

**Southeast Asian Fisheries Development Center**

**Aquaculture Department**

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Journals/Magazines

Aqua Farm News

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1993

# Fishing rights

Aquaculture Department, Southeast Asian Fisheries Development Center

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Southeast Asian Fisheries Development Center, Aquaculture Department (1993). Fishing rights. Aqua Farm News, 11(4-5), 17.

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<http://hdl.handle.net/10862/2572>

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# Fishing Rights

Common property resources such as fisheries, wildlife, forests, and surface and groundwater share two characteristics: excludability and subtractability. Excludability means control of access of potential users (which may be costly or virtually impossible). Subtractability means that each user is capable of reducing the welfare of others.

There are four property rights regimes within which common property resources are held: (1) open access, (2) private property, (3) communal property, and (4) state property. Open access is the absence of well defined property rights. Under private property, rights are usually exclusive and transferable. Under communal property, the resource is held by an identifiable community of interdependent users. Rights to the resource are unlikely to be exclusive and transferable; they are often of equal access and use. Under state property, rights to the resource are vested exclusively in government which makes decisions concerning access to the resource and the level and nature of exploitation.

The prevailing open access in fisheries has resulted in wasteful exploitation of the resource. Each fisher is unable or unwilling to regulate his catch. Economic waste is brought about by too much effort on too small a resource. Fishers' income decline. Conflict develops among fishers using the same gear or those using different gears for the same resource.

In small-scale fisheries, this condition of open access could be removed by institutionalizing exclusive use rights for small-scale fisher groups. Where there is territorial use rights in fisheries (TURF), the user group can determine how best it wishes to use the resources in the area. The group can perform all the functions of fisheries management: control entry, allocate capital and labor, determine how much and what kind of fish to harvest, regulate fishing gear, extract rents if desired, and distribute benefits in whatever manner it wishes. In addition, there is both the *incentive* and, if the group is sufficiently cohesive, the *means* for self-regulation.

Source: D Feeny, F Berkes, BJ McCay, and JM Acheson. 1990. The tragedy of the commons: twenty-two years later. *Human Ecology* 18 (1): 1-19.

The State shall protect the rights of subsistence fishermen, especially local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall provide support to fishermen through appropriate technology and research, adequate financial, production and marketing assistance, and other services. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishery workers shall receive a just share from their labor in the utilization of marine and fishing resources.

— 1987 Constitution of the Republic of the Philippines