

## International Institutions

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### Introduction

Despite the drastic changes that property rights over fisheries resources have been subject to since the creation of exclusive economic and fishing zones and despite the crisis the United Nations system is currently experiencing, international institutions still continue to exert a marked influence on national and international policies. Access to resources (United Nations convention on the Law of the Sea – UNCLOS), trade (World Trade Organization – WTO), international co-operation (the UN and regional organisations), research, technical and scientific advisory bodies, international statistics (Food and Agriculture Organization – FAO), and supra-national political organisations (EU) are only a few examples of the dynamic and forceful role a wide range of organisations and institutions play with regard to fishing, fisheries management and policies.

The theory of governance specifically insists on new social and political agents in the decision-making process and on political control over new production and marketing practices. With this in mind, international institutions, particularly United Nations institutions and Regional Fisheries Organisations, traditionally devote efforts to strengthening institutions in less developed countries and regions and boosting public policies. To a certain extent the new trend towards greater roles for the market and civil society entails the risk of weakening public action and in more general terms state action as well. Although this is part of the logical evolution of more developed states, it renders less-developed ones more vulnerable, lacking as they do the institutional framework that allows public and private action to be balanced out.

### Institutional Development in Ocean Governance

The institutional pillars of ocean governance have recently been drawn up around the Third United Nations Convention on the Law of the Sea (UNCLOS 1982) and its predecessors the First and Second Conferences, the United Nations Convention on Environment and Development (UNCED

1992) and more specifically Agenda 21, the seventeenth chapter of which is devoted to oceans and coastal areas.

UNCLOS (1982) in particular can be interpreted as the final phase of maritime tradition in the modern era with the oceans conceived as an issue for the international community ruled by the principle of *mare liberum* and inspired, prior to the reform of Part XI and the Agreement on Straddling Stocks and Highly Migratory Fish Stocks, by public action as a balance to the inequalities between states (the Area as the common heritage of mankind and the establishment of bodies such as Authority and Enterprise). Yet at the same time, UNCLOS opens the door to maritime nationalism by confirming wider jurisdictions with a consequent reduction in common areas (the high seas and the deep seabed), which in turn allow for the first national Oceans Acts (the Canadian Oceans Act 1997 and the US Ocean Act 2000). Along with national legislation, a new generation of public policies has also emerged, characterised by a recognition of integrated and all-embracing action in the oceans to allow multiple uses and interaction to be managed, while incorporating the principles confirmed at Rio 1992 such as sustainability, and management based on an ecosystem approach that includes human action and the precautionary principle.

Post-UNCLOS/UNCED marine policies include concepts of governance such as new public management and good governance. The state is less interventionist and there is greater prominence for various social agents (principles of representation, collaboration and legitimacy) and especially new values and principles of environmental ethics that are clear in the Canadian and US legislation. Maritime nationalism, fostered as a mechanism to safeguard resources in waters adjacent to developing countries, became the standpoint the most advanced countries founded their new marine policies on, directed at exercising world leadership and opposing the idea of marine internationalism, an argument timidly voiced in the post-colonial era. The notion of governance as international order pertaining to the international community's social and economic inequalities was supplanted towards the end of the twentieth century by tough environmental ethics that have introduced new property rights and a new redistribution of resources that are already beginning to transform some communities of fishermen into mere tenants or lease-holders on a par with landless peasants (Eythórsson 1996).

The beginning of the new millennium thus yields a confused and complex panorama as regards relations between public and private and nationalism and internationalism, notions contradictorily present in the new governance of the oceans.

## Ocean Issues and the Role of Private Initiative at Rio+10

As far as the oceans are concerned, the Johannesburg Conference did not result in any significant changes or innovations regarding the greater soundness and ambition emerging from its predecessor, UNCED (1992), especially with regard to Agenda 21 and its Chapter 17. Trends can never-

theless be detected in the direction of thoughts with respect to mechanisms and principles of government on the main problems and challenges the conservation of the ocean and exploitation of its resources are facing.

Recognition of the key roles the ocean plays in the natural balance of the planet, feeding the world and economic prosperity (World Summit on Sustainable Development: Plan of Implementation) is a possibly necessary reiteration of declarations made more than a decade ago. Recommended action such as the need for UNCLOS to be fully ratified not only bore witness to the validity of instruments that emerged over a decade earlier, but also to the slow pace they are being developed and implemented at. The same is true of recommendations for reinforcing regional co-operation, applying measures for ocean conservation and management, and for said measures to be applied in an integrated and co-ordinated way with a multidisciplinary focus.

This recommendation dwells on this very circumstance for fishing, i.e. the need to drive previously achieved and formulated accords, declarations and principles and an effort to implement them. As such, the Reykjavik Declaration on Responsible Fisheries in the Marine Environment (2001) should be implemented by 2010 by strengthening co-operation and co-ordination among the various regional fisheries organisations and between them and other scientific bodies and programmes (UNEP Regional Seas Programmes) and developing other kinds of measures to allow stocks to be conserved and even permit them to be restored or maintained by 2010.

The issue thus relates to giving continuity to objectives that in general terms, had already been formulated by 1992 (Agreement on Bio-diversity, Agenda 21) and implementing them. There are now however some new points of focus such as the elimination of fisheries subsidies, given that they are thought to encourage overcapacity and overfishing. In addition, there is the importance of applying measures agreed on by the WTO, which are generally designed to further market deregulation and the commercialisation of natural resources. In short, the above-mentioned trend becomes more patently obvious. There is a reversal of the principles advanced since the 1960s, characterised by a greater emphasis on social issues, common property, and co-operation. These are being replaced by thinking more in line with current neo-liberal trends: the defence of the priority of the market in the regulation and assignment of resources, the gradual erosion of the capacity of state and supra-state institutions and the privatisation of any spaces or resources that might yield economic benefits.

