

WIDENING THE NET

Prospects for Fisheries Co-Management

Jeremy Phillipson



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2002

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PREFACE

This book is concerned primarily with the arrangements for fisheries policy formulation and implementation within the UK and, more particularly, the prospects for enhanced participation of fishermen's organisations and representatives through co-management. It comes both at a time of crisis within the industry and considerable policy debate in light of the review of the Common Fisheries Policy in 2002.

The book locates the notion of co-management within the wider governance and fisheries management discourse. Co-management represents a specific form of devolved management involving a sharing of management responsibilities between government and fishermen's organisations. It has been advocated as one potential approach to remedying governance problems and bureaucratic failure in fisheries and has been identified as an area for further exploration in the European Commission's Green Paper on the future of the Common Fisheries Policy (European Commission, 2001). The book aims therefore to contribute to the emerging policy debate concerning the future of fisheries management and to the body of research within the social sciences dealing with notions of user participation and co-management.

The book is based on the author's M.Phil thesis and presents research carried out between 1993 and 1999 while he was employed as Research Associate within the Department of Geography at the University of Hull on the European Union project *Devolved and Regional Management Systems in Fisheries* (AIR-2-CT93-1392) and as Network Manager of the *European Social Science Fisheries Network* (FAIR-CT95-0070). Much of the underlying empirical work was undertaken within the context of joint research, as part of the UK contribution to the analysis of devolved management systems in EU fisheries (Symes *et al.*, 1996).

The book's main reference period is therefore the mid to late 1990s, culminating before the dust had settled after UK Parliamentary Devolution in July 1999. Though the volume presents research from a particular period in time in UK and European fisheries governance, preceding the unravelling implications of devolution and later Government Department restructuring (notably the replacement of the Ministry of Agriculture, Fisheries and Food with a Department of Environment, Food and Rural Affairs) many of the lessons and issues remain pertinent in light of the deepening European fisheries crisis.

The author's interest in governance was initiated to a large degree through collaborative work with researchers based at Erasmus University in Rotterdam, concerned with the exploration of opportunities for more effective governance of European fisheries (Kooiman *et al.*, 1999; Symes and Phillipson, 1999). It should also be noted that certain chapters draw upon and develop existing published material, notably, the analysis of producers' organisations in Chapter 4 (Phillipson, 1999) and alternative management systems in Chapter 5 (Symes and Phillipson, 1996; Phillipson and Crean, 1997). The analysis of Sea Fisheries Committees in Chapter 4 draws on a paper presented at a meeting of the Inshore Fisheries Management Task Group of the *European Social Science Fisheries Network* (Phillipson, 1998b) and subsequently published in 2001 (Phillipson and Symes, 2001). Finally, the underlying assessment of the viability of co-management arrangements in the UK is informed by two specific publications (Phillipson, 1996; Phillipson, 1998a).

The author is indebted to David Symes at the University of Hull for his constructive criticism and for providing the opportunity to partake in some innovative, highly memorable and rewarding research initiatives. Special thanks are also due to Philip Lowe and Hilary Talbot at the Centre for Rural Economy for providing time and space to complete the writing-up of the research, to Eileen Curry for her help in formatting the text for publication, and to friend, artist and film maker Robert Jefferson for his skill and imagination in providing the cover art work. I would also like to pay tribute to the scores of fishing industry leaders, fishermen and other individuals who took time to take part in the research. Finally, my thanks to Hayley without whose support and patience the work would not have been possible.

Chapter 1

INTRODUCTION

MANAGEMENT CRISIS

After almost half a century of governing efforts, the fisheries of the European Union (EU) remain depleted and overexploited, with many of its industries disenchanting and unwilling to comply with the regulatory system in place. There appears to be a significant hiatus in the relationship between the instruments of fisheries policy and the intended outcomes, which has led to a widespread lack of confidence in the governing system.

Critical reviews of the current management system are manifold. In 1991 the European Commission's own review of the Common Fisheries Policy (CFP) described a situation of sectoral crisis, overfishing, fleet over-capacity and widespread non-compliance with the management system (Commission of the European Communities, 1991). The current situation is such that the majority of commercially important fish stocks in the Northeast Atlantic are classed as fully or overexploited, with several stocks in a depleted condition and subject to overfishing (FAO, 1997). In the North Sea in particular, several fish stocks are depleted and in danger of collapse, while others are at or close to their lowest recorded levels (Svelle *et al.*, 1997). In 1996, the UK based CFP Review Group highlighted an urgent need to improve fisheries management and pointed to failure within the CFP, noting "endemic problems of over-fishing, reducing profitability in the fishing industry, and associated socio-economic and environmental problems" (Common Fisheries Policy Review Group, 1996a: p. 10).

More recently, during a round of European Commission consultations with the fishing industry and other interested parties throughout the EU, there was widespread criticism of the Common Fisheries Policy (CFP). The general consensus was that the objectives of the CFP had not been attained (CFP Consultation, 1998a). In England and Wales, for example, opinion was particularly negative and pointed towards declining stocks, inadequate regulatory and enforcement systems, bureaucracy and a failure to allow active participation of fishermen in decision making (CFP Consultation, 1998b). One of the main reasons for policy failure was attributed to what was seen as the inflexible, cumbersome and centralised nature of the CFP (Fishing News, 1998). According to Symes (1995b) the CFP cannot, in fact, claim much success:

A deepening resource crisis, an ineffectual structural policy for reducing fishing effort, overt malpractices encouraged or indeed

enforced by EU legislation and a severe loss of confidence in the policy framework on the part of the industry have all created conditions for increasing non-compliance with the regulations.

(Symes, 1995b: pp. 33-24)

European and UK fisheries therefore appear to be the subject of an enduring governing crisis relating to the overexploitation of the resource base and ineffective management approaches (McGoodwin, 1990; Crean and Symes, 1996). However, while the results of policy failure are easy to identify, the causes are less obvious. They are undoubtedly multifaceted and reflective of the nature of fisheries as a complex natural and social system, and this poses a significant challenge in locating appropriate and embracing solutions. Thus, problems in governing may rest in uncertainties and turbulence within the natural ecosystem (Hamilton *et al.*, 1998), in interfaces between, and responses of, actors, interest groups and institutions within and around the sector (Symes, 1998a), in particular forms of property rights or a lack of definition of such rights (Symes and Crean, 1995a), in uneven enforcement procedures (Holden, 1994), or in the effects of global shifts and processes on local contexts (Jonsson, 1994; Symes, 1995a; Arbo and Hersoug, 1997). The role of rapid technological development and structural imbalances between resources and fishing capacity are also acknowledged as having a major undermining influence upon management efforts (Gulland, 1987; Garrod and Whitmarsh, 1991; Raakjaer Nielsen, 1992; Common Fisheries Policy Review Group, 1996a; FAO, 1997).

This book argues that some blame may also be attributed to the way fisheries management has traditionally been approached. In part this may reflect the particular regulatory tradition and the selection of inadequate or contradictory policy instruments (González Laxe, 1999; Christensen *et al.*, 1999). On the one hand, dependence on a total allowable catch (TAC) and quota system, as the mainstay of policy intervention, has tended to encourage rather than alleviate trends towards overcapitalisation and resource exploitation (CFP Consultation, 1996a). On the other hand, problems may emanate from the tendency for centralised and bureaucratic approaches to governance and a dearth of user group involvement and support within the policy formulation and implementation process (Jentoft, 1989; Symes and Crean, 1993; Symes, 1997a; Gallagher, 1999). Here the need is to focus upon alternative institutional frameworks rather than the particular details of fisheries policy or management (Common Fisheries Policy Review Group, 1996b; Jentoft and McCay, 1995; Symes and Phillipson, 1996, 1999).

Symes (1996) describes a cluster of governing crises, including: a crisis of *production* involving overfishing and the increasing constraints placed on fishermen's traditional freedom of action by the regulatory process; a crisis of

property rights based on the redefinition and enclosure of the commons which challenges established perceptions of marine resources; a crisis of *markets* resulting from globalisation processes and marginalisation of local producers within the wider fish production chain; a crisis of *institutions*, referring to the abrogation of flexible and traditional forms of management organisation by rigid and centralised policy making systems and the exclusion of fishermen's organisations from playing an active role within these systems; and finally, a crisis of *confidence* in the management system which threatens its ability to maintain social order and gain the respect of the various interests involved in fisheries. Symes (1996) goes on to relate the fisheries crisis to the penetration of industrial capital in traditional territories and the intervention of state management, which has replaced a pervading concept of collective responsibility with that of competitive exploitation.

An overriding need, therefore, appears to be to focus upon governance as the "action, manner or system of governing" (Collins English Dictionary, 1999) and, more particularly, to consider the means to promote less bureaucratic and more sensitive policy approaches involving greater recourse to the participation of user groups. Sen and Raakjaer Nielsen (1996) argue that there has, in fact, been growing recognition that user groups have to be more actively involved in fisheries management for it to be both effective and legitimate. In 1991, for example, the European Commission recognised the need for a more appropriate distribution of responsibility and, in accordance with the subsidiarity principle, the participation of fishermen's organisations and economic agents within policy implementation (Commission of the European Communities, 1991). Transparency within the management system, through the involvement of relevant bodies, was considered essential to ensure effective implementation and compliance. This was reiterated by the European Parliament's Committee on Fisheries in 1999, which considered that fishermen were more likely to obey and support rules if they were involved in decision making and that their input would lead to a more realistic, legitimate and workable system (Gallagher, 1999). The FAO (1998) has argued in similar terms for improved governance, recognising that the responsibility for management should not rest exclusively with governments but rather be shared among those operating in the fisheries sector. This was also the conclusion of the *Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues*, which noted the merits of participation, co-operation and communication, as being important ingredients in fisheries management as "a means of ensuring better understanding of – and compliance with – management measures" (Svelle *et al.*, 1997: p. 104). Finally, from a UK perspective, Symes (1995b) has highlighted a significant gap between user groups and regulatory bodies noting the failure of management to provide an effective means of upward transfer of knowledge and

expertise to the centre. He calls for the strengthening of fishermen's organisations within the policy system.

Fisheries co-management or co-governance, a specific form of devolved management involving a sharing of management responsibilities between government and fishermen's organisations, represents one potential approach which has been advocated to draw user groups within the policy system as a partial remedy, or even panacea, to the governing problems in fisheries and as a means to engender a more legitimate, informed and co-operative policy environment (Jentoft, 1989). As such it has represented one of the important themes that has emerged in the social sciences in the 1990s in response to the deepening crisis in fisheries management (Vestergaard *et al.*, 1998). In fact, the social sciences have increasingly turned their attention to a range of issues which are positioned at the heart of the co-management debate, such as the role of the state in fisheries policy, forms of user group organisation, the marginalisation of local management institutions, the management of risk and uncertainty and the relations between fisheries science and fishermen's knowledge. For Vestergaard *et al.* (1998) this is symptomatic of a broader paradigm shift, from the biological and economic modelling of the 1960s and 1970s, to a consideration of property rights, institutional frameworks and governance in the 1980s and 1990s.

OBJECTIVES AND PARAMETERS

This book aims to contribute to the emerging body of research within the social sciences dealing with notions of user participation and co-management. Its two central objectives are thus to evaluate: (i) the existing approach to UK fisheries governance through an analysis of policy formulation and implementation systems; and (ii) the prospects for and potential structuring of co-governance in UK fisheries based on an analysis of the role, structure and capabilities of fishermen's organisations and an exploration of alternative management systems³.

The overarching intention is, therefore, to consider how far co-management can be taken in a UK fisheries context and the main opportunities that might be available in this respect. The notion of co-management or co-governance - as one potential approach for addressing governing problems in fisheries - will also be located within the wider governance discourse and fisheries management debate.

The book pays attention to the multi-layered nature of governance. The concept and its assemblage of associated issues can be dismantled at a range of levels from the individual, to enterprises and organisations, to nation states, and

includes wider aspects of analysis embracing modes of production, political culture and societal systems. The book focuses primarily on the organisational, or meso-level¹ governance issues in fisheries, through the consideration of both existing and potential forms of institutional organisation. This follows the perspective of Dubbink and van Vliet (1997), who identify the meso-level as being central to co-management². Thus they argue that:

Advocates of the co-management perspective consider the fact that public regulation is mainly organized at the macro-level of state bureaucracy, a main cause of the problems surrounding public policies. The meso-level, the level of civil and private organizations, is presently hardly involved. The micro-level of the individual or the individual firm is only passively involved, as the subject of government regulations ... Central to the co-management perspective is the idea that the meso-level and micro-level of society should participate significantly more in governing.
(Dubbink and van Vliet, 1997: p. 502)

Only marginal attention in this book is offered to the micro-level of governance. For Dubbink and van Vliet (1997) this omission is legitimated conceptually, in that the deliberate co-ordination necessary for solving collective problems in fisheries governance cannot be provided at the individual level.

The focus, therefore, is upon policy process rather than content. Less specific attention is given to what might be called the instruments or tools of governance in terms of particular regulatory or policy measures. However, by considering matters of institutional organisation in fisheries, it is hoped that the work can complement a number of research areas. From a fisheries perspective, for example, it may contribute to the ongoing debate over appropriate and alternative policy approaches. The research is also of relevance to general issues relating to the empowerment of actors, regionalisation, organisational processes, participatory or corporatist studies and notions of governance. Finally it also complements a number of wider research perspectives concerning the management of renewable or common property resources and questions relating to sustainability or sustainable development, though it would not pretend to make these notions its main focus.

It can be argued for example, from the perspective of sustainable development, that effective involvement of user groups within the policy system is essential to developing a sense of management system legitimacy and for improving the knowledge base and rationale for management. In fact Redclift (1992), in a

general review of the meaning and objectives of sustainable development, explicitly identifies a need for participation:

The 'bottom line', in practical terms, is that if people are not brought into focus through sustainable development, becoming both the architects and engineers of the concept, then it will never be achieved anyway, since they are unlikely to take responsibility for something they do not 'own' themselves.

(Redclift, 1992: p. 397)

Clearly, the real challenge of sustainable fisheries development - as the mutual development of resource, environment, fishing economy and community - is in defining, balancing and prioritising the various objectives and in operationalising a holistic approach of this kind. In ideal circumstances co-management might facilitate and lend crucial inputs of knowledge and legitimacy to this sensitive process. It can also be argued that co-management satisfies the challenge laid out by Drummond and Symes (1996), in perhaps the first article which effectively addresses questions of sustainable development in the context of fisheries. In understanding unsustainable practices they recommend attention to underlying economic and social processes. Emphasis is placed upon the capitalist mode of social regulation, as "an ensemble of norms, institutions, organizational forms, social networks, and patterns of conduct ... [which] define rights, constraints, opportunities and powers" (Drummond and Symes, 1996: p. 155) and which acts as the facilitating mechanism for ongoing capital accumulation and, in turn, unsustainable events. In fisheries this emerges through pressures to maintain the value of capital, existing power structures and the *status quo* generally, and in reactive attempts to tackle emerging problems. While co-management does not claim to alter the overriding mode of social regulation, it does attempt to influence the regulatory context and its underlying processes through stimulating more co-operative interactions among actors within the industry and through moderating their sense of alienation within the policy process; these are arguably important causal factors leading to current governability problems in UK fisheries.

The analysis of co-management also overlaps to some extent with the debate concerning appropriate property rights systems in fisheries, a central component within resource management (Symes, 1998a). While co-management may not necessarily directly influence property structures, it may offer complementary effects through influencing the stakeholders' sense of ownership over the resource, or the policy process itself and its outcomes, and through offering possibilities for more co-operative and equitable management approaches (Jentoft, 1989). In these terms it may emulate some of the benefits of traditional

community based management systems (Feeny *et al.*, 1990). It is also feasible that the form of co-management will, in part, be influenced by the overall nature of the property rights regime that is in place.

Perhaps more significantly, co-governance represents a departure from traditional forms of fisheries resource management. In the first instance it recognises the need for a broader perspective that accepts 'other' considerations, processes and knowledge systems as being important in the management equation. Traditionally this equation has been built upon biological and economic modelling (Gordon, 1954; Schaefer, 1957) and the identification of optimum levels of fishing effort; a simplified, science-led and technocratic view of the fisheries system which has served to devalue and alienate fishermen from the policy system, together with their 'traditional' knowledge, adaptive response and local management approaches (Eythorsson, 1993; Pálsson, 1993; Vestergaard, 1993; Crean and Symes, 1994; Symes, 1998a). As Holm (1996) explains, management has been premised on a number of basic assumptions relating to the stability of fish stocks and their predictability under exploitation, and the portrayal of fishermen as rational individualists with little capacity for collective action. The bio-economic models have been criticised on a basis of their inability to account for the realities of the fisheries system in terms of complex species interactions, ecosystem instability, technological development and the responses of fishermen (Larkin, 1977; McGlade, 1999). Co-management, in contrast, emphasises and brings a whole range of other factors into the management equation, such as institutional frameworks, decision making routines and representation mechanisms. In addition, it begins to recognise and draw upon opportunities for co-operative and communal action within the fishing industry, as well as fishermen's specific knowledge and behavioural responses as a means of coping with what is clearly an unpredictable, complex and turbulent fisheries and marine ecosystem.

Thus, co-management begins to dismantle what Holm (1996) describes as a modern resource management system institutionalised by a partnership between state (providing power) and science (providing relevant knowledge). It questions the efficacy of management built upon the hegemony of central state power through promoting the relevance of local or regional participation and a widening of the policy community to incorporate other stakeholders from within the industry itself. In so doing, it challenges the 'unquestionable' and narrowly based science on which this traditional hegemony is founded. Finally, through offering user group knowledge, co-management arguably provides an opportunity to add value to the existing science of fisheries management which, according to Degnbol (1999), is rapidly approaching its limits of durability in terms of cost efficiency, complexity, legitimacy and reliability. For Degnbol

(1999: p. 11), “there is ... an urgent need for a new paradigm in fisheries biology which is cost efficient, provides knowledge which is considered valid by stakeholders and which is able to deliver”. Among the components of such a new paradigm in fisheries management, Symes (1999a) identifies the need to address the incorporation of relevant interest groups within a reconstituted policy community.

SHAPING THE ARGUMENT

The book’s objectives are tackled sequentially. Thus, Chapter 2 begins with an analysis of policy formulation and implementation procedures with a view to deducing the main features of UK and European fisheries governance. This involves an investigation of the main policy instruments, institutional frameworks and governing principles and a description of the roles and characteristics of fishermen’s organisations within the UK. The findings from a postal survey, seeking to evaluate the views of UK fishermen on existing and alternative management systems, are also discussed.

Chapter 3 explores the theory of co-management as one potential opportunity for addressing some of the weaknesses in fisheries governance as identified in Chapter 2 and in the introduction. Furthermore, an attempt is made to extend the analysis through locating and contextualising co-management within the broader debate on governance.

Chapter 4 discusses the reality of opportunities for co-governance in UK fisheries, based on a meso-level exploration of the structures and capabilities of fishermen’s organisations with a view to their active participation in fisheries management. Three key organisational forms are each considered in turn: fishermen’s associations as the main representative organisations within the UK; producers’ organisations as fishermen’s organisations with an existing management remit; and Sea Fisheries Committees with a specific role in inshore fisheries management and an equally specific organisational architecture.

In Chapter 5 attention turns to the analysis of more ideal organisational forms through a consideration of co-governance at the macro-level and the incorporation of fishermen’s organisations in wider policy formulation and consultation procedures. This involves the delimitation and discussion of novel forms for improved policy generation mechanisms for the UK.

Finally, in the concluding chapter, the key challenges facing co-governance in the context of UK fisheries are identified.

Notes

- 1 Several authors have used the term ‘meso-’ to refer to organisation level analysis and with reference to micro- (individual or firm) or macro- (societal or state) levels of study (see, for example, Jessop, 1995; Kooiman, *et al.*, 1999; van Vliet and Dubbink 1999).
- 2 They note, in fact, that attention given to strengthening the meso-level represents a fundamental difference between co-management and strategies such as deregulation or privatisation, which tend to focus on micro-level considerations.
- 3 The research approach underpinning the volume was essentially qualitative in orientation. The prime tool was the semi-structured interview with fishermen’s organisations and key actors within the industry. Some use was also made of postal questionnaires. The aim was to provide a UK perspective. Particular use was made of field visits along the Anglo-Scottish coast spanning the contrasting systems of fisheries management between England and Scotland.

Chapter 2

UK AND EUROPEAN FISHERIES GOVERNANCE AND THE ROLE OF FISHERMEN'S ORGANISATIONS

Introduction

This chapter explores the main characteristics of UK and European fisheries governance through a consideration of policy formulation and implementation systems¹. In many respects UK fisheries policy, its legal basis and driving mechanism, is now linked to, and framed at, a supranational level and must be viewed in the context of the institutional apparatus of the European Union and the CFP. Attention, therefore, is first given to outlining the main policy instruments, institutional frameworks and governing principles at the European level. The focus then turns to the specific arrangements within the UK. This involves an exploration of the role of government departments, the main functions and characteristics of fishermen's organisations (including their role within policy formulation) and the main policy measures. The industry's own perspectives of the governance system are also presented throughout the chapter. This culminates with consideration of the results of a survey highlighting the views of fishermen on existing and alternative management systems.

The European dimension

The current CFP is the outcome of almost half a century of incremental development that progressed from an embryonic reference couched within the agricultural objectives of the Treaty of Rome (1957: Article 38), through the protracted negotiation and development of separate regulations referring to structures (101/76²), markets (100/76³) and conservation measures (170/83⁴), to the policy's interim revision in 1992 which led to the establishment of a nominally more integrated common legal framework and revised CFP (3760/92⁵) (Leigh, 1983; Wise, 1984; Holden, 1994; Symes, 1995b). The next potential watershed for the policy, at least in theory, takes place in 2002 when access derogations agreed in 1983 expire and are subject to renegotiation. Throughout this period a reactive and piecemeal policy has emerged in response to biological (the condition of stocks), economic (the development of the single market and increasing trade liberalisation) and political (the protection of national interests and the implications of EU enlargement) challenges (Wise, 1996).

Explicit fisheries relevant objectives were not specified until nine years after the CFP's inception, when the revised policy of 1992 stated the aims as "to protect and conserve available and accessible living marine aquatic resources, and to provide for rational and responsible exploitation on a sustainable basis, in appropriate economic and social conditions for the sector, taking account of its implications for the marine eco-system, and in particular taking account of the needs of both producers and consumers" (Council Regulation (EEC) No 3760/92, Article 2). These objectives, while appearing to offer a holistic approach, suffer from a lack of specificity and prioritisation and, in practice, integration is limited between the various policy strands and complementary sectors (Symes, 1995b). Furthermore, particular social and ecosystem priorities are undefined, if not ignored; in part this has arisen from an uncontested primacy of biological and economic advice in policy discourse, which has been built upon dual targets of maximum sustainable yield and maximum economic yield (Crean and Symes, 1994; Symes and Crean, 1995a; Hersoug, 1996). It could be argued that this lack of clarification, direction and coherence of objectives is at the root of many governing constraints and dilemmas in EU fisheries and individual Member States (Symes, 1995b).

EU fisheries governance is characterised by a number of specific governing instruments, principles and a particular institutional machinery, which are each examined in turn.

Governing instruments

The set of policy instruments that combine to make up the CFP have direct relevance throughout the EU's 'common pond' and a significant role to play in the governing of UK fisheries (European Commission, 1999b). A multifaceted approach includes:

- (i) a common organisation in fisheries and aquaculture products aiming to provide a common market and match supply with demand; this incorporates marketing standards, price support, marketing organisations and import price intervention;
- (ii) Total Allowable Catches (TACs) and quotas, forming the pivotal tool of catch regulation in EU fisheries, decided on an annual basis and allocated by ICES (International Council for the Exploration of the Sea) sub-divisions;
- (iii) technical conservation regulations; these include minimum mesh sizes, minimum landing sizes, selective fishing gears, bycatch restrictions and closed areas and seasons

- (iv) licensing of Community vessels; this provides the potential to limit fishing effort in certain fisheries through the allocation of Special Fishing Permits;
- (v) structural policy which supports fishing effort reductions (through the Multi-annual Guidance Programmes (MAGP)), infrastructural support, fleet renewal and joint ventures; the MAGP sets effort reduction targets for fleet segments to be met through fleet withdrawals or restrictions of days at sea;
- (vi) third country access agreements, bilateral and multilateral negotiations; and
- (vii) monitoring and co-ordination of enforcement and control measures at Member State level

Governing principles

EU fisheries governance, within which these various instruments are delimited, is steered by a number of macro-principles elaborated within the EU Treaties. These include the notions of *non-discrimination*, whereby decisions taken by the European Commission and Council of Ministers should not discriminate against fleets from specific Member States⁶, *equal access* to fishing grounds within the ‘common pond’, and *relative stability*, which offers a fixed percentage against which Member States are allocated fishing quotas. In practice, some of these principles work against one another and for Wise (1996) this essentially represents a tension between European and national concepts of fisheries management. For example, the full implications of equal access are subdued by the principle of relative stability and by various access derogations. These include the reservation of the 12 nautical mile limits for coastal state fishing interests (subject to historic access agreements within the 6-12 nautical mile limit) and the North of Scotland Box (limiting the number of licences for over 26 metre vessels around the Shetland archipelago). Other critics have pointed to the inflexible nature of macro-European principles:

The principle of relative stability and the politics of the *status quo* are a prescription for conservatism, projecting the present as the future. Relative stability would seem to infer relative inflexibility.

(Symes, 1995a: p. 10)

Two further macro-principles also have relevance to fisheries, *proportionality* and *subsidiarity*. These are of particular significance to the current analysis as they serve to influence the level at which management decisions are adopted and the particular division of management responsibility among the actors within the industry. Both principles, built into Article 3b of the Treaty

establishing the European Community following the Maastricht Treaty (and further elaborated in a Protocol within the Amsterdam Treaty), are often taken in tandem and alongside the separate EU objective that “decisions are taken as closely as possible to the citizen” (Article A, Maastricht Treaty). According to the subsidiarity principle:

In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.

(Article 3b, Treaty establishing the European Community)

According to the Amsterdam protocol, subsidiarity provides a guide as to how powers are to be exercised at EU level. That a Community objective can be better achieved at EU level rather than Member States must be substantiated and might relate to transnational aspects; occasions where actions by Member States alone, or lack of EU action, would conflict with the requirements of the Treaty or would damage Member States’ interests; or instances where action at Community level would produce clear benefits by reason of its scale or effects. The principle requires that Community measures should leave as much scope for national discretion as possible.

Morin (1998), however, considers that subsidiarity has little significance for fisheries matters as the principle legally applies only in circumstances where the EU does *not* have exclusive competence. By virtue of the provisions in the European treaties, the EU has exclusive competence in the management of sea fisheries and he argues that the more relevant juridical principle is, therefore, that of proportionality. Proportionality requires that “the Community shall not go beyond what is necessary to achieve the objectives of this Treaty” (Article 3b, Treaty establishing the European Community). For Morin this suggests that Member States must yield to the EU, but that they may jointly claim and exercise specific functions. Despite this legal interpretation, Cudennec *et al.* (1996: p. 89) argue that the principle of subsidiarity has to a great extent “influenced the exercise of competence, both at national and Community levels, in the fisheries sector”.

In practice it is quite difficult to distinguish the contrasts between subsidiarity and proportionality; both would seem to promote not dissimilar outcomes. The main difference appears to rest upon the Community’s legal responsibility for fisheries and whether it must justify its involvement in management *vis-à-vis*

the Member States (subsidiarity) or the EU Treaty (proportionality). The Community's own literature appears to lend support to the importance of both principles in fisheries governance. Thus, the introduction to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fishing and aquaculture, states that "the taking, implementing and monitoring of decisions should be done at the most appropriate level" and that the principle of proportionality should be applied. Indeed, one area where the principle of proportionality is clearly relevant is in the domain of access to Member States' territorial waters, permitting them, until 31 December 2002, to restrict access within a 12 nautical mile zone. The 1991 CFP review document (Commission of the European Communities, 1991) goes further through signalling a need to respect subsidiarity in fisheries and noting that "subsidiarity requires an appropriate sharing of responsibility among the Community, the Member States, the regions and the fishery professionals" (p. 66). It goes on to explain that "the hierarchy of rules ... must allow much of the work of implementation to be delegated to the various parties concerned (national, regional and professional authorities), giving them sufficient scope to choose the means and methods used" (p. 66).

In practice the realisation of the principles of subsidiarity and proportionality appears to focus on the division of responsibility between EU and Member State, rather than any concerted involvement of regional or professional interests below the national level. The delimitation of Member State control would appear the prime motive behind the principles. In effect this means Member States retain a degree of initiative in interpreting and determining the details of management and the choice of institutional approach, provided that they conform with overall Community law and the various measures and objectives of the CFP. The actual interpretation and application of Community law by Member States, and overall legal guidance as to this division of responsibility between EU and nation state, remains the role of the European Court of Justice.

Governing institutions

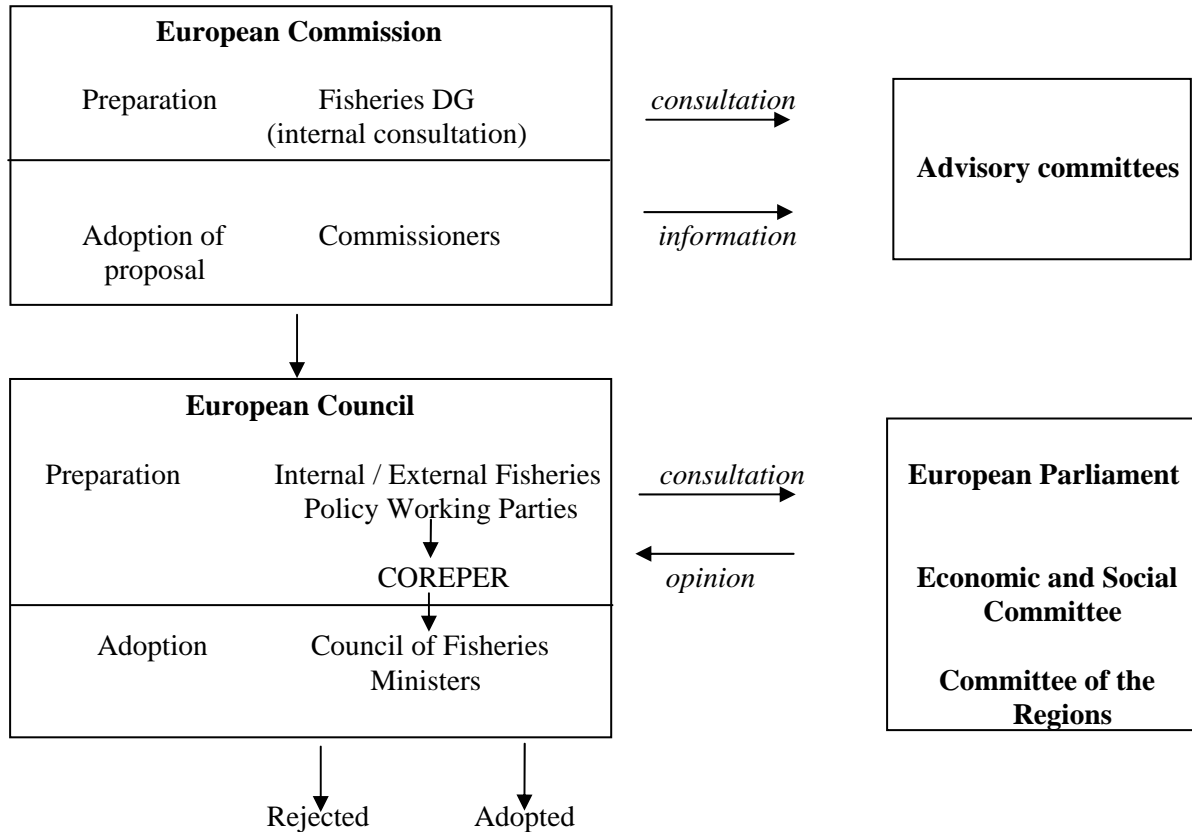
As well as displaying a number of macro-principles and specific governing instruments, EU fisheries governance can also be distinguished by its overarching supranational, institutional system involving, at its core, the Council of Ministers, European Parliament, European Commission and European Court of Justice. Fisheries regulation is the product of well defined decision making routines and multiple interactions (see Figure 2.1). In effect, policy initiatives emanate from Fisheries Directorate General (formerly DG XIV) of the European Commission, on a basis of its 'right of initiative'. A

policy proposal is prepared following consultation with and advice from a large range of bodies, notably the Advisory Committee for Fisheries Management (ACFM) of ICES, the EU's own Scientific, Technical and Economic Committee for Fisheries (STECF), the Advisory Committee on Fisheries, regional fisheries organisations, third countries (where relevant) and other related Directorates. This is also the procedure adopted for the delimitation of Total Allowable Catches where scientific advice from both the ACFM and the STECF, whose membership is overlapping, is central. Once fisheries legislation has been adopted, the European Commission remains primarily responsible for ensuring and monitoring its implementation within individual Member States and for the negotiation of any international agreements. It also manages the fisheries budget subject to financial scrutiny of the European Court of Auditors. For specific matters the Commission may also pass 'Commission measures' after consultation with Member State representatives.

Once the Commissioners have adopted a Commission proposal, it is subsequently accepted, amended or rejected through negotiation and bargaining within the Council of Fisheries Ministers who vote on a basis of qualified majority voting. A legislative outcome, in the form of a regulation or decision, follows preparations within various fisheries policy working parties and COREPER. COREPER is made up of the national permanent representatives and is responsible for resolving technical issues and routine matters and for preparing the Council agenda. If it agrees with the Commission proposal this is generally passed at the Council meeting without discussion. Any disagreements must be debated within the full Council meeting and if, after this stage, an agreement is still out of reach the Commission must maintain (and risk being overruled in the Council by qualified majority), amend or withdraw its proposal.

A Council regulation or decision follows a significant degree of consultation involving the European Parliament, Committee of the Regions and the Economic and Social Committee. All three bodies can express opinions and are consulted with regard to Commission proposals; in fact, on certain issues consultation is an obligatory requirement. The opinion of the European Parliament is generated through the Committee of Fisheries (prior to 1994 a sub-committee of the Agriculture Committee). Sections with a dedicated fisheries remit are also in place within the Committee of the Regions (Agriculture, Rural Development and Fisheries Commission) and Economic and Social Committee (Section for Agriculture and Fisheries).

Figure 2.1: Decision making within the European institutions



Based on European Commission, 1999b

The protection of national interests within Council is a key factor in the generation of fisheries policy and an emerging decision will often reflect a compromise between Commission and Council (Symes and Crean, 1995b). Symes (1995b) is particularly scathing in his assessment:

... an uncoordinated, piecemeal system of regulation and a policy which is mainly reactive, short term and confined largely to a damage-limitation exercise in the attempt to minimise the impacts of nationally centred, sometimes chauvinistic and occasionally xenophobic positions adopted by individual member states.

