



# Opération Déclubage Management of Recreational Fisheries in the Province of Québec

by Brigitte Pellerin

## INTRODUCTION

In the 1974 movie *The Apprenticeship of Duddy Kravitz*, the character played by Richard Dreyfuss realizes his most cherished dream: buying his own land north of Montréal, in Ste-Agathe-des-Monts, a village still largely unknown in the 1950s. Duddy's ambition is to own these virgin spaces, a fisherman's paradise crowded with trees and overlooking a wonderful lake. As his grand-father keeps repeating: A man without a land is nobody.

Americans watching this movie might believe the province of Québec is a place where one can buy a beautiful domain on a desert lake and indulge in high-quality fishing, only two hours away from an international airport. The sad truth is that, like so many others, the setting of this movie is a fantasy land.<sup>1</sup>

There was a time when fishing in Québec *was* a dream come true. A favorite vacation spot where the North American upper-crust loved to wet a line. High-quality fishing, open spaces, clean air, calmness; Québec had everything to attract true nature lovers. This era is unfortunately over; bucolic rêverie is still possible, but nowadays management of fisheries in this province is darkened by frustrating waiting lists, overcrowded lakes, and an overall decline in the quality of the experience.

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Up until the mid-1970s, fishing rights in the province of Québec were mostly granted to private interests, either to pourvoiries - private enterprises, also called outfitters, offering fishing and lodging to a vast clientèle - or to private fishing clubs. Private interests were kings of the domain, ensuring that fish stocks and the quality of fish remained at their very best. Now both have declined dramatically, forcing genuine anglers to turn their backs on Québec.<sup>2</sup>

The reason for the decline in fish stocks and in the quality of the remaining fish is far from clear. Although the industrial pollution of the last thirty years could be one culprit, much of the blame seems to rest squarely on the significant reshuffling of fishing rights that happened in the late 1970s. The change in the property rights régime from private ownership to public management left most of Québec's waters to the care of public officials, bureaucrats, and volunteer workers. The decline in fish stocks appears to have occurred in the immediate years following the province's decision to seize exclusive fishing rights from private interests in order to allow the general public to fish as much as they wanted in the province's countless lakes and rivers.

The case of Québec suggests a strong correlation between the property of fishing rights and the quality of fish stocks. In the late 1970s, Opération Déclubage - a provincial initiative to revoke private leases - took away exclusive fishing rights from private clubs and gave the general public easy access to the province's lakes and rivers. According to the anglers I interviewed, this shift from private to public control led to what many consider a disaster. Twenty years after Opération Déclubage, public managers are incapable of dismissing



such a claim because they are unable to provide the public with clear information on the state of the resource.

As Aristotle said long ago, “Those things which are owned by the greatest number of people are the least well cared for.”<sup>3</sup> It appears that by opening the waters to the public, Opération Déclubage has caused, at least partly, the general decline in the quality of fishing in the province of Québec. This paper is an attempt to demonstrate that leaving the waters to the care of unaccountable managers leads to a decline in fish stocks, and that a clear system of private property rights is better suited to ensuring resource conservation—not just in Quebec but everywhere the opportunity exists for private river stewards to improve fisheries management.

### PRIVATE PROPERTY RIGHTS ENSURE RESOURCE CONSERVATION

In her book *Property Rights in the Defense of Nature*, Elizabeth Brubaker argues that private ownership not only facilitates stewardship, but also promotes it.<sup>4</sup> Private interests tend to sustain their resources longer than public bureaucrats, simply because private owners have a greater incentive to do so. Consider housing. Owners tend to behave more responsibly than tenants, as any insurance broker will attest. Sound investment and protection of property values are in the owner’s best interest. The interest of the tenant is to get what he can from another’s property in the short time it is available to him.

Broadly defined, private property rights lead to better management of resources because owners are the ones reaping the rewards of stewardship and conservation. Secure ownership also provides a means to defend rivers and lakes against any change—actual or potential—in water quality.<sup>5</sup> Lyndon Johnson once said that “the best fertilizer for land is the footprint of its owner.” The best tool for the conservation of natural resources, whether terrestrial or aquatic, is a clear system of property rights.

