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David Ralph Matthews*

'Constructing' Fisheries
Management: A Values
Perspective¹

This paper applies a "social constructionist" position to an understanding of the nature of fisheries management policy. It argues that both the way in which we view "nature" and the way in which we view such natural resources of the fishery are "socially constructed" in terms of particular value orientations and the interests that these represent. In particular, it examines the value orientations related to the social construction of the fishery as a biological, social, or economic resource, as well as the social constructions involved in regarding the fishery as either common property or a common heritage. It also argues that perspectives of the fishery in terms of sustainable development adopt a utilitarian approach to nature rather than an environment centred approach. The paper concludes with a brief consideration of the way in which these "social constructions" were part of the 1995 dispute over the turbot fishery off Canada's east coast and considers the extent to which such "social construction" have implications for Canada's future fisheries management policy.

- In the last decade the east coast fishery has occasioned brighter hopes and deeper divisions than at any other time in its four hundred year history.²
- There was practically nothing to begin with in 1993, and there is now that nothing minus eighty percent.³

Introduction

This paper is about the nature of *values*. In particular, it is about those values which underlie certain 'macro' perspectives concerning the management and regulation of Canada's east coast fishery. Thus, it is about

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1. I would like to thank Lawrence MacDonald for making me aware of the "Common Heritage of Mankind" literature which is discussed later in this paper, and for our lively conversations about fisheries policy which have helped shape some of my ideas in this paper. Likewise, I have benefited from my conversations with Lisa Kidd, whose carefully reasoned analyses have contributed to my understanding of the 'theories of nature' which are developed in this paper.

2. P.A. Pross & S.McCorquodale, *Economic Resurgence and the Constitutional Agenda: The Case of the East Coast Fisheries* (Kingston: Institute of Intergovernmental Relations, Queen's University, 1987) at 11.

3. K. Cox, "Cod Fishery Facing Extinction", quote by Brian Tobin, Minister of Fisheries and Oceans, *The [Toronto] Globe and Mail*, 25 Jan., 1995, pp. A1 and A6.

the nature of the underlying values which either presently underlie or which are likely to ultimately form the basis of Canada's east coast fishery *policy*.

Policy is essentially a "goal value system". That is, it is an attempt to achieve a set of goals based on values which are deemed to be important. From this perspective, policy can also be considered a "means-ends schema"—in which certain values are seen as appropriate for defining both the most appropriate *goals* and also for determining which are the most appropriate *means* for achieving those goals.

Just why particular values are deemed important is, of course, a significant question and it is a question that has tended to dominate sociological concern with public policy. For example, Marxist political theorists have argued that it is inevitably the values of the "dominant" classes in society which form the basis of state policy. To be sure, the choice of policy is likely related to the "interests" of those who are in charge of the state apparatus. However, although the conclusion of this paper will give some consideration to the issues of "interests" underlying the choice of fisheries policy, that is not the focus of this paper. Rather, this paper is limited to an attempt to identify the most prominent perspectives about the nature of fisheries management and to an examination of the *value orientations* that are inherent in each of them. In doing so, it is our assumption that a greater awareness of these underlying value orientations will enable us to identify more clearly the alternatives which are being proposed with respect to Canada's fisheries management "after the collapse", and that this in turn will assist us in determining our most appropriate policy directions for the future.

The orientation to be taken here is largely a "social constructionist" one. As this is a framework which, though relatively common in sociology, is not necessarily known in other disciplines, some brief introduction to it is probably desirable. The underlying assumption of this perspective is that people live in an inter-subjective, socially constructed world, and that the events and situations they encounter are defined and interpreted in terms of these social constructions.⁴ These "orientations" or social constructions, over time, come to be standardized and socially accepted as appropriate ways for viewing reality. Those familiar with the work of Thomas Kuhn⁵ may recognize these perspectives, when accepted by a "community" of thinkers, as what Kuhn refers to as paradigms. Thus, it

4. Compare P.L. Berger & T. Luckman, *The Social Construction of Reality* (Garden City: Doubleday, 1967).

5. T.S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1970).

is common in many disciplines to examine and describe the “paradigm shifts” that have occurred over time.