(Symes, 1995b: p. 34)

It is not unusual, for example, for Commission proposals for TACs to be set higher than the scientific advice suggested after political considerations have been accounted for (Commission of the European Communities, 1991). The 1993 TACs for North Sea sole, west coast saithe and Irish Sea whiting are good examples (European Commission, 1994). The Commission does, however, acknowledge the problem and the need for a longer term perspective. In 1993 it noted how:

‘Strategies have to be designed for the medium term, based on principles which are not put back on the table every year. The ‘political energy’ which has been put into securing the upward revision of various annual quotas as compared with the scientific recommendations would be more usefully invested in analysing the goals set for fisheries management and defining medium-term strategies.

(European Commission, 1993: p. 5)

While there is some evidence of variation of policy measures at regional level, notably in terms of quota allocations, technical conservation measures and stock assessment procedures, the EU policy making system is seen to remain essentially centralised in its orientation and development. Indeed, Symes (1998b: p. 176) contends that “the principal weakness of the present policy derives very largely from attempts to impose a single, monolithic structure upon what is a large, highly diversified and ecologically sensitive ‘common pond’”. More recently the European Commission has acknowledged the overcentralised nature of the CFP, its lack of adaptability to regional needs and its failure to respond to the specific needs of particular fisheries and areas (European Commission, 1999a). A similar perspective was provided by the European Parliament’s Committee on Fisheries in 1999 (Gallagher, 1999).

Finally, recourse to the participation of user groups within policy making is minimal within the complex decision making procedures and institutions that make up the EU polity. Consultation with industry occurs through the Advisory Committee on Fisheries, established in 1971, which is consulted and offers opinion on Commission policy proposals. The Committee meets infrequently and is constrained in its operations due to a combination of weak financial support and its late point of entry into the Commission policy formulation process (Holden, 1994). Indeed, according to the European Parliament Committee on Fisheries, the full potential of the Advisory Committee “has not been realised and there is little understanding of what it does and so it fails to operate at anything like its potential level of effectiveness” (Gallagher, 1999: p. 12). *Europêche*, the European Association of National Fishermen’s Organisations, holds the lion share of seats within the Committee and thus plays an important role in its deliberations. The Association will also lobby the EU institutions directly and contributes members to various working groups. While it plays an important though extremely challenging role in attempting to provide a co-ordinating voice for the diverse European fishing industries, the importance of its remit is not reflected in its level of administrative and organisational support (Raakjaer Nielsen, 1992).

Institutional organisation in the UK

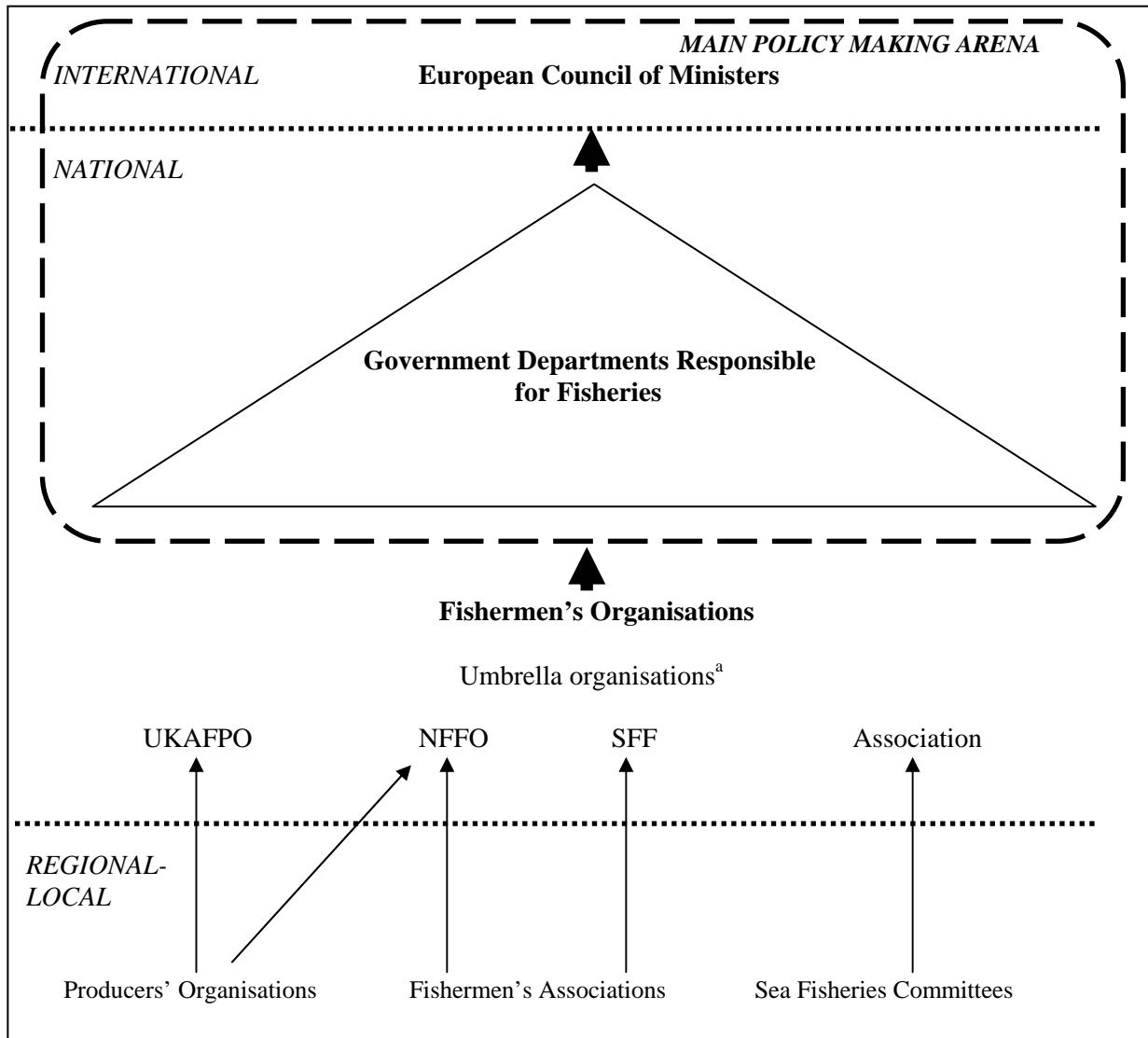
In effect, while the preceding analysis has highlighted the importance of the EU dimension, the detailed implementation of the Common Fisheries Policy in terms of its main policy measures and the realisation of its central principles, is largely performed at the level of the national administration (Symes, 1995b)⁷. The overriding legislative basis to fisheries management is, therefore, hierarchical in form. Local and regional regulation is embedded within systems of national and European legislation. Much of EU fisheries policy is implemented through Regulations, which are effective without the enactment of separate national legislation, or Directives, which allow some discretion in interpretation and are implemented through domestic legislation. At the national level, despite a provision for separate ministerial orders, the main Acts governing the fishing industry generally apply to the UK as a whole. Most take effect through 'enabling legislation' in the form of statutory instruments (Orders), while certain aspects of Acts may also be directly applicable (Symes *et al.*, 1994).

The UK's own system of governance is an important, if not the prime, influence upon the country's fisheries governing approach. Even for those EU measures which are directly applicable in the UK, the basis and means for their implementation is provided by the specific legislative and organisational structures that make up the UK institutional and policy system. For several policy measures the UK government has a degree of discretion as to how the measure is structured and implemented in practice. It remains responsible, for example, for the means of distribution and monitoring of quotas, for licensing, enforcement, supervision and control measures and for the meeting of fleet restructuring targets. Hence, in many respects the implementation of a number of EU measures requires the close participation and co-operation of the Member State. Indeed, some components of fisheries policy can be introduced unilaterally. The UK government can, for example, adopt urgent provisional measures, which may then be amended, confirmed or cancelled by the Commission. Furthermore, it may introduce additional conservation and management rules insofar as these only apply to UK fishermen, or with regard to local stocks prosecuted by UK fishermen, and provided they go beyond the minimum requirements laid down within Community law. This is the case for the system of inshore fisheries management, whereby Sea Fisheries Committees are able to introduce bylaws within the six nautical mile limit, and for the UK's own restrictive licensing system.

Institutional organisation, comprising the structures and organisational forms, institutional linkages and decision making procedures, is central to the identity of UK fisheries governance. The UK fishing industry is comprised of a diffuse

range of regional and sectoral influences which are themselves expressed and promulgated by the organisational system, its administration and systems of political representation. Thus, the system of institutional organisation is characterised by a dispersal of management responsibility between provincial government departments in England and Wales, Scotland and Northern Ireland and involves a range of statutory and non-statutory organisations and interests at the local and regional level (see Figure 2.2).

Figure 2.2: Institutional organisation in the UK



a - Includes a selection of umbrella organisations only, including the UK Association of Fish Producers' Organisations (UKAFPO), The National Federation of Fishermen's Organisation (NFFO) and the Scottish Fishermen's Federation (SFF).

The Ministry of Agriculture, Fisheries and Food (MAFF)⁸ is *primus inter pares* among the regional fisheries departments. As the UK Ministry it is ultimately responsible for UK fisheries policy, drafts national legislation, and represents the UK position in EU relations and international negotiations. This 'common'

position is generated through close consultation and inter-departmental meetings with the Scottish Office, Agriculture, Environment and Fisheries Department (SOAEFD), the Department of Agriculture for Northern Ireland (DANI) and the Welsh Office Agriculture Department (WOAD)⁹. Domestic fisheries management is implemented concurrently on a regional basis by the respective departments, with MAFF taking the lead for England and Wales. Though each Department is relatively autonomous, they do not act alone on major policy issues. Some aspects necessarily cross provincial boundaries and here responsibility is assumed by a single Department.

The order of precedence between departments is also reflected in the status of lead Ministerial appointments (Symes *et al.*, 1994), whereby MAFF is the sole agriculture and fisheries department headed by a Cabinet Minister. However, within each individual departmental set-up fisheries remains the junior partner to agriculture and increasingly the environment. Within MAFF specific responsibility for fisheries is assumed by a Parliamentary Secretary and within a portfolio including animal welfare, countryside matters, forestry and flood defence. The Fisheries Secretary is not a member of the central management group of the Ministry. In the other departments fisheries also fall within the remit of a junior minister (Parliamentary Under-Secretary) who is also responsible for a full complement of agricultural responsibilities.

At the time of the research some commentators within the industry considered there to be a strained relationship between MAFF and the Scottish Office based, in part, on an element of competitiveness between the departments, but also on the tendency for a shift northwards in the relative importance of fisheries in terms of employment and landings. One industry representative in Scotland, for example, described the relationship as one of 'one-upmanship', while another thought the departments 'hated each others' guts'. Some within the fisheries departments did not consider there to be a significant problem and put talk of conflict down to folklore. A Scottish Office official did feel, however, that MAFF occasionally showed a lack of sympathy to the provincial territories of the UK and identified occasional tensions over stock swaps and international agreements.

The fisheries departments are supported in their roles by executive research agencies, the Centre for Environment Fisheries and Aquaculture Science (CEFAS) in England and Wales and Fisheries Research Services in Scotland, both of which were formally part of the departmental set up. A privatised agency is also responsible for delivering fisheries enforcement in Scotland, while the Sea Fisheries Inspectorate in England and Wales remains within the

public sector. Both enforcement bodies utilise a regional framework of inspectors and local offices.

Fisheries is one of the responsibilities which has been devolved to the new administrations with the recent Parliamentary devolution in July 1999. Though the full ramifications of devolution are still unclear, notably in terms of the relations between fisheries departments, some of the basic ground rules have been elaborated (Scottish Executive, 1999). The Scottish and Northern Irish administrations will be able to initiate primary and secondary legislation in relation to sea fisheries (while the Welsh Assembly will only have secondary legislative powers). There will also be a designation of separate zones of British Fishery Limits, as well as separate vessel registration, for Scotland and Northern Ireland. According to the Scottish Office (1999), despite constitutional and administrative changes, there should be minimal change in practice to the way in which fisheries management will operate. In part this reflects the fact that the territorial fisheries departments were already assuming management and enforcement responsibilities prior to devolution and within different legal contexts. However, while before devolution territorial departments delivered fisheries management jointly, after responsibilities are to be exercised separately or in some cases on a shared - as opposed to joint - basis (though in practice it is hard to decipher the implications of this subtle variation in terminology). Thus, the intention is to continue the established integrated approach to fleet and quota management based on continued inter-departmental contact. For example, though licences will continue to be granted separately to fishing vessels by the respective fisheries departments, they remain subject to common rules and can be transferred and recognised throughout the UK⁹. A common UK approach, based on rules agreed between the four administrations each year and the collective monitoring of uptake, will continue to be applied in relation to quota management (Scottish Executive, 1999).

MAFF will remain ultimately responsible for the UK position, notably in terms of external and EU relations, and in maintaining co-ordination and co-operation between the various provincial approaches (Scottish Executive, 1999). For example, following devolution, they will be responsible for chairing a new annual high level meeting between the fishing industry, environmental interests and fisheries departments which aims to provide a systematic basis for keeping Ministers in touch with the fishing industry's views (Scottish Executive, 1999). In addition, in the lead up to EU Fisheries Council meetings the MAFF Minister, acting as leader of the UK delegation, will meet with representatives from throughout the industry together with officials and Ministers from the respective administrations (Scottish Executive, 1999). For some time the Scottish Office had been involved alongside MAFF in international relations.

This position is likely to be consolidated with devolution, though MAFF will remain as the main channel of communication to the European Commission.

Fishermen's organisations in the UK

UK fishermen's organisations are characterised by much fragmentation and diversity of organisational form (see Figure 2.3). The most numerous are the fishermen's associations and their respective federations which aim to represent the interests and welfare of their members in consultation with government and other organisations involved in the marine environment. Separate from the fishermen's associations are the producers' organisations which form the second main category of UK fishermen's organisation. These are voluntary marketing associations of fishermen, established through EU regulation, which aim to ensure that fishing is carried out along rational lines and that conditions for the sale of their members' products are improved. Producers' organisations play an important role in the implementation of the UK sectoral quota management system (for an early review of the role of producers' organisations in UK quota management see Symes, 1992). A third key organisational category, though not specifically a fishermen's organisation as such, is the Sea Fisheries Committees (SFCs). SFCs are responsible for inshore fisheries management in England and Wales and consist primarily of representatives from the local fishing industry and local government. The framework of Sea Fisheries Committees represents a distinctive component in the UK inshore fisheries management regime. No such structures exist in Scotland and Northern Ireland where inshore fisheries policy is delivered through central government guidance.

Fishermen's associations (FAs)

Fishermen's associations aim to represent and promote their members' interests at the local level through negotiations with various groups that have an interest in, or whose activities impinge on, fisheries. Their range of concerns can be broad and might include, for example, availability and cost of local berthing space, port infrastructure developments, quota allocation and licensing arrangements, port transport, gear conflicts, safety, public access to harbours, and availability of storage space or diesel and ice facilities. One association, for example, was particularly concerned with the beach erosion impact of local worm diggers, another with the obstruction of harbour access by tourist deck

Figure 2.3: Fishermen's organisations in the UK

chairs, and another by the citing of new gas and sewerage pipelines. For these implicitly local issues the port association provides a valuable basis for collective action and brings the association into contact with a wide range of actors from local authorities and MPs/MEPs to harbour authorities, local inspectors and environmental groups.

For national and European concerns, which may span the whole spectrum of issues associated with fisheries (policy measures, environmental issues, access arrangements, safety at sea, etc.), lobbying responsibilities are generally left to regional or national federations. To a certain extent, the demarcation lines between these organisations are mirrored by the present division between fisheries departments. Thus there are separate ‘national’ federations: the National Federation of Fishermen’s Organisations (NFFO) representing interests in England, Wales, Northern Ireland¹¹ and the Channel Islands, and the Scottish Fishermen’s Federation (SFF). Both federations were established in the 1970s (SFF in 1973, NFFO in 1977) in order to provide a voice for the industry in light of European Community membership and the emergence of a Common Fisheries Policy. The two federations differ structurally, notably since a reorganisation of the NFFO in 1995 which brought producers’ organisations within its executive committee (see Chapter 4). For policy matters and day-to-day management issues the territorial fisheries departments form the main point of contact with government for the fishermen’s federations. In this respect there is a feeling among the ‘provincial’ federations that they remain one step removed from the central policy apparatus in MAFF. An official within the SFF, for example, felt the Scottish industry were not listened to in a situation where the MAFF view prevails. In fact, based on their lead status in terms of landings, Scottish fishing interests have occasionally called for a shift in the lead department status to north of the Scottish-English border, a call which has intensified with the establishment of the Scottish Parliament.

Some individual associations will occasionally lobby government departments on an independent basis; indeed not all associations are members of a federation as will be discussed later in the volume. Independent lobbying was noted, for example, by the Northumberland Fishermen’s Federation, Highlands and Islands Fishermen’s Federation, Firth of Forth FA, North Shields FA and Grimsby Seiners’ FA. In England and Wales, however, individual associations did note difficulties in securing contacts with high level MAFF officials, who were seen as preferring to deal with the NFFO. In Scotland, many of the large fishermen’s associations also meet independently with senior SOAEFD officials in relation to their specific interests, notably the large non-sector or distant water components of the Scottish White Fish Producers’ Association (SWFPA) and the pelagic fishery interests of the Scottish Pelagic Fishermen’s Association (SPFA). In fact, a representative of the SFF portrayed the Scottish Office as providing “an open-door, bend over backwards for you system”, though also acknowledged that this approach to consultation could be too open and undermine their legitimacy as the industry’s national federation. Indeed, several commentators perceived there to be a more open door approach in Scotland in comparison to the situation with MAFF. The Anglo-Scottish Fish Producers’

Organisation, for example, which deals on a regular basis with both SOAEFD and MAFF given its cross-border membership interest, considered SOAEFD as being generally “more approachable, sympathetic and professional” in contrast to MAFF officials “sitting in their ivory towers, dictating policy from Whitehall”. Similarly, the Fife Producers’ Organisation considered there to be a more centralised government attitude in MAFF. Finally, one Scottish Office official described how the high level of contact they maintained with fishermen’s organisations set them apart from the Whitehall culture, though acknowledged some fishermen’s organisations had a “louder knock on the door than others”. The Scottish Office were very much the ‘listening department’.

Some local associations have a relatively marginal function and perceive their position as primarily being to obtain a voice within the national federations. The Scarborough Inshore Fishermen’s Society and the Humberside Share FA are good examples; both consider their low level of activity as reflecting the increasing profile of the NFFO and producers’ organisations to whom many fishermen now turn for representation. Other associations, in contrast, have extended the range of services they provide for their members to include chandlery outlets, ice or diesel supply, fish marketing services, pension provision, or the guaranteeing of payments for fish, *inter alia*. For some, such as the Cockenzie and Port Seton FA, this is done on a co-operative basis.

Port based fishermen’s associations are the most frequent form of fishermen’s organisation within the UK. They are also the most diverse in terms of membership numbers, fisheries interests, organisational structure and levels of formality. Hence while some may include members covering a wide range of different target species, vessel sizes and fishing methods, others have a more specific membership base consisting of a single species or vessel group. A large number of associations are markedly local in terms of their fishing activities and the residences of their members. This is the case, for example, for the shellfish based associations at King’s Lynn, Boulmer, Holy Island and Newbiggen. These local associations are often small in size; the Boulmer FA, for example, comprises a membership totalling only eight small vessels. A large number of port associations are more diverse in their member interests and target both shellfish and demersal fisheries and typically include higher numbers of members and vessels able to fish further afield. This would include associations in Cockenzie and Port Seton, Amble, Seahouses, Grimsby and Whitby. The Grimsby Seiners’ Association, for example, incorporated some 90 demersal vessels in 1995. The most significant structural variation from the UK wide framework of local port based fishermen’s associations is in Scotland, where there is an additional layer of larger regional associations (Eyemouth and District FA, Fife FA, Arbroath FA and Shetland FA) or sector specific

associations (Scottish Pelagic FA). Some comprise a membership base from throughout Scotland, such as the Scottish White Fish Producers' Association with a membership of some 500 vessels.

Some associations confine their membership to owners and skippers while others will also include crew members. Crew tend to be absent from the committee structures of the federations and larger associations and this appears to be a reflection of their reduced direct financial stake in the fishing vessel and supposed lack of long term interest in the enterprise. Some associations, such as the Yorkshire Salmon and Static Gear Association, the Seaham Boat Owners Association, Grimsby Seiners' Association and Kings Lynn Vessel Owners' Association, go as far as restricting membership to vessel owners.

The means of generating internal finances within individual associations are varied and may include regular subscriptions per vessel or person, one off payments, levies on landings or occasional contract work through their federations. Within the SFF, constituent organisations pay a subscription fee which tends to exclude from membership the port based associations and some regional organisations (such as the Fife and Firth of Forth FAs). In England and Wales, the financial resources of the NFFO are collected by member organisations and are based on subscriptions and levies on members according to vessel capacity units. Both federations obtain additional revenue through their services sections, involving companies which provide support for oil related vessels or debris clearance.

Producers' organisations (POs)

In considering the role and structure of producers' organisations it is necessary to introduce a European perspective. As organisations recognised by the EU, producers' organisations have played an important role in the implementation of the marketing arm of fisheries policy for over two decades following the establishment of the common market organisation for fisheries products in 1971 (Regulation (EEC) No 2141/70). They represent a rare thread of continuity within the institutional fabric of the European Union's fisheries (Phillipson, 1999). In the UK, in a situation which remains an exception among EU Member States, they have taken a central position in policy implementation.

POs are formed upon the initiative of producer groups with financial aid from the EU. They are generally well structured organisations with a formal internal architecture that is governed by a constitution and organisational rules. Most are co-operative based organisations and all function with a voluntary membership base. A total of 173 POs have been established in 12 of the 15 Member States

of the EU; Finland remains the only coastal fishing nation without a formally recognised PO, a feature of its relatively recent entry into the Community. While they are common to the majority of the fishing industries of the EU and are formed from a common frame of reference, POs display remarkable diversity in terms of their size, sectoral interests and membership characteristics (Symes *et al.*, 1996).

According to the revised European market legislation (Council Regulation (EEC) No 3759/92 as amended by 697/93, 1891/93 and 3318/94) concerning the common organisation of the market in fishery and aquaculture products, POs include “any recognised organisation or association of such organisations, established on producers’ own initiative for the purpose of taking such measures as will ensure that fishing is carried out along rational lines and that conditions for the sale of their products are improved” (Article 4). Their intention, based on a catch plan, is to adjust supply to market requirements with a view to guaranteeing a fair income to producers, a greater regularisation of prices and concentration of supply. Three marketing and production approaches are central to achieving this objective. They include:

- (i) the improvement of product quality through adherence to marketing rules; these cover a wide range of handling practices including packaging, the use of ice and the general conditions in which fish products are placed on the market; under Council Regulations (EC) Nos 3318/94 and 2636/95, specific recognition and financial aid can be granted for additional and approved innovative plans to improve marketing and quality activities;
- (ii) the organisation of orderly marketing regimes with a view to establishing continuity of supply, matching volume of supply with demand and obtaining the best price for the fish - in particular, based on the use of available market information, this refers to co-ordinating the pattern of landing times, regulating the volume of landings, targeting species for which there is demand and avoiding those for which there is oversupply and the encouragement of species diversification;
- (iii) the implementation of one of a number of market intervention mechanisms when there is market oversupply, such as the withdrawal scheme which intends to produce market stability and effectively provides a safety net for fishermen’s incomes. Community guide prices, based on a combination of average prices and an assessment of production and demand prospects, are used to determine withdrawal prices below which, and depending on fish grade, a product is withdrawn

from the market with a level of compensation paid to the producers. A PO can also introduce autonomous withdrawal prices with the opportunity for a flat rate basis of self-funded compensation. Aid is also available for the processing and storage of excess supply.

To promote greater market stability the marketing rules of a PO can be extended to cover non-members in the PO's economic area. POs are also responsible for the grading of members' fish through the employment of a grading officer. Reciprocal grading arrangements are in place whereby POs agree to grade fish landed by vessels from other POs.

In addition to their marketing responsibilities POs can, since 1992, be charged by Member States with the management of catch quotas. This provides greater opportunity for the PO and its members to actively marry catch limits with the needs of the market and their own particular circumstances. So far only the UK has taken significant steps in the direction of sectoral quota management directly through POs. Against a very diverse picture of POs within and between Member States, in terms of their size and membership characteristics, quota management responsibilities represent the first major departure from what was a functionally undiversified PO framework (Phillipson, 1999).

A PO is recognised in the first instance by a Member State if it can demonstrate that it is sufficiently active economically (Council Regulation 105/76). Commission Regulation 2939/94 established some specific criteria for this. In the interests of 'efficient' management, a PO's vessels must constitute at least 20% of the total number of vessels established in its economic area or, regarding the species for which recognition is sought, it must dispose of either at least 15% of the total volume of production in the area or at least 30% of total production in a major port or market within the area. A PO's economic area must also be of 'sufficient importance'. A more recent development (Council Regulation (EC) No 3318/94) allows Member States the option of affording 'exclusive recognition' in a geographical area or specific area of activity which means that once a PO is recognised exclusively in an area, no other PO can be developed. This option has not been utilised in the UK in order to deter the development of local monopolies though, in practice, several, but by no means all, UK POs dominate specific port localities or areas of activity.

These conditions are intended to place some control upon the number of organisations and introduce a semblance of order and uniformity to the PO framework. They also entail an implicit preference for larger sized organisations with greater throughput, for the purposes of concentration of supply and effective marketing. The regulations are particularly relevant where PO numbers

have proliferated, on some occasions through fracturing of existing institutions, and where PO economic areas and associated management or marketing regimes have tended to overlap. The potential drawback of such criteria is the challenge they pose to a truly flexible marketing enterprise through setting limits on the locations of marketing activity. In practice, the criteria in place are not generally intrusive; upon formation, an organisation can tailor its own economic area to its projected field and level of activity. In fact, the Commission has called for a more rigorous application of the criteria by certain states, in order to enable the development of ‘better structured’ organisations capable of more effective management (European Commission, 1997).

The whole package of regulations is instrumental in framing the parameters within which POs must operate throughout the EU. The overall tendency is towards a wider and strengthened remit in terms of marketing responsibilities and a consolidated position within their own economic areas. However, it is only in the UK that the PO function has been fully extended to embrace sectoral quota management responsibilities.

The majority of POs in the UK were recognised in the 1970s and early 1980s with the development of the EC’s marketing legislation. There are currently 19 UK POs which, in 1997, represented 60% of the ‘over 10 m’ fleet (1,490 out of 2,460 vessels) and accounted for 74% of the catching capacity of that fleet (MAFF, 1997b) (for a detailed description of the structural characteristics of UK POs see Hatcher *et al.*, 1996). All display considerable individuality in terms of their size of membership, fleet structure (such as vessel size), target species, fishing methods and levels of production. For example, the Scottish Fishermen’s Organisation is currently the largest with a membership of over 400 vessels from across Scotland, while this contrasts significantly with the Lowestoft PO, with 11 vessels based at local ports (see Table 2.1). While the core of a PO’s membership will often be based in a particular port or region, most will include members from more distant localities. For example, Scarborough and Bridlington form the main catchment areas for the Yorkshire and Anglia PO, though the organisation also incorporates vessels from Grimsby, Whitby, Lowestoft, Portsmouth and Holyhead. The economic areas of POs overlap significantly in certain areas, notably along the north east coast of England, and this reduces the strength of their claim to be the leading local or regional fishermen’s organisation. In Grimsby alone there are three separate POs, the Fish Producers’ Organisation Ltd (FPO) (primarily distant water), the Grimsby PO (mid-water) and the North Sea PO (Anglo-Dutch interests).

Table 2.1: Fish producers’ organisations in the UK

Producers’ organisation	Location of	Year of	Vessels in	Vessels in
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Widening the Net

	headquarters	establishment	membership 1994	membership 1997
Scottish PO	Edinburgh	1974	505	441
Cornish PO	Newlyn	1975	160	137
Northern Irish PO	Portavogie	1976	187	135
Anglo-Scottish PO	Berwick	1975	163	122
North East Scotland FO	Peterhead	1980	124	109
South West PO	Ivybridge	1974	121	108
Aberdeen PO	Aberdeen	1974	76	69
Anglo Northern Irish PO	Kilkeel	1976	60	63
Shetland PO	Lerwick	1982	57	61
Grimsby PO	Grimsby	1981	93	57
Wales and West Coast PO	Milford Haven	1993	42	46
West of Scotland PO	Mallaig	1995	-	45
The FPO	Grimsby	1973	47	40
North Sea PO	Grimsby	1993	18	37
Fife PO	Pittenweem	1980	26	33
Fleetwood PO	Fleetwood	1983	47	31
Yorkshire and Anglia PO	Bridlington	1977	56	25
Northern PO	Aberdeen	1996	-	13
Lowestoft PO	Lowestoft	1993	24	11
Non-PO vessels	-	-	1750	996
Total	-	-	3556	2579

Source: Miscellaneous data provided by MAFF

All of the POs are constituted as either co-operative societies or limited companies. Membership comprises vessel owners or individual companies. For example, the memberships of both the Lowestoft PO and the FPO based in Grimsby are both made up of individual companies, the former incorporating Colne Shipping and Talisman, the latter a set of nine companies which includes both Marr and Boyd Line Limited (the main remnants of the UK distant water fleet), a group of 16 inshore beamer vessels based in Newhaven and a number of vessels from Kilkeel and Holyhead. The majority of POs are, however, dominated by individual skipper owners and family based enterprises and this is reflective of the overall structure of ownership within the industry. POs are financed in a variety of ways ranging from a levy on tonnage (Grimsby PO) or value (Yorkshire and Anglia PO, Anglo-Scottish PO) of landings, to one off company payments and entrance fees (North Sea PO).

Most UK POs are federated within the UK Association of Fish Producers' Organisations (UKAFPO) which, in contrast to the federations of fishermen's associations (NFFO, SFF), has maintained a relatively low key role within the industry and is seen by some as a 'talking shop'. Within UKAFPO, alliances do occasionally emerge between POs, though these tend to shift with the issues at stake. The FPO and Shetland PO had, for example, generally expressed a common viewpoint over technical measures, though were in disagreement over the Hague Preference, the North of Scotland Box and notions of regionalism.

Despite its low key role, UKAFPO represents the only UK-wide fishermen’s organisation. For one PO chief executive this was sufficient justification for its elevation, above the NFFO and SFF, to being the UK’s leading representative organisation. The reorganisation of the NFFO to embrace a number of POs, and the resignation of number POs from UKAFPO, now makes this a less realistic proposition.

Some of the larger POs are also linked at EU level through the European Association of Fish Producers’ Organisations (EAFPO), which again is criticised by several PO chief executives for not fulfilling its potential. Several smaller POs remain outside the Association on this basis and given what is seen to be an excessive membership fee.

Sea Fisheries Committees (SFCs)

First established in the late 1800s but now governed by the *Sea Fisheries Regulation Act 1966*, there are twelve Sea Fisheries Committees in England and Wales with jurisdiction over a statutorily defined district extending to six nautical miles from low water mark (see Table 2.2). In terms of their broad objectives, SFCs aim to secure the well being of the fishing industry through a range of enforcement, management and fisheries enhancement functions. Their inshore fisheries management remit can be divided into three main areas, including bylaws, Several and Regulating Orders and enforcement (Amos, 1994; Symes and Phillipson, 1997; Phillipson, 1998b).

Table 2.2: Sea Fisheries Committees in England and Wales

Sea Fisheries Committee	Location of office	Approximate length of coastline (km)
Cornwall	Truro	295
Cumbria	Carlisle	110
Devon	Brixham	220
Eastern	King’s Lynn	310
Isles of Scilly	St Mary’s	not available
Kent and Essex	Ramsgate	230
North West and North Wales	Lancaster	550
North Eastern	Beverley	230
Northumberland	Newcastle	110
South Wales	Swansea	290

Southern	Poole	205
Sussex	Hailsham	145

- Bylaws

SFCs are empowered to establish bylaws, upon confirmation of the fisheries Minister, for the purposes of regulating fishing methods and restricting or prohibiting sea fishing. They are instrumental in providing the opportunity for a local fine tuning of national or European legislation. According to the specific needs of the local fisheries, each SFC has its own menu of detailed restrictions and specifications, though neighbouring SFCs will also work together in an attempt to obtain some harmonisation. Restrictions often relate to zonal management. For example, most Committees will restrict the access of vessels using towed gears to waters outside 3 nautical miles according to vessel length, and will give preference to smaller vessels using passive or static gears. Other bylaws relate to the particular deployment and rigging of gears, mesh sizes or the partial or complete restriction of particular fishing methods. For molluscan and crustacean fisheries the setting of minimum landing sizes is a key activity, as is the establishment of closed areas for stock enhancement purposes.

- Several and Regulating Orders

A considerable opportunity for comprehensive fisheries regulation is provided by the *Sea Fisheries (Shellfish) Act 1967* which allows for the establishment of Regulating and Several Orders for molluscan, and since 1997, crustacean fisheries (Amos, 1993). Several Orders effectively remove the public right to fish through granting to individuals, groups of fishermen and other bodies such as SFCs, exclusive husbandry rights for “depositing, dredging, propagating and taking shellfish”, for a period of up to sixty years. The grantee, who effectively leases the seabed from the Crown Estates Commission, is able to make and maintain shellfish beds, to collect shells and remove them from one place to another. The Orders may allow sub-leasing of portions of the seabed to individuals or groups to lay and cultivate shellfish. Usually the right to work what are in effect marine allotments or ‘lays’ is not granted for longer than 10 years and their combined spatial extent does not exceed 10 hectares for any one licensed fishermen. In the event of damage to a lay from natural causes the grantee is generally free to apply for a new allotment.

Regulating Orders are far fewer in number than the Several Orders (9 compared to 19) but generally cover much greater areas (23,988 ha compared to an average of 156 ha) (Symes and Phillipson, 1997; 1998).

The 1967 Act refers to the granting of rights to regulate a fishery for up to 30 years in those areas designated by the Order but excluding any areas specified as a Several fishery. According to the *Sea Fisheries (Shellfish) Act 1967*, Regulating Orders offer public bodies like SFCs a range of management powers to “carry into effect and enforce regulations and restrictions, levy tolls and royalties, deposit or propagate ...”. The opportunity of allocating and limiting the number of licences is at the heart of the set of regulatory mechanisms available under the Order. These also include the opportunity to regulate vessel and gear specifications, catch limits and the duration and extent of fishing; such conditions are in effect attached to the licence. Any accruing revenue from the licences must be reinvested in the fishery through research or stock enhancement. Some Regulating Orders also entail the powers to grant Several Orders. These are in effect combined Several and Regulating Orders, the largest of which is in operation in the Wash which covers nearly 70,000 ha (Symes and Phillipson, 1998).

