

TBTI GLOBAL BOOK SERIES

LIFE ABOVE WATER

ESSAYS ON HUMAN EXPERIENCES
OF SMALL-SCALE FISHERIES

BY

SVEIN JENTOFT

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Life Above Water

Essays on Human Experiences of Small-Scale Fisheries



Small-Scale Fisheries are Too Big To Ignore

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Too Big To Ignore (TBTI; toobigtoignore.net) is a global research network and knowledge mobilization partnership supported by over 550 members from around the world. The network aims at elevating the profile of small-scale fisheries, arguing against their marginalization in national and international policies, and developing research and governance capacity to address global fisheries challenges.

TBTI Global Book Series is a new publication series that aims to highlight why we need to pay close attention to small-scale fisheries. The series will be of use to anyone interested in learning more about small-scale fisheries, especially about their important contribution to livelihoods, well-being, poverty alleviation and food security, as well as to those who are keen to help raise profile of small-scale fisheries in the policy realm.

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Foreword

The complex and dynamic world of small-scale fisheries means that several topics about this important sector can be approached from a wide range of perspectives, and many different ways of talking and telling stories about them can be imagined. I could not think of a better way to do it than what Prof. Svein Jentoft has done in his essays. Neither could I think of a better way to launch the new TBTI Global Book Series than with this publication.

As a global research network on small-scale fisheries, TBTI has produced several books, journal articles, and reports on key aspects of small-scale fisheries, geared mostly to academic audiences, the research community, and policy-makers. It has always been our ambition, however, to publish books and articles for the general public as part of our contribution to raise awareness about small-scale fisheries and elevate their profile in policy discourse. For many of us who have long been immersed in the world of small-scale fisheries, we often lose sight of how they are seen, perceived, and understood by others. We wonder, for instance, why their values and contribution to global goals like food security, poverty alleviation, livelihood viability, social cohesion, cultural identity, and ecosystem stewardship are not being appreciated and accounted for in the decision-making process. We are frustrated when policy-makers do not seem to be paying attention to our research and our ‘sciences’. Some of us also feel restrained from making bold statements that might be taken for advocacy, or from sounding like we are romanticizing small-scale fisheries.

This book, *‘Life Above Water,’* written by one of the founding

members of TBTI, Prof. Svein Jentoft, offers thoughtful reflections on many of these issues and questions. The book is a compilation of essays that Prof. Jentoft has written throughout his long career. Although some pieces were written more than 20 years ago, the topics are very relevant to the current situation in small-scale fisheries and the challenges facing fisheries governance today. His essays provide the public with a way to understand the ‘why’ question of social science research, at the same time encouraging fellow social and transdisciplinary scientists to continue to work towards making real change on the ground while maintaining scientific integrity.

Some of the stories he told and the experience he shares should make us pause. Is it possible, for instance, that after all the lessons and the knowledge produced about small-scale fisheries, we still apply the same management tools and approaches that may work in one context (e.g. in industrialized fisheries in developed countries) to bring ‘order’ to small-scale fisheries worldwide? True to form, Prof. Jentoft calls attention to the fact that small-scale fisheries of the Global North suffer a similar fate as those in the South, under poor policies and governance intervention. Yet, much of the tragedy and mismanagement can be avoided – and he spells out how.

For those reading about small-scale fisheries for the first time, ‘*Life Above Water*’ brings to the fore the meaning and value of small-scale fisheries and why we should care about them. Together with researchers, practitioners, and organizations working in support of small-scale fisheries, we can imagine a better future whereby small-scale fisheries are no longer ignored.

Ratana Chuenpagdee
St. John’s, Canada

Acknowledgements

As a proud member of the Too Big To Ignore (TBTI) Global Partnership for Small-Scale Fisheries Research, I appreciate the opportunity for this book to be included in its publication portfolio. I am particularly grateful for the help of the TBTI coordinator Vesna Kerezi for turning these manuscripts into a nicely designed book, and for the editorial assistance and constructive comments of the TBTI director Dr. Ratana Chuenpagdee. As always, Brennan Lowery provided excellent language editing. I am also happy for the invitation from my colleague and friend Professor José Pascual-Fernández to come to University of La Laguna in Tenerife, where I spent two months preparing the manuscript. I thank Sebastian Mathew of ICSF (The International Collective in Support of Fishworkers) for generously allowing me to reprint articles that I published in *SAMUDRA Report*. Thanks also to Aaron Lerner of The American Fisheries for the reprint permission. I am similarly grateful for the permission to include the chapter '*Social science in fisheries management: a risk analysis*,' (here with the title '*Why social science of fisheries?*'), reprinted here by permission of Springer Nature. Chapter 2, '*Beyond rational choice*' appeared first in The Common Property Resource Digest, reprinted here by permission of the editor.

Introduction



Social scientists have made fisheries a research topic for more than a century, and they still have important contributions to make...

Every country with a coastline, a lake, and a river of a certain size, have people and communities that rely on fishing for their well-being. I bet that in all these countries there will be people working in universities or other knowledge institutions who find fisheries interesting, fascinating, and important, and who will spend time,

sometimes their entire career, getting to know them and helping to sustain them. Thus, there are many of us who share this interest. We are a bigger community than we tend to believe, and with TBTI (Too Big To Ignore) we also have a network and a partnership. It is one of the greatest blessings of my now long career in fisheries social science research that I have colleagues, some of them previous students, around the whole world who I know personally, with whom I have worked and who are my friends.

According to FAO (Food and Agriculture Organization of the United Nations), more than 90 percent of people employed in fisheries are in small-scale fisheries. They are often poor and marginalized, and the sustainability of their communities is therefore not secure. That may also have negative consequences for the many services they provide to society, most notably food security, but also employment and income. TBTI has therefore every reason to focus on small-scale fisheries and do what it can to enhance their profile and elevate their place on the political agenda. With the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (SSF Guidelines), endorsed by FAO member states in 2014, the academic community has an additional reason to do so. As social scientists, we would naturally seek out those who populate this sector, and we find them in their communities.



The SSF Guidelines

Many of us find inspiration to learn about small-scale fisheries in order to help defend their rights. We sympathize with those who are powerless, and therefore struggle to survive. This is a legitimate attitude. Furthermore, social scientists need a higher justification for the work we do. Small-scale fishing people deserve not just our curiosity but also our compassion. Our engagement should, however, not be nurtured by pity but by a sense of social justice. Therefore, TBTI is running its Blue Justice campaign as a way to bring social justice to the Blue Growth and Blue Economy discourse. With the excitement associated with the Blue Growth and Blue Economy concepts, attention must be paid to their distributional implications. These are new initiatives with powerful sponsors. It is essential that they do not marginalize small-scale fisheries even further.

As the SSF Guidelines emphasize, small-scale fishing people have human rights that should be recognized. But I also believe our vision is, and must be, broader than that. We see missed opportunities for small-scale fisheries to thrive. They need to be innovative, and for that they need to build capacity. TBTI has the ambition of changing

their current disadvantaged role. Its focus is global, and the approach is comparative.

Small-scale fisheries are different from country to country, sometimes from community to community, but they can still learn from each other. There is no guarantee that what works in one place will work in another, but planners need to understand why this is the case because the governance of small-scale fisheries must be sensitive to such differences, as there is no one-size-fits-all solution. Opportunities for progress also exist within the sector, and they do not always require external intervention. Communities often have internal capacities and resources that can be mobilized. Social scientists can assist in understanding how.

There is much to be gained by comparative research if we ask the right questions. We know that small-scale fisheries are not the same wherever they are. They are a dynamic sector, but unequally so. Nonetheless, many things are also similar. The basic concerns and ambitions of the sector are largely the same. People want to live a good life in a community that functions well. Still, small-scale fisheries differ in realizing their opportunities and goals. Why some thrive, while others diminish and deteriorate, is a research question begging for an answer.

According to the biologist and anthropologist Gregory Bateson, when comparing research objects, like small-scale fisheries situations, we should ask what the differences are that make the difference to their well-being and sustainability. Not everything matters, but those that do should be explored. It is not always easy to identify what is more or less important until we have done a full-scale, systematic comparison. For doing this at a global scale, we need something like TBTI.

Current policies often turn small-scale fisheries into subjects of social policy, for instance in terms of subsidies. However, TBTI researchers have demonstrated that governments have been much more generous with the large-scale than the small-scale fisheries

sector. Imagine if the situation had been the reverse, and what difference it would have made. Rather than building technological capacity in the large-scale sector, the funding could have been used to build human capacity, and thereby create better condition for innovation in the small-scale sector. The aim could have been to nurture self-reliance and resilience by supporting community infrastructure and strengthening the entrepreneurial capacities of small-scale fisheries. Resources into strengthening the research on small-scale fisheries could also have been prioritized, which the SSF Guidelines also say that states should do. Building knowledge is a way the small-scale fisheries research community can contribute.

I am not sure when social scientists started to take interest in fisheries. One may perhaps think of Raymond Firth's *Malay Fishermen*, which came out in the mid 1940s, but that may well be because we tend to follow what is happening in the English speaking world more so than in other parts. People had been publishing about small-scale fisheries in other languages before that. We often refer to Garrett Hardin, and his *Tragedy of the Commons* article in *Science* in 1968, as the one who first phrased the dilemma. We should, however, have referred to Jens Warming's article about the Danish eel fishery from 1931, but he published in Danish. If you read Warming's paper, you would believe that Hardin must have done the same. Another classical social scientist is Eilert Sundt. The social science building at the University of Oslo carries his name. Among many other things, Eilert Sundt, who died in 1875, studied a small fishing community on Norway's west coast, called Harham. His book came out in 1859. I talk about his fisheries work in one of the chapters in this book. Thus, it is hard to say who the pioneers of fisheries social science are. We only know that we are always standing on someones' shoulders.

Small-scale fisheries may have once been a rather marginal research topic within our disciplines, but things are changing. It is, at least for me, increasingly difficult to follow what is being published about small-scale fisheries globally these days, even in English. The

amount of new research publications on small-scale fisheries feels overwhelming. New topics have emerged, along with the increase in government interventions and ambitions, especially after UNCLOS (United Nations Convention on the Law of the Sea), which made the management of fisheries within the 200 mile economic zone a national government responsibility. Conservation issues were not always at the forefront in the way that they are now.

Climate change draws more and more attention. Small-scale fisheries communities are particularly vulnerable to climate change impacts, as demonstrated in the recent FAO report on climate change and fisheries (Barange *et al.* 2018). As a result, small-scale fisheries science should help communities to deal with this challenge. We should not forget the classical questions pertaining to equity and social justice, the focus on social struggles and power. These are issues that never went away; instead they show up in new settings, like with climate change. Who are the losers and who are the winners are always a question we should ask, including in the context of Blue Growth.

The SSF Guidelines are also a watershed for the research community. We have a role in following what is happening with regard to their implementation in our own settings and globally. FAO member states who endorsed the SSF Guidelines now have something to prove, and we should watch their actions closely and critically. But we also have an opportunity - even a moral responsibility - to be constructive when the SSF Guidelines are contextualized, which they eventually must be when being implemented. We may have relevant and timely inputs on how to implement them. The SSF Guidelines pop up frequently in this book, as they touch so many aspects of the development and well-being of small-scale fisheries people.

This book

I have over the years received many invitations to give talks at meetings outside of academic conferences. This is something I have enjoyed, especially those where I was invited to speak to an audience of fisher people. The ivory tower can be a dull place at times, so meeting people in those situations was always inspiring. I made it a rule to prepare a manuscript, which I sometimes read from, and therefore gave a boring performance. But the manuscript made me take the talk more seriously than just ranting from a power point presentation or improvising from notes. What I often did afterwards was to convert the talk manuscript into a small article, which I sent to popular magazines. Many of these articles ended up in SAMUDRA, the journal that ICSF (International Collective of Fishworkers) publishes. ICSF has generously allowed me to reprint these articles in this e-book. The same is the case with an article that was originally published in the '*Fisheries Magazine*' by the *American Fisheries Society* (see attached list of publication dates and venues). These articles make up about half of the chapters of this book, and have only been slightly edited, mainly to avoid repetition. The reader would have to bear with me for some repetitions that are left. The same examples are sometimes used to make a different point. The rest of the chapters are also talk-manuscripts, or parts of them put together and transformed into a chapter. As stand alone essays, they can be read individually.

I wondered how to organize them, whether it would better to do so chronologically or thematically. There has clearly been a development in my thinking, for instance a move from management to governance, not so much in substance as conceptually. I have been increasingly conscious about the need to distinguish between the two. Governance would, in many instances, have been a more fitting word instead of management. I have, however, stuck to the original conceptualization, and apologize for the confusion that might make with the reader, especially because I have chosen to organize the book thematically.

Still, the themes I have focused on have developed over the years, so the thematic organization is also to some extent chronological. Then there are issues that I have kept returning to and that have stayed with me throughout my whole career, like the role and fate of fisheries communities, which I decided to group together. For those chapters that are reprints, I have for the most part kept the text as it was written at the time, with a few exceptions where I thought an update was needed.

All chapters are on issues that have been of interest to me throughout my career, and they all have academic journal articles and books underpinning. The current book is not aimed at an academic research audience. It is me, as a social researcher, arguing about issues in a way I hope will be of interest to non-academics. I sympathize with the pragmatist philosopher Richard Rorty's claim that we academics are in the business of argumentation. We are sometimes 'arguing with numbers', as my late friend and colleague Victor Thiessen titled his statistics book. In other instances, we argue with stories – or both. The stories we tell are for a reason; we use them to make a point. The story in itself is not the main thing, but the lesson it conveys and the argument it leads to.

This is that kind of book. It is short of empirical description and data. It is a book of argumentation through and through; it argues for things I have believed in over the years and still feel I can stand for. Others may of course disagree with what I have to say, but that is how it should be. The governance of fisheries is no easy exercise. Fisheries confront fishers and fisheries governors with dilemmas and hard choices, where solutions raises issues that are moral and ethical, because they are ultimately about human values and where we want to go. These are not technical issues, where scientists have a special authority. They need to be deliberated among all of us, and those who populate small-scale fisheries have a voice that must be heard, also because they are confronted with dilemmas themselves, many of which result from the way fisheries are governed.

Academics have analytical perspectives, ways of looking at things, concepts that highlight essentials, knowledge to share, and arguments to make that may be helpful in that conversation. I have no other ambition with this book than to bring forward my own perspectives and arguments based on what I have learned during my almost forty years in fisheries social science research.

Svein Jentoft
La Laguna, Tenerife
March 30, 2019

List of Reprints

Chapter 1 - Why Social Science of Fisheries. Reprinted by permission of Springer Nature. Original title: 'Social science in fisheries management – a risk analysis', first published in Reinventing Fisheries Management in 1998 by Kluwer. Edited by Tony J. Pitcher. Paul J.B. Hart and Daniel Pauly.

Chapter 2 - Beyond Rational Choice. Originally published in Common Property Resource Digest ('Now Commons Digest'), July, 1997. Here slightly revised and included with the permission of the editor.

Chapter 3 - Poverty: Come Together. First published in SAMUDRA Report No. 80, December 2018, pp. 35–37.

Chapter 4 - Differences Matter. First published in SAMUDRA Report, No. 78, January 2018.

Chapter 5 - When There is a Will. Published first in SAMUDRA Report No. 68, August 2014.

Chapter 6 - A Social Contract for Fisheries? Published in SAMUDRA Report, July 2003.

Chapter 7 - Imagining the Future. Co-authored with Maarten Bavinck, and published in SAMUDRA Report, No. 51. 2008.

Chapter 8 - Remoteness and Alienation. Published in SAMUDRA

Report, March 2004.

Chapter 9 - The Litmus Test. Published in SAMUDRA Report, No 46, March 2007.

Chapter 10 - Co-management: Go for it! Published in SAMUDRA Report No.42, September 2005.

Chapter 11 - The Devil in the Detail. Published in SAMUDRA Report No. 38, July 2004.

Chapter 12 - No Magic Bullet. Published in Samudra Report No. 44, July 2006.

Chapter 13 - Researching Co-management. This chapter is based on the paper Svein Jentoft gave at The International Workshop on Fisheries Co-management, Penang, Malaysia, August 23-28, 1999.

Chapter 14 - The Human Rights of Small-Scale Fishing People. Published in SAMUDRA Report, No. 51. November 2008.

Chapter 15 - Healthy Fisheries Communities. First published under the title 'Healthy fishing communities: an important component of healthy fish stocks.' In Fisheries, Vol. 24, No. 5, pp. 28-29, 1999.

Chapter 16 - Beyond the Veil. Published in SAMUDRA Report, September 1999.

Chapter 17 - Roots and Wings. First published in SAMUDRA Report No. 60, November 2011.

Chapter 25 - A Leveled Playing Field. First published under the title 'Wicked problems' in SAMUDRA Report, No. 75, January 2017.

List of Acronyms

4SSF — Global Conference on Small-scale Fisheries

ASEAN — Association of Southeast Asian Nations

CBM — Community-Based Management

CDC — Centers for Disease Control and Prevention

CDQ — Community Development Quota

CEO — Chief Executive Officer

CFP — Common Fishery Policy

COFI — Committee on Fisheries

DG MARE — Directorate-General for Maritime Affairs and Fisheries

EBM — Ecosystem-Based Management

EC — European Commission

EU — European Union

FAO — Food and Agriculture Organization of the United Nations

GDP — Gross Domestic Product

HRBA — Human Rights-Based Approach

ICESCR — International Covenant on Economic, Social and Cultural Rights

ICSF — International Collective in Support of Fishworkers

IFM — Institute of Fisheries Management and Coastal Community Development

ILO — International Labour Organization

IPCC — Intergovernmental Panel on Climate Change

ITQ — Individual Transferable Quota

IUCN — International Union for Conservation of Nature

IUU — Illegal, Unreported and Unregulated fishing

MPA — Marine Protected Area

MSP — Marine Spatial Planning

NGO — Non-Governmental Organization

NOAA — National Oceanic and Atmospheric Administration

RBA — Rights-Based Approach

SBEC — Sustainable Blue Economy Conference

SDG — UN Sustainable Development Goal

SSF — Small-Scale Fisheries

SSF Guidelines — Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries

TAC — Total Allowable Catch

TBTI — Too Big To Ignore

UNCLOS — United Nations Convention on the Law of the Sea

UNDP — United Nations Development Program

UNDRIP — UN Declaration on the Rights of Indigenous Peoples

VMS — Vessel Monitoring System

WFF — World Forum of Fish Harvesters and Fish Workers

WFFP — World Forum of Fisher Peoples

Why Social Science of Fisheries



Fisheries management would benefit from the critical and constructive perspective of social science...

In this chapter I will reflect upon the role of social science in fisheries management as it is today and how it could possibly be within a reinvented fisheries management system. What is the relevance of social science to fisheries management? What could

its contribution be? To answer these questions, I must start out by recalling what fisheries management is.

First, fisheries management is not essentially about the management of fish. If it were, we would refer to it by another, more precise name such as resource conservation. Fisheries is an industry and fishing is a human activity, and it is through regulatory measures of fishing behavior that we attempt to secure the viability of fish stocks. Therefore, the social scientist would argue the obvious: to manage well, you need to know not only fish, but also fishers and fishing. Secondly, fisheries management is science based, but not science governed. In most countries, it is a political battlefield of conflicting interests, and management goals have the character of delicate compromises. Consequently, one also needs to understand the political process of fisheries management. Again, this is a social science issue. Thirdly, a fisheries management system is an institutional set-up, and effective management is a question of finding the appropriate organizational mechanisms, i.e. the rules, procedures and incentives, that will help fulfill management goals. If there is one area in which social science can claim to have some expertise relevant to fisheries management, it is in the area of institutional formation, function and consequences.

If all of this is true, social scientists should be much in demand by management agencies. The fact of the matter, however, is that we are not. Social scientists are conspicuously absent from the fisheries management decision-making process. Rarely do sociologists, social anthropologists, political scientists and geographers serve in advisory roles *vis-a-vis* management agencies in the same way that biologists do (Hanna 1995). Even economists are barely represented, even though they have more confidence than the rest of us about having something important to offer the regulatory process. Perhaps they also have more reasons to be disappointed about this process than we do. But, rather than wailing over this rather discouraging situation (and I have been to a great number of conferences where we have all

been united in this), we should ask why this is so: why is there little demand for social science in fisheries management?

Social scientists as outsiders

Some of the difficulties that social scientists have with being heard stem from the fundamental difference that exists between natural and social sciences. You simply do not study fishers as you study fish. The reason is that the social researcher and the object of study belong to the same species. Fishers can talk, and we as social scientists can talk with them. This is how social scientists get their data. If fish could speak, think, learn and organize as fishers can, the job of the biologist in fisheries management would be quite different from what it is today. I suppose that the position would be very similar to that of the average social scientist. Rather than being up front, on the stage, the biologists would have had to take a seat with the rest of us in the audience.

While the fish might need biologists to speak on their behalf, it is not obvious at all that fishers need social scientists to speak for them. If fishers were in desperate need of our expertise, we would have been up on stage with the biologists long ago. A strong demand for expert social knowledge coming from the management process, while possibly 'nice' for the social scientists, could be taken as a warning signal. Would not the need for social scientists to speak for the fishers be an indication of a democracy that fails, when those that are most affected by the management system are excluded from the decision-making process?

To argue that this is generally the case, however, is an overstatement. In my own country, Norway, fishers are well represented in the management decision-making process, and their organizations are present and heard at all levels of fisheries management. This is part of the established routine, to the extent that the fishers' role as co-managers is taken for granted, by themselves, by the government

and by the public. Their involvement is highly institutionalized. Norwegian fishers do not need lawyers to present their case, as I understand is frequently so in the regional management councils set up in the USA. The relative absence of social science and social scientists directly within the regulatory councils and processes should therefore not come as a surprise. If management agencies want information on the fishery, they consult with the fishers' interest organizations, not with the odd fisheries social researcher. And if fishers want to speak to management agencies, they do it themselves, through their organizations (Hoel *et al.* 1996).

I should add here that Norway is not a special case. In most countries of Western Europe and North America that I know of, arrangements have been developed and implemented to facilitate interaction between government and industry and to provide direct input from fishers' organizations in the regulatory process (Jentoft and McCay 1995). Many countries have institutions more or less similar to regional management councils in the USA, and these have existed for a very long time. However, it is important to assess their functioning, also how they work relative to small-scale fisheries. This is, for instance, an issue with regard to the advisory councils established for the governance of fisheries in the European Union (EU) (Linke and Jentoft 2016). Nevertheless, the unilateral, entirely top-down approach to fisheries management, I would argue, is the exception, not the rule. For this reason, in Norway, at least, I have doubts regarding what the character and substance of social scientists' contribution would be, were we inside the regulatory decision-making system along with industry representatives, managers and biologists. However, I do believe that social scientists can make a useful contribution in studying how these systems function and in helping to answer concerns about why they do not work well in many countries.

The social science perspective

Whether or not social science is called for is largely a consequence of the goals of fisheries management, and goals are a political issue. Until now, stock conservation and enhancement have been ostensibly the overriding concern of fisheries management, and for good reasons. No wonder, therefore, that biology is the principal among the sciences. The perspective that fish are also an economic resource that should be exploited at cost-optimum, i.e. at a level where the rent is maximized, is a fairly recent consideration in fisheries management. The overcapacity that prevails in the world's fisheries indicates that there have been problems in getting this economic message across to governments. Nevertheless, there can be no doubt that the economics profession is a rising star in fisheries management. When economists talk ITQs (Individual Transferable Quotas), governments are listening. Their hearing is less acute when sociologists and social anthropologists speak of coastal communities and culture.

One could of course argue, as an ITQ enthusiast did in the 'Fishfolk' electronic discussion forum that, "*In the long run, sound economic policy in fisheries management is the best social policy.*" If this were true, sociologists and anthropologists would have no task in fisheries management. I do not know if there are absolute, objective criteria of what constitutes "sound economic policy in fisheries management", but even if there were, and we agreed with the statement that this would also imply "the best social policy in the long run", few would argue that this would not entail great social and human costs. The opposition to ITQs, particularly among small-scale fishers, testifies to this. They fear that ITQs lead to unemployment and that their communities will suffer. As has been demonstrated in the case of Iceland (Pálsson and Helgason 1995), this threat is real. Neither government, nor the users themselves, can be blamed for not being attentive to the social costs that will occur in both the short and long term. For this reason, the Norwegian government has abstained

from introducing ITQs, and, in doing so, seems to be running against current fashion.