Officials in the province of New Brunswick seem to have understood that point. They allow private individuals to own exclusive fishing rights to kilometers of rivers. This system of private rights has proved a powerful conservation force for more than a century. Private ownership of rivers, as applied in New Brunswick, has its roots in Europe, especially Scotland, where riparian rights go back hundreds of years.<sup>6</sup>

Another way of ensuring resource conservation, successfully applied to commercial fisheries in countries such as Iceland and New Zealand, is a system of rights known as individual transferable quotas (ITQs), whereby rights to harvest a certain percentage of the TACC (Total Allowable Commercial Catch of fish) are acquired and remain the property of the owner. These rights can be bought and sold, their prices fluctuating with market demand and supply conditions. ITQs, by bringing the discipline of the marketplace to the fishery, help ensure resource conservation because owners maximize their investment by preserving the long-term supply of fish.<sup>7</sup>

Québec is also a good example of how privately-held fishing rights can ensure resource conservation. Had it not been for these exclusive fishing rights granted to private interests, fish stocks would have declined much

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earlier than they actually did. The reason is a simple one: ownership of the resource implies the responsibility of the owner and provides incentives to ensure good returns on investments, whereas public ownership and easy access open the door to a free-for-all rush to get the most fish out of the waters before other anglers do.

The case of Québec is a clear illustration of how taking resources from private interests and giving them to the public leads to plunder, mismanagement of resources, destruction of natural habitats and dramatic decline in the quality of fishing. Starting in the early 1970s, public managers and officials in Québec decided to seize fishing rights from members of private clubs in order to satisfy public demand for greater access to the rivers. This action was politically motivated, and had virtually nothing to do with resource conservation concerns.

To understand how this system of public management of fisheries developed in Québec, it is necessary to look back at how management of natural resources in general has evolved in Canada and Québec over the last century.

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#### CANADA: THE LAND OF UNLIMITED NATURAL RESOURCES

Canada, and the province of Québec in particular, is blessed with seemingly unlimited natural resources. Québec, with seven million people living on a territory four times the size of California, holds three percent of the world's freshwater reserves.<sup>8</sup> As is always the case when resources abound, people tend to waste them. From the earliest days of Canadian history, however, politicians and public managers were not concerned with resource conservation. There were more natural resources than they could manage within the short horizons relevant to politicians, so the incentives for an intelligent resource conservation policy never existed.

The Canadian Constitution grants property of natural resources to the provinces, save a few exceptions such as federal parks and reserves.<sup>9</sup> Jurisdiction over natural resources means that the provinces are allowed to raise revenues by granting leases to industries such as pulp and paper. Requiring that resources from public property be processed within its boundaries can help a province establish secondary industries, and prevent the export of raw material to other countries. Since commerce was notoriously the most important concern for 19th-century legislators, navigable waters were strictly regulated. Non-navigable waters, however, were left in a legal vacuum, which allowed private individuals across the country to acquire them from the provinces.

Not in Québec, however. In 1884, the province decided that all non-navigable waters not already owned by private individuals would revert to the province, including fishing rights which are considered “accessories” to more general property rights on water. Before 1884, private owners could reserve these fishing rights for themselves, or grant them as they saw fit, provided the water they owned was not considered navigable. If a private land bordered or included navigable waters, fishing rights belonged to the province but could be leased to whomever the province designated, generally the owner of the surrounding land. The change in 1884 redefined property rights with sweeping simplicity: from then onwards, all fishing rights in rivers became provincial property, except for those which had been sold to private individuals before 1884. Lakes, and the fishing rights pertaining to them, were officially included in the public domain in 1918.<sup>10</sup>



This system of property rights—derived from France’s Napoleonic Code and still in force today—also makes clear that the province reacts just as a private individual would to any contract involving its property. The government is allowed to manage, regulate, control, sell, or lease parts of the public land using only its executive powers, which is to say, without having to pass a law to make its decisions official.<sup>11</sup> The result of this system of property rights is a general cloudiness, because the province lends, leases, or sells fishing rights without having to register the operation in any official manner. Someone today buying a piece of land abutting a small river might next week be held in total mystery as to whether or not they have any right to fish there. Everything depends on whether fishing rights were granted to the original owner of the land before 1884, or 1918 in case of a lake. And since clear records of those transactions are a rarity, who owns the right to fish on a given property may be anybody’s guess.