- Enforcement measures

An integral part of the role of SFCs involves enforcement and monitoring activities. Fisheries officers and patrol vessels are responsible for enforcing SFC prohibitions together with relevant aspects of national and European legislation. Inspections take place both at sea and in ports; any serious offences are taken through the civil courts for prosecution and punishment. The Fishery Officers do not have powers of arrest but can board vessels and vehicles for inspection purposes.

Though the particular composition of the local fisheries will influence the focus and character of the Committees’ activities, the predominant concern is with shellfisheries. In relation to their traditional fisheries management functions SFCs are also concerned with those wider issues in the coastal zone that may potentially impinge on or be affected by fisheries. For example, they are consulted over, and will consider in their deliberations, a whole range of coastal issues including proposals for pipeline or dredging initiatives, effluent discharges, sighting of bombing ranges, seismic surveys, borehole investigations and coastal protection works. Perhaps the most significant interest in this broad remit relates to issues of water quality and marine environmental conservation (Amos, 1994).

While Sea Fisheries Committees have the prime position within the organisational structure of inshore fisheries management in England and Wales it should also be mentioned that there are other groups which play significant

roles. These include private interests (which may opt in or out of a SFC's management regime), the Crown Estate Commissioners (responsible for issuing seabed licences for dredging or fish farms), harbour authorities (which also have bylaw making powers under the *Harbour Acts 1964*) and the Environment Agency (EA) (Steins and Edwards, 1997). The EA's fisheries remit relates primarily to salmon, trout, freshwater and eel fisheries where it has an important role in regulation, enforcement, monitoring, enhancement and research activities. It operates through Regional Fisheries Advisory Committees which advise the Agency on fisheries policy. In many areas these committees are supported by local fisheries committees consisting of fisheries interests (anglers, owners, netsman, fish farmers) or in some instances Catchment Action Plan Groups consisting of a range of interests and which advise on integrated approaches in specific catchments. The EA can issue and limit licences and make bylaws to regulate fishing methods, times etc. In certain key areas the EA is responsible for the full remit of SFCs (e.g. Severn and Welsh Dee) with powers to regulate sea fisheries under the 1966 Act and *Sea Fisheries (Conservation) Act 1967*. The majority of the EA's powers to regulate and protect fisheries are found in the *Salmon and Freshwater Fisheries Act 1974*, the *Salmon Act 1986* and the *Water Resources Act 1991*.

Linkages between fishermen's organisations

As most fishermen's organisations represent relatively discrete regional or sectoral memberships formal meetings between them on an inter-PO or inter-FA basis are infrequent outside the context of their federations¹². In practice, however, there is a considerable level of contact between the different organisations. Decision makers will often communicate incidentally and informally during the course of their travels and day to day activities. For example, representatives from different associations may meet in the context of a SFC meeting or in joint discussions with local authorities. PO chief executives will attend meetings of FAs or their federations as observers in order to help keep themselves informed or to discuss specific issues, and will also meet FA representatives when attending non-sector quota management meetings on behalf of their '10 m and under' vessels. Also, there is often significant overlap among the ordinary membership and among decision makers between POs, FAs and SFCs, though overlapping membership within the same organisational category tends to occur only in instances of multiple vessel ownership. It is not unusual, for example, for an FA and PO to share almost the same membership (this is the case for the Fife FA and Fife PO and for the Lowestoft Vessel Owners Association and the Lowestoft PO) and even the same administrative offices (as with the Lowestoft Vessel Owners' Association and the Lowestoft PO). In fact, the office of the NFFO provides administrative support for both the

Grimsby PO and the Fish Producers' Organisation Ltd. In other cases the boundaries between, and the roles of, organisations may be further blurred where they comprise many of the same executive staff, as is the case with the Shetland FA and Shetland PO. The overall picture, therefore, is of an extremely diverse and informally linked organisational set up.

Role of fishermen's organisations within policy formulation

It has already been noted how fisheries policy is primarily formulated by civil servants within the central fisheries departments. In practice, this appears to be a relatively closed policy community with only minimal involvement of fishermen's organisations. The tendency is for emphasis to be placed on consultation rather than negotiation between government and industry, accompanied by the industry's own efforts in lobbying of MPs, Ministers and civil servants. Consultation mostly takes the form of informal contacts and *ad hoc* meetings between department officials and fishing leaders. For example, they will meet in advance of European Fisheries Council meetings and notably in the lead up to the fixing of annual Total Allowable Catches. There will be other unscheduled meetings on specific issues. Fisheries departments and industry representatives, for example, meet annually to discuss quota management arrangements. A separate meeting of the Fisheries Conservation Group, which also involves fisheries scientists, meets at least once a year to discuss technical conservation matters. Policy measures are also developed through consultation documents, which are sent to a large range of interests in the fishing industry with a request for written comments, or through open consultation meetings providing for the airing of views.

As a whole, although formal and informal contacts with government departments and Ministers may be frequent, arrangements for consultation appear to be lacking in transparency and there is criticism from both NFFO and SFF that they are superficial and occur too late in the policy process (Symes, 1997a). The chief executive of the SFF, for example, thought there was an overabundance of consultation, but that the crucial question was how the advice was used afterwards. Numerous representatives of fishermen's organisations considered that key decisions were generally 'cut and dried' before consultation took place and that consultation itself represented a token policy exercise. One PO chief executive felt that the industry was "told rather than consulted" and went on to call for a bypassing of UK government in favour of what was seen to be a more receptive EU. A local association chairman considered that MAFF simply did not want to talk with the industry, but acknowledged that some fisheries Ministers were more receptive and less arrogant than others. Another

felt that rules simply “came through the back door”. Finally, a PO chief executive on the east coast of England argued that:

The myth of government consultation should be dispelled as soon as possible. For years departments have determined a course of action, heard protests and objections from industry and proceeded with the original plan whilst announcing publicly that they had consulted with fishing industry. ... The dictatorial powers of fisheries departments need to be curbed so that the present ‘them and us’ attitudes are replaced by a situation of partnership in fisheries management.

Policy instruments in the UK

Quota management

Quota management is the pivotal governing instrument in UK fisheries. Once national quotas have been agreed by the Council of Ministers and subsequent bi-lateral quota swaps established, the UK is free to determine the method for their allocation. In practice this involves a joint effort between the fisheries departments, which remain ultimately responsible for the system, and entails a group based approach. At the start of the fishing year the national quota for a particular demersal species in a particular 'ICES area' is divided into three separate groups: (i) POs under the sectoral quota management system; (ii) vessels of over 10 m not belonging to a PO and; (iii) 10 m and under vessels. For the pelagic species there is a similar allocation system, although one tranche of quota is also allocated to individual freezer or 'purse seine' vessels.

Groups (ii) and (iii), collectively known as the ‘non-sector’, are managed directly by the provincial fisheries departments in consultation with the industry at monthly advisory meetings. For over 10 m vessels, periodic landing limits are specified through the licence and normally set on a flat rate basis each month, and in some instances by vessel length. The 10 m and under quota is regulated at national level through the fishery being open or closed and again controls are applied through the fishing licence.

Sectoral quota management, administered through the producers’ organisations, provides the basis for a more sectorally and regionally responsive management system and is particularly important as a means of incorporating the catching sector within the policy implementation and quota allocation process. Goodlad (1992) sums up the benefits of the system:

... the day to day decisions on quota management are taken at the most appropriate level – at the level of the fishermen themselves through their representative organisations. The fishermen themselves are obviously in the best position to decide the best levels at which to allocate quotas, how best to differentiate between different sizes of vessels and how to optimise landings in relation to market demand. Different areas of the UK will allocate quotas between vessels using the criteria most appropriate to local circumstances.

(Goodlad, 1992: p. 85)

Quotas can be exchanged between POs during the fishing year so that they can shed quota that they are unlikely to catch or obtain additional quota which they may need. Currently, POs are responsible for managing more than 95% of UK quotas in ‘ICES areas’ IV, VI and VII (MAFF, 1997b). As an integral part of their devolved management responsibilities POs must maintain accurate statistical records of their members’ catches in order to monitor the quota uptake. The system is also monitored by the respective government departments to whom the POs regularly report concerning the state of the quota uptake; systems of compensatory penalties are in place for when a PO overshoots its allocation. At the individual level POs may request the suspension of a licence of a member who persistently breaches the PO quota management rules.

In general, however, a PO is free to manage its quota in the manner it chooses and within a PO quota allocation methods can vary for different species. For example, while some allocate monthly quotas on a flat rate basis irrespective of catch track record or vessel size (Grimsby PO, Anglo-Scottish PO, Fife PO), others allocate quotas to individual vessels according to catch track record (Yorkshire and Anglia PO)¹⁴. POs comprising several companies may allocate company quotas based on aggregate vessel track records (North Sea PO, the FPO and Lowestoft PO). The manner of quota allocation is particularly important and can determine which PO a vessel will join; indeed, vessels will often join a PO which is far from their own home port in order to benefit from a particular method of quota management. A change in method of allocation can similarly lead to membership changes between POs.

Prior to 1 January 1999 quota allocations to POs and the over 10 m non-sector were made on the basis of the aggregate catch track record of individual vessels over a three year rolling reference period. An individual PO would receive an allocation based on an aggregate of over 10 m member vessel track records. Allocations to the 10 m and under fleet were made according to an estimate of the aggregate landings for the group over the same rolling period or through

nominal allocations based on traditional fishing patterns, and were subject to minimum floor levels. After this date an important development involved the introduction of fixed allocations for the distribution of quota within domestic waters. Allocations are now based on a fixed rather than rolling reference period from 1994 to 1996. The intention of this development was to remove the incentive for groups to fish out their quota in order to protect future allocations. As a result track records are no longer affected by underfishing and there is greater certainty in allocations. Fish can also be swapped and gifted without impacting on track record. Under the new system each vessel's track record (which is attached to the licence) is converted into quota units for each quota stock, taking into account various adjustments due to overfishing, underfishing, quota swaps and Hague preference allocations. POs and the non-sector continue to receive a quota based on an aggregate of vessel units. Any internal adjustments among PO members are at the discretion of the PO and this is aided by an additional pool of quota units assigned to the organisation, equivalent to 2.5% of the total units held by the PO. When a member vessel moves between POs, quota units move with the licence and this will be reflected in both POs' subsequent annual allocations. A vessel moving from the non-sector into a PO will also take with it its quota units calculated according to the fixed reference period or a rolling period immediately prior to joining the PO. Vessels joining the non-sector from POs will also bring with them an allocation of units.

Fixed quota allocations represent another step towards a more divisible individualisation of fishing rights in the UK. It is debatable whether their introduction represents the desired outcome of industry despite a MAFF consultation exercise (MAFF, 1998). More than 2300 over 10 m vessels were approached together with individual POs, with 276 responses. Of the 24 FAs that responded, 20 were against and two for, and of the individual fishermen responses 16 were for and 197 against. At the same time, the majority of companies (16 for, 2 against) and POs (13 for, 1 undecided and 5 against) responded favourably to the development. Clearly the consultation exercise highlights that support for fixed quota allocations was not clear cut and the result appears to have favoured the larger company owned PO vessels within the industry. There were general fears, expressed within the consultation exercise, that the system would lead to a redistribution of quota rights over time. Indeed, there has already been a concentration of quota holding within the industry reflecting a reduction of over 10 m vessels from 3500 to 2300 in the 1990s. Some felt it might also signify a step towards a fully transferable ITQ (individual transferable quota) system. Under the system it is currently not possible to dispose of quota units separate from a licence, however, this does not prevent the purchase of vessels and licences in order to build up quota units. Furthermore, under a ring fencing system, POs are able to purchase a vessel and

licence, and then retain quota units after surrendering their vessel capacity units and licence.

Licensing

Member States are also required to operate national licensing systems to contribute to the general Community system of administrative fishing licences. The UK's own system developed from covering a small range of 'pressure stocks' to including most commercial species in all UK fishing areas. It has become fully restrictive so that no new licences are available and can only be obtained by transfer and purchase from another vessel. From 1993 a general fishing licence was also introduced for vessels of 10 m and under in response to rapid 'capital stuffing' within this sector. This allows considerable freedom in the location of fishing and target species. For over 10 m vessels there are four licence types: a 'full pressure stock licence' covering stocks subject to analytical TACs and some precautionary TACs¹⁵; a 'limited licence' for those vessels targeting newly designated pressure stocks but without access to the original pressure stock fisheries; a 'non-pressure stock licence'; and a 'miscellaneous licence' for all other stocks. There are many variants relating to species, fishing areas, fishing method, PO and non-sector quotas etc., though the system has been subject to a number of attempts at simplification. For example, from 1995 POs were required to manage quotas for all sectoral species; this meant their members were no longer required to have both sectoral and non-sector licences to fulfil their fishing plans.

The licensing system also includes means to prevent increases in fishing capacity and to limit movement of capacity between sectors (Garrod and Whitmarsh, 1991). These restrictions are achieved through capacity aggregation and licence transfer rules which allow for the regeneration and replacement of vessels while at the same time maintaining or even reducing the existing level of fishing capacity. Subject to certain exemptions and restrictions, licences may be transferred between ownerships (along with the vessel) or within ownerships (separate from the vessel). New vessels must obtain a licence from another vessel in the same ownership and transfers cannot take place between the 10 m and under and over 10 m sectors. Transfers between vessels are subject to a 10% reduction in Vessel Capacity Units (or a no increase rule for 10 m and under vessels). A 20% reduction applies when more than one licence is aggregated to a single vessel; here the owners of the donor vessel must be part owners of the recipient vessel.

Other instruments

In addition to quota management and licensing arrangements, the UK is also engaged in the implementation of the full package of marketing, structural and conservation measures that comprise the CFP. Thus UK departments will monitor access of other Member State vessels that have fishing rights within certain areas of the 6-12 nautical mile limit, together with the specific licensing arrangements associated with the Shetland box which imposes a restriction on the number of vessels over 26 m able to fish around the archipelago. A number of EU based closure areas are also in place in the seas surrounding the UK, notably the Norway 'pout box' which restricts fishing for Norway pout in order to protect juvenile haddock and whiting, and the mackerel box which restricts mackerel catch to a 15% bycatch. A number of unilateral technical conservation measures have also been enacted to supplement the EU's package of measures under Council Regulation No 3094/86.

Monitoring and enforcement

Monitoring and enforcement activities signify another distinctive component of the UK administration's responsibility. The system involves both the analysis of documentation (logbooks, landings statements, sales notes and PO catch data) and quayside inspections, together with surveillance at sea and on board inspections. The service is provided by sea fisheries inspectorates in England and Wales and Northern Ireland, and the Scottish Fisheries Protection Agency in Scotland, using Royal Navy Protection vessels. In addition to providing enforcement and control, the inspectorates are also integral to the general monitoring of landings data and provision of information to marine laboratories and to POs for quota management purposes. The enforcement agencies commonly have a territorial focus. For example in England and Wales, in addition to the headquarters in London, there is a regional staff of fisheries officers spread among eight coastal districts. Each has a district inspector responsible for preparation of prosecution files. Following criminal prosecution in the civil courts a range of penalties are in place for illegal operations including fines and gear confiscation. The inspection service is supported in its role in England and Wales by Sea Fisheries Committees whose patrol vessels and officers operate within the 6 nautical mile limit.

UK fisheries governance: an industry perspective

So far this chapter has explored the main building blocks of UK and European fisheries governance, in terms of policy measures and institutional frameworks, and introduced the main categories of UK fishermen's organisation. The following section refers to the findings of a postal survey of fishermen conducted in 1995 (Symes *et al.*, 1995c; Phillipson and Crean, 1997)¹⁶, which

explored their views concerning UK fisheries governance, management system preferences, alternative governing approaches (notably co-management), the location of management responsibilities among organisational structures and the capabilities of fishermen's organisations.

A complex set of factors were considered to underlie the problems facing the industry (Table 2.3). The most resounding complaints focused on procedural aspects in terms of the relation between government and user groups, levels of government bureaucracy and the sensitivity of the management system. Thus 88% felt the government's unwillingness to listen to the industry was a key cause of their problems, 73% blamed too many rules and regulations, while 69% considered that regulations did not suit local conditions. There was less clear agreement over the impacts of fishing capacity and enforcement procedures. Other respondents felt conflicts within the industry, notably disputes between vessel and gear groups, were particularly important.

Table 2.3: Basic causes of the problems in the catching sector (%)

	<i>% citing basic cause</i>
The Government does not listen	88
Too many rules and regulations	73
Rules do not suit local conditions	69
Industry is not allowed to get sufficiently involved	64
Too many boats - too few fish	63
Scientists have too much say	62
A lack of control over the law breakers	59

Based on Symes *et al.*, 1995c; Phillipson and Crean, 1997

The overall policy system, in terms of the CFP and its main governing instruments, appears to lack legitimacy. Indeed, the central pillar of the EU's regulatory approach, its quota system, was supported by only 20% of respondents. As an alternative, effort control through limiting days at sea was seen to be equally unpopular. While there was a general recognition of the need for a combination of management methods, there was a clear preference for a regulatory approach based upon technical conservation measures (gear regulations, closed areas etc.) and licensing, and built within an equitable management system whereby the various components of the industry were treated equally.

Co-management appears to represent the fishermen's optimum framework within which to formulate fisheries policy¹⁷. Thus 47% advocated as their first choice a management system whereby responsibilities are shared between government and industry, while allocating total management control to the industry was the first choice of 34%. Less popular were systems based on central government control (9%) or local government control (10%) where the

industry is restricted to an advisory role, the former arguably coming closest to the prevailing regulatory approach in the UK. Most considered that management based on fishermen's organisations would have a beneficial effect on the regulatory system in terms of compliance with regulations, illegal 'blackfish' landings, the willingness to provide accurate landing statistics and the fairness of rules. A minority felt that the effects would be negative based on a perception of power imbalances, self-interested behaviour, or management weaknesses within the organisations.

While the industry appears to favour a greater involvement by fishermen's organisations in management responsibilities, it is also clear that they see a continued role for central government rather than any form of industry autonomy or self-management. An average of 57% considered that central government should play a role in management (Table 2.4). The figure was 76% in terms specifically of enforcement responsibilities. Widespread dissatisfaction in the CFP was reflected by the average of only 7% who felt the EU should be involved in fisheries management. At the level of individual management responsibilities, the preference for co-governance appears to be less pronounced. This may suggest that while it is welcomed in theory, the practicalities of co-management mean that it is difficult to perceive in practice. Nevertheless, sizeable proportions gave support to co-management through placing industry organisations in management combinations involving partnership with government. Producers' organisations were clearly the most popular choice of fishermen's organisation to be handed management responsibility. While this may in part reflect the high proportion of PO members among the survey group, it may also be recognition of, and familiarity with, the PO's existing role in management. Furthermore, as POs are not explicitly concerned with imposing restrictive regulations on their members, this may have added to their popularity. This might also suggest that if POs were, in fact, to play a much wider role in implementing regulatory policy their credibility among fishermen could potentially wane. Thus POs were regarded as the principal fishermen's organisation to handle quota management, marketing and monitoring activities. All forms of fishermen's organisation were seen to provide a potential contribution to the implementation and formulation of technical conservation measures.

Table 2.4: Preferred allocation of management tasks (%)^a

<i>Tasks</i>	<i>UK Gov't</i>	<i>EU</i>	<i>POs</i>	<i>FAs</i>	<i>Federations</i>	<i>Local Authorities</i>	<i>SFCs</i>
Stock levels	54	3	34	20	21	4	17
Technical measures	54	5	24	26	25	6	21
Enforcement	76	6	20	5	7	10	13
Licensing	73	5	18	8	8	7	7

Decommissioning	63	24	16	10	10	10	6
Quota allocation / management	42	2	58	21	17	4	10
Monitoring of catches	60	3	38	16	13	11	13
Fish quality & price control	35	7	53	22	18	5	9
Average %	57	7	33	16	15	7	12

Based on Symes *et al.*, 1995c; Phillipson and Crean, 1997

^a Based on the frequency that the organisation was cited to be involved in the management task, either in combination with other organisations or on an autonomous basis.

A number of other issues emerged within the survey response concerning the structuring of UK fisheries governance. Most respondents, for example, considered that inshore fish stocks should be managed by a regionally based organisation, though opinion was divided as to the notion of allocating any form of regional preference. There was also significant support for a degree of rationalisation within the institutional framework and for greater co-operation and co-ordination. Thus 66% favoured a single UK fisheries department while 60% saw a need for a merging of producers' organisations and fishermen's associations at the local level. Others expressed concern over the level of conflicts between different gear groups and, in this respect, some called for bans on certain fishing methods and the protection of inshore fishing grounds. The small boat fishermen, in particular, often appeared to be conscious of a degree of inequality within fishermen's organisations and the management system as a whole. Of uppermost significance, however, was the perception that current EU regulations were over-bureaucratic and unevenly enforced.

Pattern of governance

From the preceding analysis it is evident that the pattern of European and UK fisheries governance involves a hierarchical and centralised approach to policy delivery built upon a well defined institutional organisation and set of specific policy instruments. The system obtains rigidity through well rehearsed organisational routines and decision making processes and through considerable levels of interwovenness of institutional linkages. It is dominated by the particular division of responsibilities and interactions between Member State and EU institutions. In practice this provides scope for Member States to adopt varied approaches to fisheries governance at the national level, albeit set against overriding European macro-principles and a supranational policy framework. At the same time, European linkages with the local and regional level appear to be undeveloped and there is a tendency for EU policy development to be general in application rather than specifically tailored to particular regional contexts or social and biological settings. Thus the pattern is for centralisation and

harmonisation, built on the implementation of non-discriminatory macro-principles, rather than diversification according to a diversity of context.

At EU level the operational basis of governance involves a complex political machinery that is often governed by trade-off and the protection of national interests. The overriding tendencies are predominantly oriented towards system maintenance and perpetuation of the *status quo*, rather than institutional innovation or strategic development (Gulland, 1987; Symes and Crean, 1995b). While the approach to governance may so far have maintained a semblance of administrative and political order (Holden, 1994), it is debatable whether this strategy can be sustained in the medium to long term in the face of deepening crisis.

The UK system is characterised by a fragmented institutional organisation involving multiple governing actors and fishermen's organisations and utilising a mosaic of management instruments. Responsibility for fisheries management is dispersed within this institutional framework. In addition, the system of fishermen's organisations comprises a range of organisational forms, some of which are seen to play a role in the administration of fisheries policy.

Finally, within the system of institutional organisation there appears to be limited scope for the incorporation of fishermen's organisations in policy formulation or delivery which remain state-led at both national and EU levels. In fact, a principal source of criticism is the lack of communication between the industry and its regulators, which appears to have created an over-bureaucratic system with which the industry lacks confidence. The policy system lacks credibility in the perceptions of those within the fishing industry who feel themselves the victims of policy failure, regulatory strictures and increasing bureaucracy. Formal institutional linkages are thus primarily confined within the state apparatus. Though there may be formal and informal linkages between UK government and user group interests, notably the frequent meetings between fishermen's federations and government officials, these are perceived to be weak, to have little impact within the system and to be on an unequal footing.

Notes

- 1 This chapter builds on an analysis of fishermen's organisations and policy systems carried out in the context of the EU funded project concerning devolved and regional management systems in fisheries (see Symes *et al.* 1994, 1995a, 1995b, 1995c).
- 2 Council Regulation (EEC) No 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry.
- 3 Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products.

- 4 Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources.
- 5 Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture.
- 6 According to Article 2 of Council Regulation (EEC) No 101/76, regulations introduced by individual Member States must also be non-discriminatory.
- 7 For Holden (1994), this leads to an uneven implementation of the CFP among Member States. He calls for management responsibility to be placed in the hands of the European Commission.
- 8 MAFF was later replaced by the Department of Environment, Food and Rural Affairs.
- 9 Following devolution SOAEFD became the Scottish Executive Environment and Rural Affairs Department, DANI the Agriculture and Rural Development Committee of the Northern Ireland Assembly and WOAD the Welsh Assembly Agriculture Department.
- 10 In Wales the power of the Welsh Assembly is restricted to vessels operating within territorial waters. MAFF assume licensing responsibility outside of these limits. MAFF's Sea Fisheries Inspectorate also operate throughout Wales and its territorial waters.
- 11 Northern Ireland also has its own national federation, the Northern Ireland Fishermen's Federation. This is a smaller player in the UK industry as a whole, in comparison to the NFFO and SFF.
- 12 Occasionally a FA will invite a neighbouring association to attend its meetings in an observer capacity. This is the case, for example, with the Whitby Keel Boat Association and the Yorkshire Salmon and Static Gear Association.
- 13 There are certain exceptions. For example, there is membership overlap between the neighbouring associations at North Shields and Cullercoats, which appears to provide them with a degree of collective strength.
- 14 There are often subtle variations in allocation methods within POs. For example, the Yorkshire and Anglia PO allocates a combination of annual and monthly individual vessel quotas, while the flat rate basis of allocation within the Grimsby PO is varied according to fishing method. Allocation within the Anglo-Scottish PO is graded according to numbers of crew on board.
- 15 Analytical TACs are set for those stocks where there is relatively full scientific advice available on the state of the resource. For precautionary TACs there is less scientific certainty, but sufficient level of concern over the stock to warrant a TAC.
- 16 A postal questionnaire was used to elicit the views of individual fishermen on fisheries management, co-governance and fishermen's organisations. In all, 396 questionnaires were sent with an overall response rate of 41%. Based in part on the findings of the survey a set of proposed co-management designs were elaborated and subsequently circulated within the industry for comment.
- 17 Similar findings have been reported by Crean and Lacambra (1998). One important facet in their analysis concerned the potential role of regional government in fisheries management. In Scotland, and perhaps reflective of the relative levels of regional dependency on fishing, regional councils are often pro-active in fisheries management issues and in supporting the industry in joint initiatives.

Chapter 3

CO-GOVERNANCE: A CONCEPTUAL PERSPECTIVE

Introduction

The previous chapter has revealed the main characteristics of UK and European fisheries governance, set against the general background of management crisis identified in Chapter 1. Attention now turns to a more conceptual perspective and the notion of co-management, as one potential means for addressing the weaknesses in fisheries governance arising from a dearth of user group participation within the policy system.

The underlying argument is that a key determinant of policy success lies in the overall mode of governance. There are several potential modes of fisheries governance and there is a growing interest in new approaches. This interest is often based on what is perceived to be the negative consequences, insensitivities and inadequacies of conventional state-led and top-down approaches to management, and bureaucratic failure, which have led to a management system which lacks legitimacy, is implementation heavy and enforcement intensive (Jentoft, 1989; Symes and Phillipson, 1996; Dubbink and van Vliet, 1996; Kooiman *et al.*, 1999; Symes, 1999c).

For many fisheries administrators and commentators, market and private property right based approaches to the regulation of fisheries – “governance as the minimal state” (Rhodes, 1996) - represents a more appropriate approach. Here, through the definition of private property rights, the attempt is made to promote a sense of resource ownership among fishermen and thus avoid a ‘tragedy of the commons’ (Hardin, 1968), whereby self-interested individuals ruthlessly utilise the common resource for individual gain. Under a system of individual transferable quotas (ITQs), a system of private property advocated by economists (Townsend, 1990; Pearse and Walters, 1992; Arnason, 1993; Hannesson, 1996; Grafton, 1996; Munro and Pitcher, 1996), owners are supposedly able to manage their use rights on a more long term basis and can, should they decide, sell or lease their entitlements. The potential outcomes of the generation of such a market relate primarily to economic efficiency, a rationalisation of fleet structure and a perceived reduction of management costs. Several commentators, however, have described the difficulties involved with the introduction of such a system and how the fact that, even if implemented, there remains a need for external enforcement, supporting regulatory measures and social intervention (Copes, 1986; Dubbink and van Vliet, 1996; van Vliet,

1998; Shotton, 1999). Social scientists, in particular, have noted the potentially negative social implications for communities and small scale enterprises of a free market approach to the distribution of fishing rights (Pálsson, 1993; Pálsson and Helgason, 1995; Symes and Crean, 1995a; McCay, 1995; Eythorsson, 1996a, 1996b; Sinclair, 1996). Furthermore, based on various empirical observations¹, a number of scholars have questioned the assumptions underlying Hardin's thesis and common property theory, noting the widespread occurrence of use right systems in fisheries as opposed to conditions of unfettered access, and various occasions of successful collective action and management of common pool resources. They frequently cite alternative property right solutions in the form of communal or territorial use right approaches (Berkes, 1986; McCay and Acheson, 1987; Berkes *et al.*, 1989; Feeny *et al.*, 1990; Ostrom, 1990).

In contrast to - and occasionally in combination with according to Symes (1997a) - property rights based approaches to fisheries governance, there are also calls for more institutionally driven measures (Jentoft, 1989; Symes and Crean, 1995a; Phillipson, 1996; Suárez *et al.*, 1997). These specifically structured institutional solutions target the procedural and interactional elements of regulation, through considering questions of empowerment and participation, the representation of interests, the sharing of knowledge, decision making routines, management legitimacy and the distribution of management responsibility. Thus the focus is on getting procedures right, which is seen to be just as, if not more, important as making appropriate selections of regulatory instruments. By influencing the knowledge base and behavioural characteristics of the fisheries system, procedural solutions aim to provide a more flexible basis from which to handle more qualitative and non-linear influences within it. Such institutional approaches represent a break from the tradition of attempting to find instrument or tool-led solutions to governing failures in fisheries (Jentoft and McCay, 1995).

In adopting an institutional perspective, Symes and Phillipson (1996) have elaborated the components of a model continuum relating to various institutional designs under the theme of devolved management systems. The continuum, displaying echoes of Arnstein's ladder of citizen participation (Arnstein, 1969)², involves poles of extreme state control and autonomous user control or self-regulation, and incorporates a number of organisational regimes including:

- *Enlightened dictatorship* - here the central state defines, implements and enforces all aspects of management without negotiation with professional or regional bodies. Enlightenment emerges through the availability of

knowledge relating to fish stocks, policy impacts and management strategies and might be provided, for example, through consultation procedures or even through an Advisory Council of some form. The central authority may choose to accept, modify or ignore any advice offered.

- *Decentralised management* - involves the downward transfer of powers and administrative responsibilities from the central to the regional or local state; hence management remains within the democratically accountable political framework.
- *Delegated management* - entails the delegation of powers and responsibilities to organisations which lie outside the democratically accountable system and may include QUANGOs or private non-governmental organisations. While decentralisation implies a hierarchical transfer of power, delegation can occur on a number of levels and include, for example, a central Executive Council responsible for national fisheries management, or alternatively regional and local management organisations. As with decentralisation, delegation requires a clear division of responsibilities between state and devolved management organisation. In both instances the opportunity for variation in the extent of devolved powers is significant and may involve, on the one hand, essentially administrative tasks and, on the other, significant levels of autonomy. In all cases, however, the state remains responsible for the broad policy agenda and for setting the limits within which the devolved agency will act.
- *Autonomous self-management* - here all “responsibility for formulation, implementation and enforcement of fisheries management is devolved to a responsible organisation representing the interests of the user groups. The fishermen are in sole control of the fishery, organising its management through formal institutions designed and operated by local fishermen’s organisations” (Symes and Phillipson, 1996: p. 233).

Co-management

Defining co-management

Co-management is a distinctive form of delegation process incorporating the direct involvement of user groups in an active management role through joint decision making and the implementation of regulatory decisions (Symes and Phillipson, 1996). As such it signifies a redistribution of influence and a

redefinition of the relationship between state and user groups. With widespread variations in definition and form, in terms of scale, participants, area and extent of management responsibility, and level of formality (McCay and Acheson, 1987; Pinkerton, 1989, 1993; Jentoft, 1989; Jentoft and McCay, 1995; Sen and Raakjaer Nielsen, 1996), it can be difficult to define. Jentoft (1994) views co-management as self-governance within a legal frame established by government. It is considered a collaborative and participatory process of regulatory decision making, where responsibility for policy formulation, implementation and monitoring is shared between government, responsible user groups, agencies and research institutions at national, regional and/or local levels (Jentoft *et al.*, 1998). In fisheries co-management, fishermen's organisations are pro-active in framing and implementing regulations. Government is not removed from the regulatory equation; rather it is positioned alongside the industry and its user groups, and fisheries management is propagated through co-operation and negotiation.

Much too often, however, the term co-management is used rather loosely to embrace almost any occasions of user group participation or collaborative arrangement between state and fishing industry (Sagdhal, 1992). As Symes and Phillipson (1999: p. 60) have argued, the question is where to draw the line between co-management and other forms of user participation. In recognising the problem of inconsistency in definition, Hersoug and Rånes (1997) argue that co-management must imply that user groups have a definite influence on decisions made over time and that it must involve a degree of power sharing. This interpretation does, however, allow considerable room for varied interpretation. What degree of influence, for example, would qualify as representing co-management? Co-management clearly requires the drawing of well-defined boundaries of responsibility, which are understood and respected by the actors involved.

Several authors have argued that co-management is more than simply a consultative arrangement between state and user groups, but extends to joint decision making and policy implementation. Jentoft (1989), for example, contends that co-management implies that fishermen's organisations not only have a say in the decision making process, but also the authority to make and implement regulatory decisions on their own within specifically defined areas of activity. More particularly, he suggests that co-management requires some element of legal recognition; in part this goes some way to ensuring respect for the boundaries of responsibility within co-management arrangements. The suggestion does, however, contrast with some authors who posit that co-management represents a less legalistic approach to fisheries governance (Dubbink and van Vliet, 1997).

The position of local community based management systems *vis-à-vis* co-management is also unclear. Most commentators tend to omit these from their analysis on the basis that co-management incorporates an important role for government alongside industry, a role which is less prominent in communal management systems (Sen and Raakjaer Nielsen, 1996). There is some argument, however, that community-based regimes should be seen as co-management, particularly where they have been recognised in national legislation or are seen to be a component of an overall fisheries policy, though here there is clearly a grey area concerning the extent of state participation in, and recognition of, local management systems. Pomeroy and Berkes, for example, note that:

Strictly speaking, pure communal property systems and CBCRM [community-based coastal resource management] are always embedded in state property systems and derive their strength from them. Co-management involves the recognition and legitimization of traditional or informal local-level management systems. A certain degree of community-based resource management is a central element of co-management. Hence ... the term co-management subsumes CBCRM.

(Pomeroy and Berkes, 1997: p. 467)

Much of the literature seems to be very much pre-occupied with local or regional examples of user group participation and omits, or pays only lip service to, potential opportunities for delegation of management authority at central or national level (see, for example, Pomeroy and Berkes, 1997). There are notable exceptions (such as Jentoft and McCay, 1995), but here the tendency is to represent advisory or consultative arrangements as being separate from co-management. This may simply reflect the point that consultative arrangements rarely represent true power sharing between the state and fishing industry. Here, however, the scope for varied interpretation is considerable. At what juncture, for example, does consultation become negotiation? While Hersoug and Rånes (1997) describe the well established system of centralised consultation in Norway as co-management, Jentoft (1989) positions these arrangements within the boundaries of consultation and notes that Norwegian co-management is restricted to specific local arrangements. Clearly there is a problem of inconsistency in interpretation.

