



EUROPEAN

POLICY BRIEF



TACKLING ILLEGAL FISHERIES: THE ROLE OF RIGHTS-BASED MANAGEMENT

Policy Implications for the EU

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OVERVIEW OF CASE STUDY

Illegal, unreported and unregulated (IUU) fishing refers to fishing activities that do not comply with national, regional, or international fisheries conservation or management legislation or measures. In EU waters, fisheries are regulated by the EU Common Fisheries Policy (CFP). The CFP aims to promote sustainable fishing, and does so by imposing technical measures (such as gear specifications and area/time closures) and limiting fishing opportunities available to Member States (in the form of total allowable catches divided among Member States in the form of quotas, or in the form of effort limits expressed as days-at-sea). Although these measures are defined at the EU level, Member States are responsible for the administration of their quotas, inspecting, and sanctioning in the case of infringements.

IUU fishing activities may have serious detrimental impacts on marine ecosystems, ecosystem services, and the societies that derive benefit from such services. **IUU fishing exerts additional pressure on fish stocks, which may already be under pressure from unsustainable rates of legal fishing activities, and can thereby contribute to the depletion of fish stocks.** In addition to these direct impacts on target fish species, fishing activities (and therefore IUU fishing activities) can have direct **impacts on non-target commercial species and nonmarketable fish, on protected and vulnerable species, and on habitats.**

The case study considers the role of rights-based fisheries management systems in incentivising or disincentivising illegal behaviour. The case study finds that rights-based management programmes convey and manage exclusive entitlements to an entity – person, company, vessel, community – to fish in a particular place at a particular time. The European Commission defines rights-based management as “a formalised system of allocating individual fishing rights to fishermen, fishing vessels, enterprises, cooperatives and fishing communities”. Rights-based systems of fisheries management exist in most EU Member States, and the Commission sought to introduce an EU system of transferable fishing concessions (defined as a revocable user entitlement to a specific part of fishing opportunities allocated to a Member State, which the holder may transfer) in its proposal for the reform of the CFP. Rights based management systems can:

- Alter the economic incentives of fishers, who no longer compete for their catches, so that highly competitive fishing no longer takes place
- Stabilize fishery landings and catch limits

- Enable the industry to settle on a fleet capacity that optimises individual economic yield to vessels or cooperatives
- Allow flexible and extended fishing seasons
- Increase the profits and value of fisheries
- Enhance the quality of landings and improve markets
- Improve the safety of operations
- Reduce the likelihood of overfishing
- Alter fishers' relationships with management actions that protect and enhance fish populations, because the value of a quota share increases as stocks become more abundant
- Promote successful community-based co-management of fisheries

Thus the case study finds that rights-based management is found to be a potential tool to deliver better fisheries management.

The case study is based on qualitative empirical analysis, including desk research.

POLICY IMPLICATIONS AND RECOMMENDATIONS FOR THE EU

The CFP is the overarching instrument for the management of fisheries across most EU marine waters. It sets the legal framework and provides the management framework within which individual management decisions are made. The challenge for the CFP has been to ensure the maintenance of the interests of fishers while delivering the necessary protection of marine resources. IUU fishing has made the delivery of these objectives a particular challenge. Therefore, it is of particular importance to both EU level decision-making on the CFP and regionalised management decision-making to identify the causes of IUU fishing and to identify mechanisms to limit these causes.

The adoption of rights-based management can lead to better compliance with fisheries requirements due to the interest rights holders have, their ability to lease extra quotas, etc. However, the benefits of rights-based management depend entirely on the rights being adequately determined. If fishers consider their entitlements to be insufficient or unfairly distributed, then non-compliant behaviour may occur.

Rights-based management is, therefore, a mechanism to be considered within the design of fisheries management within the CFP. In taking such a system forward it is importance properly to design the catch share systems to ensure the incentives work for compliance as well – i.e. to address or limit social equity concerns.

ABOUT EFFACE CASE STUDIES ON ENVIRONMENTAL CRIME

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