However, the concept of paradigm has become so widely used and has taken on so many meanings⁶ that it is now virtually useless. Partly for that reason, we choose to describe the social constructions that occur with regard to policy in terms of changing “metaphors”. From this perspective, metaphors are not simply linguistic elements, but conceptual conventions whereby we describe a set of occurrences as having distinctive characteristics or properties similar to other aspects of the natural, social, or physical world.⁷ By describing these orientations as metaphors, we emphasize the ‘constructed’ nature of our perspectives and our realization that the way in which we verbally depict an empirical social reality is not necessarily solely a reflection of what exists, but is also a reflection of the way in which we are predisposed to think about and describe it. It also implies that, when a prevalent metaphor changes, the fundamental understandings that we have of the phenomenon in question also change. In the words of Archibald MacLeish, “A world ends when its metaphor has died”.⁸

Without making this orientation explicit, this writer has recently examined the “change in metaphors” of Canadian fisheries officials that occurred during the 1970s. During this period, they moved from a biologically driven understanding of Canada’s east coast inshore fishery to a perspective which viewed it as open access “common property”.⁹ My work documented that there was virtually no evidence to support such a conception. Nonetheless, Canada’s whole pattern of fishery regulation and management came to be based on that assumption. That is, fisheries management policy is both a reflection of the socially constructed “metaphors” we employ in our understanding of the fishery, as well as an embodiment of them. In that sense, fisheries policies and regulations can be understood as the official codification of our social constructions.

In the remainder of this paper we will examine some of the major “metaphors” which are involved in fisheries analysis and consider the implications of these for the regulation and management of Canada’s east coast fishery. We will do this on three different levels. First, we will

6. D.L. Eckberg & L. Hill, “The Paradigm Concept and Sociology” (1979) 44 *Amer. Sociol. R.* 925.

7. Compare R.H. Brown, *A Poetic for Sociology* (Chicago: University of Chicago Press, 1988); S. Greer, *The Logic of Social Inquiry* (Chicago: Aldine Publishing, 1969).

8. Found in H.J. Bergman, *Law and Revolution: The Formation of the Western Legal Traditions* (Cambridge: Harvard University Press, 1983) at v.

9. R. Matthews, *Controlling Common Property: Regulating Canada’s East Coast Fishery* (Toronto: University of Toronto Press, 1993).

examine the metaphors whereby we describe *nature* itself. Even though nature may be “out there” in some Kantian sense, we know nature through our ways of describing it. Thus, a fundamental starting point for any consideration of fisheries policy is a consideration of the ways in which our understanding of the fisheries, as part of nature, may be shaped and changed. Second, we will examine the predominant metaphors that are inherent in social versus economic perspectives on the fishery and, in doing so, we will address the question, “Does Canada want a social or an economic fishery?”. Third, we will consider the major political-legal metaphors which underlie the fishery and which are embodied in the phrases “common property” and “common heritage”. Underlying much of these considerations will be a concern with yet one more metaphor, that of “sustainability”, and we will examine it in the context of both socio-economic and political-legal perspectives on sovereignty. The paper will conclude with a discussion of the implications of our analysis for fisheries policy and management on Canada’s east coast “after the collapse”.

I. *The Social Construction of Nature*

Fish, like all other living things, are part of nature. That nature is not just something external to us, is self-evident. We are also part of nature, though we have far greater potential of altering the eco-system of which we are a part than is true of the other parts of nature. This awareness of our place in nature constitutes the basis of virtually all environmental science. But the understanding of our role with respect to the rest of nature varies considerably, depending on whether we emphasize the *intrinsic* right of nature to protection¹⁰ or focus on nature in an instrumental and utilitarian way as being available for our use and that of future generations. Clearly, throughout most of our history, most of mankind has regarded or ‘constructed’ nature in this latter, instrumental manner. Only in recent times has there been any substantial movement to regard nature as having “natural rights” of its own, primarily because our instrumental treatment of many of our significant natural resources has threatened its, and our, very existence. Hence, in this most fundamental sense, the way in which we undertake to regulate and manage our natural resources rests on our “social construction” of them as having either their own rights or as instrumental to our needs.¹¹

10. R.F. Nash, *The Rights of Nature: A History of Environmental Ethics* (Madison: University of Wisconsin Press, 1989).

11. The positions being identified here are those which constitute the basic ‘ethical’ perspectives on nature in western society. It essentially contrasts the perspective of nature inherent in industrialism with that which underlies the “deep ecology” movement. Those