Symes (1997a; 1997b) is more explicit in his elaboration of co-management which he sees as requiring two main ingredients: prior consultation over the aims, objectives and instruments of policy; and the delegation of specific management responsibilities to appropriate fishermen's organisations. Co-

management is thus considered as implying co-responsibility and not simply the delegation of administrative tasks to fishermen's organisations. This interpretation was in fact adopted among the conclusions of a workshop on the theme held in Groningen in 1997⁴, which saw co-management as a necessity given the current condition of European fisheries, and subsequently in the *Assessment Report on Fisheries and Fisheries Related Species and Habitat's Issues* following the Intermediate Ministerial Meeting in Bergen in 1997 (Svelle *et al.*, 1997). The Groningen seminar further concluded that co-management required an integrated relationship between the administration, fishing industry and environmental interests and a commitment to co-operation and co-responsibility. It was seen to represent a 'state of mind', shared by both government and user groups, which involves a fundamental shift in perceptions and attitudes towards collaboration, mutual respect and trust, to the value of participation and to the potential contribution of the fishing industry. Under a co-management system there should, therefore, be no room for doubt that approaches to consultation or the delegation of authority are cosmetic, a symbolic gesture, incidental to the policy process, or simply a means of legitimating the particular will of the state (Jentoft and McCay, 1995; McCay and Jentoft, 1996).

Benefits of co-management

Over the last ten years, several authors have identified what seems to be a growing list of anticipated benefits that should arise through co-management as a potential response to the prevailing weaknesses in fisheries governance. In summary, co-management is perceived as promoting a basis for improved legitimacy, knowledge and democratic accountability where the policy system, its regulatory tools, decision making process and balance of management objectives, is seen to be more appropriate, equitable, and of the industry's own making (Jentoft and Kristofferson, 1989; Jentoft, 1989; Jentoft and McCay, 1995; Phillipson, 1996; van Vliet and Dubbink, 1999). According to Jentoft and McCay:

... the intrinsic complexity of ... [fisheries management] ... calls for industry involvement. Thus, information provided by user groups may contribute to a more rational management process as government agencies can hardly be expected to foresee all consequences of regulatory measures. In the final analysis, the effectiveness of regulatory measures depends on a positive response from producers.

(Jentoft and McCay, 1995: p. 228)

Pinkerton (1989) is more specific. Based on Canadian and US experience, she highlights numerous possibilities with the approach. Thus, she surmises the “potential of co-management agreements to promote conservation and enhancement of fish stocks, to improve the quality of data and data analysis, to reduce excessive investments by fishermen in competitive gear, to make allocation of fishing opportunities more equitable, to promote community economic development, and to reduce conflict between government and fishermen, and conflict among fishermen’s groups” (Pinkerton, 1989b: p. 4). Through offering participant democracy, co-management is seen as representing a means for managing the consent of fishermen and a reduction in conflicts.

Jentoft and McCay (1995) have argued that the legitimacy of the content and process of fisheries management is the key to its success and one of the main potential benefits of co-management. Raakjaer Nielsen (1992) also places particular importance on user participation as providing legitimacy benefits:

... international experience testifies that without support from the fishermen the chances of success for fisheries regulations are very poor because fishermen almost always find ways of by-passing the regulations. The current crisis in fisheries management ... may to some degree be caused by a lack of legitimacy. Legitimacy can be improved by transferring greater responsibility to fishermen or by consulting them in management matters. In this regard representation and participation of fishermen in the decision-making process is important.

(Raakjaer Nielsen, 1992: pp. 353-54)

By allowing the industry more scope to plan its own development⁵, it is hoped that an increased sense of control and an alteration of incentives might engender longer term and more collective horizons within the industry, greater compliance and therefore a reduced enforcement burden (Hersoug and Rånes, 1997⁶). Thus under conditions of a state-industry partnership “the ‘rule of law’ is replaced ... by consensual decision making and an enhanced compliance resulting from a switch from imposed to negotiated regulation” (Symes, 1997a: p. 111). For Crean and Symes (1994) the enhancement of the negotiation roles of fishermen’s organisations in devolved management systems is also seen as the means of restoring the social identity and professional self-respect of fishermen. This form of ‘social recognition’ is highlighted as an important social objective in its own right within fisheries management approaches. Finally, according to Svelle *et al.* (1997) and Symes (1997b) greater support from the fisheries sector and other interested parties, potentially achieved through co-management, is seen to be essential for the success of integrated

fisheries management and the development of an effective ecosystem management approach. As such, ecosystem management represents the latest management challenge to be visited by the co-management debate.

Designing co-management

Whilst the optimum institutional arrangements for co-management may vary with the strictures of particular institutional and political contexts, some argue that co-management is more likely to develop and provide maximum benefit if developed within a range of design principles and preconditions learned from world-wide experience (Jentoft, 1989, 1994; Pinkerton, 1989a; Ostrom, 1990; Jentoft and McCay, 1995). Preconditions for the initiation of co-management might include a situation of stock crisis and the recognition by all parties that a mutually agreed solution is required. Several authors have, in fact, promoted co-management as a form of crisis management (Sen and Raakjaer Nielsen, 1996). In these circumstances fishermen demand a voice in decision making given their loss of faith in the government's ability to manage and government officials become willing to surrender some power in return for fishermen's co-operation (Pinkerton, 1989b). In addition, it is useful if a taste of the practicalities and benefits of user participation and partnership has already been provided, for instance through the experimental co-management of some limited task or partial incorporation within the policy formulation process. In order for co-management systems to be sustained, however, arrangements should be formalised in law in order to prevent circumvention, although this should not rule out gains that might result from a voluntary or informal perspective. Clearly defined harvesting rights and/or boundaries of community or group membership are of importance to propagate a sense of ownership and responsibility. If user groups are organised, socially cohesive, relatively homogenous in character and speak with one voice this is also significant for the effective involvement of user groups, as is the aspiration for greater powers. Fishermen's organisations should not be so large as to discourage internal participation or representation and so risk internal cleavage. Institutional arrangements should also aim to respect ecological boundaries; thus local stocks, where they occur, should be managed by local approaches, while migratory stocks will require regional, national or even international regimes and interlocking co-operation. Co-management can be multi-level, taking place in local, regional and national contexts. In certain cases it may occur purely at the central level involving national user group organisations, although here there is a danger that this will distance the management system from local concerns. The ideal situation is for a nesting of local, regional and national approaches, thereby effectively accounting for both local and more widespread management issues⁷. Finally, a facilitative political mechanism is of prime importance.

Several authors have noted the particular challenges and problems facing co-management, using these various design principles as their terms of reference. For example, attention has focused on organisational constraints within fishermen's co-operatives, conflicts among interest groups, internal organisational cleavages, uneven distributions of power, negative aspirations of central actors and the additional demands that co-management might place on the policy making process (see, for example, Jentoft, 1989). Perhaps the most challenging and contentious of co-management design principles, reviewed by several authors⁸, relates to the issue of representation and the choice of who and in what proportion, among the multi-faceted interests and stakeholders within or related to the fishing industry, is to be included within the system and in what capacity (i.e. as representatives or as appointees, sectoral or regional interests). This is often a political question as it relates to who will be party to the redistribution of responsibility and power which is implicit in co-management. As Jentoft (1994: p. 4) explains: "User participation is a means through which users are empowered, and there is always a possibility that some will win while others will lose or be left out entirely". The issue of representation also relates to the means of injecting some form of public accountability and democracy within the management system. Some commentators have suggested that fishers should be pivotal in representation as, ultimately, it is they who will make or break the success of regulatory policy (Jentoft and McCay, 1995). Even here, however, there can be significant difficulty in distributing influence between groups of fishermen who may display considerable variation in terms of their direct stake in the fisheries.

Equally significant is the precise division of management tasks and responsibility between state and delegated institution. The potential range of day to day management tasks which can be devolved is broad. A basic list might include quotas, licensing, monitoring, access arrangements and technical conservation measures. Sen and Raakjaer Nielsen (1996) picture the idealised co-management scenario where government and user groups are equal partners in all management tasks and throughout the policy process. In practice, however, not all management responsibilities can be delegated and experience suggests that 'incomplete' co-management systems are the norm (Pinkerton, 1989b). The degree of user group influence and the precise relationship between users and government will vary according to the management task in hand, the configuration and capabilities of user group organisations, and the particular institutional arrangements. Organisations may be more or less suited to implementing certain tasks than others, and this may lead to a gradation of management influence held by user groups (Hersoug and Rånes, 1997). Thus within a single co-management system there may, in fact, be a whole spectrum

of decision making arrangements for different management responsibilities, ranging from consultation through to significant user group autonomy (Sen and Raakjaer Nielsen, 1996). In addition, there may be a range of policy aspects where co-management can play a part, but which offer only partial scope for delegation at regional or local levels. These might include the development of management objectives, structural measures, the setting of total allowable catches, enforcement and research. Here any delegation of authority is arguably restricted to a national level. Indeed, several authors are of the opinion that some management responsibilities, notably enforcement, offer little scope for being delegated to user groups at any level (Jentoft, 1989; Pomeroy and Berkes, 1997). It might also be posited that some management tasks are more suitable for decentralisation (i.e. within the democratically accountable system) rather than delegation to user group organisations. This according to McCay and Jentoft (1996) would apply to the fixing of TACs given the potential problem of private interests conflicting with public welfare objectives.

Hersoug and Rånes (1997) have also emphasised that the degree of influence held by user groups is not simply a question of management task. It will also be a reflection of their time of entry within the policy process. Are they, for example, employed at the planning stage, or is their role restricted to offering feedback? Co-management is arguably relevant at all stages within the policy system.

Within co-management, the government's role remains significant (Jentoft, 1989; Pomeroy and Berkes, 1997). Indeed, the balance of power often remains tipped in its favour given that it may continue to be responsible for a number of pivotal activities including stimulating and supporting the development of management approaches and decision making frame, providing an overarching view of the resource base and management system (particularly with a view to managing shared and migratory stocks), providing legal underpinning for management, allocating fishing rights among user groups, deciding upon upper exploitation limits (TACs), executing enforcement tasks, and undertaking strategic policy formulation and transnational negotiation.

Co-management in practice

Though a convincing theoretical argument can be made for co-management, international experience of enduring co-management arrangements is not widespread. Though this does partly depend on the definition of co-management that is being adopted, it may also suggest that co-management, and the sharing of power that it implies, is more often an idealised institutional design than a realisable opportunity. There are few, if any, full blown realisations of co-

management in practice and, in part, this may be reflected in an emphasis within the literature upon less radical concepts such as 'user participation'. Hersoug and Rånes (1997) have argued that there are, in fact, few empirical studies which illustrate the costs and benefits of co-management. As a result little is known about its impact upon patterns of legitimacy, equity or efficiency within the policy process (Sen and Raakjaer Nielsen, 1996).

Nevertheless, several authors have described examples of fisheries co-management at the local level (see, for example, Kearney, 1985; Pinkerton, 1989, 1993; Acheson, 1989; Jentoft and Kristofferson, 1989; Sen and Raakjaer Nielsen, 1996), while others have recorded international experiences of routine and *ad hoc* user group consultation (Jentoft and McCay, 1995). There are also a large number of antecedents set within diverse cultural settings, including often long established, informal and small scale systems of local self-regulation, community based resource management and territorial use rights systems of exploitation (Acheson, 1979; Berkes, 1985, 1986, 1989; Hannesson, 1988; Knudsen, 1995; McCay and Acheson, 1987; Feeny *et al.* 1990; Ostrom, 1990; Ruddle *et al.*, 1992; Pinkerton, 1993; Pomeroy and Carlos, 1997). A smaller collection of systems are more formally and legally structured than others, such as the involvement of fishermen's co-operatives in the development and implementation of local regulation and administration of fishing rights in Japanese inshore waters (Shima, 1983; Hannesson, 1988; Kalland, 1996). Fishermen's co-operatives have, in fact, formed an important focus of research interest, as representing one potential organisational structure through which to realise co-management (Shima, 1983; Berkes, 1986; Jentoft, 1989; Townsend, 1995). Indeed, the terms of reference of several commentators on co-management appear to have emerged within the discussion of co-operative principles and forms of organisation (see, for example, McCay, 1980; Jentoft, 1985, 1986).

European fisheries also include vestiges of long established and legally defined local management arrangements, such as the control of access arrangements in the lagoonal waters of the French Mediterranean by the long established local *prud'homies* (Dufour, 1996) and the regulation of local market access and fishing activity by the ancient fishermen's *cofradías* in Spain (Alegret, 1995, 1996). Local fishing interests also have access to local decision making in France through the *Comités des Pêches*, which contribute to the management of the resource base in collaboration with local and regional levels of the state administration (Thom, 1993), and in England and Wales through the regional Sea Fisheries Committees (Symes and Phillipson, 1997). Other authors have described emerging systems of co-management in the administration of quota management by producers' organisations in the UK (Phillipson, 1999) and

management groups in the Netherlands (Dubbink and van Vliet, 1996; Langstraat, 1999).

It appears that a significant challenge is to be found in translating the principles and processes from local, community based systems of management, which tend to predominate the literature, to the industrialised, state-led and global fisheries of contemporary Europe which may often have little or no tradition in such forms of co-operative management. Several authors have, in fact, argued that community approaches to management are less likely to be appropriate for larger scale, offshore and more mobile fishing fleets or in situations where there is a marked heterogeneity of interest groups (Berkes, 1986). Others have charted the demise of community based management approaches in the face of social change and the introduction of state-oriented and centralised management systems (Johannes, 1978; Doulman, 1993). However, co-management is seen by some as signifying the appropriate means for achieving this translation. It is perceived as representing a “meeting point between overall government concerns for efficient resource utilisation and protection, and local concerns for equal opportunities, self-determination and self-control” (Jentoft, 1989: p. 144). Feeny *et al.* (1990) also recognise the contemporary relevance of co-management in contrast to communal management systems:

The new interest in communal property arrangements is perhaps related to the resurgence of interest in grass-roots democracy, public participation and local-level planning. ... Communities of resource users are, however, no longer relatively isolated and resources often have multiple uses. Therefore, complete devolution may not be appropriate; it makes sense for the state to continue to play a role in resource conservation and allocation among communities of users. Shared governance or state regulation jointly with user self-management is thus a viable option. Such co-management can capitalize on the local knowledge and long-term self-interest of users, while providing for coordination with relevant users over a wide geographic scope at potentially lower transaction (rule-enforcement) cost.

(Feeny *et al.*, 1990: pp. 13-14)

Symes (1997a), more pessimistically, describes co-management as an ‘act of faith’ based on the experiences of traditional artisanal fisheries. He posits that “there is little firm evidence that ‘power sharing’ can actually work in more developed economies, except perhaps under relatively rare conditions of fisheries that are both geographically and sectorally discrete” (p. 111). He also notes that co-management has been criticised as “harking back to a pre-modern

era” and that it is unattainable and irrelevant given the complexity of modern fishing systems (Symes, 1997b: p. 5). Jentoft *et al.* (1998), in contrast, argue that scepticism concerning the applicability of co-management to modern fisheries, based upon a perceived lack of communal values within the fishing industry, is representative of a rational choice perspective of the role of individuals. They suggest, instead, that human behaviour is embedded in social relationships shaped by cultural and structural forces, and that society is often characterised by organised relations and networks. Co-management builds on the fact that choices are not always made for individual gain and may be defined socially and according to social norms and common interests, and within organisations and communities working to collective goals. Thus co-management “is a social system that changes the nature of the game, the relationships between players and what each of them strive for” (Jentoft *et al.* 1998: p. 426). McCay and Jentoft (1996) have similarly argued that early, systematic and meaningful participation in the management process can create vested interests that work for, rather than against, the collective good.

According to Jentoft *et al.* (1998), institutional change in favour of a co-management system involves altering the collaborative process through which the rules of the game are defined, including who participates, how debates are structured, how knowledge is employed, how conflicts are addressed and agreements reached. They go on to argue that co-management represents a set of principles for institutional design which can assume different forms depending on the particular context. Thus, while most examples involve functional communities of resource users, defined by gear groups or fishing grounds, co-management may also be constructed according to local communities. In some instances the local community represents a more appropriate locus for co-management as it is here where there is increased stability, integration and homogeneity of social relations. Established property regimes may also be embedded at the community level and may therefore form a consolidating pillar to the management regime. Jentoft *et al.* (1998) also highlight the potential opportunities for co-management involving ‘epistemic’ communities, relating to specific management issues and involving multiple actors co-operating over a particular common problem.

The limits to co-management

Clearly co-management, or for that matter institutional approaches in general, cannot provide an instant answer to all the problems of governance and it is the case that many such approaches may fail due to the characteristics of the broader institutional framework in which they are placed (Thom, 1999). It is evident, for example, that these governance approaches must be accompanied

by effective monitoring and enforcement, more ecosystem sensitive approaches to management (Gislason, 1993; Larkin, 1996; Schramm and Hubert, 1996; Svelle *et al.*, 1997; Symes, 1997b, 1999b) and an appropriate selection of regulatory or property rights systems. In fact, co-management can potentially function within and build upon the whole spectrum of property right regimes in fisheries including open access, privatised access and communal based jurisdiction, each with its own implications for the overall functioning of the system (Jentoft *et al.*, 1998).

Governance

Despite the need for a pragmatic perspective as to the potential benefits of co-management, it has been promoted as a novel opportunity for tackling some of the negative elements of UK and European fisheries governance and, more particularly, in bridging the current gap between the governors and the governed within fisheries management. The notion of co-management appears, in fact, to sit comfortably within broader theories of governance. Indeed, governance not only provides a potentially useful notion with which to conceptualise the current crisis in fisheries management (Kooiman *et al.*, 1999), it is also particularly helpful as a means of extending and contextualising the present discussion on co-management and forms of user group participation.

Defining governance

There is no single accepted definition of governance and as yet no definitive governance theory. Jessop (1995), who describes an emerging interest in this notion over the last two decades, argues that governance theory remains at the “pre-theoretical stage of critique” and “that it is much clearer what the notion of governance is against than what it is for” (Jessop, 1995: p. 318). It is a term which can draw upon a breadth of related concepts and analytical traditions. As such governance theorists “operate within several, often disparate and fragmented, problematics” (Jessop, 1995: p. 318). The governance debate, therefore, embraces and touches upon a multitude of social parameters and processes including power and social or political control, empowerment and decision making, modes of regulation, system and organisational mechanics, each with their own theoretical underpinnings. The processes and trends in such themes have been explored in both single-sector and multi-sector analyses including, among others, fields such as environmental management (van Vliet, 1993; May *et al.*, 1996), public management (Kickert, 1993; Metcalfe, 1993), education (Duclaud-Williams, 1993; Stenvall, 1993), fisheries (Kooiman *et al.*, 1999) and common property resource management (Kooiman and van Vliet, 1995). This book appears to fall in line with the established research tradition in

governance, given its sector specific perspective and particular interest in issues of meso-level institutional design⁹.

Governance is portrayed as being more than another term for ‘governing’. Governing has been described as “all those activities of social, political and administrative actors that can be seen as purposeful efforts to guide, steer, control or manage sectors or facets of societies” or “the ‘goal-oriented’ interventions of political or social actors” (Kooiman, 1993b: p. 2). In the context of fisheries it therefore comes close to what might be termed as ‘management’ and represents one of the more tangible elements of governance¹⁰. As the sources of governing failure in fisheries may be diverse, which often serves to destabilise the predicted relationship between a management action and its outcome, so too can be the actual subject or target of governing. Most management efforts tend, in practice, to focus upon fishermen and the activities of fishing fleets, as a means for organising the exploitation of the resource base and therefore as an indirect way of exerting influence over the status of fish stocks and ecosystems. It is much less common for management to directly focus on fish stocks or ecosystems, though this does occur to some extent through habitat replenishment or stock enhancement schemes. Thus, the main effort of governing involves management of the activities of fishermen rather than of fish. It is clearly the anthropogenic component of the fisheries system which offers the greatest opportunity for being regulated when compared to the complexities of the natural world. It has already been noted, however, that this in itself represents a major challenge. This is not simply because of problems resulting from the externalisation of ecosystem or fish stock complexities from the management equation (Larkin, 1977; McGlade, 1999), but arises from the difficulty in providing an effective and legitimate management and institutional approach which pays sufficient attention to the human as well as the economic or biological nature of governing problems in fisheries. It is here that co-management is promoted as potentially playing an important role.

‘Governance’, in contrast, represents a broader though less easily defined notion than governing. Mayntz (1993) uses the term ‘steering’ (from the German *steuerung*) in referring to the ability of political authorities to mould their social environments through governing (as an action) and governance (as a mode of social co-ordination or order). Kooiman, more generally, describes governance as:

... the pattern or structure that emerges in a social-political system as ‘common’ result or outcome of the interacting intervention efforts of all involved actors. ... This emerging pattern forms the ‘rules of the game’ within a particular system or, in other words,

the medium through which actors can act and try to use these rules in accordance with their own objectives.

(Kooiman, 1993b: p. 2)

Governance, therefore, is portrayed as embracing those factors which frame and determine the approach to management, as well as the overarching pattern that arises from governing efforts. In a fisheries context Kooiman *et al.* (1999) add the following stratification: *first-order governing*, incorporating day to day problem solving (for example, quota administration activity); *second-order governing*, as influencing the conditions under which first-order governing takes place (for example, setting the broad parameters of the quota management system, establishing arrangements for co-management, or reforming the Common Fisheries Policy); and, *meta-level governing*, involving the parameters and processes which influence the overall management system. By influencing the procedural components of fisheries management and the mechanics of policy implementation, co-management arguably operates at both first and second order levels within this framework. At the same time, the meta-level draws attention to those factors which may determine the choice of a co-management approach in first place, in terms of overriding institutional and political traditions.

Modes of governance

It would appear that increasing discontent over conventional governing approaches in fisheries, which have favoured bureaucratic, enforcement intensive and hierarchical modes of regulation (Dubbink and van Vliet, 1996; Symes, 1997a), is not unique when set within the broader governance debate. In fact, the recent interest in alternative institutional approaches in fisheries is symptomatic of a broader discussion concerning alternative modes of governance. Rhodes (1997) identifies a triad of governing structures used for allocating resources and exercising control, including hierarchies (governing by bureaucracy and administrative order), markets (governing by privatisation and competition) and networks (governing by trust and mutual adjustment). While the appropriate choice of structure inevitably depends upon context and circumstances, and although both co-operative or coercive styles of governance have the potential for producing stable outcomes (May *et al.*, 1996), it is evident that traditional patterns of governing are increasingly seen to be inappropriate. According to Kooiman (1993c), for example, in modern society both 'state' and 'market' approaches are becoming unattractive in many areas of collective and societal concern. He goes on to state that "there is no place for 'standard' solutions traditionally being tailor made by one sided bureaucratic top-down systems of governance but neither for a unilateral withdrawal of the state and

leaving societies to their own ‘dynamic laws’” (Kooiman, 1993c: p. 260). Similarly, Jessop (1995) relates increasing fascination with the dynamics of governance to the failure of established co-ordination mechanisms, notably hierarchical decision making within conditions of complex interdependency. Dunsire (1993) has also explained how regulatory approaches have tended to be implementation-intensive and enforcement-expensive and have faced problems in attempting to apply linear remedies to non-linear causes. Finally, van Vliet (1993) contends that research has indicated the low effectiveness, enforcement problems and negative effects from the exertion of too much public regulation and traditional governing mechanisms in solving collective action problems. His warning is clear: as markets can fail, so can bureaucracies.

In practice, prevailing trends appear to highlight a shift towards new modes of governance. For Rhodes (1996), governance - the new vogue in public sector management - signifies more than a synonym for ‘government’. In fact, he perceives it as a governing mode in itself, referring to the new methods by which society is governed. He identifies six main uses of the term:

- (i) *governance as the minimal state*; involving an ideological preference for less government or public intervention in favour of more market based approaches;
- (ii) *governance as corporate governance*; the means by which organisations and businesses are directed and controlled;
- (iii) *governance as the new public management*; new public management is seen as comprising trends towards managerialism (the application of private sector management principles to the public sector) and new institutional economics (the application of incentive structures to public service provision);
- (iv) *governance as ‘good governance’*; good governance relates to the distribution of political and economic power, legitimacy and authority, based on a democratic mandate and an open and accountable administration;
- (v) *governance as socio-cybernetic system*; this highlights the limits of governing by a central actor and suggests there is no longer one single authority but rather an interdependence among several actors including governmental organisations, non-governmental interests and informal authorities. It identifies a blurring of public, private and voluntary sector boundaries and the emergence of new forms of intervention. The political system is considered increasingly differentiated and polycentric and the product of intervention efforts of multiple actors;
- (vi) *governance as self-organising networks*; this recognises that services are increasingly being provided by permutations of government, voluntary

and private actors which are interdependent and rely on inter-organisational linkages. Governance is about the management of networks of actors. Networks are considered to be articulated by specific qualities of trust and mutual interdependence and characterised by an ability to function relatively autonomously on a self-governing basis.

As an encompassing definition of ‘new governance’, and recognising the partial overlap and complementarity of the six emphases, Rhodes (1996) refers to ‘self-organising, inter-organisational networks’ characterised by a number of common features including: interdependence between organisations (governance is seen to be broader than government and reflects a shift in public, private and voluntary sector boundaries); interaction and exchange among a network of actors; game-like interactions rooted in trust; and a degree of autonomy from the state (though it may still continue to indirectly steer networks). According to Rhodes, the new patterns of governance may pose a number of dilemmas relating to the fragmentation of the public sector, a loss of capacity for central control and a possible erosion of accountability through the creation of private governments.

Networks, therefore, appear to form a pivotal element within new trends in governance. Jessop, for example, embraces the network perspective by noting:

... growing concern with the role of various forms of political co-ordination, which not only span the conventional public-private divide but also involve ‘tangled hierarchies’, parallel power networks or other forms of complex interdependence across different tiers of government and/or different functional domains. This reorientation is often signified in terms of a shift from a narrow concern with *government* to a broader concern with a wide range of political *governance* mechanisms with no presumption that these are anchored primarily in the sovereign state.

(Jessop, 1995: pp. 310-11)

Jessop thus describes governance studies as being concerned with the resolution of problems “through specific configurations of governmental (hierarchical) and extra governmental (non-hierarchical) institutions, organisations and practices” (Jessop, 1995: p. 317). Similarly, for van Vliet (1993), governing no longer involves a simple relationship between a governing actor (the state), on the one hand, and a to-be-governed object (society), on the other, but incorporates networks of public and private actors centred around particular societal problems. In reflecting on a high level of interdependence among actors he identifies the need for effective co-ordination and a spreading of problem

solving capabilities. Furthermore, an equal distribution of power and an ability to produce positive sum results is considered crucial and requires the creation of opportunities for mutual learning, information exchange and the building of trust among network participants. Governance, therefore, is considered to be largely about the facilitation of networks for particular objectives (Rhodes, 1996). This may involve game management (identifying conditions for joint actions, creating win-win situations) or network structuring (perhaps altering the rules of the game through resource distribution) and utilises processes of mutual adjustment, bargaining and strategies rooted in trust and interdependence.

For Kickert (1993), understanding the nature of control is central to understanding network governance. There is, however, a potential contradiction in the role that control should play. On the one hand, it involves the balancing of involved interests in order to obtain stability or equilibrium. On the other, it is about being able to encourage change, or obtain a shift in equilibrium, through the manipulation of involved interests and dynamics. According to Kickert (1993), an intricate balance within a social system may in fact form an inhibition to change or renewal. There are indications that this problem is relevant in the fisheries context where the complexities and sensitivities of European and UK fisheries policy and decision making procedures have proved resistant to change and where control has been exerted mainly in order to maintain political stability, system maintenance and the *status quo* (Kooiman *et al.*, 1999). Thus, according to Jentoft *et al.* (1999) institutional changes in fisheries tend to occur at the margins and are non-radical, as this represents less of a challenge to the underlying assumptions within the governance system or the positions of established organisations.

In fisheries the role which is played by instability or chaotic events may also prove to be particularly relevant. Indeed, imbalance may often form the basis and stimulus for change. According to Kickert (1993: p. 199), “much disorder and dynamics are necessary for a social complex to cross the threshold and change”. Historic changes in the system of European fisheries governance have occasionally been externally provoked in response, for example, to fish stock crises, new market conditions or successive EU enlargements (Wise, 1996)¹¹. The proponents of co-management have similarly argued that crisis may represent the ultimate stimulus for change in favour of this institutional arrangement (Pinkerton, 1989; Sen and Raakjaer Nielsen, 1996). Kickert (1993) has also noted how complex or even chaotic systems will often possess the capacity to maintain their existing structure through self-regulation or the deliberate management of rival forces, rather than move towards disintegration. Thus, “system persistence is more likely than system collapse” (Dunsire, 1993: p. 27). ‘Self-organised and self-referential autopoietic networks’ are described

by Kickert (1993) as those systems which are able to reproduce their own meta-level organisation amidst a hostile environment and despite disturbances among the system's own constituent elements. Rather than the nature of organisational structures being determined by their external environments or contexts, in autopoietic systems environmental relations are internally determined and the system seems to obey developmental laws of its own (Kooiman *et al.*, 1999). Preservation of the system or organisation is the sole goal and the external environment in which the system exists is considered secondary - for fisheries this might equate to order within the institutional system at the cost of neglect or disorder within the fisheries ecosystem.

The main question that is immediately apparent from the analysis of networks and modes of governance is the extent to which these new trends and elements can be discerned within governing approaches to fisheries. For example, to what extent is there evidence of a reduction or repositioning of state influence in fisheries management or an influx of new societal actors entering the governance equation? It appears that the governance of UK fisheries is being patterned by a number of what Rhodes (1996) refers to as 'hollowing out' processes. On the one hand, the state is beginning to propagate more market based solutions in certain matters, notably concerning the allocation of fishing rights and the reduction in fishing capacity (Hatcher, 1997; MAFF, 1997b; 1998). In addition, there is evidence of a partial contracting out of state responsibilities for fisheries management. Actors at the regional and local level, notably producers' organisations (Phillipson, 1999) and Sea Fisheries Committees (Symes and Phillipson, 1997), have been allocated elements of management responsibility and this could be seen to represent the emergence of partially developed governance networks¹². There are doubts, however, over the intensity and extent of these hollowing out processes. In many respects, and in contrast to other sectors of public policy, hollowing out in fisheries remains in a muted state and is slow to emerge. In this respect Symes (1997a) argues that fisheries management occupies a somewhat anomalous position in modern patterns of governance. In the first instance, fisheries have not been subject to any form of rapid deregulation and remain a heavily regulated sector. Furthermore, there are lingering doubts over the extent of delegated authority to local and regional organisations which continue to be influenced by the central state and remain separate from policy formulation procedures. Fisheries management remains the prerogative of government, is top down and centralised (Symes, 1997a). Even the most convincing example of contracting out in fisheries, which involves the delegation of responsibility for fisheries policy to the central institutions of the European Union, and thus a hollowing out of the national state apparatus, is paradoxically associated with increasing

centralisation (Symes, 1998b), though on this occasion at the supra-national level of the EU.

Networks do, nevertheless, appear to represent a field of analysis with parallels to the notion of co-management. For example, co-management systems, like networks, also involve the diffusion of political power among several actors, in this case between central government and user group organisations. A number of network qualities are relevant in the facilitation and effective operation of co-management systems, notably the need for participants to reap positive outcomes from the arrangements for them to be a success, and the emphasis which is placed on trust and mutual co-operation. Rhodes' (1996) identification of various dilemmas associated with networks, including the potential loss of central state control and a possible erosion of accountability, have similarly been expressed within the co-management debate (Jentoft, 1989). Co-management also recognises the interdependencies of actors within the fishery system. Not only can the fishing industry bypass and thwart the most practicable of regulatory approach, it also holds the necessary practical and local knowledge concerning fishing practices, the resource base and social context, which is seen as important for effective, sensitive and flexible policy delivery and an improved rationale to management (Jentoft, 1989). Finally, co-management aligns closely to current discussions on issues of co-governance and communicative rationality.

Co-governance

In keeping with the growing interest in co-management approaches in fisheries, some commentators within the governance debate have considered more bottom up approaches involving mixtures of self-governing, co-governing and hierarchical forms of governing and incorporating state, private as well as civil actors (see, for example, Dunsire, 1993; Kooiman and van Vliet, 1995). According to Kooiman (1993a), changes in the patterns of governance have involved shifts in the balance and relation between government and society and public and private sectors. These changes have included processes of privatisation and deregulation, the limitation of public intervention and loss of central and local government functions to agencies, special purpose bodies or the EU and, with special relevance to co-management, a sharing of responsibilities among diverse actors.

Kooiman (1993a; 1996) has attempted to develop a conceptual framework for understanding these new forms of governance. Co-regulation, co-managing, co-operative management and public-private partnerships, are seen as signifying new approaches, which he terms 'socio-political governance' and which involve

a sharing of responsibility among state and social actors. The emergence of these new conceptions is considered as reflecting the failure of traditional forms of governance to cope with the growing complexity, dynamics and diversity of socio-political systems which is emerging with social, technological and scientific development:

Instead of relying on the state or the market, socio-political governance is directed at the creation of patterns of interaction in which political and traditional hierarchical governing and social self-organisation are complementary, in which responsibility and accountability for interventions is spread over public and private actors.

(Kooiman, 1993c: p. 252)

The relationship between public and private actors is based on the recognition of interdependencies:

No single actor, public or private, has all the knowledge and information required to solve complex, dynamic and diversified problems; no actor has sufficient overview to make the application of needed instruments effective; no single actor has sufficient action potential to dominate unilaterally in a particular governing model.

(Kooiman, 1993a: p. 4)

Van Vliet and Dubbink (1999) relate this argument directly to the fisheries context, noting the inherent complexity of management due to unpredictable biological, economic and political circumstances. For these authors, the need is for greater user group based collective problem solving, so as to draw upon dispersed knowledge and governing capacities. Kooiman *et al.* (1999) similarly note that the complex, dynamic and diverse character of fisheries makes it impossible for management to be pursued in a top-down manner in which the government, either national or European, is in full control. They argue that effective governance is achieved by the creation of interactive structures that stimulate communication between diverse actors and the creation of common and shared responsibilities.

