

**European Social Science Fisheries Network
Fourth ESSFiN Workshop, SOUTHERN WATERS
Hermoupolis, Syros, Greece
14 -16 May 1998**

**Space, Resources and Historicity
The Social Dimension of Fisheries in the Northwestern Mediterranean**

Translator Elisabeth Bennett

Juan L. Alegret

Grup d'Estudis Socials de la Pesca Marítima

Universitat de Girona

Plaza Ferrater Mora, 1

17071 Girona. Spain

alegret@skywalker.udg.es

<http://biblioteca.udg.es/gespm>

Abstract

We propose to highlight the interaction that exists between the occupation of maritime space, the exploitation of fishery resources and the historicity of these activities, with the aim of showing some of the challenges that these characteristics give to those responsible for fisheries management.

On the one hand we will show in what way the long history of human presence on the mediterranean coastline, and the activities that have been developed there, make the marine space something more than an economic or legal zone, making it into a space for relations and social identity that are difficult to manage from an exclusively economist, biologist or ecologist position.

Then, we show how any attempt at fisheries management in this zone requires that the social dimension of this activity is taken into account, in many cases, over and above the economic or political dimension. This creates a differential situation with relation to other sea-fisheries regions in the EU, and some problems that requires solutions that differ from those normally used in other areas.

Resumen

En este trabajo nos proponemos poner de relieve la interrelación existente entre la ocupación del espacio marítimo, la explotación de los recursos pesqueros y la historicidad de esas actividades, con la finalidad de mostrar algunos de los retos que esas características ponen a los responsables de la gestión de la pesca.

Por una parte mostraremos de que modo la larga historicidad de la presencia humana en el litoral mediterráneo, así como de las actividades en él desarrolladas, hacen de ese espacio marino algo más que una zona económica o jurisdiccional, transformándolo en un espacio de relación e identidad social difícil de manejar desde posiciones exclusivamente economicistas o ecologistas.

Seguidamente mostraremos como, cualquier intento de gestión de la pesca en esa zona obliga a tener en cuenta la dimensión social de esa actividad, anteponiéndola en muchos casos a la dimensión económica o política, lo que crea una situación diferencial con relación a otras áreas marítimo-pesqueras de la Unión Europea, y unos problemas que requieren de otro tipo de soluciones diferentes a las convencionalmente aplicadas en otras áreas.

Space, Resources and Historicity
The Social Dimension of Fisheries in the Northwestern Mediterranean

Juan L. Alegret

There now exists sufficient historical and ethnographic examples to assert that, under certain conditions, fish resource users in many parts of the world have been, and continue to be capable of managing those resources themselves without the need for external intervention. In the same way there are also sufficient examples to show that one of the most solid forms of resource management has been, and continues to be, management shared between the state and the resource users united in user-organizations or associations.

The first type of management is known generally as community-based resource management, while the second is known as co-management. A third form of management has been added to counter these two possible forms of collective resource management. This is management centered in the individual, in their free-will that comes from their own actions without reference to any other community or group and that, according to the followers of institutional economics and natural resources, has been the reason for the occurrence of the mythical 'Tragedy of the Commons' when acted out in the context of free access to resource.

In a recent revision of this debate¹ its authors propose to throw into relief the role of communities, absent in the neo-classical model of the Tragedy of the Commons, as well as call attention to the existing inter-relationships between property rights and the social contexts in which these rights are exercised.

In this paper we propose to highlight the need to take into account certain historical, economic, political and social contexts in analysing the process of occupation of maritime space and the exploitation of fish resources in the northwestern Mediterranean. Our goal is to show how the

relationship between user and public bodies has evolved, generating different means of management that adapt to these changes and give the communities different roles and protagonists according to the point in time, finally arriving at an appraisal of the current situation.

We propose to show, through a brief historical presentation, the evolution of fishing in the northwest Mediterranean. We describe how from a situation of community-based fisheries resource management, a characteristic of the Cofradias and Guilds of the Middle Ages and beginning of the Modern Age, it changed at the end of the 18th century to a system of co-management between the Guilds and the State, a situation that prevailed until the second half of the 19th century when, with the abolition of the Guilds promoted by capitalist liberalism, which ended the co-management model of the guilds and the state, leaving the state as the only manager of the resource until the second half of the 20th century. Since the establishment of the Franco dictatorship, we show how it returned to a model of neo-corporativism and co-management, with the re-imposition of the Cofradias, an organization with a legal personality of corporations established under public law and some co-management functions clearly defined by the State. Finally, we look at the present situation, a system of co-management between the State and the Cofradias is maintained despite the aim of transforming the Cofradias into Producer Organizations (POs) promoted by the EU with the implicit objective of allowing the market to play a more relevant role in the management of fishing resources.

The proto-fishing industry

Historical references to the tradition of fishing in the northwest Mediterranean start in the Phoenician² and Roman era. Archeological excavations carried out along the coastline show the

existence of an incipient -or proto- salting industry in the Phoenician period and it being amply developed in the Roman period³. This shows the relative importance that fishing as an activity had in this era. Fishing was mainly dedicated to subsistence activities as well as the production and exportation of garum (fermented fish paste) to the metropolis, or occupied zones of the Roman Empire⁴. This archeological evidence shows us the first plans of the fishing settlements in the north western Mediterranean coast, conditioned both by the availability and the proximity of salt and water, essential elements for the preparation of garum, as well as the existence of occupied or protected zones for fishing near the coast. Little is known about the forms of organisation of fishermen in this era, as well as the forms of regulation of access to the resources, except in the area of the salting industry ⁵

During the Middle Ages, in the northwestern Mediterranean coast different changes of socio-political order happened that impacted directly upon the fishing activity and the life of the fishermen, changing their settlements, organization of production and access to the resources. These changes were directly related to the insecurity of the maritime zones, the extension of the feudal domains over the sea, as well as the feudalisation of fishing activity.

The insecurity of maritime space in the northwest Mediterranean

The insecurity of maritime space in which the fishermen worked was due to the presence of pirates that attacked and sacked the communities along the coast of the northwest Mediterranean. They also systematically kidnapped boats and fishermen that were then sold on as slaves in North Africa. This situation meant that for various centuries, fishing was a very insecure activity subject to many kinds of risks.

To protect themselves in this situation, the inhabitants of the coastal communities had to move inland to places protected or not visible from the coast which resulted in a true depopulation of the coastal zone, a situation that remained until the beginning of the 18th century⁶. Due to this, most coastal communities did not develop a significant fishing industry. The fishermen that stayed on the coast lived in isolated communities, which led to their marginalization, a characteristic that they retained until recently. Because of this, only in those coastal populations with defenses built by feudal lords or clerics could fishing activity develop and due to this was often subject to greater feudal exploitation.

