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## Evolution of the Maine Lobster Co-management Law

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# Evolution of the Maine Lobster Co-management Law

by James M. Acheson

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*In fisheries management circles, there is growing realization that traditional ways of managing marine resources are not working and that new approaches to management need to be tried. One of the most promising of these new approaches is co-management, where authority for managing fish stocks is shared between the industry and government agencies. This paper discusses the implementation of the new co-management system, which was initiated in the Maine lobster industry in 1995. 🦞 The law has clearly been successful; it has been framed in a way to allow lobster fishermen to be able to generate rules to constrain their own exploitative effort. At the same time, a number of problems have come to the fore, not the least of which was the fact that passage of one regulatory measure caused problems for certain groups of fishermen who demanded remedial legislation. Thus, the co-management effort in Maine has moved ahead by solving a sequence of problems. But the fact that these problems are being solved places Maine in the forefront of jurisdictions experimenting with new ways to manage fisheries. Those interested in fisheries management may want to recall the state's motto "Dirigo"—"I lead."*

## INTRODUCTION

The twenty-first century opens on the specter of destroyed fisheries. Nearly every major fishery in the industrialized world, and many in the developing world, are experiencing declining stocks and reduced catches (McGoodwin, 1990; Murawski, et al., 1997). In fisheries management circles there is a growing realization that traditional techniques of managing marine fisheries have not worked well. This has led to an interest in new approaches to conserving marine resources. One of the most controversial of these new techniques is “co-management,” in which responsibility and authority for conserving marine species is shared between agencies of the government and members of the fishing industry (Pinkerton, 1989). Proponents argue that co-management will conserve resources while maintaining political support in the industry, so that enforcement costs are substantially reduced (McCay and Jentoft, 1996). According to its detractors, co-management can hardly succeed since it requires fishermen to voluntarily restrain their own exploitative activities (tantamount to putting the fox in charge of the henhouse). Since only a few co-management systems have been established, very little information exists about the way these governance regimes have worked.

Recently, a co-management law was passed by the Maine Legislature for the Maine lobster industry. It is one of the first co-management governance structures in the world. All those interested in co-management have much to learn from the Maine lobster fishery case.

The Maine lobster industry is important for still another reason. It is one of the world’s most successful fisheries. In an era in which most of the world’s most important fisheries are in a state of crisis, the lobster fishery is experiencing unprecedented successes. Despite heavy fishing effort, the lobster catch in Maine has remained very stable since 1947, when the current catch records program came into being, averaging about twenty million pounds. Since 1989, lobster catches have been in excess of thirty million pounds annually (State of Maine Department of Marine Resources, 1995), and in the last three years have exceeded forty-seven million pounds. While there is

no agreement about the cause of these high catches, knowledgeable observers believe that they are due in some measure to a long history of effective regulation of the industry (Acheson, 1997; Acheson and Steneck, 1997). A key question is this: How and why are regulations developed in the lobster industry? While this is a complicated question, two observations can be made. First, the lobster industry has a 120-year history of effective regulation, in which the fishing industry played a key role (Acheson, 1997).<sup>1</sup> Virtually all of the rules in place are the result of lobbying pressure by industry factions, including the minimum size law, the oversize measure, the V-notch program, and the escape vent. Many university scientists and industry members are convinced these laws are effective in conserving the resource. Although a number of ideas for these laws came originally from scientists, they were not enacted into law until they had the support of powerful industry factions. Second, the process by which legislation is developed for the industry is not the result of cool, detached contemplation by people with scientific facts and an interest in conserving the resource. Rather, it is the result of a series of distribution fights between industry factions interested in promulgating rules to ensure differential access to the lobster resource. If fishermen are interested in conservation, they are often more interested in conserving the resource for themselves. The development of the co-management law can only be understood against a background of that history.

