

If I Don't, Someone Else Will

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Much of fisheries administration*, if not all of it, is based on the assumption that all fishermen will take a catch at every opportunity and, if challenged when landing a catch where perhaps they should not will answer, "If I don't, someone else will."

That assumption is based on, and justified by, other assumptions: that fishermen are, among other things, ignorant, greedy, selfish and without social conscience; and that they are competitive to the degree that any fisherman is ready to do anything, not excluding homicide, in order to beat other fishermen.

Regulations are framed upon acceptance of these assumptions and then the

truth of the assumptions is held to be proven when the regulations are broken.

However, it must be obvious at once that the assumptions are wild generalizations, no more true (nor less true) of fishermen than of people in other occupations. Even more it must be obvious that these are characteristics not often all combined in one person, and which in different persons are combined in different proportions. Finally, it must also be obvious that each of these characteristics must be dealt with on its own terms: problems which come from ignorance have to be approached by methods quite different from those appropriate to problems which come from selfishness.

But, the "if-I-don't, someone-else-will" proposition too is mistaken, because the possibility that someone will break a law does not entitle others to break it; indeed the more likely predators and lawless

*Note that I distinguish "fisheries administration", a governmental activity, from "fisheries management" which is the business activity in carrying on the industry.



Above: This community uses a very fine mesh seine net. Is its use legal? Or is it a case of "if we don't, someone else will"?

individuals will be busy operating, the more necessary it becomes for others to respect the law. Moreover, it is by no means certain that what one fisherman abstains from taking will at once be snapped up by "someone else" -- by a fisherman or natural predator. Even if predator and competitor fishermen are there, ready to snap up whatever is left, neither the natural appetite of the predator nor the antisocial disposition of other fishermen can justify improper action.

It is, of course, true that every fisherman worthy of the name will take a catch at every opportunity offered him, and often will do so in places where regulations say he should not; but when he does so, it is not because he is as the underlying assumptions of administration describe him. And, while it is also true that most fishermen at some time will take a prohibited catch while thinking "I might as well; if I don't someone else will," it is not because they are habitually and naturally lawless.

If fishermen are not habitually and naturally lawless, and are no more ignorant, greedy, selfish and without social conscience than other people, why, it may be asked, are regulations necessary and why do fishermen break them? An answer to the first question is to be found partly in theories with regard to the conduct of human industry and to law in general, and partly in the particular characteristics of fisheries.

A regulation is only an operational rule of a special kind. All industry is conducted in accordance with rules -- each industrial process is a sequence of actions performed according to a set of rules. Each enterprise in a particular industry has a set of rules, some of which are particular to it and some are observed the same way as other similar enterprises. Over and above these a further set of rules is to be observed in matters in which individual enterprises interact with one another. And where the activities of an industry affect the community, still other rules are established, to protect the interests of the community -- which is especially the case with fisheries. The community wishes the resources to be protected (to benefit present and future generations) and to be effectively utilized. This interest shelters potential conflict: underutilization is neglect of community need, overutilization puts resource in jeopardy.

However, to accept that regulations are necessary in principle does not carry with it an obligation to approve of all regula-

tions. Moreover, there is always a question as to who should make and who should enforce the rules of fishing. It is here that some part of the answer to the second question (why do fishermen break the rules?) is to be found.

If fishermen consider a regulation to be ill-founded, quite mistaken or discriminatory, they are likely to seek to circumvent it or they ignore it completely. Conversely, if fishermen believe that observance of a proposed regulation will bring the effect that its proponents say it will have, and which they themselves want, they are likely to obey it. But they must be convinced that the expected effect will be of benefit to them, immediately or in the long run, or to their children, and each fisherman must be reasonably sure that others too will obey. Satisfying these two conditions is the central requirement of all fisheries management/administration, and while the second is of more immediate effect, it is dependent upon satisfaction of the first.

The question then is: what is necessary to convince fishermen of the rightness of a regulation? In the first place, the requirement of the regulation should accord with the fishermen's own knowledge. If it does not, either the regulation is in error and should be changed, or the fishermen are mistaken and must come to recognize this. And here we come to the crunch: means must be found to involve fishermen in research on the resource, and at the same time fishermen must not be assumed to be ignorant.

Fishermen are not ignorant of those things they need to know in the hour-to-hour and day-to-day course of their life. On the contrary, a skilled fisherman is a highly educated person -- in respect of his own work. Among them, the fishermen of some area know better than anyone else the habits of the fish they catch; that is, even better than biologists. But they may be ignorant of those matters that are seen only through a microscope or are disclosed only by the operations of a computer; they may also be ignorant of business procedures and marketing practices, as of course they are when exploited by unscrupulous middlemen. They need not remain ignorant of these things. In fact, they are not remaining so, and here lies the real future of fisheries.

Developments in boat design, motors, navigational aids, fishing gear and fish-finding equipment have made it necessary for fishermen to enlarge the range of their skills. At the same time fishermen have benefited from the general spread of

education. In consequence, fishermen are more and more able to take part in the information revolution, to make use of new communications systems and to operate computers, and thus to know the operation of their fishery, in real time. The results of research in fisheries biology and oceanography no longer need to be secrets for them, and the compilation and analysis of catch-and-effort statistics no longer need to be mysteries.

The last paragraph, and especially its last sentence, may seem to apply only to fishermen of developed countries. While the fishermen of some developing countries may be still using quite primitive gear and methods and their education level may still be low, it is a mistake to think that these fishermen know nothing of the developments described here and are not being moved by the present ground-swell of fisheries change. Indeed, fisheries development in some third world countries is such as to put into doubt the applicability of the term "developing". Consider the pelagic fisheries of Peru and Chile, the shrimp fisheries of Mexico and India, and shrimp culture in Ecuador.

In this situation, fisheries administration as an imposed, albeit often paternalistic, governmental system of regulations loses much of its validity and usefulness. It will give way to management developed from the rules formulated out of fishermen's knowledge of the resource. One fisherman's distrust of all others, engendered by lack of information and fomented by incompetent regulation, will be reduced through a better understanding of the fishery in all its aspects, through shared participation in research and through collaboration in maintaining a real-time system to monitor the state of the resource and of the fishery generally.

In effect, what we are saying is that fishermen must be permitted a substantial part in the determination of their affairs. When they accept responsibility, take an active part in collecting information and have the training to understand evidence with respect to the resource and to their own activities, they will be less likely to rely on the "if I don't, others will" excuse. The end result should be more efficient utilization of the resource and reduced (if not eliminated) costs of surveillance and enforcement.

And, as Daniel Pauly's article (p. 11) shows, fishermen of at least one developing country are already close to that result by virtue of their own traditional practices. ●