Van Vliet (1993) argues in a similar vein from the perspective of communicative governance. New governance patterns are seen as attempts to stimulate learning processes that will lead to co-operative behaviour and mutual adjustment among actors, as well as a sharing of responsibility and problem solving. Communicative governance is based on notions of communicative

rationality and public interest and, according to Habermas (1989 - cited in van Vliet, 1993), embraces trust, knowledge and understanding and is free of domination, strategic behaviour or barriers to participation. It has, in fact, been promoted in the context of user participation in fisheries (see, for example, McCay and Jentoft, 1996), as an underpinning mechanism with which to nullify interest group politics and as a means to encourage more legitimate and accountable approaches. Van Vliet (1993) asks, however, whether communicative governance is feasible given the reality of politics and problem solving, which are often characterised by imbalances of power and opportunistic behaviour? He argues positively that communicative governance can involve a power free dialogue, provided that strategic action is fully embraced and that actors see a reason for communication in the first place. It is clear, therefore, that in finding solutions communicative governance must adequately account for the importance and wishes of private as well as public interests. Herein may lie the real challenge for co-management in fisheries.

Governability and co-management in fisheries

This chapter has identified a growing interest in new patterns of governance, reflecting discontent with conventional governing approaches in various socio-political fields; such a debate appears to be equally resonant in fisheries. The general causes of ungovernability are considered to be manifold. It has been argued, for example, that they may arise from the particular character and complexity of the governed object itself (Mayntz, 1993). This may be particularly relevant in the case of fisheries and the fishing industry which are characterised by complex dynamics and relations of a natural and social nature. In the natural world, for example, overfishing and management failure may work to compound the effects of unpredictable environmental change on fish stocks or non-fisheries induced environmental degradation (Hamilton *et al.*, 1998), while in the social system specific behavioural responses and approaches of fishermen and their organisations may be vital (Symes, 1998a). The combined or independent effects of anthropogenic and natural factors mean that it is not unusual for the instruments of management to be distorted or to have little effect upon application to the fishery system. Ordered fisheries governance is, therefore, extremely difficult to achieve. It is debatable, in fact, whether fisheries can be governed or steered at all according to a specific plan. In this respect a number of authors (Smith, 1990; Wilson and Kleban, 1992) have considered the non-linearity and unpredictability of fishery dynamics from the perspective of chaos theory, which at a minimum level they see as calling for a management approach that offers flexibility of response and the incorporation of fishermen's knowledge and traditional approaches.

Effective governance of fisheries may also be thwarted by a lack of agreement over the definition and prioritisation of governing objectives. Indeed it was not until the 1992 revision of the Common Fisheries Policy that a first attempt was made to postulate explicit and integrated objectives for the fisheries sector (Commission of the European Communities, 1991); the result was relatively all-embracing in its scope, though unprioritised and lacking in specificity (Symes, 1995b). In fact, in 1993 the European Commission highlighted the difficulty under the CFP of achieving a consensus regarding the relative importance to be attached to the profitability of fishing enterprises as against maintaining jobs at sea, or on the relative weight to be given to producers, processors and consumers. In general there has been a tendency for shifting political priorities - as opposed to a considered and balanced package of policy objectives - to form the dominant steering influence in the sector. Hanna (1998) for example, in an analysis of North Atlantic fisheries, draws attention to the question of management scope as the long-term vision for fisheries. She argues that fisheries objectives have been reactive, confused and *ad hoc* and have failed to embrace new priorities in a systematic way. The changing scope of management may have provided managers with political flexibility, but has proved destabilising and has provided a weak basis for responding to change.

Mayntz (1993) has, in fact, identified a whole range of governing problems that can contribute to ungovernability. These may relate, for example, to an inability to develop appropriate intervention instruments, enforce regulations, prevent bureaucratisation, or obtain improvements in efficiency, legitimacy and compliance. In the fisheries context co-management has been promoted as providing one particular institutional response to a comparable set of governing challenges. Indeed Mayntz identifies a similar generic need:

It is not so much the kind of governing instruments that is crucial, but a special form of organizing the policy process to secure that, in the decision making process, not only information about the needs and fears of actors in the policy field is taken into account, but more importantly also indications of side effects, interdependencies and emerging problems.

(Mayntz, 1993: p. 20)

Co-management, as one potential mode of fisheries governance, goes some way to fulfilling this organising logic. It does not, however, solve all governing problems and furthermore, it faces a number of particular institutional and design challenges. Indeed, despite numerous anticipated benefits, co-management remains relatively untested in practice. This dilemma will become clearer as the analysis focuses on the potential viability of co-management in

addressing the prevailing institutional challenges in UK fisheries. In the following chapter attention turns to what Dubbink and van Vliet (1997) describe as the meso-level of governance and a discussion of the organisational characteristics of UK fishermen's organisations with a view to them partaking within a co-management system.

Notes

1. See Brox (1990) for a consideration of the epistemological basis of common property theory and its relation to empirical investigation.
2. Several authors have, in fact, described various spectrums of user participation, locating extremes of government power and fishermen power (Jentoft and McCay, 1995). The European Commission (1999a) has also described a gradation of collaborative approaches in the context of integrated coastal zone management. Degrees of collaboration include 'information giving', 'information gathering', 'shared working', 'deciding together' and 'empowerment'.
3. There appears, in fact, to be wide discrepancy in the literature as to the terminology surrounding devolved management systems. For example, several authors appear to equate the term decentralisation with a broad range of devolved management systems, including community management or co-management (a particularly confusing set of terminologies is provided by Pomeroy and Berkes, 1997). Others, more specifically, see this term as reflecting the vertical dispersal of power within the democratically accountable political system (i.e. local authorities/municipalities) (Symes and Phillipson, 1996). Some authors see decentralisation as the devolvement of a set of more 'administrative' tasks to local or regional actors (Jentoft and McCay, 1995).
4. See the Wadden Sea Newsletter, 1997, for a statement of main conclusions.
5. Indeed, some authors identify co-management as a form of economic and cultural self-determination (Pinkerton, 1989b).
6. Hersoug and Rånes (1997) also note, more sceptically, that co-management allows government to share some of the burden of making unpopular decisions in fisheries management.
7. In predicting future challenges for achieving sustainable ecosystem development Norgaard (1988) similarly recognises the need for nested systems: "While institutions will have to be locally tailored to support ecosystem-specific technologies, local institutions, nonetheless, will still have to mesh with regional and global institutions designed to capture the gains of ecosystem management on a larger scale and to prevent untoward broader consequences of local decisions" (p. 609).
8. See, for example, Jentoft and McCay, 1995; McCay and Jentoft, 1996; and Hersoug and Rånes, 1997. Each considers the classic design principles of user group participation - representation, scale, scope, domain and timing.
9. Jessop (1995) has, in fact, summoned greater attention to the totality of institutional arrangements and rules operating within and across the boundaries of economic sectors and to the overriding institutional processes that govern governance regimes.
10. Thus, by deconstructing the nature of fisheries management we can arguably begin to appreciate the character of fisheries governance. Jessop (1995) raises the similar argument (among other alternatives) that governance represents the more abstract concept, with regulation being its concretisation in the economic domain.

Widening the Net

11. Kicket (1993) goes on to argue that if drastic events can be seen to represent sources of innovation, it follows that the management of networks involves the deliberate use of imbalance for the sake of institutional or system change.
12. The part-privatisation of fisheries research institutes within the UK represents another element in the contracting-out phenomenon.

Chapter 4

MESO-LEVEL CO-GOVERNANCE

Introduction

Given that some form of co-management system could be expected to enhance the performance of fisheries management, this chapter considers its potential viability in the UK based on a meso or organisation level analysis of fishermen's organisations. The capacity of fishermen's organisations to interact positively within the regulatory and business context, through the fulfilment of their objectives or the exploitation of new opportunities, is governed by a range of factors. The chapter explores the part played by both the internal and external organisational environment. This analysis leads to the fundamental question as to what can be expected from fishermen's organisations in the context of devolved management systems and whether their existing remit can be extended to embrace additional management responsibilities. Consideration is given to whether fishermen's organisations, as specific organisational instruments, are appropriately configured to be able to harness the interests of individual members for the generation of collective benefits.

The three main categories of organisation are considered in turn: fishermen's associations and their federations; producers' organisations; and, in the context of the UK approach to inshore fisheries management, the Sea Fisheries Committees in England and Wales¹. The analysis draws on the findings of interviews with fishermen's organisations carried out by the author along the Anglo-Scottish North Sea coast. The intention, however, is not to choose between these organisations as alternative candidates for a co-management system, but to consider whether each of their respective roles could be extended to operate within a co-management approach which would therefore draw on and maximise their combined talents and responsibilities. Particular attention is paid to producers' organisations and Sea Fisheries Committees. Both have already developed a range of management responsibilities and here the opportunities for the consolidation of co-governance are discussed.

Fishermen's associations

While there is generally a broad consensus that fishermen's associations (FAs) and their federations are effective in fulfilling their activities in terms of the promotion and representation of the interests of their members, there is some suggestion of weakness when one considers the organisational environment

within which they function and their internal organisation. To an extent this is supported by the findings of the postal survey of fishermen discussed in Chapter 2. Thus, 16% of those fishermen surveyed in 1995 disagreed that federations represented their members fairly. Furthermore, only 19% felt the federations had a powerful influence on fisheries policy. These issues also feature within several of the comments of skippers collected during the survey and presented in Box 1.

Box 1: Selected skipper comments on fishermen's associations and federations^a

FA member

(i) Associations

'Not necessary if POs operated properly'. *Lowestoft.*

'They can do some good but cannot uphold the views of all fishermen'. *Lowestoft.*

'No improvement necessary – they are managed and operated by vessel owners and fishermen'. *Lowestoft.*

'Our local association is virtually bankrupt. We hang on by a thread. Members have left because fishing is poor. We rent land and buildings we can't afford.' *Under 10 m vessel, Lowestoft.*

'Get more skippers and crew involved'. *Grimbsby.*

'Shore based people out of touch'. *Bridlington.*

'Members could show more willingness to be involved'. *Part-time skipper, Scarborough.*

'More liaison with MAFF'. *Whitby.*

'Could only be improved by giving it powers similar to Sea Fisheries Committees'. *Whitby.*

'Do good work in small ports'. *Eyemouth.*

'Try to take in all members views, instead of the big-earners'. *Pittenweem.*

'Should pay more attention to the boats that don't do so well as the others. At times there seems to be a certain element of favour shown in the larger class vessels.' *Pittenweem.*

'Use their influence to benefit all members and not just their own or their home grows'. *Pittenweem.*

'Hard to represent one class of boat better than others. There are conflicting interests'. *Arbroath.*

'We don't need both POs and associations when one would do the lot.' *Aberdeen.*

(ii) Federations

'Not necessary. UKAFPO should be final authority'. *Lowestoft.*

'Given more authority by government to control fishing industry'. *Lowestoft.*

'Disband them'. *Lowestoft.*

'Cannot work as well as local associations. Too many conflicting opinions to attend to'. *Lowestoft.*

'Make sure the associations are run more by fishermen than by company directors'. *Grimbsby.*

'Combining the two federations would in my view create a body which the government would have to listen to'. *Whitby.*

'Would much prefer to see fewer retired fishermen on the boards. I feel that if these people make errors of judgement, it doesn't have the same effect on them, as people they represent, the sea going fishermen. ... I would like to see more attention paid to the problems of the deckhands.' *Eyemouth.*

'Do not represent small ports very well.' *Eyemouth.*

'Cut their prices and represent all members not just the large vessels and big earners'. *Pittenweem.*

Non members

'Don't like them. Too much political corruption'. *Eyemouth.*

'They must listen more intensely to the smaller associations and unite'. *Aberdeen.*

'Have to find more unity!' *Aberdeen.*

a - full-time skipper/vessel owners of over 10 m vessels unless otherwise specified

Internal organisation

Fishermen's associations are configured internally in a number of ways. The larger associations, like the federations, display organisational strength built upon a salaried and qualified executive staff, administrative support, sufficient financial resources and defined organisational routines. Incorporating a board of members, they adopt formal proceedings and committee structures and will often utilise the infrastructural support and office services of local businesses such as solicitors, vessel companies or producers' organisations. In contrast, many port based associations are relatively informal in terms of their decision making structure and activities. Administrative responsibilities are mostly restricted to the collection of subscriptions and general correspondence and are undertaken by elected volunteers. The collection of subscriptions can represent a significant challenge and may be an important contributing factor to poor financial status, though the informal and low level of activities involved generally demand only limited levels of finance.

As most of their members will be at sea, routine functioning and continued survival of many local associations necessarily depends on the efforts of a small number of shore based individuals, possibly even as few as one or two key persons. These include retired fishermen and interested individuals (as in Amble Seine Net and Keel Boat Association, Cullercoats FA, Holy Island Fishermen's Society Ltd, Whitby Cobblemens's FA, Bridlington and Flamborough FA etc.), vessel owners (the case for Lowestoft Vessel Owners Association, North Shields FA, Whitby Keel Boat Association and Grimsby Vessel Owner's Association) and agents (such as in Grimsby Seiners FA), who will often form the bulk of the decision making fabric and candidates for leadership positions. Committee members are usually elected at an Annual General Meeting. In practice, this is often a formality given the lack of interested candidates. Such key individuals will also be crucial in providing the main identity of the organisation and the enthusiasm and stimulus behind its activities and development; they will also form the main point of contact with ordinary members and the means for organising meetings and finances.

In contrast, the associations led primarily by active fishermen function on an even more informal basis (this is the case, for example, for the Seaham Boat Owners Association, Redcar FA, Boulmer FA, Seahouses FA, Newbiggen FA, Humberside Share FA, Northumberland Fishermen's Federation, Yorkshire Salmon and Static Gear Association and Lowestoft Inshore FA). They meet less frequently in a formal capacity and have less well established organisational rules, financial accounting procedures, membership lists or committee structures; interaction among members and decision making occurs informally

in the harbour, through inter-vessel communications and in social gatherings or public houses. Again it is typical for a small group of individuals, meeting informally on an *ad hoc* basis to form the core decision makers and active participants within the association. The secretary of one association noted that: “The treasurer and myself deal with most business, and any decisions I think are too big for my decision alone, I call a meeting. In the end I would think we have four meetings per annum”. For the majority of fishermen’s associations the general members will often be unable to or uninterested in attending meetings, though attendance levels will often depend on the size of membership² in the first place, the weather and the severity of issues at stake. This is particularly the case for crewmen who often see participation in the association as a responsibility of the skipper. It is rare for crew members to be stipulated within attendance requirements for board meetings or committee positions, though this does occur on occasion.

To a significant extent, organisational strength within the framework of fishermen’s associations is only achieved at federation level. Both ‘national’ federations (NFFO and SFF) are governed by organisational rules referring to membership, committee structures, general meetings and decision making routines (see Figure 4.1). Executive committees are essential in providing the main decision making forum and overall strategy for both organisations. They consist of a broad cross section of interests and function - like individual associations - primarily on the basis of consensus and only occasionally by voting. The committees have their own particular identity reflecting the particular structural make up of the organisations.

Since reform in 1995, producers’ organisations (POs) hold 16 of the 24 votes within the executive committee of the NFFO, which places them in a particularly strong position within the Federation. Previously representatives from over 50 small port based associations had sat on the committee. Not only did restructuring rationalise a previously cumbersome decision making process and create a more stable financial base for the federation, it also served to formally link the federation with the producers’ organisations as key organisations in the local and regional context, given their established linkages with individual enterprises and their strategic role in quota management. The development also formalised what for some POs had been a well established involvement in the political representation of their members in relation to a wide range of issues and thus, in England and Wales at least, further blurred the boundaries of responsibility between the fishermen’s associations as representative bodies and the POs as management organisations³. Indeed, the development also provided the POs in England and Wales with a much stronger federal organisation and more effective route into wider policy discussions with

government, than had previously been provided by their own national body UKAFPO.

Figure 4.1: Federation organisational structure

	National Federation of Fishermen's Organisations (NFFO) (1999)	Scottish Fishermen's Federation (SFF) (1995)
Executive committee	<p>25 seats plus chairman and president:</p> <p>Representatives from four 'non-sector' regional committees and eight POs.</p> <p>Each PO is allocated a maximum of two seats/votes - Anglo-North Irish PO; Cornish PO; the FPO; Fleetwood PO; Grimsby PO; Lowestoft PO (later resigned in 1998), South Western PO, Yorkshire and Anglia PO.</p> <p>2 seats/votes for four 'non-sector' regional committees - South West, North East, South East, East Anglia (West coast non-sector shared with Fleetwood PO allocation). No formal seat/vote for Welsh non-sector.</p>	<p>15 seats plus president (decisions made by two thirds majority):</p> <p>5 - The Scottish White Fish Producers' Organisation Ltd.</p> <p>2 - The Fish Salesmen Association (Scotland) Ltd.</p> <p>2 - Scottish Pelagic Fishermen's Association Ltd.</p> <p>1 - Scottish Pelagic Fishermen's Association Ltd (Salesmen's section).</p> <p>2 - Shetland Fishermen's Association.</p> <p>1 - Mallaig and North West Fishermen's Association.</p> <p>1 - Clyde Fishermen's Association.</p> <p>1 - Eyemouth and District Fishermen's Association.</p>
Policy influencing committees	Finance and Policy Committee.	Restricted Policy Committee - designed to deal with specific policy issues. One seat per association (8 plus president).
Other sub-committees	<p>Termed 'Specialist Committees': Salmon Committee; Safety and Training Committee; Shellfish Committee; Nephrops Committee.</p> <p>Established committee structures with chairperson and members selected from the main committee. Numbers vary from 13 on the Finance and Policy Committee to 47 on the shellfish committee.</p>	<p>Not so much sub-committees as <i>ad hoc</i> informal forums for the purposes of discussion and advice on specific issues. Includes: Environmental Issues Committee (members of executive committee plus observers from outside SFF); Sales Group Committee (established and administered through SFF but participants from throughout the UK and Ireland); Federation Committee on Voluntary Tax Reduction Scheme for Scottish Share Fishermen; Finance Committee; Oil Policy Committee; Control and Enforcement Committee.</p>
Regional Committees/Branches	6 regional non-sector committees consisting of fishermen's associations whom contain members with non-sector interests - South West/Channel Islands, South East, North East, East Anglia, Wales, West Coast.	Constituent associations (Scottish White Fish Producers' Association, the two pelagic associations and Clyde) include regional branches which provide a regional identity for the SFF.

In contrast, the SFF's executive committee consists of representatives from the eight member associations; the number of representatives from each association

is based upon subscription fees and thus the larger associations have greater voting power within the committee, notably the Scottish White Fish Producers' Association Ltd (SWFPA). Blocking a SWFPA vote requires concerted action on behalf of the other committee members.

Locally, organisational division and fragmentation appear to pose a considerable challenge to the political strength and coherence of the fishermen's associations. Firstly, it is not unusual for there to be several separate associations within a single port. In Whitby, for example, personality differences and choice of NFFO membership seem to provide the basis for separation between the Whitby Cobblemen's Association (non-member) and the Yorkshire Salmon and Static Gear Association (member). A third group, the Whitby Keel Boat Association, consists of larger vessels targeting cod fisheries. In Redcar, the Redcar Fishermen's Association and Redcar Fishermen's Society are divided according to the full- or part-time fishing status of their members. Secondly, not all fishermen are members of a port association either due to apathy or conscious decision. In Scarborough, for example, only 15 of the 40 or so vessels in the port are members of the local fishermen's society. Not only does this affect the viability of the organisation financially and structurally, it also undermines the legitimacy of the claim of the association to represent the totality of fishing interests within the port⁴.

The same dilemma is often repeated at federation level. While they may ultimately benefit from the federation's activities, not all fishermen's associations are members. Reasons include policy differences, criticisms over levels of representation, accusations of power inequalities within decision making, or an inability to meet the financial requirements of membership. Thus, in England and Wales, four producers' organisations fall outside the NFFO; while for two this appears to be over policy issues, for the others their isolation is more a product of their status as flagship POs representing Anglo-Spanish (Wales and West Coast PO) or Anglo-Dutch (North Sea PO) interests. Several port associations are critical of the federation's record in representing small boat or non-sector interests and therefore remain outside of the membership. Others perceive a Humber ports and south west England based power base within the organisation and reject membership on this basis.

In Scotland, the SFF faces similar problems and there are criticisms from some associations of a power imbalance favouring the north east of Scotland whitefish and pelagic fisheries interests. One industry representative noted that the "SFF is the SWFPA". Perhaps the most public example of conflict involved the fracturing of one of the SFF's major constituents, the Scottish White Fish Producers' Association Ltd (SWFPA), over support for the Save Britain's Fish

Campaign which calls for a renationalisation of UK fishing rights (Symes and Crean, 1995b). This led to the creation of a new splinter association, the Fishermen's Association Ltd, which remains outside SFF membership and incorporates vessels from throughout the UK. Several fishermen's associations in the Highlands and Islands (Western Isles, Skye and Lochalsh, Orkney, Ullapool etc.) representing mainly non-sector small boat interests, also remain outside the federation and achieve combined strength through the Highlands and Islands Fishermen's Federation and the Highland Regional Council's West of Four Fisheries Management Group.

In general, both federations face particular difficulties in attempting to represent a highly diverse and fragmented industry and in facilitating an effective upward flow of grassroots opinion to the executive committee. For the NFFO this is attempted primarily through regional committees and the links between producers' organisations and their members, while the SFF relies on local branches of individual member associations.

It appears that both associations and federations depend on a small number of key individuals for routine decision making activity. This may be formalised through executive structures or sub-groups, or be informal and simply reflect those with influence or a core group of attendees. While for individual associations this is often borne out of necessity, given the occupational demands upon members, and occasionally apathy towards involvement in meetings and association activities, this can lead to accusations of power inequalities and decision making cliques. The tendency for decision makers to be shore based individuals is also seen by some to distance policy decisions from the realities and concerns of active fishermen members; this is a criticism which is recognised throughout the framework of fishermen's organisations. Others are critical of the domination of decisions by larger economic interests within the membership. Indeed, one commentator (a SFC Fishery Officer) linked the issue of poor attendance at association meetings to the power of large vessel interests:

Other than in small communities where all the fishermen are on a parity regarding their activities and size/type of vessel, local organisations tend to be dominated by the larger vessel owners. This is a natural state of affairs because they are the men who have an office infrastructure behind them and are often more knowledgeable on legislative procedure ... The small vessel owners tend to be often ignored to such an extent that they do not consider it worth their while to attend meetings.

External organisation

While fishermen's associations and their federations are not impacted upon directly by policy measures, the ramifications of policy may be very significant. Those which place strictures upon fishing activity or reduce numbers of vessels within the industry can, for example, lead to reductions in membership levels and therefore weaken the administrative and financial security of the organisations.

Perhaps the greatest barrier to maximising the role of fishermen's associations and their federations relates to the level of development of organisational linkages. Contact between fishermen's associations is relatively weak outside the activities of the main federations. At the same time, the overall political strength of the industry appears to be dissipated through disparate positions taken by the two main national federations in Scotland and England and Wales based upon what Symes and Crean (1995b) describe as deep-seated historical divisions. One frequently cited example involves the separate position papers prepared by the federations in their response to the UK government's proposals for days-at-sea regulations in 1993 (NFFO, 1993; SFF, 1993). As a result there are frequent calls for greater unity between the federations which have led to occasional common policy statements and closer communication between the chief executives. In practice, however, the federations remain divided in their approach on key policy questions, notably the appropriate means of introducing greater regional sensitivity in the implementation of the Common Fisheries Policy, with the NFFO favouring a system of coastal state management and the SFF calling for a regional seas approach (Crean, 1999).

While the organisational strength of the associations and federations within the regulatory and policy making environment appears to be weakened by institutional fragmentation, it is also evident from Chapter 2 that they are only loosely coupled into the policy making system at UK government and EU level. Thus in terms of UK policy development, federations remain lobbying groups rather than partners within the policy community, though some within the central fisheries departments argue that this is more the result of the industry's inability to show a united front, than any lack of government conviction to incorporate them in decision making. Contacts, therefore, remain predominantly informal and are generally confined to consultation rather than negotiation of policy. At EU level both federations have seats within the General Assembly of the European Association of Fishermen's Associations (Europêche) though, as already discussed, the contribution of this organisation to policy making is relatively marginal.

Overview

From the preceding analysis it would seem that there may be limited scope for the incorporation of local fishermen's associations within a formal role in policy implementation or development. Though many associations display a degree of internal resilience and flexibility, built upon close informal relations and routines, they are often seen to be fragile in terms of infrastructural support, financial strength and their ability to prevent internal fracturing. This would place doubt over their ability to meet the institutional needs required to handle management responsibilities.

Nevertheless, fishermen's associations and their federations play a vital role in representing the interests of fishermen at a local, regional and national level and, in this respect, would form important cogs within the democratic machinery and knowledge base of co-management. Fishermen's federations, in particular, already represent the 'national' dimensions of the fishing industry and form umbrella organisations embracing both local fishermen's associations and, in the case of the NFFO, the regional producers' organisations. They display significant financial and institutional strength which would allow them to play a more pro-active role in providing formal advice within the policy system and in drawing upon specific local knowledge from within their membership.

There are, however, some question marks over the ability of fishermen's associations and their federations to meet their objectives of representing and promoting the interests of the industry. In particular, there can be considerable strain on the capacity of larger associations and federations in fully representing the various regional and sectoral interests within often heterogeneous memberships. Furthermore, not all fishermen are organised within associations or federations and this would undermine to some extent their credentials in providing a representative and consensual basis to a co-management system.

Producers' organisations

The strategic position of producers' organisations (POs) in the UK institutional framework has been enhanced in recent years. Much of this can be attributed to the initiation and progressive development of the sectoral quota management system which has undergone several modifications since its inception. The UK government in fact vested quota management responsibilities with POs as early as 1984 when the Shetland PO was given a trial allocation of haddock in the North Sea and West of Scotland (Goodlad, 1992; 1993). In subsequent years the system developed in terms of coverage of species, quota and areas and in the uptake by POs to the point when almost all of the main demersal and pelagic stocks were included within the system. This added importance, together with

the acknowledgement of sectoral quota management within the basic European marketing legislation (Council Regulation (EEC) No 3759/92 as amended), led to an influx of newly established POs in the early 1990s. The system took on further added significance in 1995 when a PO had to accept quota allocations for all demersal species targeted by its members; prior to this PO members had been able to fish certain species within the non-sector management regime. Currently, POs are responsible for managing more than 95% of UK quotas in 'ICES areas' IV, VI and VII; all POs in the UK were managing quotas under the sectoral quota management system in 1997 (MAFF, 1997b).

In 1994 the strategic position of the UK POs was further extended through their ability to purchase and subsequently 'ring fence' catch track records, on which quota allocations are calculated. Producers' organisations (or member vessels operating under the auspices of a PO) can offer to buy out member vessels whose owners are leaving the industry and share out the vessels' track record which was attached to its licence. So that the purchased track record is not lost, if vessels were to leave the organisation, the PO has the option of 'ring fencing' it in the sense that it is permanently held within a PO either to be distributed to member vessels or held within a pool. This opportunity, however, has so far only been exploited by a small number of POs and notably by the Shetland Fish Producers' Organisation where the 'communally' ring fenced quota accounts for 20% of the organisation's cod quota (Goodlad, 1998).

The development of the sectoral quota management system has been associated with a parallel reduction in the size and relevance of the 'non-sector', comprising vessels of 10 m and over not belonging to a PO. Vessels have progressively moved into POs to take advantage of quotas, taking with them their relative share of the UK quota. Other vessels which prior to 1995 had fished both sector and non-sector quotas now exclusively fish within the sectoral management system. Those remaining within the non-sector have seen their political and economic influence as a sector reduced as their quota asset has been eroded and there appears to be widespread unease over the government's handling of non-sector management in general. 52% of fishermen who responded to the postal survey in 1995 disagreed with the view that the government managed the non-sector well. Some fishermen sense that their entry into POs has been barred because of the size of track record that they have to offer and perceive POs to be rather exclusive and as catering primarily for larger capital and quota holders (see Box 2). In a similar vein, one SFC Chief Fisheries Officer noted that "many fishermen are of the opinion that POs do not represent their best interests ... and are seen as representing the interests

Box 2: Selected skipper comments on producers' organisations^a

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PO members

- 'POs are bogged down with bureaucracy and paper. Abandon the CFP and allow the POs to be the responsibility of industry and government'. *Lowestoft.*
- 'Only local vessel to join.' *Lowestoft.*
- 'Disband them'. *Lowestoft.*
- 'Compulsory membership – all vessels to join local PO'. *Lowestoft.*
- 'Let them have more say. Too many people not involved in fishing in PO'. *Lowestoft.*
- 'Should be given more powers by MAFF. All vessels to be members of a PO.' *Grimsby.*
- 'Appoint more fishermen as organisers'. *Grimsby.*
- 'Less rigid rules regarding ability of vessels to swap from one PO where they are dissatisfied to another.' *Grimsby.*
- 'All organisations should allow all members to fish to their own track records'. *Bridlington.*
- 'Given more local power of enforcement'. *Whitby.*
- 'Giving more power to POs which are run by fishermen would lead to a better understanding on the state of the stocks, the effects of fishing and the general state of the industry'. *Whitby.*
- 'More power to fine for officials'. *Whitby.*
- 'POs should never be stopped fishing, because some other PO has overfished their quota.' *Eyemouth.*
- 'They are run by the owners of large fishing boats.' *Eyemouth.*
- 'They tend to help the bigger catchers rather than the average or below average'. *Eyemouth.*
- 'Compulsory membership for all fishermen would make stock management simpler'. *Eyemouth.*
- 'The basic rules should be standardised for all, which would lessen the aggravation between POs'. *Eyemouth.*
- 'Imposing stricter penalties for rule breakers'. *Pittenweem.*
- 'Many years ago we were members of a certain PO but resigned from it because our interests as a smaller prawn trawler were not represented.' *Pittenweem.*
- 'I believe that POs are being manipulated by big businessmen in order to capture control of the fleet.' *Aberdeen.*

Non-members

- 'Larger POs have acquired control of too much of the quotas'. *Under 10 m vessel, Lowestoft.*
- 'By allowing POs to manage its own quota a system has now been created where the POs have the monopoly over the non-sector. Vessels in the non-sector have diminished rights, if any at all'. *Lowestoft.*
- 'These organisations are far too greedy. They have too much power they look after their own and push the others to the wall'. *Under 10 m vessel, Lowestoft.*
- 'I believe POs should not exist as they have had no thought of the non-sector situation. MAFF have also been out of order for allowing too much fish out of the non-sector.' *Lowestoft.*
- 'Every PO has a group of wealthy men making rules just to cream off the cake'. *Under 10 m vessel, Lowestoft.*
- 'The PO is run by big boats for their own interest'. *Eyemouth.*
- 'Use independent arbitrators to manage quotas'. *Pittenweem.*

a - full-time skipper/vessel owners of over 10 m vessels unless otherwise specified

of larger vessels". 44% of survey respondents considered that gaining entry to POs was difficult and, in this respect, several PO chief executives acknowledged that they took into account what a vessel would offer in terms of track record when considering new applications for membership. In fact, some fishermen decide to remain outside POs fearing that membership would see their own particular interests subjugated to those of larger vessel interests⁵.

The increasing profile of sectoral quota management in the UK has not, however, been without drawbacks for the POs themselves. While it is generally regarded that they are reasonably efficient organisations and satisfactorily manage their quota management responsibilities, perhaps their most significant weakness has been the erosion of their traditional marketing function. Quality and value issues have tended to give way to those of quantity and volume. This is reflected by the incentives for joining, or setting up a new producers' organisation, which have shifted towards quota management – most of the chief executives interviewed considered quota management to be their prime function and *raison d'être*⁶. POs have faced difficulty in fully maximising the possibilities of matching quota and market regimes; the greatest challenge has been in steering the landing times of member vessels⁷. Thus, although the majority of the 1995 survey respondents felt POs managed quotas well and allocated them fairly, 42% considered that POs did not improve the prices of members' catches.

The emphasis that is placed upon matching factors of production to demand appears to vary significantly between PO executive staff. One PO, for example, considered itself more pro-active than most other POs in ensuring quality control, searching out new markets, undertaking market research, obtaining advance marketing information and in effectively communicating this information to its members. In part, it saw its success as reflecting the small numbers of vessels involved, its ability to maintain close contact with members, a collective ethos, the larger, more commercially oriented nature of their vessels and their capacity to land boxed fish. Similarly, another PO is in regular contact with local merchants so as to estimate market needs, and landings are spread to encourage stability. Other POs, however, noted particular difficulties in steering their members' landings and in exerting a collective marketing influence. Some considered this a particular feature of their individualistic skipper/family based membership composition as well as the sheer numbers of vessels involved. The activities of many vessels will, for example, be based on a well established tradition of landings times (often on a Friday in readiness for the weekend break) or upon personal circumstances, rather than marketing or economic considerations.

Similar issues were highlighted within a government consultation document concerning the role and recognition of fish producers' organisations in 1996, which noted that:

For most POs the management of quota appears to be more important than the discharge of marketing and other responsibilities. The fundamental role of POs in improving the

conditions for the sale of their members' products requires a much closer correlation between the management of quota uptake and the management of landings and phasing or organisation of marketing ... Potentially, PO membership could bring considerable benefits to producers through more orderly marketing of their catch, and through the price safety net afforded by the market support arrangements. The PO marketing structure could also bring benefits to the market by better matching of supply and demand.

(UK Fisheries Departments, 1996: p. 10)

Similarly, prior to the government consultation, a review produced by the Sea Fish Industry Authority on the marketing situation in the UK confirmed that:

The POs have a remit to organise the orderly marketing of their members' products. It is in their power to agree disciplines with members, aimed at stabilising the continuity of supply of the product especially with regard to the pattern of landing times, although the difficulties should not be underestimated. ... Quotas and the forces of nature may curtail fishermen's ability in many respects but there is no good reason why the quality of the landed catch and of the fish on the dockside should not be protected.

(Seafish, 1995: p. 5)

Equally relevant sentiments have been expressed at European level in a consultation paper concerning the future development of the common organisation of the market, which also noted that:

... economic operators - producers in particular - must via the organisations to which they belong, undertake dynamic commercial initiatives that anticipate market needs in terms not only of quantity but also quality and regularity of supply. This calls for a change in attitude and mentality as much as in behaviour.

(European Commission, 1997: p. 2)

Furthermore, in full realisation of their marketing potential, only a handful of POs have directly ventured into additional commercial activities involving the wholesaling, selling or processing of members' products or in promotional or market research work. Those that have include the Shetland PO, which is closely involved in a number of white fish processing companies and in promotional activity (van der Schans *et al.*, 1999). The Scottish Fishermen's Organisation has also made significant progress in these terms with mackerel, herring and prawn processing and cold stores in Fraserburgh and a packing

plant in Motherwell under its Braehead Enterprises banner. It has also considered extending its activities to the processing of demersal species (*Fishing News*, May 2nd 1997). Both the Seafish report and the government consultation paper noted that improvements in marketing activities, in particular concerning the matching of supply and demand, could be made through more significant commercial penetration and direct contracting of supplies. They went on to encourage greater involvement in carry over and storage arrangements and closer contacts with markets and processors through innovative market information networks.