### BRIEF HISTORY OF THE MAINE LOBSTER ZONE MANAGEMENT LAW

The co-management law for the Maine lobster industry, popularly known as the “zone management law,” was enacted by the Maine Legislature in the spring of 1995. It was a broad-based law that changed

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many aspects of regulation. It established an individual trap limit of 1,200 traps by the year 2000; a trap tag system to identify owners of traps; an apprenticeship program for new entrants into the lobster fishery; and eligibility criteria to qualify for a commercial lobster and crab license. Most important, it was designed to give the lobster industry control over certain aspects of management, while retaining most authority for management in the hands of the Department of Marine Resources and the legislature. This law established a framework by which the Commissioner of Marine Resources could create lobster policy management zones. These lobster zones are managed by an elected council of lobster license holders. The 1995 law gave these councils power to propose rules on three things: (1) the maximum number of traps each license holder is permitted to fish (a trap limit); (2) the number of traps that may be fished on a single line; and (3) the time of day when lobster fishing is allowed. If the proposed rules are passed by a vote of two-thirds of the license holders in the zone, the zone council is obligated to convey the results of the referendum to the Commissioner of Marine Resources. If the commissioner judges them to be "reasonable," the rules will become departmental regulations enforceable by the warden force (Alden, 1995; Jones, 1995). In 1999, the zone councils were given an additional power, namely the power to recommend the number of fishermen in their zone (i.e. limited entry). This can be done by a zone council recommending to the commissioner a ratio of entrants to retirees in the zone. Here again, the commissioner has the power to make these suggested rules regulations.

During 1995 and 1996, when the law was being passed and the initial implementation committee was at work, there were many predictions that the "zones law" would fail. The senior author recalls a conversation with an ex-legislator who had served several terms on the marine resources committee. He said, "This law is designed to fail. You can't expect lobster fishermen to cut their own effort. If this law passes, you will have a big dog fight up and down the coast."

In great part the predictions of disaster were rooted in the legislative history of the industry. By giving

the zone councils power to make recommendations on trap limits, fishing time, numbers of traps on a line, and limited entry, the legislature was divesting itself of several vexing, long-term problems. All of these rights given to the zone councils involve very contentious issues. Although the legislature has tried repeatedly, it has had problems framing legislation on these issues or has failed to come up with acceptable legislation at all. The issue of trap limits and limited entry have long proved to be intractable. Between 1956 and 1995, seventeen legislatures have dealt with trap limit bills. There were three attempts to get limited entry legislation beginning in 1974, with the so called Greenlaw-Jackson bill. All were defeated. The basic problem was a lack of consensus in the lobster industry, which quickly translated into a lack of political support for these bills in the legislature. Members of the legislature were wise enough to see that a one-size-fits-them-all policy was not going to work in a heterogeneous industry. Much of the support for the zone management law came from legislators and fishermen frustrated with the long stalemate concerning attempts to get a trap limit for the entire state. It was thought that if it were not possible to get a statewide trap limit law, it might be possible to get people in a zone to agree on a trap limit.

Despite the predictions of disaster, implementation of the zone management law went ahead rapidly. By April 1997, an implementation committee and the appointed interim zone councils had done their job. Seven zones and their boundaries were established (see Figure 1), bylaws for the zone councils were written, election districts within zones were established, and the election of permanent zone council member was organized (Jones, 1997). The permanent zone councils began their work in the summer of 1997.

Five years after the zone management law was passed, it is clear that the criers of doom were wrong. The co-management law has clearly been a success so far. By the summer of 1998, all seven of the zones had passed trap limits of 600 or 800 traps. By July 2000, five of the seven zones (i.e., zones B, D, E, F, G) had started the process to get limited entry rules for their zones, and many hearings were being held on this

issue during the summer of 2000. This means that those involved in the zone management process have broken the long stalemate that had bedeviled efforts to get a statewide trap limit and limited entry legislation, by allowing fishermen in different parts of the coast to promulgate rules acceptable in their local area.

