Transferibility of Fishing Rights

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Transferability of fishing rights: The Spanish case
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Abstract

Some authors defend the implementation of regulation mechanisms such as individual transferable quotas, that is, the capacity to assign every fisherman an individual right so that he can fish a certain quantity of a specific species during a concrete period of time, as the most efficient way to reach a greater resource assessment and to guarantee biological sustainability. Nevertheless, much attention has been brought to the fact that, since these rights can be sold, negotiated, exchanged or transferred by the owners, it can bring about a concentration process, which would not favour social equity.

In Spain, fishing legislation has been moving progressively towards the implementation of individual transferable fishing rights with regard to industrial fishing in community waters, whereas it has also kept a more traditional access system regarding coastal fishing. Law 3/2002 sanctions this transferability of fishing rights, although it avoids making a statement on Individual Transferable Quotas (ITQs). In Europe, after the passing of the Reform of the Common Fishery Policy, the criteria to be developed in mechanisms in fishing management tend to favour ITQs, although no regulation guidelines exist yet.

In this paper, the dynamics experienced by the Spanish fleet are highlighted and the mobility and volatility of fishing rights and their territorial consequences are analysed.

Keywords: Property rights; Fishing quotas and licenses; Common fisheries policy

1. Introduction

Many authors (among them, Symes [1,2]; Gray and Hatchard [3]; Grieve [4]; Gutiérrez and Da Rocha [5]; Lindebo et al. [6]; Fuertes [7]; Frost and Lindebo [8]) have paid attention to the analysis of the Common Fisheries Policy and the assessment of how efficient it is. One of the most relevant aspects, because of its importance, is the one that refers to the definition of fishing rights and their transferability. For some shipowners, the question is quite clear, when they make comments such as “it is evident access and fishing rights are for the companies that risked their interests by sending their vessels to fish in some waters considered free before 1977” [9].

In the first part of this paper, the different fisheries access regimes are analysed; then it goes on to describe the economic mechanisms and fishery management instruments; and concludes by analysing the foreseeable consequences of the use of fishing rights for the companies in this sector. Finally, the regulations on Spanish fishery policy are discussed, together with the different managerial positions regarding the initial allocation of fishing rights, its developmental possibilities, and the different options related to the repositioning of the companies in view of this new situation.

2. Property regimes of fishery resources

The first question to be taken into account is the one referred to as property regimes of fishery resources. In
the area of fishing access regimes we can distinguish four possible situations: (a) open access; (b) private property; (c) communal property; and (d) state property. Seijo is categorical in his statements on distinguishing between private and state property when he states that: “If resource users have to observe and mind the rules and regulations of use and access, which are determined by a responsible governmental institution, and they have the handling right, then the fishing resource is a state property one (....). And “if fishermen have the right to make a socially acceptable use of the fishing resource, and they cannot make an inadequate use of it, then the exploitation regime is a private property one” [10].

The regimes that define “open access” will be formulated under three very specific points that synthesise their degrees of operation: (a) they affect areas and resources without well-defined property rights; (b) their use and, therefore, their access is open; and (c) there are not any existing regulations about the way to make controls or to fix rules to regulate any of the operations of arrangement, management, and administration of fishing resources.

The “communal property” regime, is defined by exhibiting the following conditions: (a) there exists a precise and identifiable group of users that are also the owners of this resource; (b) the use of resources excludes strangers, so it is exclusive for the identifiable communities of users; (c) access and use are regulated by the community members; (d) use rights by these members are usually egalitarian and not transferable; this way, they do not lose these rights, even though they are not used; and (e) rights are usually recognised in a legal way, or, in concrete cases, they keep a status de facto that depends on the State.

Although the variety and heterogeneity of these different cases may intermingle and complement each other, there are two relevant questions for the analysis of fishing rights: control and legal authority. The first refers to the territory and the second to the resource. Hence different arguments about the ways of appropriation and the territoriality of resources emerge. So, different competencies and a great deal of rivalry arise among the coastal areas for the use of these goods and for the processes of resources appropriation.

