

Participation in Fisheries Governance

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Participation in Fisheries Governance

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**This book is dedicated to all those men and women who risk their lives in lifeboat
and air-sea rescue bids to save fishers in peril.**

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ACRONYMS

4M	Multi-species, Multi-fleet, Multi-area Modelling-package
ACFA	Advisory Committee on Fisheries and Aquaculture, EU
ACFM	Advisory Committee on Fishery Management, ICES
AGAC	Atlantic Groundfish Advisory Committee, Canadian fishing industry
AMA	Area Management Agreement
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas
ASF	Associated Fisheries of Maine
ASFC	Association of Sea Fisheries Committees, England and Wales
BFA	British Fishermen's Association
BTF	Back to the Future project
CAFSAC	Canadian Atlantic Fisheries Scientific Advisory Committee
CBD	Convention on Biological Diversity, UN
CCW	Countryside Council for Wales
CFP	Common Fisheries Policy, EU
CEFAS	Centre for Environment, Fisheries and Aquaculture Science, UK
CPUE	Catch-per-Unit-Effort
CSAS	Canadian Science Advisory Secretariat
CSTA	Council of Science and Technology Advisors, Canada
CUS	Coasts Under Stress project
DAFS	Department of Agriculture and Fisheries, Scotland
DEFRA	Department for Environment, Food and Rural Affairs, UK
DfID	Department for International Development, UK
DFO	Department of Fisheries and Oceans, Canada
DG Fisheries/DG Fish	Directorate-General for Fisheries, European Commission
DSCC	Deep Sea Conservation Coalition
DTI	Department of Trade and Industry, UK
EA	Environment Agency, UK
EBA	Ecosystem-based Approach
EC	European Community
EEAC	European Environment Advisory Council
EEZ	Exclusive Economic Zone
EFA	Exclusive Fishing Area
EFEP	European Fisheries Ecosystem Plan project
EFH	Essential Fish Habitat
EIA	Environmental Impact Assessment
EMS	European Marine Site
EN	English Nature
ENCFAN	European Nature Conservation and Fisheries Advisory Network
ENGO	Environmental Non-governmental Organisation
ENRC	Environment and Natural Resources Committee, Australia

EP	European Parliament
EPAP	Ecosystem Principles Advisory Panel, US
EPLPC	Eastport Peninsula Lobster Protection Committee, Newfoundland
EU	European Union
F	Fishing Mortality
FAL	Fishermen's Association Limited, UK
FAO	Food and Agriculture Organisation, UN
FASG	Fisheries and Aquaculture Strategy Groups, Wales
FEAP	Federation of European Aquaculture Producers
FEK	Fishers' Ecological Knowledge
FEP	Fisheries Ecosystem Plan
FIFG	Financial Instrument for Fisheries Guidance, EU
FK	Fishers' Knowledge
FMP	Fishery Management Plan
FRCC	Fisheries Resource Conservation Council, Canada
FS	Fisheries Science
GBRMP	Great Barrier Reef Marine Park
IBEC	Indian Bay Ecosystem Corporation, Newfoundland
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
ICZM	Integrated Coastal Zone Management
IEEP	Institute for European Environmental Policy
IQ	Individual Non-Transferable Quota
ITQ	Individual Transferable Quota
ISE	Iterative Stakeholder Engagement
JNCC	Joint Nature Conservation Committee, UK
LEK	Local Ecological Knowledge
LFA	Lobster Fishing Area, Newfoundland
LFAACs	Lobster Fishing Area Advisory Committees, Newfoundland
LK	Local Knowledge
LME	Large Marine Ecosystem
M	Natural Mortality
MAFF	Ministry of Agriculture, Fisheries and Food, UK
MAGP	Multi-Annual Guidance Programme, EU
MCS	Marine Conservation Society
MLS	Minimum Landing Size
MNR	Marine Nature Reserve (UK)
MP	Member of Parliament, UK
MPA	Marine Protected Area
MSC	Marine Stewardship Council
MSVPA	Multi-species Virtual Population Analysis
MSY	Maximum Sustainable Yield
NAC	Norwegian Allowable Catch
NAFO	North Atlantic Fisheries Organisation
NAMA	Northwest Atlantic Marine Alliance, US