Thus, the rules governing property rights in the province of Québec make the management of fisheries an administrative nightmare. Almost every river and lake belong to the public domain, but the potential for prior attribution of fishing rights to individuals or clubs renders the general picture rather confusing. No one knows with certainty who has the right to fish and who doesn’t, let alone how to control and implement these rights. Recently, managers of century-old private fishing clubs on the Restigouche and Matapedia rivers in the Gaspésie region near the province of New Brunswick—where fishing quality is remarkable enough as to attract such anglers as former US presidents Gerald Ford, Jimmy Carter, and George Bush—were informed that waters they thought their own were in fact part of the public domain, thereby jeopardizing the exclusive fishing rights that members of these clubs had paid for and enjoyed for so long. What government gives, government can retract.

#### **PRIVATE RIGHTS—THE ONLY EFFECTIVE TOOL FOR RESOURCE CONSERVATION?**

The province of Québec holds property rights over almost every single lake and river within its boundaries and can decide to grant or lease fishing rights to whomever it designates. No law is necessary for the government du jour to lease, rent, or sell either complete property rights over water or exclusive fishing rights, for periods up to 15 years, on parts of the provincially-owned territory.

Even though the mode of attribution of leases to private interests can be rightfully criticized for its lack of transparency, the *pourvoiries* serving a large and irregular clientèle—and the more exclusive private clubs—have been the only ones in this province to be concerned with protection and conservation of fish stocks.

Late in the 19<sup>th</sup> century, the Québec government started granting leases to private fishing clubs. Salmon and rainbow trout were the species most sought-after by wealthy club members, usually English-Canadians and Americans, as was the case with the Jacques Cartier River Fishing Club of Québec City. At the turn of the century about 100 private hunting and fishing clubs were incorporated in the province. By 1914 their numbers had doubled. By 1925, the majority of salmon-bearing rivers were leased to private clubs. Just before *Opération Déclubage* took place, in the late 1970s, there were 1500 private clubs holding exclusive fishing rights in the province.<sup>12</sup>

Mr. Raymond Beaulieu, whose family owned the Bonne Veine Fishing Club, says that club members were

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very careful not to empty the lakes. His lease covered 32 of the best lakes in the highly picturesque area of Québec City, all for the exclusive use of only eight members and their occasional guests. They allowed only two or three fishermen at any given time on a lake, and they made sure that no one took too many fish. Since each of these members paid a significant amount of money—the equivalent of \$1000 a year plus expenses in today's currency—to enjoy the benefit of fishing in these magnificent lakes, they regulated themselves to make sure their resource was protected. These members were genuine anglers who were also concerned with protecting their long-term investment.

In addition to the private clubs, the provincial government also leased parts of the territory to *pourvoiries* offering recreational activities and lodging to the public. These enterprises have to rent land, as well as fishing rights, from the government, which may not be exclusive. In some instances, *pourvoiries* are allowed to lease exclusive fishing rights, though rules governing the attribution of such exclusive rights are not clear.

*Pourvoiries* serve the public by granting access to fishing to large numbers of people. They offer a variety of services, at a variety of prices, thereby allowing anglers to choose the amount of money they are willing to spend on their fishing activities. As we will see, one of the reasons invoked by Québec politicians in the 1970s to seize exclusive fishing rights from private clubs and to open up the province's lakes and rivers to the general public was that the previous system of private clubs kept people from being able to fish. It seems that

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politicians forgot how easy and affordable it has always been for anglers to enjoy quality fishing through the province's numerous *pourvoiries*.

#### WHEN RESOURCE CONSERVATION IS NOT AN ISSUE

Politicians of the past were mostly concerned with kickbacks from industries and individuals who were granted private fishing rights, not with resource conservation. Today, the emphasis is put instead on availability of the resources to the public, and on control of the province over its territory. A 23-page document entitled "Official Guidelines for the Department of Environment and Wildlife for 1998-1999," gives a clear illustration of how the provincial government emphasizes public access rather than conservation. Resource conservation appears for the first time on page 19, under the subtitle "Other Issues." When it finally does talk about natural resources, this official document states two main objectives: 1) increase the autonomy of socio-economic partners such as municipal councils or regional associations of tourism in the management of the resources, and 2) increase economic spin-offs. The Department has only a very short sentence mentioning the importance of matching demands made by hunting and fishing activities with the capacity of wildlife to renew itself.<sup>13</sup>

Another illustration of the Department's lack of concern for environmental issues is that it has never seen the need to document the effects of industrial pollution on the environment, which may very well have had an adverse effect on fish stocks in Québec. Bernard Daboval and Josée Dartois, two researchers with the Department of Environment, reported two years ago that public managers had no precise idea about the effects of industrial pollution on the environment, since the Department has never undertaken the task of collecting this type of information.