In order to pay the ransoms demanded, some fishermen's organizations created a ransom fund should one of their members be kidnapped. This is the case, for example, of the fishermen's association in Cadaqués, during the late Middle Ages and part of the Modern Age. In this, each unit of production, also called 'companyia' or 'encesa', established the '*tesor de cativs*' (captives fund) which was created with a part of the fishery destined specifically for this. This is a good example of the existence, even in the middle Ages, of a system of social security developed by fishermen and used for other disasters as well. During the 16th and 17th centuries this type of security was common among the Cofradias and Guilds along the coast. Systems for collecting contributions and specific economic management existed for these funds as in the well documented case of the community of Blanes on the Catalan coast⁷.

From these two examples it can be concluded that, among the fishermen in the northwest Mediterranean since the Middle Ages and above all during the 16th to 18th centuries, different forms of mutual protection and cooperation were starting to emerge that served to establish the basis for the present system of maritime social security. These systems were based in the community and contributed to them a sense of action and autonomy and were characteristic of each one of them.

The Feudalisation of the maritime-fishing space

The second stage that saw a big occurrence of fishing activity was the extension of feudal jurisdiction to the coast-line and adjacent seas. This started in the northwest Mediterranean during the early Middle Ages and caused the appearance of different types of feudal service similar to those in the agricultural sector in the same part of the Mediterranean and, in the case of Spain, did not disappear until the 19th century.

These feudal services were based on the existence of a dominion or hereditary property on the sea, and therefore in the existence of the law on the sea on the part of the feudal Lord or cleric. This dominion was translated into the application of three possible forms of fisheries tax⁸. The first was the “work tax” that consisted in the obligation to go fishing for the feudal lord and hand over the catch. The second was the “product tax” that was the obligation to supply the feudal lord’s table or the monastery with a part of the catch landed. The third was the “value tax” which meant that the fisherman had to hand over part of the value of the catch carried out in the feudal lord’s manor. In Catalonia, this value tax is generally known as the ‘delme del peix’ or the fish-tenth because it was usually equal to a tenth of the catches achieved. In some cases this tax was also applied to the fish caught outside the feudal lord’s manor which made this tax into one on the landings of fish over and above the tax on the fish itself⁹.

These serfdom relations, typical in an agricultural setting, were more easily applied to farmers than fishermen. Because of this the feudal lord’s control of small-scale fishing that was frequently combined with farming brought about the recognition by the coastal communities of certain rights over subsistence fisheries, leaving the feudal lords and Monasteries concessions

over the establishment of tunny fishing, the exploitation of the most valuable resources such as coral or the most tasty parts of some species as well as the taxes already described.

The territorial environment that surrounded the feudal lord's dominions in the coast was wide, while only a few populations were free of the chains. In this sense there was a basic difference between the communities subject to feudal jurisdiction and those under Royal jurisdiction. The former, the majority, were characterized by depending directly on the feudal Lord while the communities under Royal jurisdiction enjoyed relative freedom in that they were not subject to taxes and their inhabitants could live where they chose in the area. In this sense, some Town Charters (*Cartes Pobla*)¹⁰ made explicit mention of the advantages that the fishermen could get from the situation, as in the case of the Town Charter of Tossa de Mar dated 1186 and that of Palamós of 1279.

If we take the communities of the Catalan coast as an example to show the spread of feudal lords territories, we see how the feudal presence was very generalized. For example, the fishermen in Sant Feliu de Guixols were subject to the dominion of the Monastery of the area, the fishermen of Tossa de Mar were under the dominion of the Monastery of Ripoll, the fishermen of Blanes, Malgrat, Pineda, Calella, Sant Pol, Canet and Arenys were under the dominion of the Duke of Medinaceli¹¹; the fishermen of Barcelona under the dominion of the Monastery of Montserrat and the Monastery of Sant Pere de les Puelles¹². On the other hand the communities of Palamós, Vilanova and Sant Carles de la Ràpita were directly linked to the King. In Sant Carles, for example, the King held the formal ownership of the sea but the Guild of Fishermen had exploitation rights.

Through this data we can see how the linking of the fishing communities to the feudal powers was almost total; however, the level of internal organisation of the management of resources

continue to correspond to each community and was carried out through the Cofradias or Guilds without interference from outsiders.

The origins of fishing associations

The first documented fishing associations in the northwest Mediterranean date from the 12th century. Initially these associations were born as religious groups with certain social, beneficial and assistance type functions, and were generally known as Cofradias. Studies on the corporatist current born in the late Middle Ages in Europe tends to situate the origin of Cofradias in the ancient labour organizations such as the Roman 'collegia', German 'guildes' linked to the christian spirit of fraternity.

The first documents on the fishermen's associations in the northwest Mediterranean refer to the Cofradia of Sant Pere de Tortosa, and date from 1114. This Cofradia brought together the fishermen that, even today, continue to fish in the lagunes of the Ebro Delta. The rest of the Cofradias have references in documents from the 16th century such as the Cofradias of Arenys de Mar, 1585; Mataró, 1594; Masnou, 1697; Blanes 1705 although it is thought that they existed prior to these dates.

The Cofradias and/or Guilds were not the only organizations around in the Middle Ages. There are references of other kind of organizations before this date that, even though not exclusively for fishermen, were related to the management of fish. These organizations were also subject to feudal rule, however they practiced a form of collective participation in the management of the fish resources that is a very interesting precedent for the current forms of community-based resources management.

The most significant case of this form of local and collective management of fish resources that we find in the 14th century is the organisation referred to as the *Universitat de la Vila de Cadaqués*¹³. Among the functions related with fisheries and recognized for this type of association was the regulation of access to the fish resources, through the distribution by lottery of the beaches from where each productive units, called Companyia, could carry out night fishing 'a la Encesa' (with lights)¹⁴. Fishing activity carried out by these Companyies was communal, both with reference to the organisation of the productive activity and to the ownership of the means of production: nets and boats.

The rule-book for fisheries in Villa de Cadaqués¹⁵ covers, amongst other things, the group of privileges granted to their 'Universitat' in relation to fish. This book brought together the uses and customs that since 'time immemorial' had been maintained by the fishermen such as is mentioned in the land grant of the Cabo de Creus, made by the Conde Gaufred d'Ampuries to the Monastery of Sant Pere de Roda in 974¹⁶. In this document reference is made to the type of fishing and the fishermen that carry it out '*cum pasquis et piscatoriis, simul cun ipso mare cun suos portos et suas piscatorias*'.