The social science of fisheries management is not only the social science of markets, efficiency and quotas. It is also, among other things, the social science of households, gender, communities, power, equity, democracy, and knowledge. Sociologists and social anthropologists assume that fishers are not driven by profit motives alone (Hart and Pitcher 1998). We work from the assumption that fishing is an activity deeply embedded in, and conditioned by, social networks, institutions and culture. Thus, we anticipate that fishers are also driven by norms, obligations and responsibilities as members of families, communities and social groups, and that such considerations are operative even when at sea. For this reason, we tend to have faith in organizations as coordinating devices. This is also why we often have reservations as to the explanatory value of approaches such as Game Theory (Hart 1998). Individual behavior is neither always strategic nor nakedly self-interested. It is in the potential of human beings to work for the common good, even if it means personal sacrifice and loss.

Just as our analysis is complex and perhaps even true to empirical reality, our message unfortunately is often similarly complex and obscure. This explains another aspect of the peripheral role of sociologists and social anthropologists in fisheries management. We have not had a single fix to offer to fisheries managers as the economists have today with ITQs. But now, things are about to change, or at least so it seems. As a sociologist, I am encouraged by the fact that the co-management concept (Brown 1998), a construct of social scientists, is receiving widespread attention, even within the bureaucracy of the European Commission (Jentoft 1989; Pinkerton 1989). If we could find a good Norwegian translation of the word it could even have the chance of catching the attention of the Norwegian fishing industry and Fisheries Ministry. At least it would help legitimize the institutions of user participation that exist, and which some critics argue are redundant.

There is no consensus as to what constitutes relevant knowledge and information in fisheries management. Neither is there any widespread agreement on goals or means. If one tries to make sense of the management discourse, it often seems that the root problem is that we do not share each other's concerns, maybe not even the same basic values. When there is general agreement on certain issues, such as the usefulness of co-management, it may be because concepts are not precisely phrased, allowing for interpretations that conceal opposing views and for supporting preconceived positions. For example, to many sociologists and social anthropologists, co-management is in accordance with democratic theory, a way of empowering users and local communities in the management process. For the economist it is a transaction cost issue, a way of reducing the expenditures of surveillance. For government agencies, co-management seems to be a means of relieving the political pressure of user-groups: "If you don't like what we do, why don't you handle it yourself?" It is my impression that the European Commission hopes that co-management will contribute to solving the overcapacity problem. The expectation is that when users are permitted to hold a hand on the wheel they will be supportive of downscaling. This is not exactly what most advocates of co-management have in mind.

The risks of involvement

Whether we as social scientists really want to become more directly involved in the decision-making process as experts equivalent to the biologists, is, I think, a pertinent question. How would we respond if government invited us inside the organization and asked for our advice? I think many of us would feel rather uneasy. Most of us prefer to be at arm's length from government agencies. There is a widespread fear of co-optation, i.e. becoming swamped in the highly politicized process of fisheries management – or even worse, becoming seduced by the gratifications and rewards almost inherent

to positions of decision-making, i.e. power. Additionally, there is the question of what the most preferable position to be in if you want to make an impact: “outside the tent pissing in, or inside the tent pissing out.” Most of us, I think, appreciate the independence of the former position, while it is most likely that governments would prefer us in the latter role, if for no other reason than that it is easier to contain the mess we often make for them.

Clearly, fisheries management could benefit from the purely intellectual, outsider perspective of social science, which is basically how we contribute today. Making insights count in fisheries management requires the social scientist to be committed and creative. It does not necessarily require direct participation in the decision-making process. There is also a need for the critical, skeptical, independent and unfettered mind. But can the social scientist have it both ways? Can we maintain the critical attitude that is nourished by the independence of the outsider’s role while balancing it with the participatory, responsible and constructive role that is obligatory for the insider?

I think the management discourse would benefit if social scientists could occupy several positions in the management system, if some of us could be within it and while others remain on the outside. It would make communication easier and reduce antagonism, especially if we could shift positions from time to time. Today the management process is hampered because academics and managers speak different languages. Likewise, the discourse suffers from the fact that we are seldom allowed to try out different roles.

Fisheries management is still an ongoing learning process, and there seems to be lots of false learning going on because of poor data, including data on social impacts. Effective learning requires critical feedback. The greater the complexity of the system and the uncertainty of the outcome, the more important it is to allow such inputs (Dryzek 1990). I believe that social scientists have an important role to play in this process, regardless of whether we work inside or

outside the decision-making system. We are in fishing communities and among fishers all over the world with our questionnaires and tape recorders collecting data on demographics, fishing techniques, catch-sharing systems, crew recruitment, occupational histories, gender roles, fishing practices, management systems, and the like. Management agencies have much to gain by listening to what we learn and can tell them. The literature is there.

Faust as role model?

The social sciences will not necessarily be co-opted by becoming more involved and constructive. Indeed, the critical sociological analyst also has an obligation to be constructive (Løchen 1994; McGuire 1998). We make it too easy for ourselves if we define our role as merely 'deconstructive', as a postmodernist would put it. Social scientists should not be like Goethe's Faust, who did not want to follow in his father's foot-steps as a doctor because he thought the medical profession did more harm than good. Faust could not bear the thought of bloodstained hands. Therefore, he retreated to the ivory tower and became a famous scholar. After some time, however, he started to feel restless. He wanted to come out, to get involved, to become what he believed to be a more authentic human being. But when Faust did leave science, it led to catastrophe – mind you, not so much for Faust himself as for the others he met on the road.

There is a lesson in the Faust myth: Faust was too preoccupied with realizing his own projects. He should have listened more to what the people with whom he became involved had to say. He should have been more sensitive to the needs of his fellow human beings. Then, the outcome (with Goethe's permission) would have been less disastrous. Philemon and Baucis, the old couple who stood in his way because they did not want to move and resettle despite the offer of a generous cash settlement, would not have perished, and Faust himself would not have been burdened with the traumas of bad conscience.

Here is perhaps also the way out of our dilemma. As social scientists, we should be careful not to impose our own concepts and models on the industry. We should listen more to fishers and fish-plant workers. Their concerns are legitimate. They are not only worried about the conservation of fish stocks. They are also deeply concerned with the sustenance of their communities, the livelihood of their families and the future of their children. Who are we to ignore such concerns or to explain them away?

To conclude, I do not think that Faust should be the role model for social scientists in a reinvented fisheries management system. Under no circumstances should we take on the Mephistopheles role, that is the role and character of the Prince of Darkness, who helped Faust deny his guilt.

* * *

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Beyond Rational Choice



The assumptions underpinning fisheries co-management are different from those of Hardin's tragedy of the commons...

This chapter is drawing from a paper co-authored with Bonnie McCay and Doug Wilson, published in *Marine Policy*. (Jentoft *et al.* 1998). Although the chapter had a fisheries co-management focus, our concern were more general. The chapter

attempts to bring out some of the implicit assumptions regarding the role of institutions in fisheries management, what institutions are, what they do, and what can be expected from them. We argue that the definitions of institutions underpinning much common-property research are too confined. We say there is more to institutions than rules, regulations and transaction costs and that the notion that “*institutions are the rules of the game*,” is a bit too simplistic (cf. North, 1990, p. 3). Rather, we prefer the definition of institutions given by Dick Scott, a sociologist at Stanford University, who argues that “[I]nstitutions consist of cognitive, normative, and regulatory structures and activities that provide stability and meaning to social behavior” (Scott 1995, p. 33).

Scott calls these strictures “*the three pillars of institutions*” (p. 34). In fisheries management, and in common property theory, the third pillar, the regulatory one, is generally the one emphasized. Hence follows an overly legalistic approach to fisheries management. The so-called ‘new institution economics’ basically shares this view on institutions but wants rules that allow market mechanisms to work more freely. For this approach, property rights are key.

Co-management is not so much about rules *per se* as about the process through which rules are made and the way this process is organized. Scott regards institutions as role systems – as “*patterned expectations connected to social positions*” (p. 53). Role systems define what behavior is appropriate and provide mechanisms for socializations and internalization of norms and knowledge. Co-management is obviously such a role system. Contrary to the top-down, government- and science-based management today, it involves users in regulatory decision-making. Who participates, how (for instance in what roles), and with what knowledge, are key questions here. An interesting research topic is organizational learning within the context of co-management. How do participants in different roles learn from each other, and what are the implications of such learning processes for resource management?

As Scott reminds us, institutions do not only create restraints. Institutions enable, authorize, and legitimize (p. 38). Institutions empower, they provide licenses, and hence, opportunities. They confer rights as well as responsibilities. They define what is appropriate for a particular person to do, what is required of the participant, what is morally acceptable and justified; they help the participant to make sense of the world. Thus, institutions are more than a set of ramifications, a framework within which actors pursue their self-interests in strategic, cost-benefit manners. Interests are socially constructed, not naturally derived, and institutions define what these interests are, how they are acquired and how they are internalized by the individual. In short, from this perspective, institutions are not only external to the individual. People also have institutions under their skin.

These, we argue, are the assumptions about institutions, which underpin the co-management model, but they are seldom expressed explicitly. They stand, however, in stark contrast to the assumptions that form the basis of the Hardin model, game theory, and rational choice theory – which have all become part of the same key paradigm within natural resource management. Although co-management and ITQs (Individual Transferable Quotas) are not necessarily mutually exclusive but could be common elements of a comprehensive management scheme like in Dutch fisheries (Dubbink and van Vliet 1996), the two solutions come from different assumptions about human nature and social institutions.

It would probably help the discussion of resource management if we were more aware of these differences. It would let us see where we come from when we argue. Even more important is that awareness would reveal more alternatives for action. The co-management model holds that there is a third way to avoid the tragedy of the commons. In addition to legal and market mechanisms, there are organizations. Organizations coordinate users' behavior, as Ronald Coase (1937) taught us.

Those who are skeptical about co-management refer to the idea of ‘the fox in the henhouse.’ It is part of the free rider argument but at a collective level. The critics of co-management contend that user organizations tend not to respect their agreements. Organizations cannot promise their members will follow its policy and rules, particularly if membership is voluntary. Devolution of management authority to user organizations is therefore too risky. The temptation to abuse the resource will simply be too high.

It would, of course, be naïve to rule out this risk. However, the point here is that such expectations derive from certain assumptions about what institutions are and what they can do – in this case, to and with the users of the resource. Recall that Scott regarded institutions as role-systems. Scott’s notion leads to conclude that the ‘fox in the henhouse’ metaphor is overdrawn. Instead, we argue that if users obtain more functional management responsibility, they will behave more responsibly in moral terms. This would obviously be an interesting research question: Under what conditions does this hypothesis hold true?

When users, like fishers, act rationally, their ideas of it involves do not come from the sky, but from the lessons they draw from their own and other people’s experience. Users have a reason to do what they do. They choose among the alternatives they have as they see them. Their rational choice is not necessarily driven by opportunism but also according to the moral norms and customs of their community, including the institutions that embody them. Institutions do not only enforce rules but also socialize people. People’s preferences must be understood relative to social, cultural and ethical context. In order to figure how fishers act, we must make an effort to understand the role that institutions play in this process. When so doing, we must also have an eye for how institutions results from a social process. Otherwise, we do not understand how they change over time, and people’s preferences and moralities with them.

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Poverty: Come Together



Only collective action in small-scale fisheries can overcome the problems of poverty, marginalization, insecure tenure rights and powerlessness...

Sometimes an academic paper is especially known for its intriguing title, like the one by Christophe Béné, which stated that small-scale fisheries “*rhymes with poverty*”. He not only

referred to the fact that small-scale fishers and fishworkers are poor, often extremely so. He also alluded to the way they are generally perceived; the image of small-scale fishing as “*an occupation of last resort*”, that fishing is something people do when they have no other alternative to sustain themselves. Small-scale fishers and fishworkers, therefore, need assistance to free themselves from their dismal predicament, to get out of the industry, and into some other employment. This would be good for themselves, but also for the economy and the environment, because the definition of the problem is that there are ‘too many fishers chasing too few fish.’ The assumption is that poor people are also bad stewards. Removing them from this industry would, therefore, be a win-win situation. For policymakers, it then makes sense to help speeding up their exit.

It is rather amazing how we let images govern our governing, how easily we are seduced by metaphors, like the most famous one brought forward by Garrett Hardin about the ‘*Tragedy of the Commons*’, which is the root metaphor of modern fisheries management. The issue is not that he does not have a good point. He is not necessarily wrong – if we look at the evolving tragedy as a mathematical equation. Rather, the problem is, as Elinor Ostrom pointed out, that it leads to ‘panaceas,’ to quick fixes that are applied universally, in situations where they do not fit. Then we end up using “*hammers to paint the floor*”, which was the metaphor used in a paper I published in *Marine Policy* some years ago with a group of Danish and US colleagues (Degnbol *et al.* 2006).

The irony is that these fixes were in fact what Hardin warned against, but that tends to go under the radar of those who cite him. Everyone remembers what he said about “*the freedom in the commons*” that “*brings ruin to all.*” But what he really argued was that there are some societal problems that do not have scientific or technical solutions, because they challenge our morality and ethics. Poverty is one of them. These are problems that Rittel and Webber called ‘wicked problems’ in a famous article that came out in 1973, five years after Garrett

Hardin's article. Also Rittel and Webber used poverty as an example of what they were talking about.

I think it would be prudent first to check if small-scale fisheries are always synonymous with poverty, if it is really true that small-scale fisheries are necessarily an occupation of last resort and never a preferred occupation. Wouldn't it be wise, before one clamps down on them, to explore empirically how big a threat on marine resources and ecosystems small-scale fisheries really are? Is it true that small-scale fishing people are deemed to live in poverty, at the margins of society, as Hardin would presumably predict? What is interesting, and important, is that all those 150-plus member states that endorsed the SSF Guidelines do not seem to believe that this is the case, if we should take their word for it.

We should, of course, make no mistake about it: small-scale fisheries are indeed ridden with problems like poverty, marginalization, insecure tenure rights, and powerlessness, which are all at the center of the SSF Guidelines. But they also have opportunities and potentials waiting for enabling policies, good governance and collective action. Then we need first to get rid of those images and metaphors that are limiting our ideas of what the problems and solutions are, and which are legitimizing policies that are blind to context. Why not then start with exploring how people in small-scale fisheries themselves understand their predicament, how they cope with problems and how they pursue the opportunities as they see them? How do they deal with the challenge of living poorly in an environment which they themselves risk ruining if they do not think hard on how to avoid it? We should not assume that people are sitting idle because they are poor, or that they are poor because they are idle.

These are exactly the questions that we set out to investigate back in 2008 when starting the PovFish project, which, among other things, led to the book *Poverty Mosaics: Realities and Prospects in Small-Scale Fisheries*, published by Springer in 2011. The book contains case studies of small-scale fisheries around the world, and provides a

nuanced picture of the diverse situations that people in this industry find themselves in. Small-scale fisheries are not the same globally; they exist in circumstances, also politically, which differ a lot. Poverty also involves many things, and means different things to different people. That is why we used the term ‘poverty mosaics’. The idea that there is one simple remedy to their problems is flawed.

Policies, and the governing mechanisms that they generate, must be as nuanced, diverse, adapted, and dynamic as small-scale fisheries are. This, we argue, requires governance according to the ‘dexterity principle’, that is, attention to details, and governance by the fingers rather than thumbs. Such governance requires knowledge of particularities, of context, but also governance that is inclusive, interactive, and co-operative. No one knows their context better than those who live in it. No one has the local ecological and social knowledge that you need to have to govern well, like those who live with the problems and opportunities that exist.

There is an obvious need for supportive infrastructure, like legal frameworks and macroeconomic policies. But there are limits to how governable small-scale fisheries are from a distance. Rather, governance of small-scale fisheries should follow the ‘subsidiarity principle’; what can be governed locally should also be governed locally. The fact that the organizational capacity for self-governance on the local level is often poor does not suggest that they can never be governed there. Self-governance capacities and capabilities in small-scale fisheries locally can be built systematically over time. This has happened in numerous instances around the world, with mixed success, one may add, as the *Poverty Mosaics* book and subsequent publications also show.

Such capacities and capabilities require organizations whose building and functioning are a matter of collective learning and action. Theories of collective action suggest that communities need a push sometimes; they need help, as there is often lack of resources and a tendency of free riding, as Mancur Olson (1971) pointed out in his

famous book about collective action. Particularly, in the initial stage of collective action, civil society organizations and (local) government can play an important role. Building organizations – co-operatives, for instance – is bound to be a trial-and-error affair, because they need to be adapted to a dynamic context and cannot be imposed from afar, which is a reason why they failed in many instances.

I believe that academics have a contribution to make to collective learning – in this case, about collective action in small-scale fisheries. Our *Poverty Mosaics* book is just one of many efforts that have been made to bring the discourse about small-scale fisheries up from the level of simplistic metaphors and quick fixes, and into thick description and interactive governance that is nuanced and contextually embedded.

Most of all, I think academics can help reduce the tendency of ‘spurious learning’, where metaphor often make us jump to conclusions. When resources are overfished and marine ecosystem are eroded, it may well be for the reasons that Garrett Hardin (1968) described, but it may also have other causes. We cannot know what actually happened before we have looked closely into the situation.

When co-operatives fail to live up to expectations, it may also be for other reasons than that they are co-operatives. Enterprises that are built on private business models fail too, and co-operatives can stumble for the same reasons that they do, like poor management. But co-operatives are, no doubt, complex organizations because they are meant to serve a broad range of functions in addition to business. Firms that operate from a narrow profit model, have it easier than co-operatives that also take responsibility for the wellbeing of members and communities.

Co-management, which is another form of organized collective action, has met some of the same criticisms that co-operatives have. People refer to examples they know or have heard of, where co-management flopped. They think that co-management is the essential reason and not how it was actually done. In an article in

SAMUDRA Report, titled '*The Devil is in the Detail*', (see chapter 11) I argue that co-management fails when their particular designs are flawed relative to the context and demands. To avoid spurious learning, one should, therefore, in accordance with the dexterity principle, first check the design details and the context before concluding that co-management cannot work.

But if the devil is in the details, where is God? God, I argue, is in the principles, like in the classic Rochdale principles for co-operatives from 1844. If you check them out, you will see that they read very much like the guiding principles in the SSF Guidelines, and they work equally as well for fisheries co-operatives as for fisheries co-management.

If we are to collectively address the dilemmas that poverty alleviation involves, and which Hardin and Rittel and Webber talked about, we need these principles because they have intrinsic value: they are ethical and moral. The principles stand firm regardless of the examples that critics may have up their sleeves of unsuccessful co-operatives and co-management as a proof that co-management and co-operatives are bound to fail. In other words, in poverty alleviation through collective action, one should be flexible and adaptive on organizational design – by learning from mistakes as well as successes; but, on the principles, one should stay firm.

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Differences Matter



The Norwegian experience shows that learning about sustainable small-scale fisheries development should not be a one-way traffic from the north to the South...

From the very beginning, Norwegian development assistance has largely focused on fisheries. As a major fisheries nation this came naturally, Norway always ranked high among the

world's fish exporters, so why not also export our management experience and fisheries technology—so seemed the official thinking. In hindsight, however, that has not always proven to be such a good idea, since failures seem to have outnumbered successes.

That should not come as a surprise. Transfer of technology and knowledge from the North to the South—whether from Norway or any other Northern country—is not straightforward. Fisheries development has never been a quick fix and experiences from the temperate world are not necessarily relevant for the tropical world. It has been a long time since Norway initiated the Indo-Norwegian Project in the south Indian state of Kerala in the early 1950s. The pioneers of that decades-long and transformative project must have been convinced that the Norwegian expertise was indeed what Kerala needed. This turned out not quite entirely to be the case.

To say that fisheries in the North are different from those of countries in the South is to state the obvious. A wealth of academic literature tells us how they differ. The important question to ask, however, is what difference these differences make – for instance, with regard to what makes fisheries sustainable. The answer is not at all clear. In the book *Angels Fear*, Gregory Bateson (2004) notes that we learn when we observe a difference that, in one way or another, makes a difference to us. A Norwegian fisheries expert who goes to Kerala would instantly spot differences. In the process, s/he not only learns something about Kerala; s/he also learns about Norway. Once s/he gets over the 'culture shock', s/he will start wondering: if it is like that in Norway, why not here? S/he will also ponder the reverse: if like this in Kerala, why not at home?

There are, of course, many similarities between Norway and Kerala. We largely share the same concerns: We want our natural and ecosystems to be healthy and our livelihoods to be secure. We all care for our children, and want to live in dignity. Social justice is a concern in both places and the same human rights principles apply. In these respects, fisheries in the North and the South are the same, and they

are no different from other industries. This is why the SSF Guidelines list them as basic principles, and why the Voluntary Guidelines on the Responsible Governance of Tenure talk about fisheries, forests and land in a similar vein.

Universals

As government and civil society organizations act on these general principles, they need to recognize what is unique about a country, a place and a fishery. They should, therefore, never work from an assumption that they have seen it all before, that problems are the same everywhere, and that whatever tool they employ will work in the same way as in the North – where they often do not function so well either.

The laws of nature and those of society are fundamentally different. This difference also creates a huge divergence between the natural sciences and the social sciences. If I drop the pen I hold in my hand, it will fall to the floor wherever I am in the world, and it does so every time. If you know a bit of physics, you will know why. While the laws of nature are universal, the laws of society are human constructs designed in ways that are appropriate to context. Therefore, unlike the natural sciences, the social sciences do not deal in universals. Social scientists, like myself, do not assume, for instance, that a new rule, a particular management tool or a technical gadget will perform equally as well everywhere. We may have some clues, but that is all we have until having investigated the matter empirically. Social scientists are trained to be skeptical of technical fixes, because societal problems are different from those in nature. They are typically ‘wicked’, as Rittel and Webber pointed out in their seminal 1973 article about planning, and, therefore, do not easily lend themselves to quick fixes. Wicked problems are hard to define and ethically charged. Problems are also wicked because they are part of bigger problems—and we cannot be sure that we have solved them, since they have no finishing line.

Small-scale fisheries confront managers with many problems of this nature.

This is pretty much what Garret Hardin argued in his famous article in *Science* about the ‘*Tragedy of the Commons*’. He did not talk about fisheries specifically, but when we read his example about the farmer, who, without limitation, increases his herd on the commons and eventually ruins it because every farmer is working according to the same logic, we easily conclude that this is exactly what happens in fisheries. Still, we cannot know that for sure until we have checked it out empirically.

Scientists, nevertheless, trade in fixes or panaceas. We live in disciplinary bubbles where our tunnel visions only allow us to see one concern, be they conservation, economic efficiency, or local communities. Yet, as any fisheries manager would know from experience, fisheries management is about all these concerns, and more. If they were to focus only on one and be blind to others, they are doomed to fail. Neither can they address them sequentially. Since these concerns are linked, they must be addressed in an integrated fashion.

In 2006, together with colleagues of multiple disciplines (biology, economics and sociology), I published a paper in *Marine Policy* titled ‘*Painting the Floor with a Hammer*’. Here, we illustrated our argument about panaceas in the form of Individual Transferable Quotas (ITQs), Marine Protected Areas (MPAs) and Community-Based Management (CBM). While ITQs are the love children of fisheries economists, MPAs are the favorites of environmental biologists. Sociologists and anthropologists, on the other hand, are advocates of CBM. These panaceas arise from the narrow interests that define our disciplines. Despite much talk about holistic and interdisciplinary perspectives, academics enforce discipline within their ranks. People who dare to deviate are penalized when they apply for jobs or promotions or try to publish in journals.

A consequence thereof is also that we continue to produce, advocate

and export panaceas. It does not take long for a new fix to get its own acronym, which we need to learn in order to understand what people in fisheries are talking about. These days you have to know what RBA (Rights-Based Approach), EBM (Ecosystem-Based Management) and MSP (Marine Spatial Planning) mean.

These panaceas are each emerging from within the ranks of economists, ecologists and geographers. If you, as an engineer, are called in to help combat Illegal, Unreported and Unregulated (IUU) fishing, the solution you are likely to come up with has another acronym: VMS (Vessel Monitoring System). The SSF Guidelines talks about HRBA—the Human Rights-Based Approach, which is where lawyers have particular expertise. Not only is this soup of acronyms brimful, but the size of the bowl keeps expanding.

In our paper about the hammers we employ for painting, we wanted to point to the risks that are associated with the implementation of panaceas if you do not know the context within which they are introduced. The fix you suggest may not fit the problem. You must also be open to the idea that your fix does not fix everything. In fisheries, there is no one-size-fits-all fix. There is simply too much diversity. Solutions must always, therefore, be adapted to context.

Elinor Ostrom, the 2009 Nobel Prize laureate in economics, argued that uncritically adopting panaceas is foolish. The title of Gregory Bateson's book plays on a line from an old poem by Alexander Pope (1711): "*For fools rush in where angels fear to tread.*" We may well question the existence of angels but not of fools. We should be open to the existence of foolish angels in fisheries development and management as well.