Under normal conditions, working in a fishery in a competitive regime is, as a consequence, a source of over-capacity and over-exploitation of resources. The variables of fishing regulations can be classified around two great axes according to their different aims. The first ones, preservation measures, seek to guarantee a stocks productivity in a sustainable way; whereas the second ones, regulation measures, try to adjust catch capacities. Thus, the “gendarme role” of the State is noticeable, since it gets involved in management. Preservation measures deal with the function of determination of quantities that can be fished and the technical tools used, such as to prevent the catch of immature fish, to determine the selectivity of fishery arts, by specifying the fishery operations (fishery areas and timetables), and establishing the minimum size of catch. Other instruments used aim to limit total catches so as to preserve a biomass capable of breeding; that is why European provisions estimate a TAC per every species and area, or they fix fishery seasons (by annual, weekly or daily criteria), reviewing them on the basis of the stock variations. They are, therefore, general and impersonal measures.

Regulation measures are those that try to control, in an individual way, the access to the resource. It aims to distribute the productive potential of the stock among producers, by selecting the companies that are authorised to exploit each stock and determining the quantities producers can catch.

Thus, fishery regulation is to distinguish between administrative and economic methods. With respect to individual access to the resource, administrative methods are set by regulations whose practical forms are non-transferable individual authorisations, whereas economic methods are constituted by whole incentives, shown by means of rates and transferable individual authorisations. This way, we can talk about preservation measures linked to regulation and measures of access linked to two scopes: administrative and economic methods.

So far, administrative methods pertaining to preservation have prevailed; but at present, those measures related to access regulation are starting to become relevant. That is, they consist of determining the conditions and the premises under which producers can take part in exploitation. They try to find, therefore, the reconciliation between the individual optimum and the collective optimum. In this sense, the new regulatory-institutional frameworks come to define exclusivity rights and answer the following questions: Who can access? Which extraction rights are defined? What method of performance is delimited? Which share in rights and decisions is owned and which ones are given? What resource management is to be applied? What possibilities of alienation are accepted? This classification leads us to establish which access rights are.

In spite of the fact that there is no single and unique definition for property rights in the present processes of fishing regulation, the scope of these rights evolves and varies according to the Member States. In this sense, following the proposals given in the research ordered by the European Parliament “instead of discussing if Individual Transferable Quotas (ITQs) are or are not property rights, we will analyse the characteristics owned by the aforementioned ITQs in the management system” [11].
The recent review of the Common Fisheries Policy (COM/2002. 185 final, 28 June 2002) and the new Council regulations on 20 December 2002 (EC Regulations 2369/2002, 2370/2002 and 2371/2002) provide new guidelines. On the one side, the common practice of the Common Fisheries Policy “consists on assigning some fixed percentages of ITQs to every Member State (principle of relative stability), as well as on setting up systems of specific assignation for every Member State, thereby guaranteeing every Producer and Fishing Association a more or less fixed share in the national quota”. On the other side, the ability to transfer the assigned fishery rights and the potential catches opens the possibilities for the purchase and sale of these catch-rights in the way that those latter ones can be adjusted to the real catch, by increasing the flexibility of management systems and eliminating the incentives presented by unlawful disembarkments and discardings. That is, in the new Common Fishery Policy a wide margin is taken into account so that the Member States can develop their own management systems of ITQs, which, as it is well known, are a function of the different and heterogeneous social economic and territorial circumstances [12].

In spite of the existence of different regulations concerning fishing management systems in every Member State, it is easy to accept that “management systems develop to become transferable quota systems”; as long as quotas can change among Member States by the so-called “quota-hopping” and by the quota interchange. So, the research on ITQs has priority and constitutes a basic tool for fishery resources management. Quota systems: (a) permit the appreciation and attending to property changes among the Community companies by admitting interchanges of quotas; (b) despite being legal, at present there is no adequate supervision or transparency concerning the aforementioned interchanges; (c) although they are a common practice, there is no regulation; (d) some countries want to restrict “quota hopping”; (e) the relative stability means restriction and an exception to the freedom of capital and labour movements; (d) ITQs applications have spatial relevance in a local and regional level, given the changes produced in the companies’ economic conditions and ownership changes. In this sense, Scott [13] underlines the guarantee, the exclusivity, the duration, and the questions related to transferability, divisibility, and flexibility.