Other issues referred to in the Johannesburg Plan of Implementation relate to the opportunity globalisation presents for achieving sustainable development (Sustainable Development in a Globalising World). These involve the transfer of technology, financial cooperation, economic rationalisation by increasing productivity, boosting the private sector and making effective use of investment and international aid, recognising the essential role trade might play in achieving sustainable development and the fight against poverty in accordance with WTO guidelines through the deregulation of markets, the cooperation of the public sector, and technical and financial aid. To conclude, there is also an appeal for good governance to be the basis for

political action and a combined strategy of theoretical and abstract principles (freedom, democracy, the democratic state, gender equality) and more practical principles, such as market-oriented policies. In this way, a certain amount of support is given to other actors such as civil society and the market, with the latter gaining greater influence in political affairs via big business.

## The Governance of Fishing as Global Action: Aims, Tools and Institutions

Aspirations for co-ordinated global action designed to tackle the great problems facing fishing throughout the world are closely linked to the creation in 1965 of the Food and Agriculture Organization (FAO) as one of the United Nations specialist agencies and of the Committee on Fisheries (COFI) in the FAO itself. Four large domains can be distinguished (table 10.1) where the various initiatives have been developed over the past four decades along with the corresponding institutions, which are responsible for fisheries governance being implemented: i.e. 1) new ocean order, 2) sustainability, 3) the production of fish products with a view to food requirements, and 4) fishing communities.

The main contents of each of these four great domains are analysed below along with the historical context they emerged in, the social and ideological bases that inspired them and the power structures that support fisheries governance as defined by the typology of the players that drive them (states, governmental and non-governmental organisations, the market and so forth).

The United Nations Convention on the Law of the Sea (UNCLOS 1982) is, as noted above, the most relevant milestone in the evolution of marine policies on an international scale, with fishing occupying a core position in the creation of new rules of access to resources and for the first time, obligations regarding their conservation and management. UNCLOS contains a number of provisions related to fisheries governance, but always with the underlying principle of equity between the states in issues involving a marked sense of community in international society.

In this early phase of the emergence of fisheries governance, state aspirations to regulate and obligate can be detected in an effort to strengthen this institution rather than weaken it in favour of private interests (the market). This attitude is in part expressed in the transformation of international society after the end of the Second World War and the commencement of the decolonisation process. During this process the new greater influence acquired by developing countries (110 of the 150 who took part in UNCLOS III belonged to the Group of 77) seemed to turn the regulatory framework in the direction of positions dominated by common interests, facilitating indiscriminate access to the seas by all the states. In the following decades, the situation gravitated towards more individualistic positions and even the text of the Convention was modified in favour of states and business groups that own economic and technological resources.

**Table 10.1 Main domains in fisheries governance**

	<i>New ocean order</i>	<i>Sustainability</i>	<i>Food supply</i>	<i>Fisheries communities</i>
<i>Subjects</i>	<ul style="list-style-type: none"> <li>– EEZ<sup>a</sup> Programme</li> <li>– Flagging</li> <li>– Vessels Register</li> <li>– ITQs<sup>b</sup></li> </ul>	<ul style="list-style-type: none"> <li>– Fishing capacity</li> <li>– Drifting nets</li> <li>– Small island developing states</li> <li>– Bio-diversity</li> <li>– Multi-annual and multi-specific fisheries management</li> <li>– Ecosystem management approach</li> </ul>	<ul style="list-style-type: none"> <li>– Bycatch</li> <li>– Discards</li> <li>– MCS<sup>c</sup></li> <li>– Food security</li> </ul>	<ul style="list-style-type: none"> <li>– Strategies for development and management</li> <li>– Women in fisheries</li> <li>– Subsidies</li> <li>– Investment</li> </ul>
<i>Tools</i>	<ul style="list-style-type: none"> <li>– Agreement to promote compliance<sup>d</sup></li> <li>– UNCLOS<sup>e</sup></li> <li>– Straddling and highly migratory fish stocks</li> <li>– Agenda 21</li> </ul>	<ul style="list-style-type: none"> <li>– UNCED<sup>f</sup></li> <li>– Agenda 21</li> <li>– CCFR (FAO)<sup>g</sup></li> <li>– Rome Consensus<sup>h</sup></li> </ul>	<ul style="list-style-type: none"> <li>– CCRF (FAO)<sup>g</sup></li> <li>– Kyoto Declaration<sup>i</sup></li> </ul>	<ul style="list-style-type: none"> <li>– CCRF (FAO)<sup>g</sup></li> </ul>
<i>Institutions</i>	<ul style="list-style-type: none"> <li>– RFB<sup>j</sup></li> <li>– United Nations</li> </ul>	<ul style="list-style-type: none"> <li>– United Nations</li> <li>– RFB<sup>j</sup></li> <li>– Kyoto Declaration<sup>i</sup></li> </ul>	<ul style="list-style-type: none"> <li>– WTO<sup>k</sup></li> <li>– WB<sup>l</sup></li> </ul>	<ul style="list-style-type: none"> <li>– FAO</li> <li>– WB<sup>l</sup></li> </ul>
<i>Principles</i>	<ul style="list-style-type: none"> <li>– Free access to high seas</li> <li>– Equity between states</li> <li>– Sovereignty over resources in adjacent waters</li> </ul>	<ul style="list-style-type: none"> <li>– Protection and conservation of common resources</li> <li>– Precautionary principle</li> <li>– Principle of inter- and intragenerational equity</li> </ul>	<ul style="list-style-type: none"> <li>– Social justice</li> <li>– Fair trade</li> <li>– Transparency principle</li> </ul>	<ul style="list-style-type: none"> <li>– Right to development</li> <li>– Gender equality</li> <li>– Protection of ethnic minorities</li> </ul>