The *Universitat de la Villa de Cadaqués* was generally made up of fishermen that worked in the community under "democratic" principles. Fish was mentioned in the General Council of the town and the rights of the individual fishermen were replaced by the right of the Universitat. However, given that all members of the Universitat had to take part, fishermen or not, in the lottery for beaches and in the resolutions of the Council, this shows that fishing was considered a communal right. In this way, it can be confirmed that the individual as an independent producer did not exist while night fishing as a productive unit and the Universitat as a social unit were the ones that took on the obligations and rights for this type of fishing.

Night fishing¹⁷ consisted of a group of fishermen that made up the basic unit of fishing production in the town. Access to the resources, in this case the exploitation of the fishing resources of small pelagics from the coast, was regulated by lottery and it was the night fishing units that acquired the turn to go to the fishing spots. Once the night fishing units were established they could not be disbanded. This could be due to the need to keep the crew together throughout the productive cycle thereby avoiding conflicts in the case of members leaving the unit to try their luck in another more productive beach. It could also be due to the collective ownership of the gears used such as the *Bolixs*.

Despite the advantages and privileges of the night fishing units, it paid the Universitat a subsidy to enable it to meet the collective costs presented it by the town. Moreover, the members of the night fishing unit were assured of help in the case of not being able to contribute through sickness or accident. This help consisted in continuing to receive the share due to them if they had continued to work. Likewise, the families of members of the Encesa that died during the night¹⁸ received a share and if they were captured for slaves by pirates coming from the coast of north of Africa.

This brief description of productive activity and association of the fishermen of the Villa de Cadaqués through the Middle and Modern Ages shows us that, in certain fishing populations in the northwest Mediterranean there existed, for more than eight centuries, some level of social organisation centered in the community that undoubtedly produced, and continues to produce, a sense of solidarity among the fishermen and legitimizes their rights over the exploitation of the fishing resources such as occurs in no other productive sector.

The corporativization of fishing

With the development of the artisanal industry and the need to defend the interests of the role of the fishermen during the Modern Age and since the 16th century, Cofradías corporatised themselves becoming professional associations which were the origin of Guilds for fishermen and mariners that were common place in the area during the Modern Age¹⁹.

The medieval corporatist associations had their origin in the socio-economic context characterized by a notable intensification of activities linked to the sea and the slow penetration of the corporatist currents moving through Europe. Routes of penetration of this corporativism could be the Monastic Orders that contributed in a big way to the promotion of Christian ethics of solidarity, especially the Order of Cluny.

Despite the possible manifestations of previous proto-guilds, the start of the corporativization process of the Cofradías did not start until the middle of the 15th century, coinciding with the start of the economic recession in Catalonia. The advantages that such an organisation offered were used as a defensive strategy against the economic crisis, and was the origin of maritime corporativism in the Mediterranean. In Catalonia, as in other parts of the northwestern mediterranean they were known as Cofradías, not adopting the name Guilds until a couple of centuries later.

Seen from the current perspective, the greatest privilege brought by these professional corporations was the competence to decide who could become a member, who had rights to fish, seen from the community's perspective. Along with being in charge of the regulation of access to fish resources, they were in charge of the regulation of fishing gears, providing help for orphans and widows and other social and assistance functions.

The Guilds were the representative organizations of their members interests. The Guild was the best way to defend rights and the guild-members were very jealous of their prerogatives and would not tolerate any non-member holding office. The guilds kept watch over the standing of the profession imposing sanctions on those that prejudiced the good name of the organization.

Even if fishermen's corporatist organizations existed in the 15th century, it was as of the 16th century that the old medieval Cofradías began adopting the form and organization of professional corporations or Guilds. Created initially to provide spiritual and material help for its members, they continued to exist as integral parts of the Guilds. The Cofradías, as an integral part of the Guilds were regulated by the same councils, organized religious services and looked after members when sick, acquiring help for widow and children, giving gifts to sons and daughters of fishermen that got married or entered religious life.

The start of the State's intervention in fisheries management

The date that clearly marks the start of the systematic presence of the State in the life of fishermen is 1751. This year, the King Carlos III, strongly influenced by the French, decreed the *Matrícula de Marina* (Registration Orders). These Orders, that were a copy of those promulgated in France in 1668 by Colbert some years before, made it obligatory for all member of the Guilds to sign onto the register and to serve in the Navy, if they came up in the lottery. Since then, this obligatory service became what gave the right to carry out maritime activities and fishing, a right that until that point had been exclusive to the Guilds.

The creation of the *Matricula de Mar* was the first assault suffered by the Guilds against their corporatist spirit and against the privileges that they had enjoyed until then. From this moment, the life of the Guilds was obstructed by the Chief of the Maritime Department and by the Minister for the Sea of the Province, that had to attend all sessions of the Guild's Council and had final say over decisions taken. It also controlled the accounts of the Guilds by holding one of the three keys to the coffers.

From this moment the management and control of the State increased slowly. Various laws were passed that determined the general functioning and governance of the Guilds in an attempt to unify them and control them more tightly until they were dissolved a century later.

The first law that established the new lines of activity for the Guilds was the *Muñoz* law of 1786²⁰. In this, important changes were introduced on the structure and functioning of the organizations with the aim of reducing their power and their privileges. For example, art. 46 establishes the obligation for a state maritime authority to attend the guild's sessions and art. 47 establishes the state's control over the Guild's accounts and finances, meaning that these organizations should be financed from then on with a percentage of the landed catches.

However, the most important change introduced by the law in relation to the internal organization of the Guilds was that which made reference to the consultative and regulatory²¹ character that from then on these organizations would have in collaboration with the State. This marked the start of a new phase of co-management in the life of the Guilds until their dissolution.

The transformation produced by the trawl and loss of the Guild's power.

Towards the end of the 16th century two new types of fishing had spread through the northwestern Mediterranean: the *Bou*²², ancestor of the trawl, and the longline. These changed fishing in the whole zone²³. Linked to the spread of these two was the migration of some groups of fishermen that used them and had, through the 17th and 19th centuries moved to Provence in France, and to the south of Italy in search of new fishing grounds and better conditions.

During the second half of the 18th century an important development occurred in fishing in the whole of the coast of the northwest Mediterranean. Some authors attribute this fact to the passing of the Registration law through the monopoly of maritime activities was authorized. However, other authors maintain that the biggest development for fishing in this period was the dissemination, by Catalans, of the *Bou* and the Longline through the northwest Mediterranean.

However, behind the introduction of this technical innovation is hidden a social, political and economic problem that really transformed the fishing sector with important implications in the way fish resources were managed, in the form of organization of fishermen and the change of communities on the coast. The problem was that the Guilds were opposed to the use of the *Bou* for ecological reasons while the State defended its introduction with what would today be called "developmentalist" arguments.