ITQs can have different forms, but it is assumed “the quota owner has the right to fish and unload a quantity of fish and this right is somehow immaterial in the sense that this ownership does not mean to be the owner of fish living in the sea”. This special circumstance involves raising for discussion the theory of property regarding who is in charge of guaranteeing the sustainable management of natural resources.

3. Individual transferable quotas as economic tool

The need and urgency for intervention in fisheries is greater and greater due to the high levels of effort that show alarming decline in stocks recruitment and productivity [14]. In the beginning of this new millennium we can safely say there are no guarantees for future catches, and the exploited fishing resource does not guarantee economic efficiency.

In a first analysis, the application of the systems of individual transferable fishing quotas, or the delimited measures for the implementation of the allocation of levels of effort for the vessels that fish in community waters, show the enormous complexity with regard to management mechanisms [15]. The regulation based on ITQs means the allocation of some individual rights to an economic agent to catch a determined quantity of the resource [16]. Previously, the regulatory body in this sector had to estimate and determine, once a year, the maximum level of catches for the season, the so-called the Total Allowable Catch (TAC). This way, ITQs raise two extremely relevant issues: (a) the creation of an “individual property” on the TAC; and (b) the possibility to transfer the catch right. That is, two effects that are combined: those that come from property and the effects derived from transferability.

If we analyse the behaviour of the companies with respect to the different regulation systems, the following assumptions can be observed: (1) a system that assesses the TAC; (2) a system of individual non-transferable quotas; and (3) a system of individual transferable quota.

Under the system of global quota, every company tries to maximise its own fishing profit during the annual season that finishes in the month T, when the established CTP has been fished. The fishery is closed when all its companies of the whole fleet have reached the annual CTP. In the cases that fleets are big and the behaviours of the companies are very competitive, each fisherman will ignore the effects that his fishing generates when it comes to determining the closing time of the fishing ground. That is, the moment T becomes exogenous to the company, every productive unit will try to maximise its profit every month until the closure of the season.

Under the system of individual non-transferable quotas, each company would carry out its annual optimisation of the fishing effort in accordance with the catches they have rights to ($Q$). In this sense, the behaviours of a company do not have anything to do with the levels of their rivals, since each one has its individual quota assigned.

Finally, under the system of individual transferable quotas, $Q_0$ represents the initial and annual quantity of allowed catches per company. However, the companies can modify their levels of catches by buying or selling fishing rights. The variable $Z$ represents the net
quantities of rights that are acquired: if \( Z > 0 \), the company is the purchaser of fishing rights; on the contrary, if \( Z < 0 \), the company is seller of a part of its fishing rights. Thus, companies can choose to buy or to sell, and, secondly, they can also allocate their efforts along the year.

In light of the experiences, the results are multiple. If we focus on the study carried out by Salgado and Aliaga [17], we can say there is an increase of short-term profits, since we see a difference between those effects that are generated by the characteristics of property and the effects that are derived from the transferability of fishing rights. As the implementation of ITQs is a tool that looks for economic efficiency, and in the view that the fishing quantities allocated are the same ones, the increases in the companies’ benefits are due to a reduction in the capture costs. This way, the “property” effect is born as a difference between the system of individual non-transferable quotas and the system of global quota; whereas the “transferability” effect takes place due to the difference between the individual transferable quotas and a system of non-transferability.

