

Co-management

Go for it**Property rights and co-management could connect to improve the management of artisanal fisheries**

This article attempts to bridge two separate but potentially overlapping discourses in fisheries management—that on property rights and the other on co-management. The property rights discourse is concerned with access rules, economic efficiency and rent production. The co-management discourse is predominantly focused on decision-making, stakeholder involvement and participatory democracy.

However, the two discourses tend to converge on one important issue—power. In the first instance, property rights entail the power to exclude someone from access to fisheries resources. In the latter instance, co-management is about the power to define the rules of access: who should decide on fisheries management regulations, among other things. Usually, a property right also involves the power to make the rules. Thus we would assume that one is a precondition for the other; that, for instance, a co-management regime would have to rely on, and preside over, a property right. Or conversely, that co-management comes with a particular property right. In this article, I argue that neither has to be the case. First, I shall say something on property rights. Then, I shall define what co-management is. Finally, I shall discuss how they might possibly connect in improving fisheries management for the benefit of artisanal fisheries.

The important thing to stress about a property right is that it is essentially a social relation. It establishes the position of the holder of some good vis-à-vis the position of other contenders of the same good. A property holder can lawfully deny others the possibility to enjoy the

good or the benefits that stream from it. In other words, the key relation of property is not between the rights holder and the thing itself, but between people: the owner and the non-owner.

Provided that the rights holder can effectively deny the access and use of others, he or she is also the holder of power. No wonder that Karl Marx saw property rights as structuring the relations among social classes, and turning class into an instrument of power and exploitation, and as a source of inequity. Similarly, Pierre Proudhon, the 19th century French anarchist, famously claimed: “Property is theft.” This is also why the property rights issue makes fisheries management systems so controversial and why artisanal fishers protest against privatization.

Undoubtedly, property rights do serve a purpose in fisheries management. The absence of property rights poses some risks on the resources. But property comes in many forms. A private individual may possess a property right, and so may States and communities. The question is what different property rights are able to deliver to fisheries management. The State is said to have only thumbs and no fingers. Therefore, it is not able to sufficiently use the power that property vests in it, to manage diversity and complexity and situations that require a lot of detailed local knowledge and fine-tuned management mechanisms.

Transferable quotas

Private property, on the other hand, leaves communities at risk as it induces individuals to care more about themselves than their fellow community members and the places they come from. Thus, in many parts of the world, individual transferable quota (ITQ) systems have

proven to concentrate fishing rights, and hence fishing capacity, in the hands of the few, while communities and artisanal fishers have been stripped of their access to fisheries resources.

Property rights vested in communities are an alternative that has been largely neglected in modern fisheries management theory and practice. Instead, fisheries management has been arranged as a relationship between the State and the individual, with no institutional mediating link in between, such as the community. In this system, the individual is placed passively at the receiving end of the management chain, giving the State the role of patron. This system also has its ideological underpinnings, emphasizing the supremacy of the market and the inferiority of the community.

It is important to stress that there exists a range of property rights types and that State or private property are not the only remedy to the problems involved with open access. Let me also emphasize, because it is relevant to co-management, that open-access systems come in many forms, and that they do not have to imply a rule-less fishery. Furthermore, managers rarely find themselves in a situation where they can simply make a choice between one property rights system or another as if they are displayed on a shelf when entering a store. In real life, property

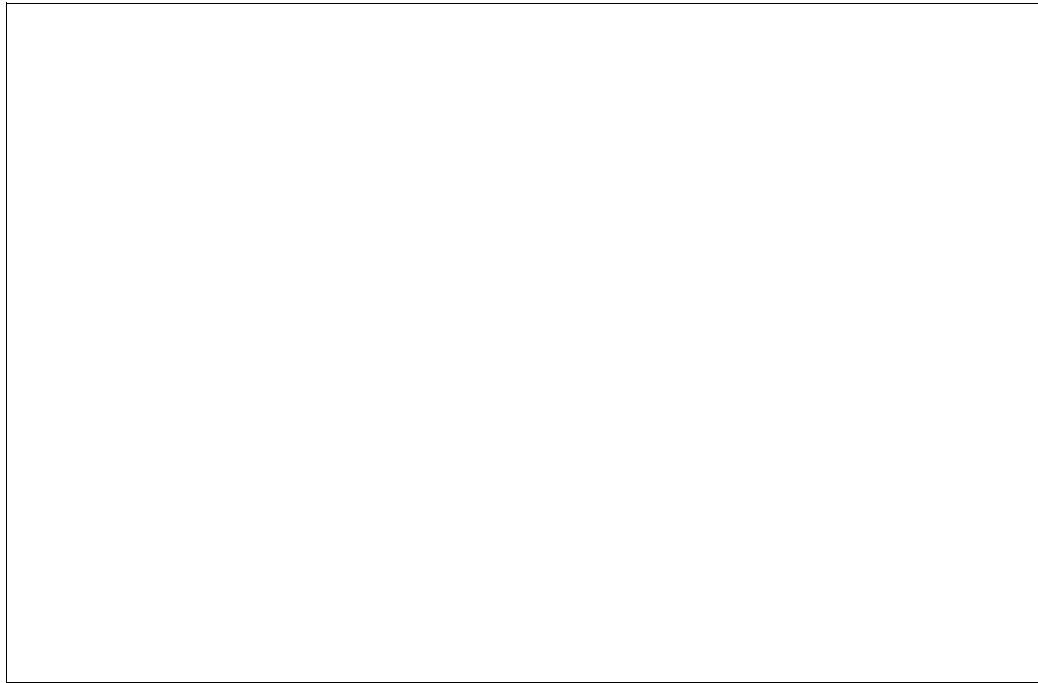
rights reform implies that you move from one form to another. You always carry baggage, and you never start with a clean slate; getting rid of an old system can be as difficult as implementing a new one.

