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Impediments to fisheries sustainability – Coordination between public and private fisheries governance systems

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ABSTRACT

The Sustainable Seafood Movement (movement) arose in reaction to government fisheries managers' inertia and failure to prevent overfishing, overcapacity and impacts on the ecosystem. This movement has successfully developed non-state market-driven governance tools to catalyse improvements in fisheries governance. Non-state market-driven governance is often discussed in the context of certification programs such as the Marine Stewardship Council (MSC), but this is just one facet of a diversified, multi-pronged governance regime that has been created to improve the sustainability of fisheries; others include fisheries improvement projects, sustainable seafood sourcing policies, and traceability schemes. Movement actors use these non-state market-driven governance tools to reform fisheries governance through the supply chain.

While recognition exists in the literature of the continued importance of fisheries governance reform, the complementary nature and the need for improved coordination between public governance and non-state market-driven governance efforts is insufficiently explored. Few actors in either sector understand fully the work of the other. Using the United Kingdom and the United States as case studies, this paper contrasts public governance mechanisms with non-state market-driven governance mechanisms to highlight where their efforts are complements, substitutes, rivals, or monopolies. Understanding the roles and structures of these governance regimes is necessary to identify impediments to coordination as well as possible solutions.

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1. Introduction

The administration of fisheries governance is increasingly shared through formal and informal arrangements between government and non-government actors (Acheson, 2003; Gibbs, 2008). In the past, the continuum of involvement by non-government actors has ranged from formally established stakeholder groups like, the U.S. Fishery Management Councils or Take Reduction Teams, to formal co-management arrangements (McCay and Jentoft, 1996). However, over the last two decades supply chain based non-state market-driven governance regimes have emerged. In this context, shared governance takes place not through negotiated arrangements or co-management agreements between non-government and government actors. Rather this regime uses new tools and has developed outside of government led processes, largely as a result of the efforts of what has come be known as the Sustainable Seafood Movement (referred to henceforth as "movement") (Gutiérrez and Morgan, 2015).

This social movement is trans-national and composed of ten principal sectoral actors including environmental non-governmental organizations (ENGOs), foundations, certification schemes, verification experts, retailers/food service providers, chefs, the fishing industry, academics, consumers, and the media. The movement arose in response to the failure of governments to prevent and stop the decline of capture fisheries (Jacquet and Pauly, 2007; Sutton and Wimpee, 2008). The movement's principal objective is to improve the sustainability of fish stocks and

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associated ecosystems so that benefits can continue to accrue in the seafood supply chains. To accomplish this, actors a.) use the pressure of the seafood supply chain to improve the sustainability of the fishing industry, b.) use the pressure of the seafood supply chain and the fishing industry to improve government regulation and c.) generate international frameworks that allow for a common understanding of the status of fisheries relative to key sustainability goals/metrics among diverse sectors and members from different nation-states (Gutiérrez and Morgan, 2015). To achieve these objectives, the movement has established non-state market-driven governance tools in the global seafood supply chain. These non-state market-driven governance tools include seafood certification schemes, like the Marine Stewardship Council (MSC), fishery improvement projects, seafood sourcing policies, traceability schemes and voluntary truth-in-labelling guidelines. Further, the actors in Sustainable Seafood Movement participated in the processes to develop the standards for these tools, such as the Guidelines for Fishery Improvement Projects. This ensured broad support across these diverse actor groups. Through these tools, the movement has garnered credibility and authority in the global seafood supply chain that often resembles that held by government bureaucracies' whose responsibility it is to regulate that same supply chain. Consequently, the movement has increased its authority and credibility in the operational governance of the seafood supply chain and thus has increased its influence over fisheries governance.

There is value to analyzing this interaction between non-state market-driven governance and public governance from a positive sum perspective rather than a zero sum perspective (Bell and Hindmoor, 2011). If greater coordination occurred between these governance systems, could fisheries sustainability be more rapidly improved? Using the United States and the United Kingdom as case studies, this article presents an analysis of the areas where public governance of commercial fisheries and non-state market-driven governance tools rival, complement, or substitute for one another and also where they are non-rivals (monopolies). We identify impediments to coordination and mechanisms with the capacity to improve coordination.