### PROBLEMS AND SOLUTIONS

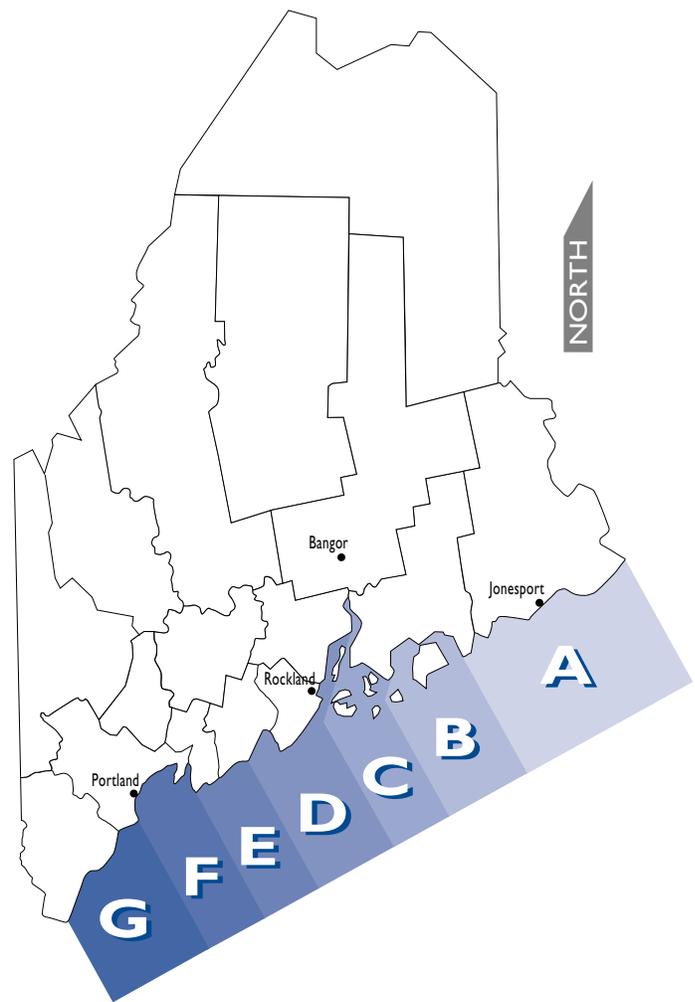
The evolution of the rules stemming from the lobster zone process reflects two closely related processes. First, the development of these rules was motivated by a concern with distributional issues. As we shall see, all of the important problems addressed by the zone management councils and the rules passed to solve those problems pertain to who gets access to the resource. Second, promulgating a rule for solving one kind of distributional problem caused another; and the solution of that one caused still another. These problems are being successfully addressed, but it is still important to recognize the sequential aspect of this problem solving process.

#### *Problem 1: Trap Limits*

Since the end of World War II, the number of traps in Maine waters has steadily increased due primarily to competition among fishermen. Since that time a growing number of people in the industry have been calling for a trap limit, arguing that a ceiling on the number of traps that could be used would benefit everyone. The argument goes there are only so many harvestable-size lobsters. Why pay for one thousand traps when everyone will catch the same number of lobsters if they have five hundred traps? Harvesters would catch as many lobsters if everyone had the smaller number of traps, but fuel, bait and labor costs would be lower, and trap congestion would be less. Moreover, there also might be some conservation benefits.<sup>2</sup>

Although there has been general agreement on the desirability of a trap limit, the decades-long effort to get such a law passed has always foundered on two issues. First, there is a strong feeling that a trap limit will do no good unless it is coupled with a limit on licenses ("limited entry"). The logic is that a trap limit

**Figure 1:**  
**Map of the Seven Lobster Zones, March 1977**



will not relieve congestion if new entrants come into the industry, bringing with them thousands of new traps. However, limited entry has long been received with ambivalence; such regulations would discourage young people from entering the lobster fishery, one of the prime employment possibilities available in many coastal towns (Acheson, 1975).

Second, and more important, while the majority of fishermen have agreed that there should be a limit on traps, no one was able to agree on what that limit should be. Part of the problem is that the average number of traps fished varies widely from one part of the coast to another. A trap limit that would be acceptable to people in eastern Maine—where six hundred traps is considered a large number—would be completely unacceptable in an area such as Casco Bay, where, until

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recently, fishermen were commonly using over 1,800 traps. Moreover, within each town the so-called “full-time” fishermen generally fish far more traps than the “part-timers,” for whom lobster fishing is not the primary source of income. Thus, attempts to get trap limits engender two sources of conflict: between different areas of the coast and between full- and part-time fishermen in any single harbor (Acheson and Wilson, 1996). This led to a lack of consensus among license holders and a general lack of support for any trap limit proposal in the legislature.