In short, some very clear conclusions have been reached: (a) the sensitivity of the price of fishing rights before the changes in the CTP is small; thus, the increases of the CTP means the increase of the value of participation; (b) that is why companies demand annual increases in the CTP; (c) it is necessary to establish clear mechanisms for the transactions of fishing rights with the aim to reduce the transaction costs and favour obtaining benefits by means of divisibility, since they can be either partially or totally bought and sold; and (c) the implementation of new quotas does not entail restrictions regarding inputs, fishing seasons, and ways of marketing. These characteristics have an influence on fishermen’s behaviour:

- Being a permanent right, the fisherman himself will be more interested in stock preservation. Consequently, the external effects derived from the absence of rights and open access will disappear. Thus, fishermen could plan their campaigns, relax their activities, select their catches and improve the quality of fish.
- Equally, by allowing the trade of fishing quotas, fishermen are encouraged to look for efficient positions, with costs reduction and improvement of productivity, by either selling their rights, or selecting the moments of the greatest fish demand in trade. That is, they have to look for increases in the economic efficiency.
- Confrontations are reduced, since fishing quotas per vessel are fixed and there are common interests in the resource preservation. Fishermen are in a better position to avoid the problems derived from the “race to fish”. The information costs would be reduced, since the numerous administrative procedures referred to monitoring of entrances and exits are eliminated. Therefore, this contributes to reduce the current over-capitalisation.
- The system will try to apply more rigour and responsibility, while improving the conditions to eliminate poaching, unregulated and “illegal” transfers, and “parallel markets”.

Hence, the individual transferable quota is an economic tool used to guarantee the economic efficiency in a fishery; that is, it is not a tool to guarantee either the biological sustainability or the social equity. “ITQs are only a means to achieve economic efficiency at minimum cost to public funds” [19]. Therefore, their
implementation is not enough to prevent overcapacity and overfishing. As Copes [20] and Copes and Palsson [21] state “ITQ-based systems are directly approached to the economic optimisation through market laws, which consists on maximising the present value of incomes”. Thus, we cannot be surprised by the fact that ITQs bring about impacts on both the biological preservation and the social equity, and they generate negative externalities.

4. The transferability of fishing rights in Spain

The Ministerial Order of the Ministry of Agriculture and Fisheries of 12 June 1981 recognised fishing rights were individual and assigned to vessels to fish in those areas for which the access mechanisms were introduced and the resource mechanisms were estimated. This Ministerial Order referred to the regulation of the activity of the deep-sea fleet that fished in the geographical limits of the Northeast Atlantic Commission. The characteristics defined in the Ministerial Order had the following requirements: (a) a closed census was conducted for fishing vessels on the basis of historical criteria, and the access rights were established; (b) companies had equivalent rights, whose total amount was equivalent to the sum of the rights of every single vessel; (c) these access rights of every vessel that were included in the census would be able to be accumulated in other vessels that belong to the same company, if this company keeps on active service at least a vessel in the fishing area; (d) the same fishing company could transfer, assign, or transfer its fishing right in a fishery without transferring, assigning and transferring legally one of its own vessels that were included in the census.

The passing of the aforementioned mechanism consolidates the following matters: (a) individual access rights per vessel; and (b) individualised fishing rights per vessel. The normal working practices of the fishing activity allows for the groups, the business associations, and the ports themselves to establish fishing plans with the aim to regulate management, and promote a more efficient commercialisation plan. In this sense, the ports and the sectorial associations could act under the following parameters:

- They could form a group so as to enforce fishing rights, and, this way, to take part in the present allocation of access and fishing rights.
- They could authorise the temporary transfer of the coefficient of fishing licences among companies, ports and organisations, with the aim to avoid inactivity and idleness of these coefficients.
- The geographical mobility of the vessels of different ports is admitted, with prior consent; which allows them to vary the proportionality of the fishing and access rights.

The processes that were carried out under these assumptions have created the existence of a “market of parallel licences” or a “fishing rights market”, which altered the geographical allocation of fleets, either protected by some local financing institutions, by regional institutional bodies, or by some shipowners that turned into investment agents.

The Ministerial Order of 12 June 1992 established the possibility that companies could accumulate the access rights of the scrapped vessels in other vessels of the same census, although they had received scrapping bonuses. This system has indeed allowed the number of vessels that are included in the census to have a number of fishing days that are closer, on the whole, to the needs of this fleet.

Likewise, the aforementioned mechanism has allowed a different evolution of the trawling fleet in Great Sole waters, that fished in waters of the EU exclusive economic zone. Encouraged by the possibilities to transfer and adapt to the access to the different fishing grounds, Spanish fishing companies have been very active in the buying and selling of fishing rights; and this had repercussions throughout the different geographical relocations of fishing units in those ports located in Galicia and the Bay of Biscay.

