



# Institutions and governance in the European Common Fisheries Policy: An empirical study of Spanish fishers' attitudes toward greater participation



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## ABSTRACT

Public participation in the decision-making process is a key element of good governance. In its latest proposals for reforming the Common Fisheries Policy, the European Commission acknowledges that management measures lack legitimacy without input from the fishers themselves and thus underscores the need to increase it and adapt it to local or regional conditions. This study analyzes Spanish fishermen's own views about their participation in the decision-making process. The results show that most fishers are in favor of more participation by themselves and by regional governments in the decision-making process.

## 1. Introduction

An always increasing world population highlights the scarcity of the natural resources. Preventing the tragedy of the commons has required that institutions play a greater role in establishing more efficient and sustainable management of valuable natural and environmental resources. Thus, the study of the commons is not only relevant when analyzing systems characterised by common property or open access; the conceptual significance of the commons is also the starting point when seeking to understand the rise and form of institutions [1]. It follows that the problem of the commons is essential for understanding the importance of institutional approaches to directing natural resource management [2–4]. Indeed, institutions play a major role in all the basic functions of natural resources in society [5]. More specifically: in terms of the supply of raw materials, institutions establish rules and regulations for the use of the natural resources and thus determine their possible uses in terms of production; with regard to creators of usefulness, institutions strongly affect the supply of a society's human capital; and as for product disposal, institutions establish a system of incentives and behaviors that influence not only the amount of waste generated but also its final destination. The result of creative human efforts, institutions are pervasive and usually supportive in our daily lives; more generally, institutions determine society's interaction with and conquest of its physical surroundings [6].

The New Institutional Economics (NIE) perspective offers a broader, more comprehensive, and perhaps more profound understanding of the role that institutions play in the natural resource management. The

NIE incorporates neoclassical assumptions of scarcity and competition but rejects the assumptions of perfect information and instrumental rationality; it assumes the existence of incomplete property rights, positive transaction costs, and institutions [7–10]. The NIE offers a range of tools and insights that can be used when analyzing such institutionally handled matters as fishery resource exploitation, environmental quality, water management, pollutant emissions, agrarian reform, energy consumption, and forest resources. In essence, NIE principles become theoretical inputs that enrich the analytical possibilities of institutions and governance in natural resource management and that can be applied to fisheries, aquaculture, forestry resources, pollution, wetland governance, and water management [11–15]. The NIE perspective on natural resource management identifies four distinct levels of social analysis [8]: (i) rules and regulations, culture, and habits—all of which are outcomes of social evolution; (ii) collective and State decisions; (iii) the structure of governance; and (iv) the setting of prices in natural resource markets. The contribution of NIE to natural resource economics consists mainly of analytical developments in Williamson's second and third levels of social analysis.

Rules, governance, and organizations constitute a structural framework that is essential for managing natural resources. The success of any management measure depends on, among others, how complex is the situation that it intends to regulate. In the case of fishery management, complexity is increasing in the fishery size, the level of interaction between the environmental and social systems, the number of agents involved, and the mobility of marine resources and of the fishers themselves [16–24]. That being said, success depends also on existing

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institutions and the structure of governance. It is therefore advisable for regulators to have enough credibility with fishermen that regulations can be applied with the highest possible degree of legitimacy and compliance [2,7,21–33].

In addition to concerns as regards the perceived legitimacy, centralized attempts to regulate the marine resource exploitation also may limit the regulatory compliance and effectiveness by removing local notions of the responsibility for the marine resource maintenance and conservation [34,35]. Then an obvious way to enhance the legitimacy of fishery-related institutions and comply with fishing rules is to enable the extensive participation of fishermen (and their associations and organizations) in the decision-making process—with the aim of moving toward co-management. As Ostrom [2,3,25] has demonstrated, the rules at local level are often deemed more legitimate by the natural resource users because of their reliance on local knowledge and trust among neighbors. Fishermen are therefore expected to ignore outside regulations which they did not participate in creating, as they perceive these rules to be “illegitimate” [32,36]. On other hand, studying the governance forms observed in co-managed fisheries would exemplify the third level of Williamson's [8] social analysis. Public participation in the decision-making process is key to good governance [28,37], and it is widely recognized that the historic lack of such participation explains ineffective fishery management and also the poor results achieved so far in marine resource management [24,38–44].