In the 18th century the Guilds still maintained an important part of their power and saw the introduction of the *Bou* as an assault against their capacity to control fishing. The owners of the boats and *Bou* gears were not members but outsiders that received authority from the State to fish with this gear. Moreover, the *Bou* was far more productive than other gears, which caused a change in effort and markets.

The Guilds also argued that this new form of fishing was damaging in that it killed the juveniles and used language²⁴ that differ little from that used by ecological organizations today arguing against the use of trawls in shallow water.

It is curious to note that, in Marseille during the second half of the 18th century, this same argument was used by fishermen in the region against the introduction of the longline by Catalan fishermen who had migrated there at the beginning of the century in large numbers²⁵.

For its part, the State was interested in the introduction of the Bou to increase catches and improve the supply of animal protein to urban populations where the industrial revolution had just begun. The state also used the introduction to weaken the strength of the Guilds and to create the conditions that would allow it to develop capitalism in the fishing sector for which they needed to do away with the corporatist nature of the Guilds.

The State's concern with the spreading use of this new form of gear, and its attempts to control the conflicts that its use was generating was reflected in the laws that from that moment started to be written and applied. These became the origin of the first example in history of fisheries management policy developed by the Spanish State.

These laws, passed in 1767, detailed the most relevant aspects that had to be taken into account for the use pair trawling: net size, number of men per boat, sale price of the catch, establishment of closed seasons between May and September, prohibition of building more boats for this fishery and the fines and sanctions for non-compliance²⁶.

As can be seen, these laws now attempted to take into account all aspects of conflicts caused by the use of this gear, above all those related to the market and fishing effort that it attempted

to control through price fixing and the restricting of the size of the fleet. What is more, it also explicitly recognized the concern with the ecological impact of this activity, through the setting of net sizes and the establishment of a closed season. Seen from today's point of view, this is still a good example of the historical and social depth of the problems derived from gear management.

However, one of the most important aspects that need to be highlighted here about this law was that it was passed directly by the State without the participation of the Guilds. This highlights the break that was occurring from the perspective of community-based resources management and that was preparing the way for a new form of management based on co-management that was beginning to develop, although slightly at this point.

The Guilds were local associations, tightly linked to the community, and that for centuries had exclusively represented the interests of the fishermen, regulating catches and marketing, as well as determining who could fish. They were also associations of professionals that were strongly linked themselves both through fishing but also through family connections. For this reasons Guilds should not only be seen as professional but also as communitary and local organizations.

It is in this context that the impact produced by the introduction of the trawl should be viewed in that it directly challenged the power of the Guilds based on the control of all activities related to fishing. However, the *Bou* used smaller boats than those used then - the *llaguts* - that could be acquired by poorer fishermen. This kicked off the proliferation of these boats which angered the Guilds who argued they would prejudice the users of smaller gear and the level of employment in the sector. On the other hand, its defenders argued that the *Bou* increased the level of catches which was necessary given the demographic rise that occurred in the 18th century. It

also helped to decrease the import of salted fish from northern Europe which was very important at the time.

There are no known historical-biological studies of the persons that started to introduce *Bou* fishing at this time. Nor do we have information on the processes of primitive accumulation of capital that was produced in the fishing sector of Catalonia during those centuries which would allow us to identify who took part in the process of transformation and their links to the economic and political power of the period²⁷. However, there are several references that might show us who they were: the first are immigrant fishermen from south of Catalonia and the Spanish Levant that moved north in to Catalonia and the French coast with their own boats and had used this gear where they had come from. The second, and larger group, were people from the region that were not fishermen or members of the community but were interested in investing capital in this type of fishing that was free of the Guild's control and that guaranteed relatively high levels of return compared to other sectors in the nascent capitalist economy.

In summary, with the widespread introduction in the 18th century of the *Bou* and the abolition of the Guilds in the second half of the 19th century, a long period of community and corporative self-management of fisheries that had had its origin in the early Middle Ages came to an end,. From this point on, fisheries management became an exclusively state-issue in which the fishermen's associations that had replaced the old Guilds had no participation and where the State's greatest concern continued to be the control and management of the new fishing gears such as trawls.

The disappearance of the Guilds and the start of State fisheries management

The intention of the politicians to reform the Fishermen's Guilds failed, above all due to the strong interests and privileges that the Guilds still held. However, the important social transformation that happened in Spain between 1808 and 1824 had repercussions in the maritime Guilds. In this period they ended up being directly dependent on the town councils with no direct intervention from the state. It is at this point that we can state the definitive disappearance of the guild's corporativism in fishing.

The very firm intent to get rid of the Guilds was achieved, in a historic moment of incipient liberalism, by the Courts of Cadiz in 1813²⁸. However, even if this decree was not sufficient to make the fishermen's guilds disappear, it gave a strong impulse to lay associationism, that in the form of cooperatives the embryonic forms of the future fishermen's associations began to form from the second half of the century.

After the French occupation, and once the absolutist monarchy had been restored, the king, with the aim of avoiding the abuses that had been apparent in the Guilds since the previous century, established a reform of the statutes of all the maritime Guilds. On 15 September 1824 the Royal Decree was issued which ordered the creation of maritime Guilds where there were none previously as well as the re-organization of those that still existed. At the same time the Heads of the Maritime Departments were ordered to report what the basic points of the new statutes should be. The motive for setting up these reforms was none other than to end the excesses of the Guilds as far as their entrusted functions were concerned and also end the sometime violent opposition directed at them when it came to liberalizing fishing activity²⁹.

The result of the reports from the Heads of Maritime Departments was the establishment of general guidelines that served as a base for the Guilds to reform their statutes³⁰. Despite this

reform imposed and the new statutes, they failed to eradicate the abuses and for the first time the need to suppress the Maritime Guilds once and for all was spoken of openly³¹.

With the abolition of Guild corporativism, a strong network of modern associations began to develop along the Spanish Mediterranean coast³². There were two basic differences between this new type of association and the old Guilds. On the one hand the religious nature that the Guilds still maintained had disappeared, on the other, distancing themselves from corporativism the new associations started to represent the different separate groups that, with different interests³³, existed in the fishing sector. In this way, a very diverse group of associations was born such as the Fishing Cooperatives, the Owners Associations, the Workers Societies, the Friendly Societies, the industrial societies and co-operatives etc.

The start of state management of fisheries and the hegemony of trawling

From the second half of the 19th century, and in parallel to the abolition of the Guilds, the State began developing its fish resource management policy in the Mediterranean concentrating exclusively on trawling. The spatial occupation and the territorialization of marine space carried out by the trawling fleet was growing in parallel with the growth of the fleet that in 1865 was made up of 724 vessels dedicated to the *Bou* in the Spanish coast, although mainly concentrated in the Mediterranean.