NCA	Nature Conservation Agency
NEFMC	New England Fisheries Management Council
NEPA	National Environmental Policy Act, US
NERC	Natural Environment Research Council, UK
NFFO	National Federation of Fishermen's Organisations, England and Wales
NGO	Non-governmental Organisation
NMFS	National Marine Fisheries Service, US
NPAFC	North Pacific Anadromous Fish Commission
NSCFP	North Sea Commission Fisheries Partnership
NSM	New Social Movement
NSRAC	North Sea Regional Advisory Council
NTZ	No-Take-Zone
NWNWSFC	North Western and North Wales Sea Fisheries Committee
OSPAR	Commission for the Protection of the Marine Environment of the North-East Atlantic
OY	Optimum Yield
PAR	Participatory Action Research
PMSU	Prime Minister's Strategy Unit, UK
PO	Producers' Organisation
PP	Precautionary Principle
PVIS	<i>Productschap Vis</i> – Netherlands Fish Product Board
RAC	Regional Advisory Council, EU
RAP/ZAP/NAP	Regional/Zonal/National Advisory Processes, CSAS, Canada
RCEP	Royal Commission on Environmental Pollution, UK
RFERACs	Regional Fisheries, Ecology and Recreation Advisory Committees, UK
RMC	Regional Management Council, US
RSE	Royal Society of Edinburgh
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation, EU
SAP	Special Access Permit
SARC, STAR and	Committees of the National Marine Fisheries Service
SEDAR	Standing Committee on Research and Statistics, US
SEA	Strategic Environmental Assessment
SEERAD	Scottish Executive Environment and Rural Affairs Department
SFA	Sustainable Fisheries Act, US
SFCs	Sea Fisheries Committees of England and Wales
SFF	Scottish Fishermen's Federation
SFI	Sea Fisheries Inspectorate, UK
SIFAG	Scottish Inshore Fisheries Advisory Group
SNH	Scottish Natural Heritage
SPA	Special Protected Area, EU
SSB	Spawning Stock Biomass
SSSI	Site of Special Scientific Interest, UK
STECF	Scientific, Technical and Economic Committee for Fisheries, EU

SWFPO	South Western Fish Producers' Organisation
SWSFC	South Wales Sea Fisheries Committee
TAC	Total Allowable Catch
TEK	Traditional Ecological Knowledge
TK	Traditional Knowledge
TSF	Trawler Survival Fund, Maine
TWG	Tripartite Working Group, Scotland
UK	United Kingdom
UN	United Nations
US/USA	United States of America
USCOP	US Commission on Ocean Policy
VMS	Vessel Monitoring System
VPA	Virtual Population Analysis
WAG	Welsh Assembly Government
WGNSSK	Working Group on the North Sea and Skaggeak, ICES
WTO	World Trade Organisation
WWF	Worldwide Fund for Nature

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CHAPTER 1: THEORISING ABOUT PARTICIPATORY FISHERIES GOVERNANCE

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Abstract

This edited book is about participation in fisheries governance, which is an issue that has become fashionable during the last decade, partly because of dissatisfaction with the performance of fisheries management systems across the world; partly because of the increasing interest in the notion of ‘governance’ as a substitute for ‘government’ in a variety of policy sectors; and partly because of the growing popularity of the concept of stakeholder participation in all areas of decision-making. The purpose of this introductory chapter is to establish a theoretical framework within which the participatory mode of governance may be best understood. First, I explore the conceptual issues raised by the notion of governance. Second, I analyse and discuss the three main ways in which the notion of governance has been applied to fisheries management – the hierarchical mode; the market mode; and the participatory mode – focusing especially on the four sub-types of the participatory mode: industry self-governance; co-management; community partnership; and environmental stewardship. Third, I discuss the wider implications of the three different modes. Finally, I provide a synopsis of the chapters in the book, showing how they all focus in one way or another on the central imperative of contemporary fisheries governance – how to make greater use of participation in order to improve the quality of decision-making.

