

V. Fisheries Regulations and Management

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Fishing is influenced by many factors, some of which are dictated by nature, other by man. Fisheries management in its broad sense influences decisions on any aspect of the fishery (vessels, fish plants, fishing operations). Here, however, only such fisheries regulations, which influence methods, time and place of the operations, will be considered.

1. Notes on the Legal Background

The legal situation around fisheries regulations in Greenland waters has been rather complicated but needs to be understood to follow the development of regulations. Horsted (1991) reviewed the situation after the Danish constitution in 1953 changed Greenland's status from colony to an integral part of the Kingdom of Denmark. Greenland then got a local parliament (Landsrådet) for decisions on local matters, whereas laws and rules for the fishing zone and its resources were set by the Danish government through the Ministry for Greenland.

After a referendum Denmark joined the European Economic Community (EEC, now the European Union, EU) in 1973. Greenland had to follow Denmark according to the new constitution. Greenland was also an integrated part of Denmark in relation to the fisheries Commissions of the North Atlantic (ICNAF, now NAFO, and NEAFC) and is still so.

From January 1977 the fishing zone round Greenland was extended from 12 to 200 naut. miles (or to limits agreed to with neighbouring nations; not all questions settled yet). The resources in the Exclusive Economic Zone (EEZ) were then regarded as EEC resources, and TACs and other regulations were set by the EEC Council of Ministers.

By 1 May 1979 the Greenland Home Rule Act came into effect whereby Greenland got authority in relation to Denmark for management of the living resources in Greenland waters; except that Greenland was still a member of the EEC and had its voice there through the Danish Ministry of Foreign Affairs. However, a subsequent referendum showed that Greenland still opposed membership of the EEC. After long negotiations and necessary changes of Danish, Greenlandic and EEC laws and rules, Greenland officially withdrew from EEC on 1 February 1985. Since then Greenland has had complete autonomy over resources in its EEZ, and the Greenland Minister for Fisheries issues the laws and regulations governing management of the resources.

Greenland's membership at NAFO is a matter of foreign affairs, and representation as an individual member of NAFO comes as Denmark in respect of the Faroe Islands and Greenland. On the other hand, Denmark's voice in NAFO is through the EEC (now EU).

After withdrawal from the EEC, Greenland has had some fisheries agreements with the EEC/EU, including fishing rights at Greenland for the latter. These agreements so far have been made for 5-year periods.

2. Management

Cod fishing in Greenland waters was a free fishery for many earlier years. It is, however, noted that foreign fishing nations were not allowed to fish within the national fisheries territorial boundary. The boundary was originally 3 naut. miles, 12 naut. miles in 1964 and from 1977 has been 200 naut. miles except with special rights for Faroese and Danish fishermen outside the 3 naut. mile boundary. No trawling of groundfish, such as cod, was allowed inside the 3 naut. miles boundary and with a few exceptions that still holds.

Minimum mesh sizes (130 mm) in trawls were set through ICNAF effective from 1969, and a domestic rule of minimum size for landed cod of 42 cm was set at the same time. The latter was changed to 40 cm in 1973. None of these regulations have influenced fisheries performance directly, except that a very high proportion of undersized fish in catches by especially stationary pound nets may have required the fishermen to move the nets to other localities or give up that method for a while.

The first quota regulation of West Greenland cod (an overall TAC) was agreed by ICNAF in 1973 and came into force in 1974. Since then, that fishery has been regulated by TACs allocated amongst ICNAF/NAFO members. In ICNAF times, the TAC calculation included an estimate of non-members unregulated catches. Table 9 lists recommended TACs, agreed (set) TACs and total nominal catch for each of the years 1974–95 for West as well as for East Greenland.

Horsted (1991) commented on this table for the years 1974–90 and found that it seems to indicate that TAC was never really a limiting factor for fishing, except in the years 1986–87. For more recent years the discrepancy between advised TACs and set TACs reflects that the 5-year fisheries agreement between Greenland and the EU on EU fishing allowance in Greenland waters, was negotiated before the actual stock situation for each year was assessed. Therefore, it could be claimed that stock situation has influenced fishing performance more than have fisheries regulations, except when certain methods in certain areas were restricted (e.g. no inshore groundfish trawling permitted).