The growing spatial occupation of the trawling fleet was one of the first concerns of the fisheries administrators because on the one hand the trawling fleet started to occupy fishing zones

traditionally used by the other fishermen, producing the first conflicts between them. On the other hand the tendency of the *Bou* was, as is still the case today, to come in close to the coast with all the problems that it was thought this presented to nursery grounds³⁴.

In the same vein, in 1865 only 9 months after the Guilds had been finally banned, the state created a Permanent Fisheries Commission as a consultative body to study and reform fisheries law³⁵. With the creation of the Commission the basis of what would be future fisheries management policy was set based on the exclusive competency of the State supported by a consultative body with no normative capacity but in which the fishing community was represented. Six months after the creation of the Commission the State approved the *Bou* fishing regulation³⁶ which establish an extensive number of laws related to the use of the gear: minimum distance from the coast, number of vessels allowed in this fishery, means of sharing catch between crew and owners, size of nets and mesh as well as the establishment of an official closed season for this fishery.

However, it would appear that the passing of such an extensive and detailed law also made it difficult to implement which required the State to modify it. Three years later another Royal Decree was passed that contained a new version of the Fisheries Regulation for *Bou* Pair Trawling³⁷.

The need to modify, after such a short period of time, what had been an initially very extensive piece of legislation highlights the problems that that were emerging from the unilateral process of decision making imposed by the State. From this point, neither the communities nor the fishermen's organizations had any part to play in the management of fisheries even though the trawl had begun to be accepted and defended by some organizations within the fishing communities. However this shows us how the State, albeit slowly, was beginning to be obliged

to change its original position and give more responsibility to the fishermen's organizations, especially those that defended the trawl gear interests in detriment to those that represented the interests of the so-called 'lesser gears'.

Since the introduction of the *Bou*, production relations within the fishing sector had suffered a slow but irreversible change. This change was related to the new forms of incorporation to the profession, freed now from the control of the Guilds. The large numbers entering trawling due to the small size of vessel required; the new technical division of work with the *Bou* which heralded a proletarianization of fishing and the new systems of sharing the catch.

Logically, these changes also affected the fishing sector organizations that, although related to the old Guilds, were affected by these new situations which led to the appearance of specialist associations dedicated exclusively to the defense of the interests of the owners of *Bous*, motivated by capitalist logic or the workers that formed the basis for the mariners unions later on. All these confronted the other type of organizations made up of the 'lesser gears' interests that culturally and socially were allied to the Guilds and radically opposed to the development of the *Bou* trawling gears

These conflicts between 'innovative' and 'conservative' forces that were produced in the context of a state monopoly of resource management, were those that characterized the development of fishing until the second decade of the 20th century. From then on, the same conflicts would be repeated with similar arguments when fishing vessel engines were introduced. The fishermen's associations were also involved in this issue in that, within many of them, strong divisions appeared on the convenience or otherwise of the incorporation of engines in fishing vessels³⁸.

During the decade before the Civil War (1936-39) the role of the State in the fishing sector had been weakened due to the general political crisis and fishermen's organizations took advantage of this to increase their role in resource management in collaboration with the State. In this same period, the level of development achieved by the fishermen's association in the Spanish Mediterranean was very important. We have proof of this in the quantity and diversity³⁹ of fishermen's organizations that participated in the First Assembly of National Associations of Mediterranean Fishermen held in Tarragona in 1935.

The specific aim of this Assembly was to sort out trawling, but in fact established the basis for an important and innovative project of co-management between the state and the fisheries sector which was, however, never carried out due to the Civil War.

The Assembly agreed to establish a Local Fisheries Council with consultative duties, made up of proportional representatives of each of the fisheries established in the zone, in each Maritime district. These Councils were to be presided over by the Marine Subdelegate. Together with the consultative mission, the Local Councils could propose the appointment of maritime security guards to the Marine Authority that would be administratively answerable to the Local Councils and governmentally answerable to the Maritime Authority.

With the creation of the Local Councils and their linking to the Maritime Authority, an important step was taken to the establishment of a more structured system of co-management than existed at that time. Given the local character of the Councils, this co-management also took on a community dimension that allowed the incorporation to the general resource management proposals put forward of the different specialisms of each community or group of fishermen⁴⁰.

An example of this level of specialization of fisheries co-management of this era is reflected in the approval, by the Assembly, of the minimum distances from the coast that the trawling vessels had to maintain in order to fish in the region. This was with the aim of establishing a zone for nursery grounds and to protect the users of lesser gears. This distance was determined by each Local Fisheries Council and for all of Catalonia the distances approved, which incidentally had been in operation for many years and negotiated among each community, show the truly local dimension of management that was beginning to be applied⁴¹.

However, in their efforts to find new formula that made trawling management possible, attempting to reduce the impact on resources that it was producing, the Assembly approved a totally innovative measure based on the control of fishing effort through the control of fishing time.

This measure meant a radical change in the type of management used up to that point and established the basis for what would be the principle means of co-management with the State. From then on the basis was the control of fishing effort through the limitation of days worked, with its undeniable social impact. In this sense, it was agreed that the number of hours worked would be: August, 11 hours; September, 12 hours; October, 13 hours, and the rest of the year no limit. Also, the Local Fisheries Councils in each district had to establish the hours of exit and entry of the vessels in each port, which meant that each community could adapt the measure to their needs.

As can be seen, the level of co-management in the Spanish Mediterranean fishery between the state and the fishermen's organizations started to develop in an important form with the creation of the Local Fisheries Councils. However, the historical circumstances meant that this first attempt at the institutionalization of co-management could not continue due to the Civil War. In

this sense, a decade was to pass before the other co-management proposal could be put into place: this time from a very different political perspective that still exists today: the Cofradias.

The Institutionalization of co-management and the reintroduction of the Cofradias

Once the fascists had won the Civil War an important change occurred in all walks of social, political and economic life. Fisheries did not escape these changes and following the Civil War and W.W.II, fishing became a strategic sector both from the point of view of the provision of animal protein but also because of the territorial occupation that the fishermen carried out every day in the coastal space.

The intervention of the State in fishing was clear and forceful and consisted in the military controlling management and the Navy controlling maritime activity. The Cofradias, directly controlled by the state were seen as the only fishermen's organization and with a neo-corporatist structure that aimed to give continuity to the ancient spirit of the Guilds.

The main characteristic of the neo-corporative nature of the Cofradias, as is maintained today, is that it integrates all aspects of community-based resources management in a typical co-management structure. This gives them greater legitimacy as organizations and greater adaptability to the diversity of ecosystems and forms of exploitation of resources that are characteristic of this part of the Mediterranean.