1.1 Introduction

It is a commonplace that many of the world’s commercial fisheries are in a state of crisis. As Blyth *et al* (2003:409) point out, in 2000, the Food and Agriculture Organisation (FAO) reports that 72-75 per cent of the world’s major fish stocks are either “over-exploited, fully exploited, rebuilding or depleted”. A recent report by the highly respected UK Royal Commission on Environmental Pollution (RCEP 2004: paras 1.7-1.8) refers to a “Crisis in the marine environment”, claiming that the seas “are being depleted of fish and other living creatures at an alarming and unsustainable rate.” Much of the blame for this crisis is levelled at the way in which fisheries are managed (RCEP 2004:para 5.109; van Vliet and Dubbink 1999:13; Jentoft *et al* (1999:239). Symes and Phillipson (1999:59) are in no doubt where the blame lies – with the ‘top-down’ or hierarchical mode that characterises ‘conventional’ management systems, but Holden (1994) argues for a reinforcement of the hierarchical mode. Other critics claim that only a suitably managed market system can deliver a sustainable fishing industry. However, a strong body of opinion favours a much more participatory mode of governance, linked to environmental imperatives to curb chronic over-fishing.

In this chapter, I examine the theoretical foundations and practical implications of the three main modes of fisheries governance – the still dominant hierarchical mode, and its two main rival modes, the market mode and the participatory mode, dividing the latter into its four main types: industry self-governance; co-management; community partnership; and environmental stewardship. My argument is that, although in the real

world we will find a mixture of all three modes of governance in which the hierarchical mode plays a leading part, there is increasing emphasis on the participatory mode of fisheries governance. In the last section of the chapter, I introduce the subsequent chapters in the book, showing where they fit into this schema or taxonomy of modes of fisheries governance, and pointing out their contribution to our understanding of the participatory mode. But first, I analyse the concept of ‘governance’.

1.2 The meaning of the term ‘governance’

The term ‘governance’ is ambiguous, spawning a variety of meanings (Pierre and Peters 2000:7). Political scientists such as Rhodes (1996:652) have associated it with the minimal state, the hollowing out of the state, public-private partnerships, corporatism, new public management, and policy networks. Often ‘governance’ is contrasted with ‘government’: during the 1990s, it became fashionable to denote a shift from the hard-nosed concept of **government**, with its connotations of a legally-based, centralised, sovereign state authority, formally elected, and possessing constitutional powers (including the right to exercise coercive force), ruling over a specific territory by means of an exclusive elite; to the soft-nosed concept of **governance**, with its connotations of a more informally-based, decentralised, shared, collective and inclusive decision-making structure, with multiple levels of engagement. According to Rhodes (1996:652-653), governance is less about making and enforcing authoritative decisions, than about extending decision-making outwards to embrace a wider public, thereby creating a culture of mutual respect between governors and governed. If government is founded on **consent**, governance is founded on **consensus**. Pierre and Peters argue that there has been a “gradual shift from ‘government’ towards governance” (2000:25), and that the “governing state has been replaced by an enabling state that governs to a large extent by co-ordinating and facilitating other powerful actors in society” (2000:12). However, in my view, ‘governance’ has not so much replaced government, as supplemented it, by adding more consensual processes for accomplishing its ends (Rosenau 1992:4).

Another governance issue is about the distinction between governance as a structure of decision-making, and governance as a set of principles. So far, I have been assuming that governance simply refers to *structures* (such as hierarchical, market or participant structures), but the literature also alludes to *principles* of governance, such as transparency, the rule of law, and equity. The European Commission, in its definition of governance, refers to principled elements, as we can see from the so-called “Roadmap” of the 2002 Common Fisheries Policy (CFP) Reform process (EC 2002:23 footnote 14): “Governance means rules, processes and behaviour that affect the way in which powers are exercised, particularly as regards openness, participation, accountability, effectiveness and coherence.” Some of these governance principles are, of course, directly connected to structures – such as the principle of participation. But others, such as the principle of the rule of law, are largely independent of structures. In what follows, I will include both structures and principles in my analysis of modes of fisheries governance.

1.3 Three modes of fisheries governance

Different writers suggest different typologies for modes of governance (Pierre and Peters 2000:14; Kooiman 1999a and 2003). But the most persuasive typology is that of van Vliet and Dubbink (1999:14), who suggest the following three modes: hierarchical governance; market governance; and participatory governance, and it is this typology that I have adopted.