The fact that officials do not seem to be concerned with the protection and conservation of natural resources shows the importance of having a clear system of riparian rights. Under the common law, riparians—people who own or occupy land beside lakes and rivers—can sue polluters to protect their right to clean water, even





if they have suffered no evident harm; for once interference with a riparian right is established, damaged is presumed.<sup>14</sup>

Private owners, in a system of broadly defined and enforceable property rights, have both the incentive and the means to protect the environment. Until the 1970s, private clubs and *pourvoiries* seem to have done a good job of protecting fish stocks. They did so because club members paid large sums to enjoy the privilege of high-quality fishing in the province's best lakes and rivers, and because *pourvoiries* could attract and keep customers only if they maintained the best fishing conditions. This evidence is anecdotal, for reasons described below, but no one interviewed for this article, whether biologists, government officials, or fishermen, disputed this anecdotal evidence. It would be instructive to have better data, but, unfortunately, this does not appear on the government's agenda.

#### STATE OF THE RESOURCE: ALMOST NO DATA ON FISH STOCKS

One of Canada's distinctive characteristics is that jurisdictions, a most serious matter for local politicians, often do not provide an answer to the question of which entity is responsible for doing what. Fish stocks are one striking example. Even though natural resources in general, and inland fisheries in particular, are of provincial jurisdiction, the agency publishing most of the information on provincial freshwater fisheries is the Federal Department of Fisheries and Oceans in Ottawa, and information from this source is rather sketchy. For their part, officials in Québec's Department of Environment and Wildlife do not seem able to provide the public with useful information regarding Québec's fisheries. Many private fishing clubs have likewise neglected to keep records. Thus, anecdotal evidence that fishing was better in the 1960s than it is today appears to be all we can rely on.

Despite the lack of clear and readily available information on fish stocks prior to *Opération Déclubage*, it is fairly safe to assume that private interests managed the resources in an effective way: making sure not to overfish; restricting access to rivers and lakes to prevent poaching; and controlling the quality of the fish, all to secure future returns on their investments. According to the judgment of devoted fishermen, completely reshuffling fishing rights in the late 1970s by abolishing private fishing rights and by opening waters *carte blanche* to the general public led to the collapse of fish stocks.

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#### POLITICAL CHANGES AND THE ABOLITION OF PRIVATE FISHING RIGHTS

The background to the fall in Québec's fish stocks is a typical tale of political wrangling in which a natural resource became the devastated battlefield. Québec's combativeness over the property of natural resources has its origins in the strong bargaining power that ownership of public land gave the province of Québec vis-à-vis federal authorities, especially in matters related to taxation. However, as the new movement towards independence from the federal government started in the 1960s, better bargaining power was not enough for Québec. Politicians wanted to control the use and exploitation of natural resources as well.



For instance, many critics of the time complained about fishing rights granted to rich, mostly English-speaking businessmen or industries such as pulp and paper companies. Commentators were annoyed by what they considered to be special treatment bought by these businessmen from government officials, and they started to advocate strongly that fishing rights granted to private interests revert to the general public. The Québécois were prevented from fishing in the best lakes and rivers of their public domain, and that simply was not acceptable for protagonists of the new and rising nationalist movement. That *pourvoires* existed which catered to the Québécois and offered fishing in quality areas seems to have been ignored in the ferment of nationalist agitation.

