

NORWAY-FAO EXPERT CONSULTATION ON THE MANAGEMENT OF SHARED FISH STOCKS

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Working Group B: Achieving coordination of management plans and objectives, and of research programmes

Discussion Guide

This discussion guide seeks to highlight some of the issues that need to be considered in order to achieve coordination of management plans and objectives and research programmes. It merely attempts to stimulate the discussion through some ideas but does not purport to be exhaustive in terms of either its scope or depth.

It appears useful to look at those issues first that have proven to be particular impediments in achieving coordination in the management of shared stocks. A tentative list of such impediments based upon the reading of the case studies is as follows:

- Asymmetries in the expectations of the various parties and stakeholders (the analysis would have to take into account various time scales: if some parties cannot survive in the immediate future, or know that in the medium term they will not participate any more in a fishery, long term merits of efficient management may be of little importance to them);
- In-adequacy of the scientific framework and bases (including the non-availability of the appropriate data, the absence of a recognized – neutral enough – scientific structure, as well as unrealistic - at least in a specific context - of some scientific models);
- Major changes in the geographic distribution and/or migration patterns ;
- Fisheries on stocks of species with very long life spans (accumulated biomass problems, risks of irreversible damages, etc.);
- Difficulty to identify who must be considered as the negotiation partner for some fleets;
- Inadequate legal frameworks;
- Lack of equipment, human means and expertise.

The Group may elaborate on this list and analyse the consequences of these impediments on the management of shared stocks and discuss the pros and cons of the various ways and means that have been tried in different situations to overcome them.

Measures to reduce asymmetries in the expectations of the various parties may include consultation with the fishing industry and fishworkers to establish agreed objectives at the national level and then communicate those objectives in a transparent manner to the other parties. These would then form the basis from where to start the negotiation/bargaining process. Another or complementary approach could be to ensure that the stakeholders are adequately represented in the negotiations between the parties.

Cooperation in the management of shared stocks starts often with the exchange of scientific data on the biological characteristics of the stocks in question and perhaps joint

stock assessment exercises. This is what some commentators have denoted as the first or primary level of cooperation. While good information on the fish stocks is indispensable for effective management, the fact that the initial cooperation is often confined to fisheries scientists may lead to, on one hand, narrowly focussing on issues relating to the fishery resources rather than the entire fishery (e.g. fishing capacity, economic performance, employment, etc.) and on the other hand, to establish management objectives in biological terms only. As a consequence, unrealistic targets may be set for the fishery in terms of the economic and social consequences that are implied by these targets for the parties concerned. The early transition to a higher level of cooperation, even in the absence of good data on stock abundance and current harvest levels, appears to be highly desirable in most instances.

A consequence of an otherwise desirable, early transition to a secondary stage of cooperation could be that scientific research may lose its benign character early on in the cooperative venture and become a "tool of combat".

The importance of independent scientific advice has been highlighted in many of the case studies. The setting up of a permanent body for this task (e.g. ICES) may in many instances, especially in developing countries, be a question of cost and cost-sharing, and alternative arrangements such as procurement of ad-hoc external expertise, may be more cost-effective.

Irrespective of whether a permanent body or reliance on ad-hoc external expertise are the preferred ways, these do not necessarily remove all hurdles in achieving unbiased resource assessments as long as the analyses have to rely primarily or exclusively on nationally collected primary data of catches and other biological characteristics. Some measures may be able to reduce "second-order" problems of generating unbiased scientific advice. These could include, for example, the regular exchange of statisticians and scientists between the relevant research and fishery statistics institutions of the parties, the conduct of joint fishery research surveys, the reciprocal placement of observers on board of vessels, etc.

The disastrous consequences of too little and too late cooperation in the management of shared stocks is well known and documented. The decline of several of such fisheries came about in spite of the availability of an abundance of scientific information to inform management decisions. What happened here was that no bargain could be struck early enough to prevent the worst to occur placing all parties in a worse condition than almost any "unfavourable" co-operation agreement could have achieved. Are there institutional arrangements that would facilitate reaching agreement on preliminary stop-gap measures that gain time and allow negotiations to proceed (which often are protracted and involve difficult trade-offs for each party)? One possible arrangement could be to establish an independent arbitration body (ad-hoc or permanent at regional or sub-regional levels) whose judgment would be binding on the parties concerned until a negotiated settlement has been reached, or the immediate threat to a disastrous stock decline is averted.

As has been pointed out elsewhere, a significant constraint in reaching an cooperation agreement is where benefit sharing from a shared stock is confined to the allocation of harvesting entitlements to each party. In this connection, the importance of side payments has been stressed in widening the bargaining space and finding a mutually acceptable agreement. A side payment, in its simplest form, is a type of transfer, which may be either monetary or non-monetary in nature.

An important feature of allowing for side payments, in addition to facilitating co-operation when management objectives of the parties differ, is that it can help too to deal with risks and uncertainties. Side payments can be used to make ex-post adjustments to unpredicted changes in say the distribution of a fish stock between the EEZs of the concerned parties, changes in catchability, or else other events that alter the stream of net benefits to the parties in an unexpected way.

At the institutional side, the pros and cons of the establishment of a management organization with its own staff (i.e. a bilateral, sub-regional or regional fisheries management organization) or just a system whereby the decision-makers of each party meet regularly (at least once a year), need to be carefully weighted in each specific context. Considerations such as the scale and value of the shared fishery, the number of parties, the availability of trained staff, research facilities and equipment, financial resources, etc. would all have a bearing on whether or not a permanent structure is advantageous. Similar considerations would likely also guide the decision on which management tasks should be fulfilled by the bilateral or multilateral management organization and which tasks should remain with national institutions.

Whatever the allocation of functions between national institutions and the bi- or multilateral organization, there is obviously a need to ensure that management plans and research programmes are developed in an integrated fashion.

The issues raised above are by no means an exhaustive list and, at its discretion, the Working Group may discuss, and report upon, additional points, which it deems to be important.