1.3.1 HIERARCHICAL GOVERNANCE

Hierarchical governance is the ‘state-centric’ or ‘directive’ mode of fisheries governance, featuring a principal role for the state (van Vliet and Dubbink 1999:22). This is currently the most common mode of fisheries governance, though its dominance is now being challenged by both the other modes. Features of the hierarchical style of governance include its top-down structure, and its emphasis on legality, political legitimacy, centralisation, bureaucracy, interventionism, command-and-control, scientific elitism and exclusivity, and sense of public responsibility. Part of the rationale of the hierarchical mode is that fisheries are a public resource – an important element of the national heritage – and therefore, like other public resources such as air space, are a prime responsibility of the state. Fisheries cannot be either privatised or communalised, because that would signify that fish can be exclusively owned by either individuals or groups, whereas they are the property of the whole nation.

The ideological underpinning of hierarchical governance is captured in John Dryzek’s account of the environmental discourse which he calls “administrative rationalism”, or “leave it to the experts”, which places emphasis upon problem solving by a public-spirited elite of bureaucrats and scientists (Dryzek 1997: chapter 4; Frid, this volume). Decision-making is administration rather than politics, and the decision makers are the expert few, not the mass public. The psychological underpinning of hierarchical governance is Hobbesian – that human nature is self-centred and egoistical, and that the only way to avoid “the tragedy of the commons” (Hardin 1968) is to institute strict measures of control, backed up by force. Typically, this requires fish quotas, days-at-sea, decommissioning, satellite surveillance, and inspectors on boats and in ports to check that catches and landings do not break the rules. In other words, the stick rather than the carrot is necessary to discipline fishers’ behaviour that puts fish stocks at risk.

An example of the hierarchical mode of fisheries governance is the UK system (Symes and Phillipson 1999:70-71), where the most important decisions are made by a central government department – the Department for Environment, Food and Rural Affairs (DEFRA). Further up the chain of command is another example of hierarchical governance – the European Union’s (EU) CFP (Symes (1999a:5; Kooiman 1999b:160,166; Hawkins, this volume). It is true, Kooiman concedes, that national governments in the European Fisheries Council can, and often have, resisted the cuts in quotas (total allowable catches or TACs) proposed by the European Commission, but he argues that national governments do not have much influence over policy decisions. The fishing industry has even less influence. Even the much vaunted 2002 CFP reform process, with all its emphasis on consultation and transparency, was perceived by the industry to have been conducted in a very hierarchical fashion, as an editorial in *Fishing News* (27/9/02:2) makes clear:

One of the most striking aspects of the CFP reform package that is currently being drawn up is just how little input the fishing industry has into the detailed proposals. These are being worked out almost entirely behind the scenes by member state and Commission officials.

Moreover, in Article 11 of the proposed new Constitution for the EU (EC 2004), fisheries policy, under the “conservation of marine biological resources”, has been made one of four areas (the other three areas being “customs union, commercial policy, monetary policy”) where the EU will have “exclusive competences” (*Fishing News* 14/2/03:2), thus ruling out the possibility of devolving management powers to the newly launched Regional Advisory Councils (RACs) (*Fishing News* 1/10/04:5).

By contrast to most commentators and the fishing industry, who are all highly critical of the hierarchical mode of governance, one of the most forceful advocates of hierarchical governance is the late Mike Holden, a senior official in the European Commission’s Fisheries Directorate during the 1980s. Holden (1994:245ff) argues that the reason for the failure of the conservation objectives of the CFP is not because the CFP is *too* hierarchical, but because it is *insufficiently* hierarchical.