The province of Québec went through significant political changes during the 1960s. First and foremost, that decade gave birth to a separatist movement comprised of politicians and intellectuals who advocated the secession of Québec from Canada. “Égalité ou indépendance” (Equality or Independence) soon became a powerful catch-phrase for this group of French Canadians. The view was—and remains today in some hard-line separatist circles—that the people of Québec were treated as second-class citizens in what they considered their own nation. The once church-dominated, poor, and uneducated French Canadian population was strongly affected, and soon came to feel that “subjection” to the economically successful English-speakers must come to an end. It was time to become “maîtres chez nous” (masters in our own house) and to gain control of “our” destiny. Resentment against “les anglais” led to, among other things, the nationalization of electricity and to the partial nationalization of the mining industry. This period is also known as the Quiet Revolution.

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The government elected in 1960 undertook significant changes in the management of natural resources, under the stewardship of a new and promising politician named René Lévesque. Lévesque was riding on the nationalist wave and advocated strongly and overtly for a complete takeover by the Québécois of the provincial resources. Lévesque was responsible for the nationalization of electricity in 1962 and also for the birth of a new political movement in 1968 that eventually became the Parti Québécois, a party totally committed to the separation—and independence—of Québec from Canada.<sup>15</sup>

The Parti Québécois was elected to government in 1976, with Lévesque as Premier. This separatist government used the property rights granted to provincial legislatures by the Canadian Constitution to gain effective control over Québec’s natural resources. One of the first initiatives undertaken with

the new powers of control was to open private fishing clubs to public access. This led to *Opération Déclubage*, in 1978, whereby the province refused to renew the leases of private fishing clubs. The situation is similar to that faced by Richard Harris playing the role of an Irish tenant farmer in the movie *The Field*. Over many years Harris transforms a stony field into a lush piece of farmland by lugging baskets of kelp from the seashore and dumping the kelp on the field. Harris is then confronted with the unexpected termination of his lease. A similar sense of shock and surprise touched the club members who had tended their lakes for so many decades. Whether or not the owner has the legal right not to renew a lease, private club members who had tended, and invested heavily in, what they considered their fishing Eden felt dispossessed by government officials.

Private fishing clubs were to be replaced by Zones d’Exploitation Contrôlée (ZECs, or Controlled Exploitation Zones), a system of publicly-owned and managed hunting and fishing territories created in the



same year. From then on, the reasoning went, the general public in Québec would benefit from cheap access to the province's best fishing lakes anytime they wanted, for a very low daily fee of about \$5. The era of private, selfish enjoyment of high-quality fishing was over once and for all.

The four principles leading to the creation of ZECs are the following: wildlife conservation to control over-exploitation; accessibility to wildlife resources; user participation in the management of wildlife activities; and financial autonomy.

There are now 84 ZECs in the province of Québec, including 21 salmon ZECs. In some of these, where the fishing quality is better, access is limited to a restricted number of places, which have to be reserved well in advance.<sup>16</sup> In most ZECs, however, the only conservation measures are the basic fishing and hunting regulations of the provincial Department of Environment and Wildlife, such as limits on catches. These regulations are implemented by provincial guards. Approximately 200 of them are at work on any given day, covering a territory which encompasses land approximately twice the size of New Hampshire. This striking degree of understaffing would seem to open the door to intensive poaching, even though some journalists believe that greater public access actually reduces poaching because more people will be present on any given lake or river.<sup>17</sup> Although evidence on the actual extent of poaching is almost non-existent, it is hard to believe that "serious" fish smugglers would be deterred by the presence of more casual anglers on a river.

#### LEAVING THE POURVOIRIES UNTOUCHED

While it completely dismantled the exclusive fishing rights of private clubs, Québec's provincial government did nothing to change the system of *pourvoires*, which were operating parallel to private clubs. It is still unclear why the Québec government left *pourvoires* untouched. One possible explanation could be the striking difference between the clientèles of private clubs and *pourvoires*; clubs were mostly reserved for rich Francophones who were not sympathetic to the new independence movement and for English-speaking businessmen, whereas *pourvoires* seemed more popular with the "good" French-Canadians.

There are about 700 *pourvoires* today, 188 of which holding exclusive hunting and fishing rights. Those *pourvoires* with exclusive rights have to provide the Department of Environment and Wildlife with a three-year plan for the management of their territory and resources. Government officials generally trust them to take good care of their resources, and authorities do not control whether or not *pourvoires* actually respect their agreements to ensure resource conservation.

