

Operations

Enforcing the Lease

By the end of this lesson you will be able to:

- Understand the pros and cons of having fishermen vs. staff vs. third parties as enforcement bodies.
- Decide who should enforce our lease.
- Draft a formal process for pursuing infractions.

Let's say you get a phone call claiming that one of your fisherman lessees is violating one of the terms of your lease. (Or, if you decide to require written complaints, let's say you get one in the mail.) Who decides what to do about that?

You have several options here. For example, you could have:

- A fisherman advisory panel
- Permit bank staff decision-makers
- Third-party decision-makers
- Some combination of the above
- Others?

There are pros and cons to each of these approaches that you'll have to weigh:

	Pros	Cons
Fishermen	<p>Provides perspectives on current fishing conditions and what compliance is realistic (ex. if it's a lean fishing year, lessees may not be able to catch all the quota they lease).</p> <p>Gives fishermen ownership over the program, may help them feel like it's "theirs" and not a top-down program.</p>	<p>Hard to maintain privacy in small fishing communities.</p> <p>Potentially major conflict of interest concerns.</p>
Staff	<p>Familiar with day-to-day changes in fishing.</p>	<p>Might seem "top-down" and unfair to the fishermen.</p> <p>Impacts relationships between staff and fishermen.</p>
Third Party	<p>Provides the most protection from conflicts of interest.</p>	<p>Potentially inflexible and detached from changing realities of the fishery.</p>

What other things should we consider in our infractions policy?

There are many other things you could decide upfront about your infractions policy.

For instance:

- Should the process be anonymous? Is that feasible or realistic in a small fishing community? How can you protect the identities of the fishermen being penalized and the people making the decisions?
- What should the range of possible penalties be? Reduced allocation in the next year, monetary fines, increased lease requirements, etc.? Do you want to decide what infractions get what penalties, or just provide the decision-makers with a range of options and have them pick the best one?

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