There are three main criticisms of hierarchical governance (van Vliet and Dubbink 1999:22). First, the state does not have a monopoly of knowledge about fisheries: other stakeholders have important contributions to make to our understanding of the marine ecosystem, the sheer complexity of which makes it impossible for a single body to grasp (Kooiman *et al* 1999:261). Second, the state does not have a monopoly of judgement about the right measures to introduce to deal with fisheries problems. Again, other stakeholders have much valuable advice to give on the utility of alternative measures. Third, the state does not have a monopoly of power to enforce its measures. It is almost impossible to prevent individuals and groups from undermining government policies, if these policies are unpopular. In a remarkably frank statement, a recent report from the British Prime Minister’s Strategy Unit (PMSU 2004: para 3.5.7) sums up these criticisms of the top-down structure of the CFP as follows:

Simple command-and-control policies will not work in complex, multi-jurisdictional, mixed fisheries. Currently, the quota control system implicitly assumes that stocks can be measured reasonably accurately and that the capacity exists to develop appropriate management measures and plans for all EU stocks centrally in the Commission. It assumes that the Fisheries Council can and will take the necessary detailed decisions to manage stocks. Furthermore, it is assumed that Member States can enforce the rules and that fishermen will obey them. This set of assumptions is for the large part flawed and does not reflect the reality of fisheries management in the EU.

Nevertheless, despite these weaknesses of the hierarchical mode, many writers insist that the state cannot be absent from fisheries governance (Kooiman 1999b:167; Pierre and Peters 2000:18,68). On this view, there will always be a need for at least some element of hierarchy, no matter what the prevailing mode of fisheries governance. According to Symes (1999b:32), the state supplies several vital functions which every fisheries management system requires, including “democratic accountability”, “exclusive legal status in negotiations with third countries”, and “legislative and revenue raising powers”, and, we may add, coercive power to enforce the rules. This means, says Symes (1999a:32-33), at least as far as EU fisheries are concerned, that there is no prospect of a ‘hollowing out’ of the state. However, events have to some extent overtaken this prediction, and the 2002 CFP reform has addressed at least some of the above criticisms, as we shall see.

1.3.2 MARKET GOVERNANCE

Turning now to the second of the three modes of fisheries governance – market governance – notwithstanding Symes’ assertion, we will find that part of the impetus towards it has come from the hollowing out trend in other policy areas. Markets empower ordinary people as consumers (Pierre and Peters 2000:19), and incentivise entrepreneurs as producers. Market governance is based on the natural forces of supply and demand, untrammelled by government interference, though supported by the legal security of private property rights. Dryzek (1997: chapter 6) characterises this mode as “economic rationalism”, or “leave it to the market”.

Market governance follows the classical economic theory of Adam Smith, in that it assumes that the pursuit of individual economic self-interest, within the legal framework of the protection of rights of life, liberty and property, will lead to the optimal benefit for everyone, by the so-called ‘invisible hand mechanism’. On this neo-liberal theory, failure to achieve optimality is usually because of interference with the market mechanism by governments for ideological reasons. As Hayek (1944) argues, the workings of economic and social enterprises are so complicated that no-one can possibly know how to run them, and so they should be left largely to run themselves. Further theoretical underpinnings of market governance include the methodological assumption that all social activity in the end boils down to individual decision-making (methodological individualism); the ethical assumption that each person knows best what is in his or her own interest (utilitarianism or philosophical radicalism); and the psychological assumption that people are rational in the choices that they make (rational choice theory).

Applying this theory to fisheries, instead of trying to replace the free market forces of supply and demand (as the hierarchical CFP does by adjusting fish price levels; imposing the principle of relative stability; designating special boxes, such as the Irish and Shetland Boxes; and creating the Hague Preferences), governments should adjust market carrots and sticks to reward self-interested behaviour that protects public resources, and punish self-interested behaviour that damages them, and then leave the forces of supply and demand to get on with it (van Vliet and Dubbink 1999:19-20).

Of the EU Member States, Spain is the most vociferous advocate of a shift towards the market mode of governance in the way in which the CFP is managed. For instance, Jose Fuertes (Director-General of the Vigo Fishing Vessel Owners’ Cooperative) argued at the Public Hearing in Brussels in June 2001 on the CFP Reform Green Paper, that the fishing industry should be treated by the EU like other industries, in compliance with World Trade Organisation (WTO) principles, with guaranteed freedom of fisheries activity, non-discrimination between fishers of different nationalities, equal access to all markets, complete transferability of fishing rights, free competition, and anti-monopoly regulations (Wood and Ritchie 2001:2-3). The recent report from the British PMSU (2004: para 9.1) argues for a move away from the command-and-control model to a “central role for market-driven incentives and mechanisms whereby information can be used to influence decision-making by individual businesses.”