Besides these fundamental differences in the way we construct our fundamental *conceptualization* of nature, there is a more direct way in which nature is socially constructed. We “know” nature in terms of the way we *describe* it and *regulate* it. This relativistic perspective has been the basis of phenomenological philosophy and sociology for over a century.¹² However, that tradition has usually focused on the way in which individuals regard their immediate social world and the others in it, and it is still rare to see the perspective applied to broader issues of environment and resource development.¹³ Viewed from this phenomenological or constructionist perspective, the meaning of nature is not a constant, but varies in terms of the frame of reference we bring to it. One need look no further for evidence of this than the two quotes which begin this paper. In 1987, two prominent political scientists described the Atlantic fishery as experiencing a time of “bright hope”.¹⁴ Just eight years later, the federal fisheries Minister described that same fishery as non-existent. The focus of the two political scientists, like that of most fisheries economists and biologists of the time, was on the increased catches by Canadian fishermen that had resulted from Canada’s implementation of the 200 mile limit. The Minister of Fisheries and Oceans was responding to the fact that, partly as a result of these increased catches, the fishery no longer is commercially viable and may even face extinction. In short, the fishery, like all other aspects of life, is ultimately at the mercy of the *frame of reference* with which we understand it. Likewise, the way in which the fishery is to be regulated is also subject to, and perhaps even victim of, these same frames of reference.

Within social science and among policy makers, one of the ways of expressing competing constructions or metaphors of the fishery has been to question whether one wishes a “social” fishery or an “economic” one. Any attempt to restructure the fishery in the wake of its recent collapse

interested in further discussion of these positions, see A. Schnaiberg & K.A. Gould, *Environment and Society: The Enduring Conflict* (NY: St. Martin’s Press, 1994); A. McLaughlin, *Regarding Nature: Industrialism and Deep Ecology* (Albany: State University of New York Press, 1993). The Intermediate “ecological limits” perspective will be considered later in this paper.

12. Compare A. Schutz, *Collected Papers I: The Problem of Social Reality* (The Hague: Martinus Nijhoff, 1967); Berger & Luckman, *supra* note 4.

13. L.L.N. Evernden’s recent book *The Social Creation of Nature* (Baltimore: The John Hopkins University Press, 1992) is, in some ways, an exception to this generalization in that he accepts and focuses on the way in which nature has been regarded over the past two centuries. However, he does not rest his analysis in the phenomenological position used here, nor does he appear to accept the “relativity” of nature in the same way that the concept is used here. Rather, his book is largely an appeal for the acceptance of the rights of nature as an alternative to our alternative social constructions of it.

14. P.A. Press & S. McCorquodale, *supra* note 2 at 11.

must consider this issue. At the moment, it is relatively clear that those who favour an economic fishery are in the ascendency, despite the fact that it was an emphasis on high economic gain which contributed significantly to the collapse of the fishery in the first place. Given this, it remains relevant to continue to examine the values inherent in the two positions that form the social versus economic alternatives to fisheries management.

II. *An Economic Versus Social Fishery?: The Social Construction of Value(s) and Sustainability*

Pross and McCorquodale have noted that, in the 1970s and early 1980s, Canadian fishery policy "became encapsulated in a single, distorting" or 'false dichotomy', namely, "Does Canada want a social fishery or an economic fishery?"¹⁵ They argued that this formulation was "simply reiterating what had been Ottawa's view since the late 1950s: that the fishery can only be successful if it eliminates its pool of surplus labour."¹⁶

These authors are correct in asserting that this is a "false dichotomy" as the fishery is simultaneously both a socio-cultural way of life and an economic resource. However, it should not be concluded from this that fishery management based on socio-cultural values is compatible with that based on economic ones. In fact, there are not just two competing metaphors of the nature of the fishery and the role of fishery management interwoven here, but three: a socio-cultural one, an economic one, and a biological/ecological one. The inter-relationship of these metaphors and their implications for fisheries management need careful differentiation.

The socio-cultural metaphor concerning the value of the fishery is perhaps best encapsulated in the phrase "[f]ishermen do not fish only from individual boats; it is fair to say that they also fish only from communities".¹⁷ This position frequently argues that the dominant value to be gained from the maintenance of the fishery is the preservation of a rural, community based way of life that is highly *valued* by its participants. This position sometimes also incorporates an economic rationale. This can take two forms: a more "negative" one in which it is argued that the fishery as the employer of last resort is thus able to provide income to persons who would otherwise be destitute given their lack of training and the unavailability of alternative employment; or a more "positive" one which argues that the actual economic *value* gained from the prosecution

15. *Ibid.* at 28.