Policy measures

While pursuing one concern, we may complicate the pursuance of another one that is equally important. ITQs are good for economic efficiency, but bad for communities. MPAs may bring about conserva-

tion, but may exclude people from accessing their fishing grounds and thereby lead to more poverty. CBM empowers local communities, but does not address challenges at larger scales. MSP may facilitate ‘blue growth’, but may further marginalize small-scale fisheries. VMS may scare fishers from catching more than their quota, but cannot be the solution if poverty is driving overfishing.

Fisheries management and development cannot do without the natural sciences and their knowledge about issues that are universal, like ecosystem dynamics. This is the type of knowledge that Aristotle called ‘*epistēmē*’. Fisheries development and management also requires knowledge that he named ‘*technē*’, which we tend to associate with an engineer, a craftsperson, and a bureaucrat.

However, there is a tendency of ignoring Aristotle’s third knowledge-type — *phronēsis* — sometimes translated as ‘prudence’. This is the deep understanding of the difference that context makes and what it means to be ethical. To be smart and clever is, we know, not the same as being wise. What we admire in political leaders is primarily the latter. We definitely want fisheries development and management policies to be effective, and for that, we need to be smart about technical solutions that are evidence-based. However, we also want our fisheries policies founded on reason and compassion, namely, *phronēsis*.

Northerners, like us Norwegians, showing up in the South as policy experts with a toolbox full of hammers, should make anyone uneasy. Policy is something that should be generated from below, not be imposed from the top down, and certainly not from the outside. Neither should it be a scientific exercise. The process should be transparent and inclusive—which is why there is now a literature on the concept of ‘inclusive development’. This is how fisheries democracy has worked in Norway. Fishers were (and are) always involved in legislative process, which often originated at the local level and within fishers’ organizations, with government at the receiving end. Before launching a new policy initiative, the government,

as a routine, would also consult these organizations, which the government helped form in the first place. This, I believe, is a model that is worth exporting.

Norwegian fishers have critical opinions about fisheries policies, but they still assume that government is honest, acted in good faith, address their concerns, and serve their interests. For this reason, there is a level of trust between the government and the fishers, which, over the years, has paid off. I know of countries where the fishing population regards their government as their enemy. Not so in Norway, where the conflicts between government and fishers have been relatively few, and where it has been possible to enforce strict, but necessary, rules—for instance, pertaining to IUU fishing—without causing a revolt from fishers.

This has much to do with how we historically organized our industry and how the legislation enabled it. The Kerala project started at about the same time as the Norwegian Raw-fish Act became permanent law in 1951. The Norwegian parliament had also enacted the Fishers' Ownership Act in 1950 (which became the Participation Act in 1972). While the former legalized the sovereign right of fishers' co-operative sales organizations to determine minimum prices, the latter law determined that only active fishers have a right to own a fishing vessel.

A new paradigm

Both laws fundamentally changed power relations in the Norwegian fishing industry in ways that have lasted to this day. Their relevance for implementation of the SSF Guidelines, I would argue, is that they also helped to bring the fishing population out of poverty. It took a couple of decades to develop this new legislation, partly because of the interruption of the Second World War. The New York stock market crash of 1929 hit the export-oriented Norwegian fishing industry and population hard.

Norwegians with even only meagre knowledge about the fishing

industry know this story, but they may differ about its relevance today. That is not the point here. The question is rather about the relevance of what happened back then to the poor and marginalized Norwegian small-scale fishers to their counterparts in the global South today.

The question is also interesting from the perspective of the SSF Guidelines, which talk about the need for legal and institutional reform. In fact, when Norway endorsed the SSF Guidelines at the FAO Committee on Fisheries (COFI) meeting in June 2014, the delegate who spoke for Norway, mentioned the Raw-fish Act and the Participation Act.

A caveat is, however, in order. As part of the Kerala project, the Norwegians also tried to introduce our raw-fish sales organizations, but they apparently underestimated the power of the local fish merchants. In reflecting on this experience, social scientist John Kurien (1985), who is a native of Kerala, points out that there is a major difference between creating new organizations of fishers, as with the sales organizations in Norway, and *for* fishers, as happened in Kerala.

This is a difference that the different approaches to fisheries development make. It is also a difference that different contexts make. I believe in the power of example, not because examples are easily replicated, but because they can be a source of discovery and inspiration. The more examples we have, the more we learn about alternative ways of doing things. But learning is only possible if we are willing to leave behind the prejudgment that comes with the panaceas and prejudice that follows the disciplines.

With their emphasis on “*food security and poverty eradication*”, the SSF Guidelines are particularly meant for the global South. This does not make them irrelevant in the North. Since small-scale fisheries people in the North seem to be on the path of extinction, one could even make the case that their impending demise makes the SSF Guidelines especially relevant.

Small-scale fishing people in the North, of course, enjoy the same

human rights as their brothers and sisters in the global South, and they frequently refer to these rights as they criticize the government. When, for instance, indigenous people in the North, like the Norwegian Sami, argue for their fisheries rights, they do so by invoking the UN Declaration of the Rights of Indigenous Peoples. The SSF Guidelines and the Tenure Guidelines strengthen their case because they do the same.

Small-scale fishers in Norway and throughout the Arctic should learn what these Guidelines say about tenure, communities and gender, for instance. Norwegian fisher organizations should also follow their implementation around the world. If they pay attention, which I am not sure they do yet, I feel confident that they will conclude that the SSF Guidelines are also for them. Learning about sustainable small-scale fisheries development should not be a one-way traffic from the North to the South.

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Where There Is a Will



The Norwegian model of fisheries governance, via the Norwegian Raw Fish Act and fish sales organizations, is worth examining...

Small-scale fisheries and their wellbeing are an important part of the political and institutional history of Norway. First and foremost, this is due to the significant social and economic

role that the fishing industry has played—and still plays— for the country as a whole. Before I give an overview of this history and the crucial formative role of fishers' organizations, let me briefly explain why the organization of small-scale fishers is such a pertinent issue, also in connection with the SSF Guidelines (Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication), adopted by the Food and Agriculture Organization of the United Nations (FAO).

The impetus behind the SSF Guidelines is, as the full title alludes to, the observation that small-scale fishers are so often poor and marginalized. They do not have a voice in the political process, as one would have expected, given their large numbers and contribution to society. This fact can largely be explained by the lack of organization, and the collective capabilities organizations build. If small-scale fisheries people were better organized, they would be able to talk to one another but also speak with one voice, which would empower them in the political process that determine their working conditions. If they cannot do that, others are less likely to listen to what they have to say, as no one has patience for cacophonies.

Then there is the issue of bargaining power. Individually, small-scale fishers are easily exploited. They can be played against each other. They, therefore, lose out in transactions with middle men or with governments. Together, if organized, they would be able to negotiate with more strength, and perhaps even impose their own terms. Thirdly, there is the problem of collective action. Without organization, small-scale fishers easily fall into the trap of the 'tragedy of the commons' and the poverty that it often leads to. Organized, fishers could establish their own rules and exercise self-management or co-management to negotiate with more strength. Organization would not only make small-scale fisher people more powerful, it would also set them free.

All three points mentioned above are basically about the empowerment of small-scale fisheries and their people, which is also what

the SSF Guidelines aim at. This is undoubtedly important. How you actually accomplish that is another equally important question. The SSF Guidelines provide many important suggestions to this effect, including about developing organizational designs that people would support.

Governability

But there is a fourth argument for organizing small-scale fishing people, which is not explicitly mentioned in the SSF Guidelines, which is what I would like to elaborate on. This is about the ‘governability’ of the whole fisheries sector—governability defined here as the capacity for, and quality of, governance. A disorganized, fragmented and chaotic small-scale fisheries sector is obviously more difficult to govern, be it from the inside (self-governance) or the outside (government). Who should the government talk to if they want to communicate with the industry? And who in the industry is entitled to talk on behalf of whom? These are also important questions as far as the implementation of the SSF Guidelines are concerned.

Given this governability challenge, organization is not only in the small-scale fishers’ interest; it is also in the government’s interest—or in the interest of others who work to improve the conditions for small-scale fishers and fish workers, such as the FAO and non-governmental organizations (NGOs). Without such organization, government would not be able to govern effectively, democratically and legitimately, and the implementation of the SSF Guidelines would be more cumbersome.

Indeed, if small-scale fishers were well organized, they would be better able to govern themselves, without government constantly on their back. They would also be capable to play a more proactive role in the SSF Guidelines implementation process. The government would be released from micro-management and could instead direct attention towards facilitation and support, rather than focusing on

control and surveillance only. The implementation process would, in many instances, have to start with organizing small-scale fishers, and not just at the level of the local community but perhaps also countrywide. Small-scale fishers would also benefit from large-scale organization, as illustrated below.

Organization as a governability-enhancement device is something that the Norwegian government understood early on. It realized that organizing fishers would not only help small-scale fisheries as a sector but also be in the national interest. The government was, therefore, instrumental in the formation of the nationwide Norwegian Fishers' Association in 1926, and, later, with the establishment of the co-operative sales organizations from 1938 onwards. These measures not only turned the table for small-scale fishers in Norway but it also fundamentally changed the power relations in the industry in a way that has lasted until this day.

The lesson here is that the facilitating role of the State should not be underestimated. The organization of small-scale fishing people does not happen spontaneously and not always from the inside. A push from the outside is often needed, like from government or NGOs. This is because organizations are collective goods, and thus subject to a similar problem as with the tragedy of the fisheries resource commons: It is in the individual interest of potential members to remain passive and wait for others to take the initiative, as they can enjoy the benefits once the organization is up and going. Who would freely want to carry the burden and costs of organizing others? It is better to wait for others to make the move. (Poor people would not be able to afford it anyway.) But if everyone thinks like this, no one will. This tendency, which increases with the size of the group, is sometimes referred to as the 'second-order' collective action problem. It should perhaps instead be called the 'first-order' problem, as it has to be solved before one can effectively address the substantive problems in small-scale fisheries, as they are described in the SSF Guidelines, like those related to empowerment, community

development and poverty eradication.

Once established, the government and the Norwegian Fishers' Association could engage in a constructive partnership, which has characterized the relationship between the government and the industry. The government has been willing to exchange the loss of sovereign control with the legitimacy they have obtained from the industry. One may argue that the Norwegian Fishers' Association, if not being part of government, has certainly been part of governance. This has obviously made the Norwegian fishing industry more governable than it would otherwise have been, if the relationship were antagonistic rather than co-operative.

However, it is the Fishers' Sales Organizations and the 1938 Raw Fish Act (popularly called 'The Fishers' Constitution') that instituted them, and that really makes Norway different institutionally from most other fisheries nations. There are now six such organizations, together covering the whole country, with the Norwegian Raw Fish Association being the biggest one.

The sales organizations are owned by the fishers and are, as with any other co-operative producer organization, organized according to the classic Rochdale co-operative principles. Importantly, the law grants the sales organization the monopoly right of first-hand sales within its geographical district. It also gives the organizations the right to determine the minimum price, which the buyer must accept. There are always collective negotiations between the two parties, but if they cannot agree, the sales organization can dictate the price. This does not completely eliminate the market mechanism, as buyers can always make a higher bid (which they often do when there is competition for the fish), but the law surely regulates the transaction in favor of the fishers.

This is what the 1938 Raw Fish Act says about the organizations:

"The King may decide that the processing, sale or export of raw fish ... or products thereof shall be prohibited regardless of where

the fish is caught if first sale of the raw fish has not taken place through or with the approval of a fishermen's sales organization whose statutes have been approved by the Ministry concerned. Sale by an approved sales organization is regarded as first sale. Purchase of, and settlement for, raw fish fished on a share or percentage basis by owners of vessels, owners of gear or other co-partners is also regarded as first sale."

Imagine what difference this made in empowering the fishers! Not only did it guarantee fishers a decent price for their catch, with the Raw Fish Act, Norwegian fish merchants and exporters could no longer thrive on the back of the small-scale fishers. Instead, they had no other option but to do a better job in the export market. This would, of course, be good not only for the fishing industry but for the country as a whole, given that fish was at that time the most important export product. It should be noted that the Raw Fish Act was introduced at a time when fishers were much more numerous and small-scale than they are today. Norway was economically in a very different situation than it is now. By the turn of the 19th century, Norway was among the poorest of European nations, and small-scale fishers were at the lower end of the national income scale.

Merchant class

Although popular among the fishers, the Raw Fish Act and the sales organizations were, as one would expect, never popular with the merchant class. This is still the situation, and the current conservative government would probably have liked to see the act gone. There is also now in Norway a neoliberal wind blowing, which regards intervention in the market as not a good thing. But these organizations and the law authorizing them are not easily toppled. One does not mess with a law that fishers regard as their "constitution" — not without heavy political costs anyway.

Norwegian fishers have long learned to take this “constitution” for granted, and they would have been hard put to imagine how the Norwegian fishing industry would be without it. Even those who want to scrap it would tend to agree. An old professor of mine, Ottar Brox, used to say that he never realized the significance of the Raw Fish Act until he came to Canada in the late 1960s. This was not because Canada had a similar legislation, but because it did not. He was struck by the organizational powerlessness of Canadian fishers relative to their Norwegian counterparts. The book he wrote about the fishing industry of Newfoundland helped to inspire the formation of the Fish, Food and Allied Workers Union there. Personally, I had never seen fishers in a picket line until I came to Canada in the mid-1980s. Norwegian fishers would, of course, not strike against their own organization when they have the power to set prices. The sales organizations are as strong as ever. The Raw Fish Act still remains; even if a law reform in January 2014 changed its formal name to the Fish-Sales Organization Act, and new paragraphs were added.

What lessons can be learned from the Norwegian case? Can the Norwegian Raw Fish Act and the fishers’ sales organization system be copied by others?

First of all, the system was introduced in a particular historical context. It is less than likely that it would have seen the light of day in the current context. The industry looks very different today. Norway is a different place, political ideologies have changed, and power relations are not what they used to be. The fishing populations do not carry the same weight that they used to do. Their numbers are greatly down, compared to when the Raw Fish Act were introduced.

Still, as a governance model, the Norwegian Raw Fish Act and the sales organizations that the law facilitated, are not outdated. They address problems that small-scale fisheries are facing everywhere: poverty, vulnerability and marginalization, which have motivated the SSF Guidelines. And who can say that if the Raw Fish Act and the sales organizations were dismantled in Norway, the problems that

originally triggered these institutions would not resurface again?

It is not for me to say how relevant the Norwegian model is for other countries. Those who would say that it is not must also explain why. What the Norwegian example does suggest, however, is that if there is a will to foster organization that makes a difference to small-scale fishers, to the industry, and to the entire fisheries governance system, there is a way.

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A Social Contract for Fisheries?



The level of conflict among fishers in Norway would seem to call for a social contract for the fishery...

I come from an area in Norway, far north of the Arctic Circle, where fisheries have always been the most important industry. We would not have been able to sustain ourselves and to live as comfortably as we did, if it had not been for the fishery and our marine

resources. In fact, it is the riches of the ocean, combined with the free and easy access, that explain the dispersed settlement structure along the northern coast of Norway. What happens with the fishery has a crucial impact on our economy, on our communities and our way of life. Due to the Gulf Stream, we are, in spite of the Arctic location, blessed with mild temperatures, and, due to the easily available fish resource, we never really starved.

These days we also exploit other things from our waters—oil, for example. But the oil is not what we eat. In the north, where I live, the oil industry does not provide many jobs either. Since the 1970s, salmon aquaculture has gained importance, but still, it cannot replace the capture fisheries; the cod, the herring, the shrimp, the saithe, the haddock, the capelin, the crab and the mackerel that we harvest, process, and—in the case of 95 percent of the total catch—export. The expectation is, though, that aquaculture will become increasingly important for our regional and national economy. There is now optimism with regard to the new marine biotech industry.

The optimism is only matched by the pessimism that for the time being reigns in the traditional capture fisheries, where one crisis somewhere in the system is followed by another crisis somewhere else. As of 2003, the situation with the cod in the North Sea is problematic and the strong Norwegian currency creates worries. In the early 1990s, we had a severe resource crisis with the cod in the Barents Sea. Since then, there have been ups and downs.

Norway's fisheries have traditionally been free and open. It was possible for everyone to start a career in the fisheries. The crisis that hit the cod fishery in 1990 eliminated that freedom – probably forever. Before 1990, we had a quota and a licensing system for the offshore, large-scale fleet, whereas the inshore, small-scale fishery was subject to few restrictions. But in 1990, the government suddenly had a severe resource crisis on its hands and had to do something rapidly and drastically. The coastal fisheries were transformed from open-access to being closed. Today, 95 percent of the fishery is subject to quota

management. Now a young person, in order to establish himself as a fisher (in Norway a fisher is almost always a he), must not only afford a boat, but he must also have the financial muscle to buy a quota. And quotas are currently very expensive, if indeed available at all.

These days a fisher must also live with a heavy battery of rules and regulations that confront him every day he goes out to fish. He also faces a control and inspection system on the fishing grounds as well as when he lands his fish. This is a system that works on the assumption that he is a potential felon who would do everything he can to cheat. For a young fisher, this system has always been a fact of life. For those who were recruited into the fishery in the 1970s and the 1980s, however, the change that happened in the 1990s was breath-taking.

Management system

The new management system was not introduced overnight. It took more than 10 years to build it. Gradually, new rules were added. Also, more and more resources were spent on enforcement, which, of course, revealed more violations, or even triggered them. The outcome of this vicious circle is a management system so complex that fishers complain that they risk breaking rules they never knew existed.

It should be added, though, that much of this management system was not imposed on the fishers. In many instances, they asked for it. Rules pertaining to the fishing operations resulted from demands from the fisher themselves, often from one group of fishers who wanted some form of protection against another group, for instance, those that fish with a different type of gear. I am sure that this kind of dynamics is not unique to Norway. The quota system was controversial when it was introduced. It was accepted as a preliminary measure that would be abolished once the cod stock was back to normal. The cod stock recovered in the mid-1990s, but the quota system remained without much protest from the fishers. Today, there

are few in the industry who want to get rid of it. Changes, yes, but removal, no.

It is a notable fact that Norwegian fishers, through their national associations, are fairly well organized. They are, therefore, also highly active and involved in fisheries policy-making including resource management. They are in a position to influence the management system and rules put in place. Traditionally, fishers in Norway were able to speak with one voice. Today, however, there is much more disagreement among them. The national fisher's association has, for some years now, been on the brink of collapse due to internal strife. The large-scale vessel-owners have repeatedly threatened to break out. Many small-scale fishers, those that fish close to shore and with traditional gear, did so in the early 1990s, and formed their own association, The Norwegian Coastal Fisher's Association. Its membership has been growing ever since.

The national fishers' association is, in reality, a federation of sub-organizations of different gear groups and regional associations. (The Coastal Fishers' Association does not belong here.) It used to be able to strike agreements and reach consensus on important political and legal issues. The quota system introduced in 1990 has changed all that. The fishers as a group have, therefore, lost much of their power in Norwegian fisheries as compared to processing and aquaculture.

Fewer numbers

It has not helped Norway's fishers, of course, that they are getting fewer and fewer in numbers. In 1950, they were 100,000; today (2003) they are 14,000 and their number will most likely continue to drop.[^] This makes fishers less of a force in Norwegian politics. One should perhaps expect that it would make them more—and not less—united. Instead, the level of conflict among fishers has increased. The reason has much to do with the fish resources becoming increasingly scarce. I would argue, however, that the quota

system itself must take much of the blame. When fish quotas become a privately held right—as is largely the case with the Norwegian system—unavoidably it creates a system of privilege. Winners will, of course, support the system, while the losers will condemn it.

In Norway, quotas are attached to the vessel; thus, the quota inflates the price of the vessel dramatically when it is sold. Since vessels are freely bought and sold, so also are quota rights. Such a system is bound to have an effect on the structure of the industry. In essence, this is also what the system aims at. It benefits those who can muster enough capital. In our situation, the large-scale operators in the southwestern part of the county come out as winners, while smaller operators who dominate in the northern fishing communities are losing out. We see, therefore, a geographical concentration of fishing capacity and quota rights that is threatening the existence of many fisheries-dependent communities. Conflicts in Norwegian fisheries thus also have a regional dimension.

This is not a unique situation for Norway. It is happening everywhere where quotas are bought and sold. Iceland has gone farther than Norway and other Scandinavian countries in introducing a system that turns fishing quotas into a market commodity. This has changed the Icelandic fishery and has concentrated fishing rights in fewer hands. It has transformed the nature of fishing, the relations between fishers, and between the fleet and the processing sector. It has altered the very meaning of being a fisher. Some see this as not only inevitable, but also as commendable.

No doubt, there is too much fishing capacity out there. Many problems would have been solved if this capacity were reduced. Individual Transferable Quotas (ITQs) may be a means of obtaining such a goal. But the downscaling also has social and cultural consequences that can be quite dramatic. Iceland is a good illustration, and Norway is not a bad one either. No wonder, therefore, that a quota system that allows the market to determine who will prevail in this industry is controversial. Currently, the issue is burning hot in Denmark.

In 1994, the Norwegian Fishers' Association agreed on an allocation formula between the large-scale, ocean-going fishing fleet and the coastal, small-scale fishing fleet regarding the cod stock, leaving the former group with 35 percent of the Total Allowable Catch (TAC). It was also agreed that when the TAC is low, the coastal fleet should have a higher percentage than when it is high. Later, other species were included.

In 2001, a long-term allocation rule for most species was agreed upon, which gives specific groups of vessels a fixed share of all TACs. In many ways, this is remarkable. First, it is a rather fragile compromise among groups of fishers who have conflicting interests pertaining to quota allocation, but who share the view that it is their responsibility to arrive at a workable agreement. Second, the government has accepted the deal without objections.[#]

In 2002, for example, the Fisheries Minister proclaimed that he would not alter the arrangement one iota but stick to the key agreed by the partners involved. He was heavily criticized in the media for abstaining to intervene in such an important issue of distribution. One may, of course, question whether that was a sensible thing to do for a fisheries minister who is ultimately responsible for all aspects of fisheries.

Trust

Nevertheless, it can be interpreted as a real devolution of management authority, signaling a great level of trust in the organization's ability to act responsibly. (There is, of course, a less flattering interpretation: the minister—and the political system—finds it politically convenient to leave controversial issues of public concern to the parties involved. Political opportunism, rather than genuine devolution, is thus perhaps the name of the game.)

Whether the agreement will continue to receive support among the fishers and the government in the future remains to be seen. If it

does not survive, fishers may become even more divided than they are today. If conflict cannot be avoided, it is better to have the fishers fighting one another each time the allocation key is renegotiated than having them fighting all the time. Bringing fishers into a responsible partnership may also allow them to break out of the role of the villain that the current management system places them in. No voluntary organization, such as the Norwegian Fishers' Association, can survive conflicts that are never addressed and resolved in an orderly fashion.

Our management system depends on such an organization. Both the fishers and the government need it. In fact, it was the government, which, in the late 1920s, took the initiative to form the organization. The government needed someone in the fishery to deal with who could speak on behalf of all the fishers. The fact that the fishers were able to unite has since then been an important precondition for their power in Norwegian fisheries. When the crisis hit in 1990, the government had a representative voice of the fishers that it could listen to and seek advice from. The apparatus for negotiation was already in place. The two parties did not first have to establish a working relationship before they could start to address the crisis.

Fisheries management cannot be focused on one thing only—for instance, economic efficiency. There are many other concerns involved and we need to address them in ways that do not alienate those who have most at stake—those whose lives are dependent on both healthy fish stocks and healthy fishing communities. The issues are of such a nature that we need to thoroughly debate what to do. When things are complex and dynamic, we need to be flexible. Our convictions are constantly challenged by new events, and we cannot be dogmatic regarding solutions. Instead, our perspective must be broad and inclusive. Importantly also, we must be able to learn from experience, to learn from each other and debate what we learn, because we never learn the same things from what we experience.

Different conclusions

In Norway, we still debate what we learned from the fisheries crisis of the early 1990s, and typically, people draw very different conclusions. There are those who argue that we did not learn a thing. When the crisis was over, we went back to the old habits. Therefore, perhaps, history is bound to repeat itself. This is something we can hardly afford. Norway certainly cannot permit a new decimation of the herring stock, as happened in the late 1960s. It took 30 years to rebuild it. Neither can we allow another Barents Sea cod crisis as we had in the early 1990s.

We have to learn to live with the fact that conditions in the fishery will remain unstable and that there will always be a crisis somewhere in the fishery. But if we ask ourselves what this means, what conclusions we can draw from this fact pertaining to fisheries management, what then would be our answer? How do we deal with all the complexities, diversity and dynamics that the fishing industry must somehow relate to? Do we build an equally complex and dynamic management system?