When the permanent zone councils went into operation in the summer of 1997, the first serious issue they tackled was trap limits. In every zone, there were a large number of fishermen with small- and medium-sized operations who had grown tired of watching “big fishermen” or “hogs” take a disproportionate amount of the catch and cause an untold number of gear tangles. Further, there was increasing recognition that the Atlantic States Marine Fisheries Commission (ASMFC), which had recently taken over lobster management beyond the three-mile zone, was likely to impose some kind of trap limit. Many people in the

industry used the threat of ASMFC intervention to bolster the arguments for a trap limit. This sentiment was well known to the zone council members, who proceeded to act on it. In August 1997, Zone E voted to establish an 800 trap limit by 1998, a 700 trap limit by 1999, and a 600 trap limit by 2000. In September, Zone G had passed an 800 trap limit by 2000, and in October a 600 trap limit (Commercial Fisheries News, 1997).<sup>3</sup> The rest of the zones followed in the next few months. By the summer of 1998, all of the zones had held referenda in which trap limits were passed.

The passage of trap limits greatly exacerbated the hostility between those who fished a lot of traps and those with medium and small operations. Before trap limits, “small fishermen” resented “hogs”; after the trap limit votes, it was the “big fishermen” who were resentful of their friends and neighbors who had voted against their interests.

The reason for the hostility of the “big fishermen” is rooted in a number of distributional concerns. Trap limits, or trap caps, do not constrain all fishermen. They force those fishing over the allowable maximum number of traps to reduce the number they fish. This is likely to affect the “big fishermen,” who fish a large amount of gear, and may not force the “small” or “average” fishermen to make any changes at all. However, in the process the relative percentage of traps “small fishermen” have on the bottom is increased, giving them a higher percentage of the overall catch.

Not only were the fishermen with small- and medium-sized operations not required to reduce traps; even more galling was the fact that they were not restricted from increasing the amount of traps they fished. Many of them took advantage of this opportunity, which resulted in the number of traps in use in the state increasing after the zone management law was passed (Acheson, in press). Even worse, many commercial fishermen were moving into the lobster fishery on a full-time basis; while landings in most other fisheries declined, they were attracted by the record high lobster landings achieved in the late 1980s and the 1990s. In 1978, approximately 20% of all lobster license-holders were considered “full-time fishermen”; in 1997, an esti-

mated 58.3% earned 75-100% of their income from the lobster fishery, attesting to the huge growth in the numbers of full-time fishermen (Acheson and Acheson, 1998). In short, although lobster catches increased phenomenally in the past decade, the established “big fishermen” saw a disturbing proportion of that increase going to people with small- and medium-sized operations and to newcomers to the industry—all at a time when they were forced to cut the amount of gear they fished. Under these conditions, it is scarcely surprising that many “big fishermen” were angry, feeling that the trap limit was working against them, and benefitting their competitors.

This hostility between so called “full-time fishermen” (with a lot of traps), and “part-time fishermen” is unquestionably the most serious problem with which the zone councils have had to deal, and it has cast a shadow over all deliberations and actions of the zone councils ever since.

#### *Problem 2: Limited Entry*

The “big fishermen” reacted to the passage of trap limits by working for rules to benefit themselves. They first fought back using strategies which were largely ineffective. In Zone G, four fishermen sued the state over the trap limit votes in that zone, and succeeded in forcing the state to return to an eight hundred trap limit (see note 3). In Zones C and F, where many of the zone council members were “big fishermen,” the councils refused for months to put a trap limit out to referendum. In the face of pressure from a large number of their unhappy constituents and the threat of oncoming rules from the Atlantic States Marine Fisheries Commission, which had recently assumed authority for lobster management outside state waters, the council finally agreed to hold a referendum in the spring of 1998.