The most successful re-elaboration of the guild and traditional corporatist propositions was brought about by fascism through state-controlled corporatism. For this ideological and political movement, corporations are institutional instruments which, under the State's

protection, have as their principal mission to exercise complete, organic and unitary discipline over the productive forces. Thus, with the advent of fascism the corporations became institutions subordinate to, and organically linked to, the State.

It comes as no surprise that, in the aftermath of the Spanish Civil War, the dictatorship imposed over all others the kind of organization which would best fit in with its own nationalist-trade union ideology. It is in this context that we must contemplate the imposition of the Cofradías as the only organizational form, linking them obligatorily with vertical trade unionism⁴².

The welfare functions of the primitive Gremios (Guilds), historically had had their *raison d'être* when the incipient States had not as yet developed structures which allowed them to intervene directly in the social and economic life of the sector. It was the Gremios which took on, amongst others, the mutual benefit (private health insurance), welfare and charity functions. It was only with the consolidation of the structures of the modern State when these welfare and charity functions were duly assumed by the State.

By imposing upon the Cofradías the character of public law, the State institutionalized its intervention in the sector, while at the same time maintaining the welfare and mutual benefit aspects of the earlier organizations; now, however, with political mediation.

The functions of an economic nature, such as providing all necessary installations and auxiliary sub-structural elements for the smooth running of the fishing industry, as well as marketing and administration, are accompanied by important functions of a political nature. These are manifest on two levels: first, in the collaboration between the interests of the State and those of the sector, as well as in the reciprocal representation of the interests of both of these; and secondly,

in the solving of the conflicts which arise within the sector. The Cofradías, acting as mediators, play a decisive role in the process of conflict-solving.

The developmentalist period and fishing in the Mediterranean.

Although not the first or the most important legislative action related to fisheries policy in Spain, Law 147 of December 23 1961 on the Renovation and Protection of the Fishing Fleet marked a turning point for the development of the Spanish fishing sector. This law formed part of a development plan for the Spanish fleet with a duration of 10 years and was considered an integral part of the First Development Plan (1964-1967)

The expectations of this program of development, as far as the fishing sector was concerned, were amply exceeded, creating the basis for the rise of the Spanish off-shore and distant waters fleet. However, this developmentalist, expansionist policy in the dictatorship period did not take into account the future nationalisation of continental platforms that many countries enacted from 1972 that that resulted in EEZs of 200 nautical miles. Continuing in this developmentalist policy, during the 1970s the Spanish fishing sector continued to enjoy subsidies for the construction of new vessels with which they intended, among other things to give work to shipyards which were underutilised.

Independently of the initial growth rates, one of the major problems that this developmentalist policy caused was socio-economic, resulting from the oversight that 75% of the fishing population worked the coast and not off-shore or distant waters.

The coastal fleet was largely forgotten by the developmentalist policy of the '60s and '70s. Although this fleet benefited from the help that had been created by the off-shore and distant waters fleets there was no concrete policy for coastal fishing. In this way, the Spanish Mediterranean fleet during the '60s and '70s based its growth and transformation on the help and subsidies that been thought up and established for the off-shore and distant water fleets. This led the coastal fleet to accustom itself to a policy of aid and easy credit which only succeeded in creating distortions in its growth until there was excess capacity and effort in the sector with relatively old vessels fishing in over-exploited waters.

In 1978 the Spanish State, in approving the democratic Constitution, became a decentralized state made up of 17 autonomous regions, each with their own government and parliament. This administrative de-centralization included, among other things, the transfer, to differing degrees, of the competencies over fishing from Central Government to the Autonomous Governments with coastal zones⁴³.

Had these transfers been carried out in their totality, it would be been a complete decentralization of maritime fisheries management in the entire Spanish Mediterranean. However, this political process of autonomy had been, and continues to be, problematic due to the different political criteria in play. This has meant that the Autonomous regions envisaged in the Constitution and the competencies they should have in relation to fisheries management and access to maritime space have never been fully defined.

In the social, political and historical context that is currently developing in fisheries management in the Spanish Mediterranean, there are three fundamental actors: the Central Government, the Autonomous Governments and the Cofradías. The central government maintains overall competency for issues of maritime fishing⁴⁴ or access to fish resources and fishing areas in

territorial waters, while the autonomous governments have competency for the management of the fishing sector⁴⁵. The Cofradías, as well as being the only organizations with historical and community legitimacy in the eyes of the fishing community, carry out a true sort of co-management of resources in collaboration with the central government and the autonomous governments. This co-management is based fundamentally on the control of effort and the control of first sale in the auctions. The Cofradías have also been delegated competency for local management of various aspects such as the catching sector and the management of fishing and for this have their own normative capacity, although certain resolutions require recognition from the respective autonomous government.

Conclusion

The long historical tradition of fishing in the western Mediterranean, as has been related in this brief history, has led to the situation today in which, given the failure of many vertical systems of management in which the participation of the users of the resource is ignored, their participation is beginning to be considered with the result that, the importance that analysis from the perspective of co-management and management based in the community is beginning to have.

However, in many of these analyses no importance is given to the historical, social or cultural dimension of management used up to now by the fishermen, thus making it impossible to give explanations beyond the strictly technical and those in the collective memory. The identity and the linking of the community and territory are revealed as the most important elements for the fishermen as well as the behavior of markets, the fishing policy and ecological problems.

This is how, in the case of the western Spanish Mediterranean, the participation of the users in the management of the resource, has not only existed from a long time, but also exists now in various forms of management and co-management. Examples that are based in the community as well as their own historicity. These forms of participation have to be recognized, respected, and used where they can be applied -not for their testimonial and traditional values- but for their workability proved to this point and in the new historical context of the creation of the political European Union, beyond the strictly economic, in which we actually find ourselves.

NOTES

¹ McCay, Bonnie & S. Jentoft, (1998) Market or Community Failure? Critical Perspectives on Common Property Research, **Human Organization**, 57(1):21-29, pg. 22.

² Collet, S. (1995) Halieutica Phoenicia I. Contribution à l'étude de la place des activités halieutiques dans la culture phénicienne: point de vue d'un non-archéologue, **Information sur les Sciences Sociales** 34(1): 107-173.

³ JIMENEZ CONTRERAS (1986) Sacramento & Federico Molina Fajardo, La industria del pescado en la antigüedad, en: **Revista de Arqueología** 68:20-34.

⁴ MARTINEZ MAGANTO, Julio & César Carreras Monfort (1994) Anforas de salazón y navegación comercial vía atlántica en época romana. La conexión baetica-britannia, **Actas del XXII Congreso Nacional de Arqueología**, pp.101-110.

⁵ Ponsich, M & M. Taradell (1965) **Garum et Industries de Salaison dans la Méditerranée Occidentale**. Presses Universitaires de France, Paris.