The fact that management processes across Europe can be characterized as only partially open and the participation does not guarantee a real role in the decision-making process [41,45] affects fishers' perceptions towards fisheries management measures. Furthermore, if a particular institution or governmental body is commonly perceived by fishers as being untrustworthy or dominated by particular sets of interests which are unfavourable to fishers, this will impact negatively on their perceptions and responses to new fisheries interventions and the cooperation of fishermen is likely to be reduced [42]. It is therefore not surprising that, in its latest proposals to reform the Common Fisheries Policy (CFP), the European Commission (EC) cites fishers' nonparticipation in the decision-making process as a serious weakness in the community policy because their lack of input undermines the legitimacy of fishery management measures. The EC [46,47] advocates a greater role for regional institutions and the strengthening of fishermen's guilds. Various recent studies focus on fishermen's attitudes toward participation and report an overall preference for increasing their involvement in the management or decision-making process [30,32,42,45,48–53].

The NIE supports that the user's participation in the decision-making is positively correlated with successful governance. So, it is essential to know if fishermen would be willing to accept an increasing participation in the governance system. This is done by means of survey information of 307 fishermen regarding on their perceptions of the relative current involvement by public administrations and other stakeholders and afterwards testing their responses by logistic regression models and performing feasibility tests for the response ranges using the likelihood ratio and the Wilcoxon test to quantify the preferences of fishermen towards the different options offered.

In particular, within this context of discussion on the appropriateness of moving towards the fishing co-management, the aim in this paper is to analyze Spanish fishers' attitudes toward a potential greater participation in the fisheries management decision-making process. The study addresses this issue by first presenting the material and method and then reporting the results of our analysis, the paper concludes with a discussion of our findings.

## 2. Material and method

European Union (EU) fishery management is centralized. The EC drafts management proposals based primarily on the scientific reports

issued by the International Council for the Exploration of the Sea (ICES), after which the Fisheries' Council of Ministers decides which measures will be implemented. Since the 2002 reform [46], fishers and other stakeholders can voice their opinion on these management measures through Advisory Councils (ACs). The role of the ACs is merely advisory, and they consist mainly of representatives from the fishery sector, processors, marketers, and other interest groups (primarily environmental and consumer groups).

In Spain, however, the fishery management is highly decentralized across various public administrations and Spanish fishermen face multiple governing bodies that each stake a claim to fisheries management. Fisheries in non-EC Spanish waters include fishing grounds that stretch across various Spanish maritime regions; hence management measures are decided jointly between the Spanish government and the regional governments with vessels involved in the fishery. These decisions include, for example, distribution of the European Total Allowable Catch (TAC) available to Spain among each region's fleets (for the species subject to TAC) and creation of protected marine areas in those non-EC waters. That is to say, the Spanish government is essentially limited to coordinating activities related to the CFP that affect Spanish fleets and other activities that involve more than one maritime region. Regional governments, though, have exclusive management responsibility over inland and inshore fisheries, fishing ports, shellfish and aquaculture activities, and over planning for the regional fisheries sector. Thus they are empowered to set capture limits or fishing days in those waters or for fleets whose home port is located in that region. Fishers can express their opinions on any proposed or implemented management measure — to regional regulators and/or to the Spanish government — through a standard process by which fishermen's associations and guilds, called *cofradías*, are consulted (*cofradías* are traditional Spanish associations that focus specifically on near shore waters fishing and shellfishing). Fishers also lend their resources (boats) to biologists, who are in the field and gathering the data they need to estimate the fish stock status. Pretty [54] provides a typology of participation clearly differentiating between seven types of participation. These types range from the “manipulative” participation — where the users are represented by official boards and have no power —, to the self-mobilization — where the users take initiatives largely independent of external institutions and may or may not challenge existing distributions of power. In particular, these seven types are the following: manipulative participation (level 1), passive participation (level 2), participation by consultation (level 3), participation for material incentives (level 4), functional participation (level 5), interactive participation (level 6) and self-mobilization (level 7). Therefore Spanish fisher behaviors correspond, respectively, to level 3 (participation by consultation) and level 4 (participation for material incentives) of Pretty's [54] typology of participation.

The population studied here is the entire Spanish fishing fleet. Spain ranks third in EU in terms of the number of fishing vessels just behind Greece and Italy, but has by far the largest fishing fleet in terms of tonnage, and more than a fifth of all fishery related jobs in the EU are based in Spain. Table 1 shows the number of fishing vessels and the technical characteristics per fleet segment; the categories reflect those used by the Spanish government. The Spanish fleet comprised slightly fewer than 10,000 ships in 2014, nearly all of which (9303 ships, or 97% of Spanish fleet) were vessels of small size and limited capacity that fish in waters close to the Spanish coast using different fishing gears, these range from pots and small nets and lines of the artisanal segment to small trawlers. The Spanish fleet also includes vessels that fish in European waters (120 ships) using fixed gears and trawl, and those that fish in international waters regulated by international fisheries organizations such as ICCAT (The International Commission for the Conservation of Atlantic Tunas) and NAFO (The Northwest Atlantic Fisheries Organization) or waters under the jurisdiction of non-European countries (180 ships) —these vessels using surface longline and trawl gears.

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