Ethics and Natural Resources Management: On Commons, Anti-Commons, Illegal Behavior, and Bureaucracy

Manuel Pacheco Coelho, SOCIUS, ISEG, University of Lisbon, Lisbon, Portugal
José António Filipe, BRU-IUL, Instituto Universitário de Lisboa (ISCTE-IUL), Lisbon, Portugal
Manuel Alberto M. Ferreira, BRU-IUL, Instituto Universitário de Lisboa (ISCTE-IUL), Lisbon, Portugal

ABSTRACT

This paper proposals are: first, to show how the utilization of common resources can carry important ethical problems; second (and mainly), to stress that the many attempts to solve tragedies in fisheries, by creating interesting projects in aquaculture, are confronted with many obstacles and barriers in the approval process. These obstructions conduct to inefficiencies and carry out also important ethical problems. The Portuguese aquaculture case is used to develop an empirical study on the emergence of an “anticommons tragedy”. The control regime of Common Fisheries Policy is discussed.

Keywords: Anti-Commons, Aquaculture, Common Fisheries Policy, Ethics, Fisheries

INTRODUCTION

Ethics discusses matters related to human behavior and character. If the objective is to discuss ethical issues, human values must not be neglected. In the discussion of Ethics in Natural Resources exploitation area, particularly in aquaculture, when anti-commons are considered, some questions are posed primarily on resources environment and conservation but also on the violation of the basic rights of individuals and companies. Above all, it happens when they propose to create value and to contribute to the improvement of the welfare of the society as a whole. Complex and bureaucratic administrative structures and procedures can make these projects unviable.

This paper has four main parts:

- The “Tragedy of the Commons” and Ethics
- Anti-commons, Ethics and Aquaculture analysis;
- Ethical issues and Regulation
- Final Remarks.

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First, some ideas are presented on property rights, specifically on commons and anti-commons. The main objective is to show how anti-commons may represent a problem when agents want to exploit resources and some impediments are posed, objecting to an efficient use of resources.

In the first section, the “tragedy of the commons” is remembered and the ethical questions that are associated are discussed. These include the approach of issues as illegal behavior and the design of regulation; and related questions as those of compliance, trust and enforcement of Law.

In the second section, anti-commons conceptualization is introduced. The paper explains how these tragedies happen. The ethical problems derived from these situations are discussed. The aquaculture sector in Portugal is approached to develop a case study in which we evaluate the possibility of using the hypothesis, suggested by Buchanan and Yoon (2000), that the bureaucracy can be studied with the help of the anti-commons conceptualization.

In the third section we ask if the regulation can help “solving” the dilemmas in fisheries and aquaculture management. The paper discusses the reform of the E.U. Common Fisheries Policy and the expected results in terms of trust between agents and compliance with the rules. We also use the aquaculture Portuguese case to investigate if we can lock an emergent anticommons tragedy. A recent case of aquaculture project takes us to relevant results, even if this is just a preliminary approach to the question.

The final remarks section retains the fundamental conclusions of the research (note: our conclusions seem to be consistent with the suggestion of Buchanan and Yoon); and adds relevant considerations about the close connection between ethics, anti-commons in the aquaculture projects and effects over organization’s structure, ethics and values.

1. “THE TRAGEDY OF THE COMMONS” AND ETHICS

1.1. Natural Resources Conservation as a “Prisoner Dilemma”

Usually, commons are presented first, because commons and anti-commons may be viewed as the two faces of the same coin. According to this, follows a short introduction of the commons case.

Commons have long been a central theme in Natural Resource Economics (Scott, 1979). The second half of the 20th century demonstrated the great problems caused by under-defined property rights for commons (Alchian & Demsetz, 1973; Demsetz, 1967). This kind of situations may represent an inefficient use of the resources (Filipe, Coelho & Ferreira, 2006b) and has generated tragedies around the world (Filipe, Coelho & Ferreira, 2007). The Hardin’s metaphor “Tragedy of the Commons” (Hardin, 1968) is a reference to study the problem of commons in several areas, such as the overexploitation and extinction of species, the problems about human overpopulation, prices externalities, oligopoly behavior, global warming or air pollution. The problem is that people usually have no incentives to preserve the common areas and common resources and often overuse them (Bjorndal & Conrad, 1987). A resource is prone to be overused when too many people have the privilege of using it and no one has the right to exclude others (Filipe, 2006).

The lack of property rights implies that no one can exclude others to access to a given resource. The existence of many agents to use the resource, in open access conditions, causes an inefficient level for the resource use and causes a special motivation for agents over-using it. The real level of utilization for the resource will take place at a higher level compared with the optimal level for the society as a whole (Neher, 1990).
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