Tables 1 and 2 show these trends. The different trajectories of Pasajes, Arpesco and PescaGalicia should be noted, with losses of vessels belonging to their respective associations; on the contrary, the consolidation of Ondarroa, Arposol and Anasol is remarkable. Likewise, the concentration of fishing rights is more notable, due to the transference of the fishing rights assigned to every single vessel and every sectorial group.

Table 3, for its part, shows the transcendence that the transferability of fishing rights has had. The traditional concept of vessel = licence = right disappears; and at the end of the period 1996–2003 we can see different intensities regarding the capture options that the different associations and companies have. These options are re-assigned according to the transferability of fishing rights. The subsequent dynamics of concentration means that in Pasajes, for example, there are more fishing rights than vessels; whereas in other associations vessels do not have the same fishing rights, which forces them to stop their extractive activities before the rest of the fleet.

The outcome of having set this system in place demonstrated an evident geographical movement of vessels and a high volatility of the fishing rights, because of the options to transfer fishing rights between companies of the same and/or different ports. This
dynamic has benefited from an important scrapping of vessels, which accelerated the accumulation of fishing rights, as well as its subsequent transference. That is why in the period 1996–2003 the transferability of fishing rights is supported by the sector.

5. The bet for the transferability of fishing rights

The new regulations that refer to transferability have been produced since the passing of the Law 23/1997 of 15 July 1997 for Regulation of the Deep-sea Fishing
Sector that fishes in the geographical limits of the Northeast Atlantic Commission, as it “allows companies to transfer the whole or a part of the access right or coefficient their vessels have to other units, which, though belonging to another owner, appear as included in the same census”. That is, under the following scope of performance: (a) transferability is authorised, either total or partial; (b) companies are admitted having an access coefficient or right, since in the Ministerial Order of 1981 temporality was not stated, and now, with this new regulation, an atemporal criterion is stated; that is, for a non-defined time; (c) the State is still in charge of the exercise of access and fishing rights, without compensations for fishermen, referred to both management and business or economic compensations; (d) it is obligatory to keep the process of aggregation–accumulation in the vessels that belong to the same census and fishery; (e) the criterion “right = vessel” is broken, and from now it would be a flow like this: right → vessel → company → vessel → right.

This new regime tries to “make simpler that all vessels had sufficient number of days in the fishing ground for a more rational development of their activities”; or, what is the same, “a suitable means of real rationalisation of the sector, which would allow the specialisation per fishing areas”. The new EU regulations related to fishing effort (measured by the level of power of vessels and multiplied by the number of fishing days) speeded up the need to “rationalise the activity” and “showed a favourable position to allow that the remaining fishing rights can be transferred by the holders who have too many to those who need more fishing days in the fishing ground”.

Corroborating the bet for transferability, a new regulation (Royal Decree 1838/97 of 5 November 1997) is announced, which regulates the beginning of fishing activity and the establishments and base-changes of fishing vessels. This regulation takes into account the mobility of fishing vessels and establishes the unavoidable connection between ports and fishing development: that is, at the beginning of every new year each vessel is assigned a modality with its right, fishing ground and base port. Spanish Law is completed with Royal Decree 1915/97 of 19 December 1997, which becomes Law 23/2997, with reference to the controls over fishing. The only established limit to the free transfer of the access rights is a maximum of 315 days and a minimum of 210 days of fishing activity per year and vessel included in the census. That is, the minimum of 210 days affects the owner of the transferring vessel and it aims to guarantee the profitability of the sector; whereas the maximum limit of 315 days affects the vessel that receives those rights and it is established with the aim that a single vessel cannot accumulate more fishing rights than it can use.

Some questions were raised about these principles since some changes of port base are produced, changes that are encouraged by either the reductions of the fixed costs in discharges or the new strategic approaches referred to market. For example, in the summer of 1999, 30 vessels that were dedicated to the catch of swordfish and discharged their catches in Vigo, agreed to discharge in the port of Burela, trying to consolidate a stable market for this specie. That operation is included among the decisions that join fishing rights with the strategies of integral projects (fish markets, inputs purchases, exporters, transport companies, commercialisation and distribution, etc.).