*Source: Authors of this chapter, based on Swan and Satia 1998; Lugten, 1999.*

<sup>a</sup> EEZ: Exclusive Economic Zone

<sup>b</sup> ITQs: Individual Transferable Quotas

<sup>c</sup> MCS: Monitoring, Control and Surveillance

<sup>d</sup> Agreement to Promote Compliance: Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas

<sup>e</sup> UNCLOS: United Nations Conference on The Law of the Sea, 1982

<sup>f</sup> UNCED: United Nations Conference on Environment and Development, 1992

<sup>g</sup> CCRF (FAO): Code of Conduct for Responsible Fisheries (FAO), 1995

<sup>h</sup> Rome Consensus: Rome Consensus on World Fisheries (FAO/UNCED), 1995

<sup>i</sup> Kyoto Declaration: Kyoto Declaration and Action Plan on Sustainable Contribution of Fisheries to Food Security, 1995

<sup>j</sup> RFB: Regional Fishery Bodies

<sup>k</sup> WTO: World Trade Organization

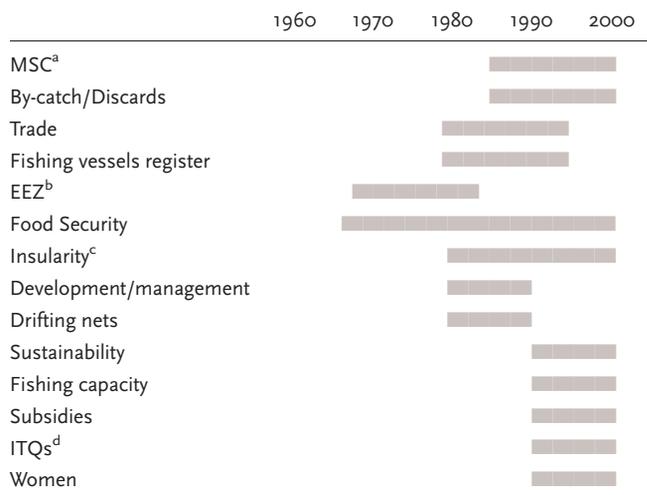
<sup>l</sup> WB: World Bank

The Exclusive Economic Zone Programme initiated by COFI is designed to help developing states manage their extended fishing zones. Along with food security, it is a clear example of the mentality that drives this kind of international action and of the priority issues that emerged early in the 1960s. Technological development and the growing demand from a mushrooming population put pressure on the resources. Indications of their decline were already evident towards the end of the 1970s, turning into one of the priority subjects in the following decade, when the paradigm of sustainability was formulated. The situation worsened towards the end of the century and conservation measures were reinforced. Together with the collapse of high commercial value stocks, this began to endanger the survival of communities reliant on fishing. This process concurred with the development towards ideological standpoints dominated by neo-liberalism, the erosion of the welfare state and the discrediting of public interventionism and strong competition in an economy becoming increasingly global.

Fisheries governance is affected by these trends, as is witnessed by a reverse in social policies (a drastic reduction in the fishing effort with a consequent increase in unemployment and withdrawal of subsidies) and changes in private property rights. The activation of new principles (precautionary principle, inter- and intra-generational equity, fair trade, gender equality and the protection of ethnic minorities) was not effective enough to halt the de-structuring of developing countries and the consequent loss of political weight in international society and progress towards more individualistic positions. These positions have consistently weakened initiatives such as the Strategy for Fisheries Management and Development (1984), which included issues of highly charged social content such as artisanal fishing, rural fishing, agricultural communities, the contribution of fishing to the national economy and social and nutritional objectives, financial aid and so forth (Swan and Satia 1998).

At the same time these ideological trends and political economy were developing, there was a major deterioration and depletion of the prestige of the United Nations and other international institutions (especially the ones in the United Nations system) including the tools created in the heart of the United Nations itself (UNCLOS, UNCED) devoted to raising the edifice of global governance and of fisheries governance within it. Regional Fishery Bodies (RFB) have been one of the key tools of fisheries governance. Their origins can be traced back to the beginning of the twentieth century (ICES was created in 1902) and there are more than thirty of them in existence nowadays, nine of which are dependent upon FAO. Almost half of them were created in 1982 in the wake of UNCLOS. Although the effectiveness of these bodies is undergoing critical review (1997, 1999, 2000), what they do continues to be considered highly relevant for guaranteeing the conservation of resources and economic effectiveness of the fisheries sector. In their development since the mid-twentieth century, there have been clear signs of changes to adapt to new ideological paradigms and new ways that international society conceives governance (table 10.2).

**Table 10.2 Priorities in fisheries management at the international level**



Source: Authors of this article, based on Swan and Satia (1998), Lugten (1999)

<sup>a</sup> MCS: Monitoring, Control and Surveillance

<sup>c</sup> Insularity: Small island developing states

<sup>b</sup> EEZ: Exclusive Economic Zone

<sup>d</sup> ITQs: Individual Transferable Quotas

The RFBs were created under the aegis of the United Nations Charter to further co-operation as a tool to mitigate inequalities (Lugten 1999). In as much as the United Nations Charter emphasises the role of the state in tackling global problems such as fishing, the RFBs are essentially governmental organisations and their priorities after the Second World War (1951-1982) acquired a fundamentally social flavour (the contribution made by fishing to food security, help for developing countries' EEZs) in a context of world fishing still featuring growth and optimism. During the above-mentioned critical review of the RFBs, priorities became more technical with the emergence of issues of evident interest and importance (overfishing, overcapacity, discards, bycatch, trade and so on). They have become less focused due to the urgency and grave importance of these new problems, the enormity of the social issues and requirements of developing countries, in spite of which their circumstances worsened in many aspects compared to the 1951-1982 period. As part of the RFB review process, the participation of industry and NGOs has been encouraged and management responsibilities devolved to the private sector and to national and international non-governmental bodies. On the other hand, the crisis affecting most of the nine RFBs dependent on the FAO, due to the financial difficulties of the United Nations system, could lead to their being turned into independent bodies (Marashi 1996) financed by their own members. This implies the risk that the withdrawal from the FAO might hinder inter-state co-operation in developing regions. In the fisheries regions of the developed world (primarily the North Atlantic) and the developing world, the

new forms of governance are inspiring a withdrawal from the public sector that is generally justified by the lack of effectiveness on the part of the institutions responsible for management, yielding ever more ground to the private sector and NGOs, or by encouraging changes in property rights as a result of turning fishing resources into merchandisable goods.