The Norwegian experience is that there are limits to complexity. We need to turn the trend around, and make the management system simpler. But how do we do that, given the fact that: (a) the industry, and the environment in which it finds itself, is characterized by increasing globalization; and (b) that fisheries management must address several concerns that are frequently in conflict and cannot be easily reconciled.

There are no simple answers to these questions. But I do think the allocation key contract in the Norwegian fishery, negotiated among the fishermen themselves and with the government as facilitator, may provide some clues. Much would be gained if we could somehow arrive at a social contract for the fishery—a general agreement among those involved about what we, as a collective, want to accomplish and what we must avoid. Those for whom the fishery is a matter of life

or death must be involved in deliberating and deciding on what such a social contract should contain. Today, the allocation key pertains only to quota shares between inshore and offshore. The contract should also be extended to include other contentious issues, such as the allocation between regions, and between onshore and offshore activities, and between existing and future generations. A contract should also specify who should be considered as stakeholders with a legitimate claim to be represented in decision-making forums.

Importantly, a social contract for the fishery cannot be imposed from the top down. Instead, we must build on democratic principles, where all affected stakeholders must be allowed to voice their concerns. Only through such a contract can issues of social justice inform the decision-making process. Far too often, concerns of social justice are suppressed, while fisheries management is reduced to a technical fix. No wonder, therefore, that fisheries management continues to be among the most contentious areas of public policy, where lack of legitimacy is turning management into an increasingly repressive affair.

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*Published in *SAMUDRA Report*, July 2003

[^]In 2019, they are about 9000

[#]The allocation formula is largely the same in 2019

Imagining the Future



What can be managed locally should be managed locally. What can be fished by small-scale fishers should be fished by small-scale fishers...

If governance is perceived as the ability to think beyond the confines of sectoral interests and immediate needs, imagination is one of its key ingredients. Images of how society might look

are critical to efforts for solving problems and opening opportunities. After all, the very definition of what constitutes a problem or opportunity depends also on the way the future is imagined. To take this discussion to the field of capture fisheries: Do we dare imagine the world's 30 million fishermen happily leaving their dangerous occupations to blend into the industrial workforce? This is, after all, what has happened to countless other professional groups in history, and their erstwhile members are not necessarily the worse off for it. Or, to present a contrary view, can we imagine a world in which small-scale fishing communities are given historical rights to the resources that they have always relied on, and will therefore hopefully live happily ever after? Although this image will appeal to many of those who support small-scale fishermen today, it also has its potential shadow-side: historical rights may not only keep others out, they can also lock people in. All we want to point out here is that it is not only important to possess images, but to investigate their possible consequences too.

Principles go beyond images. Where images paint pictures, express ideas and sometimes also formulate hopes, principles are the measuring rods that separate the wanted from the unwanted, the good from the bad. There are many principles floating around, and often they are unspoken. The 'subsidiarity principle' is one of the more powerful ideas to have been suggested for restructuring—or re-imagining—the fisheries field, not only with regard to management but also to technology. We, therefore, believe it is worth paying more attention to it.

The adjective 'subsidiary' is more familiar to the ordinary person than the noun 'subsidiarity': it suggests a relationship in which one entity is auxiliary to another. A subsidiary firm is thus a company that is owned by (or possesses a legal relationship with) another, bigger company. The derivative notion of 'subsidiarity' has its origin in the realm of political and legal thought, referring to the relationship between higher and lower political units in society. P G Carozza

provides a working definition in his paper, ‘*Subsidiarity as a Structural Principle of International Human Rights Law*’ in *The American Journal of International Law* Vol. 97 (2003): “*Subsidiarity is the principle that each social and political group should help smaller or more local ones accomplish their respective ends without, however, arrogating those tasks to itself.*”

Helping others

Carozza is discussing the relationship between groups or entities situated at various political and social levels, and their respective duties. In his formulation, subsidiarity refers to the task of higher political units to ‘help’ lower units in accomplishing their goals, without appropriation of these tasks taking place. We will return to this unusual perspective below.

Other definitions of subsidiarity emphasize the rights of lower units *vis-à-vis* higher ones, and the notion that whatever can be decided at a lower level should also be done there. The subsidiarity principle is thereby a potent force in protecting inferior units from the interference of their ‘superiors’: it is only if the task or issue cannot be effectively addressed by the inferior unit that the higher-level unit is allowed to step in. In the United States, the notion of subsidiarity has played an important role in defining federalism; in the European Union, it has recently been accepted as one of the constitutional principles. The Edinburgh European Council of December 1992 issued a declaration on the principle of subsidiarity, which was subsequently developed into a protocol by the Treaty of Amsterdam. Subsidiarity came to play an important role in structuring the relationship and the distribution of competences between European and national-level agencies.

In the field of fisheries, authors have referred to subsidiarity to discuss the relationship between government and user groups, and the role of participation therein (see, for instance, “*From the Bottom*

Up: Participatory Issues in Fisheries Management: Issues in Institutional Design” by Bonnie McCay and Svein Jentoft in *Society and Natural Resources*, Vol. 9, No. 3, 1996). Following the 2004 tsunami in Asia, John Kurien in ‘*Tsunamis and a Secure Future for Fishing Communities*’ in *Ecological Economics* 55, 2005, has used the term to discuss the responsibilities of various parties with regard to disaster relief. Both resonate an echo of the concerns of co-management, and the most appropriate way to distribute rights and responsibilities between the parties involved.

In his contribution to the discussion panel at the Sixth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, in June 2005, Sebastian Mathew brings in another perspective. He suggests the implementation of ‘scale subsidiarity’. By this he means the process “*whereby larger fishing units are considered in a fishery only after exhausting the possibility of employing smaller fishing units in the same fishery.*” Small is hereby given priority over big—this is a symbolic reversal of events occurring in so many fisheries, in which the big and mighty have pushed the small off the lane.

Scale subsidiarity, or technological subsidiarity as we propose to call it, has results that are similar to other proposals for the support of small-scale fisherfolk. The Statement from the Civil Society Preparatory Workshop, prior to the Global Conference on Small-scale Fisheries (4SSF) in Bangkok in October 2008, thus requests access and management rights over local or traditional sea territories (Articles 1 and 2); Article 3 lends priority to small-scale fisheries in exclusive economic zones; and Article 4 strives to prohibit industrial fishing in inshore waters. In all these cases, small-scale fishers are given territorial rights. These are motivated and anchored in a human-rights discourse that provides small-scale and indigenous fishing communities a preferential position.

Primordial rights

Although an application of the subsidiarity principle to technologies has similar consequences, it is rooted less in a discussion of primordial rights than in effectiveness. The argument is that when small-scale fishers can do the job just as well (or better), they are given priority; when they are not yet up to the task, however, other parties have a role to play. But effectiveness with regard to what? Four criteria suggest themselves:

1. prevention of harm to the marine environment, which nurtures the fishery;
2. ability to catch what the ocean allows, taking account of environmental limitations, thereby contributing to the well-being of human society;
3. generation of a maximum of livelihood opportunities, in accordance with the need thereto; and
4. providing high quality protein for consumers in local, national and international markets (in that order).

The advantages of small-scale versus industrial fishing are proven quite easily for criteria 1 and 4 above (although there will always be exceptions). This is not to deny that small-scale fishing sometimes has negative environmental consequences, and that improvements must be made. But the second criterion is more difficult to prove.

Can small-scale fishers indeed replace industrial fishers in capturing maximum sustainable yields? Are there not many instances where this would be done away as wishful thinking? After all, some fishing grounds are distant, and some target species are not within reach of small-scale fishing technology.

Applying the subsidiarity principle technologically would, therefore, need careful consideration of the particular ecological and social contexts because, at the end of the day, it is that context that determines what technology is appropriate or not. Then we would also need a finer gradient than 'big versus small'; the technology most

appropriate to the situation may well be of intermediate scale.

It is easy to see that the scaling up or down of fishing technology that is already in place and in use is challenging. It would need a governance mechanism with sticks and carrots, and a design that allows decision-makers to know and understand the particularities of the social and ecological system within which the technology shall operate. Thus, organizational subsidiarity accompanies technological subsidiarity.

In conclusion, we would like to go back to Carozzo and his definition of subsidiarity, which argues that social and political groups should ‘help’ smaller or more local ones to accomplish their respective ends. Translated to fisherfolk and their technologies, it suggests that industrial fishers should assist small-scale fisherfolk in doing their work, before seeing what is left for themselves to do. A start would be for small- and large-scale operators to get together and negotiate a deal on how to share resources and territories between themselves. A deal developed from the bottom up is likely to be more sustainable than one imposed on fisherfolk from the top down.

Facilitating such encounters would be among the responsibilities that government agencies should assume if no one else is there to initiate them. This would appear to be a wonderful idea—not treating industrial fishers as the ‘bad guys’ who have to be forcibly removed from the sector, but as compatriots who have a role to play *vis-à-vis* their weaker brothers.

As an idea, it may seem far-fetched, but not necessarily impossible to realize. As some would argue, it is a matter of getting the institutions right—and the principles behind them. But before we can make it happen, we have to imagine it, as imagination is the mother of all social, institutional and technical reform. Before we can do something, we have to dream it.

* Co-authored with Maarten Bavinck, and published in *SAMUDRA Report*, No. 51. 2008

Remoteness and Alienation



The 'democratic deficit' in European fisheries management is a problem that cannot be wished away...

European fisheries management suffers from 'democratic deficit': the problem of remoteness and alienation that arises from decisions being transferred to a European level. The fisheries of Europe display an enormous diversity with regard to

socioeconomic, cultural and political-institutional characteristics and histories. The situations in the Black Sea, the Mediterranean, the Biscay, the North, the Baltic and the Barents Sea—to name a few of the regional seas—differ vastly, except for the fact that fish resources in all these settings are under heavy pressure and have been pushed beyond safe biological limits. Each country has its own management system, based on its institutional traditions.

Public-private management or co-management as a new governance model in fisheries is not a very a hot issue in European countries, although it is at least a topic of debate. It would also be an exaggeration to say that it is at the top of the agenda of the European Union (EU), but it is a theme that is gaining attention in Europe as in other parts of the world.

The EU constitutes an attempt to build stronger and more cooperative relations among countries along social, economic and political dimensions. This raises very complex demands of governance, particularly now with a number of States of central and eastern Europe as new members.

My own country, Norway, is not part of the EU. Neither is Iceland, which along with Norway, are major fisheries States. However, Norway and Iceland have both negotiated extended economic agreements with the EU, which, to a large extent, make them members of the common market.

It is only to be expected that an integration along all these dimensions will influence the way governance is organized and exercised at both EU and member State levels. Integration has certainly made it more complicated for member States to agree on common policies, for instance, in fisheries, and there is every reason to assume that new obstacles will surface in the future.

European integration is a long process, which has so far taken many decades, and will certainly take many more. Problems that have arisen have been met with a varying degree of success. One problem that has yet to be resolved is the so-called 'democratic deficit': the problem

of remoteness and alienation that arises with respect to citizens' involvement and influence when decisions are transferred from a national to a European level.

When the EU members adopted the so-called 'subsidiarity principle', they expressed the ambition that there should not be any unnecessary centralization of decision-making power and that decisions should be taken at the most appropriate level. Precisely what this should mean for the many dimensions of integration and for different policy areas such as fisheries has proven difficult to determine.

Highly contested

The principle is highly contested as countries and political groups tend to regard subsidiarity in their own ways in concrete situations. Does it apply only to the relationship between the EU and member States? Or should it also be applied within member States? What exactly does it entail for a sector like fisheries?

The democratic deficit is generally perceived as a problem in most member States. It was also one of the issues that made a majority of my Norwegian fellow citizens reject membership of EU in two referendums—in 1972 and in 1994. In both instances, the fishery issue was the trickiest one and the one that tipped the vote negatively. In the eyes of the average EU citizen, the current policy-making process in the EU is neither transparent nor participatory. The Commission, which is the most powerful EU body, is not a representative institution, elected by EU citizens. The popular impression also holds that special-interest lobby groups have too much power, and civil society is not involved as fully as it should be. As a consequence, the democratic deficit undermines the legitimacy of EU policies, which are often highly disputed. The Common Fishery Policy (CFP) is no exception to this rule.

It must be emphasized that the situation is not static. Increasingly, attention seems to be directed toward the political process and not

only to outcomes. For instance, in a 2001 White Paper on European Governance, delivered by the Commission, non-governmental organizations are viewed as positive contributors to the definition and implementation of European policies. Their involvement is seen as a way of broadening the debate on EU policies and getting citizens more actively involved in the political process. The same attitude is articulated in the Nice Treaty, which talks about the input of “*organized civil society*” (Article 257). The ideas of forming “*regional advisory committees*” of stakeholders in policy making and of decentralizing certain management responsibilities in order to address local and emergency situations, as was expressed in the 2001 ‘Green Paper’ on the future of the CFP, are tangible expressions of such a public-private governance model. For those who believe in public-private partnerships as a governance model, these developments are positive. Still, the representation of small-scale fisheries and communities are largely missing (Linke and Jentoft 2016).

Subsidiarity principle

It could be argued, however, that public-private management or co-management is nothing new in European countries. Neither was it (and the subsidiarity principle) invented by Eurocrats. In most countries, fisheries management is an interactive process between government authorities and fishing industry organizations. Some of these arrangements have a very deep history, such as the Spanish *Cofradías*, the French *Prud’homies*, and the Polish *Mazoperias*. Also, more recent public-private management systems can be found, such as the British Producer Organizations, the Sea Fisheries Committees in England and Wales, the regulatory advisory boards in fisheries in Scandinavian countries, and the *Biesheuvel* groups in the Netherlands.

These co-management systems vary from country to country—and sometimes within countries—with respect to the kinds of relations that shape the public-private dyad. Some fall short of being described

as truly co-management. Thus, real co-management in European fisheries exists but in a limited and patchy form. These examples do suggest, however, that an EU policy aimed at strengthening stakeholder involvement has some concrete experiences to build on. Public-private partnership (and co-management) is thus not an abstract concept, but an idea that mirrors a certain reality. There is no doubt, however, that many of these systems could be much improved: that they could become more coherent, representative, transparent and effective. Stakeholder participatory democracy through public-private arrangements does represent a challenge to the representative democracy of citizens. It is important to make sure that partnership arrangements do not compete with, but become an addition to, citizen democracy, thus broadening and deepening the democratic process as a whole. This is no less important in fisheries than in other sectors of society.

There is no doubt, however, that European countries have a long way to go in order to live up to the subsidiarity principle that they have committed themselves to. This is true for fisheries and for other sectors of society. Thus, the democratic deficit is likely to persist for years to come.

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The Litmus Test



It should be demonstrated that a property-rights regime will increase the welfare of those most in need...

Property rights have been heralded as *the* solution to the ‘fisheries problem’ (that is, overfishing)—by economists at a conference in Australia (see article by Derek Johnson, ‘Who’s sharing the fish?’, *SAMUDRA* Report No. 43, March 2006) and by leading

institutions such as the Food and Agriculture Organization of the United Nations (FAO) (see piece by Ichiro Nomura, ‘*No one-size-fits-all approach*’, *SAMUDRA Report* No. 44, July 2006). That comes as no surprise. It is old news. The puzzle worth pondering, however, is this: If property rights are such a blessing to fisheries as alleged, why are they so often received with animosity within the fishing population? Let me suggest the following possibilities:

The reason could be that people do not get the message; it is either incomprehensible or they are not yet ready for it. They may not see the problem for which property rights are held to be the solution. Thus, what is needed is more effective communication to make people understand the significance of the message and feel better about it.

Maybe it is not property rights *per se* that people find so problematic, but the particular kind of property rights that is promulgated. To proclaim that property rights “*are absolutely necessary and fundamental to the sustainability of the world’s fisheries resources*” (Nomura) does not say much unless one is willing to specify what type of property rights one is talking about: private property, common property, community property, State property, corporate property, etc.—which all come in various forms and have different implications. Therefore, if the argument had been more nuanced and people were offered a set of alternative property-rights solutions that they could relate to, they might be more supportive.

But perhaps the problem lies elsewhere. People may both understand the message and see its merits, and yet oppose it because they see it as threatening to their livelihoods and ways of life. For people living under an open-access regime, the property-rights concept is often perceived as an alien and inappropriate concept: “How can somebody acquire privileged ownership of a resource that was free for all to share?” If that is the case, a more cautious presentation that does not ignore people’s unease might do the job.

Still another explanation for people’s defiance may be that property rights do not offer any solution to what people perceive as their most

important and urgent problems: “Whatever the problem property rights are supposed to solve, my problem is another one.” If you, for instance, struggle to feed your family on a daily basis, a property-rights regime might not figure high on your priority list.

I can think of yet another reason, which is perhaps the most likely one, why many fishing people show resistance to the property-rights systems favored by economists: They have already suffered their consequences. They, in contrast to academics, fisheries managers and others who believe so strongly in property rights, know how it feels to lose access to the resource.

Standard definition

In order to understand what the problem is really all about, we need to dig even deeper and ask what property rights are in the first place. Here is a standard definition: The essential thing about a property right is not the relationship it establishes between a person who is the owner and the item that is owned but the relationship it forms between people: the haves and the have-nots. Thus, property rights are a social relationship, and any change in property rights is intervening into existing social relations by differentiating categories of people.

As someone benefits from acquiring a property right, others necessarily lose, because the owner is in a rightful position to exclude others from enjoying the stream of benefits from the thing that is owned. Therefore, property rights are inherently inequitable, and this problem does not go away if you simply ignore it as Derek Johnson found happening at the *Sharing the Fish 2006 Conference*. Neither can the equity issue be postponed until after property rights are introduced, as it will typically pop up long before you try to implement them, because people can anticipate their social and economic impacts.

It is not for nothing that social theorists have long been concerned with the empowering and disempowering effects of property

rights. The famous French anarchist and philosopher Pierre-Joseph Proudhon captured the quintessence of this problem in his 1840 treatise *What is Property? Or, an Inquiry into the Principle of Right and Government* through his oft-quoted statement, “Property is theft!” Fishing rights are often opposed by similar language. That is perhaps going too far since property rights can mean many things, and also serve good purposes. As Bjørn Hersoug argues in his commentary on both Johnson and Nomura (‘Opening the tragedy’, *SAMUDRA Report* No. 45, November 2006, p. 3), we, therefore, need to ask if fishing rights are used to empower the right people. Consequently, one should not be dogmatic about property rights, as they come with potentials as well as risks. Property rights can lead to more inequity but they can also be employed for correcting inequities, as they can be used as a mechanism to protect those in need of protection, that is, the marginalized and impoverished among fishers. This is unfortunately not what those who most eagerly sponsor property rights, such as Individual Transferable Quotas (ITQs), have in mind.

Difference principle

I suggest, therefore, that before we embrace any particular property-rights regime, it should be litmus-tested against the ‘difference principle’ established by John Rawls—perhaps the most important philosopher of the 20th century—in his 1971 work, *Theory of Justice*: “Social and economic inequalities should be arranged so that they are to the greatest benefit of the least advantaged persons.”

Thus, unless it can be demonstrated—not only in theory but also in practice, and not only on average but for the specific situations in which fishing people find themselves—that a particular property-rights regime will increase the welfare of those most in need, we all have legitimate reasons to remain skeptical, whatever the economists and FAO might say.

LIFE ABOVE WATER

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Co-management – Go for it



Property rights and co-management could connect to improve the management of small-scale fisheries...

This chapter attempts to bridge two separate but potentially overlapping discourses in fisheries management—that on property rights and the other on co-management. The property rights discourse is concerned with access rules,

economic efficiency and rent production. The co-management discourse is predominantly focused on decision-making, stakeholder involvement and participatory democracy.

However, the two discourses tend to converge on one important issue—power. In the first instance, property rights entail the power to exclude someone from access to fisheries resources. In the latter instance, co-management is about the power to define the rules of access: who should decide on fisheries management regulations, among other things. Usually, a property right also involves the power to make the rules. Thus, we would assume that one is a precondition for the other; that, for instance, a co-management regime would have to rely on, and preside over, a property right. Or conversely, that co-management comes with a particular property right. In this chapter, I argue that neither has to be the case. First, I shall say something on property rights. Then, I shall define what co-management is. Finally, I shall discuss how they might possibly connect in improving fisheries management for the benefit of small-scale fisheries.

The important thing to stress about a property right is that it is essentially a social relation. It establishes the position of the holder of some good *vis-à-vis* the position of other contenders of the same good. A property holder can lawfully deny others the possibility to enjoy the good or the benefits that stream from it. In other words, the key relation of property is not between the rights holder and the thing itself, but between people: the owner and the non-owner.

Provided that the rights holder can effectively deny the access and use of others, he or she is also the holder of power. No wonder that Karl Marx saw property rights as structuring the relations among social classes, and turning class into an instrument of power and exploitation, and a source of inequity. Similarly, Pierre Proudhon, the 19th century French anarchist, famously claimed: “*Property is theft.*” This is also why the property rights issue makes fisheries management systems so controversial and why small-scale fishers protest against privatization.

Undoubtedly, property rights do serve a purpose in fisheries management. The absence of property rights poses some risks on the resources. But property comes in many forms. A private individual may possess a property right, and so may States and communities. The question is what different property rights are able to deliver to fisheries management. The State is said to have only thumbs and no fingers. Therefore, it is not able to sufficiently use the power that property rights vest in it to manage diversity and complexity and situations that require a lot of detailed local knowledge and fine-tuned management mechanisms.

Transferable quotas

Private property, on the other hand, leaves communities at risk as it induces individuals to care more about themselves than their fellow community members and the places they come from. Thus, in many parts of the world, Individual Transferable Quota (ITQ) systems have proven to concentrate fishing rights, and hence fishing capacity, in the hands of the few, while communities and small-scale fishers have been stripped of their access to fisheries resources.

Property rights vested in communities are an alternative that has been largely neglected in modern fisheries management theory and practice. Instead, fisheries management has been arranged as a relationship between the State and the individual, with no institutional mediating link in between, such as the community. In this system, the individual is placed passively at the receiving end of the management chain, giving the State the role of patron. This system also has its ideological underpinnings, emphasizing the supremacy of the market and the inferiority of the community.

It is important to stress that there exists a range of property rights types and that State or private property are not the only remedy to the problems involved with open access. Let me also emphasize, because it is relevant to co-management, that open-access systems also come

in many forms, and that they do not have to imply a rule-less fishery. Furthermore, managers rarely find themselves in a situation where they can simply make a choice between one property rights system or another as if they are displayed on a shelf when entering a store. In real life, property rights reform implies that you move from one form to another. You always carry baggage, and you never start with a clean slate; getting rid of an old system can be as difficult as implementing a new one.

I can think of a number of reasons for this; one is that after a while property rights, as institutions in general, acquire a status of objective reality—they become like nature. We take them for granted and cannot imagine how life and society would have been without them. Another reason is that property rights, as Proudhon hinted at, always produce winners and losers. It is in the interest of winners and generally also in their power to keep the system as it is. Thus, property rights reforms are constantly imbued with social conflict, as history has shown time and again.

I believe that we need more research into the issue of property rights reform. We know fairly well how property rights systems work in fisheries: what their problems and benefits are, what they do and do not do. Much less attention has been paid to how one moves from one system to another, and under what conditions system changes occur. Let me suggest, for instance, that it is much easier to move from State and common property to private property, than the other way around. It is not for nothing that private property is written into the constitution of many countries while community property is not. It is also for this reason that it seems like privatization of fish resources—as within an ITQ system—is an irreversible process. Once quota rights are privatized, there is no way back. They produce what social scientists call ‘path dependency’.

The moral is that property rights reform should not come easily and as a quick fix. They do change social relations drastically, and thus have an impact on how society—in our case, the fishery—works. They

have implications that are not always easy to foresee: for instance, on power structures, settlement patterns and social values. You risk empowering distinguished social groups that are already enjoying power. So don't do something that you may later regret.

Co-management

Co-management can be defined as a collaborative process of regulatory decision-making between representatives of user-groups, government agencies, research institutions and other stakeholders. Power sharing and partnership are essential elements. Co-management vests authority over, and responsibility for, regulatory functions outside the realms of government, for instance, in user-organizations or fisheries co-operatives at the national, regional, and/or community level. Co-management does not leave decision-making to the vagaries of the market, but draws heavily, although not entirely, on the forces and capacities of civil society. If we think of the relationships of fisheries management as a triangle, with the State at the top, the market at bottom left, and civil society at bottom right, co-management would be placed right in the middle.