In answer to critics such as Hardin (1968), who claim that the free market produces the tragedy of the commons, whereby the remorseless pursuit of self-interest leads to the destruction of common user resources, free marketeers say that the solution is not to abandon the market, but to structure it in such a way as to incentivise producers to take

good care of scarce resources. “For the market to work, privatisation is essential” (Jentoft and McCay 2003:295). In the case of fisheries, this means introducing a system of individual transferable quotas (ITQs) (van Vliet and Dubbink (1999:15). There is an Aristotelian assumption here that people are much more likely to look after a resource that they themselves own, than a resource that is common to all (Sissenwine and Mace 2001:13). Cooperation between fishers is secured out of mutual self-interest, rather than because of either state coercion (hierarchical governance) or collective commitment to the general good (participatory governance).

Several writers claim that there has been a move from hierarchical governance to market governance in fisheries during the last 20 years, following the neo-liberal trend towards deregulation and privatisation (Kooiman (1999b:142). One reason for market governance’s popularity during the 1980s and 1990s, according to Jentoft and McCay (2003:296), is that economists were held in much higher esteem by fisheries managers than were social scientists, who advocated the participatory mode. ITQs are now in operation in Iceland, New Zealand, and parts of Australia, Canada (Murray *et al*, this volume), Chile, Namibia, the USA, and Europe (in Denmark and the Netherlands) (Sissenwine and Mace 2001:13). However, in the EU as a whole, despite the trend towards deregulation in other policy areas, in fisheries, the trend has been in the opposite direction – towards greater regulation.

In critically appraising the market mode of fisheries governance, the first point to make is that it rests upon an over-simplified view of human motivation - “a one-dimensional *homo economicus*”. (Kooiman 1999b:143). But fishing is more than a pecuniary activity; at least for some fishers it is a way of life, a form of self-expression, self-identification, and self-determination. Also, the market mode’s extreme individualism ignores social and cultural influences on fishers’ behaviour, such as concern for the marine environment (Jentoft and McCay 2003:297). Moreover, the market mode of governance does not entail the *elimination* of state involvement in fisheries management. Far from it: market governance depends on the state for several functions, including the tasks of establishing the terms of the market (for example, deciding the overall quotas, for shares of which fishers will compete); of monitoring the functioning of the market to ensure that fair competition is maintained; of ensuring that public goods such as adequate fish stock levels and the health of the marine ecosystem are not damaged; and of guaranteeing that private property rights are not violated. The fact is, that the market mode of fisheries governance is a highly regulated market – it does not entail letting everything rip.

Furthermore, where the market mode has been introduced, there are mixed messages about its success. For example, its advocates are highly positive about its beneficial effects on the fisheries in New Zealand (Clark *et al* 1998) and Iceland (Arnason 1996), pointing out that where ITQs are introduced, there is a marked reduction in overcapacity (Jentoft and McCay 2003:296) . But critics point out that a market system of ITQs was abandoned in the Faeroes, and replaced by a days-at-sea scheme (hierarchical governance), and that it is causing severe social problems in both New Zealand (*Fishing News* 7/11/03:6) and Iceland (*Fishing News* 20/8/04:6).

Another criticism is that market governance has a damagingly differential impact upon fishers (van Ginkel, this volume). As Jim Portus (Chief Executive of the English South Western Fish Producers’ Organisation (SWFPO)) put it, “we do not need...monstrous

market forces experiments with quotas which will benefit the few and impoverish the many” (quoted in Wood and Ritchie 2001:21). For instance, an ITQ system rewards those who are already in a market, but penalises those who are trying to get in (van Ginkel 1999:55-56). Moreover, market governance favours the offshore sector, which is highly capitalised, at the expense of the inshore sector, which is more artisanal. As a result, it has an adverse effect on local fishing communities, which rely heavily upon the inshore sector. Steps have to be taken by the state to protect these often remote local communities from being wiped out by globalising forces, because they may have little alternative employment prospects (Collet 1999:124).