International fisheries organisations are beginning to play an equally significant role in the development of instruments and agreements to foster the conservation and sustainable use of resources on the high seas, especially since the 1993 Agreement (the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas), the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995), and the Code of Conduct for Responsible Fisheries (1995). All of these agreements highlight the potentially important role of regional organisations.

In accordance with the Code of Conduct, these organisations have to be open and admit any state wishing to join and engage in the management of the resources in question. Nonetheless, as a result of the entrance conditions, three types of regional organisations can be identified in the organisations as a whole. They vary according to the conditions for membership (Vázquez Gómez 2002: 218-219) (see table 10.3):

**Table 10.3 Regional fisheries organisations**

<i>Type of Organisation</i>	<i>List of Organisations</i>
Open to all states	International Commission for the Conservation of Atlantic Tunas (ICCAT), General Fisheries Commission for the Mediterranean (GFCM), Northwest Atlantic Fisheries Organization (NAFO), South East Atlantic Fisheries Organisation (SEAFO), Regional Commission for Fisheries (RECOFI), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), International Whaling Commission (IWC)
Membership conditional	Indian Ocean Tuna Commission (IOTC), Asia-Pacific Fisheries Commission (APFIC), North East Atlantic Fisheries Commission (NEAFC), International Council for the Exploration of the Sea (ICES), North Pacific Anadromous Fish Commission (NPAFC), Inter-American Tropical Tuna Commission (IATTC), North Pacific Marine Science Organization (PICES), International Baltic Sea Fishery Commission (IBSFC), The Commission for the Conservation of Southern Bluefin Tuna (CCSBT), North Atlantic Marine Mammal Commission (NAMMCO), North Atlantic Salmon Conservation Organization (NASCO), Forum Fisheries Agency (FFA)
Closed	International Pacific Halibut Commission (IPHC), Pacific Salmon Commission (PSC), Permanent Commission for the South Pacific (PCSP)

*Source: Authors of this chapter.*

Through these organisations, especially the ones that impose entrance conditions or simply do not admit new members under any circumstances, some coastal states are able to create mechanisms involving a new phenomenon: progressive or creeping collective jurisdiction via the establishment of closed or semi-closed organisations in certain areas of the high seas. The 1995 Agreement, in so far as it is a framework agreement, has to be established on a regional scale. Within the bounds of the agreement, the interests of the coastal state have to be reconciled with the principle of freedom of the high seas. Regional management organisations can therefore be regarded as an instrument to drive coastal state jurisdiction outwards towards the high seas.

Institutionally speaking, RFBs fall under the concept of international regimes (with agreements, principles, norms, regulations and procedures) and their role in environmental and natural resource management policies is making them a focus of growing academic interest, with their formation addressed from three theoretical perspectives: neo-realism, neo-liberalism and constructivism (Sydnes 2001a). State action could be justified under one of these perspectives such as neo-realism which, assuming there was no supra-national authority within the international system (the high seas?), would lead to unilateral acts to extend rights of sovereignty beyond national jurisdiction or the exclusive economic zone.

## International Institutions and Global Civil Society

The acceleration and permanent change brought about by new technologies and economic globalisation have resulted in two basic pillars of democracy, progress and social cohesion, being replaced by communication and the market, and a change in the meanings of some old geo-political concepts. The three main actors on a world scale are now state associations (the EU, NAFTA, MERCOSUR, ASEAN and so forth), global companies, and large media or financial groups and non-governmental organisations (NGOs) with global influence (Greenpeace, WWF, Amnesty International, etc.). These three actors follow their courses in a global, indeed a planet-wide framework established not so much by the UN as the WTO, the new global arbiter. As such, confronting the political power wielded by supra-national bodies and the economic power of huge transnational corporations, we encounter what is called global civil society (GCS).

From a freer point of view, in the fields of the environment and fisheries on a global scale, civil society can be viewed as representing the group of non-governmental bodies with direct influence on the management of fisheries resources (environmentalist NGOs, marketing and processing companies, trades union, professional associations, citizens' groups, etc.) and groups that perform duties of a scientific, advisory, assessment, critical and motivation nature (Gemmill and Bamidele-Izu n.d.; Dunn 2003). Nevertheless, from a more critical point of view, global civil society can be viewed as representing a genuine counter-power to official regional or supra-national

bodies and large economic corporations, even though the NGOs it consists of do not always have the appropriate mechanisms for participation, expression and funding.

Be that as it may, and although there are people who doubt the existence of global civil society, various state and supra-state entities try to legitimise their political decisions on the basis of the participation and opinions of citizens' groups and organisations they consider representative.

### **Box 10.1 NGOs and fisheries issues**

The Marine Stewardship Council (MSC) is an NGO whose aim is to encourage proper fisheries management as is understood by the term *governance* by means of a certification programme for fish products. This is done via a distinctive blue label assigned to products that comply with the MSC Standard, which now entails a number of internationally recognised environmental principles for the appraisal of fisheries management and sustainability: the state of fish reserves, the impact of the fishery on the marine environment and the management systems of the fisheries.