It is evident from this analysis that the remit of UK producers' organisations has expanded in recent years and that their strategic position within the institutional framework has been enhanced. In a number of ways, however, it appears that only a few POs are fully maximising the opportunities available to them and most appear to take a conservative view of their responsibilities. In particular, there is doubt whether they are fully meeting their objectives for the marketing of members' products. Furthermore, only a few have been able to maximise their commercial potential in the market place through added value activities such as processing or selling of fish or in terms of the ring fencing of catch track records. The underlying reasons for this situation partly relate to interlinked internal and external factors.

Internal organisation

Internally, most producers' organisations are governed by formal decision making, electoral⁸ and disciplinary routines⁹. All have a board of members¹⁰ which can consist of individuals from a range of backgrounds including active and retired fishermen, agents, salesmen, vessel owners or company directors. Though, as with most fishermen's organisations, it can be difficult to encourage fishermen to attend meetings and participation must often rely on shore based individuals, the active fishermen component on PO boards does vary and tends to be more prominent in those organisations containing a higher proportion of skipper based enterprises. These contrast with those POs whose boards are composed mainly of company directors. Most strategic decision making takes place within the board of members, which is supported by a chairman and a full- or part-time chief executive and commonly there are sub-committees with various specific remits. Most POs have administrative support staff and a permanent office which may be provided by a local vessel agent, solicitor's firm or, in the case of the Grimsby PO and the FPO, the NFFO. An annual general meeting will often provide a forum for the projection of the views of the ordinary members. Indeed, in comparison to other fishermen's organisations in the UK, POs are favourably disposed in terms of the strength of their

managerial, administrative and financial capacities and on the basis of the close regular contact they maintain with their members as a function of their quota administration responsibilities.

The main challenges facing POs seem to be located in the more informal interfaces and dilemmas within the organisations, which may surface in a number of ways. Inevitably perhaps, opposing forces may emerge in concentrations of particular vessels or vessel groups. Criticisms, for example, sometimes arise from the smaller vessels within a PO as to their level of representation compared to the larger vessels (Young *et al.*, 1996; see also Box 2), while for others the dilution of the active fishermen component on boards of members through representation by shore based persons and companies is a concern.

Difficulties often relate to matching the individual commercial interests of members with the long term objectives of the organisation. A similar dilemma is signalled by Jentoft and Davis (1993) who point to the undermining effects of individualism within co-operative organisations. Within POs the membership base seems to have significant influence and this does not always necessarily conform to the interests of strategic management. This may relate to high levels of individualism and diversity among those memberships which are dominated by skipper owned vessels and family based enterprises. It is difficult, for example, working within such parameters, for a PO to obtain agreement from members for the introduction of particular landing patterns with a view to more effective marketing, or to fundamental changes of management strategy, such as the development of a commercial processing venture or change in the method of quota allocation.

Some of these challenges are partly attributable to the co-operative or democratic style of functioning of the majority of POs. Most profess to making decisions on a basis of consensual politics and compromise and all have a voluntary basis to membership. A membership base which can interchange between POs (or move out of the PO system altogether) adds to the difficulty of introducing internal management regimes, whether this be in terms of marketing strategies (Cofrepeche, 1997) or the implementation of discipline when in-house rules are broken (Jentoft, 1989; Young *et al.*, 1996; Phillipson and Crean, 1997). Indeed, 44% of the survey respondents considered that rules were broken within POs with little penalty. A handful of PO chief executives also noted the difficulties associated with disciplining individuals from within close social circles, while some described how they had reduced penalties on the basis of them being too draconian. In fact, one went as far as calling for a central arbitration panel for the organisations. Another questioned whether company

based POs were in a position to discipline member companies who themselves may hold considerable influence within the organisation. Commentators from other organisations were also critical of the PO disciplinary record. One fishermen's association in Scotland, for example, felt POs were generally reluctant to discipline members. MAFF officials also considered that not all POs were rigorous in creating management discipline; one put this down to their concern over losing members. A Scottish Office official similarly felt it necessary to encourage an improvement in disciplinary standards and the development of independent disciplinary committees. Finally, the 1996 consultation paper also highlighted the difficulties in introducing internal control:

... it is important that POs prioritise the conservation of fish stocks and the long term future of the industry and take positive steps to deal with fishermen who infringe PO rules and catch limits. In support of this it may be sensible for chief executives in general to be delegated greater scope for direct action, in terms of either regulating their members' activities or dealing with those that fall out of line. Clear and effective communication between POs and their individual members about the management of quotas and uptake is very necessary on such issues. There is evidence that current arrangements are not as effective as they might be.

(UK Fisheries Departments, 1996: p. 9)

As a whole, the PO management regime must ensure against the disenchantment of its membership base; if significant numbers of members were to leave the organisation they would take with them their quota track record and the PO's key strategic asset would be eroded. In this respect, one vice-chairman of a producers' organisation described the PO executive as the 'tail behind the dog', wagging to the call of the general membership. An association (non-sector) chairman considered that POs looked to get as much fish as they could "as fish is power". He saw a need to prevent "large vessels from blackmailing POs for more fish by threatening to leave the PO and taking track record with them". A fishermen's representative in England and Wales similarly felt PO management to be partially undermined as people knew how to duck out of membership.

Some conditions to encourage PO membership stability are in place through the proviso that a member can only leave after having been in membership for three years and after having given one year's notice (Council Regulation (EEC) No 105/76) though, in effect, this regulation can be circumvented. Indeed, there have been several occasions of significant membership shifts within the PO network where vessels move to seek particular advantages offered by an

organisation or escape perceived disadvantages of their present organisational affiliation. For example, in the late 1980s several vessels moved from the Yorkshire and Anglia PO to the Grimsby PO and to the non-sector following the introduction of a track record based quota allocation system within the PO. In addition, the establishment of the Fife PO emerged following the resignation of Fife vessels from the Anglo-Scottish PO given a dispute over levy payments and fines. Finally, the establishment of the West Coast PO in 1995 reflected dissatisfaction among small boat interests with their treatment within the larger Scottish Fishermen's Organisation and its perceived north east of Scotland bias. According to the chief executive of the NFFO, the movement of vessels between POs is gaining in significance.

External organisation

The external organisational field, comprising the business and regulatory environment in which a PO must function, introduces a range of other potential challenges which can inhibit pro-active activity in POs.

The regulatory context poses perhaps the most overwhelming restrictive factor. There are indications, for example, that existing EU marketing facilities are cumbersome, complex and bureaucratic (Common Fisheries Policy Review Group, 1996a) and are therefore under-utilised; this applies to EU carry over aid schemes which allow surplus fish which would have been withdrawn, to be frozen, stored and presented on the market at a later date. Also of significance are the restrictions imposed through PO recognition criteria which, while offering certain advantages, could also be seen to restrict marketing flexibility.

Until recently, of overriding importance were the constraints imposed by the particular mechanics of quota management. Significant in the underplay of marketing responsibilities was the track record basis to the quota allocation system (MAFF, 1997b). In order to secure future quota and safeguard their track record, POs and individual vessels had to fish out their quota; the natural tendency was for priorities of volume to take ascendancy over value or quality and on occasion fish was being logged without being caught. The PO quota allocation within a fishing year, and its associated marketing strategy, was also potentially in danger from the excesses of other organisations and groups if they were to lead to an early suspension of a fishery or oversupply of a market. In an attempt to tackle this problem, there has been a shift to fixed rather than rolling track record based quota allocations to individual vessels, with continued annual management of quotas at group level (i.e. POs or non-sector) (MAFF, 1998). Fixing the track records and quota shares at individual vessel level is seen by some as signifying another step towards Individual Transferable Quotas and

certainly confers a further sense of ownership of fishing rights at the individual level (MAFF, 1998).

To function effectively within a global fishing environment, the PO must demonstrate considerable capabilities and flexibility. It has already been noted how internal challenges within the PO can lead to some difficulties. These may be exacerbated by the strictures of the wider economic environment (Seafish, 1995). Tight economic margins, for example, may reduce the level of attention paid to onboard handling standards or encourage longer haul times before the landing of fish. It is also clear that, in fulfilment of their general marketing responsibilities, the price obtained for member's products will be determined by a multitude of factors, operating at all scales and throughout the fish chain, which are beyond the PO's control. This is set against the much broader challenge of natural resource variability and uncertainty in terms of quality and supply.

The business environment harbours other restrictions. A recommendation of the CFP Review Group (1996a) was that POs have a legal basis to dispose of their own member's catch and to pursue imaginative quality initiatives for the benefit of their customers and their own market share. Acting as marketing conglomerates, they could require high standards from members and trade on a scale demanded by retailers through contract pricing arrangements based on their annual quota allocation. Goodlad (1998) notes that one reason why POs have not taken such a corporate marketing approach involves their continued attachment to the auction market which often gives a better return, despite less predictability in terms of prices, quality and supply. In addition, in developing added value activities such as wholesaling or primary processing, a PO - like any other organisation - must compete with existing facilities in the local context. For some POs which are perhaps located in areas already oversupplied with primary processing facilities this is a clear disincentive. In other cases PO members may already be involved independently in such activities. There has also been some suggestion that POs occasionally face opposition from local processors concerned themselves with a loss of market opportunities to the POs (van der Schans *et al.*, 1999).

With the exception of a small select group of POs, the financial health of a PO is possibly the most instrumental factor in determining their scope for innovation. POs are financed in a number of ways including landing levies, company earnings and entrance fees. For many, however, finances have been the prime deterrent in the purchase of track records and investment in marketing facilities. One Scottish producers' organisation considered that POs were often too small to be fully effective in marketing and went as far as to argue for a

rationalisation in the PO framework, with a view to creating fewer and larger organisations. Furthermore, the presence of a financial feel good factor, supported by local lenders or investors in the locality, could determine the ability of some POs to maximise their remit more effectively than others.

Optimal structures

The presence of internal and external challenges has not constrained all POs in the UK and some appear to have been able to capitalise more than others on their strategic assets and functions. It is possible to tentatively identify a number of features, sometimes contradictory, which appear to play a significant role in this.

Of some significance appears to be the factor of scale. While the linkage between size of membership and capabilities is certainly not clear some generalisations can be made. Size, for example, will often be accompanied by a stronger financial base which can support the general maintenance of the organisation and help to prime new ventures. Perhaps more importantly, it serves to place some distance between the decision makers and the general membership, which facilitates more independent decision making. It was suggested by Scottish Office officials, for example, that larger POs generally took a longer term perspective. Indeed, one senior civil servant argued that POs were unlikely to have a major influence until there were fewer and larger units which were run more like businesses, more able to take tough decisions and better able to have a marketing impact. Smaller organisations, by contrast, may face greater challenges in introducing strict disciplinary regimes upon individuals who may be in very close social circles¹¹; in this respect, the benefit of scale could potentially be offset through the use of independent disciplinary panels.

The nature of membership also appears to be significant. A markedly heterogeneous composition of members in terms of vessel interests and sizes, often a feature of larger organisations, will introduce greater complexity in the management strategy; under such conditions there may be a tendency towards more blanket and less sensitive management and marketing approaches. One PO, for example, noted how its attempts to allocate quotas to members on the basis of fishing method inevitably gave way to an equal allocation system given the organisation's diverse membership structure. At the same time a number of the smaller POs felt their size allowed them to maintain a greater degree of control over their members and a greater sense of internal representation and democratic accountability within the general membership. Where membership comprises primarily individual skipper owners with a strong sense of

independence, there may also be greater difficulty in reaching collective decisions or aligning to a management strategy, compared to those POs consisting of company controlled vessels.

Overview

So far this section has considered a range of organisational features governing the capacity of UK POs to fulfil and maximise their existing remit. Such an analysis is important in addressing the question as to whether the POs could embrace broader resource management objectives and functions. To date it appears that their role has remained confined to aspects of fleet management in terms of quota allocation and marketing. Theoretically at least, there may be some scope to devolve a range of other management functions to POs¹². However, there appears to be a need for some restraint within this line of argument given the particular organisational configuration of the POs. Two elements have arisen from the analysis which have particular significance.

Firstly, the existing management objectives of POs are relatively narrow in scope and their functioning appears to be primarily steered for the benefit of the commercial interests of their members. Management incentives are, therefore, rooted in economic priorities relating to the profitability of fisheries and less to the interests of strategic resource management. It is, therefore, questionable whether POs could or should venture from their established fleet management niche. Some sectors within the industry, often those within the non-sector or representing small boat interests, clearly feel it inappropriate to consider vesting the husbandry rights of what is a public good in organisations with such particular sectional interests. For example, the Shellfish Association for Great Britain argued that:

There was a general opinion that while a devolved and regional management system for UK fisheries was beneficial, POs were not the ideal bodies to undertake this. ... [This would leave] a non-public body with the power to administer a natural resource, while only being accountable to its members.

(Shellfish Association for Great Britain, personal communication, 1995)

The Highlands and Islands Fishermen's Federation expressed similar concerns over the idea of extending the role of POs: they did not include all fishermen within their membership and they were financially oriented enterprises and less concerned with stock management. These representatives were extremely wary of the notion that POs could potentially manage non-sector fishing interests.

The second key element is structural. It relates to the lack of clear spatial boundaries between POs and, more importantly to the voluntary, and therefore often incomplete, basis to their membership. While this allows certain benefits, such as freedom of movement for individuals and capital, it can also have a destabilising influence on internal management regimes. It follows that this feature would warrant a cautious approach to the allocation of more wide ranging management responsibilities to the POs. The industry itself seems divided as to whether or not membership should be made compulsory. This would serve to radically alter the co-operative underpinnings of many POs and would curtail individual choice over membership of organisations. One potential alternative might be to concentrate on enhancing the benefits of membership to such an extent as to dissuade members from feeling they can leave the organisations at little inconvenience to themselves. One PO chief executive, for example, described the situation whereby POs in some Member States provide added incentives for membership by offering a wide range of services to members.

On the whole, it does not seem unreasonable to suggest that the functional scope of POs is relatively confined and that they may already be optimally extended in their remit of sectoral quota management and marketing. Indeed, perhaps greater gains lie in fulfilling their existing fleet sector management responsibilities. The exception concerns effort management, which provides possibly one opportunity for expansion. In fulfilment of the Multi-annual Guidance Programme (MAGP IV) effort reduction plans there has been some suggestion that POs in the UK might play a part at a regional level. However, this has been fiercely rejected by components of the industry which are reluctant to become involved in what is seen as the “management of misery” (*Fishing News*, August 15th 1997).

UK POs may therefore already have reached their outer management limits and, given their particular configuration, it is difficult to envisage other responsibilities that might be delegated to them. Nevertheless, they would certainly represent important organisations within a co-management system in undertaking policy implementation and fleet management tasks within their existing boundaries of responsibility. If, however, there was an intention to devolve a wider package of responsibilities to regional or sectoral fishermen’s organisations, then the search for another organisational structure could possibly be justified. The alternative would suggest a restructuring of the POs’ internal configuration.

At EU level, provisional indications over the future development of POs are not dissimilar to the conclusions of the present analysis. Indeed, the European

Commission's consultation paper on marketing gave considerable attention to the fulfilment of the existing marketing remit of POs (European Commission, 1997). The call was for more dynamism, efficiency, competitiveness and business proficiency. In particular, this was to be achieved through more integrative approaches and greater penetration in value adding activities. The document goes on to propose the establishment of interprofessional organisations that would bring together production, business and processing sectors to facilitate greater awareness and co-ordination of marketing initiatives in relation to product development, market information, research and product quality. Structural changes are also seen to be relevant; in some cases this might involve PO mergers, in others the establishment of transnational POs for certain products.

In conclusion, the strategic position of POs within the institutional framework of the EU has developed positively in recent years. POs have come to represent the established EU instigated fishermen's organisations, common to most fishing states. In the UK they have been empowered with delegated responsibilities in the form of sectoral quota management. This section of the book has provided a critical perspective of POs and their capacities to implement management strategies. On the whole they are generally well adjusted organisations displaying a wealth of industry based management expertise. However, the analysis has shown that, while POs have propagated their functions adequately, there are structural and contextual features which can constrain the full realisation of their objectives and responsibilities. Most notably, perhaps, is the challenge of generating collective benefits through the harbouring of individual interests within the organisation. Here there are some indications of institutional inertia and this does cast some doubt over the level of benefits that can be expected to emerge from their participation in fisheries management and upon the potential opportunities for an extended remit within a co-management system.

Inshore fisheries management and the role of Sea Fisheries Committees in England and Wales

While the framework of producers' organisations in the UK might be seen to come close to what Jentoft *et al.* (1998) describe as 'functional' co-governance, whereby organisations representing specific sectoral interests play a role in policy delivery, the system of inshore fisheries management in England and Wales offers an example of a more community based approach. Inshore fisheries, in theory, represent an opportune context in which to develop local co-management. They are mostly devoid of the involvement of fishing vessels from other Member States and this means there is added scope for the independent

development of institutional designs by the nation state. However, there are additional complexities which are intensified within an inshore context, referring to the relationship and co-ordination between co-management approaches in fisheries with the network of multiple uses and claims within the coastal zone (Symes and Phillipson, 1997).

In practice the existing approach to inshore fisheries management in the UK embraces a number of issues and themes which are at the heart of the debate concerning the development of effective institutional frameworks for the governance of fisheries (Phillipson, 1998c). These relate to the appropriate location of management competence among the range of actors with an interest in coastal fisheries (Steins and Edwards, 1997). More particularly, they involve the establishment of a workable strategy for the nesting of local and national management approaches and the optimal incorporation of user group interests within the regulatory system. In effect, the existing system is characterised by fragmentation of responsibility and regional differentiation. Thus very different approaches to local governance and user participation are adopted in England and Wales, Scotland and Northern Ireland. In England and Wales inshore fisheries management is carried out by a designated local organisational framework through the system of Sea Fisheries Committees. This represents a well developed example of local co-governance and a distinctive element in the management regime for England and Wales. In contrast, Scotland and Northern Ireland are both devoid of any formal local management arrangements and the preferred approach to industry participation in the regulation of inshore fisheries tends to be voluntary or consultative in nature (Scottish Office, 1996).

The legislative basis to UK inshore fisheries management is hierarchical in form. Local and regional legislation is embedded within systems of national and European regulation. Hence the barrage of technical measures, licensing arrangements, Total Allowable Catches and quotas, marketing regulations and enforcement measures, set at national and international scales, are as relevant in inshore waters as they are without. In addition, the inshore sector is subject to a number of specific regulatory conditions, both sectorally and spatially (Phillipson, 1998b). Sectorally, regulations are often specific to the small boat sector. For example, 10 m and under vessels do not feature within the sectoral quota management system administered by producers' organisations. Instead the sector as a whole receives a quota allocation and regulation is imposed by the government departments. Since 1993 all 10 m and under vessels must also have a general fishing licence to fish, which is also administered by central government. The licence allows considerable freedom in the location of fishing activity, target species and catch quantities. Spatially, inshore waters are subject to specific legislation and a designated management system applying within the

6 nautical mile limit. While in Scotland and Northern Ireland they are regulated centrally by Ministerial Order, inshore fisheries management in England and Wales is delivered through the regionally based Sea Fisheries Committees.

In effect, inshore fisheries management in England and Wales is a two tiered system in a territorial and jurisdictional sense and is characterised by a spatially and hierarchically diffuse allocation of responsibility. Considerable management responsibility is held by the Sea Fisheries Committees (SFCs) which represent a unique organisational structure consisting of representatives from local government and the local fishing industry. Whilst conventional local authority regulatory and planning competence is restricted to the low water mark, SFCs have powers extending to 6 nautical miles out to sea. However, overriding management authority within the UK 12 nautical mile territorial waters is held centrally by MAFF¹³. Within bounds set by the division of responsibility between Member State and EU, MAFF's competence is exclusive in the seas beyond the geographical remit of the SFCs. Within 6 nautical miles MAFF confers an element of steering or influence over the SFC role (for example, through the monitoring and confirmation of proposals for new bylaws) and executes a number of specific management tasks outwith the SFCs' competence (notably licensing and non-sector quota management). Hence within inshore fisheries, despite the existence of a local management structure, centrally directed regulation takes place. A significant part of the activity of both MAFF and the SFCs in the coastal zone relates to their implementation and enforcement of EU legislation.

Internal organisation

Sea Fisheries Committees are generally well constituted bodies with a range of regulatory tools at their disposal for inshore fisheries management (Symes and Phillipson, 1997). A broad and developing regulatory function is supported by a unique organisational architecture drawing on a balance of scientific expertise, user group knowledge and the financial and administrative support of local government. This occurs through a constitution which defines the membership structure and decision making procedures, and provides for the inclusion of three main groups of actors on the Committees. Half of the seats are allocated to constituent County Councils as representing the financial backbone to the SFCs. The proportion of appointees from the various Councils, and the financial contribution from each Council to running and technical support costs, is determined by the statutory instrument which establishes the Committees under the *Sea Fisheries Regulation Act 1966* and is influenced by factors such as length of coastline, rateable value and the relevance of the fishing industry within each Council. In practice, the SFCs are relatively self-contained in terms

of their expenditure and decision making. Linkages to the wider local authority are minimal and confined to finance and superannuation departments, the activities of local authority monitoring officers and, in some cases, the provision of administrative support.

One seat is allocated to a representative of the Environment Agency and the remainder to those appointed by the Minister of Agriculture, Fisheries and Food, including under the *Environment Act 1995*, an environmental conservation expert. MAFF appointees are persons acquainted with the needs and opinions of fishing interests within the district and are generally chosen with advice from local fishermen's organisations and district inspectors and through open advertisement. They include a range of interests including retired fishermen, processors, merchants, environmental groups, local scientists, academics, sports fishing interests, and active fishermen or vessel owners from local fishermen's associations (Table 4.1). It is the active fishermen and owners who have a majority within the appointee system and this allows the local catching sector an important input into the generation and execution of inshore fisheries management policy.

The Sea Fisheries Committees display considerable structural diversity in terms of the size of their fisheries districts, the numbers of individuals participating in the Committee and on the basis of the number of local authorities falling within their boundaries and which contribute to the composition of Council members (Symes and Phillipson, 1997; Phillipson, 1998b). For example, while some SFCs are covered entirely by the catchment area of a single local authority (Cornwall, Cumbria and Devon), others can consist of up to 7 or 8 (North Eastern, North West and North Wales) (see Table 4.2). SFCs are supported in their activities by a small complement of administrative staff, and directed by a Clerk and Chief Fisheries Officer. In some instances the Clerk and Chief Officer positions are held by the same individual, while the chairperson and vice-chairperson of the Committees can either be a Councillor or MAFF appointee. Most SFCs operate through a series of quarterly meetings where an important task is to review the fishery officer reports within the district. Various sub-committees (personnel, finance, patrol vessel etc.) may also meet and report to the Committee. The Northumberland SFC also has a smaller sub-group which fulfils the role of an executive committee and which consists of equal numbers of appointees and Councillors.

Table 4.1: Composition of the SFCs: appointed members

Widening the Net

Sea Fisheries Committee	Vessel owners / fishermen	Retired fishermen	Sports fishing	Merchants / processors	Scientists	Environmentalists	Other	Total
Cornwall	7	1	2	1	0	0	1	12
Cumbria	5	0	0	0	0	0	1	6
Devon	5	2	1	0	0	1	0	9
Eastern	4	1	0	3	0	0	1	9
Isles of Scilly	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Kent and Essex	4	1	1	2	0	0	1	9
North West and North Wales	10	1	0	0	2	0	2	15
North Eastern	8	1	2	1	4	1	0	17
Northumberland	8	0	0	0	0	0	1	9
South Wales	2	2	2	0	2	0	1	9
Southern	6	0	1	1	0	0	1	9
Sussex	3	2	1	1	0	0	2	9
Total	62	11	10	9	8	2	11	113

From Symes and Phillipson (1997)

Table 4.2: Size and structure of the SFCs, 1995

Sea Fisheries Committee	Number of Local Authorities	Committee membership			
		Local Authority	Environment Agency	MAFF	Total
Cornwall	1	13	1	12	26
Cumbria	1	7	1	6	14
Devon	1	10	1	9	20
Eastern	3	10	1	9	20
Isles of Scilly	n.a.	n.a.	n.a.	n.a.	n.a.
Kent and Essex	2	11	1	9	21
North West and North Wales	8	18	1	17	36
North Eastern	7	18	1	15	34
Northumberland	2	11	1	9	21
South Wales	4	10	1	9	20
Southern	3	10	1	9	20
Sussex	3	10	1	9	20

Based on Symes and Phillipson, 1997

Each SFC pays a subscription fee and is provided with a single vote on the Association of Sea Fisheries Committees which, through the efforts of its part-time chief executive, provides a co-ordinating voice for the Committees. Each can appoint four individuals to the Association meetings and both the Clerks and Chief Fishery Officers also participate in a steering Technical Panel. The Association meets annually with the fisheries Minister in order to promote the interests of the Committees and influence policy development for the inshore sector. Individual SFCs will also occasionally support the Association through independent lobbying activity.

Despite the advantages of the existing inshore fisheries management system in England and Wales, in terms of its local sensitivity and the incorporation of user group interests in decision making, there are clear difficulties. In part this appears to be due to differential performance among individual SFCs. For example, the chief executive of the Association noted variation in the quality of individual Committees, while one SFC Chief Fishery Officer considered that some tended to “bury their heads in the sand”. SFCs also display different management approaches and varying specialities. For example, one Committee, the Eastern SFC, claims a particular inclination to resource management and fisheries research (stock survey) functions and has promoted its management approaches throughout the UK (Amos, 1993, 1994). Other SFCs - possibly the majority – tend to emphasise the regulatory component of their activities.

In terms of the internal functioning of the Committees one potential dilemma appears to be functional and relates to the status and division in roles between the public representatives (County Councillors) and private MAFF appointees. On the one hand, the legitimacy of local management is under challenge by the criticism of some sceptics who point to a lack of fishing experience held by elected County Councillors (see Box 3). One former MAFF appointee described them as a “waste of money, doing piss all”, while another considered that “Councillors knew nowt”. Indeed, another industry representative expressed grave concern with the notion of integrating local government within management given the active involvement of Council members with little knowledge of the industry. The general feeling within the Committees, however, appears to be that the Councillors help to provide a balanced perspective as well as offering financial expertise, albeit with some need of being ‘educated’ as to the workings of the industry. In fact, Councillors will often represent coastal wards and have a specific interest in the fishing industry. One SFC chairman (a fisherman) considered that “if you had 22 fishermen on the Committees, there would be so much fighting you’d get nothing done”. At the same time, the chief executive of the Association of Sea Fisheries Committees dispelled criticism of Councillors as being based on fiction rather than fact.

Box 3: Selected skipper comments on Sea Fisheries Committees^a

Committee members

‘Too many committee members are not involved in the industry and have no idea of the needs of the industry. They are councillors, doctors etc.’ *Grimsby*.

‘Do a good job with a watching brief on their local area’. *Whitby*.

Non-members

‘Irrelevant’. *Lowestoft*.

‘Yet more bureaucrats’. *Under 10 m vessel, Lowestoft*.

'Could probably be run better with people on the committee, who know more about the fishing industry'. *Lowestoft*.

'Abolish, useless.' *Lowestoft*.

'More officers should be on patrol checking catches a lot more often'. *Under 10 m vessel, Filey*.

'Scrap them. They are no use to fishing and most board members haven't a clue what they are deciding or discussing. They should not be allowed to make decisions which affect men's livelihoods.' *Scarborough*.

'Waste of time – paper tigers'. *Whitby*.

'Rubbish'. *Whitby*.

'Give them more power for boarding outside the 3 mile limits'. *Whitby*.

a - full-time skipper/vessel owners of over 10 m vessels, unless otherwise specified

In addition, the appointee system is seen by some as undemocratic despite the consultation that takes place with fishermen's organisations concerning prospective members. In fact, while there was qualified support for the results of the SFCs' work in regulating the inshore waters from those fishermen who responded to the 1995 postal survey, some 15% considered that they were not made up of the right kind of people. It is acknowledged, however, that introducing a more democratic system of appointment could threaten the resource management focus of SFCs through the ignition of constituency politics; already for some fishermen and fishermen's associations, SFCs represent a local forum for the promotion of local opinion and interests and port or gear rivalries are sometimes played out in Committee deliberations. One SFC Chief Fisheries Officer, for example, noted how the Committees often had to remind participants that they were appointed to manage the fishery and not to represent individual association interests.

External organisational field

The external organisational environment poses significant challenges to the effective functioning of the SFCs. Of particular significance appears to be the overall institutional framework for inshore fisheries management. The location of responsibility for inshore fisheries is fragmented both geographically and institutionally and it is at the interfaces and boundaries between the parameters of the management regime - local versus national competence, 6 versus 12 nautical mile limits - where organisational friction is apparent.

A main difficulty appears, in fact, to relate to the existing level of regional empowerment of SFCs. In particular this relates to the production or alteration of bylaws which is a protracted process, including both public consultation and the need for both Ministerial and European Commission confirmation. The difficulty of obtaining new or refined bylaws poses a considerable challenge to pro-active, precautionary and timely management. This is particularly the case where an area is outside the jurisdiction of Several or Regulating Orders which

offer a potentially more flexible approach. One SFC considered that the process even served to smother innovative management approaches by blocking the development of bylaws related to gear selectivity. Another felt SFCs should be given more of a free hand. These drawbacks within the bylaw making process have also been noted by Steins and Edwards (1997) in their consideration of overlapping regulatory responsibilities within the coastal zone, the RSPB (Harrison, 1993) and the Common Fisheries Review Group (1996a).

Effective management can also be undermined at the spatial boundaries of jurisdiction. This may occur through the activity of larger vessels fishing up to or within the 6 nautical mile limits. Similarly, management outcomes may be impacted upon by non-fishing related activities within the coastal zone, outside or indeed within these limits (for example, pollution and aggregate extraction). Land based boundary changes can also be a threat. Local government reorganisation and the alteration of local authority boundaries caused serious problems for the South Wales Sea Fisheries Committee. Here boundary changes meant that some funding authorities no longer had coastlines and, under pressure for finance in other areas of their remit, there was a potential for withdrawal of their financial contribution to the Committee.

A central issue relating to the existing capacity of Sea Fisheries Committees in inshore fisheries, and linked to the question of internal constitution, refers to the uncertain direction in which SFCs are heading with regard to the field of environmental management (Amos, 1994). In recent years there has in fact been a burgeoning of interest in this area and the incorporation of this facet into an already broad remit, and within the finely balanced decision making framework of the SFCs, represents a distinct challenge (Symes and Phillipson, 1997). It was in 1992 when specific environmental objectives were first introduced to the SFCs. The *Sea Fisheries (Wildlife Conservation) Act 1992* required fisheries regulators and Ministers to “have regard to the conservation of marine flora and fauna” when exercising their duties and developing bylaws. SFCs could not, however, restrict fishing for the purposes of environmental protection.

Two more developments relating to the protection of the inshore marine environment have had the scope to influence the remit of SFCs in a much more comprehensive manner. Firstly, SFCs were identified as having a potential role to play in the implementation of the *EC Habitats Directive* (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora). SFCs, as one of a number of relevant and competent authorities¹³, have a remit to ensure fishing is compatible with the necessary conservation measures which correspond to the ecological requirements of Special Areas of Conservation (SACs) - marine sites that form part of the the EU’s ‘Natura 2000’ network. 35

marine SACs were proposed representing a significant step towards improving the framework of marine protected areas in the UK (Symes and Phillipson, 1997). The Habitats Directive is catered for within Great Britain by the *Conservation (Natural Habitats, &c.) Regulations 1994*, which requires the relevant authorities to exercise their functions in respect of the designated sites. Under these regulations Ministers can direct 'relevant authorities' to formulate management schemes within SACs which must be up and running by 2004. An inter-agency approach is favoured for this purpose through a 'joint management group' made up of relevant authorities and advised by specialist interest and user groups, though within this arrangement a specific actor may take a 'lead agency' position (Department of the Environment, 1995). In effect, the statutory conservation organisations (English Nature and Countryside Council for Wales) are playing a key role in advising government on the appropriate sites, together with their conservation objectives, and concerning those operations which may cause deterioration or disturbance. As a whole, the management schemes for SACs are a further addition to an already complex set of management initiatives in the coastal zone including estuary management plans, local Environment Agency plans, shoreline management plans and local authority development plans.

The second development involved the allocation of more generally applicable environmental management powers to the Committees (i.e. beyond Natura 2000 sites). Several new facets were developed and incorporated within the *Environment Act 1995*. Firstly SFCs, along with the Environment Agency, are now able to develop fisheries bylaws for environmental purposes and this enables them to regulate fisheries in order to maintain or restore areas to favourable conservation status. SFCs must notify the statutory nature conservation agencies of all new environmental bylaw proposals. SFCs, significantly, are also required to have regard for the precautionary principle in their activities. Secondly, and of importance to the internal constitution of the SFCs, Ministers must appoint environmental experts to the Committees, while others can be co-opted in relation to matters concerning the Habitats Directive.

A widened environmental remit and the inclusion of environmental participants within their membership poses a potential challenge to the position and legitimacy of the Committees within the institutional framework. The legislative developments in environmental management have the potential for radically altering the established role and structure of SFCs and, more generally, the established system of inshore fisheries management through the introduction of new management objectives (Symes and Phillipson, 1997). From a positive perspective, the developments may be seen to provide the SFCs with the opportunity to embrace a broader approach to management and would

complement their existing focus on matters concerning the fishery system as a whole. It is also acknowledged that taking grip of these changes would secure, in the hands of designated fisheries managers, scope for influencing the development of this emerging theme in the coastal zone.

The full implications of these developments are as yet unrealised and a matter of some speculation for those within the industry and the SFCs. Much will depend on the details for implementation and the precise uptake and involvement by the Committees. It is considered unlikely, for example, that the modification to their bylaw function will lead to a large increase in bylaw applications, and new environmental bylaws could not be introduced for non-fisheries related issues and in this sense their broadened remit is still quite narrow (Symes and Phillipson, 1997). Furthermore, attempts to successfully implement the precautionary principle in fisheries management in order to protect environmental integrity are likely to face difficulties given the cumbersome bylaw making process. Perhaps the more significant development, arising from the *Environment Act*, relates to the extension of the Committees' membership to include an appointee from the environmental field. This may serve to disturb an already precarious sense of legitimacy held by the SFCs through the further dilution of fishing industry members. The addition of such an expert is also likely to introduce new tensions and alliances within the Committees' undertakings. To the existing agglomeration of local practical knowledge and administrative and financial know-how, will be added scientific expertise; it remains to be seen whether the merging of knowledge and communicative styles will be a successful mix (Phillipson, 1998b).