⁶ An example of this is still found today if we look at many communities on the Catalan coast, for example, which have two centres: one inland and one on the coast. The one inland tends to be of Medieval origin and the one on the coast that which was initially occupied by fishermen, often seasonally and that has only recently been transformed with the development of tourism. This is the case of towns such as Les Cases d'Alcanar and Les Cases; Arenys de Mar and Arenys de Munt (above); Vilassar de Mar and Vilassar de Munt; Palamós and Sant Joan de Palamós; l'Estartit and Torroella de Montgri; La Selva de Mar and Port de la Selva, etc.

⁷ In the municipal museum of Blanes, in the province of Girona, can be found the **Llibre de la Confraria de Sant Elm de la Vila de Blanes i de redempció de captius cristians començat el 24 d'octubre de 1685** (Book of the Cofradia of Sant Elm de la Vila de Blanes and of the *redemption of christian* hostages started in 24 October 1685). **(The emphasis is added)**.

⁸ See: Collet, S. (1987) "Le Baron et le Poisson. Féodalité et droit de la mer en Europe Occidentale", **Droit et Cultures**, 13:25-49; (1985) Le tiers de l'espadon: un mode féodal d'appropriation de la ressource halieutique. Prémisses pour une recherche sur la rente halieutique, **Anthropologie Maritime**, 2:41-54; (1993) **Uomini e Pesce. La caccia al pesce spada tra Scilla e Carriddi**, Catania, Giuseppe Maimone Editore.

⁹ This is the case of the fishermen of Barcelona that was under the feudal dominium of the Monasteries of Montserrat and Sant Pere de les Puelles which burdened them with a tribute for all fresh fish that entered the city and **that had been caught outside the maritime limits of the city**. (Emphasis added)

¹⁰ Town Charters were the documents in which the King recognised the existence and privileges of the new communities under his jurisdiction.

¹¹ Manuel de Zaldive (1952)[1763] **Reglamento de Navegación, Pesca, Carga, y Descarga, y Gobierno Político y Económico de los Matriculados de este partido de Villanueva de Cubellas**, Villanova y la Geltrú, J. Rius Vila Editor, pp.177

¹² Colldeforns, F. (1951) **Historial de los Gremios de Mar de Barcelona (1770-1865)**, Barcelona, Gráficas Mario.

¹³ The medieval Universitats were a type of association that existed in one community with the common aims and interests that united its members under one juridical representation.. They had their origin in ancient Rome where they were known as universitates.

¹⁴ It was a type of night fishing with net seuners and using light from a fire that was lit in the far end of the boat and that was used to attract fish.

¹⁵ This **Llibre d'Ordinacions de la Pesquera** is dated 1542 and is found in the Parish archive of Cadaqués town. See: Federico Rahola y Tremols, **Algunas Noticias acerca de las Antiguas Comunidades de Pescadores en el Cabo de Creus**, Memorias de la Real Academia de Buenas Letras de Barcelona, Tomo VIII, 1904, pp. 455-487.

¹⁶ This gift figures in the Marca Hispánica.

¹⁷ Encesa, Companyia or Foch, were the names used indeterminable to name the unit of production that exploited fisheries in the zone.

¹⁸ "Si morien dins la fosca", or "If they die in the dark". At this time the "fosca" was that time when moonlight did not impede fishing.

¹⁹ In western political tradition corporativism is a system of representation of professional interests, for which reason the totality of the members of a specific sector are organized into a limited number of functionally differentiated and ordered categories. The categories are established through the relative position which each member of the said sector occupies within the productive process. In this way the confluence in one single organization of the interests of "Capital" (economic or business category) and the interests of "Work" (social or labour part) is achieved (Schmitter (1974) "Still the Century of Corporatism", **Review of Politics**, 36(1).

²⁰ The name comes from D. Luis Muñoz de Guzmán, Register Inspector. References from Claver Cortés, M.C., **Evolución Histórica de los Gremios del Mar, I Jornadas sobre Sociología y Economía de las Comunidades Pesqueras, Santiago de Compostela, abril de 1987**, Madrid, MAPA, pp. 453-462.

²¹ In article L of the law can be read: "Each may carry out fishing without prejudice and they may use any gear that does not disturb or injure juveniles, being subject to the law, and derive benefit from the same regarding that piece of gear that they are permitted to use, **allowing that if anyone requires to be represented they will be listened to as the law dictates.**"(Emphasis added).

²² The Bou was a trawl gear pulled by a pair of sail boats. Got its name Bou (Oxen) because they worked "ploughing the sea" like oxen did the earth. According to the historian Vicens Vives, this gear was introduced in Catalonia by the French in the 16th century.

²³ See: López Linaje, J & J.C. Arbex (1991) **Pesquerías tradicionales y conflictos ecológicos, 1681-1974, Una selección de textos pioneros**, Madrid, MAPA-SGPM.

²⁴ See: Linaje & Arbex, op. cit.; Urteaga, Luis (1987) **La Tierra Esquimalda. Las Ideas sobre la Conservación de la Naturaleza en la Cultura Española del siglo XVIII**, Madrid, SERBAL / CSIC.

²⁵ The French State also had an interest in the introduction of this gear that the Marsellie fishermen refused to use. To encourage the use of the longline and break opposition among the French fishermen, the King, through a decree on 20 March 1786 ordered that a longline boat be given to each fisherman that wanted one and being free from the tax imposed for 3 years. (Gourret, P. (1981) **Les pêcheries et les poissons de la Méditerranée (Provence)**, Paris, Lib. J.-B.Baillères, & fills; réimp. sous le titre, Provence des pêcheurs, Ed. Serre.

²⁶ This law was passed through Royal Order of March 3 1767 with the name "Reglamento que deberá regirse en el uso y gobierno de la pesca del Bou" (the regulation to govern the use and management of Bou fishing). This gave authorisation for trawl fishing to 10 pair trawlers in Vinaroz and Peñíscola and described its use.

²⁷ On the other hand, there are references to the persons that, still in the context of feudal privileges received concessions to fish with tunny nets on the Catalan coast in the 18th century. These concessions were made to persons linked directly to the crown, the first to Don Josep Masdevall, chamber doctor of King Carlos III, to whom was granted in 1788 the right to beach tunny boats in the north of Catalonia between the bays of Creus and Begur: "en qualitat de ser perpètua i hereditaria, com a feu alodial lliure de tot cens" (en calidad de perpétua y hereditaria, como feudo alodial libre de todo censo". The second was given to Count de Laing, in 1790, to beach tunny boats in the south of Catalonia between el Fuerte del Coll de Balaguer and la Torre de Cap-Roig, at the entrance of Puerto del Fangar port (Fernandez, R. & Carlos Martinez Shaw (1980) "Per una historia de la societat pagesa tradicional: les formes de treball VI. Els Sistemes de Pesca", *L'Avenç*, 33:46.