16. *Ibid.*

17. Matthews, *supra* note 9 at 5.

of a community based (and usually small boat) fishery enables a far greater number of persons to survive in a mixed economy than would be the case if the equivalent catch were harvested more efficiently using large scale operations and high technology.

A fourth variant of the “social fishery” metaphor is one which explicitly denies primacy to market-based economic principles. It argues that a focus on market-based economic dimensions *under-values* both the complexity and positive attributes of social life and that, in addition to conditions of economic viability, it is also necessary to consider aspects of social vitality when assessing the overall well-being of a community or region.¹⁸ Such a position emphasizes that the “community” itself is both a social and an economic “product”, and that it should be included in any assessment of the “viability” of the fishery. This perspective, thus, radically challenges the pre-eminence of economic considerations in any assessment of the fishery by denying primacy to purely market aspects of fishing activity. Given this, it is understandable why economists are tempted to describe this approach as a glorification of traditional rural community life and *values*.¹⁹

The alternative model, namely that of an “economic” fishery, is frequently described as based on two dominant criteria: “efficiency” and “maximum economic yield” (MEY). From this perspective, the economically desirable fishery is one which harvests the greatest economic *value* with the least expenditure of economic effort.²⁰ Despite the apparent simplicity of this formulation, as even some economists are quick to point out²¹, the unique nature of the fishery resource makes such a goal difficult and perhaps even impossible to achieve. The primary reason is that any concept of economic efficiency, when combined with the concept of *sustainable* yield, involves a mixture of biological measures with market economic ones.

Even though maximum sustainable yield (MSY) may be expressed as an economic goal, in reality, it is primarily a biological one. The criterion of sustainability implies that fishing effort should not exceed the maximum number, size, and/or weight of fish which can be abstracted from the available pool without damaging the future productivity of that stock.

18. R. Matthews, *There's No Better Place Than Here: Social Change in Three Newfoundland Communities* (Toronto: Peter Martin Associates, 1976).

19. P. Copes, *The Resettlement of Fishing Communities in Newfoundland* (Ottawa: Canadian Council on Rural Development, 1972).

20. F.T. Christy & A. Scott, *The Common Wealth in Ocean Fisheries: Some Problems of Growth and Economic Allocation* (Baltimore: John Hopkins Press, 1965) at 216–217; J.R. McGoodwin, *Crisis in the World's Fisheries* (Stanford University Press, 1990) at 72–75.

21. Compare F.T. Christy & A. Scott, *ibid.*

This is clearly a difficult demand when the resource itself is hidden, its size and reproduction rates are uncertain, and the full range of factors affecting its reproduction and growth are unknown. Furthermore, in economic terms, the criteria used to establish maximum sustainable yield are frequently at odds with those involved in establishing the parallel economic concept of "maximum sustainable rent" (MSR). The maximum sustainable rent of any fishery resource is essentially the maximum amount of profit which can be gained in relation to the effort expended. Thus, whereas MSY is a criterion of biological limitation, MSR is a judgement of economic efficiency. Despite the fact that the two are frequently considered in tandem by policy makers²², they frequently can not be accomplished simultaneously, as the satisfaction of one may well be at the expense of the other. This has to do with the fugitive nature of the fishery resource (a primarily biological/ecological dimension).

Fish are a fugitive resource. That is, they are capable of moving themselves and, in order to harvest them, they must be captured. It is this, rather than the oft cited common property nature of the fishery, which makes it difficult to establish effective management or to determine MSY. Because of their fugitive nature, fish which are being regulated under one management scheme operating on one set of social, biological, and economic *values*, can move into another jurisdiction where a different set of *values* govern the regulatory structure.

