Chapter 5
Utilization of Resources: An Ethical Issue — The Anti–Commons and the Aquaculture Case

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ABSTRACT

Anti-Commons Theory is an interesting theme that is being developed in the area of property rights since the 80’s. It intends to explain why an “anti-commons” emerges and why resources may be prone to under-use. In an anti-commons situation there are too many exclusion rights that lead to the under-use of resources. In Portugal, too many people (and institutions) have been involved in the approval processes of aquaculture projects. They may be involved in reaching a decision about the approval of a project which gives rise to the under-utilization of the resources that promoters aimed to exploit. Actually, it takes so long to approve a project that the time required for its implementation may be excessively delayed. This kind of problem results typically from bureaucratic environment. An ethical problem rises with this phenomenon. Projects may not go forward and all the amounts spent in the project will be lost. Besides, a viable project simply can be gone, with all the inherent losses of value.

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INTRODUCTION

Ethics, first of all, discusses matters related to human behaviour and character. If the objective is to discuss ethical issues, human values must not be neglected. In the discussion of ethics in resources exploitation area, particularly in aquaculture field 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 make these projects unviable.

This chapter has three main parts:

- commons and anti-commons discussion;
- anti-commons, ethics and aquaculture analysis;
- conclusions and final notes and remarks.

First, some ideas are presented on property rights, specifically on commons and anti-commons. The discussion about the concepts is not an objective of the present study. 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. So, in sections 1 and 2, commons and anti-commons conceptualization are presented and the discussion about how anti-commons tragedy happens is introduced. Ethical problems derived from these different situations are discussed.

In the second part (sections 3 and 4), 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 & Yoon (2000) that the bureaucracy can be studied with the help of the anti-commons conceptualization. In this context, we approach some questions about ethics in the live resources exploitation, particularly in fisheries and aquaculture projects and raised the legal problems in the Portuguese case. An economic analysis is made to show how under-defined property rights can originate an important loss of value. These two sections comport a rich report on anti-commons tragedies and the relation with the aquaculture problem.

In the third and last part (sections 5, 6 and 7), conclusions of the study are made, highlighting the results of the analysis, specially the fact of the hypothesis of Buchanan & Yoon (2000) is considerably consistent with the problems of Portuguese aquaculture. Important considerations are made about the close connection between ethics, anti-commons in the aquaculture projects and effects over organization’s structure, ethics and values. These conclusions are preceded by some solutions and recommendations that remark the importance of overcoming some impediments and barriers posed to the development of projects in the area of aquaculture. At the same time some future directions for the research are suggested.

The objective of this chapter is to show first how the utilization of common resources can carry important ethical problems, but mainly to stress that the many attempts to solve tragedies in the 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 an important ethical problem. In situations in which projects are not approved, there are resources that are invested in the project and considering bureaucracies the projects become not exploited and many financial (and other) resources of investors are lost. Besides, promoters cannot profit with the project and their contribution to replace common fisheries for private aquaculture becomes not successful.