In relation to implementation of the Habitats Directive, SFCs have not moved quickly to take a lead agency position (this has occurred only in one instance). In fact, the statutory conservation organisations appear to be primarily responsible for maintaining the momentum for this initiative - admittedly their key role at the outset is only to be expected given their expertise in advising on the criteria for conservation and designation of marine sites - while local authorities have commonly taken the lead authority status. One SFC Chief Fishery Officer considered this to be the outcome of the perceived balance of benefits that the position might offer and the view that lead status would not actually confer any particular influence within the process, but would certainly lead to a greater administrative burden. In the meantime SFCs and other relevant authorities are reviewing existing 'plans and projects' which might affect the conservation status of the Special Areas of Conservation (SACs). These include planning permissions, discharge and abstraction licences and, in the case of the SFCs, local bylaws. Some SFCs, notably Eastern and North Western and North Wales, are also working to build up the science base and

fisheries knowledge within their respective districts which will be used to inform the SAC management plan and site objectives. It is feasible that SFCs will receive increasing pressure to take a more active role as management plans for SACs are finalised and plans for implementation and monitoring initiated. This will be based on their potential contribution to enforcement functions - other than the Environment Agency they are the only relevant authority with a sea going capacity – and the relevance of their bylaw making powers below the mean low water mark. According to one SFC, however, much will depend on the availability of financial support to supplement their already stretched resources.

These developments in the area of environmental management raise a number of uncertainties. There is a general fear among inshore fishermen that the initiatives incorporate a hidden agenda that will ultimately marginalise the fishing industry or at least subject it to increasing regulation and restriction. In this respect the Sea Fish Industry Authority has argued that some protection should be given against the arbitrary use of the “precautionary principle on behalf of conservation interests” (Seafish, 1994: p. 3). With regard to the likely implications of the developments they note that “at one extreme the inshore fishing sector could be largely marginalised by the new influences on the coastal zone; at the other, sensitive and sensible management agreements could enhance the security of these and other wealth creators”. Establishing an acceptable reconciliation of environment and fisheries objectives is likely to be the main test and this will essentially involve a balance between conservation and development. That marine environmental management will somehow presume against commercial interests is of uppermost concern and this is partly predicated on the existing underdeveloped level of understanding of the relationships between environmental science and fisheries activity and upon a degree of misconception over the impacts of inshore fishing practices. According to the Sea Fish Industry Authority there are serious problems “establishing, quantifying and regulating the causal relationships between fishing activities and environmental integrity” (Seafish, 1994: p. 3).

In Scotland and Northern Ireland there is an additional challenge to the integrity of inshore fisheries management given the absence of a local management framework. In fact, local management represents a particularly contested issue in Scotland. Here opposition to the development of local management structures is founded on a conflict of interest between the local small boat sector in the north west (mobilised within the West of Four Fisheries Management Group and the Highlands and Islands Fishermen’s Federation), who are in favour of some form of local structuring along the lines of the SFC system, and the more nomadic capital interests in the north east (representing the main power base of

Scottish fisheries), which perceive moves towards local management as signifying their potential exclusion from traditional fishing grounds. This is coupled with an unwillingness on behalf of the Scottish Office to concede management responsibility to the local level. One Scottish Office Civil Servant, who described Sea Fisheries Committees as “toys for local politicians”, considered that SOAEFD was very much in support of its policy of the 1970s, outlined in the Cameron Report (1970), which highlighted the reasons for rejecting local management structures in Scotland, in particular the difficulties of marrying the interests of local and distant water fleets, the resources required and the will of the leading fishermen’s organisations. The deeply incised nature of the coastline along the west coast, and the resulting large areas of seas which are classed within the 6 nautical mile limits, was also considered to be an important barrier to local management. The Scottish Office did concede, however, that local management might be appropriate for inshore shellfish stocks, but were only willing to envisage voluntary developments to achieve this or the endogenous development of Several and Regulating Orders.

Devoid of local management structures, local involvement of the harvesting sector in Scotland is therefore restricted to voluntary controls and the settling of local gear disputes. This has involved, for example, the development of two Area Access Management Committees on the west coast, where local fishermen’s associations voluntarily participate in local management issues (essentially conflict resolution) in partnership with regional authorities and where there are developments to establish a data base on the local fisheries through the West of Four Fisheries Management Group¹⁴. The lack of local management structures has, however, been identified in several quarters as being detrimental to the effective management of inshore fisheries and the environment (Harrison, 1993; Seafish, 1991, 1994). The Highlands and Islands Regional Council argued, for example, that “essential to the orderly management of such a policy [CFP] is a degree of local involvement on a formal basis much more akin to that exercised in England and Wales through the Sea Fisheries Committees” (Seafish, 1991)¹⁵.

Overview

While the inshore sector may benefit from a degree of local protectionism (Symes and Phillipson, 1998) - a product of the inshore management regime itself and arising from the sensitive status of the inshore environment as a nursery ground for commercial stocks - its socio-economic position within the overall industry hierarchy and the broader regulatory system appears to be less favoured. For example, within the industry’s own system of representation, critics from the small boat sector have noted the strength of large vessel

interests within the decision making fabric of fishermen's organisations. In the institutional fabric of the industry as a whole this sector is increasingly self-perceived as an underclass and starved of quota in favour of the producers' organisations; a "feast in a famine" situation according to one non-sector fishermen in Northumberland. Another fishermen also highlighted the plight of the small boat sector:

The small boats in the fleet are totally disregarded by the government and the POs. No decommissioning, no quotas at the end of the year because the larger vessels have caught it. We are fishermen in our own rights and need to live and survive as well as the larger vessels but we are forgotten in every aspect of things.

(Skipper-owner, 10 m vessel, Eyemouth)

In regulatory terms the small boat sector seems to warrant less sensitive attention by the central fisheries administration in fulfilment of their quota management and general licensing responsibilities. One MAFF official attributed this to the large numbers of vessels involved, their geographical dispersion and uncertain activity rates, the changing composition of the group, together with the relatively small catch quantities taken by the sector. These features pose a considerable challenge to introducing a sensitive and effective centrally administered regulatory system.

It is the Sea Fisheries Committees which serve to partially redress the situation through their spatially sensitive approach to management. Indeed, it is arguable that they have emerged as an important refuge and voice for the small boat sector. One fishermen considered, for example, that SFCs gave "fishermen a voice within the 6 mile corridor and a certain control over their own destiny". Perhaps the greatest benefit of the SFC system, however, is its sensitivity to the requirements of local and regional fisheries. In this respect SFCs have managed to develop an understanding of the local resource base through a combination of research, local monitoring and local knowledge.

SFCs also serve to incorporate the users themselves within the regulatory framework and, in this respect, represent a local example of co-management. Through the appointee system fishing interests have a direct involvement in local policy generation; the process benefits from increased awareness of local issues. By the very fact such individuals are appointed rather than elected, this places less emphasis on constituency politics within the SFCs' deliberations (Symes and Phillipson, 1997). The nature of involvement of industry interests in regulation also appears to be relatively unique. In part this is down to the balanced and accountable nature of decision making which has, in the main,

allowed them to harbour the knowledge of local users for the benefit of resource management rather than particular sectional interests. Also important, however, is the broad approach to management which appears to be rare in cases of user participation (Holm, *et al.*, 1998). The SFC remit encompasses regulation, stock enhancement, monitoring and policing activities; it is notable that such a range of management tasks is performed at relatively low cost (Symes and Phillipson, 1997).

The system of inshore fisheries management in England and Wales, based on regional Sea Fisheries Committees, appears to represent a unique institutional model of local regulation. However, the present analysis has identified a number of shortcomings to effective local governance, the most pressing being the need to secure the financial basis of the present management system. Other weaknesses relate to differential performance between the SFCs and insufficient levels of empowerment. In this respect the system could benefit from internal consolidation and a strengthening of existing functions. Gains might be made in several areas and notably through a review of bylaw making procedures, with a view to developing a more pro-active approach to management. Here, there appears to be a need for a more flexible approach which would serve to vest more scope for independent action with the Committees. Some opportunity for internal reform may also lie in a realignment of their internal constitution in order to provide a stronger and more legitimate representational base. It is unlikely that this should involve a more democratic system of industry appointments as this would introduce a stronger emphasis on vested interests in the Committees' discussions. It might, however, be possible to reserve some seats for nominations by the fisheries department and have others for direct appointment from fishermen's organisations. Protecting a minimum industry component on the Committees might also be beneficial.

There is also an argument for a partial reallocation of responsibility between MAFF and the SFCs in order to improve the sensitivity of those management tasks currently performed centrally. This might, for example, involve the administration by the SFCs of an inshore shellfish licensing system. In fact, in 1995 a joint industry-MAFF working group developed proposals to introduce such a scheme, aiming to provide a more focused restriction of fishing effort directed at crustacean species (MAFF, 1995). According to one Chief Fishery Officer, SFCs were well positioned to handle the administration of such a system. A number of potential difficulties were, however, acknowledged, including the problem of initiating legislative change under the restrictions of parliamentary time. There was also a question as to the appropriate geographical extent of such a scheme as it probably would only be effective if relevant to the 12 nautical mile zone. The problems of extending the SFCs' geographical remit

beyond 6 nautical miles relate primarily to enforcement capacity. SFC Fishery Officers do not have full British Sea Fishery Officer status hence could not police vessels from other Member States in the extended zone. Furthermore, the levels of organisational capacity required for an extension of territorial remit, in terms of staffing, finances and resources, would likely be an important stumbling block. In general, it is therefore doubtful that SFCs could ascribe more powers in areas traditionally handled centrally, such as in the implementation of licensing arrangements. Indeed, some SFC officials were also uneasy with the very notion of trespassing on the remit of the fisheries department. This was noted, for example, over the question as to whether they might administer non-sector quota management arrangements. One SFC chairman thought SFCs would lose respect if they were to play a greater role in non-sector management, given that this was considered to be in turmoil.

In general, it would appear that SFCs provide a useful means of incorporating user group interests within local policy development and implementation. As such they would undoubtedly represent an integral tier of local governance within a UK co-management system. It is likely, however, that internal development would be beneficial in some of the directions outlined above for SFCs to maximise their potential and be fully equipped to confront the various challenges that face them.

Meso-level co-governance - key issues and challenges

Based on a meso or organisational level analysis, this chapter has explored opportunities for, and issues surrounding, the potential participation of fishermen's organisations within a co-management approach. It has been demonstrated that fishermen-based organisations already play a significant role in policy implementation within the UK. On the one hand, producers' organisations are responsible for the administration of quota management responsibilities and Sea Fisheries Committees execute a broad, local resource management remit. On the other hand, although fishermen's associations and their federations are pro-active in representing the interests of their members, they play no direct role in policy delivery. Each category of organisation would seem theoretically well positioned to handle various aspects of co-management (i.e. fishermen's federations – representation and policy development; producers' organisations – fleet management; Sea Fisheries Committees – local management). For all three groups of organisations, however, their potential to fulfil, maximise or expand their functions appears to be governed by a range of factors in their internal and external organisational environments. The remainder of this chapter focuses specifically on three important issues that have arisen: internal relations, commercial objectives and aspirations.

Internal relations

Of uppermost significance appears to be the nature of informal and formal linkages and organisational routines within and between organisations. Thus relations among organisation members can often be more individualistic than collective and there is often a tendency for disunity rather than unity within the different categories of organisation. At the same time, it is evident that the linkage between government departments and delegated organisations, such as producers' organisations or Sea Fisheries Committees, can often be more constraining than facilitative in terms of levels of empowerment. In practice this may mean that existing delegated responsibilities tend to remain administrative and routine rather than executive and innovative. The internal configuration and structuring of organisations also appears to be paramount, in terms of the nature of decision making and power relations (asymmetric/pluralistic), membership stability, status and diversity (fracturing/fusing, voluntary/compulsory, heterogeneous/homogenous) and administrative capacity. In this respect the size of organisation proves to be a determining factor and will affect parameters such as flexibility of internal governing strategies, representative capacity, ability to introduce social order and discipline, and financial security.

In assessing the potential for and effectiveness of co-management, it therefore seems important to consider the institutional parameters within which governance takes place inside organisations. In these terms, for example, it may be debatable whether fishermen's organisations are always appropriately structured so as to effectively accommodate resource management functions within their remit. In a similar vein Townsend (1995) describes a continuum of self-governance from corporate to co-operative approaches and traces the implications for incentive structures within organisations. Under democratic co-operative systems (typified by one person : one vote, open membership etc.) he notes that there is a greater tendency towards short term strategies, as the sharing of benefits from management decisions will be decided democratically and may not reflect greater financial dependence or risk. This compares to the longer term financial interests of shareholders in corporate organisations who have more well defined share rights that will define the allocation of benefits (one share : one vote and a well defined legal infrastructure). As Townsend points out, the choice between systems is not often either/or, and that governance structures may combine governing rules from each¹⁶. This is the case, for example, for POs in the UK; furthermore, different POs will locate at different points along the continuum given their particular set up and this may result in different implications for meeting strategic objectives. Some POs may be more egalitarian in approach than others while some, in practice, may have

more closed membership strategies. There is also diversity as to the allocation of rights within a PO; this is reflected in the method of quota allocation and affects the manner of decision making, where decision making power may be distributed according to greater financial risk, ownership or quota shares. Given the growing tendency for more well defined rights within POs through track record based quota allocations, it is perhaps feasible to expect that this may shift more POs towards corporate forms of organisation (Phillipson, 1999).

Commercial interests

In addition to the issue of internal organisation, an important challenge to the viability of co-governance and user group based approaches, appears to relate to the need to pool user knowledge for the benefit of the industry as a whole, rather than particular sectional interests. Fishermen's organisations may often display considerable depth of knowledge, including a specialist and detailed awareness of fishery, community and management issues in the local or regional context. However, it has also been seen that they can represent the dedicated economic interests of only a selective proportion of fishermen. It is therefore a matter of debate whether they should be favoured above other organisational forms to take a central position in policy implementation. One non-sector fishermen, for example, questioned why the interests of individual fishermen should be governed by non-elected organisations like the POs.

It is the Sea Fisheries Committees in England and Wales which appear to be more appropriately configured for balancing sectional interests and a resource management remit. This is a result of the non-elected basis of their industry membership and the accountability and balance provided by their local authority members. This is not to say that they are devoid of problems relating to their specific internal configuration, notably concerning the emergence of constituency politics among members, or uneven capacities between SFCs. However, whereas fishermen's organisations like POs may seem restricted by the implicit nature of their internal organisation to a sector or fleet administration remit, the organisational form of the SFCs has permitted them to administer a wide range of management responsibilities. Thus internal organisational form appears to be a significant factor in the potential breadth and depth of management responsibilities that can be devolved within systems of co-governance.

Aspirations

The aspirations of fishermen's organisations represent an important factor in determining opportunities for, and the nature of, institutional development in

favour of co-management. Though many fishermen were generally supportive of the idea of co-management approaches and a more pro-active role for fishermen's organisations within the policy system (see Chapter 2), the aspirations of executive staff were often more conservative and protective of existing functions. In fact, most considered that key areas of responsibility were already optimally distributed between the various organisations and future developments in their remits were generally perceived in the context of marginal improvements within existing boundaries of responsibility. The notion that they might appropriate responsibilities held by other organisations was generally not well supported and this would seem to confirm the view that different aspects of co-management would be best distributed within the existing framework of organisations, rather than gathered into a single organisational entity. Indeed, one fishermen's organisation in Scotland noted a 'keep off' attitude, whereby fishermen's associations and the POs attempt to avoid transgressing into each others' remits. There were some exceptions, notably a selection of POs who saw the benefit in becoming more involved in political representation of their members. Some POs did, in fact, consider that they were well placed to undertake additional management roles such as days at sea arrangements, managing Individual Transferable Quotas, licensing, policing and non-sector quota management. A number of Sea Fisheries Committees also felt appropriately placed to accept new functions at the regional level and in respect of new environmental responsibilities. Most fishermen's associations considered their federations as being the relevant organisations to handle any additional tasks, while a small minority felt they could become involved in the administration of port quotas.

While relatively modest aspirations may occasionally represent a realistic appreciation of available organisational capabilities (some PO chief executives, for example, saw the need for increased staffing and financial resources if they were to handle additional responsibilities), they also appear to be symptomatic of general apathy or despondency, scepticism in relation to notions of change, negative experience of changes in the past, or the immediacy of existing circumstances. One fishermen's association, for example, was reluctant to embark on a new commercial venture due to knowledge of a previous unsuccessful experience by a neighbouring organisation. Most fishermen's organisations are understandably pre-occupied with current management issues and threats to their survival, rather than notions of institutional change. Thus, in the face of declining vessel numbers, fish stocks and regulatory strictures, numerous fishermen's associations aspire to secure their survival in terms of membership levels, financial standing and the encouragement of young people into the industry. Others have more specific local aspirations, such as for the establishment of local port facilities by the organisation, though many consider

themselves too constrained financially to be able to undertake commercial ventures of this kind. At a federal level, beyond day to day lobbying issues, the overriding concern appears to be with financial robustness and internal consolidation, as seen by the reorganisation of the NFFO in 1995, though more recently the federation has shown an interest in the overall institutional framework for fisheries management (see, for example, Crean, 1999).

Producers' organisations display a broad set of future aspirations, but again these primarily relate to their existing remit. Several PO chief executives saw little need for substantial change. One PO, for example, considered that its members would not want to pay for additional management responsibilities, while another saw limited potential in extending PO functions. Another PO chief executive thought POs were generally too busy coping with the management system to be able to seriously consider new roles. More often, their future aspirations revolved around marketing and management issues, such as the desire to build contacts and joint initiatives with processors or merchants, develop fish selling activities, become more involved in ring fencing of track records, improve marketing approaches and landing quality, extend markets, or develop local promotional and processing initiatives. Like FAs, POs seem particularly concerned in maintaining membership levels, or in improving membership coverage, with a view to consolidating their financial and marketing position. For the Yorkshire and Anglia PO, for example, the aim is to locate more members in Whitby, while in Pittenweem in Fife, the hope is for greater membership harmonisation between the local FA, PO and fishermen's co-operative.

Overview

In conclusion, there appears to be a number of factors within the internal and external organisational environments of fishermen's organisations, which would pose challenges to them embracing additional responsibilities within the policy system. Furthermore, as there has already been significant progress in delegating responsibilities for policy implementation to producers' organisations and Sea Fisheries Committees, there appears to be only limited scope for additional delegation of management tasks. In fact, the more urgent need seems to be for a consolidation of co-governance with a view to providing a clearer demarcation of responsibility between the state and local organisations, more pro-active and collective approaches to management on behalf of individual organisations and more effective co-ordination and co-operation between these organisations at the local and regional level (Phillipson and Crean, 1997).

In addition to consolidating the organisational fabric and responsibilities of individual fishermen's organisations, there also appears to be a specific need to consider their integration within procedures for policy formulation. Indeed, the generation of benefits from user participation at the level of policy delivery, which has tended to form the emphasis within the present chapter, may arguably be undermined by a lack of co-management arrangements at the broader macro-level. In this respect, Symes (1997a; 1997b) has argued that co-management requires both the delegation of specific management responsibilities to appropriate fishermen's organisations, as well as prior consultation over the aims, objectives and instruments of policy. This issue is taken up in further detail in Chapter 5 where the analysis shifts from the consideration of specific categories of fishermen's organisations and their existing or potential management responsibilities, to exploring their potential integration within the wider policy making system and institutional framework.

Notes

- 1 The chapter builds on an analysis of fishermen's organisations carried out in the context of the EU funded project concerning devolved and regional management systems in fisheries (see Symes *et al.*, 1995b).
- 2 In fact, the Scottish Pelagic FA intentionally has a large board of members of some 28 individuals so as obtain sufficient numbers of skippers at meetings.
- 3 Some POs had, in fact, previously been critical of their level of involvement in government consultations which was seen to restrict them to commenting on quota management related issues. In part the lack of effective communication with government was exacerbated by the weakness of the PO's own federal organisation, UKAFPO. While some POs benefited from close relations with national federations or indeed with central government due to their specific interests (such as external waters in the case of the FPO), others felt themselves marginalised by a consultative process which favoured the NFFO and SFF and openly attempted to represent their members and lobby government officials on an independent basis. Some POs also choose to meet regularly with local MPs and MEPs to discuss pressing issues.
- 4 The level and exclusivity of services that a fishermen's association provides may form a further incentive for individuals to become and remain members of the organisation and, therefore, a stabilising influence on membership. The Cockenzie and Port Seton FA, for example, appears to have a comprehensive membership coverage on the basis of its control over port facilities for non-members.
- 5 For some, non-membership is the outcome of the regulatory system itself where 10 m and under vessels are outwith the quota system, hence reducing their incentive to join the POs; others fish against stocks that are not part of the sectoral management system.
- 6 The Lowestoft PO, for example, was established to protect the catching potential of its members given the progressive loss of quota within the non-sector. This coincided with the inclusion of plaice within the list of sectoral quota management species. Similarly, the establishment of the North Sea PO represented an effort on behalf of vessel owners to regain control, autonomy and viability, given increasing turbulence within the non-sector management system.

- 7 A number of POs also noted how market intervention mechanisms were playing a less significant part in their marketing repertoire. For one PO this was seen to be symptomatic of delays in the payment of compensatory payments, the particular relevance of withdrawal to relatively low value species, and the effects of marketing efforts by the POs themselves. Some POs appeared to deliberately avoid the need for withdrawal of fish given the implicit wastage of fish and quota.
- 8 For some of the larger POs a system of local electoral areas is utilised. Anglo-Scottish PO, for example, elects directors for each of its three main ports. Other POs may have an unwritten rule to include members on the board from throughout the organisations' economic area and embracing the main fishing interests within the organisation. Thus the board of the Yorkshire and Anglia PO includes four fishermen from both Scarborough and Bridlington and one from Whitby, together with two fish salesmen. The fishermen component embraces both trawlers and small 'cobble' vessels. In a similar manner the board of Grimsby PO consists of representatives from the ports within its economic area and main fishing methods. Board composition and distribution of voting rights within the Lowestoft PO and the FPO is based on company revenues.
- 9 Disciplinary penalties are specified and may range from small fines due to sales notes discrepancies or reductions to subsequent quota allocations, to loss of quota or catch value and ultimately suspension of membership.
- 10 PO boards are generally a compact group of 8-10 individuals. They tend to meet on a monthly basis to discuss the state of the quotas. For those which allocate quotas on an annual basis meetings tend to be less frequent.
- 11 Though it is also feasible that within these smaller organisations peer pressure may provide a greater disincentive to infringe PO measures in the first place.
- 12 The potential for POs to play a more pivotal role within the policy making institutional framework is less easily envisaged given weaknesses of PO organisation at federal level.
- 13 Those public bodies with powers or functions which may impact on the marine environment are termed relevant. Competent authorities cover any public body or public office exercising legislative powers. Public bodies include SFCs, harbour authorities, local authorities, conservation bodies, Environment Agency, navigation bodies etc.
- 14 One could argue, that given the size of territory, there is less urgency for local committee structures in Northern Ireland. Nevertheless, some local informal initiatives are evident, notably the North-East Lobster Association which is active from Belfast Lough to Dublin Bay and which imposes voluntary restrictions on lobster fishing.
- 15 More recently there has been increasing interest in the potential role of several and regulating orders in local inshore fisheries management in Scotland (Phillipson and Symes, 2001).
- 16 In similar terms Jentoft (1986) calls for an analysis of co-operation generally within different organisational forms. He notes how the co-operative model is simply one possible expression of organisational co-operation.

Chapter 5

MACRO-LEVEL CO-GOVERNANCE

Introduction

While certain UK fishermen's organisations are delegated partial roles in the execution of policy - albeit within a centrally determined frame of reference (Symes, 1995b) – their role in macro-level policy making is less developed. This variance in the extent and location of user participation signifies a paradox within the UK fisheries management system. It further represents a point of contrast to the neighbouring agricultural sector where farmers' organisations have traditionally played an integral part within a corporatist system of agricultural policy formulation (Grant, 1983; Smith, 1993). As the incorporation of the National Farmer's Union (NFU) within the policy community was built upon an overriding common agenda in increasing post-war production, held by both the central state and farmers' lobby, the relative isolation of fishermen's organisations from the policy system may be partially explained by a lack of compatibility in perspectives concerning appropriate objectives and regulatory approaches for the fishing industry. MAFF officials also hinted at the contrasting contexts in which these sectors have operated which have influenced the nature of government-industry relations. Thus, while the "NFU responds to a policy based on rewards, NFFO responds to a policy based on restrictions". In short, therefore, the present separation between government and industry might be seen as a separation of convenience, which serves to avoid conflicts over governing approaches which would arise under conditions of a forced marriage and in circumstances where there may be few clear prospects for positive-sum outcomes for the involved participants.

Given the low level of user group participation in fisheries policy making in the UK, the exploration of co-management frameworks is very much a theoretical exercise based on the consideration of ideal institutional designs. In these terms it is possible to envisage a number of potential opportunities to engender a more structured and transparent system of consultation between industry and central government and to strengthen the approach to policy making in general. Consolidating macro-level co-governance is mainly directed at developing organisational linkages within the institutional system, developing more regionally sensitive approaches to fisheries management and repositioning fishermen's organisations with a view to their more effective co-ordination and functioning within the decision making process.

Advisory Panels and Area Management Committees

One possible model for meeting these organisational requirements – developed and tested within the research which underpins this book - could involve a two-tiered framework consisting of Advisory Panels (APs) and Area Management Committees (AMCs). This idea was first proposed in a paper presented to the VIIth Annual Conference of the European Association of Fisheries Economists in 1995 (Symes and Phillipson, 1996) and has since been re-examined by Phillipson and Crean (1997). A system of Advisory Panels, embracing Area Management Committees, would contribute formal advice during the formulation of strategies for the development and management of the industry as a whole. Alongside such a system, fishermen's associations and their national federations would continue to function as key political organisations representing members' interests at local, regional and national levels of negotiation. The political and negotiating role of the national federations would, however, be elevated through their central positioning within the framework.

Advisory Panels (APs) would provide arenas for industry and government to discuss all matters relating to UK and EU fisheries policy, including the development of management approaches and regulations relating to conservation, marketing and structural management, as well as biological, economic, social or environmental issues. Government would present its own policy proposals to the appropriate Panel(s) for discussion at the earliest possible opportunity, and in advance of their intended implementation. In turn, it would benefit from the professional advice from industry concerning resource management issues, which would contribute to its own policy approaches or discussions at EU level.

In terms of spatial extent and geographical framework, the system would involve three APs constructed according to 'ICES areas' (IV; VIa and b; VII) (see Figure 5.1). By utilising ICES areas this would possibly place less emphasis on territoriality, which might help to avoid regional disputes. It would also provide the opportunity to relate advice to stock management information, which is currently collected on this area basis. It would be particularly useful if AP meetings were timed to coincide with discussion of proposed, and subsequently agreed, Total Allowable Catches and quota allocations at EU level, thus reinforcing the notion of resource management as the central focus of their deliberations. A separate 'sectoral' panel might be set alongside the regional panels to deal specifically with pelagic fisheries.

In order to facilitate greater co-operation among different interests within the fishing industry and the opportunity for more integrated management

approaches, it would seem appropriate for panel membership to be broadly constructed, including representation from central government, harvest and post-harvest sectors and statutory environmental organisations (see Table 5.1). However, in order to convey maximum legitimacy, the balance of membership should favour the harvesting sector (as argued by Jentoft and McCay, 1995). An essentially political remit would suggest an emphasis on federations and fishermen’s associations in the ‘seating’ arrangements. It could also be foreseen that membership might eventually be opened up to a second wave of constituents to include consumer group organisations and the scientific and academic communities.

Table 5.1: Possible distribution of seats on Advisory Panels

Central Government and Related Bodies	9	Fishing Industry	20	Other	2
Fisheries departments	3	Harvest Sector	16	Post-harvest	4
Inspectorate	2	Federations/FAs	7	Merchants	2
Fisheries Laboratories	2	POs		4 Processors	2
-----		Non-sector	2		
Seafish	2	SFCs*	3		2

* As SFCs do not exist in Scotland and Northern Ireland, here local inshore fishermen representatives would be appointed.

To provide greater co-ordination among management organisations at the regional level within the UK, a case is also made for the creation of a sub-set of Area Management Committees (AMCs). The AMCs would encourage liaison among local organisations, including POs and SFCs and, in turn, facilitate more coherent and transparent management approaches and initiatives. As such they would be primarily concerned with policy implementation rather than formulation strategies. Through overlapping membership, they could also be used to generate local information and expertise to enhance the advisory functions of the APs.

Within both AMCs and APs, membership would primarily comprise those with a significant management interest in the respective ICES areas and sub-areas. In both cases, interests representing the ‘region’ would be present. AMCs, however, would be smaller in size than the APs, with their membership weighted towards management organisations in the harvest sector, with the chair taken by a senior representative of one or other (or, in some cases, both) of the federations (see Table 5.2). AMCs could, for example, be based on ICES sub-areas (possibly IVa; IVb; IVc; VI; VIIa; VIId; VIIe&h; and VIIf&g), again

Figure 5.1: Advisory Panels and Area Management Committees (Symes and Phillipson, 1996)

to place less emphasis on territoriality. They might also benefit from attendance by the regional fisheries inspectorate and government scientists, together with

representatives from local government and downstream sectors as observers or through co-option.

Table 5.2: Possible distribution of seats on Area Management Committees

Government and Related Bodies	3	Fishing Industry	13	Others (including observers)	7
Inspectorate	1	POs	5	Local Government	2
Fisheries Laboratories	2	SFCs*	4	Merchants	1
		Federations/FAs	2	Processors	2
		Non-sector	2	Conservation Organisations	2

* As SFCs do not exist in Scotland and Northern Ireland, here local inshore fishermen representatives would be appointed.

It would be necessary for positive linkages to be generated between APs and AMCs, on the one hand, and between different APs and different AMCs, on the other. Interaction between the organisations might be encouraged through timetabling of meetings to ensure a phased cycle of discussion, so that issues raised at one AP or AMC meeting, which are of relevance to other neighbouring groups, could be passed on for further discussion either at the same level or raised from an AMC to the AP.

As a whole, the intention of such a framework would be to provide a more transparent, timely, formal and statutorily defined consultation process which would offer user groups an active and procedural involvement in policy making, as implied within the terms of reference of co-management (Jentoft, 1989; Symes, 1997a). The system would also link arrangements for user group participation with opportunities for greater regional sensitivity in the policy generation system and thus begin to counter centralising tendencies within fisheries management (Symes, 1997a).

Supra-regionalisation

The delineation of Advisory Panels by ICES area could also suggest that they might ultimately evolve to include the fishing interests of other Member States linked to the particular ICES area or ‘regional sea’ and be set formally within the EU policy system. This would provide a step towards co-governance and a more regionally sensitive policy process at EU level. It would also serve to add value to a UK based approach which otherwise might be seen to be one step removed from overriding matters of policy development within the EU institutions. One PO chief executive, in fact, questioned the value of a UK based advisory system, given that many important matters of policy were decided at

European level, and saw greater value in placing APs within a European context.

There appears, in fact, to be a burgeoning interest in macro-regional approaches to European fisheries governance. This varies from proposals for more regionally sensitive advisory or consultative arrangements, to the delegation of executive management responsibilities to regional organisations. For example, to promote the development of a more ecologically sensitive, transparent and flexible approach to fisheries governance and in full recognition of the subsidiarity principle, Symes (1998b) has elaborated a series of regional fisheries councils for each of the major regional seas within the European common pond, and again delimited by ICES areas. These would make recommendations concerning detailed management policies for the regional sea, via the institutions of the European Union, and in line with the overall objectives and principles of the Common Fisheries Policy. Membership would comprise coastal states and those with established fishing rights in the regional sea, and would extend from scientists and administrators to include relevant fishermen's organisations. Such a system is also seen as potentially able to draw upon the grassroots opinion generated by a Member State based system of APs and AMCs.

Similar structures were among the proposals of the CFP Review Group in 1996 (1996a, 1996b) and those of the European Parliament's Committee on Fisheries in 1999 (Gallagher, 1999). The CFP Review Group, for example, saw substantial benefits in promoting decentralisation and greater industry participation, in the hope of reducing the sense of remoteness felt by fishing communities:

One might conceive of a CFP divided into certain different fisheries regions (for example, the Baltic, the North Sea, Western Waters, and the Mediterranean). Only those Member States directly concerned in a particular fishery would then be in a position to take management decisions affecting that fishery. As well as providing a less remote focus for decision taking, such a scheme might arguably circumvent much of the compromise that inevitably attends the current Council arrangements.

(Common Fisheries Policy Review Group, 1996b: p. 51)

Wise (1996) has also argued for a transnational macro-regional approach to fisheries management built upon trading links between coastal economies of the Atlantic Arc. He suggests that:

Those exploring the possibilities of new regional approaches to fishery management should not restrict themselves to consideration of the role that might be played by local producers' organisations and similar institutions within a national framework. The possibility that there may be larger transnational 'functional' fishing regions in Europe, tied together by specific trade links and a common interest in exploiting the resources of particular sea areas, also merits consideration. If such regions – for example, along the 'Atlantic Arc' or around the North Sea arena – can be meaningfully defined in fishery terms, might they not form an element in an overall organizational structure which leads to a more rational use of Europe's over-exploited fisheries?

(Wise, 1996: p. 156-157)

Systems of regional management and advice at an EU level could also offer benefits in other important respects. It has been argued, for example, that ICES areas represent good proxies for macro-ecological regimes such as the North Sea or Irish Sea, and therefore provide the most appropriate framework to embrace emerging ecosystem management objectives (Symes, 1999b). In fact, Schramm and Hubert (1996) have posited that the challenges posed to traditional management objectives by a shift in management philosophy in favour of ecosystem management call for greater collaboration between government and stakeholders. Ecosystem priorities may, therefore, potentially provide the stimulus for, and dictate the form of, enhanced approaches to regional co-operation and user participation in fisheries.

Macro-level co-governance - key issues and challenges

Co-governance at the level of policy formulation is not an entirely new phenomenon in European fisheries, albeit it seems poorly developed within the UK and EU policy systems. Indeed, in a number of individual European states, structures resembling national advisory panels are already set within well developed and formalised systems of centralised consultation. The 'Scandinavian negotiation economy' (Nielsen and Pedersen, 1988), for example, permeates the specific approach to fisheries governance within both Denmark and Norway. Both have strong traditions of user participation at the level of policy development, and the relation between user groups and government tends to be characterised more by negotiation than consultation. Hence, throughout most of the century and particularly since the 1970s, Danish fishermen's organisations have been formally integrated within the policy formulation process and have been able to influence the principles and objectives of resource allocation and regulation (Raakjaer Nielsen, 1992, 1994;

Vedsmand *et al.*, 1995; Phillipson, 1998a). Integration occurs through two advisory boards, the Regulation Advisory Board and the EU Advisory Board. Each consists of a wide range of interests and sectors, though the catching sector has the greater proportion of seats on both. Through both systems this group is able to exert considerable influence on structural and regulatory policy within Danish fisheries. Indeed, the yearly advice of the Danish Fishermen's Association is often synonymous with decisions of the Regulation Advisory Board (Raakjaer Nielsen, 1992, 1994); this success is facilitated by effective systems for internal representation as well as a high level of organised interest within this single Association. A more developed system of co-governance is in place in Norwegian fisheries through the broadly constituted Regulation Council, though again this consists of a predominance of industry representatives. Here high level contact offers formal recognition of industry views in relation to the development of regulatory policy. Though the Regulation Council is advisory, the Ministry will often choose to implement its recommendations (Hannesson, 1985; Holm and Mazany, 1995; Hersoug and Rånes, 1997).