*Pourvoires* were popular with nature-lovers in the early 1980s. Since the mid-1980s however, the clientèle remained stubbornly stable, and even started to decline in the early 1990s. In 1992, *pourvoires* welcomed 300,000 customers, an 11% drop compared to 1990. Customers are mostly Québécois (74%) and, overall, fishing is the most important activity of *pourvoires* (72%).<sup>18</sup> The slow erosion of *pourvoires*' clientèle could be explained, at least partly, by the "uneven" competition of the cheaper ZECs, as well as the "unfair" competition of illegal purveyors, usually private individuals who offer similar services on their private property to a very limited clientèle. It seems that opening up the territory to the general public has had a serious effect upon, and is still an important challenge to, the privately-operated *pourvoires*.<sup>19</sup>

Lise Laliberté, an official with the Department of Environment and Wildlife, explains that each *pourvoirie* is responsible for setting up and implementing their own regulations. There is no central file on the regulations that are likely to be enforced in *pourvoires*, and information on resource management and conservation is



difficult to obtain from *pourvoiries* themselves. These small-scale businessmen do not seem able to provide any details on how they actually ensure resource conservation, apart from saying that they hire private guards to patrol their territory. And just what regulations they are expected to implement is still a mystery.

Part of the problem is *pourvoiries* hold leases from the government, which can be renewed or refused without the government rationalizing its decision. Because the province manages its territory like a private individual, legislation is not required to enforce resolutions. Consequently, *pourvoiries* are in a delicate position in which it is dangerous to criticize the government's way of managing fisheries, since they earn their living through a lease which the government can arbitrarily decide not to renew at the end of the term. This somewhat incestuous relationship does not play in favor of publicizing any available information on the state of the resource.

#### EFFECTS ON THE RESHUFFLING OF PROPERTY RIGHTS ON FISH STOCKS

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Although resource conservation was the stated first objective of the new ZECs, it does not appear to constitute a preoccupation for public managers. When asked to describe the benefits of ZECs, Ms. Laliberté said that these were “great because from 1978 on, the public had access to fishing.” When reminded that resource conservation was “officially” the number one goal, she seemed to have second thoughts. “Oh yes...that too,” was her reaction.<sup>20</sup>

Another indication of public managers' lack of preoccupation for resource conservation is the desperately small number of studies on fish stocks made over the last 25 years. Pierre Bérubé, senior biologist with the same department, admitted that managers have no idea where the situation

stands.<sup>21</sup> For instance, there is no centralized data on fish stocks; every region is responsible for its own collection and storage of data. Different systems, ranging from handwriting to sophisticated software, are used by the various and numerous regional agencies. And the partial data is based on self-declarations by fishermen, which give no guarantee of reliability. Mr. Bérubé even said that it would probably take a full year and a large budget for a researcher to even get a somewhat accurate idea of what the big picture looks like. So far, the Department of Environment and Wildlife has not seen the need to undertake such a study.

The available evidence regarding the management of fisheries, as offered by devoted fishermen such as Mr. Raymond Beaulieu and other interviewees who wish to remain unidentified, clearly points to a dramatic decline in fish stocks.<sup>22</sup> In their view, fish stocks fell by approximately 80 percent in the few years following *Opération Déclubage*. Experts such as Mr. Bérubé and Réjean Fortin, a professor of biology with the Université du Québec in Montréal, have not dismissed this estimate.

The only significant study done of fish stocks for that period is one made by Françoise Tétréault, a biologist with the Department of Environment and Wildlife, on the situation of two particular species for the years 1985-1995. In her study, Ms. Tétréault stresses the decline in the quality of fishing and fish stocks, while emphasizing the fact that the data is too partial and unreliable to draw definite conclusions from her study.<sup>23</sup>

Looking at the very limited data on fisheries published every five years by government officials, we can see that the average daily catch went from 5.66 in 1975 to 6.71 in 1985. At first glance, these numbers seem to

tell us that public management is doing just fine in ensuring resource conservation. This first glance does not show, however, that the numbers for the year 1980, which would have showed the immediate effects of Opération Déclubage, are impossible to find. Interestingly, the best evidence on the effect of this radical change is nowhere to be found. And for the conspiracy theorists in the audience, rumor has it that public officials, in the early 1980s, rushed in to replenish rivers and lakes with the products of pisciculture. If that was true, it would prove that public management and open access to scarce resources do lead to what some call the “tragedy of the commons,” and it would also explain why fishermen are right in saying that quality of fishing has severely declined in the last twenty years. Pisciculture is only a temporary crutch; used to a great extent, it can only weaken the quality of fishing by replacing robust, combative and tasty fish with wimpy, insipid ones. If it is true that officials rushed in to artificially replenish the waters in the early 1980s, it would also be a clear indication that even public managers knew right at the start that Opération Déclubage would immediately lead to over-fishing and resource depletion.

