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# *Preface*

The United States vigorously resisted claims made in 1950 by several Latin American countries to fishery resources within 200 nautical miles of their coasts. In 1976, however, the passage of the Fishery Conservation and Management Act in the United States unilaterally extended control by the United States over all but highly migratory fishery resources within a distance of 200 nautical miles from its coasts. Numerous other countries immediately followed suit. By the time delegates to the United Nations Law of the Sea Conference finished their work in 1982, the 200 mile concept had gained general acceptance. The new Law of the Sea Treaty, in effect, gave coastal countries ownership of all natural resources, mineral as well as biotic, located within 200 nautical miles of their coasts. The United States chose not to sign the new treaty, but in 1983, President Reagan issued an Executive Proclamation that matched rights claimed by the United States to rights permitted by the treaty.

The United States, because of its long coastlines and numerous island territories, gained a much larger area in this recent dividing up of the oceans than did any other country. Its Exclusive Economic Zone (EEZ), as these newly established marine natural resource areas are called, contains some of the world's most productive fishing grounds. The United States' EEZ also contains large quantities of mineral deposits that promise to be of great value. The United States is now the world's richest nation in fishery resources, and probably in ocean mineral resources.

The citizens of the United States have shown little interest in their newly acquired wealth. A lack of public interest or concern is of no great consequence as regards arrangements for management of the mineral resources. The institutional arrangements, that is, the customs and laws governing the use of the mineral resources, basically are sound. These arrangements recognize the full public ownership of all seabed minerals. While not perfect, they provide a framework under which the resources can be developed rationally and for the benefit of the citizens as a whole. For example, the oil fields of the continental shelf are managed in a full ownership framework by a public agency, leased under an auction bid system, and operated in a way designed to maximize benefits to society.

The same cannot be said of marine fishery resources. Fishery resources traditionally have been managed under a common property (open to harvest by everyone) framework that worked well when fish were plentiful. However, stocks of the more desirable species of fish are no longer plentiful; under common property ownership, they are almost certain to become even less so. Ownership that gives rights to fishery resources comparable to rights exercised by owners of agricultural, forest, range, and mineral resources is needed. Full ownership, as I herein call that form of ownership that gives such rights, provides incentives to look after a resource and increase its productivity. Common property ownership provides no such incentives. Natural resources that are open to use by everyone are looked after by no one.

Full ownership would bring an abrupt change in the rules of fishing that, not unexpectedly, leaves commercial fishers feeling nervous. Fishers resist change, and understandably so, unless they receive assurance that the change will improve their lot, or at least not affect it adversely. Fishery resource management specialists agree that full ownership provides by far the most effective framework by which to maximize benefits from the fishery resources. However, most management specialists support commercial fishers in their opposition to changing to this more effective framework.

Fishery management specialists cite a lack of interest on the part of the average citizen as the basic reason against changing to full ownership. Their reasoning is as follows. The decision to change the ownership arrangements would have to be made in the political arena. The benefits of changing ownership to voters who are not directly associated with fisheries are not large enough to make their involvement in the problem worth their time. Therefore, the fishing industry, and especially the fishers, will continue to make the rules for exploitation of fishery resources even though these rules are not in the best long-term interests of the public. The fishing industry is against full ownership. Working for full ownership is thus a waste of time because the industry will prevent passage of the necessary enabling legislation.

Citizens at large have shown a singular lack of interest in what happens to the rich marine fishery resources taken over in their name. I was in Japan in April 1977 when the United States' Fishery Conservation and Management Act went into effect. It made front page headlines in Japanese newspapers and was the subject of lengthy television programs commenting on its effects. The American news media gave it scant attention. News of President Reagan's proclamation of 10 March 1983 that extended United States' control over all marine resources to a distance of 200 miles rated the lower half of the left-hand column of page seven of *The New York Times*. The remaining seven columns of the page were devoted to an advertisement. An action that approached the Louisiana Purchase in importance to the United States received scant notice by the media, whereas the Louisiana Purchase received much

attention in the media of the time. Could the difference rest in terms of acquisition? Does having paid for one and not the other help to explain the difference in media coverage?

Changes in public interests favorable to legislative change in the ownership of fishery resources have occurred in recent years. Fish has become a much more popular food. Marine recreational fishing has grown rapidly in popularity in recent years. The decreasing production of the more desirable species of fish has come to be of direct concern to a much larger segment of the population as a consequence. In a more general way, public interest in the oceans and all of its resources is growing. This interest is reflected in a growth in the size and number of organizations formed around aspects of the marine environment. Many of these organizations are taking a more active role in political processes relevant to changing arrangements for managing ocean resources.

A major purpose of this book is to develop further interest among all citizens of the United States, in whose name United States' control of its bordering oceans was extended to 200 miles seaward, in the management of marine fishery resources. The direct economic interests that all citizens have in these resources would, if fully understood by them, result in far more attention than that described above. Neither the media nor the public at large is very well informed as to the bases for these interests. In part, the lack of understanding results from the complexity of factors involved in the problem. The problem is complex, but not so complex as to be beyond the comprehension of anyone willing to spend a few hours reading and reflecting upon the essential factors. That more people are not informed results largely from the lack of good summary sources of information. Having rejected full ownership as a political impossibility despite recognition of its intrinsic merits, experts in the field of fisheries management have written nothing to define benefits that could accompany its adoption. Reams have been written for both specialists and laymen on ways to solve the problem of overfishing with harvester rights in a modified commons framework. Explanatory studies on full ownership, however, simply do not exist for either specialists or lay persons.

I am convinced that full ownership provides by far the most reasonable framework for management of marine fishery resources just as it does for most natural resources, whether terrestrial or marine. The reasons for this are not beyond the abilities of the non-specialist to comprehend; the potential benefits to everyone, fishers and non-fishers alike, are large enough to make it worthwhile for everyone to work toward the change. I have tried to write to inform citizens at large that they do have an interest in the ownership of marine fishery resources, and that they would benefit by taking steps to protect these interests. Specialists in fisheries management also may find this book worthwhile. The facts will be familiar, but the interpretations may convince that the

rejection of full ownership merits rethinking. A management system based on full ownership can create far more benefits for everyone, fisher and non-fisher alike, than is afforded by present arrangements for harvest of fish. If the benefits that can come from full ownership are widely understood, then change to full ownership should come as a matter of rational development through our political processes.