

History of the Institutions for Regional Fisheries Management Organization

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Introduction

The United Nations Agreement for the Management of Straddling Fish Stocks and Highly Migratory Fish Stocks took effect in 2001 encourages that concrete rules for management of straddling stocks and highly migratory stocks should be made at each Fisheries Management Organization (RFMO). Until the United Nations Convention on the Law of the Sea, there had been no general word or concept of “RFMO.” However, there had existed some RFMO or like such groups which had been engaged in fishery management. I will define the institution as a group of rules, institution for RFMO is composed of many intertwined rules born in existing ones in this meaning.

Therefore, the purpose of this presentation is to examine the history of international fishery management in order to help understand the structure of the institution of RFMO. That is, firstly to make clear the origins of the RFMO and secondly, to make clear the mechanism of creating and changing it.

Conclusions

To make it easier to understand my presentation, I will start by indicating my conclusions. The first conclusion is that the institution contains two groups of rules. One has been made by distant-water fishing States to cope with the insistence from coastal States that high seas fisheries be regulated to protect resources of their jurisdictional areas. The other has been made by fishing States, including both distant-water fishing and coastal, in order to manage their fisheries and resources efficiently. The former set of rules has been created at international conferences of world level. The latter set is divided further into two parts, that is, rules for fishery arrangement and ones for resource management. Rules for fishery arrangement have been made at each RFMO. Rules for resource management, to some extent, have been made at the same kind of conference mentioned before. Because size, nature, and States concerned with the problem are different, the solutions should be different.

My second conclusion is that the structure of the institution is influenced by the costs and benefits to the States with ‘power’. States negotiate and compromise with each other while considering their costs and benefits.

International Convention of the High Seas Fisheries of the Northern Pacific Ocean

One of the problems with this convention is that although the convention upheld resource

management, particularly the principle of Maximum Sustainable Yield (MSY) of resources, the convention actually dealt with fishery arrangement. There is no connection between MSY and Japanese abstention. There is a mixture of rules for resource management and resource distribution, which is a fishery arrangement matter.

Convention of Fishing and Conservation of the High Seas

One of the points of this convention is the following: A coastal State has a special interest in the maintenance of the productivity of the living resources in the high seas adjacent to its territorial area. Moreover, any coastal State may adopt unilateral measures of resource conservation under certain condition. These provisions are a mixture of resource management and coastal jurisdiction.

RFMOs under Multilateral Convention for Fishery Management

Unlike the aforementioned Conventions, which were not effective, RFMOs played important roles in international fisheries management. They developed toward a certain general direction as the guidelines and measures of each RFMO became more or less influential. In the 1960's a regular outline for international fishery management was established.

United Conference on the Law of the Sea III

At the beginning of the conference RFMO was expected to take a large part in international fishery management of the high seas and EEZ. However, discussion about RFMO was left until later, as EEZ was being disputed, and RFMO itself became permanently shoved aside. Nevertheless, there are some provisions concerning RFMO in the United Nations Convention on the Law of the Sea. These provisions are scattered throughout various chapters and the provisions lack unity. As well, the relationship between fishing States and new entities is not mentioned, and there are no concrete and practical provisions except ones about highly migratory species. These problems necessitated UNIA took effect in 2001. Again, UNIA left concrete rules for each RFMO.

Epilogue

Even today, there is still an emphasis on historical catches when deciding national quotas at RFMOs, sparking discontent amongst new fishing entities. It must be said honestly that a resolution to the problem of new fishing entities has not yet been found. Regarding this problem, as well as others, concrete rules on fishery arrangement have not been satisfactorily developed by conferences at the world level. As UNIA indicates, the role of RFMOs in the future exploration of the management of international fishery is expected to be important.

References

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