We can think of a number of reasons for this; one is that after a while property rights, as institutions in general, acquire a status of objective reality—they become like nature. We take them for granted and cannot imagine how life and society would have been without them. Another reason is that property rights, as Proudhon hinted at, always produce winners and losers. It is in the interest of winners and generally also in their power to keep the system as it is. Thus, property rights reforms are constantly imbued with social conflict, as history has shown time and again.

I believe that we need more research into the issue of property rights reform. We know fairly well how property rights systems work in fisheries: what their problems and benefits are, what they do and do not do. Much less attention has been paid to how one moves from one system to another, and under what conditions system changes occur.

Community property

Let me suggest, for instance, that it is much easier to move from State and common property to private property, than the other way around. It is not for



nothing that private property is written into the constitution of many countries while community property is not. It is also for this reason that it seems like privatization of fish resources—as within an ITQ system—is an irreversible process. Once quota rights are privatized, there is no way back. They produce what social scientists call ‘path dependency’.

The moral is that property rights reform should not come easily and as a quick fix. They do change social relations drastically, and thus have an impact on how society—in our case, the fishery—works. They have implications that are not always easy to foresee: for instance, on power structures, settlement patterns and social values. You risk empowering distinguished social groups that are already enjoying power. So don’t do something that you may later regret.

Co-management can be defined as a collaborative and participatory process of regulatory decision-making between representatives of user-groups, government agencies, research institutions and other stakeholders. Power sharing and partnership are essential elements. Co-management vests authority over, and responsibility for, regulatory functions outside the realms of government, for instance, in user-organizations or fisheries co-operatives at the national, regional,

and/or community level. Co-management does not leave decisionmaking to the vagaries of the market, but draws heavily, but not entirely, on the forces and capacities of civil society. If we think of the relationships of fisheries management as a triangle, with the State at the top, the market at bottom left, and civil society at bottom right, co-management would be placed right in the middle.

I believe community- (or common-property) rights is particularly effective as a co-management tool. Communal or “collective” property rights vested in the co-management institution provide the authority with an extra stick. It allows the co-management system to control access; it gives the right to sanction and, ultimately, to exclude. A system that enjoys this power would *ceteris paribus* be more effective than one that does not have this leverage. A co-management system operating within a State property, private property or open-access system would normally have no right to sanction by exclusion. It can only rely on persuasion and moral condemnation.

Exit alternative

Thus, a co-management system that is underpinned by one of these three property rights types is vulnerable to free riding, as members would always have an exit alternative. If members do not like the collective decision, they can simply opt

out, go solo. In a co-management system residing over a communal property right, however, people would have to use their voice to express their dissatisfaction. If they should then choose not to abide with the rules set by the co-management authority, they risk being penalized, not only through moral condemnation, but also by losing access.

It should be noted that this does not mean that co-management cannot work in less than ideal circumstances. In many countries, we see co-management systems operate well on property rights other than communal ones. If co-management could not function in less-than-ideal circumstances, it would hardly be much to strive for. It would then only work in exceptional cases.

Since co-management can function regardless of the form of property right, there is no reason to wait for a property rights restructuring to launch a management reform. The former is usually a more difficult undertaking than the latter, as it tends to provoke power. Comparatively speaking, co-management takes an administrative reform that, in many instances, does not need more than marginal reorganization of administrative boundaries, redistribution of management functions, and readjustments of procedural routines. Property rights reform is more consequential since it changes basic social relations in lasting ways, as mentioned above. Hence, it tends to be more controversial and conflictive.

Co-management reforms and property rights reforms could certainly be mutually reinforcing, and should, if possible, be integrated as part of the same process. Yet, they do not have to happen in concert. One reform could run independent of the other. Co-management could be initiated and implemented in the short run, while the property rights transformation could be a project for the longer term. If you should meet obstacles in implementing the latter, it does not mean that you cannot succeed in the former. So here is my advice for artisanal fisheries: if you want co-management, go for it. You don't have to wait for the revolution. 🐟

This article by Svein Jentoft (svein.jentoft@nfh.uit.no) of MAREMA/Centre for Marine Resource Management, Norwegian College of Fisheries Science, University of Tromsø, Norway, is based on a presentation at the ICSF-CeDePesca workshop on "Recognition of Property Rights and Access to Fisheries Resources: Conditions for Sustainable Fisheries in Latin America", Santa Clara del Mar, Argentina, March 1-4, 2005