I believe community- (or common-property) rights is particularly effective as a co-management tool. Communal or 'collective' property rights vested in the co-management institution provide the authority with an extra stick. It allows the co-management system to control access; it gives the right to sanction and, ultimately, to exclude. A co-management system that enjoys this power would *ceteris paribus* be more effective than one that does not have this leverage. A co-management system operating within a State property, private property or open-access regime would normally have no right to sanction by exclusion. It can only rely on persuasion and moral condemnation.

A co-management system that is underpinned by one of these three property rights types is vulnerable to free riding, as members would

always have an exit alternative. If members do not like the collective decision, they can simply opt out, go solo. In a co-management system residing over a communal property right, however, people would have to use their voice to express their dissatisfaction. If they should then choose not to abide with the rules set by the co-management authority, they risk being penalized, not only through moral condemnation, but also by losing access.

It should be noted that this does not mean that co-management cannot work in less than ideal circumstances. In many countries, we see co-management systems operate well on property rights other than communal ones. If co-management could not function in less-than-ideal circumstances, it would hardly be much to strive for. It would then only work in exceptional cases.

Since co-management can function regardless of the form of property right, there is no reason to wait for a property rights restructuring to launch a management reform. The former is usually a more difficult undertaking than the latter, as it tends to provoke power. Comparatively speaking, co-management takes an administrative reform that, in many instances, does not need more than marginal reorganization of administrative boundaries, redistribution of management functions, and readjustments of procedural routines. Property rights reform is more consequential since it changes basic social relations in lasting ways, as mentioned above. Hence, it tends to be more controversial and conflictive.

Co-management reforms and property rights reforms could certainly be mutually reinforcing, and should, if possible, be integrated as part of the same process. Yet, they do not have to happen in concert. One reform could run independent of the other. Co-management could be initiated and implemented in the short run, while the property rights transformation could be a project for the longer term. If you should meet obstacles in implementing the latter, it does not mean that you cannot succeed in the former. So here is my advice for small-scale fisheries: if you want co-management, go for it. You

don't have to wait for the revolution.

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The Devil in the Detail



Practice has preceded theory in the implementation of co-management, which also needs a supportive social and cultural environment...

After more than 60 years of scholarship (provided that we consider Raymond Firth's monograph on the Malay fishers to be the seminal work), social scientists seem finally to be

having some impact on fisheries management. Co-management, which originated as a discourse among fisheries social researchers in the 1980s, can now be found everywhere. In December 2003, I was at a conference in Cape Town, which revealed that co-management is now written into the fisheries legislation of a number of countries in Southern Africa. In January 2004, I travelled for two weeks in India, where I heard fisheries administrators talk enthusiastically about co-management. In March, I attended another fisheries co-management conference held in Penang, Malaysia, with participants from all over Southeast Asia. A meeting of senior fisheries officials of ASEAN (Association of Southeast Asian Nations) countries embraced the concept in 2001. In many countries, indigenous peoples' movements are sponsoring co-management. The Code of Conduct for Responsible Fisheries, drawn up by the Food and Agriculture Organization of the United Nations (FAO), expresses concerns and declares principles that, in effect, invoke co-management solutions. In 2003, Kluwer published a book, edited by Douglas Clyde Wilson, Jesper Raakjær Nielsen and Poul Degnbol of the Institute of Fisheries Management and Coastal Community Development (IFM) in Denmark, on the fisheries co-management experience on all continents. Since then, co-management has become a household concept in fisheries circles.

Co-management in fisheries has, indeed, become a global issue. It cannot be dismissed as a social scientists' utopia. However, it must be stressed that, in this case, practice preceded theory. The co-management scholarship is not more than a few decades old, but co-management-type institutions have, in some instances, a much deeper history; in some countries, they have existed for centuries. It is only recently that these institutions have been recognized as examples of a unique management practice that also has the merits, in the modern age, of resource conservation and sustainable fisheries development.

Co-management stresses the need for involving and empowering the people in the management decision-making process whose

livelihoods depend on marine resources. Actually, there is nothing inherently ‘fishy’ about co-management. We are, in fact, talking about a form of governance that builds on public-private partnership, where there is private involvement on the part of actors from both industry and civil society—those represented by interest organizations, non-governmental organizations (NGOs) and community groups, for instance. There is now an extensive literature on public-private governance in society, and fisheries co-management scholarships may be regarded as a sub-discourse. In some instances, governance theorists draw on the fisheries co-management literature, as does the Dutch political scientist Jan Kooiman in his book *Governing as Governance* (2003).

Participatory democracy

Co-management is about participatory democracy, and should, therefore, work on elementary democratic principles such as transparency, accountability, equity, social justice, and so on. But just as participatory democracy cannot replace the representative democracy of citizenship, neither can co-management. Co-management can, nevertheless, add to, and thus deepen and broaden, the democratic process.

There is obviously a public interest in fisheries management, which sector participants and NGOs, with their various agendas, cannot, and will not, always consider. As representative for the public interest, the State has a role to play in fisheries management, and, for this reason, should not be excluded from influencing the decision-making management process. There are some things that only the nation State can do, such as providing enabling legislation. The State works at all levels, and there is a role in fisheries management for local government as well. Local government has interests at stake in fisheries, and, generally, has a better grip on the local situation than central government.

At the same time, there are limits to what State authorities can do. The economist Charles Lindblom once said that the State has no fingers, only thumbs. The ecological and social diversity, complexity and dynamics of fisheries are such that the central authorities cannot possibly be on top of every local situation. As a local speaker pointed out, at a meeting I attended in Cochin, India, in January 2004, “*the government cannot manage 6,000 km of coastline, involving 250,000 boats and 750,000 fishermen.*” In India, fisheries management in its modern form is still pending. Therefore, the principle of ‘subsidiarity’ (stating that decision-making authority should be vested at the lowest possible administrative level) should be adopted.

Fisheries management must also involve the local community. As Jeffrey L. Pressman and Aaron Wildavsky observe in *Implementation* (1984). “*The closer one is to the source of the problem, the greater is one’s ability to influence it, and the problem-solving ability to complex systems depends not on the hierarchical control but on maximizing discretion at the point where the problem is most immediate.*”

Co-management also invites the positive contribution of user groups and civil society, since they possess and control knowledge that may inform the management process, thus producing more viable outcomes. The more complex the situation that a management system must address, the greater the need for critical feedback from those who are affected by it. Co-management systems must allow for a learning process. One cannot assume that everything will work perfectly from the outset.

User groups

Decisions and institutions are made more legitimate by the participation of user groups and stakeholders. A fisheries management system depends on voluntary consent. Without it, violations of rules and regulations would be rampant, unless a government is willing to spend what it takes to force people to abide by them.

A management system that does not enjoy legitimacy would, therefore, be a costly one, if indeed it works at all. Top-down, heavy-handed, totalitarian regimes have never produced voluntary consent, and there is no reason to expect that fisheries management systems will be any different.

I cannot see how it is possible to oppose the ideals that co-management attempts to promote—at least, if one is democratically inclined—just as it is equally hard to be against the principles of the FAO's Code of Conduct. In both cases, the devil is in the detail, as the saying goes. Co-management can mean different things, and what matters is how these ideals and principles are applied in concrete settings. There is no blueprint solution for every situation. As with countries, democracy may assume different forms, and one is not necessarily better than another. One may, perhaps, argue that some countries, some fisheries and some communities may not be ready for co-management. But when some Western intellectuals launched a similar argument against the rapid democratization of Latin American countries with autocratic regimes, Mario Vargas Llosa—the Peruvian Nobel laureate and author—found it utterly patronizing.

It is, however, easy to point to difficulties and complicating factors, just as it is with democracy. The Norwegian social scientist, Jon Elster, for instance, pointed out the challenge that citizens' mobility poses for the democratic process. People are not always where you expect to find them when you need them. As Eyolf Jul Larsen and colleagues (2003) demonstrated in a FAO technical report on freshwater fisheries in southern Africa, the frequent migration of fishers makes co-management more difficult. But then, co-management does not have to apply on a local scale alone.

Co-management is bound to be time-consuming and, therefore, costly, and there is a need to find ways of communicating and making decisions that are responsive to urgent problems. There is—as political scientists have been careful to underline with regard to

organizations—a conflict between internal democracy and external efficiency. A cumbersome decision-making process can prevent an organization from being flexible and responsive in the short term. Even so, that should not cause us to sacrifice democracy, since democracy is favorable to legitimacy, which, again, helps the process of implementation and enforcement; democracy is also in concurrence with basic human rights, as well as being one of the most effective ways of securing them. But it raises the question about which functions should be handled at what level. Co-management should be reserved for questions of principal importance, while the details of implementation may be left to administrators.

Since co-management is such a tasty concept, it is an easy prey to Orwellian ‘newspeak’. A concept with positive connotations may be attached to destructive practices. A new label may be adopted to justify a traditional pattern as when a missile is named the ‘peace-maker’. Some of the most oppressive regimes have, as we know from recent history, called themselves democracies. As a concept, co-management may thus become a rhetorical device for political whitewashing. There is some evidence of this tendency presented in the co-management anthology of Wilson and colleagues (2003). Then, co-management becomes easily corrupted, and falls victim of harsh but misfired criticism from academics, for instance.

Not precise

That said, I think the research community may be criticized for not being sufficiently precise and consistent in the way that co-management has been defined and discussed. Over time, there has been a tendency to describe co-management in broader and broader terms. If, for instance, co-management is described as “*mainly an arrangement to ensure communication between governments and communities*” as is the case in the mentioned FAO report by Larsen and colleagues (which, to be fair, is not the only thing they say about

co-management)—I fear that any government could rightfully claim to exercise co-management.

I have never heard of a government that, in one way or other, does not communicate with the fishing industry. But if one insists that co-management should be about the devolvement of management authority to user organizations and coastal communities, the empowerment of user groups and stakeholders, and participatory democracy, where civil society is granted legal rights to become involved in regulatory decision-making—which I think we should say—then the number of States that could legitimately claim to practice co-management would be drastically reduced.

As with democracy, co-management is no easy challenge. It is more than an institutional quick fix. Enabling legislation and organizational reform are necessary, but not sufficient. It also requires capacity building and psychological empowerment. Users must learn to trust their own individual and collective judgments. Co-management also needs a supportive social and cultural environment. Co-management at a community level may not work if the community does not work, and for the community to work, co-management is not sufficient.

User groups and stakeholders must be properly organized to be effective in the co-management process. Co-management may produce biased outcomes if some stakeholder groups are better organized than others. Organizational formation must therefore take place prior to, or as an integral part of, co-management institution building.

There are also risks and pitfalls. Things may go wrong, disappointments may occur, and conflicts may arise. Perhaps there is no use for a co-management handbook, since there are no standard solutions for co-management that can be adopted regardless of context. In the Cape Town meeting I attended in December 2003, we concluded, however, that a kind of checklist might be helpful. When co-management was introduced in Malawi, they did not think

of working with the legislators to provide the necessary legal backing. There are numerous things that may happen in the process that it is wise to think of in advance. Things may also simply be forgotten. At this point in time, we should be able to compile such a checklist, as there are many experiences of co-management to tap into that have been carefully documented by social researchers.

Risk of inequity

Some have argued that co-management risks entrenching inequities that already exist in the fishery: that the powerful will become even more empowered. This is an obvious risk, but it would, nevertheless, be an outcome that goes against the basic idea of co-management.

Co-management aims at the exact opposite, that is, empowering the disempowered. Nor is co-management intended to be a new tool of government control, though there is data that suggests this is how some governments perceive it to be. Thus, co-management may fall victim to the same tendency that has so often occurred in the case of producer co-operatives in fisheries, where civil society did not play a role and where they were not allowed to be autonomous. They often failed as a result, because fishing people turned their backs on them.

I have argued elsewhere that the success of co-management arrangements hinges upon four major design issues. First, there is the question of scale. Should co-management be installed at a local level alone, or should it be applied at all levels of decision-making? The second issue is that of delegation. What management functions should be subject to co-management? Any fisheries management system must address the questions of how, where, when, who and how much. Should all or just some of these decisions be co-managed? Thirdly, there is the issue of representation: which stakeholders should be involved, how should they be involved, and in what capacity? Finally, there is the matter of property rights. What kind of property rights is most conducive to fisheries co-

management—private, communal, State or none? Which property rights system is politically acceptable? Co-management may, for political reasons, be forced to work with one hand tied behind its back, and will fail in consequence.

These are the key questions relating to institutional design though, alas, there are no easy answers. They are also more of a political than technical nature, so that the answer is to be found only in relation to the particular cultural, social, economic and ecological contexts within which a co-management system must work. Therefore, careful empirical research is needed prior to any implementation. Before the co-management reform, managers need to know both the context and the current fishing practice well. If not, the risk of failure may simply be too high for the co-management effort to be worthwhile.

Natural and social researchers can make an important contribution to the co-management building process. But they do not possess all the knowledge required. User groups and stakeholders should be involved from the very beginning and throughout the whole process. And when the implementation starts, then is the time to bring in the lawyers, the educationalists and the social workers, as they all possess crucial expertise for making co-management work.

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No Magic Bullet



Co-management may alleviate poverty if designed to redistribute power, address issues of equity, and stimulate participation and learning...

In a 2004 report, the Food and Agriculture Organization of the United Nations (FAO) stated that one-quarter of the world's fish resources are overexploited or depleted, and that this

fraction has been increasing steadily since the mid-1970s. In another document, FAO estimates that there are about 150 million people living in households that are primarily dependent on small-scale fisheries and that, among them, about 23 million have an income lower than US\$1 per day. Globally, therefore, the world's fisheries are confronted with a problem of both ecology and poverty that has enormous proportions and that should give us cause for worry as well as action.

However, the question that immediately comes to mind is: Could there be a connection between these two phenomena? Is overfishing to be blamed for the poverty problem? Would we then automatically solve the latter if we solved the former? If so, the challenge would be easier to handle, as we would have one, rather than two things, to concentrate on.

Perhaps, though, the situation is the reverse: Poverty drives overfishing. Poor people cannot afford to show restraint; they have to put food on the table every day. If this is the case, we would need to address the poverty problem independently of, and prior to, the overfishing problem. If not, we risk exacerbating the poverty problem, at least in the short run, and poor people would pay the highest price. But maybe the two problems are unrelated. Fishing people are poor not because of overfishing but for entirely different reasons. For instance, they are deprived because they happen to live in countries that are poor, because nobody cares about them, or because richer and more powerful people take advantage of them.

I assume that most readers would nod in the affirmative to all these factors. Indeed, poverty is a complex phenomenon. It has many reasons, and is both the cause and effect of resource and environmental problems. Small-scale fishing people are poor for the same reasons that other people are poor, but they have some additional factors to cope with. Consequently, in order to alleviate poverty in fisheries-dependent communities, it is necessary to secure the resource base that poor people live on, but this will not be

sufficient. Poverty must be confronted more broadly. The question of whether co-management is the solution to poverty alleviation in fisheries is, therefore, easy to answer: Co-management will hardly eliminate poverty in fisheries-dependent communities. Co-management is no magic bullet; much more is needed.

The question, however, should be rephrased: Will co-management make a difference? Will it be a contribution? I think the answer must be: Maybe, it all depends on how co-management is designed. First, one must make co-management work as a tool, which is a challenging task in itself. Co-management is a demanding project. Much can go wrong, and experience shows that success is not guaranteed. And if one should succeed, there is no guarantee that co-management would benefit poor people. For this to happen, co-management must be designed with poor people's interests in mind. But how does one do this?

Broad participation

Co-management is a way of ensuring broad participation from user-groups and stakeholders who, together with government, knowledge and interest organizations, form a kind of public-private partnership where resources are pooled, responsibilities shared, and actions coordinated.

Such partnerships can assume different organizational forms. There are no specific formulae, only some organizational principles to build on. Co-management is now gaining popularity in many parts of the world, partly for the reason that it is seen as a tool in fighting poverty in fisheries communities. The FAO note referred to above, reads: *"Pro-poor strategies that include rights-based approaches, co-management regimes and fishing capacity reduction are essential to increased wealth from small-scale fisheries for poor communities."* This quote clearly demonstrates the relevance of the question whether co-management is the solution to poverty alleviation in fisheries.

The answer, I would argue, is not necessarily in the affirmative.

With regard to co-management, the problem with poor people is not that they are materially poor but that they are politically poor. They lack the social and cultural capital needed to function effectively and competently in decision-making processes. Co-management involves formal procedures. It requires stakeholders to be able to understand written documents, and for that, they need to be literate. If not, they are vulnerable and easy to manipulate. Co-management also builds on the principle of ‘communicative rationality’ to borrow a concept from the German philosopher Jürgen Habermas— where stakeholders talk to each other and try to strike some consensus or compromise. For that, they would need to understand what other stakeholders and experts say, and be able to argue well for their own views and interests.

Furthermore, even if poor people are many, and thus potentially represent a powerful force, they are typically not well organized. They do not have anyone to represent them or to speak for them. They are, in other words, ‘disempowered’, incapable of exercising their potential power because it requires collective action and discursive power. Poor fishers are much like the French smallholding peasants that Marx talked about in his *The Eighteenth Brumaire of Louis Bonaparte*: As a social class they are nothing more than an “*accretion, much as potatoes in a sack form a sack of potatoes.*” They do not form an integrated whole, a united social class with a common identity and consciousness, capable of acting ‘in corpore’.

Empowerment

If this comparison is valid, small-scale fishing people are not only poor because they overfish but because they are unable to break the chains that hold them back. As a consequence, co-management must also involve empowerment and the redistribution of power, which are not entirely synonymous terms.

If not, the danger is that co-management may lead to more dis-empowerment and, thus, to more deprivation, since there is every reason to expect that already wealthy and powerful people know how to make co-management work in their own interest. But even with a deliberate poverty profile, the question remains: Is co-management sufficient? Is empowerment only an organizational issue?

My most intense confrontation with poverty is with the Rama Indians on the Caribbean coast of Nicaragua where for, the last six years, I have been involved in a collaborative project with one of the local universities. Nicaragua is one of the poorest countries in that region, and the Rama people figure at the bottom end of Nicaragua's poverty scale. The Ramas are not only economically poor, they are poor in almost every sense of the term: they are about to lose their land and their natural resources; their traditional indigenous language is almost extinct which makes them lose their identity and self-esteem; their communities are ridden with internal conflict; and they are in desperate need of a more professional leadership, skillful at voicing their concerns and representing their interests nationally and internationally.

Thus, the conclusion is obvious: Poverty alleviation among the Ramas must have an economic component. They definitely need more food security, and fish has traditionally been a staple diet and a source of income. But they need more than that. In their case, poverty alleviation must also involve social, cultural and legal dimensions. The Ramas need help building their communities; they must have their communal land and resource rights secured; and they need assistance in revitalizing their culture and strengthening their formal competency. All these things are related; they are about empowerment; and if you should succeed with one, it will be easier to succeed with the other.

One thing should not be forgotten though: The Ramas have had many international donors sympathetic to their situation, and who have visited their communities. But after they leave, things soon

return to how they were. Over the years, the Ramas have developed into a dependent culture of sorts; instead of initiating development themselves, they passively wait for the next donor to appear. They have thus ended up in a vicious cycle that has left them increasingly disempowered.

Broad reform

The example of the Rama people serves to illustrate that poverty alleviation requires broad social reform and not just some technical fixes such as co-management. Co-management offers no direct solution to the poverty problem. Co-management scarcely offers even a solution to the problem of overfishing since it is primarily about how to make decisions— and not what decision to make. At best, co-management offers a partial solution to a problem that is a part of a bigger problem. Co-management may lead to empowerment if it is designed to redistribute power, address issues of equity, and stimulate participation and learning. This is a necessary condition for sustainable fisheries management, which is an essential but not complete condition for alleviating poverty in small-scale fisheries. But poor people must be allowed in; management cannot make them more dependent and, thus, turn them into passive clients. Instead, poor people must obtain control and real participation in the decision-making process, or else there is a danger of co-management making them even more marginalized.

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Researching Co-management



Case studies are well suited for co-management theory development, especially if they are part of a comparative research approach...

In this chapter I reflect on the usefulness of the case study as a method of research in fisheries co-management as I have experienced it in my own work. I discuss what this particular

method is, for what purposes it is used, what its strengths and weaknesses are, and what is reasonable to expect from it. While case studies are common in social science, they are more commonly accepted in certain disciplines than in others. For example, they are more widely used in social anthropology than in sociology and economics. However, many of the classic studies in social science are in fact case studies. Until now, most of the research on fisheries co-management has used this method.

My work on fisheries co-management has for the most part also been case study-based. Indeed, I can say that the idea of co-management was first revealed to me through a case study. My first case study on fisheries co-management was on the Lofoten fishery in Norway. In the early 1980's I traveled with a group of students to the Lofoten islands, where Norway's most important cod fishery has taken place every year from time immemorial between January and April. My students did research on various aspects of this fishery for their term paper, and one group focused on the management system. Prior to the excursion I was only vaguely familiar with the nitty gritty of the Lofoten co-management system, and it was intriguing to find that fishers had successfully managed important aspects of their fishery for almost a hundred years. Lofoten fishery participants, which come from along the entire Norwegian coast, have been able to cooperate in sorting out their different interests. This cooperation in the Lofoten fishery counters the assumptions of Garrett Hardin in his famous paper on '*The tragedy of the commons*' (1968) and the Prisoners' Dilemma in game theory. There was, I realized, a model contrary to the general fisheries management system in Norway. According to my knowledge, it was also quite unique compared to management systems in other countries. Before I visited the area, fisheries management had not been an important focus of mine, but I was already tuned into the theoretical issue of coordination of interdependent fisheries activities by means of organized cooperation, which was the theme of my doctoral thesis. The trip to Lofoten piqued

my interest in yet another aspect of this topic. A couple of years later I went back to the area and did a more thorough case study, which resulted in a published article in *Human Organization* (Jentoft and Kristoffersen 1989) – The general issue of co-management – and this particular case study has been with me ever since. I still reference it in things that I write about the subject.

The logic of discovery

I will return to this particular experience because it seems to me to be a good illustration of what case studies may bring us. However, let me stress here at the outset that there is nothing unusual about my experience. Many social researchers can tell a similar story. We discover something, often by pure accident we stumble into something, which triggers our curiosity because it is different from what we had expected. And, due to some preconceived theoretical position, the difference seems to make a difference: it changes our way of thinking, and sometimes even our careers. Many of the great breakthroughs in natural science have come about in similar ways. Remember Newton's discovery under the apple tree or the revelation of Archimedes in the bathtub. Sometimes the researcher set out to find out or prove something, but in the process he or she discovers something else, just like Columbus who set out for India. In some cases, no experiment was going on at all. Something struck the researcher – like a lightning bolt – in a moment of clairvoyance, for instance while busily doing something else. Out of nothing, I once got the title for a book when I was preparing dinner. I still have a vivid memory of when it happened. Psychologists now say that walking is good for the creative mind, if one leaves the mobile phone at home. It is equally stimulating to travel. When visiting a country different from our own, we learn something new both about the place where we arrive and the country we have left. Consequently, we have a research question or a hypothesis in our suitcase when we get home.

In the early 1980s, I went to Canada on a sabbatical leave from my university. On the first day, I saw fishers on the picket line. Not only did I ask what their complaints were, but I also asked myself: Why do we never see fishers on the picket line in Norway? My answer later appeared in a published article in *Marine Policy*. My professor Ottar Brox once told the story of how he discovered the Raw Fish Act the first time he came to Newfoundland. Notably, Newfoundland has no Raw Fish Act that regulates the exchange between fishers and fish-buyers, but Norway has. This, I believe, is part of the answer why Norwegian fishers never go on strike.

The problem with institutions like the Norwegian raw-fish sales system is that once we get used to them, we take them for granted and stop noticing them. And just as the only way to observe that the shape of the earth is round is to go into space, we need to go away to get a different perspective on fisheries institutions. They are best viewed from a distance. Visiting Canada gave Brox and me the distance we needed to see the Norwegian institution from a new angle.

Observations like these are similar to those that led the sociologist Robert Nisbet (1976) to argue that “*the logic of demonstration*” and “*the logic of discovery*” follow totally different paths. The former is described in detail in methods textbooks; it has strict rules and procedures. The researcher has only to follow a straight and well-marked road. The logic of discovery, however, is more impressionistic, creative, and visionary. The road is bumpy, filled with potholes, far from straight, and the destination is less certain. Nisbet argues that it is a great mistake to assume that one can obtain the latter (discovery) by following the rules of the former (the logic of demonstration). Again, if we think of it, most of the great classic studies in social science did not result from large-scale surveys and rigorous testing of hypotheses. They are more often case studies, which involve interesting observations that suggest that they have broad implications for many other cases.