In the winter of 1998/99, the Lobster Advisory Council, which has representatives from all zones, worked on two other ideas eventually passed into law by the legislature in June 1999. One was a trap tag freeze, which essentially permitted people fishing under eight hundred traps to purchase only one hundred

more trap tags than they were issued on November 20, 1998. License holders fishing over eight hundred could fish no more traps (LD 982). This law went into effect in September 1999.

The other law (LD 1992) established limited entry by zone. According to this law, limited entry will be achieved by regulations permitting a ratio of licenses to be issued for those not renewed in the zone. For example, a two-to-one ratio would mean that one new license holder would be allowed to fish in the zone for every two who did not renew their licenses. This law, which went into effect in the fall of 1999, specifies a process by which limited entry rules can be established in each zone.<sup>4</sup>

Both of these laws were motivated, in part, by a genuine concern with the continual build-up of traps and with conservation issues. But it needs to be stressed that both were also designed to further the objectives of the fishermen with large amounts of gear. That is, they would stop entry into the industry (especially in the overcrowded western zones) and prevent “part-timers” from building up the amount of gear they fish while “full-time fishermen” are being forced to reduce their trap numbers.

In the spring of 2000, Zone D, E, F and G councils all voted to recommend limited entry in their zones, and suggested a ratio of the new licenses to be issue for those who left the industry. Zone B is currently holding its survey. In all of these zones limited entry is likely to be put into effect by George LaPointe, the Commissioner of Marine Resources. What was not foreseen was that passage of limited entry rules would exacerbate zone boundary problems.

#### *Problem 3: Boundary Problems*

The initial committee charged with implementing the zone management law thought no serious disputes would result from the establishment of zone boundaries, since these boundaries would coincide with existing informal territorial boundaries.<sup>5</sup> That is, the zone boundaries were placed to overlap with the established boundaries of the areas claimed and defended by the groups fishing from each harbor. Moreover, the zone

rules made it possible for people to fish in two zones, providing they fish according to the rules of the most restrictive zone.

Unfortunately, all seven zones have become involved in boundary disputes since the passage of limited entry legislation. All of the disputes are between people from one zone who want to fish in places where they had traditionally fished and others who want to use the new zone boundaries to keep them out. Access to lobster bottom was the issue in all cases, even though the exact cause was not quite the same.

The disputes between Zones F, G, C and D stemmed from the fact that zone boundaries were drawn which allegedly bisect a traditional fishing ground. These disputes did not immediately come to a head; since these four zones had the same trap limit, the fishermen were free to place traps where they had always fished. However, with the passage of the limited entry by zone law in 1999, all of this was to change. With limited entry came the realization that boundaries would have to be made impermeable. One could not have limited entry in a zone if one allowed license holders to cross the border and fish in that zone with impunity. Thus, the so-called “49%/51%” rule was passed, limiting fishermen from one zone to placing a maximum of 49% of their gear in the area of another zone. This would severely limit the activities of some individuals from Zone D who, in the winter, had placed a lot of traps in the offshore waters of Zone C, and other men from Zone F, who, in the winter, had long placed most of their gear in waters now in Zone G. People from the two disadvantaged zones objected mightily, even though a majority of the people from all zones in question favored limited entry.

The dispute between Zones D and E stemmed from a slightly different cause. Zone E passed a six hundred trap limit, which was more restrictive than the eight hundred trap limit of Zone D. This meant that people from Zone E could fish to the east of the boundary (Pemaquid Point), but those from Zone D could not place traps to the west of that boundary. The Zone D fishermen were incensed over this turn of events, since it seemed unfair to them that they would

be stopped from fishing in areas where they had always gone. But this dispute was like the other two boundary disputes in that all three were the result of disputes over access to productive lobster bottom. The Zone C and D dispute—and the Zone D and E disputes—were settled in the winter of 2000 by negotiations between the involved zone councils and the Department of Marine Resources, in which “buffer zones” were established where fishermen from both zones could fish. The Zone F and G dispute continues at this writing.