Furthermore, this fugitive character of the resource has both social psychological and economic implications for fishery management. For example, at the social psychological level, the fugitive character of the fishery turns fishermen into hunters and gatherers, whose primary interest is in capturing the resource, not husbanding it as might be true of farmers. Likewise, at an economic level the fugitive character of the resource may make it economically efficient to capture more than is biologically sustainable while that resource is in one's particular area. This is because there is no guarantee that the resource will return to one's area or that others, fishing elsewhere and operating with a different set of *values* and regulations, will conserve the resource at a level that is sustainable. In terms reminiscent of post-modernist analysis, the fugitive character of the fishery frequently comes down to a consideration of the cultural and political values and meanings attached to space and territoriality. Indeed, this fugitive character constantly threatens the survival of local (and often traditional) social and economic patterns as these become

22. See Canada, *Charting a New Course: Towards the Fishery of the Future: Report of the Task Force on Incomes and Adjustment in the Atlantic Fishery* (Ottawa: Communications Directorate, Fisheries and Oceans, 1993) (Chair: R. Cashin) at 99 for an example.

dependant on the “globalization” of social relations and regulatory structures.²³ We will focus on the jurisdictional implications of this process in a later section of this paper.

It should also be noted that the economic *value* of any resource is affected by yet two other factors which frequently interact with one another, namely the number of persons involved and the time period under consideration. For example, the rent-value for any individual may be different than the rent-value for the group as a whole. Thus, one or a small number of efficient fishers can maximize a high level of rent over a short period, but do so at the expense of the long term rent of the larger group of fishers who may have access to the resource.

Furthermore, the passage of time may also result in a “reconstruction” of both the social and economic meaning of any environmental resource, and the fishery is no exception. A harbour or coastal zone at one time in history may be *valued* as a depository for effluent and at that time this may well be an economically rational action. However, changing societal conditions and *values* may alter both the social and economic meaning of that resource so that it becomes *valued* for its potential as a fish and game habitat, for its potential as a tourist attraction, or even for health or ascetic reasons. In sum, the economics of fishery management is not only subject to the *vissitudes* (and metaphors) of space transformation, but it is also affected by different orientations over time.

This section has attempted to demonstrate the wide range of social, economic and biological factors and issues which may influence the “social construction” that ultimately underlies how one chooses to manage a fisheries resource. However, before concluding, it is relevant to consider the one metaphor that has come, in recent years, to significantly dominant how the relationships amongst these factors are perceived. This is the perspective of “sustainable development” which, particularly since the 1987 publication of the *Report of the World Commission on Environment and Development* (known generally as “The Bruntland Report”)²⁴, has dominated world environmental and socio-economic planning.

This over-arching metaphor of sustainable development contains virtually all of the socio-cultural, biological, economic, spacial and temporal elements which we have just identified as relevant to an understanding of the nature of fisheries regulation. The Bruntland Report

23. Compare A. Giddens, *The Consequences of Modernity* (Stanford: Stanford University Press, 1990) at 64.

24. *Our Common Future*, the Report of the World Commission on Environment and Development (Oxford: Oxford University Press, 1987).

defines sustainable development as "... development that meets the needs of the present without compromising the ability of future generations to meet their own needs".²⁵ The Report itself emphasizes that this concept involves placing priority on the "needs of the world's poor ... and the ... limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs."²⁶ Micheal Jacobs has described this as a focus on both equity and conservation.²⁷ However, in addition to these two dimensions, the sustainability perspective (as noted above) is essentially a bio-centric concept with an explicit emphasis on inter-generational obligation which adds, in essence, a time dimension. Indeed, sustainable development emphasises the redistribution of resources in relation to need, while at the same time emphasizing that the biological basic of the resource must be the fundamental consideration. Thus, in many respects, its dominant assumptions are closer to the social ones highlighted earlier than to the strictly economic ones that we have described.

III. *Common Property, Common Heritage and the Question of Sovereignty*

In addition to social and economic questions, the management and regulation of Canada's fisheries resources also involve political questions related to ownership, control and jurisdiction. Elsewhere, we have discussed the "common property" status of the fishery and have argued that it is "the mobility of fish" (i.e. their fugitive character) which has given rise to the belief that they are common property.²⁸ Thus, it is usually argued that the mobility of fish is the reason for their "common property" status, and their property status, in turn, is the cause of resource depletion. However, despite the pervasive use of this metaphor, there is little empirical evidence to support it. Indeed, any fishery stock may, over the course of time, move through three regulatory regimes.

When they are near-shore, fish are clearly not common property as there is ample evidence that they are regulated both by local communities and state agencies. However, since 1977, the Law of the Sea Conventions have given Canada jurisdiction to manage fisheries within a 200 mile limit of its shores, with the result that the fish there are certainly not common property and may, in some senses at least, be regarded as state

25. *Ibid.* at 43.