I should add that, although Nisbet’s point is well put, I am not sure

he is entirely correct. I have had revealing experiences of discovery both in front of the computer screen while analyzing quantitative data and in the field doing qualitative case studies. It should also be stressed that case studies do not have to be qualitative. Many fisheries' case studies combine qualitative and quantitative methods. They mix participant observation, semi-structured interviews, archival research, and survey methods. A good example is Raymond Firth's seminal study of Malay fishermen (1966). For them, discovery and testing go hand in hand.

Neither do I share Nisbet's belief that it necessarily takes a particularly visionary or artistic mind to make discoveries, even though it is clear that the people he is referring to (i.e. Marx, Weber, Durkheim, Simmels, de Tocqueville) were especially gifted people in this respect. However, I do share Nisbet's notion that before we can test a hypothesis, we must discover it, and that the way of discovery is not as straightforward as the path of testing and verification. In addition, I do believe that case studies are particularly suited for the purpose of discovery, but there are ways of making the process of discovery by means of case study method less coincidental. One way is to expose oneself to new empirical situations. My experience is that hypotheses, when personally generated through empirical research in the form of a case study, stir more enthusiasm and excitement in me than those that I receive from reading theory. This is because the hypothesis is my own. Thus, the Lofoten study really got me going. Surveys can also be fun, but I find case studies much more stimulating; but this is, of course, a matter of personal taste. The good thing with case studies is that they bring you out of the office and into the field, where you meet your respondents face to face and can get a feeling for the particular situation they are in and how they see it. The enthusiasm one gets from doing case studies is thus an important component of the logic of discovery. Distance from real life situations is occasionally necessary as part of the research process, but we cannot be distant all the time. 'Arm-chair' sociology has its

limitations since sociology is, after all, an empirical discipline.

Before I proceed, I must say something about the nature of the case study method – what case studies are and what they are not. There is widespread skepticism about the case study method. Researchers of the positivist inclination tend to regard them as unscientific and anecdotal, thereby questioning their generalizability. I will talk about the limitations, but also about the potential of case studies in co-management research. Finally, I will discuss what characterizes a good case study in my view.

Case-studies defined

A textbook definition reads as follows:

“A case study is an empirical inquiry that:

- investigates a contemporary phenomenon within its real-life context; when*
- the boundaries between the phenomenon and context are not clearly evident, and in which multiple sources of evidence are used” (Yin 1989/2017).*

Let us say that co-management, or a certain aspect of it – for instance legitimacy – is the contemporary phenomenon and a particular country, community, or fishery is the real-life context. The context is not the *focus* but the *locus* of the study (Arensberg 1961). The country, community, or fishery is where we situate ourselves. The contemporary phenomenon – co-management and legitimacy – is our focus of research. We are allowed to make use of any method that is available, useful, and ethical for our focus in that particular locus – be it participant observation, semi-structured interviews, questionnaires, archival studies, action research, or real life experimentation. Thus, it is not the particular case study in its context, which is the focus. Rather, it is what the case is a case of, for instance a case of co-management as a legitimacy-enhancing vehicle.

Case studies should be explanatory: they should answer both *why* and *how* questions. They should also be exploratory, aiming

to generate new research questions and hypotheses. For this, the researcher must be open-minded and keep an eye for the unexpected and the obscure. Furthermore, case studies should be descriptive: they should tell a story, be a good read, and present the actors' points of view. Case studies should preferably focus on the social interaction that takes place *in vivo*. Typically, co-management case studies focus on communication, cooperation, conflict resolution, and learning among parties involved with respect to regulatory decision-making. They should also depict institutional mechanisms that guide and shape the involved actors' behavior and worldviews. Case studies should emphasize the structures that co-management systems are embedded in. This is Elinor Ostrom's idea of 'nested institutions' (1990). They should look for the social and cultural conditions underpinning those institutions and the mechanisms that the involved parties tend to take for granted because they are part of the moral fabric of the whole society and only implicitly part of the co-management design as such.

Case studies occur at various levels, from micro to macro contexts. They can be investigations of one organization within one community, or several organizations within one or several communities or a particular fishery. Raymond Firth's case study was of one region, Kelantan, which is the north-easternmost province of the Malay Peninsula. Case studies can also embrace a whole industry or several industries. For example, in 1998 I published a comparative co-management case study of fisheries and reindeer pastoralism in my country (Jentoft 1998). Case studies may also involve a country or several countries. Some years ago, I was involved in a case study that compared the Norwegian and Canadian fisheries systems (Apostle *et al.* 1998). I also was part of a fisheries co-management study that compared countries within the European Union.

Case studies do not have to involve a great number of units to be of scientific value. The best book on unemployment I ever read was a study of one single individual in a Newfoundland 'outport' (Wadel

1972). Again, here the theoretical focus was general even though the data were drawn from one small fishing community and one individual's experience of being unemployed. The study revealed in impressive detail what it means to be unemployed, what experience that is. It is precisely this combination of a general focus and a particular locus that makes case studies so valuable. We do not have to be inhabitants of Lofoten or Newfoundland to find that case studies of fisheries co-management speak to us. We learn about these sites, and that is, of course, important in itself. But we also learn because they address a general issue of mutual concern, which is co-management.

Defense of case studies

How often have we heard that case studies have low scientific merit because they lack the rigor necessary to be called a scientific method, and because their findings cannot be generalized? It is even argued that case studies, because of their predominantly qualitative approach, are no more than "advanced journalism". First of all, there is nothing inherently sloppy in the case study method, even though it is true that in many instances case study research may deserve such a label. Handbooks exist that are of great help to the case study researcher, and qualitative research also has its defined procedures. Furthermore, an experiment or survey could also be carried out in a sloppy fashion. As to the second criticism regarding generalization, it is true that a particular case is not representative in a statistical sense, but the case studies may well be typical for a larger population. It is often precisely because the case is unique that it is so interesting from a research point of view. Furthermore, as Yin (1989) points out, case studies are "*generalizable to theoretical positions.*" They can be used to develop theories, for instance pertaining to co-management.

Case studies can be repeated, much like experiments. Research designs can also contain a number of case studies. In fact, the use of multiple case studies designed in a comparative study is as close to

the laboratory experiment as one can get in social science. Society cannot easily be turned into a laboratory but, in principle, by making use of carefully stratified sampling one can at least do the same thing as in a laboratory. By selecting cases for comparison, one can keep some variables constant while studying the effect of variations in others. For instance, one can select fisheries that are fairly similar with respect to resources and technology, and then compare the effects of management institutions that are different. Admittedly, this can be a difficult research design to employ, particularly on a large scale, but it is possible with sufficient resources.

Case studies are more useful for theory development than for theory verification. For that, even a single case study can be important. Discoveries that one does in one case study can be pursued qualitatively or quantitatively, in a new case study or in a survey. My Lofoten case study stirred my interest in co-management, which brought me to other countries and led me to become part of research networks. Case study findings may thus be added, compared, and synthesized into a general theory of fisheries co-management. For this, however, the case studies would have to be read with some analytical categories and theoretical perspectives in mind. For instance, we would look for what the case studies have to say about key issues such as legitimacy, trust, compliance, interactive learning, conflict resolution, power-sharing, and community, among others. When examined in isolation, a case study may have limited interest, but over time, as more case studies are carried out and published, we get a better and better grip on these issues. And if we cannot be totally confident in what we say is true, we should always seek comfort in the saying: *"It is better to be approximately right than precisely wrong."*

A good case study speaks to one or several general issues such as those mentioned above. A case study is not pure description or story telling without focus and message. It is an obligation of the researcher to be both empirically thorough and theoretically relevant. The researcher should attempt to make a point, and to draw a lesson

from the findings relative to what others have done. Only when the study, deliberately or not, addresses a general analytic theme can it be interesting from a comparative perspective. The ideal is that case studies should be theoretically informed and theoretically informative, also for people with little familiarity with or interest in the particular empirical case. I assume that when my Lofoten case study is so often cited, it is not because the reader is particularly interested in the Lofoten co-management system, but what the Lofoten management system is a case of.

The reason why many of us find co-management interesting is because it touches issues with a deep history within our respective disciplines, such as democracy and the legitimacy of power. Personally, I have found inspiration in political theory and bringing it into the co-management debate. I have been interested in the issue of representation in fisheries co-management and what roles may be assigned to involved users who represent or speak for a larger constituency. Representation and democracy have been an interest of social theorists for a long time. Rousseau, Hobbes, Burke, Madison, and Schumpeter all had things to say on this subject that are relevant to co-management designs. They were concerned with the question of what constitutes a representative government: When can we say that a government is truly representative of its people? For our purpose, we can easily replace government with co-management and ask: what does it take to make co-management systems genuinely representative of affected stakeholders and user groups? The question is no doubt an important one. I believe that it is useful to know how theorists have struggled with the answer in the past. I also think that, inspired by these theorists, one can address the issue empirically by means of case studies of actual co-management systems. I have concluded that even though my own country Norway has long traditions of co-management, it can hardly be characterized as truly representative of user-groups. I got this insight before I read Edmund Burke, James Madison, and other theorists on representation. With a

colleague I simply attended fisheries management council meetings and listened to the debate. We concluded that because constituencies have complex interests, it matters not just who the representatives are but also *who they represent and in what capacity they meet*. In the Norwegian co-management system fishers are represented only as members of certain gear groups and as union members, not as members of communities and districts (Jentoft and Mikalsen 1994). This impacts on how they argue and how they vote in the decision-making process. For the stubborn skeptic of the case-study method in general, and this finding in particular, the best advice I can give is to check it out themselves by means of the same method but on another case. Maybe there are things that we did not see, for instance that what we claim only seems true under certain conditions that were not revealed to us in our project. Such knowledge would bring the theory of co-management a step further.

Grounded theory

I have claimed that case studies are useful for generating hypotheses, which can be tested on a larger sample through other, more rigorous methods. This is also Barney Glaser and Anselm Strauss' argument in the book titled '*The Discovery of Grounded Theory*' (1967). They hold that generating theory should involve a strategic, comparative process of research, and that the emerging gaps in the theory that should decide the next case study. "*The emerging theory points to the next step.*" They call this 'theoretical sampling,' in contrast to statistical sampling. The cases are not chosen randomly, but out of theoretical relevance. They are picked for the deliberate purpose of developing categories and depicting their properties and relationships. Glaser and Strauss hold that there is no clash between the purposes and capacities of qualitative and quantitative research. The two approaches can fruitfully support each other, and they can both be used for verification and generation of theory. The authors argue that

quantitative studies have a potential for theory generation that has not been fully exhausted. To give an example, together with a Canadian colleague I did a case study of a fishing cooperative in Nova Scotia (Jentoft and Davis 1993). When analyzing the data by means of SPSS, our tabulations suggested that the more members were involved in the daily decision-making of the coop, the more willingly they accepted a price below the going market rate, and the more they would volunteer in non-paid work for the coop. In other words, participation makes members more inclined to support their common cause. We concluded that involvement and participation generate what Cyert and March call ‘organizational slack’ (1963), which for the coop would be an asset in hard times. Our case study was thereby “*generalizable to a theoretical position*” (Yin 1989). We thus also discovered a hypothesis that could be fruitfully employed in co-management research.

Here, one may object that this finding is just based on a small case study, that the data analysis is not all that sophisticated, and that the finding cannot be generalized for a larger population of fishing cooperatives. This is of course true. But we could, if we decided to do so, find out. We have at least been equipped with a very interesting research question, also with respect to co-management regimes. Even if it is preliminary and suggestive, the finding supports the general thesis that co-management promotes legitimacy and compliance, because compliance requires that fishers sacrifice what may be in their short term, private interest, for instance over-fishing their quota. Similarly, the Lofoten paper contains some reflections on the relative strength of co-management with respect to participation and compliance. My co-author and I argued that co-management is particularly important in committing those that lose the vote to the collective decision made. Again, this should be considered an interesting hypothesis, thought of as a preliminary rather than a conclusive statement.

Glaser and Strauss distinguish between *substantive* and *formal* theory. The latter is at a higher, more abstract, level than the former.

For example, the legitimacy of power is theoretically at a higher, more formal level than legitimacy of fisheries co-management. Theories of governance are at a higher analytical level than theories of fisheries management. Theories of learning are at a higher level than theories of fishers' local knowledge. Substantive theory is developed for, and about, a particular empirical area, such as fisheries co-management in developing countries, while formal theory pertains to a more general, conceptual area, such as participatory democracy, power sharing, and institutions. Notably, while some cases are not theoretically comparable at one level, they can make useful comparisons at another level. Cooperatives, universities, business corporations, and co-management systems are different empirical entities. Nevertheless, they are comparable from the perspective of participation, legitimacy of decision-making, and implementation of rules and regulations. In all instances, members are involved in decision-making for the same reasons, and I have found the theory of organizations and theory of democracy to provide useful analytical tools for co-management research.

Formal theory may fruitfully guide our research questions at the substantive level. But a good case study should also move from the substantive to the formal level. There are important lessons from the empirical studies of fisheries that are relevant for larger formal issues. We should have the ambition of contributing to the general debate on issues such as sustainable development, democracy, communities, organizations, power, and equity, to name a few, even though our empirical work is on fisheries co-management. If not, fisheries social science will continue to be considered an esoteric area of research within our disciplines, not particularly interesting for other than those who have a fascination for fisheries.

According to Glaser and Strauss, comparative research is productive for developing grounded theory, which is theory drawn from empirical data. New hypotheses that arise in the process should be pursued in new case studies, but they also invite us to return to our previous case

studies. This is why I still have not finished my Lofoten research. Thus, the systematic approach prescribed by Glaser and Strauss should reduce our reliance on the specially gifted, visionary mind, as Nisbet referred to. Keen interest and hard work help a long way.

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*This chapter is based on a paper I gave at *The International Workshop on Fisheries Co-management*, Penang, Malaysia, August 23–28, 1999

The Human Rights of Small-Scale Fishing People



Small-scale fishing people need bold initiatives and collective action in the long march to securing their rights...

In the part of the world where I come from, which is the high North, there is an increasing concern for the fate of small-scale fisheries. Will they survive under the pressures of globalization, industrialization, climate change and so forth? Are their local communities doomed?

A problem, as I see it, is this: Since small-scale fisheries and communities in the Western world and in the North are part of countries that are economically well off and with governing systems that work relatively well, the assumption is often that there is no real reason to worry about them. Whatever happens to small-scale fishing people, there is a welfare State to guarantee that they are fine, and that their communities and cultures are safe.

To this, one may quote from a popular song lyric: "It ain't necessarily so." Also in the North, small-scale fishing people, be they indigenous or non-indigenous, are being marginalized and disadvantaged, to the extent that, in many instances, they are becoming extinct. It also happens, for many of the same reasons, that small-scale fishing people in the tropical South are becoming marginalized. Therefore, the solutions that we may perceive and propose for small-scale fishing people in the South would largely be the same as for those for the North, for instance, solutions pertaining to rights.

At the Global Conference on Small-Scale Fisheries in 2008, organized by the Food and Agriculture Organization of the United Nations (FAO) and the Department of Fisheries, Thailand, we listened to powerful arguments, looked at striking posters and saw people wearing T-shirts stating that fishing rights are also human rights. In the past, the perception of fisheries rights was typically limited to a handy management tool. Fishing rights have also been seen as something that a benevolent government hands out to fishing people.

As was noted by some keynote speakers at the Bangkok meeting, the human-rights perspective is a very different one: It states that people have rights to begin with, and that these rights are intact regardless of what governments do or are willing to accept. This is because human

rights are fundamental and universal. The sad fact is, however, that now 70 years after the Universal Declaration of Human Rights, we still are witnessing severe human-rights violations being committed on peoples around the world, including fisheries people.

Respecting human rights

I am not sure if we can say that we are moving in the right direction as far as respecting human rights is concerned. There is still a long way to go until it is generally recognized that fishing rights are also human rights. The decision of the United Nations Human Rights Commission regarding Iceland's fishing quota system testifies to this fact (see *SAMUDRA Report No. 49*, March 2008). Needless to say, fishing rights that contradict basic human rights are not acceptable, and will not be sustainable.

Notably, it is a very positive development that the UN General Assembly in 2007 adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). It is a statement of historic significance that should inspire small-scale fishing people, regardless of their ethnic background. I say this despite the fact that in the final text of the Declaration, the language pertaining to rights to marine resources and sea space was considerably watered down from what was stated in the draft that had been circulated in the years prior its final inauguration.

In the draft text of UNDRIP, paragraph 26 read: *"Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora, fauna and other resources, which they have traditionally owned, otherwise occupied, or used."* Then, in the wording that was finally approved, the direct reference to the seas was removed. The same paragraph now reads:

"Indigenous peoples have the right to own, use, develop, and

control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.”

Given the history of oceans and marine resources as open access, and the reference to sea space as no one's property, in contrast to land and terrestrial resources, for indigenous small-scale fisher peoples, the altered language is less reassuring. Will they have the same rights to their fishing grounds as to their forests and agricultural land? Let us hope so. However, I am not all that proud of the role that my own government, that of Norway, played in this. Neither was I impressed by the Nordic indigenous Sami representatives. They did not stand up for the marine rights with the determination and vigor that one would have expected. But it may have been a necessary compromise in order to save the Declaration. It was after all a hard bargain, with the United States, Canada, Australia and New Zealand voting against. (Their arguments for going against the Declaration can be found at Wikipedia[^]).

Nonetheless, the Declaration does contain important principles regarding indigenous peoples' rights to livelihoods, culture, natural resources and self-determination. In the negotiations, the letter 's' in 'peoples' proved a tough nut to crack because it determines whether we are talking about individual or collective rights. In the final text, however, the 's' stayed, to the relief of indigenous peoples around the world.

Since UNDRIP is drawn from human-rights legislation and principles that are universal, these rights have broader relevance than the Declaration might suggest. Non-indigenous populations share many of the same concerns and problems that the Declaration addresses. It would, therefore, be a great achievement if small-scale fishing people could come up with a similar declaration.[#]

Good start

The Statement of the Civil Society Preparatory Workshop, prior to the 4SSF Conference, actually reads as one, so we may have a good start there. Even if declarations belong to what is called ‘soft law’ and are, therefore, not as binding as, for instance, a UN Convention, they do create political space for those concerned, and put pressure on governments to act upon them.

If such a declaration is what the world of small-scale fishing people should decide to go for, a lesson from the process that led to UNDRIP is that one should be prepared for a long haul. That declaration took a long time to develop. It did not emerge by itself or because governments championed it. Rather, it came as a result of decades of struggle by the indigenous movement.

Small-scale fishing people deserve bold initiatives that work, and they need them fast. Their communities and cultures are not as resilient as we tend to believe, particularly under the new threats that they are now facing. Rather, they are vulnerable, and are not as easily restored once they are broken. A culture lost is forever lost, as with biodiversity. A declaration may be an instrument of committing governments to secure the ‘rights to life’ of small-scale fishing people, as many called for at the Bangkok conference. Support from outside civil society, as from FAO, for instance, is essential because powerful interests would be working against such a declaration.

Academics would also be important allies, as they were with UNDRIP. The knowledge that academic research creates is vital in describing situations, defining problems, highlighting issues and bringing them to the table. Small-scale fishing people need all the friends they can muster to work collectively on all fronts in the long march to securing their rights.

* Published in *SAMUDRA Report*, No. 51. November 2008

[^]https://en.wikipedia.org/wiki/Declaration_on_the_Rights_of_Indigenous_Peoples

[#]Which eventually happened with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012) and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (2014)

Healthy Fisheries Communities



Healthy fish resources need healthy fishing communities....

This chapter challenges some of the most common assumptions of fisheries management and argues for a stronger emphasis on social concerns, in particular the need for a stronger focus on communities. The discussion is centered around five truisms. These are statements about fisheries management that

we hold to be trivially true—no one questions their validity—and they are considered self-evident, as platitudes. I contend that if these truisms were applied as yardsticks for current management practices, these practices would dismally fail the test. This is why fisheries management so often misfires.

Truism 1: Fisheries management is the management of people, not fish.

This statement is a truism that has been noted many times before. In other words, fisheries management is about the governance of human behavior, not fish behavior. The health of fish stocks is influenced by harvesting and, hence, by fishers. In spite of this, fisheries management is predominantly perceived as a biological rather than socioeconomic endeavor. Although biological data are necessary for successful management, they are not sufficient. To manage well, you need not only to know the fish, but also the fishers and their industry, how they are affected by fisheries management, and how their perceptions, rationalities, and behavior change because of fisheries management schemes.

Truism 2: Scientists are not the only people who are knowledgeable about fish, fish behavior, and fishing; fishers also have such knowledge.

If fishers' didn't, they would not survive in their competitive profession. Therefore, if you want to know how fishers act and how they respond to management initiatives, you need to know what they know. The experience-based ecological knowledge of fishers must be part of the knowledge that fisheries management relies on. The input of scientists alone is not sufficient.

Truism 3: Fishers do not fish only from individual boats; they also fish from communities.

Fishers are born, raised, and live in local communities. They are embedded in cultural and social systems that give meaning to their lives and directions for their behavior. Thus, fisheries managers need to know how these systems are formed and how they function. However, the sociology of fishing (i.e., the knowledge of fishers, their behavior, culture, social systems, and epistemologies) seldom constitutes the scientific basis of fisheries management. Fisheries management is not underpinned by the same systematic research and rigorous methodology toward fishers and their communities as it is toward fish. This may seem a great paradox—if we agree that these statements are truisms. I would not dare to claim that a management system that takes the social and cultural aspects of fishing more seriously would eliminate the problem of stock decimation completely. The problem is too complex for that. However, I believe a management system that took these truisms as a starting point would be different from practices that prevail today. I also believe the system would be more up to the task. The emphasis on these truisms would require that social issues no longer be regarded as byproducts of a management system that eyes only the biology of fishing. Rather, social issues would be among the premises on which to base fisheries management.

Truism 4: Healthy fishing communities require healthy fish stocks.

This is another statement no one would challenge. How can fishing communities survive without fish? But I argue that the reverse also is true: 5. *Healthy fish stocks require healthy fishing communities.* This statement is a more interesting one.

Overfishing is seen by economists as a consequence of ‘market failure’ because of the absence of clear-cut property rights to fish resources. Social scientists like me argue that overfishing may well be a sign of ‘community failure’ (McCay and Jentoft 1998), signifying a more basic social problem than market failure.

For instance, we might borrow a concept from the great French so-

ciologist Emile Durkheim and say that the Tragedy of the Commons in fisheries (Hardin 1968) is a consequence of ‘anomie,’ e.g., normative confusion and weak social ties. Overfishing results when the norms of self-restraint, prudence, and solidarity have eroded. It occurs when users do not care about their resources, their community, or each other. Thus, overfishing is not just a systemic problem that needs corrective mechanisms from an external authority such as the state. Overfishing also is an ethical problem played out among fishers. A community that disintegrates socially and morally loses its ability to formally or informally sanction irregular fishing behavior. More basically, it loses its capability toward preventive moral upbringing of fisher recruits through the socialization process.

If fishing communities that exist in a state of anomie threaten fish stocks, then managers would do two things. First, they would be careful not to damage the social structure and culture of communities; second, they would look for management system designs that would potentially restore and reinforce the social and cultural qualities of fishing communities as they are described here. For instance, managers would consider management systems that make fishers more motivated to cooperate. In the Tragedy of the Commons model, fishers do not see each other as a team—as a ‘we’—but rather as adversaries. It follows that if fishers could be encouraged to cooperate voluntarily, out of considerations for solidarity and mutual trust (as in a true community), then the tragedy could be avoided without the force of the state. This possibility is rarely explored in fisheries management.

Thus, a fisheries management system based on the truism that healthy fish stocks require healthy communities would develop institutions that foster cooperation and strengthen social bonds among fishers within the community and beyond. For instance, the system would consider making the community, not the individual, the holder of resource rights as is the current practice among most quota systems in fisheries (with some interesting exceptions such as

Japan's inshore fisheries).

Some professionals have argued that ITQs and other government-initiated regulatory systems are eroding community solidarity and cohesiveness, creating the very conditions on which the Tragedy of the Commons rests. They are turning community members into rivalries for government handouts in terms of quotas, licenses, and subsidies. These privileges tend to further stratify the social structure of fishing communities, violating norms of justice and egalitarianism—precisely those features that make communities into communities. Since healthy communities are vital to maintaining healthy fish stocks, fisheries management must consist of more than just rules and regulations that curb fishing effort.