²⁸ Through Decree of 3 June 1813 the Spanish guilds were formally dissolved following in the historic tradition that had started in the French Constitutional Assembly the previous decade.

²⁹ In one of the reports is graphically described the Guild's opposition to the reforms that intended to introduce the condition whereby: "far from giving advantage or utility for public service (the guilds) stupify the authorities actions and are the perennial cause of abuses, of intrigues, of rivalries and of frequent disorder...". Archivo Histórico de Marina, **Matrícula General, 16 de junio de 1864 al 1 de agosto de 1864**. Cited per Claver, op. cit., pg. 2.

³⁰ Published in the Royal Order of 7 December 1827. The spirit of the report proposed by the State was summed up in the first point of the Royal Order where it states: "The guilds should look like a private business interest of those individuals that comprise it and as such its objective should be to limited to giving it the advantages that from establishments it can promote itself. This being so, it follows that **the first circumstance for the establishment of such bodies will have to be free and spontaneous for each and every one of its member**". Archivo Histórico de Marina, Reforma de Gremios, 1824-1827. Cited per Claver, op. cit., pg.3. **(The emphasis is added)**.

³¹ From this point, the Guilds' days were numbered. In December 1863 information was requested on the public services it gave. In June 1864 the right to load and land was taken away, which had previously belonged exclusively to the Guilds of Mariners and Fishermen and was highly profitable. On 1 July 1864 a Royal Decree was published that definitively dissolved the Sea Guilds.

³² The ancient guilds' corporativism, is that which impregnated the system of guilds or corporations until the dawning of the industrial revolution. The dismantling of the corporativist apparatus was begun in Europe parallel to the Industrial Revolution. In France, Le Chapelier's law in 1799 provided the starting point for this process, which did not reach Spain until 1864, with the law of dissolution of the guilds (Real Decreto 10 julio 1864).

³³ Article 8 of the Decree to dissolve the Guilds stated: "those registered remain, like all Spaniards, free to continue to be members privately, or to become members again provided that they agreed to abide by the law". **(Emphasis added)**.

³⁴ In order to reduce the negative effects of this growing occupation of maritime space on the coast by the trawl fleets, the State in 1858, through Royal Order of 1 October established for the first time in Spain a minimum distance that the *Bou* vessels had to keep from the coast in order to 'protect the bottoms'.

³⁵ The Permanent Commission on Fishing was established by Royal Order 6 April 1865.

³⁶ This law was promulgated through Royal Order on 9 October 1865.

³⁷ This law was promulgated through Royal Order 9 December 1868.

³⁸ A well illustrated case of this type of confrontation within a community of fishermen is found in the Vilanova i la Geltrú, to the south of Barcelona, where two distinct groups were formed on of the gaus, defenders of the engines and one of the cigrons defenders of the sail.. See: Garcia, X. (1980) **La Vida Marinera a Vilanova i la Geltrú**, Barcelona, ed. Selecta, pg. 69.

³⁹ There were 75 organizaciones at this Assembly that represented 16,362 members. The diversity of organizations was reflected in the very names of those represented: Cofradías, Societies, Mutuales, Guilds, Leagues, Brotherhoods, Unions, Co-operatives, Charitable Mutuals and Federations.

⁴⁰ The diversity of distances suggested reflect the interest of each community in adapting fisheries management to their specific geographic needs which also provided a strong legitimisation of this management. The following were the proposals for the entire Catalan coast:

From las Cases d'Alcanar to la Farola de Golas - 10 fathoms.

From la Farola to Golas a L'Ampolla - 10 fathoms.

From la Ampolla to Tarragona - 20 fathoms.

From Tarragona to the mouth of the River Llobregat - 20 fathoms.

From the mouth of the River Llobregat to Cabo de Tossa - 20 fathoms.

From el Cabo de Tossa to Riudaura - 50 fathoms.

From Riudaura to Cabo de Begur - 50 fathoms.

From el Cabo de Begur to les Islas Medes - 1 mile out.

From las Islas Medes to Mongó - 30 fathoms.

From Mongó to la Falconera - could not go inland.

⁴¹ As a complement to these measures the Assembly also established a total closed seasons for all trawl fishing in the Spanish Mediterranean from 11 May until 31 July and prohibited boats from the north (Atlantic and Cantabrian) from fishing in the Mediterranean coast, only be able to send fish overland (**Asamblea de las Asociaciones Nacionales de Pescadores del Mediterráneo. Actas de la Asamblea, Tarragona 1935**, Torres y Virgili Impresores., Tarragona, s.f.

⁴² As is clearly stated in the “Orden” of 31st March, 1943: “Article 7). -In this way... the Confraries, as subject to the political line of the Movement (facist name for revolution), under the command of the C.N.S. and the Sindicato Vertical de la Pesca (Vertical Fishing Union)... will give continuity to the seafaring and fishing tradition, {but} united henceforth to the new order of the National Trade Union Revolution.”

⁴³ Transfers of competence in fisheries matters to the autonomous communities on the Mediterranean:

- Autonomous Region of Andalucía, R.D. 3490/1981 Transfer of competency. R.D. 2687/1983 Transfer of Services

- Autonomous Region of Murcia, R.D. 4190/1982 Transfer of Functions and Services in Maritime Fishing to the government of Murcia

- Autonomous Region of Valencia, R.D. 3533/1981 Transfer of competencies. R.D. 4107/1982 Transfer of services. Balearic Islands Autonomous Region, R..D. 3540/1981 Transfer of Competency in Maritime fishing to the Consell Insular Balear

- Autonomous Region of Catalonia, R.D. 1965/1982 Transfer of competencies to the Generalitat de Catalunya, R.D. 665/1984 Transfer of functions and services in maritime fishing to the Generalitat de Catalunya

⁴⁴ Maritime fishing is understood as the normative capacity over fisheries (species that may be fished, minimum sizes etc), fishing zones (permitted depths, beaches, distances, sizes, licences etc.), fishing hours (fishing times, closed seasons, biological stoppages etc), as well as the form and means to carry out catching activities at sea (type of gear, boats etc)

⁴⁵ The fishing sector is understood as the regulation and reglamentation of the economic production sector of fishing in everything that does not refer to direct catching but to the internal organization of the sector. Included in this is the determination of who can directly manage fishing, the conditions that those involved in the sector have to meet such as the form of their organization. Also included are the competencies relating to the professional conditions of the fishermen, the norms referring to the construction and safety of boats, official registers, the constitution and running of the Cofradías, the auction houses etc.