26. *Ibid.*

27. M. Jacobs, *The Green Economy: Environment, Sustainable Development and the Politics of the Future* (Vancouver: University of British Columbia Press, 1993) at 58-61.

28. Matthews, *supra* note 9 at 92.

property. The most significant characteristics of the Law of the Sea Conventions with regard to the fisheries is, indeed, the extension of state regulatory sovereignty to an “Exclusive Economic Zone” (EEZ), thereby effectively ending any common property status to fishery resources within that area.

However, since the promulgation of regulations setting up such zones, another regulatory framework has been proposed aimed at covering both the EEZs and the areas which fall outside them. This is the “Common Heritage of Mankind” model first expounded in 1971 by Ambassador Arvid Pardo of Malta during the Law of the Sea deliberations. In Pardo’s words:

The oceans involve the interests of all, and all must therefore work together to establish an equitable regime beneficial to all. Present law of the sea based on freedom and sovereignty is being rapidly eroded by technology and events and is, in any case, incapable of providing a lasting framework for the beneficial use of ocean space under present conditions. A new basis for a new regime must be created.

It appears that only the concept of the ocean space and its resources *as a common heritage of mankind* can provide a satisfactory framework for an equitable international order and, at the same time, insure the preservation of the marine environment and the management of living and non-living resources *in the interests of all*.²⁹

The “common heritage of mankind” perspective is already accepted within certain United Nations contexts as a framework for dealing with undersea mineral resources and now efforts are being made to extend this approach to fishing resources. In particular, it is seen as a solution to the problems raised by “straddling stocks”,—those fish stock which move from between the 200 mile jurisdiction and international waters. Thus, it is important to examine the regulatory assumptions underlying this perspective.

First and foremost, the “common heritage of mankind” approach places an emphasis on the management and sharing of resources rather than ownership of them. E.M. Borgese contends that this would constitute a situation of “no property”.

“The first implication is non-appropriability—that is, the common heritage can be used but not owned. It is an area where there is no property.”³⁰

29. A. Pardo, “New Institutions for Ocean Space” in E.M. Borgese & D. Krieger, eds., *The Tides of Change: Peace, Pollution and Potential of the Oceans* (N.Y.: Mason/Charter Publishers, 1975) 324 at 325. [emphasis added].

30. E.M. Borgese, *The Future of the Oceans: A Report to the Club of Rome* (Montreal: Harvest House, 1986) at 43.

Indeed, such a framework might provide the auspices for a truly international "common property". Even so, one should not lose sight of the fact that it has not been the "common property" character of the fishery which has presented problems. Rather, the difficulty has been in controlling open access to the fishery. Significantly, those who adopt a "common heritage of mankind" metaphor for understanding the fishery appear to have given relatively little consideration to how such access will be regulated and what mechanism will be necessary to enforce it. The assumption appears to be the nation states bordering the fishing grounds will still play a dominant role in the regulation and management of the fishery, based on the principles of peaceful sharing and conservation. Just why these nations would give up their vested interests in protecting fish stocks for their own predominant use within a 200 mile limit to undertake such actions is not clearly addressed, though it seems to be assumed that sovereign states will be motivated by some combination of humanitarian desire to help distant nations and an awareness of the need to conserve the eco-system as a whole.

Be that as it may, this emphasis on sharing and conservation is of particular significance for it appears to be a direct embodiment of the principles underlying sustainable development that were discussed earlier—namely equity, conservation, and inter-generational obligation. In short, the "common heritage of mankind" metaphor is primarily the sustainable development metaphor, re-formulated as a regulatory schema for the regulation of the access to and sharing of resources lying outside the limits of any sovereign state.

IV. *Assessing Metaphors: Fisheries Regulation After The Collapse*

This paper has sought to bring to the forefront the assumptions underlying various conceptualizations of the fishery and its management and, in so doing, to provide some guide to the values and orientations implicit in each perspective. It has been our contention that these value orientations constitute metaphoric "ways of seeing" which affect not only how we define the situation with respect to the fishery, but also what we regard as the appropriate way of managing it. What, then, are the most obvious implications of this analysis for fisheries management in the "post collapse" future?