In the winter of 2000, Rep. David Etnier (Harpowell) introduced a bill designed to solve boundary disputes stemming from the “49%/51%” rule. This bill would have limited the authority of the zones and zone councils to the three-mile zone. Outside three miles, traps could be placed anywhere, which would have allowed most people to continue fishing where they had always gone. This bill was passed in the House late in the spring of 2000, but was defeated in the Senate. Had it passed, it would have resulted in still other problems demanding solution at a later date. For example, it would have made it possible for a person with a license in one zone to fish in any zone providing that he kept only 49% of the traps within three miles and had 51% outside the three-mile line. Such people could have circumvented the entire limited-entry program.

## SUMMARY AND CONCLUSIONS

The Maine co-management law has clearly been successful; it has permitted the members of the lobster industry to get two rules that many industry members have desired for a long time, namely trap limits and limited-entry laws. Another measure of success is that members of the zone councils, Department of Marine Resources, and the Maine Legislature have been very successful in solving the problems that have been caused by implementation of the lobster co-management law.

The passage of these laws was motivated in some part by a concern with conservation, but a much more pressing motive has been a desire to get rules that

would benefit one industry faction over another. Once the zones system was established, trap limits were quickly voted into existence with the overwhelming support of small- and medium-sized fishermen who gained from trap limits.

The “big fishermen” reacted to the trap limits by lobbying successfully for the passage of a limited-entry law and trap tag freeze. These two laws were designed to stop an increasing amount of the catch going to “small fishermen” and to new entrants into the industry. However, passage of the limited-entry law containing the “49%/51%” provision prohibited many fishermen from placing large amounts of traps in areas they had fished for a long time. This caused boundary problems which have not yet been completely solved. There is little doubt that the way these boundary problems are solved will cause still other problems. Limited-entry legislation and the trap tag freeze will also likely cause conflict between those in the industry and people who would like to enter lobstering and build up the amount of gear they can fish.

There is nothing unusual about this situation. Knight (1992) argues that most rules and laws are generated by negotiations over distribution of goods, services, and resources. The same process generating rules for the lobster industry can be seen in virtually all industries and communities. Moreover, those familiar with the legislative process know that legislation almost always needs fine tuning, or remedial legislation. This is a normal part of the evolutionary process.

The fact that the zone council process has succeeded in solving a whole series of problems should not obscure the difficulties involved. It is always very difficult for people to pass rules or laws to constrain themselves. Successful passage of these trap limits and limited-entry rules has been the result of months of long, painful, and sometime acrimonious negotiations. These negotiations have been made all the more difficult by the fact that zone councils are comprised of people from different harbors, those men and women who have traditionally been competitors for fishing bottom (Acheson, 1988). They have been further exacerbated by the fact that the zone councils have had to

bridge two different cultures, that of the fishermen and the subculture of the legislators and Department of Marine Resources. The fact that these rules have been passed by the zone council process attests to the skill, negotiating ability, and dedication of those involved in the process.

Co-management has certainly been a success in the Maine lobster industry. The idea that fishermen never will pass rules to constrain themselves is clearly wrong. Under certain conditions, they will pass rules in the long-term common good. The Maine Legislature has passed a law that has motivated many people in the industry to do just that.

Can co-management solve the resource management problems in other fisheries in the world? We are certainly hopeful, particularly in view of the fact that co-management has also worked in a few other places in the world (see Pinkerton and Weinstein, 1995). However, a caveat is in order. The lobster industry has a long history of successfully approaching the legislature for conservation laws (Acheson, 1997; Acheson and Knight, 2000), and its members have a marked conservation ethic. Other fishing industries certainly do not. Many operate with a “gold rush mentality” in which people strive to get as many fish as possible as quickly as possible with no thought of tomorrow. Can co-management work in these industries? The answer to this question is not obvious, because social scientists have not answered two fundamental and connected questions: Under what conditions will people develop rules to constrain themselves for mutual benefit? And, second: When will the users of natural resources develop a conservation ethic? Recently there has been a lot of work on these questions and progress has been made in addressing them (Ostrom, 1990). However, it is becoming obvious these

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are complicated issues with no obvious answers (Elster, 1989; Knight, 1992). Still, they may be the most important question facing resource management in the next few years.