Its newness might be the main obstacle to its having a more widespread effect. It seems clear that its effectiveness depends on the degree to which social awareness of the social and environmental issues surrounding the highly industrialised fisheries model are raised and presented to the public. In other words, it hinges on responsible demand in an international market, one of the most prominent features of which is the lack of product differentiation. As such, its real effects on the suppression or harassment of bad practices in fisheries exploitation are limited.

*Source: Authors of this chapter*

Global Civil Society (GSC) plays a role in international institutions in an extremely wide range of ways. This is why it is difficult to arrive at a clear, ordered, and systematised typology. A first approach, at risk of oversimplification, shows how GSC acts at two levels: a political level (in the structures of the administration) and a civic level, as an authority complementary to government action or counter-power (although these are not always exclusive categories). One example in fisheries activity might be the EU's Advisory Committee on Fisheries (ACF), which is made up of professional organisations (fishermen, boat-owners) and citizens' associations (consumers' and environmentalist organisations).

**Table 10.4 Advisory committee on fisheries organisations<sup>1</sup>**

<i>Type of Organisation</i>	<i>List of Organisations</i>
Professional	Europêche, General Confederation of Agricultural Cooperatives in the European Union (COGECA), European Association of Producers Organisations (EAPO), Association des Industries du Poisson de la Communauté Économique Européenne/The Federation of National Organisations of Fish Wholesalers, Importers and Exporter of the European Economic Community (AIPCEE/CEP), European Farmers Union/General Committee of Agricultural Cooperation in the EU (COPA/COGECA)
Environmentalist	Greenpeace, World Wide Fund for Nature (WWF), Birdlife International
Consumer	European Community of Consumer Cooperatives (EUROCOOP), European Consumers' Organisation (BEUC), Consumers Associations (COFACE), Institute of European Inter-regional Consumer's Organisations (IEIC)
Scientific and sporting	European Anglers Association
Financial	European Association of Cooperative Banks
Trade union	Federation of Transport Workers Unions

*Source: The examples of professional, environmental, consumers', sporting, financial and trade union organisations are taken from the EU's Advisory Committee on Fisheries (Report on Advisory Committee on Fisheries. Prepared for the DGXIV of the European Commission by Nautilus Consultants in collaboration with Cofrepêche in France, Gico in Italy, IFM in Denmark, LEI in Holland and the University of Seville in Spain, 1998).*

At the same time, the complex role GSC plays in fisheries reveals various problems and a number of contradictions. The first one is geographical scope, since global institutions are essentially confined to a single more economically and politically advanced sector of societies. For example in the case of Greenpeace, 70% of its income comes from the EU and Germany provides almost half the amount it receives in European contributions. The adjective global thus requires more than one qualification. Are the only truly global organisations those that have no national base? Or those that are organised into supra-national structures (i.e. European federations)? Or the national or local organisations that perform on the global stage? Or perhaps the organisations or groups that act within global networks? A more detailed study of the NGOs would shed more light on these issues.

## Geographical Inequalities in Access to the Sea

Inequality in the use of fishery resources is varied and impacts societies in a number of ways. One way to detect inequality is via the geographical factor, without it necessarily being interpreted as geographical determinism.

In the face of physical and natural adversity, developed societies can overcome their geographical constraints and gain access to fisheries resources through economic and political action (agreements with third-party countries). In the spirit of international co-operation that characterised part of the 1960s and 1970s, an effort was made to overcome geographical injustice during the discussion at UNCLOS. This led to oceans being declared part of the Common Heritage of Mankind. Efforts to facilitate access to the seas for all the states without discrimination were eventually thwarted.

Its access to stocks mainly depends on a state's relative geographical location and the morphological features of its territory, whether it has access to a coast or is land-locked, the length of its coastline, whether it lies alongside or opposite other states it has to delimit its jurisdictional waters with, whether it is an island or a continental state and so forth. In the case of a coastal state, coastal waters can either be very productive or of little biological interest, depending on the physical and natural factors regulating the marine productivity there. In addition to geographical and biophysical factors, political ones come into play, especially with regard to gaining access to localised stocks outside the national jurisdiction, since most stocks are subject to some coastal state's exclusive rights. Access to stocks falls within the political domain and more specifically within the scope of international relations, since they are regulated by agreements and accords made between states.

Geopolitical factors have emerged in the wake of the new legal order governing the seas resulting from the UNCLOS. There has been widespread redistribution of fish stocks throughout the world due to exclusive economic and fishing zones being established on a large scale. A combination of geographical (the territory belonging to a state and its relative location) and bio-physical factors (regulating productivity) means developed and developing countries alike are at the forefront of world fishing, with the latter overtaking the industrialised nations in the world ranking of fishing powers.

Another consequence of the new legislation covering the seas has been a wide-ranging transformation of property rights. The regime of free access that mainly operated throughout the marine areas has been limited to the high seas which, although greater in surface area, are low in biological productivity, providing only 10% of the world food resources. Since they are located within exclusive economic areas or the 200-mile fishing zones around coasts all across the globe, most stocks are classified as state property. Other property rights such as communal or private rights do not mean much on a global scale, although under a system known as Individual Transferable Quotas, private property rights may come to be more than isolated experiences applicable to certain species. Although fishing is still viewed as the last global activity carried out all over the planet today, political borders are fundamental in determining property rights over stocks in a general trend that is progressively widening legal rights on the basis of proximity and to the detriment of free access; the high seas are defined by exclusion. Apart from glaring inequalities regarding access to stocks, other

inequalities are also caused by natural factors, such as the unequal distribution of biological productivity throughout the world.