Finally, it is important to note that market governance in itself will not necessarily maintain the level of fish stocks, still less look after the health of the marine ecosystem (Wilson, this volume). Indeed, market logic might dictate to capitalists a strategy of exploitation of stocks to the point of economic extinction, to gain a short term high return which can be “reinvested elsewhere” (Collet 1999:123). However, this criticism may be partly met from within the market mode of governance – for example, by an eco-labelling system, whereby consumers can choose to buy fish products solely from sources that are independently certified as sustainable (Jentoft and McCay 2003:296-7). Such a system is already in place, in the shape of the Marine Stewardship Council (MSC) (Long 1999), though after eight years of existence, the MSC has only managed to certify a fraction of the world’s fisheries (*Fishing News* 27/2/04:7) and, with its limited funding, it is doubtful whether its scheme will ever have much impact on consumer choices.

Notwithstanding these criticisms, the market mode of governance has one significant value – it serves as an important corrective to the hierarchical mode in that it demonstrates that regulators should not try to ‘buck the market’, because rules that prevent fishers from making a living will be ignored. In other words, fishing regulations must be economically literate.

1.3.3 PARTICIPATORY GOVERNANCE

We now come to the third and last mode of fisheries governance – the participatory mode – on which this book is focused. The participatory mode is more variegated than are the two previous modes, in that it contains four distinct sub-types: industry self-regulation; co-management; community partnership; and environmental stewardship. Before examining these four sub-types in detail, however, there are some generic features of the participatory mode to be explained. First, its concept of the person is very different from those held by the other two modes. By contrast to the hierarchical concept of the master/subject relationship between regulators and regulated, and the market concept of producers and consumers, the participatory concept is that of citizens and stakeholders. Also, the participatory mode operates at the meso (civil society) level, that is, mid-way between the macro (state) level of the hierarchical mode, and the micro (individual) level of the market mode (van Vliet and Dubbink (1999:22). The four types of participatory governance are made up of four different cohorts or segments of civil society: industry; industry plus regulators; local communities; and environmentalists. Moreover, whereas for hierarchical governance, legitimacy lies in the formal system of parliamentary elections (van Vliet and Dubbink 1999:26), the essence of legitimacy in the participatory mode lies in the involvement of stakeholders in decision-making (see Hatchard, this volume), though the nature and extent of that involvement will vary from one type of participatory mode to another (Dryzek 1997:86). Furthermore, the characteristic style of the participatory mode is one of consensus-seeking negotiation, rather than either the hierarchical style of command, or the market style of exchange.

By contrast to the administrative rationalism of hierarchical governance (leave it to the experts), and the economic rationalism of market governance (leave it to the forces of supply and demand), participatory governance is depicted by Dryzek (1997:chapter 5) in terms of “democratic pragmatism” (“leave it to the people”) (cf Kooiman 1999b:142). As Dryzek (1997:92) explains, this means putting politics back into governance in place of administration, which is characteristic of hierarchical governance, and economics, which is characteristic of market governance. Although both market governance and participatory governance employ against hierarchical governance the argument that fisheries, ecosystems and regulations are too complex for government to manage alone, they draw different conclusions. Market governance argues that only the market can provide solutions, whereas participatory governance argues that only the collective knowledge of all affected parties can deliver answers (van Vliet and Dubbink 1999:15). Two heads are better than one; collective wisdom outweighs individual wisdom.

Turning now to the roots of the participatory mode of fisheries governance, one root is post-materialism, a theory which Ronald Inglehart (1990) developed to account for the fact that in post-war Western countries, many citizens have reached the point where they are less concerned with the accumulation of material goods, and more concerned with their quality of life – that is, post-material values. These post-material values include environmental goods and greater self-determination, which in turn entail a demand for more public participation in political decisions. This leads us to another, closely related root, which is the appearance of new social movements (NSMs). NSMs, unlike old social movements such as trade unions, which demanded redistributive economic and social policies, have arisen to push for causes such as environmental protection, feminism, and community values. NSMs have spawned an explosion of non-governmental organisations (NGOs) demanding inclusion in decision-making forums.

