

## AGREEING WITH DANIEL BROMLEY

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It is difficult to comment in an arresting fashion on a contribution with which one fully agrees. Perhaps one way to go about this is explaining why, and also stressing that such agreement is rare in the field of fisheries research. The field, actually, is roiled in controversies, as befits an area of research whose objects – fisheries – are themselves in crisis, and are widely perceived as constituting a sunset industry.

Among fisheries economists and, I suspect, among senior bureaucrats in most fisheries or equivalent ministries of western countries, the notion – roundly criticized by Daniel Bromley – is prevalent that the crisis fisheries are in can be solved by giving fishing firms (coyly called ‘fishermen’) fishing ‘rights’. This word – ‘rights’ – is not only used by economists, who I fear have not consulted legal scholars before they launched that canard, but also by fisheries biologists, who may not fully appreciate what it means. So here it is: the right to fish is a codeword for privatization of fishery resources, presently a public resource in most countries. Furthermore, in this view, private ownership is a *conditio sine qua non* for successfully managing fisheries, and by extension, any living natural resources. Finally, in this view, public ownership is not ‘real’ ownership, since it leads (or rather ‘can lead’) to conditions similar to those resulting from an absence of ownership.

Why do fishing ‘rights’, that is Individual Transferable Quotas (ITQ), the mantra of ‘fishing right’ advocates, have to be entities to be *given* away, to *individuals*, and in perpetuity to boot? It would be much more fair, and compatible with the public interest to implement, for example, fishing privileges being auctioned off annually, as suggested by Macinko and Bromley (2002).

In that work, and in Macinko and Bromley (2004), these authors exposed the unsavory assumptions of the arguments for fishing ‘rights’, and reduced them to their essence: they are a justification for a resource grab by the rich and mighty, and their allies in governments.

In fact, I am puzzled by the near consensus among fisheries economists in this matter. It is almost as if their entire guild were taken under contract by the fishing industry, akin to Swiss villages whose young men went, *en bloc*, to serve as mercenaries for a Renaissance prince. Where are the fisheries economists, who, conscious of their being paid by the public (most work at public universities), consider the public good and how this could be enhanced? Or do they really think, like Margaret Thatcher, that ‘there is no such thing as society’, only individuals, and that there is, therefore, no public good?

What would we think, for example, of economists, who when tasked with addressing, say, the smog and congestions problem in large cities (for example London, where an innovative scheme for charging motorists who want to drive into the city was implemented) were to suggest that only ‘driving rights’ can solve

the problem, that is by giving to five corporations, in perpetuity, ownership of the public road and the exclusive right to drive on them?

These are important questions, because they illustrate how a discourse, however absurd, can become dominant in an academic discipline, while at the same time un-tethering itself from its societal and ethical mooring. Indeed, the near hegemony of the privatization discourse is positively scary in view of the challenge which humanity now faces in the form of global warming, where the public good and the interests of a few large corporations, mainly in the energy sector, are on a collision course. Here again, we find professional economists either fence-sitting, or pontificating on the high costs dealing with the problem would impose on corporations. As if their primary job was to find ways to avoid cost to corporations, as opposed to avoiding a runaway climate warming, and the horrendous consequences this would have for humanity.

The conflict that Daniel Bromley identifies is thus one of many documenting that we have been, in the last decades, on perilous course where challenges with managing public goods such as health, education, the airwaves, rangelands or marine fisheries are left unresolved until the good in question can be privatized. These privatizations, often touted as increasing 'choices' or 'rights' (for example the choice to choose one's health care provider, or school, or the right to fish), increasingly goes along with increased wealth for a few, and reduced choice, and less rights for those who are not wealthy.

Universities and the open space they still provide for enhancing the public good are one big stumbling bloc to the wholesale takeover of the public discourse by corporations (they already own the mass media, and the results are plain to see). In view of this, one should hope that every scientific discipline, every scholar ask her- or himself whether they want to act as Trojan horses, and actively contribute to this gradual takeover of every aspect of our lives, and whether corporate logos should be pasted onto the few walls still not so adorned. And so we should ask, with Daniel Bromley, our fisheries economist colleagues why they push ITQ, while they know, or ought to, that there are other, fairer ways of reducing fishing capacity, and no legal basis for what they claim is a 'right' to fisheries resources.

I can only wish that Daniel Bromley convinces many, because we do need to have more emphasis on a discourse that gives legitimacy to public concerns, in fisheries and everywhere else.

## References

- Macinko, S. and Bromley D.W.  
2002           *Who Owns America's Fisheries?* Washington, D.C.: Island Press.
- Macinko, S. and Bromley D.W.  
2004           Property and Fisheries for the Twenty-First Century: Seeking Coherence from Legal and Economic Doctrine. *Vermont Law Review*, 28(3):623-61.