## The Influence of Markets on Fisheries Governance

The current market economy is characterised by numerous autonomous centres of political and economic decision-making and almost exclusive reliance on a single criterion for management and resource assignment: market mechanisms. Today's market is a kind of abstract entity where supply and demand come into contact, that seems to pervade all economic activities to the extent that it shapes production (or extraction) as well as consumption.

Fishing and associated economic activities are similarly caught up in these mercantilist dynamics, with the marketing of fish products now a phenomenon of the first order moving some US\$115 billion, especially in countries that are either high producers or high consumers (FAO 2000a, FAO 2000b, FAO 2002) (table 10.5). It should not be forgotten that the market makes its presence most felt in fisheries via huge transnational marketing companies and, albeit indirectly, via the globalisation of other activities (industrial, financial, etc.).

**Table 10.5 International trade in fishery commodities by 12 principal importers and exporters (2000)**

<i>Country</i>	<i>Imports</i> (US \$ 1000)	<i>Country</i>	<i>Exports</i> (US \$ 1000)
Japan	15513059	Thailand	4367332
USA	10453251	China	3605838
Spain	3351670	Norway	3532841
France	2983618	USA	3055261
Italy	2535269	Canada	2818433
Germany	2262018	Denmark	2755676
UK	2183811	Chile	1784560
China, Hong Kong	1948824	China, Taiwan	1756133
Denmark	1806365	Spain	1599631
China	1795953	Indonesia	1584454
Canada	1388621	Vietnam	1480110
Korea	1371830	India	1405196

*Source: FAO, 2000a.*

So, despite the efforts of national and regional departments to impose some sort of management, fisheries have gradually come to be part of this huge globalising phenomenon that has progressively forced all kinds of markets (from fish products to employment) to become more flexible, and

prompted a diversification in the range of fish products on offer. There has been a move in the fish-processing industry towards greater vertical integration, the take-over of small industries by large multinational companies and, in short, the control of prices and distribution by the large marketing chains (Friis 1994; OECD Committee for Fisheries 2000: 112; FAO 2000b). As such, grand declarations on sustainable fisheries management, constraints on the fishing effort, responsible fishing and other long-term good intentions contradict the objectives the market, as represented by big business, lays down with respect to the management of fisheries resources. This is especially true in developing countries, where development goals are more related to intensifying and diversifying the fishing effort than limiting it, where there is a logical preoccupation with social and economic development and the creation of employment (with social and economic rights being given precedence over environmental rights), and where a certain leeway is important in dealing with the deregulatory strategies of international capital.

Given that it is already complex for a local or domestic market to work in a rational and equitable way, it being almost certain that neither perfect competition nor market transparency or rational choice exists, we have to bear in mind that on a global scale, the market is being progressively tainted by monopolisation and oligopolisation processes that are turning the large chains and multinational companies into exclusive agents for production management, price setting and the marketing of numerous products (Friis 1994; Van Vliet and Friis 1999; FAO 2000b). Only these large companies have the actual ability to compete on markets on a global scale and have access to privileged information, as is the case with European lobbies. It is consequently these huge marketing companies that really benefit from fishing activity while the producers, especially the small-scale ones, find themselves increasingly ousted from the big economic circuits and deprived of the social and economic benefits they could otherwise derive from their activities.

Despite the highs and lows – often the result of the crisis in the economic system itself – trade figures for fish show it is a highly profitable business for big companies that have diversified and turned many fish products into food products that are of enormous interest to the average consumer in rich countries (Friis 1994; Van Vliet and Friis 1999). This huge rise in trade logically conditions extraction which, in order for it to be more profitable, requires greater effort and the progressive depletion of fish stocks (Arnason 1993: 334-335; Van Vliet and Friis 1999: 214) and creates deep social and economic rifts, leaving fishing communities very poor. It even puts deliberate and heavy pressure on fisheries management, propagating more flexible systems that would prefer to see state regulation progressively reduced to a minimum and where economic lobbies made their influence felt in fisheries decision-making political circles. As far as Europe is concerned, this is paradigmatic. In all probability, what is being witnessed today is a transitional period from a system where state institutions used to pass on the fisheries management stick to one where the market and big

business increasingly impose their strategies (Apostle et al. 1998). In addition, trade in fish has often boomed as a result of biological or legal impositions, given that numerous countries whose fishing grounds are depleted or that have access to other countries' fishing grounds refused to them are beginning to become significant purchasers of fish products. This has led to vast distribution and marketing chains and to states previously on the fringes of the business now turning into producers and suppliers (FAO 2000a; FAO 2001). These processes change property and management structures and accommodate themselves to global strategies in such a way that processing and marketing activities, once adapted to global strategies, do not always leave profit at a local level. The global fish produce market can thus impose limitations on the social and economic development of communities dependent on fishing, giving rise to an increase in profit for big business at the expense of depleted stocks, flexibility of labour and re-siting activities.

Yet the market and its associated activities (deregulation, privatisation of common resources, deregulation of activities) imbue the current analyses of the fisheries sector and management measures with a new, more economicist and in all probability neo-liberal philosophy. As a result, despite deriving from a system that led to resource overexploitation and where David Ricardo's law of decreasing returns has clearly been fulfilled (Arnason 1993), the world fisheries crisis has basically been paraded as a problem arising from the existence of some common property (fish stocks) and a specific regime of use (free access). This has, since the 1980s, led to the proposal and justification of new methods of management based more on economic instruments such as restrictions on the fishing effort and the capital devoted to it, taxes and similar charges and instruments based on property rights (Arnason 1993; Sutton 2001; Hannesson 2001), to the use of trade measures designed to achieve a more sustainable use and consumption of resources (OECD Committee for Fisheries 2000: 92-94) and to the use of resource privatisation as a way to put a brake on stock depletion and select fishermen (individuals or companies) on the basis of their economic efficiency and productivity. Some scientists have nevertheless denounced this privatisatory method, this imposed system of Individual Transferable Quotas (ITQs) that seemingly increases economic efficiency, encourages sustainable resource exploitation and optimises the material and financial means invested in the fishing activity but does not go so far as to call itself true privatisation, perhaps because the term could provoke hostility from those affected and from others in defence of common or public property. However, if this kind of private property were to be made official, other and more critical experts would see it as a triumph for the commercialisation of rights of tenure and resource use, resulting in the concentration of the ITQs in the hands of big business and the emergence of undesirable social effects such as a drop in wages and a rise in unemployment (Eythórsson 1996). Together with the deregulation of the market and the end of subsidies, this could have grave negative effects on the communities that most rely on fishing. Thus yet another element has appeared on the fisheries stage, bearing witness to the