What is the future of the Maine co-management effort? Certainly future success will necessitate the continued support of the industry and the willingness of fishermen to sacrifice a lot of time to serve as zone council chairs and members. We suspect that the zone councils will continue to be well served. Unfortunately, the future of the industry does not depend only on the members of the lobster industry. It also depends on the activities of government at several different levels. If there is anything social scientists have learned about

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co-management in general it is that lack of support by government agencies can be the death knell of such programs (Jentoft, 1989).

We have no doubt that the lobster zone management law would not have passed through the legislative process had it not been for the support of former Commissioner Robin Alden. There can also be little doubt that an unsympathetic commissioner with good bureaucratic skills could kill such a program, especially in the early stages before it has become institutionalized. Such a commissioner would find ample ammunition in the Maine APA (the Administrative Procedures Act), which gives virtually all power for rulemaking to top state administrators, who do little to facilitate "bottom's up" management. The APA will likely need to be modified if co-management in Maine is to achieve its full potential.

Success of the co-management effort will also depend on activities of the federal agencies enforcing the conservation laws that have been enacted since the

1970s. The Marine Mammal Act, the Endangered Species Act, the Fisheries Conservation and Management Act, and the recent Sustainable Fisheries Act give the federal government a high degree of authority to manage fisheries from the top down. The passage of these laws means that the United States is going in the exact opposite direction it should be going if we wish to develop co-management governance structures. Even worse, the federal government has the power to overwhelm the lobster zone councils. After all, there is little sense in zone councils spending long months negotiating rules, if the feds are going to dictate what the rules will be.

So little time has elapsed since the passage of the lobster co-management law in Maine that little can be said with certainty about its ultimate fate. However, given the state of the world's fisheries, the Maine co-management effort is a very timely experiment. In a field in which a lot of armchair theorizing is the rule, the lobster co-management law provides a case study which will inform all of those interested in fisheries management. 🐞

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## ENDNOTES

1. The legislative history of lobster management is complicated. Each law that was passed involved different players (i.e., industry factions, legislators, scientists, the DMR, and, more recently, conservationists and federal agencies) with different interests and interactions. This history has been covered in detail in two articles, Acheson (1997) and Acheson and Knight (2000).
2. There is no general consensus concerning the effect of a trap limit on fishing effort and conservation. No one in the industry has argued that a trap limit will do much to conserve lobsters. They believe trap limits are desirable because they will cut costs and reduce trap tangles. Some scientists argue that reducing the number of traps will reduce fishing effort and conserve lobster. To the best of our knowledge, there are no data demonstrating that reducing traps will conserve the resource.
3. In the summer of 1998, Zone G's trap limit of six hundred was declared illegal by a judge who ruled that Zone G's council had violated its own bylaws in holding two trap-limit votes within two years. Thus, Zone G had a one thousand trap limit in 1998, one thousand in 1999, and eight hundred in 2000.
4. First, the zone council makes a recommendation for an in/out ratio for the zone to the commissioner. Then the commissioner freezes the entry of new license holders for a year. Then a survey is conducted to ascertain the wishes of license holders in the zone. Last, public hearings are held on the proposed limited-entry rules. The commissioner is then empowered to establish a limited-entry rule for that zone.
5. To go lobster fishing one needs a state license. One also needs to gain acceptance by the group of fishermen fishing from the same harbor, which is sometimes called a "harbor gang." Once a person is admitted to a gang, he or she can ordinarily go fishing only in the territory of that gang. These groups defend their territories with threats of violence, and, in extreme cases, with the surreptitious destruction of lobstering gear (Acheson, 1988). Among state officials, there is tacit acceptance of the territorial system. Everyone knows it exists,

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but it is accepted as long as violence and destruction of property are kept to a minimum and do not come to public attention. When violations are reported, the culprits are prosecuted, long-standing tradition aside.

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