Law 3/2001 of Maritime Fish of the State establishes a new regulatory framework of transferability of fishing quotas. Firstly, it means that the allocation of fishing possibilities can be an object of transfer, but it requires an authorisation of both the Ministry and the Autonomous Community of the port base of the vessel, so as to regulate the consequences of displacements and the effects of a concentration. Secondly, it highlights the limits to the operation, and it establishes the following in the article 28 of the aforementioned Law:

- It aims to avoid fishing possibilities being accumulated in a single vessel in greater volumes than they can be used.
- A minimum limit of possibilities is established, and the vessel must leave the fishery under this limit.
- It must be justified that the transfer is restricted to vessels or groups of vessels that belong to given categories or censuses; and
- For the purpose of favouring the free competence, it is established that the volumes of fishing possibilities which can be accumulated by the same company or groups of companies related as partners, will not be over the 30% for each fishery.

This regulation, which ends several discussions and reports on the possibilities of transferability of fishing rights [22], favours the processes of transfer and cession fishing rights, even though the issues that regulate the procedures and the regulations to be applied remain in subsequent regulations, in order to avoid additional controversies.

The system that allowed the transfer of fishing rights was developed in Spain without any producer having to pay anything as “resource rent”, regardless of whether he fished or not. Thus, one of the big difficulties to implement this system was avoided (it was not necessarily an auction, either the establishment of previous criteria, except for those considered “historic” when the European integration took place in 1986); this simplified the process to carry out changes in the industrial and managerial structure, regarding both
the dynamics of concentration of fishing rights, and the processes of mobility of vessels in the Spanish ports.

The transferability of fishing rights is a part of Spanish fundamentals of fishing regulation, since they have proved to give security and future perspectives to plan the fishing units, and this transferability also guarantees the control of fishing activities (regulatory mechanisms). The sectorial groups (Cooperatives and Associations) have a high level of responsibility regarding fishing regulation in Spain.

Spanish fishing shipowners have made their position clear on the systems that manage fishing resources. For some of them, it is necessary to abolish those management methods that are based in the establishment of TACs and quotas; and instead they fight for a system of fishing effort. An example of this can be seen in the following statements by Fuertes, from the Cooperative of Shipowners of Vigo (Galicia) [23]: “the Council would assign every vessel a level of effort that would become a given fishing right, which could be transferred to other vessels in the global community fleet”. And he follows like this: “we understand the system of individual and transferable fishing rights requires the fisherman to take responsibility, since he makes his the fishing right (...)”, the model of individual and transferable fishing rights would permit: a long-term business planning; the regulation of the market offer, would avoid the “race to fish” that means to exhaust the respective quota as soon as possible; a responsible fishing, as if they have a fishing right, the fishermen will be more responsible in the protection of the resources; and a fleet that adapts to the available resources, since they can transfer the fishing possibilities of the less efficient units to the most efficient ones” [24].

On the other hand, Lizarraga, the spokesman of the Basque port of Pasajes considers that “the principle of relative stability is a fair procedure of quotas allocation, as it gives stability to the companies that have usually had access to the jurisdictional waters of other Member States; and it is considered relative because it depends on the dimension of the total allowable catches, which is variable. Thus, he considers convenient that from 2003 the fishing quota or effort is allocated by the European Commission among the fishing community companies by means of the principle of relative stability and they can transfer these quotas among them either temporary or definitively” [25].

The first signs of rivalry appear when the time comes to plan and apply the possibilities of transferability, and this controversy was useful to rekindle the debates on the territorialisiation and compartmentalisation of the resources. This analysis allowed some shipowners of some very specific areas to elaborate a model that was based on the purchase of “fishing rights” to incorporate them to the fleet of those areas, by means of the acquisition of vessels and the subsequent resale of the “spare fishing days of other specialised fisheries” to other companies, which brings about situations that alter the status quo.