## CONCLUSION

Opération Déclubage, by seizing fishing rights from private interests to give them away to the general public, has accomplished at least two things: one has been for the province of Québec to gain complete control over the exploitation of its natural resources and the other has been to provoke, to some extent, a significant decline in fish stocks and in the quality of fishing. Anecdotal evidence, which is all we have to rely on, suggests that fish stocks fell by as much as 80 percent in the years following the imposition of Opération Déclubage.

Opération Déclubage was motivated more by politics than concern for resource conservation. Québec nationalists wanted to evict the wealthy English-speaking minority from their premises, and the resentment they fueled against “les anglais” drove Québec politicians to nationalize natural resources such as electricity, mines, and fishing. The effects of such policies on the resources do not appear to have mattered in political calculations.

The decline in fish stocks and quality of fishing has been difficult to document. Government officials do not seem to have bothered with collecting and publishing information on the state of the resource; anecdotal evidence and assessments offered by devoted fishermen are the only available data to measure the extent of the decline.

Management of fisheries in the province of Québec went from a casual system of privately-held fishing rights to a publicly-managed administrative bric-a-brac. Both systems have a serious flaw: they do not provide information on the state of the resource. Private individuals have a clear incentive to maintain their resources, since they are the ones reaping the rewards of effective management. Public managers, no matter how you look at it, lack this incentive.

In the war to control the property of fishing rights and to redistribute resources, the government of Québec has chosen to please the general public by giving them something tangible to remember when the next election comes around. Resource conservation and the effects on wildlife of policies such as Opération Déclubage were clearly not on the government’s radar screen.

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While the ZEC system has certainly destroyed the private conservation activities of private fishing clubs, it has also received its fair share of praise. This praise, however, is based on those aspects of the private ownership system that were incorporated, in watered-down form, into the ZECs. For example, perhaps the best aspect of the the ZEC system is that control has partially reverted to local communities. River-by-river management does at least give power to regulate fishing activities to those people and organizations in a good position to make appropriate decisions.

Unfortunately, local control of fisheries in Québec does not go far enough; local communities are still too economically dependent on the provincial government, and officials sitting in Québec City do not want to lose their remaining regulatory powers to local communities. It seems that the provincial government is slowly moving towards de-centralization of fisheries, but just as is the case with almost every such policy, officials do not move fast enough.

Privatizing recreational fisheries would certainly speed up the process, but as we have seen, unless those rights are secure enough to withstand political pressures to absolve them, we may very well end up with another Opération Déclubage. In any case, the more policy moves toward de-centralization, the more it reverts to the system of private clubs and pourvoiries that existed before Opération Déclubage, re-emphasizing the point that the whole affair had more to do with the politics of vote-getting and wealth redistribution than conservation.

Ultimately, private owners have the incentive to manage their resources for the long-term conservation of fish stocks, as long as their property rights are clearly defined and enforceable. Private ownership combines local control, autonomy, accountability, and the incentive to maintain water quality. It is the best available means to ensure resource conservation.

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<sup>1</sup> For a general introduction to Canada's freshwater fisheries, see Peter H. Pearse, *Rising to the Challenge: A New Policy for Canada's Freshwater Fisheries*, Canadian Wildlife Federation, 1988.

<sup>2</sup> Opinions on this particular point vary greatly. Devoted anglers and former private club members who I spoke to said that now that the quality of fishing has declined, they prefer spending more money flying to remote areas such as Anticosti rather than fishing in Québec. However, journalists such as Bob Zajac ("Québec Has Found the Magic Middle Ground" *Atlantic Salmon Journal*, Vol. 48, No.2, 1999) and Pierre Gingras ("Le carnage appréhendé n'a pas eu lieu" *La Presse*, April 17, 1999) report that some people in the province seem quite happy that the government had opened the lakes to the general public and suggest that, in general, local-management is a good model for a sound management of fisheries.