Management must include strategies of community development, including the building of a civic society. Simply reducing the number of harvesters through privatization of property rights is no solution. You cannot save a community by destroying it. Neither does the lifeboat ethic have much merit (e.g., to save the few, you must deny access to aspiring others), as is frequently contended in defense of quota systems and access limitations in fisheries. Instead, I agree with Boulding (1977, p. 290): *“A lifeboat that is not in some sense a community will not bring its human freight to shore, even if there is food for all; for collective decisions will have to be made and, if there is no community, they will not be made and the lifeboat will end up...with a community falling apart, and everybody throwing everybody else overboard....”*

Many years have passed since Boulding wrote these lines. Though he was not thinking of fisheries in particular, it is nevertheless a fairly accurate prediction of what has become the situation in fisheries in many parts of the world. Fisheries management has increasingly led to a community in decline and in which everybody is throwing everyone else overboard. No wonder, then, that fish stocks, along with millions of fishers around the world, are suffering. Before we can even hope to rebuild stocks, we must start to rebuild communities.

One cannot be accomplished without the other.

* * *

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Beyond the Veil



A skewed model or image of community makes gender a non-issue in fisheries management...

For current fisheries management systems and practices, women's concerns, interests and contributions are typically considered unimportant. It is not simply a matter of neglect but rather an issue of perceived irrelevance. This is an observation that

fisheries social scientists share, and I believe it to be fairly accurate, in Norway and elsewhere.

One may wonder why this is so. Why are women's issues, interests and knowledge disregarded when governments design fisheries management systems? This is the question addressed in this chapter.

One reason, advanced in Norway by the social anthropologist and feminist researcher, Siri Gerrard, is that women are conspicuously absent in management agencies. Thus, women in fisheries communities have few insiders who speak on their behalf when management decisions are made. Also, women in fisheries communities have been generally less effective than men as an outside political force, due to poorer organizational resources than their male counterparts. Another likely cause is the simple fact that the fishers targeted by management policies are predominantly men. In Norway, for instance, women constitute only two per cent of the registered fishing workforce. As a consequence, men's concerns in fisheries management are viewed as primary. Therefore, one may expect that more women in managing positions in government agencies would not make much of a difference as they would still be aimed at men as targets.

I do not intend to criticize these explanations. I believe they are part of the overall picture. My point is that there are additional and more subtle factors at play here. I suggest that women's issues are perceived as irrelevant by fisheries managers for some of the same reasons that they regard social science to be irrelevant. Moreover, I argue that women's contributions and concerns are neglected because community and household are not part of the management equation. Typically, fisheries management is a relationship between a government and a rights holder, who, in most cases, is not a community or a household but an individual. I claim that fisheries management systems, as they are presently constructed in Norway and other North Atlantic countries, reflect a certain image of community that has the effect of veiling women's concerns and positive contributions to

fisheries management.

Community is a missing link in fisheries management, as it also is in Garrett Hardin's model of the '*Tragedy of the Commons*' that is at the root of prevailing management practices. But they both hold an implicit theory of community. Fishers are perceived as competitors in the fisheries commons, their social relations are overall 'positional', as Fred Hirsch (1978) described relationships within zero-sum games. To use his example from the football tribune; the first to stand up will get a better view, but when all stand, they are where they started.

Jean Paul Sartre (1976) uses the bus queue to illustrate the same point: As with the people on the tribune, the people lined up may not have any other relation to each other than being at a particular place at a particular time. All of them have the same goal in mind, that is to get on the bus first and find a good seat. From the perspective of the individual, other passengers are nothing more than a nuisance. They are merely in the way.

Methodological individualism

Obviously, harvesters on the fishing ground can be seen in this way, likewise communities, especially if one adopts the perspectives of methodological individualism and rational choice that underpin the Garrett Hardin argument.

A different image regards community as a system of symbiotic relationships, where fishers and community members are mutually dependent and supportive, and where individuals regard each other as a group.

In the social science literature, local communities are frequently associated with concepts such as *gemeinschaft* (Tönnies), learning systems, moral communities, employment systems, or networks, all hinting at the integrative social qualities of communities. In this vision, communities are more than simply aggregates of individuals driven by self-centered utilitarian motives, as the former model takes

for granted. Rather, communities are well-connected systems rooted in kinship, culture and history.

To clarify further this point, one can fruitfully make use of the French sociologist Raymond Boudon's distinction between 'functional' and 'interdependent' systems. By the first category, he means systems of interaction where the actors involved assume positions or roles within a scheme of division of labor. Thus, functional systems require a minimum of organization. A firm and a household are typical examples. Interdependent systems, on the other hand, are "*those systems of interaction where individual actions can be analyzed without reference to the category of a role.*"

In interdependent systems, there are no predefined rights and obligations that relate actors to each other and prescribe their behaviour. Nevertheless, actors affect each other with their individual behavior, and they typically produce collective phenomena, which they do not foresee or want. The bus-queue example used above illustrates the basic traits of an interdependent system. The 'Tragedy of the Commons', as it is explained by Garrett Hardin, is another good illustration.

A fisheries management system based on the premise that fisheries communities are, by essence, interdependent, as Boudon defines it, risks dissipating the social capital that is invested in the community. It neglects what collective action, institutions and organizations can do to build communities. The interdependent systems model leads to few reservations regarding a fisheries management system aimed at downscaling the fishery. The fewer the bus passengers, the more comfortable the ride (but perhaps not so interesting?).

Interdependent model

Furthermore—and in this context, this is the main point—the interdependent systems model of the community totally overlooks women's roles and contributions in the fisheries community employment

system and civil society. Since fisheries management predominantly, but implicitly, rests on the interdependent systems model and not the functional model of the community, this effect is, of course, unfortunate but predictable. This model also leaves the scholarly contributions of fisheries sociologists and anthropologists outside the knowledge base on which managers draw, because these researchers are more inspired by the functional than the interdependent system model.

There is no need to go into a detailed description and discussion of women's efforts in fisheries. They are well documented in the social science literature. Donna Davis and Jane Nadel Klein's book, *'To Work and to Weep'*, is one reference. In Norway, Siri Gerrard's pioneering work on women's role as ground crew in the small-scale fishing enterprise stands out. The research program Women in Fisheries Districts, initiated by the Norwegian Fisheries Research Council, further filled some of the gaps in existing knowledge. It is now well established that women provide a whole range of services that are key to the viability of the fishing household as well as the fishing enterprise of their spouses. This, of course, is a phenomenon that is not unique to Norwegian fisheries.

Liv Torill Pettersen's thesis on the economic contribution of women as a buffer in times of crisis must also be mentioned. Likewise, Viggo Rossvær's book on Sørvær (1998), a crisis-ridden fishing community in Finnmark. Here, it is women's efforts, partly channeled through their local association *Helselaget* that keep the community together and maintain the spirit and life's meaning during times of crisis. In other words, women's contributions are not restricted to the household and their husbands' fishing enterprise. They take on a responsibility for the whole community, also as community spokespersons *vis-à-vis* the society at large. Again, this is not unique to women in Norwegian fisheries communities.

The irony is that these contributions are mostly disregarded by fisheries managers who have their eyes fixed on the fish and the

fishermen. Had they adopted the functional system model of fishing communities rather than the interdependent model, they could not have avoided noting that fishing enterprises could only work within the larger context of the community, in which women play crucial roles. Then, they would have had to also recognize that women are stakeholders in fisheries management and that they also could legitimately claim to be holders of resource rights, a status which current management systems do not grant them, in fisheries less so than in other primary industries.

In the previous chapter, I argue that not only are healthy fish stocks necessary for healthy communities, but that the reverse also holds true. Overfishing is not always a result of market failure, as the interdependent system model would have it, but a community failure. This is the community that fails to install self-restraint, high normative standards, social solidarity and cohesion among community members, and not least among the young fisher recruits.

Hence, a community which finds itself in a state of anomie, and has disintegrated socially and morally, has lost its ability to formally or informally sanction irregular fishing behavior. This is perhaps the most serious crisis a fishing community may encounter.

Norwegian newspapers reported that quotas are deliberately being exceeded, rules are ignored, and that a culture of cheating is spreading within the fishing industry, at the expense of the resource. I argue that this is to be expected of a fisheries management system that has no appreciation of community as a functional system, where the roles and contributions of men and women are equally important, for the material as well as moral well-being of communities.

More than rules

What then is the answer to the shortcomings of fisheries management? Since healthy communities are vital to maintaining healthy fish stocks, fisheries management must consist of more than just rules

and regulations that curb fishing effort. The community must be part of the fisheries management tool-box. Management must then also aim at building communities. It must reinforce those conditions and processes that make geographical communities into communities in the sociological sense.

Resource rights should therefore be vested in communities; they should not be the privilege of individual fishermen. Then also the civic institutions of the coastal community, in which women have always played a crucial role, could not be defined as outside the fisheries management realm. In other words, a more holistic management, community-centered approach is needed, an approach that recognizes women's contribution to communities' viability and hence stock conservation.

Only when the functional systems model of the community is adopted, would women's contributions to stock preservation become focused. Only then would the relevance of supporting women's work roles, associations and community initiatives be seen as relevant for fisheries management.

This is also why more women in management positions or more women on fishing vessels would not automatically change current management practice. As long as the interdependent system model of Boudon prevails as the dominant image of community, gender will continue to be a non-issue in fisheries management, regardless of staff composition of management agencies and fishing enterprises.

* * *

* Published in *SAMUDRA Report*, September 1999

Roots and Wings



The need for community in the age of globalization becomes apparent when we employ the double vision of interdisciplinarity to the governance of fisheries...

The summer of 2011, one of our national TV channels put cameras on board the coastal steamer—the Hurtigruten—and followed it on its weeklong voyage from Bergen to Kirkenes.

The voyage was filmed non-stop, with hardly any narration added, and it broke the Guinness Record for the longest TV program ever. You would think it would have been boring. Yet, no other TV program in Norway had ever received such wide viewership.

The program was a revelation for many Norwegians, both in a literal and a figurative sense. An 85-year-old man who was interviewed said that it was the most wonderful TV program he had ever seen and that he hadn't slept for the whole week after it was telecast. Not only did the program provide the viewers with a constant flow of images of wonderful natural landscapes in real time as the ship was passing by; it also allowed them to observe vibrant communities wherever the boat stopped and uploaded and unloaded passengers and cargo, alongside local people who showed up on the wharf with their music and art performances.

For a few weeks that summer, the TV show was what we talked about. The program filled us with such a good mood—until the hideous shootout incident on the island of Utøya, shattered everything. All of a sudden, within a few hours, the image we had of ourselves as a country and a nation changed brutally, most probably forever.

This chapter is about our images of the coast, the fishing industry and the fishing community, and what they do to us and what we become because of them. A few words to begin with about what I mean by 'images'.

Images are what we read into what we see. They allow us to recognize what we observe. They turn an observable object or event into something that we have an idea of already. Images have consequences for what we do in the real world. When sociologists argue this point, they often refer to the so-called Thomas theorem, which states: "*If men define situations as real, they are real in their consequences.*" This is because we act on them. It is for this reason that images often turn into self-fulfilling prophecies—as the sociologist Robert Merton said.

Therefore, governance theorists— and I consider myself as one of

them—argue that our images should be made explicit. They should not be taken for granted as true representations of the world. They are our own mental constructs, and it is always possible to look at things in different ways. For instance, my colleague Bonnie McCay has argued that we should not necessarily look at the resource commons as something that would inevitably turn into a ‘tragedy’, as Garrett Hardin phrased it.

Governing from images

What if we looked at the commons as a comedy, she asks—to use another ancient theatrical plot as a metaphor? Or romance or a satire – to stay with the classical plots. The implication for how we think about overfishing and how we deal with it would be very different if we shift the image from tragedy to comedy or the other plots.

I shall run through a number of similar images about the coast and the community, and the argument is the same: It matters how we look at them—for how we think about the coast and the community and what policy implications we draw.

In 1966, Ottar Brox, a now grand old man in Norwegian social science, published a book titled ‘*What Happens in Northern Norway?*’, which came to change the way we view the fishing industry, and indeed our perspective on this region as a whole. At that time, North Norway was more rural than it is today. People typically made a living from combining small-scale fishing with small-scale farming in a household subsistence-oriented economy. The government, however, had their eye on the gross domestic product (GDP). They were concerned about the relative contribution of Northern Norway to the overall national economy. When compared to other regions, Northern Norway did not produce as much as its population size would suggest. For the government, the answer was industrialization of the fishery, as well as urbanization. The government believed that it would do people and the region a favor by helping them to move out of

the scattered small-scale fishing communities and into better-paid jobs in the cities.

Troubled by this policy and what it did to his own home fishing community, Brox argued that the government needed a new paradigm. He said that rather than thinking of Northern Norway as made up of industries and sectors, the government should look at the region as an aggregate of local communities. Instead of moving people out, it should assist people in creating their own employment. The government should concentrate on improving the conditions on which people made their own choice regarding where to live and what to do rather than making them become an underclass in the major towns. The government should support the industry via their communities rather than the industry directly.

For many decades now, Brox has been a prominent figure in public debate in Norway. His story is a good illustration of the case I am trying to make here about images: If you side with the community perspective, Brox is a hero—and he has numerous followers in coastal Norway as well as in the academic community. He is indeed also my hero. But if you look at him from the sector perspective, which leaders in the fishing industry and in government tend to do, he appears like a hopeless romantic, not worth listening to.

In thinking about the fishing community, I have borrowed the distinction between what the French sociologist Raymond Boudon calls an ‘interdependent’ versus a ‘functional’ system. The interdependent system is characterized by competition. Here, people are basically in each other’s way. Their relationships do not go very deep. Think, for instance of a bus queue, where a bunch of strangers show up, hoping to get in first to find the best seat. But if everyone tries to be first, chaos and conflict are inevitable. The kind of social system that Garrett Hardin had in mind is obviously such a system. The ‘tragedy of the commons’ is bound to occur in an interdependent system.

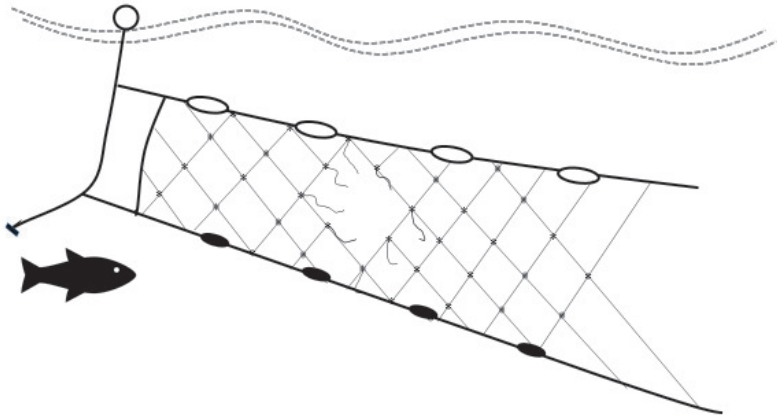
Then consider the functional system. An example would be a business enterprise, a family household or a soccer team. These are

social systems characterized by organization and division of labor, where people are members with roles and responsibilities. Here people need to co-operate to realize their goals. The more they know and trust each other, the easier it is for them to do so.

Now, how about a fishing community? What kind of system is it? Is it like a bus queue or a soccer team? In reality, it is, of course, a little bit of both. But let us again, for the sake of argument about images, assume that they are either/or, and then think about the policy implications.

If the fishing community is like a bus queue, people are just in each other's way. They do not need each other. The fewer they are, the better, as there would be fewer people to share the same space and the same resources. Reducing the number of people employed in the fishery can then only be good. For those who remain, the money they bring home will go up. One would expect that the community will become increasingly secure, and a consolidation process will occur until it has reached equilibrium.

Now think of the fishing community as a functional system, like a soccer team: Here people rely on each other and, therefore, have to work together. A loss of members would, therefore, be a problem, as when one player of a soccer team is expelled and the remaining players must carry his task. In the community, a reduction of people will break up social relationships; the social fabric of the community will start to evaporate, and a domino effect may cause the system to collapse. Imagine, for instance, the community as a fish net, where the knots are people and the threads are social relationships. Remove one knot, and it leaves a much bigger hole than just the size of the knot.



A hole in the net like when people break from community ties [1]

The policy implications of imagining the community as one or the other system should come out pretty clear.

Coastal culture

My next concern is the relationship between sustainable fisheries and sustainable communities—coastal culture as implication or premise. What comes first? What is cause and what is outcome? Does the arrow go from a healthy resource to healthy communities, or does it go in the other way? Again, the policy implications of assuming one or the other are profound. This is why:

If we believe that everything must start with the ecosystem, we would tend to think that as long as we sustain the resource, everything will be fine. Therefore, we would only need to focus on the first variable in this causal chain, and the others would follow suit. We do not need to care about fishing communities, as they will take care of themselves, provided that there is enough fish. Fisheries governance can then be reduced to fisheries resource management, and we can forget about the rest.

Not so if the mechanism works the other way; if the premises are community and culture, and not the outcome. Then we would need to target the community, and nurture coastal culture directly, before we can expect to achieve a healthy marine ecosystem. In fact, securing the community will be a necessary condition for securing the ecosystem. How could that be?

In early September 2011, I attended a meeting of fishers in Cape Town, South Africa. During the debate, a fisher leader stated: *“We have two big problems in our fishery: poaching and dysfunctional communities.”* He offered many personal observations to explain how the two are related.

Ironically, fishers who spoke up at the meeting attributed the erosion of community and the extensive poaching that was going on to the way fisheries management works in South Africa, especially how rights have been allocated by means of Individual Transferable Quotas (ITQs). *“We are no longer the brothers and sisters we used to be. Now we are happy to get rid of one another.”* I have often heard similar sentiments expressed also by Norwegian fishers about our quota system. The management system, apparently, has, transformed the community from a functional to an interdependent system, from a soccer team into a bus queue.

I once gave a talk in the Faroe Islands about these things. There they have a tradition that when people gather on festive occasions, they entertain themselves with what they call the ‘chain dance’. The dance is inclusive, and everyone participates. Holding on to each other as they turn, they sing ancient, rhythmic chants, handed down through generations. A song may have more than a hundred verses, typically of a moral content. The lead singer is characteristically called ‘skipper’. Only the voices and the feet are heard. For participants, the dance is exhilarating and creates a sense of togetherness. As described on a website: *“You have to participate, and when it is at its best, the chain melts together and you feel a part of something vast.”*

The chain dance is, to me, a beautiful image of a healthy, well-

integrated community. What I dared to say in my talk was: *“If you want to secure a healthy fishery, you’d better make sure that you keep up the chain dance tradition.”* I did not, of course, suggest that there is a direct link here, only that there is an indirect one.

Globalization

Which also brings me to my final question: Is globalization good or bad for such cultural traditions in local communities? Will it kill the chain dance? Will people start behaving as in a bus queue?

It would be bad if globalization makes people confused about where they belong and who they are as a community. It cannot be a good thing if industries become less embedded in the local community, if they forget about their social responsibility. Neither can it be healthy if the Internet becomes the only place where our children find their sense of morality. But is everything about globalization necessarily bad? Is globalization a curse or a blessing? Can globalization be the wake-up call that local fishing communities need?

We obviously need the roots that community provides, but we also need the wings that globalization both grants and requires. We need robust communities that install in people a solid identity. We need communities for the permanence and stability they provide. Communities help us stay sane. But we also need the modernity and freedom that globalization supplies. Globalization brings prosperity, science, new technology and cultural exchange. Globalization has brought us human rights, which is now an issue in the debate on how to secure the lives and livelihoods of small-scale fishing people globally. Globalization also gave us the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO).

Thus, our conclusion should be that we need both community and globalization. One without the other is not a good idea. It is a misconception to assume that there is something inherently backward

in local communities and in small-scale fisheries. With globalization, they can be extremely sophisticated in the way they operate, and how they produce, communicate and serve markets.

There is hardly any better expression of globalization than the proliferation of mobile phones. In South Africa, I learned that small-scale fishers, who are deprived—in most senses of that word—are using mobile phones to access market information. But I learned also that they are using them to warn each other of imminent fisheries inspections—which is an illustration of the ambivalence that comes with globalization. It can be good and bad at the same time in a way that challenges our social values.

I suggest that we now make this into a research issue. How can communities become more competent and proactive in the global world without losing their ability to provide their members with a moral footing, and a sense of belonging, of home? How can communities turn the threats of globalization into opportunities?

Switching images

This chapter has not been about fisheries communities *per se*, but about how we think about them. Most of all, it has been about how images shape our actions in the policy arena. I argue that we should not stick to just one image, but that we should be willing to entertain as many images as we can imagine, as alternative images give us more policy options. With globalization, communities need to be imaginative. But switching between images is never easy, as it tends to be confusing. Images are not right or wrong, only more or less useful. The reader may remember the famous ambiguous drawing, which, if looked at one way, would show an old woman, but, if looked at another way, would reveal a young woman. Try then to see the old and the young woman at the same time. It is simply impossible. And no matter how hard you strive, you will not be able to identify a middle-aged woman. You, therefore, have to imagine the young

woman and the old woman one at a time.



Interdisciplinarity: Two perspectives in one? [2]

Do we then have to choose between the contrasting pairs of images of community that I have discussed here? Would it be impossible to see them all at once? Could it be that if we only look hard enough, we would be able to see the community as something we have not seen before?

From an analytical point of view, we may have to look at fisheries communities first in one way, and then in another. It is partly for these reasons that science has been divided into disciplines. When economists look at fisheries communities (which they rarely do), they see the bus queue, while sociologists and anthropologists see the chain dance. Disciplinary perspectives are too narrow for the real world. That is also why it can be dangerous to let academics loose in it. They cannot easily make the same argument in the real world as they make in the classroom.

Marine ecosystems

For those challenges that relate to the protection of the environment, the conservation of marine ecosystems, eradication of poverty, and to the development of local communities, we need more interdisciplinarity. If we cannot obtain that for the reasons illustrated with the image of the two women, we should at least encourage multidisciplinary, and then try to harmonize policy initiatives.

In any case, we should all strive harder to know each other's images, because it will make us understand where we come from when we argue positions. For that, we must talk across disciplinary boundaries more so than we do today. This is not only possible but also worthwhile. Speaking from my own experience, I have not become a biologist from working with biologists, but doing so, I think, has made me a better sociologist. I can only hope that it has worked in the same way for them.

Since we tend to insist on disciplinary boundaries, we do not do communities and policymakers the service they deserve, because they cannot afford to lock themselves into the tunnel visions of disciplines. They have to confront real dilemmas and make hard choices where they cannot be always sure of consequences. They must, as best as they can, strive to find a balance between the policy implications of contradicting perspectives.

This, I hold, is the essence of governance. Governance is the kind of conduct that requires open-mindedness to different perspectives, the willingness to learn from both real-world experience and from analytic thinking. The governance of fisheries needs the alternative images that the disciplines of global academia employ, because they would help them see the choices that they have to make in a sharper light. That can only be a good thing.

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[1] Figure - Credit: Milena Arias Schreiber

[2] Figure - Credit: Image: 'My wife and my mother' in law by W.E.Hill, 1915; available via license: Creative Commons Attribution 4.0 International

Life Above Water



Life above water is as essential for securing the life below water, and must be nurtured structurally as well as in moral terms...

‘Life below water’ is UN Sustainable Development Goal No. 14, under which small-scale fisheries fall. Given their contribution to nutrition, food security, poverty alleviation, and community well-being, one should, of course, appreciate the

specific mentioning of small-scale fisheries in such a prominent context; they could well have been ignored in the SDGs. Yet, what is happening in small-scale fisheries, and certainly those things that catch the eye of the social scientist, is not only taking place under water but *above* water – *on* the water and *by* the water. Small-scale fishers and fish-workers make their living off the fish that swim in the ocean, but they do so with the lives they construct for themselves and with others on land. Fishing ‘out there’ is intimately connected with what is happening ‘in here’. Small-scale fishers depend on their communities as much as they depend on their boats and gear. It is as members of communities that fishers acquire the energy, motivation, skills, and meaning they need to carry out their work. For this reason, the social sciences of fisheries have always focused on the community as a unit of analysis.

However, fisheries communities do not exist in isolation, separated from the rest of society. They are also influenced by, and dependent on, what is happening outside them. Consequently, social scientists specializing in small-scale fisheries cannot limit themselves to focusing on the community level, but must broaden their focus to drivers at larger scales. Nonetheless, they always insist that communities are a useful vantage point, a place to situate themselves when trying to understand issues that also manifest themselves beyond that specific location. Fishing is indeed a way of life, but also a source of livelihood and wealth, a trade that links communities with the outside world. Fish is a commodity that travels far, and has done so since ancient times, as in the case of Norway’s cod. Mark Kurlansky did not hold back when he wrote a ‘biography’ of the cod of which the subtitle was *‘The Fish that Changed the World’* (1999).

Still, it is important when extending our perspective to the world of fisheries at large, which we also must do, that we do not lose sight of communities. If we forget about communities, we also lose sight of small-scale fisheries, thereby missing a lot about the life that is lived above the water.