6. Conclusions

Transferability promotes both individualism and efficiency. It allows the acquisition and selling of fishing rights. Therefore, the quota becomes an asset in the market, whose possibilities of interchange favour the “rationalisation of fishing activities” [26]. Likewise, it can become an alternative so as to prevent fishing over-capitalisation; to try to resolve the problems of access to fisheries; as well as to achieve greater profitability of the fishing business.

Nevertheless, this management system is not without difficulties. The questions to apply these mechanisms are concentrated in the following points: How to establish the initial allocations of catches/quotas? How long should the system endure? How much participation do fishermen have in management? Is there a regulation on the possibility of private agreements (which are linked to the ownership of vessels and with access to the resource) between suppliers and traders? How to regulate the possibility that oligopolies will emerge? All these questions are still object of scientific and governmental discussions and debate.

These questions are the excuse that some fishermen hold to censure the Governments and Public Administrations, with regard to the maintenance of a fishery sustained under economic profitability. The groups of shipowners and fishermen’s unions insist that the Public Administrations must “guarantee the income of fisheries”, and they even demand the aforementioned institutions are the ones that “hold and contribute to mitigate” the bad economic outcomes when there are economic losses which derive from wrong decisions in matters of management, regulation, cooperation and foreign negotiations.

These last positions are the reasoning used by some shipowners when they state they are the owners of the access and fishing rights; and from this assumption they claim and demand their rights on future allocations; likewise, they ask for compensations if there are difficulties (derived from either biological parameters, decisions of fishing regulations, or agreements with other fleets with the aim to share fishing stocks). A clear example is what Miguel Iriondo, the President of the Association of Cod-Fishing Companies, says: “fishing rights were not state property, but they belonged to private companies that risked their capital in those fisheries. Therefore we cannot understand why the intention is to set a temporary limit to the ownership of fishing rights” [9]. Or when the shipowners, since they feel they are the owners of their access and fishing rights,
demand the institutions have not defended their economic and strategic interests, which proved highly detrimental to these owners financially. This was what happened to the Cooperative of Shipowners in Vigo, which remitted a final demand to the European Union for slackness in its functions, as the EU was not able to reach an agreement between the EU and Argentina [27]. Or finally, in another assumption, when the shipowners warn that the management system itself is causing dynamics of reorganisation, disinvestment or conflict.

It is obvious that if fish is a free good for fishermen and is exploited over some biological, economic or socially optimum levels, Governments should impose some rates (inputs) so as to require fishermen take into account the value of some valuable populations that are being used to get a production. Thus, it would be advisable that Public Administrations acted as managers of resources, and, since they are the owners of those resources, they could collect the income earned from the resource in the interest of everyone, and then these incomes would be distributed among the different fishermen according their behaviours and needs. It would be clear that fishermen would accept these conditions only under an “optimum or widely satisfactory tax system”, and the territorial repercussions could be dealt with in terms of transferability of fishing rights.

Anyway, it would be necessary to introduce an “extra charge as resource renting”, so that the State could obtain future incomes when the resources are recovered and profits increase; this extra charge could make the new access conditions easier for both the young fishermen of coastal areas and those fishermen that defend a responsible fishing.

This way, the transferability of the Individual Fishing Quotas shows that these only encourage economic decisions; the productive agents are the only ones responsible in the fishing exploitation; and it is highlighted that the profitability is obtained if they are appropriate to both the fishing processes and the products the market supply. As a consequence, the individual transferable fishing rights define the exclusivity and complementarity, but they do not fully guarantee the efficiency and sustainability of the fishing exploitation. In short, the problem of fishing management and regulation is still very complex and heterogeneous.

References


[23] Statements issued by J.R. Fuertes Gamundi, as representative of the Cooperative of Shipowners of Vigo (Galicia), to the newspaper La Voz de Galicia on 7 May 1998.


[25] Statements issued by Lizarraga, as the spokesman of the Basque port of Pasajes, to the newspaper La Voz de Galicia on 18 June 1998.


[27] Statements issued to the newspaper La Voz de Galicia on 5, 17 and 24 February 1999.