Both Danish and Norwegian approaches are not without their critics and their criticisms may have relevance to the framework of APs and AMCs outlined in the present chapter. Some, for example, have argued that the systems may not go far enough in allocating responsibility to industry, notably in areas of European decision making (Raakjaer Nielsen, 1994). The arrangements have also been criticised on the basis of them being cumbersome, given problems associated with reaching agreement among diverse interests, and as leading to compromise or short term outcomes (Hersoug and Rånes, 1997). In fact, it has been argued that the catching sector in Norway has exerted too much influence on the direction of policy, that the system is heavily centralised, and that it inadequately represents the small boat sector (Hersoug and Rånes, 1997). Here the tendency has been for a shift from corporatist arrangements, where the catching sector exerted considerable influence, to increasing pluralism, through a weakening of the position of fishermen's organisations and the entry of new actors into the policy community via the Regulation Council (Holm and Mazany, 95).

In conceptualising co-governance at the level of policy formulation in the UK - through APs and AMCs - the wide range of choices and dilemmas surrounding the architecture of devolved management systems in general, such as the scale and breadth of representation, appear to be particularly significant. Elaboration and negotiation of this institutional detail would itself be a significant challenge, especially in reaching agreement over the precise formula for representation. Jentoft and McCay (1995) have warned that there is a significant risk of boycott

or sabotage of co-management systems by participants who may feel alienated within the system of representation¹. Indeed, while AP membership may appear to be representative of interests across the board, this would clearly be a matter for much debate given differential stakes in the fisheries and may lead to difficulties with respect to obtaining legitimacy for the advice generated. It is likely that fishermen's federations, with established informal channels of communication with government, would be concerned at widening the scope of representation within a new formal consultative arena. Already some argue that too many competing voices are approaching central government and thus undermining their status as 'national' representatives.

Some of these issues feature in responses to a consultation document outlining the AP and AMC structures and discussed with fishing industry representatives (Symes *et al.*, 1995c). Several actors stressed the importance of ensuring fair representation within the structures and called for some marginal changes in the proposed distribution of seats. A former official of the NFFO argued in stronger terms that representation was too broad:

One of the industry's main concerns was too many organisations, too many 'bums on seats' and too many individuals seeking to promote their own egos. The make up of your committees stinks since it is far too complex and needs rationalising. ... To involve Seafish, merchants or statutory conservation bodies where they have no direct involvement merely muddies the waters.

In a similar vein, a fishermen's representative from the Highlands and Islands felt that the APs might degenerate into 'open warfare', given the diversity of interests involved. There was a particular concern with the potential domination of AMC proceedings by producers' organisations. The chief executive of the NFFO, who was generally supportive of the notion of dealing with issues at the regional level, identified a need for the system to incorporate effective conflict resolution mechanisms. However, both national fishermen's federations considered that given the proposed number and breadth of involved interests, there would be a danger of participants being unable to agree and suggested that representation be more focused and flexible depending on the issues at stake. They also stressed the need to prevent a disengagement of existing interests and linkages between the different ICES areas. Both federations were generally satisfied with the *ad hoc* nature of their existing contacts with the fisheries departments. Indeed, there was a general concern with the lack of time available for consultation and the incorporation of too many interest groups within present arrangements.

The existence of a set of regional advisory structures, as opposed to a single national panel like that in Norway or Denmark, might also be seen to further fragment and dilute, rather than unite, the voice of industry. While this may in practice be the case, it is feasible that given the existing level of dissonance within the fishing industry, a regional system might offer more scope for reaching a consensus over contentious issues. It is also possible that the existence of Area Management Committees might help to smooth the decision making processes within the APs but, in their role as co-ordinators at regional level, they could also be confronted by representational and consensus limiting factors.

Most of the respondents to the consultation document considered the AP/AMC framework as offering a more effective approach to policy formulation for UK fisheries. One fishermen's association chairman, for example, saw the proposals as "underlining the importance of no fisheries legislation being enacted without full consultation or the sanction of the AP". There were, however, some reservations over the bureaucratic complexity of such an organisational framework, the extensive numbers of personnel involved, and the constraints it might place upon the functioning of the decision making system. One FA chief executive expressed scepticism that APs would become another layer of discussion but without clear objectives. Similarly, a PO chief executive did not feel that "a proliferation of regional and national committees in addition to what already exists could expect any support or success". Finally, a SFC senior fisheries officer considered that "adding to the already over-complex levels of decision making will help no-one" and that "those in the know did not have time on their hands to attend meetings".

The crucial test, however, is likely to rest with the level of importance that key actors attach to the deliberations within these structures. One PO chief executive, for example, thought the main difficulty would rest in the government's own attitude to consultation. In a similar vein a County Councillor noted:

I would agree with the general principles of these panels and committees. ... I would think that the real problem would be to convince the government to seriously listen to anything the industry said.

It seems, therefore, that APs and AMCs would be taken most seriously by their constituent members if they were permitted to play an integral role in the policy making system. Otherwise they may quickly be bypassed or seen, as one industry representative put it, to be time consuming 'talking shops'. APs and

AMCs, as depicted in this chapter, remain advisory rather than executive decision making structures. It may be that a more developed decision making remit would serve to raise their profile, strategic significance and durability in the perceptions of the involved actors. A more extensive level of empowerment within APs and AMCs would require a more radical shift in the distribution of power within the existing policy framing system. The same is also true concerning proposals for executive regional management structures within the EU. It is unlikely that the European system of fisheries governance would fragment into a series of regional councils as portrayed by Symes (1998b). This would require commitment to major alterations in the European political machinery, significant levels of linking mechanisms to co-ordinate between separate councils over transboundary and multi-jurisdictional issues and a willingness between disparate actors in different Member States to co-operate constructively². Given these circumstances, a European based regional advisory and consultative approach, developed initially at the Member State level through systems resembling APs and AMCs, would seem the more practicable opportunity.

It appears, however, that UK based advisory systems would also lack the necessary support from central participants. Perhaps the greatest level of scepticism concerning these institutional approaches is found in senior civil servants. While there is acknowledgement that there is a gap in the working relationship between fishermen's organisations and regulators, they tend to attribute this to the structure of the fishing industry itself rather than to organisational routines or perspectives within central government. Thus, they point to the fragmented nature of industry representation and the difficulty of locating a single industry voice, as being detrimental to effective communication and as limiting opportunities for co-management. A senior MAFF Civil Servant, for example, highlighted the industry's difficulty in presenting unified views and the divisions among fishermen's organisations at all levels, contrasting this situation to that of agriculture and the NFU. In this respect the Fisheries Department considered itself in a no-win situation given the different perspectives within the industry. Criticisms of ineffective consultation, simply on a basis that the government does not follow the industry viewpoint in every case, were considered to be unrealistic, and were attributed to the simple fact that the government's role as regulator in circumstances of resource scarcity is unpopular and ultimately restricts fishermen's freedom. Finally, fishermen's representatives were often considered unsophisticated and insufficiently conversant with the style and process of negotiation necessary for effective participation in policy formulation. In summary, therefore, the proposals for APs were discounted as "meaning a lot more people spending more time in meetings". Existing consultation mechanisms were already seen to

be appropriate and as allowing regular opportunities for contact with fishing leaders, albeit within narrow time constraints. More formal systems would be inflexible and difficult to mesh with existing procedures for decision making.

A senior Scottish Office official also attributed the fishermen's sense of remoteness from policy to the industry's own "structural clamour". In particular, he saw inadequacies in the ability of fishermen's federations to effectively represent their grassroots associations. While he acknowledged a need for enhanced transparency in the policy process, this was for the industry to rectify through improved representation within federations and through enhanced efforts to explain to members why policy decisions had been made in the face of consultation³. Thus, the official was also content with existing levels of consultation and argued that a system along the lines of APs, involving a meeting of "all the great and the good", would serve only to rigidify what is now a flexible and informal system, involving key individuals within the industry "in confidence". Formal consultation, which he perceived to be more the norm in MAFF, was seen as offering fewer dividends and was only important for larger issues⁴.

The government officials were also conscious of their own position as receivers of policy directives from the EU over which they may have little control. In this sense MAFF saw themselves in a position of reacting to, rather than participating in, the generation of policy. It was argued, for example, that the industry often forgets that the departments are dealing with broader issues set within international negotiations and that the UK is ultimately confined by them.

Overview

The initiation of user participation at the level of policy development represents an important issue in the debate over UK fisheries governance. Whilst some fishermen's organisations have already evolved to undertake management functions, their level of involvement in policy making appears less well established. APs and AMCs would represent new organisational forms and their development would undoubtedly be a formidable institutional challenge given the negative perceptions and attitudes among key participants. The difficulty lies in developing new and accepted institutional structures and in coping with the resulting institutional disturbance that this would entail. Jentoft (1989: p 144) has already warned that "when organizational formation becomes a component of the new regulatory strategy, co-management becomes a more ambitious, and certainly a more complicated process". Indeed, the general challenges associated with the development of co-management systems, such as

the implicit reconfiguration of institutional relations, representative systems and power relations, would seem particularly relevant in this potential case of institution building.

Notes

- 1 Mayntz (1993) has similarly noted that a high degree of organisation among involved interests within a policy area, while arguably offering enhanced possibilities for involvement within the policy system, may also potentially hamper governability if blocking tactics are used by dissatisfied participants.
- 2 In fact, in a separate paper, Symes (1995a) notes a weak tradition in inter-state co-operation in management, which may pose a significant challenge to supra-regionalisation. He suggests: "There is little evidence to date that formal collaborations between states either increases the effectiveness of fisheries management or raises the level of selfless moral concern for the future of the global commons. Indeed the evidence tends to point in the opposite direction: individual nation states use the collaborative frameworks for their own ends either in pursuit of new advantages or in defence of the *status quo*" (Symes, 1995a: p. 10).
- 3 In fact, the chief executive of the SFF acknowledged that there were difficulties in reaching a consensus view, though put this down to the lack of time available within the consultation procedure to allow for full consultation of individual local associations and branches.
- 4 In practice, the idea of APs was never intended to replace the regular and informal contact between fishermen's organisations and government, but rather to form an additional, and more meaningful, defined and systematic system of negotiation over strategic issues. Though this misinterpretation may signify a lack of clarity in the original consultation document, it also perhaps reflects differing perspectives as to the level of radicalism within the proposals. The APs are conceived in ideal terms as incorporating a changed 'state of mind' among actors (Symes, 1997b) and a fundamental commitment to co-operation. Several respondents appear to have seen the proposals only as marginal adjustments to, rather than radical departures from, the existing system.

Chapter 6

CONCLUSIONS

The preceding analysis has discussed opportunities for providing a more coherent and integrated system for UK fisheries governance, which would provide the catching sector with a strengthened role within the policy process. To date, the organisations that make up the industry have not been sufficiently involved within the management system and their knowledge and expertise have been under-utilised. This oversight is associated with a number of governing problems relating to the legitimacy and rationality of governance.

The volume has elaborated and discussed possible avenues through which such institutional needs may be addressed. At the meso-level greatest advantage would be gained through strengthening and consolidating the internal configuration of existing organisations, notably producers' organisations and Sea Fisheries Committees, while at the macro-level the main focus is upon institutional linkages and the development of new frameworks for consultation and policy development. It is necessary for both macro- and meso-level opportunities to be addressed in tandem¹ for there to be maximum gains in terms of 'participation capital', that is benefits accruing from the participation of user groups in management.

Such ideas for institutional development do not appear overly radical; the existing hegemony remains intact and there is recognition of established boundaries of responsibility and the present positioning of leading organisations. Furthermore, overall control of fisheries management remains with the central state and there are no significant challenges to existing forms of property rights. Despite these tendencies, the notion of co-management still faces a large number of constraints when considered in the context of the UK fishing industry. These relate to the conditions and institutional change necessary for its development, as well as to the mechanisms and structures that contribute to its routine functioning.

Initiating co-governance - the challenge of institutional change

The development of co-management arrangements is likely to involve a number of potential problems relating to the question of institutional change. Perhaps the greatest is to be found in the general reluctance of vested interests within the state and industry to shift the foci of responsibility or reposition core institutions and actors within the policy system. As co-management implies a redistribution

of responsibility and power, its development will face difficult challenges and, according to Holm (1996), will be fraught with dangers. As Pinkerton (1989b: p. 29) has observed, “the motivations and attitudes of key individuals can make or break co-management”.

In addition to a general lack of appreciation of each others' views and discourse, the research suggests that both core parties lack trust and confidence in one another's motives and capacities. The state admits it is reluctant or unable to fully assimilate fishermen's organisations within the policy process, and blame is attached to the widespread division and politicisation among organisations, doubts relating to the representativeness of their membership and their capacity for internal discipline; at times, the comments of officials appear to be quite disparaging in their assessment of the potential contribution of fishermen's organisations. Thus, as Pomeroy and Berkes (1997) have noted, a reluctance on the part of government to share management authority cannot simply be interpreted as a self-serving motive to hang on to political power; there may be well considered reasons for scepticism over devolved management systems. Occasionally, however, there is a sense that government may be expecting too much of industry. While a unified fishermen's organisation representing all fishermen would represent an easier prospect for being incorporated within the policy process, this may be an unrealistic demand given the diverse nature of the industry. Furthermore, it is feasible that the industry might be encouraged to unite only after it is offered a place in the policy system or given a chance to play a more pro-active role.

Whilst it would seem doubtful, therefore, that government would willingly cede more fundamental levels of responsibility to fishermen's organisations, it also appears uncertain whether the industry would be in a position to effectively partake in change given a number of factors at the organisational level. This is not solely a question of capabilities, divisions, levels of professionalism or simply a resistance to change *per se*. Institutional reform does not appear to be a high priority within the aspirations of many fishermen's organisations. Enthusiasm for a more active participation within the policy system, more widespread at grassroots level among fishermen, is only occasionally present within the industry's managerial class. There are more pressing problems, such as fleet over-capacity and structural adjustment, dwindling membership figures, regulation issues and declining quota or fisheries resource levels. For many organisations and fishermen, conceptualising new institutional forms appears too distant from their day to day fight for survival. At the same time, leading fishermen's organisations, already positioned favourably within the industry set-up, also appear anxious to protect the *status quo* and prevent any erosion of their position *vis-à-vis* other interests.

Some fishermen's organisations also appear to question the level of positive gains which would emerge from their more active participation in the management system. There is scepticism, for example, as to whether there would be a real change in the government's attitude towards co-operation or that new approaches would have a real impact on policy. Given a perceived imbalance in the distribution of power and access to knowledge in favour of the state, others question the likelihood of a fundamental sharing of influence within co-management. Finally, some fishermen's organisations also appear unwilling to accept responsibility for a management system in crisis and for the socially unpopular decisions that this would entail.

Finally, for fishermen's organisations to make up the deficit identified by government, in terms of the required levels of professionalism which would allow them entry into the policy making process, this may place particular demands on their established modes of operation. In effect, involvement in the policy system may potentially be seen as tying the hands of industry, who have traditionally adopted strategies of resistance in their dealings with central authorities. This issue is noted by Murdoch (1995) in the context of attempts by the Farmer's Union of Wales to achieve 'insider' status within the policy community which, he argues, led to a loss of radicalism given their incorporation within the prevailing policy discourse. Smith (1993) has also noted the importance of what might be described as participation rules, which govern how participants must behave if they are to gain access to policy networks. In particular, "they will act constitutionally; they will accept the final decision of government; they can be trusted; the demands they make are reasonable ... [they] must forgo conducting high profile campaigns" (p. 61).

Obtaining a shift in governance in favour of co-management would therefore appear to represent a significant challenge and may be one reason why UK and EU bureaucracies have been slow to 'hollow out' in terms of their governing approaches to fisheries. It seems, however, that notions of industry participation and regional management are increasingly becoming vogue terms within political rhetoric². For example, these issues featured strongly in the proposals of the UK industry and other interested parties during the European Commission's CFP consultation meetings (CFP Consultation, 1998a, 1998b) and in the earlier findings of the CFP Review Group (Common Fisheries Policy Review Group, 1996a, 1996b). According to the European Commission, ways for decentralising the CFP would be a main area of consideration in the run up to the review of the policy in 2002 (European Commission, 1999a: p. 70). The European Parliament has also highlighted the importance of regional management and the involvement of fishermen in decision making as a means of promoting a more sensitive approach and greater compliance with the

Common Fisheries Policy (Gallagher, 1999). As yet, however, there has been little progress made in operationalising these ideas, though the European Commission has instituted a set of pilot zonal consultative committees, involving practitioners and national administrations for a selection of sectors³ (MAFF, 1997c).

It is feasible that some participants would have sufficient action potential to initiate a trend within the institutional framework towards co-management, notably those positioned centrally within the political machinery of the EU. Experience suggests, however, that the EU system is less flexible in orientation, given its complexity of organisation and well defined set of established interests, and has tended to steer a course towards equilibrium and maintenance of the *status quo* (Symes, 1995a; Kooiman *et al.*, 1999; Jentoft *et al.*, 1999). As a result, institutional change has been incremental rather than innovative and ideas for a significant overhaul of governing approaches may therefore be unrealistic.

There may potentially be a role for the deepening governing crisis in stimulating institutional change, as argued by proponents of co-management (Pinkerton, 1989; Sen and Raakjaer Nielsen, 1996). However, the effects of crisis would seem, in practice, to be unclear. On the one hand, as the problems of the fishing industry mature there is an increasing need to engender co-operation, draw upon user knowledge and legitimise the management system; here crisis is seen as having a positive influence on organisational development. On the other hand, it is difficult to predict positive institutional changes within such an environment. Under conditions of crisis there are signs that the industry may further fracture and politicise, posing difficulties for user participation, or that it may be unwilling to take responsibility for a system in severe difficulty. It is therefore hard to resolve whether co-management arrangements are more likely to emerge within 'fair weather' or crisis environments. They are arguably vital in both contexts in order to avoid and ameliorate crisis; the ideal solution would be to develop participation as a matter of routine rather than after a crisis has emerged.

It is probable that incremental institutional adjustments would be as relevant as crisis induced, 'big bang' organisational development. Several of the parameters of co-management relating to scale, participants and the allocation of responsibilities, would most likely be determined in the context of marginal change and certainly against the background of what already exists in the institutional framework. This has been the approach adopted in considering the potential structuring and viability of co-management arrangements in the present book which follows the perspective of institutional development as

being predominantly incremental and the product of cultural and political processes (North, 1992)⁴. It is evident, however, that some of the institutional designs elaborated do represent relatively new approaches, which would face challenges associated with their meshing within the existing institutional framework. This is the case for Advisory Panels, for example, where co-management would be initiated through a partial transfer of initiative for policy generation from the state, acting as the sanctioning agent for such a transfer, to user groups. There is little doubt that co-management arrangements which are developed in this top-down manner will face greater challenges in embedding themselves within the system of institutional organisation. This was also seen in Spain where the EU encouraged the development of producers' organisations in the face of the well established and widely accepted system of local guilds or *cofradías* (Alegret, 1996) and which highlighted that attempts to encourage co-management should aim to build on existing organisational fabric.

Relatively moderate adjustments in the institutional framework could serve as platforms for more fundamental developments, through providing both government and industry with an opportunity to develop greater trust in each others' capacities and learn the benefits of co-operation, features which are currently lacking in the UK. Pinkerton (1989b) identifies a similar need based upon Canadian and US experience and calls specifically for a breaching of psychological barriers to co-operation and enhanced social learning among actors. Marginal steps towards co-operation are seen as valuable in modifying perceptions and in encouraging constructive interactions. In this process Jentoft *et al.* (1999) place particular significance on organisational learning and the development of trust, commitment and collaboration, which they consider must be eased among involved actors. In this sense governance is "not only about problem solving *per se*. It also involves the construction of the very social and cultural conditions on which problem-solving and opportunity-creation depends" (Jentoft *et al.*, 1999: p 241).

Sustaining co-governance - durability and governability

The analysis suggests that there are a number of additional institutional and structural constraints which would influence the effective functioning and durability of a co-management system in the UK. In the first instance there appear to be a series of implementation issues and practical concerns. More formal arrangements for consultation through a system of Advisory Panels may, for example, cause unacceptable delays within the established decision making procedures; this problem may be exacerbated where there is need for complex negotiations in order to reach a compromise position⁵. Proponents of co-management would argue, however, that compensatory time and cost savings

would be made at the level of policy implementation if the regime was seen to be more legitimate by fishermen as a product of their co-operation at the policy making stage (Sen and Raakjaer Nielsen, 1996). Nevertheless, this highlights an important issue concerning the flexibility of co-management systems. Though a case can be made for greater adaptability, given the involvement of local actors within the management system, this is tempered by additional demands placed upon the policy process by the systematic and legally based involvement of additional participants.

Although additional financial burdens are unlikely to be significant, the question of who pays for co-management may prove a contentious issue; indeed industry representatives often felt the EU or UK government should cover any additional costs. Both government and industry would, however, likely be beneficiaries of the system and this may suggest that financial responsibility should be shared. For example, government would gain from the professional advice engendered by Advisory Panels and Area Management Committees and from potentially reduced enforcement costs through more legitimate management approaches, while industry would be offered an integral role in the policy system.

It is also evident that there are various issues of balance which need to be resolved within the routine functioning of co-management systems (Phillipson, 1998a). A recurrent theme has involved the politics of participation. This relates to the question of who should participate in co-management and, more particularly, how broad should be the basis of representation, whether systems should incorporate a multiplicity of interests or a single interest basis. Solving this dilemma represents the key to the overall success and legitimacy of co-management. On the one hand, under the plural system, there is the possibility for more integrated approaches to fisheries management, drawing upon perspectives and knowledge bases from a range of actors. On the other hand, single interest systems may mean that users have increased scope to handle responsibilities given more focused objectives and, for the UK catching sector at least, are seen to represent the more legitimate approach. The institutional arrangements considered in this volume have, in fact, incorporated both multiple interest systems of consultation, through Advisory Panels and Area Management Committees, as well as the delegation of management responsibilities to specific interests within fishermen's organisations.

It has also been posited in the analysis that the fishing industry will be more willing to co-operate positively in the policy system if it is given a real forum in which to do so and an integral level of responsibility, as implied by co-management. It appears, however, that there is a challenge in formulating the

correct balance of influence. The industry cannot be given too much, or autonomous, influence within the policy system, or as one fishermen's representative put it, "fishermen cannot be let loose on decision making". This would mean less public accountability, the risk of the system being 'captured' by commercial interests, and the forfeit of the state's contribution in providing a transnational perspective and enforcement infrastructure (Jentoft and McCay, 1995). Indeed, there has occasionally been criticism that fishing industries have held too much influence over policy decisions as, for example, in Iceland (Jentoft and McCay, 1995), Norway (Hersoug and Rånes, 1997) and the U.S. (McCay, 1992). At the same time, the industry's exclusion from vital areas of decision making may lead to significant governing problems, as suggested in the UK. These problems are exacerbated by the role held by EU institutions in developing overall fisheries policy which, in addition to partially restricting the scope of Member State based approaches to co-management, serves to further divorce UK fishing interests from overriding areas of policy making.

Where responsibilities have already been delegated to UK fishermen's organisations, it is evident that the central state maintains an overarching influence over the management system and over the implementation of specific tasks. There is a range of issues relating to the role that is or should be played by the state in the governing of co-management systems (Pomeroy and Berkes, 1997). The state has a role in enabling the development of co-management through providing a facilitative and co-operative policy environment and, where necessary, legal, financial and infrastructural support. However, the experience in the UK highlights a continued role for central government departments within existing devolved management arrangements which, while allowing it to maintain its grip on the policy environment and in effect steer it from a distance, has imposed limits on the flexible functioning of the systems in place. A lack of effective co-ordination within the UK fishing industry, which does not lend itself well to it being incorporated more fully in the policy development process, may further legitimise the state's influence in the present system.

State participation is necessary in order to provide a degree of public accountability within management. A challenge to the sustainability of co-management systems appears to relate to the issue of democratic accountability. It has been argued elsewhere that institutional reforms which are inspired by ideals of participatory democracy, may be exploited for private, rather than common, interests (Jentoft and McCay, 1995). Jentoft (1989) also notes how "democratic organizations are often victims of oligarchic tendencies, group rivalry, conspiracy, and elite expropriation. Consequently, instead of advancing participant democracy, delegating responsibility can be a contribution to the consolidation of rigid, inequitable power structures" (Jentoft, 1989: p. 149).

Doubts over the accountability and inclusiveness of co-management arrangements have also been expressed in relation to the development of corporate-led local management approaches in the UK, involving the partition and privatisation of shellfish laying and propagation rights by individual companies and entrepreneurs (Thom, 1998).

Harbouring the gains from user participation for the benefit of public or collective interests remains a complex task and a key challenge for co-management. Co-management clearly offers specific actors influence within the policy process and this will lead to a sense of exclusion for some groups and a questioning of the motives and priorities of core interests. The small boat sector in the UK is already critical of the rationale behind the allocation of quota management responsibilities to producers' organisations, which they consider represent a narrow set of economic interests. They further doubt the ability of co-management systems to deliver equitable outcomes through allowing fishermen's organisations to determine resource allocation decisions. The present analysis has also raised some questions over the representative capabilities of fishermen's organisations and their capacity to represent an industry perspective or make decisions on its behalf.

In a similar vein, the particular interplay of the vested or competitive interests of individual members with the overall economic objectives and functioning of fishermen's organisations, also appears to undermine the capacity of organisations to fulfil collective objectives or resource management responsibilities and therefore effectively partake in co-management. This highlights an important symbiotic link between what might be termed the micro-level of governance, involving the actions of individual fishermen or enterprises (Dubbink and van Vliet, 1997), with that of the collective or meso-level, involving the organisations themselves. The apparent discontinuity between these levels seems to represent a central challenge within a wider set of potential barriers to co-management relating to the internal structuring and configuration of fishermen's organisations and to divisive tendencies between organisations. Here the pressing need, and perhaps a prerequisite to co-management, is for greater co-ordination among fishermen's organisations, together with consolidation and development of their internal structures and procedures. A similar conclusion is provided by Jentoft and McCay (1995: p. 245) who argue that "the process of involving user groups in fisheries management should start with organizational formation and development rather than delegation or decentralization".

Meta-level governance

Subsequent to the analysis of constraints facing the development and implementation of co-management in the UK, it can be posited that there is an additional set of what Kooiman *et al.* (1999) term meta-level⁶ influences, which play a contextualising role and determine the viability and nature of alternative institutional approaches.

Political culture possibly forms the core meta-level influence on governance (Phillipson, 1998a). What is emerging in the analysis as discordance between the UK fisheries policy system and the notion of co-management may be symptomatic of the wider political culture within which approaches to governing and user participation are framed. It is necessary to consider fisheries governance within the context of national political culture which incorporates the democratic or participation tradition and which is influenced by organisational and management history within the broader policy environment.

In this respect, Almond and Verba (1963) have noted that in some cases there are 'participant' national political cultures, in other countries more bureaucratic or 'subject' political cultures. At the same time, there may be variation in the degree of participation between different industrial sectors or sub-sectors within a state, as for agriculture and fisheries in the UK. When compared to other European states, such as Denmark or Norway (Raakjaer Nielsen, 1994; Hersoug and Rånes, 1997) which represent typical examples of the 'negotiation economy' (Nielsen and Pedersen, 1988), the UK appears more centralist and government-led in its approach to governance:

... the British state is highly secretive, with access to central government controlled by civil servants. As a result the British state has a tendency towards elitism. Decisions are made by a small number of Ministers and civil servants.

(Smith, 1993: p. 9)

Consultation does not take place within an arena that encourages a consensually-established rationality ... It is a style which reserves to government the right to decree authoritatively what is in the 'national interest' ... the dominant tendency is for interests to be taken into government rather than the latter moving towards society.

(Smith, 1989: p. 238)

Fisheries management, which has been seen in the main to be centrally determined and state-led, would therefore appear to fall into line with this

overall categorisation of the UK governing approach. This would further highlight the significant challenges associated with realising co-management proposals in the face of established governing traditions.

Another important contextualising influence appears to be that of institutional or regulatory tradition⁷. In UK fisheries, the institutional tradition has been seen to be characterised by a complex structure of institutional organisation, a profusion of regional and sectoral interests and marked organisational fragmentation. Such a tradition, coupled with the influence of a centralised and top-down approach to policy development as a reflection of the wider political culture, appears to have influenced the development of arrangements for user participation. For example, division among the range of involved interests within the industry makes their inclusion within the policy community problematic⁸. Institutional tradition also calls for a pragmatic approach to co-management which builds upon existing organisational fabric and interests. This would support the observation of McCay and Jentoft (1996: pp. 246-47) who argue that “in fisheries management there is no clear-cut, once-and-for-all, practical solution to the question of institutional design. Neither is there a standard model that could be implemented regardless of context. A fisheries management system must address the particular problems and challenges that prevail in the specific country and fishery”.

Final remarks

A restructuring and strengthening of the current institutional configuration within the UK, with a view to greater recourse to user participation, would address a number of needs arising from conventional approaches to fisheries governance. However, while the notion of co-management has been promoted as offering a series of anticipated benefits, it does not represent a panacea for all governing problems in fisheries. Indeed, the analysis has shown that there are a number of obstacles and challenges to co-management, not least the difficulty of initiating and implementing new institutional approaches. Difficulties would likely be faced, for example, in reaching agreement over the detailed design and functioning of the system. Also significant would appear to be issues concerning organisational capabilities, aspirations and traditions that exist throughout the political and institutional environment. In fact, the realities of institutional change, the political context and the legitimacy of organisational development would seem to necessitate an incremental and practicable approach to the development of co-management.

As a mode of governing, co-management would appear to have varied form and utility depending on the context in which it is placed; there does not appear to

be a single model or design. In this analysis several facets of co-management have been explored in the specific institutional setting of the UK and at different levels of governance. Co-management represents only one component of governance, to be coupled with a range of other concepts. Its complementarity to the notion of regionalisation has, for example, partially featured through the consideration of regionally based advisory structures⁹.

Fisheries represent a useful context in which to consider the theme of governance. Indeed, several elements have featured prominently within the analysis. The importance of institutional organisation for the functioning of fisheries management has been highlighted and is characterised by a division of responsibility among a range of actors, from supranational to local levels. Equally significant is a range of procedural factors, including the mechanics of user participation in the policy process and, more particularly, questions of representation and democratic accountability. It has also been seen how effective governing approaches in fisheries rely on interdependencies between actors within the fishing industry – this is reflected in the notion of co-management which represents a ‘network’ perspective within the governance debate. Finally the multi-level nature of governing questions has been highlighted and the importance of developing an integrated approach. At each level there are different issues at stake, such as the nature of internal organisational configuration at the meso-level, the extent of positive interactions among actors at the macro-level and the overarching influence of political culture and institutional tradition at the meta-level.

It would seem relevant for future analysis to explore further the issues associated with developing new approaches to fisheries governance. Particular attention might be given to the question of institutional change and the means of encouraging positive organisational development. Here the role played by political culture in framing governing approaches deserves further consideration. From the perspective of co-management, further attention is required to the distributional implications of this mode of governing. Who, for example, would be the winners and losers in the redistribution of influence and rights within such an institutional approach? It can also be argued that further consideration should be given to the means of operationalising co-management in terms of the constitution and structuring of organisations, the delegation of specific management tasks and the choices concerning who should participate in such a system. Here a challenge is to be found in incorporating within co-management a more encompassing definition of ‘user group’ to include, for example, downstream interests, environmental organisations and consumer groups *inter alia*. While these interests may currently find themselves positioned outside the formal boundaries of fisheries management the signs are

that, particularly in the context of inshore fisheries, the pattern of governance is shifting in favour of a plurality of involved interests. Future co-management approaches may therefore resemble pluralist, rather than more corporatist or narrowly defined systems of user participation. Finally, further attention is required to the relation between, and effective combination of, alternative methods of governing. How, for example, might notions of regional management or alternative property rights regimes be embedded effectively within co-management approaches? These questions would seem to be positioned at the forefront of the emerging debate concerning governance in fisheries.

The future governance of UK and EU fisheries is likely to involve increasing challenges as we enter the new millennium. These are certain to be multi-faceted and will place additional pressures on those involved in the industry to find novel solutions and approaches. Notions of co-governance may represent an important piece in the overall jigsaw. It is probable, however, that co-management has an uncertain and frustrating future as it would likely face significant challenges in overcoming established political and institutional routines and in departing from overriding governing traditions. What seems to be clear, is that for co-management to move beyond a position of wishful thinking, much will depend upon the ability of core actors to learn to co-operate with, respect and trust one another - here, the maturing governing crisis may play its part.

Notes

- 1 Symes (1997b) has similarly argued that consultation and delegation of management authority need to be combined for the overall management system to be legitimate.
- 2 This situation appears in contrast to the thinking among actors in the mid-1990s, when only a handful of small fishermen's organisations saw merit in the notion of regionalisation, though primarily as a means of excluding other fishermen from fishing grounds. Many commentators feared that regional management would mean their potential exclusion from traditional fishing areas or a loss of flexibility of operation, and pointed to the mobility of fishing practices as preventing this approach.
- 3 Irish/Celtic Sea demersal, Atlantic pelagic, Baltic cod, Atlantic tuna, External waters and North Sea flatfish.
- 4 Devolved management arrangements in Norway and Japan, for example, have long established roots and are seen to be the product of political change (Shima, 1983; Jentoft and Kristofferson, 1989).
- 5 In a similar respect it has been argued that user group involvement in fisheries management confronts a classic dilemma between 'internal democracy' and 'external efficiency' (Jentoft and McCay, 1995).
- 6 The term 'meta' is adopted by several authors in referring to more conceptual, higher level or theoretical considerations (Kickert, 1993; Jessop, 1995; Kooiman, *et al.*, 1999). Meta, denoting a change in condition or position (Collins English Dictionary,

1999), is used to embrace the parameters and processes which determine the overall management system and the nature of its development.

7 Smith (1993) has also argued that the influence held by pressure groups within the policy system depends very much on the historical, ideological and structural context within which they operate.

8 This contrasts markedly with the situations in Norway and Denmark, where fishing industries have been relatively well organised politically (Raakjaer Nielsen, 1992; Jentoft and McCay, 1995; Hersoug and Rånes, 1997).

9 Indeed, in similar terms, Symes (1997a) argues that there is considerable scope for an integrated approach embracing notions of co-management, regionalisation as well as privatisation, which he describes as the three co-ordinates of good governance.

Widening the Net

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