growing influence of markets and deregulation and the rise of large business corporations controlling extraction and marketing, with a consequent reduction of the role of seafarers who see their capacity for political and economic negotiation severely reduced.

## Fisheries Communities and Ethnic Minorities

There is a great deal of documented international legislation that recognises and protects the legitimate rights of local societies, be they ethnic minorities or not, to preserve their indigenous modes of territorialisation, including the exploitation and management systems they apply to natural resources. As such, the Office of the High Commissioner for the Rights of Minorities (1994) published a document stating that 'to enjoy a particular culture may consist of a way of life which is closely associated with territory and use of its resources. This may be particularly true of members of indigenous communities constituting a minority.' Point 7 of the same document notes that the social reproduction of a cultural system inevitably involves material and symbolic appropriation of the surroundings via the 'use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law.' Thus an effort was made to better define the ambiguous Article 27 of the Universal Declaration of Human Rights with respect to cultural rights.

Article 6.18 of the Code of Conduct for Responsible Fishing states that 'states should appropriately protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction' (FAO 1995).

According to a recent publication, there have been various legal initiatives in international and state organisations supporting indigenous communities' property rights and natural resource management systems at the expense of various forms of intervention, especially by state agencies. Some cases in point are the Mayagna Awas Tingni in Nicaragua, the Maori, the Rama in Nicaragua, the Saami in Norway and the Nunavut Inuit in Canada (Jentoft et al. 2003). It has not gone unnoticed that this has been the International Decade for the World's Indigenous People (1995-2004).

However, these action principles have been historically obstructed by various control processes established by political, economic and scientific agencies. Current conventional economic theory seriously questions the communal model of exploitation implemented in numerous local or regional societies with varying degrees of ethnic homogeneity. Many empirical studies and theoretical analyses (Feeny et al. 1990) demonstrate that communal property is regulated in a number of different ways and via numerous institutions, i.e. through written rules, non-explicit customs or native and common or customary laws valid in a highly-defined social and local

environment, handed down to a group of users who devise a kind of 'law by tradition' that regulates access to resources subject to social exploitation and the types of appropriation that are permitted or not.

As regards fishermen's societies, the most striking analyses are the ones conducted in the Asian Pacific and Australia (Dyer and McGoodwin 1994). Various types of territorialisation are put into practise in these areas. Various authors (Akimichi 1984; Kalland 1984 in Japan; Baines 1989 in Melanesia; Ruddle 1989) have analysed fishermen's villages where the resources are exploited by cooperatives in a maritime area regulated by norms and customs. There is a similar system in force in Papua New Guinea, where the affiliated groups have tenure on the maritime space and are responsible for the management of the fisheries there, and in Micronesia, where the social units significant for access to and exploitation of fisheries resources are families, blood lines and clans (Sudo 1984). In northern Australia, access to and exploitation of marine resources by Aborigine societies is similarly organised in strictly defined territorial terms (Davis 1984; Johannes and MacFarlane 1984).

Territorial practises that work on the basis of local logic have continued to work all over the world and are not at all limited to social and cultural minority groups. One paradigmatic case is the classic study of Maine lobster fishermen (Acheson 1979), but it is by no means the only one. Practices of this type and the customary forms of fishery resource exploitation and management should not be limited to ethnic groups or cultural minorities. The integration of ethnic groups into state societies is now the most significant social process in understanding the possibilities for social reproduction of indigenous systems of fisheries exploitation, and analysis should not only consider local forms of territoriality and resource exploitation but also how these communities are affected by the state framework in place. With state legislation and the bureaucratic rationality accompanying it becoming widespread, public property is a legal deed of title evident in almost all societies to regulate access to fisheries resources and their exploitation. As a result, the analyses on this issue draw attention to the difficulties the imposition of state logic has meant to the social collectives that are affected (see Campbell 1996 on Canada; the Finnish Sami Parliament 1997 on the Laplanders – Saami People – in Norway; Robinson and Osherenko 2001 for a comparative analysis of fishing rights and ethnic communities in the Circumpolar North). The issues of rights of access to and exploitation of certain resources that are collectively appropriated and the norms that secularly regulate the types of exploitation have thus been turned into a political arena for groups and ethnic minorities who have to assert their rights of access and use of fisheries resources. Any groups that are not adequately organised politically to defend their interests and forge links with international organisations might find their traditional rights endangered and their livelihoods seriously threatened.

The economic, political and social processes of the past twenty years, collectively referred to as globalisation, should be regarded as the reference framework in which the possibilities of historical reproduction of indigen-

ous populations can be understood along with their territorial practises, appropriation of resources and vernacular socio-economic systems. 'What happens at the level of the community is not of less importance than what occurs at national and international levels. What occurs globally also has a great impact on what occurs locally' (Jentoft et al. 2003: 1).