It is significant that, during the period in which this paper was being written, the Canadian Minister of Fisheries and Oceans was publicly defending Canada's use of force to police the perceived over-fishing of turbot (Greenland halibut) in the area outside Canada's 200 mile fisheries protection limit. In doing so, he stated:

The fleet that is out there is the same fleet that destroyed, one after another, the fisheries that have *sustained a way of life* for 600 years.³¹

It is of interest that Mr. Tobin attempted to justify his actions on the need to preserve “sustainability”. As we have demonstrated, the metaphor of sustainability is largely a bio-centric perspective. However, it is obviously also coming to be regarded as both an economic and a social strategy. Indeed, it is particularly significant that Mr. Tobin also attempted to justify his actions in terms of the need to sustain a socially viable “way of life”, and thereby provided a direct link between biological sustainability and socio-cultural needs.

As we have noted elsewhere³² and as the quotations from Pross and McCorquodale previously given attest, this concern for a “social” fishery is relatively recent in federal fisheries circles. Most Canada Fisheries and Oceans policy statements have treated sustainability as largely an economic issue related to the need to maintain stable economic growth. Traditionally, the “social” fishery argument has been championed by the provinces—most notably Newfoundland. Thus, it is not surprising that the Premier of Newfoundland, Mr. Clyde Wells, declared his complete support for Mr. Tobin’s actions, going as far as to assert that such actions were taken “in the interest of mankind”.³³ In making such statement, Mr. Wells also chose to legitimate his position with reference to ideas implicit in the “sustainable development” position and made explicit in the “common heritage of mankind” arguments. However, what is clearly missing from such formulation is any explicit awareness of those aspects of the sustainable development metaphor that deal directly with issues of equity and with redistribution in accordance with need. To date, there has been little or no need to consider this aspect of the sustainability metaphor, in part because the fish stocks that were in most need of protection have been clearly and incontestably threatened with extinction, and in part because the primary action with regard to “sustaining” such fish stocks has involved regulation of fishing within the 200 mile coastal limit. However, the “turbot war”, in which Canada chose to directly challenge the right of European Union nations to fish in international waters on the “nose” and “tail” of the Grand Banks which lie outside this territorial limit, clearly indicated that this situation will not long remain. Thus, European Community spokespersons described Canada’s boarding and seizure of Spanish vessels fishing in these

31. Interview with Hon. B. Tobin (6 March 1995) CBC Radio News.

32. Matthews, *supra* note 9 at 54–63.

33. Interview with Premier C. Wells (6 March 1995) CBC Radio News.

international waters as “acting in violation of the International Law of the Sea”³⁴ and, declared that Canada was engaging in open “piracy”.³⁵

It should be obvious, however, that if Canada is going to attempt to regulate fisheries on the basis of a need to maintain the sustainable development of fish stocks in the interest of mankind, some clear mechanism must be found whereby these various *competing* interests can either be met or adjudicated. Unless that happens, and soon, each country will continue to protect its own interests in much the same manner that each individual under the supposed conditions of common property was motivated to exploit the resource in his or her own individual interest.

Moreover, in attempting to act as mankind’s police officer in this instance, it is also all too clear that Canada was obviously operating in its own interests as well. Indeed, Canada was acting as much out of its own interest, as out of any desire to protect the interests of mankind. After all, these Spanish and Portuguese fishermen, their families and their communities are part of the “mankind” that would directly suffer from such quota limitations. Canada likely would have protested as vociferously as Spain and other European countries had the situation been reversed.

Which brings us, in a somewhat roundabout way, to the point with which we started this paper. Nature can be viewed either as an “intrinsic” good with *value* in and of itself, or as an “instrumental” good with *value* primarily in terms of how mankind can benefit from it—either in the present or with respect to future generations. While arguments and claims for the need to protect a fishery that are predicated on the grounds of “sustainability” or the “good of mankind” may appear to rest on pure altruistic concerns, this is not the case. Such arguments are clearly part of an “instrumental” perspective which *sees the value of nature, not in its own terms, but in terms of its value to us or our descendants*. Put another way, all such arguments rest on values related to self and national interest.

In sum, “sustainability” is about interests and not altruism, and about the needs of mankind rather than about the needs of nature. Until that is clearly recognized and management systems are developed to regulate the interests involved, then the fishery—like the rest of nature—remains endangered.

34. Interview with European Community Spokespersons (6 March 1995) CBC Radio.

35. Interview with European Community Spokepersons (7 March 1995) CBC T.V.