session of the Committee on Fisheries (COFI) which will be held at FAO Headquarters, Rome, in February 2003. The report will also be passed to the biennial meeting of RFMOs, which is convened in collaboration with FAO, for consideration. This meeting will take place immediately after COFI.

### **Participation**

The participants in the Expert Consultation will have broad geographic and discipline backgrounds and will include economists, legal experts, natural scientists, and practitioners engaged in the management work of governments, bilateral and multilateral arrangements as well as RFMOs. It is of utmost importance that the experience of those managing shared fish stocks successfully, be drawn upon.

The Expert Consultation will be conducted in English.

**Organizational arrangements**

The Expert Consultation will be convened by the Government of Norway in cooperation with FAO. It will be held at the Directorate of Fisheries, Strandgaten 229, Bergen, Norway, in the period 7 - 10 October 2002. Participation is by invitation only.

**For further information**

For further information please see <http://www.fao.org/fi/meetings/ec-sfs/concept.asp> or contact:

**Norway**

Terje Lobach  
Senior Adviser  
Department of Legal Matters and Fishing Activities  
Directorate of Fisheries  
Strandgaten 229  
N-5804 Bergen, Norway  
Telephone: +47 5523 8000  
Fax +47 5523 8090  
E-mail: [terje.lobach@fiskeridir.dep.telemax.no](mailto:terje.lobach@fiskeridir.dep.telemax.no)

Sigmund Engesaeter  
Director General  
Department of Fisheries Economics  
Directorate of Fisheries  
Strandgaten 229  
N-5804 Bergen, Norway  
Telephone: +47 5523 8000  
Fax +47 5523 8090  
E-mail: [sigmund.engesater@fiskeridir.dep.telemax.no](mailto:sigmund.engesater@fiskeridir.dep.telemax.no)

**FAO**

Rolf Willmann  
Senior Fishery Planning Officer  
Fishery Policy and Planning Division  
Fisheries Department  
FAO  
Rome, Italy  
Phone: +39-0657053408  
Fax: +39-0657056500  
E-mail: [rolf.willmann@fao.org](mailto:rolf.willmann@fao.org)