

Editorial Note

Technological change and the tragedy of the commons: the lofoten fishery over thirty years

Steven A Gray*

Department of Community Sustainability, Rutgers University, New Brunswick, USA.

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The goal of Fisheries management is to produce sustainable biological, social, and economic benefits from renewable aquatic resources. Fisheries are classified as renewable because the organisms of interest (e.g., fish, shellfish, reptiles, amphibians, and marine mammals) usually produce an annual biological surplus that with judicious management can be harvested without reducing future productivity. Fisheries management employs activities that protect fishery resources so sustainable exploitation is possible, drawing on fisheries science and possibly including the precautionary principle. Modern fisheries management is often referred to as a governmental system of appropriate management rules based on defined objectives and a mix of management means to implement the rules, which are put in place by a system of monitoring control and surveillance. A popular approach is the ecosystem approach to fisheries management. According to the Food and Agriculture Organization of the United Nations (FAO), there are "no clear and generally accepted definitions of fisheries management.

Fisheries management

Fisheries have been explicitly managed in some places for hundreds of years. More than 80 percent of the world's commercial exploitation of fish and shellfish are harvested from natural occurring populations in the oceans and freshwater areas.

For example, the Maori people, New Zealand residents for about 700 years, had prohibitions against taking more than what could be eaten and about giving back the first fish caught as an offering to sea god Tanagra.

Starting in the 18th century attempts were made to regulate fishing in the North Norwegian fishery. This resulted in the enactment of a law in 1816 on the Loosen fishery, which established in some measure what has come to be known as territorial use rights.

The fishing banks were divided into areas belonging to the nearest fishing base on land and further subdivided into fields where the boats were allowed to fish. The allocation of the fishing fields was in the hands of local governing committees, usually headed by the owner of the onshore facilities which the fishermen had to rent for accommodation and for drying the fish. Fisheries objectives need to be expressed in concrete management rules. In most countries fisheries management rules should be based on the internationally agreed, though non-binding, Code of Conduct for Responsible Fisheries, agreed at a meeting of the U.N.'s Food and Agriculture Organization FAO session in 1995. The precautionary approach it prescribes is typically implemented in concrete management rules as minimum spawning biomass, maximum fishing mortality rates, etc. In 2005 the UBC Fisheries Centre at the University of British Columbia comprehensively reviewed the performance of the world's major fishing nations against the Code.

Fisheries law is an emerging and specialized area of law which includes the study and analysis of different fisheries management approaches, including seafood safety regulations and aquaculture regulations. Despite its importance, this area is rarely taught at law schools around the world, which leaves a vacuum of advocacy and research.

*Corresponding author Steven A Gray, E-mail: stevengray143@yahoo.com.

Fisheries legislation on a national level differs greatly between countries Fisheries may also be managed on an international level. One of the first laws enacted was the "United Nations Convention on the Law of the Sea of 10 December 1982 (LOS

Convention)", which entered into force in 1994 this law set the foundation for all international agreements related to oceans that followed.