<sup>3</sup> Aristotle, *Politics*, Book II, chapter 3.

<sup>4</sup> Elizabeth Brubaker, *Property Rights in the Defence of Nature*, London: Earthscan, 1995, chapter 13.

<sup>5</sup> See Brubaker, 1995 for an in-depth discussion of the relationship between riparian river owners and water quality.

<sup>6</sup> Philip Lee, "Atlantic Salmon and the Miramichi River" Center for Private Conservation, September 1, 1997.

<sup>7</sup> Terence Corcoran, "Property Rights only Answer for Fisheries" *The Globe and Mail*, March 16, 1995. See also Michael De Alessi, *Fishing for Solutions*, London: Institute of Economic Affairs, 1998.

<sup>8</sup> Gouvernement du Québec, Ministère des Ressources naturelles, "Le territoire" [www.mrn.gouv.qc.ca/5/intro.asp](http://www.mrn.gouv.qc.ca/5/intro.asp).

<sup>9</sup> British North American Act (1867), Sec. 92A.

<sup>10</sup> Henri Brun, "Le droit québécois et l'eau (1663-1969)" in *Le territoire du Québec, six études juridiques*, p. 149-203, Collection *Droit et sciences juridiques*, Québec: Les presses de l'Université Laval, 1974. See also Henri Brun, "Les implications juridiques d'une politique d'accessibilité aux territoires de chasse et de pêche du Québec" September 1971, p. 251-288, in the same volume.

<sup>11</sup> Gerard V. La Forest, *Natural Resources and Public Property Under the Canadian Constitution*, Toronto: University of Toronto Press, 1969.

<sup>12</sup> Lise Fournier, "Clubs de chasse et de pêche: synthèse" Gouvernement du Québec: Ministère de la Culture et des Communications, 1997.

<sup>13</sup> Environnement et Faune Québec, *Les orientations du ministère de l'Environnement et de la Faune pour 1998-1999: deuxième étape vers l'amélioration de notre performance*, Gouvernement du Québec, 1998. See also, - *Direction des territoires fauniques. Guide à l'intention des organismes gestionnaires de ZECs pour l'élaboration du plan de gestion des ressources fauniques*, Gouvernement du Québec, 1995.

<sup>14</sup> See Brubaker, 1995, -Chapter 3 and Appendix C: "Riparian Rights Case Summaries."

<sup>15</sup> See René Lévesque, *La Passion du Québec*, Montréal: Québec-Amérique, 1978.

<sup>16</sup> Secteur Faune et Parcs, *Territoires ayant un statut particulier ou faisant l'objet d'une protection particulière*, Gouvernement du Québec, 1999; and Secteur Faune et Parcs, *Zones d'exploitation contrôlée (ZECs de pêche au saumon), Statistiques (1993-1998)*, Québec: Direction des territoires fauniques, de la réglementation et des permis, 1999.

<sup>17</sup> See Zajac, 1999.

<sup>18</sup> Lise Laliberté, *La pourvoirie au Québec: état de la situation en 1992*, Québec: Direction des territoires fauniques, Ministère de l'Environnement et de la Faune, 1995.

<sup>19</sup> Fédération des pourvoyeurs du Québec, *L'industrie de la pourvoirie au Québec est un levier de développement économique local durable et de création d'emploi*, Québec: 1998.

<sup>20</sup> Personal communication (telephone conversation), June 14, 1999.

<sup>21</sup> Personal Communication (telephone conversation, June 21, 1999.

<sup>22</sup> Most of the people I spoke with—university professors, a handful of former club members, several private anglers, and some public officials—were reluctant to express any opinion on the decline in fish stocks that would be broadly published, especially since there is no solid evidence that could support their claims.

<sup>23</sup> Françoise Tétrault, *Portrait et tendances de la situation de la pêche à l'omble de fontaine et au doré jaune dans les territoires structurés de 1985 à 1995*, Québec: Direction des territoires fauniques, de la réglementation et des permis, Ministère de l'Environnement et de la Faune, 1997.





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