A further root is loss of faith in experts. People are less inclined nowadays to defer to claims to superior knowledge held by bureaucrats and government scientists, and the value of experiential knowledge is becoming increasingly recognised. Also, there is increasing recognition that many features of decision-making in fisheries governance are value-laden, not value-free, and that the value judgements of the public should prevail over the value judgements of the experts (Sissenwine and Mace 2001:13). Another root is the spirit of devolution, particularly in the UK, where in recent years we have seen the creation of the Scottish Parliament, the Welsh Assembly, and moves towards regional assemblies in England. This is a response to the need to devolve decision-making to its lowest possible levels, which is formally endorsed by the EU’s principle of subsidiarity.

Communicative rationality is a further root. This is a concept derived by Jurgen Habermas (1984) to denote the contemporary aspiration of civil society to engage in dialogue on the important political issues of the day in order to reach more reasoned decisions (Wilson, this volume). It differs from the administrative rationality of hierarchical governance, because it opens up the lines of dialogue to all citizens, not just the experts, and it differs from the economic rationality of market governance, in that it strives to reach universalistic, not individualistic, conclusions (Kooiman 1999b:164). For Habermas (1984:19), dialogue is a collective search for truth. Van der Schans (1999:115) makes the important point that this does not necessarily rule out all hierarchical regulations or economic drivers, but it does mean that they must pass the

dialogic test of good reasons. And this test entails a process of interactive communication (Kooiman *et al* 1999:262; Hatchard, this volume).

The final root of the participatory mode is the failure of the other two fisheries governance modes (Hanna 2003:311). Crises in the fisheries drive managers to seek the help of stakeholders (Hall-Arber; Dunn, both this volume). Sen and Nielsen (1996:416) point out that in nearly all of the 22 cases of co-management that they studied, the rationale for setting up the co-management regimes was because the fishery was near, or at, the stage of over-exploitation.

There are several generic criticisms of the participatory mode of fisheries governance, which I will consider at more length in the final chapter. They can be summarised here as follows: right wing critics argue that participation is unnecessary, because experts have all the knowledge that they need; damaging, because it inhibits flexibility and slows down rapid responses to emergency; costly, because it absorbs considerable time and energy to organise; and subversive of representative democracy. Left wing critics argue that participation is a charade, cynically used by regulators to mask their domination, and to co-opt, and therefore neutralise, stakeholders.

Let us now turn to the four different types of the participatory mode of fisheries governance – industry self-regulation; co-management; community partnership; and environmental stewardship.

1.3.3.1 *Industry Self-Regulation*

The industry self-regulation version of participatory governance is the assumption by the fishing industry of sole responsibility for running the fishery (Sutinen and Sobol 2001:16; Symes and Phillipson 1999:63). Essentially, industry self-regulation is about fishers' organisations taking charge of their own destinies. This is why the terms 'autonomous self-management' and 'self-determination' have been used to characterise industry self-regulation. However, this does not mean entire independence: industry self-regulation is autonomous only within certain limits. For instance, safety rules laid down at national/international level could not be set aside by a fisheries organisation.

Examples of industry self-regulation are common in developing countries, as Johannes (2003:15) points out: "in indigenous fisheries...management is...often largely in the hands of the fishers". A partial example of industry self-regulation in a developed country is the large-scale offshore fisheries in the USA, where, in 1976, the government conferred on eight Regional Fisheries Management Councils (in which the majority of members are from the commercial and recreational fishing industry (Symes, this volume)) most of the responsibility for managing fisheries in federal waters (USCOP 2004:231). A clearer example is in New Zealand, where the Challenger Scallop Enhancement Company has entire responsibility for the Southern scallop fishery (PMSU 2004:Annex D, para 4.4). A further example is in Normandy, France, where a fishers' organisation (CRPMEM), headquartered at Cherbourg, representing over 2000 fishers in 640 over-25 metre vessels, manages 85 per cent of the species within its allocated area (*Fishing News* 14/11/03:18). Within the UK, the best example of industry self-regulation is in inshore shellfisheries which have been subject to a Regulating Order, whereby exclusive fishing rights are vested in an organisation largely composed of fishers and charged with the responsibility of running the fishery – for instance, the Shetland Islands RO 1999, where management is in the hands of a limited company called the Shetlands Shellfish Management Organisation (Symes and Ridgway 2003:42). Also, as Stead (this volume) shows, the UK aquaculture industry is characterised by a