1.1. Background

1.1.1. What is governance?

A number of definitions of governance exist, depending on the disciplinary perspective (Kjaer, 2004). In this paper, we discuss two types of governance, public governance and a type of private governance, known as non-state market-driven governance. We use Rhodes' definition of governance, which comes from a public policy perspective, to frame our discussion of the concept of governance. He articulates governance as the self-organising, interorganisational networks characterized by interdependence, resource-exchange, and regulated by rules of the game (Rhodes, 1997). While there is significant degree of autonomy from the state, Rhodes contends the state still influences these networks (Rhodes, 1997).

Within governance, there can be public and private governance. As Reff Pedersen summarizes, Weber and other governance scholars have characterized public governance as carried out by a sovereign ruler or executive that controls the governance process through organized bureaucracies that have the authority to develop and implement policies (Reff Pedersen et al., 2011). In private governance, policy-making systems that derive their authority not from the states but, from markets and associated consumer preference (Cashore, 2002). As Smith notes, "private governance comes about when private actors take fields of governmental intervention into their own hands, and apply to them instruments that are customarily part of the private sphere (Smith and Fischlein, 2010)." Private governance is not merely self-regulation, as there is not necessarily uniformity of approaches within private governance or an effort to preempt government regulation (Smith and Fischlein, 2010).

A key characteristic of governance is the interdependence between organizations to carry out the governing of society (Rhodes, 1997). Documenting the emergence of governance during the Thatcher/Reagan era of neo-liberalism, Rhodes evaluated the use of markets to deliver public services as opposed to government command and control (Kamarck, 2002; Rhodes, 1997). He found that this fostered a proliferation of networks of organizations to carry out these services (Rhodes, 2007). These organizations had to develop networks to coordinate and cooperate in order to achieve their goals. Thus, interdependent policy networks composed of non-state and/or state actors emerged. The term "network governance" was coined to capture this phenomenon (Rhodes, 2007).

Networks are different to bureaucracies as they are characterized by trust and diplomacy as opposed to authority and rules (Rhodes, 2007). These policy networks may be autonomous and self-organising, and thus are not accountable to the state (Rhodes, 2007). Organizations participate voluntarily and through their interactions they determine their shared goals and norms. Actors in the network are deemed as credible (trustworthy and reliable), based on their social and technical interactions with other actors in the network (Boström, 2006). Actors garner authority and legitimacy by creating obligations between themselves and other actors (Auld, 2009), and in order to cooperate, they have to trust one another, which eventually creates interdependencies (Rhodes, 2007).

As networks have become the means to deliver the governance of public services, political systems became fragmented across government and non-government organizations (Kjaer, 2004). This fragmentation has led to the idea that "steering" these networks is needed. There are two perspectives on how steering can be achieved – state steering or self-steering. The latter refers to a top down approach with governments steering networks, where the former refers to self-organising networks. These self-organizing networks can either support or oppose the implementation of policies and thus work positively or negatively with efforts to steer (Kjaer, 2004). Since networks are based on trust and reciprocity, diplomacy is the means to resolve conflict and coordinate actions amongst participants, instead of rules and commands (Kjaer, 2004). This paper will explore the interplay between the public and private sustainable fisheries governance networks and introduce approaches to overcome the fragmentation that has occurred.

1.1.2. Why is governance needed in commercial fisheries?

By the 1990s, scientists were calling fisheries "a global disaster" in both developed and developing countries (Pauly, 1995). By the turn of the 21st century, developed countries were starting to make small steps towards regulatory reforms, but a significant portion of global fish stocks remain overfished (Worm et al., 2009). The 2014 Food and Agriculture Organisation's (FAO) State of the World Fisheries and Aquaculture assessed marine fish stocks and showed that those fished within biologically sustainable levels had declined from 90% to 71.2% between 1974 and 2011 (FAO, 2014). At the same time, worldwide consumption of seafood continues to grow, particularly as globally, three billion people are expected to enter the middle class by 2030 (WEF, 2012).

Marine capture fisheries are a common-pool resource that represents a collective action problem. Perspectives offered by Hardin and Ostrom are two approaches to collective action problems of common-pool resources – command and control from a