

MARINE RECREATIONAL FISHERY IN THE CANARY ISLANDS: A LEGISLATIVE HISTORICAL JOURNEY

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Abstract: In Spain, the maritime jurisdiction for fisheries extends up to the territorial sea and, in addition, the location of internal waters is defined (Law 20/1967; Royal Decree 2510/1977). After the Spanish Constitution (1978), the Statute of Autonomy of the Canary Islands (1982) and Royal Decree 1938/1985, maritime fishing is divided between the Canary Islands Autonomous Government (CIAG) (internal waters) and the National Spanish one (territorial sea), except for shellfish that is of exclusive competence of CIAG. Due to the complexity and dynamism of the fisheries, its legislation is often included in various regulations. A general reading of the main rules governing fisheries issues developed by both administrations reflects a degree of similarity which favours their application. However, some differences are identified which may lead stakeholders to encounter difficulties in understanding their application. In order to know the evolution and the degree of divergences between regional and national competences in marine recreational fishing, more than 40 rules contained in the national and regional official law gazettes have been revised since the 20th century, being the first reference from 1936. However, in those in force, some differences have been found, for example: regarding minimum catch length (MCL) not exactly the same species are regulated and in some cases the MCL differs; daily catch volume (fishing from land or boat); permitted or prohibited species; minimum distances between recreational fishermen and other activities (e.g. professional fishing) and the limitation for spearfishing to specific days. The results are presented as a milestone timeline detailing the divergences found, that will be useful for legislators, fisheries managers and fishermen, as they provide a temporary overview of changes in the framework of the current fisheries regulatory convergence process. In this sense, considering the "principle of legal certainty", the legislator should pursue regulatory clarity.

Key words: marine recreational fisheries, legislation, the Canary Islands

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