Meanwhile, a number of economic processes linked to the expansion of the market as the central institution in contemporary societies have gained prominence over the past two decades and ended up affecting traditional forms of exploitation and territoriality. The dynamics to be highlighted include the impact of new and increasingly industrialised economic activities on land (e.g. tourism or recreational fisheries, see Robinson and Osherenko 2001) and at sea (large-scale fleets, aquaculture companies and the dependency of suppliers of raw materials on marketing chains that are increasingly hierarchical and expansive (see McGoodwin 1990; Symes 1996). Analyses of a number of localised places show how new business agents who enjoy a position of hegemony in the world economy are establishing new control mechanisms to subordinate local fishing societies via the market, especially in areas that are not central to the world market. Not only are the small artisanal fisheries of ethnically or non-ethnically homogenous societies of fishermen in developed countries caught up in this, so are ethnically differentiated communities in areas that are not at the hub of the world system. The social and cultural integrity of these collectives is at risk in the local or global conflict. This is the framework in which ethnic groups are obliged to socially reproduce their forms of fisheries resource management. Any political logic that includes social justice as a prime criterion and embodies cultural identity as a key aspect of social reality rather than economic optimisation from a capitalist point of view should take this into account.

One of the most outstanding issues which ethnic minorities and rural communities (who exert fishing activities and forestry practices) are to face is shrimp aquaculture. It could be understood as one of the local/global processes in which economic, social, political and cultural dimensions are concerned, so that the state, the market and social movements are involved. There are two distinct aspects to the problems surrounding this activity, which shows signs of increasing significantly during the first decade of the twentyfirst century, while its produce already floods the US, Japanese and European markets: community impacts and environmental impacts. These are expressed both in clashes between the social agents involved – there are many violent affairs between local communities, State agents and shrimp farm owners, as a result of the claim campaigns organised by concerned populations, and in the effects it has on vast coastal tracts. Some of these, such as tropical coastlines, wetlands and mangrove swamps, are of the highest environmental value, with the effects eventually impacting the populations that are dependent upon these resources. The implantation of shrimp farms in mangroves is eventually supported by governments, powerful industrial and trade companies and international institutions such as the International Monetary Fund and the World Bank, and the phe-

nomenon is taking place world-wide, particularly throughout the tropical belt: Africa (Nigeria, Tanzania); Asia (India, Indonesia, Malaysia, Myanmar, Philippines, Sri Lanka, Thailand, China, Vietnam) and Latin America (Belize, Colombia, Ecuador, Guatemala, Honduras, Mexico, Venezuela, Brazil). In addition, different social movements and environmentalist groups are joining to take part actively in this political arena, on local, regional and international levels.

## Conclusion

Since the middle of the twentieth century, there has been a great deal of progress in initiatives driven by organisations on the international front and they have exerted a significant influence on the spread of general principles designed to face new challenges, although the effectiveness of these principles and the compliance with them have not always been successful.

Some reflections can be deduced from this chapter on how international organisations are developing and whether they are valid for and have properly adapted to the profound and fast-moving social, economic, political and environmental changes that characterise the beginning of the new millennium. The issues that have been given attention in this chapter include organisations and governance, the role of global civil society, the emergence of the market as a widespread convention, the stagnation of some of the most ambitious initiatives to confront the problems of development and environmental balance, and the harmonising of the processes of decentralisation and globalisation.

It is safe to say the ocean environment and its associated problems, with fisheries at the core, are not only a precedent but one of the most consolidated experiments in global governance. The recent past bore witness to a valuable historical heritage that has been continually renewed and updated. The crowning achievement was UNCLOS III, although calls are already being heard for a new process to be launched to keep in touch with the changes that occurred at the end of the twentieth century. UNCLOS has played a decisive role in shaping the map of maritime jurisdiction and having rights of property over fishery resources recognised. Although this is no insignificant feat given the complexity of the matter and the moment in history when it was achieved, coinciding as it did with the huge expansion of the nation state in the wake of decolonisation, the outcome has been far from satisfactory in overcoming geographical inequality and unfair access to marine resources by different states.

The 1990s were a very fertile period for contributions to oceans and fisheries governance starting with the Cancun Declaration, followed by Agenda 21 and the Code of Conduct for Responsible Fisheries, and ending with the 95th Inter-Parliamentary Conference. Perhaps it is because this legacy is so great that so little progress was made in its development and implementation at further events (Rio+10), where the only occurrence of note was a drift towards statements whose contribution to advancing less prosperous

societies is questionable, e.g. the role of free trade, the WTO guidelines and globalisation as opportune elements for achieving sustainable development. Market globalisation is bringing about a profound change in fishing, with the large extraction and marketing companies gaining more and more weight with regard to management policies. This is leading to state and public politics being sidelined and replaced by more flexible, open and de-statist (a system in which public politics no longer has a central role) focuses, with local structures weakened and the survival of barely protected minorities put at risk.

Fishing communities, especially the ones consisting of ethnic minorities, have thus had to contend with the hardship caused by global processes that seriously harmed the relations between society and the environment. With states widening their jurisdiction over marine areas and fishery resource management being turned into a marketable commodity, many communities have been divested of their rights of access and exploitation, with communal management being supplanted and even regarded as something exotic by political leaders and some scientists.

If more emphasis were placed on local fisheries management, it might be an answer to the impact of globalisation. In response to the crisis in centralised and state-controlled management systems, a whole school of political thought has emerged in favour of decentralisation and participation processes. Their effectiveness largely depends however on the degree of development of political organisations and their associated fabric, especially in less developed countries where a lack of finances could be a hindrance to local and regional initiatives. Geographical specificity may be a decisive motor for highly decentralised political and territorial models, but simply counteracting the impacts of globalisation by strengthening local and regional autonomy would not seem to be enough. Other more complex organisational models for political and territorial associations and new international bodies including RFBs to co-ordinate them in the inexorable process of globalisation are required to face the challenges posed by the conservation of resources, food security and the fostering of development.