I always found Paul Thompson and colleagues' *'Living the fishing'* to be an intriguing book and title from 1983, which is based on life story interviews with men and women from Scottish and English fishing communities. I found their conclusion interesting and challenging: "[E]conomic and social development depend as much on the situation of women, and of children, and the history of and consciousness of communities, as on matters of capital, cash and profit, and todays and tomorrow's market." (p. 3).

With the millions of people engaged in the sector, small-scale fisheries are too important and too big to ignore. Furthermore, with the role that communities play in the lives of those who inhabit the sector, communities are also too important to fail. So maybe we should think of small-scale fisheries as made up of communities and not just fishing activities of certain characteristics, like scale. We struggle to define what small-scale fisheries are because of their enormous diversity globally, which makes it hard to find a common denominator. Perhaps the community is what we are searching for? People depend on their boats and gear, but they depend even more on their communities for their well-being, and that, I suggest, is a universal trait.

The community

It is easy to see how small-scale fisheries contribute to fishing communities. One need only meet up at the landing site and watch the boats coming in, the fish being unloaded and carried home to be consumed or sold to vendors. The beach or wharf are busy places, buzzing with people running around doing things, talking to each other, bargaining on the price or bidding, or talking about whatever is related to their work. For the newcomer, it may seem chaotic; you are looking for some order in what you see, which may be hard to find – as for me when I visited the fishing beach in Chennai shown in the following photo.



The author at the Chennai fishing beach [1]

What is going on here, who is who, who are the people wearing white hats? Where are they going with the fish? Making sense of it all would take time and effort, a piece of research, and patience.

For such an investigation, you would want to quantify what small-scale fisheries generate in terms of employment, food, and income. Then you would need to follow the fish from when and where it is landed until served on the dinner table. You may have to run some surveys to be able to get the full account. When looking for trends there may be public records available to dig into. If you stay long enough, you will get a perspective on how life changes over the year with the seasons; there may be times when the fishing community seems idle, others when it thrives. Small-scale fisheries communities are dynamic entities. You may spot cultural artifacts, like old buildings, but fishing communities are not places where time stands still.

For my PhD research I lived in a fishing community (Lurøy on the coast of Norway about where the Arctic Circle crosses the country)

for two years in the late 1970s. I wouldn't say that I knew everything about that community when I left, but I grew fond of the place and the people I knew. I established friendships that still last. When I returned to this community after forty years, I could see that much had changed. I was not even sure it could be called a fishing community anymore. Many of the homes of the fishing families were converted into second homes for city people. What used to be a busy harbor was mostly empty of fishing boats. Some of the fishers I knew (and also fished with), I found in the graveyard, some were retired, and their children have moved away. In Norway, this is the fate of many small-scale fishing communities.

In any case, to get a sense of what a fishing community is, you would need to hang out with the people wherever they gather, and join their meetings if you are allowed in, which I was. You will get to know them and what they do, but only if you let them learn who you are and why you are there. You will listen to their stories, hear about their concerns, and they will wonder if you share them. You will engage in conversation about their problems and challenges in the fishery, in the community and in the world. This is a natural way to socialize, which you do when you do this kind of research. Then you will understand that the community is also a place where things occur which are important also for the functioning of the fishery but which we normally do not think of as such. You will realize that the community is more than a landing site, but also as a place that people call home.

Moreover, you will notice that those who fish do other things as well, that they have multiple roles and responsibilities outside the boat and the crew. They are family and friends, they help young people to become fishers but also responsible human beings, they help to make the community a good place to grow up. Not all take part in fisheries activities, but still make an important contribution to the well-being of the fishing community. Not only fishers and fishworkers make the fisheries communities a good place to live. Indirectly, also non-

fisheries people provide key services in the community that the fishery sector could not be without. These people run the school and daycare center, they operate the local store and restaurant, which has fish on the menu. They manage the local soccer team, they nurse the elderly, they drive the school bus, they conduct the school band, and so forth. You may learn from what other people have written about the place, but you better experience it out for yourself. This is what it means to do fieldwork and participant observation in the social sciences.

Although often away for weeks and months, fishers also engage in their communities. Sometimes they have a second career after retiring from fishing. Birger, my best friend in the community where I lived those years ago, built a fisheries museum after he retired from fishing. He fished all his life with his father and two brothers. If you visit the community, he will proudly show you the museum and run the old engines that he keeps there. With the museum he helps to keep the memory of the fishing community alive, preserving what it once was. Thus, he has made it possible for local people, as well as visitors, to orient themselves in the world, to know from where they are coming and where they are visiting. For this and many other initiatives Birger has taken in his community after he stopped fishing, he received the King's Medal of Merit.

Women's roles and rights

The boat is usually the men's world. However, women provide essential support for the boat to be operative. They are therefore the 'veiled crew' whose crucial but often invisible role is often ignored. In a paper titled '*Woman the Worrier*', Dona Lee Davis (1983) observed that women release their men by taking over their worries associated with the risk of fishing. They also do bookkeeping for the fishing enterprise. The men can therefore go about their daily business without much anxiety. The fishing family, as the fishing communities, involves a division of labor that is gendered.

Why then are women's contributions so often ignored? Why are they marginalized, and excluded from the rights that their male counterparts enjoy, for instance when quotas are allocated and inherited? Especially in small-scale fisheries, one would think that the opposite would be the case. Many of women's contributions are subtle, as illustrated by Donna Lee Davis mentioned above. Yet often they are tangible and visible. Still, women's contributions are taken as a given, and therefore not taken into account - as if their work had no value. I once argued in a talk I gave at the Women's World Conference in 1999 (see chapter 16 in this book) that one important reason why women's roles and inputs are often overlooked is because the community is disregarded. If you do not have an eye for the community, or if you think of it as just an offshoot of the fishery, you easily miss out on women's work. If the community is not a focus, you do not recognize the many independent but indirect contributions that women make to keep the community alive, and hence the fishery thriving. Women's work, and their knowledge about the community as a whole, are an important condition for what else is happening. Women have interests and concerns that must be secured for their own sake, as stressed by The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries endorsed by FAO member states in 2014. However, women's contributions also must be recognized for what they bring to the community, and therefore also to the fishery.

Community failure

A small-scale fishing community is always more than a landing site. Fisheries communities are also more than a value chain within which goods and services flow. They are also moral communities where social norms and cultural values are building blocks. Fishing communities have a material base, but we should not think that the material base necessarily is the beginning from which everything

else flows. The moral community, and the culture it represents, is not necessarily a 'super-structure', as Marx would have it. Weber questioned this determinism, that the causal arrow is unidirectional from material base to superstructure. I believe Marx and Weber are in a sense both right; the arrow runs both ways and that men and women are typically riding each of them. There are exceptions to this rule – of course. With the enormous diversity of small-scale fisheries around the world, there are exceptions to every rule.

Bonnie McCay and I published a paper in 1998 which posited that the evaporation of the moral fabric in the community is a factor to be reckoned with in IUU (Illegal, Unreported, and Unregulated) fishing. Breaking rules, cheating on your quota, betraying your fellow fishers, and neglecting your social responsibilities may be beneficial in the narrow economic calculation. But it is also a moral issue, a break with norms of honesty and solidarity, without which there is no trust. In these conditions, people will not be able to cooperate, even when they see the need for it. Without cooperation, the community (in the sociological meaning of the word as a social group and not just a place) will not function. Community failure (as opposed to 'market failure') is therefore something that must also be addressed in dealing with IUU fishing. Stricter control and surveillance, with or without the use of satellites, will not do the trick; they may perhaps make the problem even worse. People will always find ways to circumvent rules if they feel they must, if they see nothing wrong with it, or if the community does not sanction said rules. The problem has no technical solution, but that seems to be the only thing management agencies can think of these days. Instead of asking why people break rules, we should ask why they follow them. Sanction is hardly the whole answer.

With a strong moral fabric, communities have a better capacity for self-management, or co-management, which may not only help to release the control and surveillance function of an external authority like the state. The moral fabric is also essential for other things that require collective action and the pooling of resources in the

community. Communities may well be poor in financial capital but still be abundant in social capital. Paul Onyango, who has studied small-scale fisheries communities in Lake Victoria over the years, talks about what he calls ‘invisible presences’ – the intangible human resources and relationships they are able to mobilize when needed. Fisheries development projects tend to start with the ‘visible absences’, while they perhaps should commence from those human relationships and resources that are already there but not visible to someone unfamiliar with the community. Thus, one should search for those institutions where people learn to be moral and trustworthy. For this, you would need to look beyond fisheries, into the family, the school, the places for worship, where people gather, and where they learn to distinguish between what is right and wrong, including what it means to be trustworthy. “*It takes a village to bring up a child,*” as the African proverb says. Hillary Clinton adopted it for the title of her 1996 book. It also takes a village to bring up a fisher.

Why community?

In order to have trust, it matters whether social relationships are equitable or not. The SSF Guidelines rightfully talk about equity, especially in the context of human rights and governance. Equity is about entitlements, but also about rectitude – it speaks to our moral values and sense of justice, on how we relate to each other. But equity also has functional merits. You work better with people who are your equals, with whom you share history, your values and goals, and destiny. With the rights-based fishing approach, and the privatization of resources previously held in common, inequities follow that may be detrimental for communities.

Communities, however, have a deeper and more existential reason to be. If you say that we need small-scale fisheries to support local communities, or communities to support small-scale fisheries, you would need an argument why you need both to begin with. In Norway,

we have been thinking of securing small-scale fisheries (or fisheries in general) to support a decentralized settlement structure, which many think of as a value in itself, but also because it makes it easier to claim our territorial fishing rights. A deserted coast would give such claims less clout. This was a concern underpinning the Norwegian argument in the Anglo-Norwegian Fisheries case about where to draw the baseline that was brought to the Hague in 1951. From time to time since then, the argument has popped up in defense of coastal communities on the brink of losing their economic base. We need to keep coastal communities alive for our territorial sovereignty. People who inhabit the communities have their own reasons to do so, of course. No matter what the government would think about the settlement structure, these communities are home to people. Belonging to a community is part of who we are.

Anthony Cohen, in a paper about Whalsey, a fishing community in Shetland, explains this well:

“Belonging’ implies very much more than merely having been born in the place. It suggests that one is an integral piece of the marvelously complicated fabric which constitutes the community; that one is a recipient of its proudly distinctive and consciously preserved culture – a repository of its traditions and values, a performer of its hallowed skills, an expert of its idioms and idiosyncrasies.”

This paper appears in a book titled ‘*Belonging: Identity and social organisation in British rural cultures*’ (1982). With his book in my bag, I visited Whalsey in the spring of 1988, intrigued by the place and the people I met there. What the ITQ system has since done to this fishing community is a story in itself, told by Emma Cardwell and Robert Gear in a paper in *Marine Policy* in 2013.

People who fish need more than secure tenure to access their fishing grounds. Just like anyone else, they also need a place to call home. The

communitarian school of thought, often associated with names like Charles Taylor, Michael Walzer, and Amitai Etzioni, argues the case for people's sense of belonging, for living in community with others in order to stay mentally and physically healthy. Communities provide support in times of personal need, as when fishers perish at sea. Small-scale fishing is still among the most dangerous of occupations, and the wreck of a fishing vessel can have devastating effects on families and communities. This happened to a neighboring island to where I lived. I met the crew on the wharf when they were mending their seine; father, two sons, and a son-in law. A year or so after, the boat went down, apparently hit on the side by a big wave. I will elaborate on the safety at sea issue in the next chapter.

As Thomas Friedman argued in his book *'The Lexus and the Olive Tree'* (2012), we cherish the things that come with modernity, like communication and information technology, which also make fishing more effective and secure. But we also need the roots that we associate with our home, with the place where we grew up, as they do not only provide us with values, knowledge, skills, and identity, but also security. Although it is true that communities make us safer, they come with a sacrifice of freedom, as Zygmunt Baumann (2001) pointed out, as the voice of the community may well hold us back from pursuing our individual ambitions that breaks with norms of equity and equality: *"Don't think you are better than us."*

Nevertheless, as Cohen points out, communities provide the cultural identity – a sense of self – that we need to have in order to know who we are, both as an 'I' and a 'We'. Communities inhabit some dilemmas, but I do think that Baumann takes us a bit too far when he says *"community deprives us of individual freedom."* Janis Joplin sang *"Freedom's just another thing for nothing left to lose."* That is a degree of freedom that we would feel happy with, as it would mean being entirely on your own with no attachment to other people, to place and things. You would be entirely on your own, a free but lonely spirit. Such a person hardly exists, as the sociologist Norbert Elias argued.

We are dependent on other people. Therefore, individuals and society are not two separate categories (Elias 1939/1983).

A fisheries policy that destroys the community, and in so doing erodes people's sense of self, takes away life happiness. It would amount to human rights violations, which the SSF Guidelines seek to avoid. There are many ways that fisheries policies may do exactly that, for instance by taking away the resource or territorial rights which make the community secure. People cannot feel secure if their community is not. Their identity is cultural, and culture needs a secure material base. This is why 'Defending the Beach' has been the label for one of the big research questions of Too Big To Ignore (TBTI). It is also why TBTI flags 'Blue Justice' in one of its recent campaigns in the context of all the excitement about Blue Economy and Blue Growth. With these new drives, small-scale fisheries seem to be ignored and risk being displaced from the place they work and live. From the perspective of small-scale fisheries communities, there are obvious limits to what Joseph Schumpeter (1942) called 'creative destruction'. Communities are easier to destroy than create. Small-scale fisheries communities also have tipping points.

SSF Guidelines

Concern for community runs throughout the SSF Guidelines; the document mentions communities 72 times. They are correct in pointing out in the foreword that *"small-scale fisheries serve as an economic and social engine, providing food and nutrition security, employment and other multiplier effects to local economies while underpinning the livelihoods of riparian communities."* They are similarly correct when stating that *"small-scale fishing communities ... commonly suffer from unequal power relations."* Indeed, the SSF Guidelines are spot-on about many of the things they say about small-scale fisheries communities. Article 5.5 makes a point that speaks to the link to what is happening below and above water: *"States should recognize the role of small-scale fishing*

communities and indigenous peoples to restore, conserve, protect and co-manage local aquatic and coastal ecosystems.”

What makes communities capable of fulfilling such a role is also important. Communities need secure rights, which is why the SSF Guidelines discuss the importance of tenure and leave out the concept of ‘rights-based fishing’, which is a proxy for privatization and individual transferable quotas. Communities must also function socially and culturally, with all of the things that this implies for cooperative relations and interactions, as well as common identities. In short, communities must work as institutions.

The SSF Guidelines point to functions and responsibilities that are not about fisheries in a narrow sense. For this reason also, all 17 Sustainable Development Goals are of relevance for small-scale fisheries, and not just target 14b, which talks about small-scale fisheries. Therefore, the SSF Guidelines do not only speak to fisheries management departments, but also to authorities that deal with issues concerning health, education, public services, and other community matters. For those services, communities also have an important role to play. These services are better provided in proximity to where people live. You need to know the people you are dealing with. Fisheries communities are multipurpose and multifunctional, and they have local knowledge which must maintain in order to effectively manage the food resources that they draw from below water while still caring for the people who sit around the dinner table.

State governments are a natural audience for the SSF Guidelines. Government can provide valuable support to their implementation, but can also do damage to communities and even cause them to disintegrate. As governments have become more ambitious as governors of fisheries, they have also become more intrusive into the life of communities, turning them into passive receivers of management systems, thus dis-embedding and dis-empowering them. The SSF Guidelines see the need for governments to do the opposite: *“Due attention to social and economic development may be needed to ensure*

that small-scale fishing communities are empowered and can enjoy their human rights.” (article 6.1.)

Deep conversation

We can have an idea about what small-scale fisheries are from studying them from afar, but we will not really know how they work and what they mean to the people who depend on them. You may sit at your desk and come up with a definition, but you cannot be sure that you have hit the nail. We cannot really know what small-scale fisheries mean for those who live them unless we engage with them. We cannot know how it feels to be poor unless we have been poor ourselves, and poverty may mean different things to different people. Nor can we know what it means to have grown up in a fishing community without the personal experience. We cannot even know what growing up in another fishing community besides our own is like. In his book *The Children of Sanchez* (1963), which is another book that inspired me in my early career, Oscar Lewis showed that even growing up in the same family can be a different experience for different members. His children recalled the same things in their own distinct way.

We do not know how to be another person, because we cannot be that other person. We are unique even if we are similar. Nevertheless, as Clifford Geertz said, even if we cannot know how people see their world, we can at least understand what people see their world *with*; i.e. how they conceptualize what they see, by which words they explain what they know. Natural scientists do not have to bother with how fishes describe their situation; but social scientists cannot avoid how fishers do it. People have their own theories, which we must have access in order to understand how they perform.

As social scientists, we seem now to let the government define our research questions more than we used to. There are valid reasons for this: governments increasingly set the fisheries agenda, and the

politics of fishing are captivating whether we like them or not. The SSF Guidelines call for governments to act, which they must do in order for small-scale fisheries to advance, and we need to track whether governments fulfill what they promised when they endorsed them. However, in our effort to understand how governments think and act, we must not forget how people understand their own world, which governments enter into when they implement the Guidelines. That means thinking of communities not just as focus but also as locus of your research. We need to situate ourselves there to see what happens now that the SSF Guidelines are implemented and how they intervene into people's lives. Government policies may look very different from the side of the community.

However, as social scientists, we also need to look beyond government. Even if government takes up more and more space in its attempt to govern sustainably, we must look beyond government into the life of fishing people, their communities, and their struggles to survive. The human rights approach, which the SSF Guidelines advocate, is also about protecting the freedoms of communities. Therefore, communities are spaces worth supporting and exploring.

* * *

[1] Photo – Credit: Steef Meijknecht

Saving Lives



Small-scale fishing is among the most dangerous occupation one can have. It does not need to be like that...

A headline in my local newspaper Nordlys in 2011, caught my attention: “*Sjarkfishing is 25 times more dangerous than a job in the oil sector.*” ‘Sjark’ is the name we use in Norway for a small fishing vessel (less than 35 feet). The article referred to a

study carried out by researchers at University of Stavanger, where they compared fishing with the oil industry and shipping. Over a fifteen year period, 600 small-scale fishers had lost their life, which for a small country like Norway, with now only 9,000 fishers, is not a small number. The journalist had interviewed a 'sjarkfisher', who found the number hard to believe. The fisher said that they now have a lot of safety equipment, which they are obliged to bring on board. He maintained that if you use your senses, you will be OK. You do not have to take any risk. *"Sjarkfishing is a nice occupation because you are your own boss. Nothing is safe if you are unreasonable."* This is of course true.

Why should this information come as a surprise, and is it as simple as the fisher says? Small-scale fishing is dangerous all over the world, more so than any other occupation one can think of (Remolà and Gudmundsson 2018). According to the FAO, for whom the safety of boats and crew has long been a concern, more than 32,000 fishers die at sea every year*. It is estimated that every hour, four fishers die doing their job. Based on the existing fatality rate, fisheries is globally already No.1 in the list of most deadly occupations.

While fatality rates in many industries and sectors are reducing due to stringent safety measures, it looks like this is not the case in most fisheries (VanAnrooy, FAO, personal communication). The number is probably much higher since data for small-scale fisheries are inadequate: some countries do not have registration for vessels of less than 10 meters and do not keep track on how many of these fishers die at sea. However, if as many 32,000 people died in an accident in one day in one place, it would have been in the global news. But since these losses are scattered over the course of a year throughout the world, it largely goes unnoticed.

ICSF – the International Council for the Support of Fishworkers – argues that the main reason for accidents in the fishing industry is human error and ignorance of operational factors that govern the stability of the vessel. Causes are still likely to be mixed. They are

personal tragedies that devastate families and communities. ICSF notes:

“The consequences of loss of life fall heavily on the dependents of fishers. In many developing countries, these consequences can be devastating: widows have often a low social standing; there is no welfare State to support the family; and, with lack of alternative sources of income, the widow and children may face destitution.” (Turner and Gudmundsson 2007).

Norway 1860s



b. 1817 – d. 1875

Eilert Sundt [1]

For a Norwegian sociologist, the newspaper article about ‘sjarkfishing’ fatalities rings a bell. The only surprise would be that the numbers are still that high, that little seems to have changed since Eilert Sundt, the first Norwegian social scientist, did his groundbreaking studies of Norwegian folklife in the mid-nineteen century. (The social science faculty at the University of Oslo is named after him). Sundt’s big

mission was education; he saw the need for an informed population, and was a passionate advocate for public schools. He also traveled the country and published on a broad range of folklife issues. His book, *'Harham – An example from the fisheries districts'* (my translation), came out in 1859. In Harham (today Haram), which is a group of islands on Norway's southwest coast, Sundt was moved by the stories people told him about life at sea and the dangers it involved. When checking church records, he found that over the range of 37 years from 1819 to 1855, 117 people had died. Of these, 113 drowned at sea – about three men per year – and the majority were less than 30 years of age. That would be double if compared with the nation as a whole, where the number of fatalities was also higher than in the rest of Europe.

In the chapter *'The art of fishing'*, Sundt gives a vivid account of the Harham fishery. He also describes the sophisticated knowledge people had, not only about how to fish and where to find it, but also what they needed to know to maneuver safely in rough weather. Built over generations, this knowledge was transmitted to the young newcomer, who joined fishing sometimes at the age of 10. Thus, this knowledge stayed in the community. Sundt says:

"If the generation now living on these islands and coasts moved out to America and took their art with them, and strangers moved in and took their place, in spite of all the tools they now have available; it would take generations before they for themselves would explore the depths of the ocean and become familiar with the vagaries of the winds, so that the fishery could be carried out with the same professionalism and utility as now." (Sundt 1859/1975, p. 155, my translation)

Sundt is both intrigued and humbled by what he learns from the fishers about what they know and must know, which he describes in impressive detail. Sundt remarks that they may not be very eloquent on spiritual and scholarly matters, but if you talk to a fisher about "his

daily life and activities, you may perhaps be surprised by the thoughtfulness and experience he conveys" (p. 149 – my translation). However, and that is a puzzle, despite this deep experience-based local knowledge, they perished in greater number than people in the rest of Norway, and in other occupations.

As he traveled north to my area of Norway, he found the situation similarly bleak. In a series of articles from 1861 onwards, all under the title '*On the ocean*', he again had explored the church records, and concluded: "*If we researched all Europe, we would not find any country (or any part of a country with a similar population size) where the situation is as serious as in Troms county, not even close.*" (Sundt 1861/1976, p. 3). He found that in Troms, one out of four who died when older than 10 had drowned. If the same ratio of drownings relative to the total number of inhabitants in the county were applied to France in 1846, Sundt calculated that the number of casualties would have been 79,000, in contrast to the real number in France, which was only 7,500.

Thus, Sundt had reason to be alarmed by what he found, and he believed that the government should be equally troubled and do something. Fishers needed to be taught how to swim. He also believed that better boats and training would help. He called for insurance when he saw how the many casualties devastated families, as in those instances when all the male members were lost at sea. Fisher families were poor to begin with; but after a wreck, the widows and children were destitute.

Bangladesh 2010s

From a safety at sea perspective, the situation of small-scale fisheries in today's Bangladesh bears striking similarities to Norway about 150 years ago (Islam and Jentoft 2017). The Bay of Bengal is one of the most disaster-prone regions in the world. Cyclones and tropical storms are regular phenomena, and tidal activity is becoming

increasingly turbulent. All these natural events make fishing risky, and many fishers perish every year. Rough seas often force coastal fishers to stay home or abandon their fishing trips. Yet, due to very limited options for income, many fishers defy warnings and continue fishing, when they should not go out or hurry home. Small-scale fishers are not only poor; they are also extremely vulnerable, as their Norwegian counterparts once were, and to a lesser degree still are, even though winter storms can also be extreme on the coast of Norway.

In Bangladesh, fishing communities are often located in remote areas, and fisher dwellings are usually next to the beach. This makes them exposed to natural disasters and hard to reach for rescue. Limited finances make it difficult to restore homes and infrastructure. Loss of fishing gear, boats, livestock, and other household assets can wipe out livelihoods. When disaster hits, families lose what they have and need to rebuild their lives and livelihoods from scratch. When lives are lost, the situation for families gets direr, and lack of insurance makes people economically vulnerable. Fishers often find themselves entrapped in a relation of debt with moneylenders, as formal credit is in short supply. Fishers fall short of meeting operating costs, so when they need funding they go to private lenders since they lack collateral for bank loans. In this relation, small-scale fisheries have little bargaining power, much like the situation in Norway until legislation introduced in the 1930s set fishers free from the relation with the fish buyers (see chapter 5), and the State Fisher Bank was established in 1921.

Norwegian fishers were poor, but they never had to deal with the risk of sea piracy as their Bangladesh counterparts. Sometimes fishers in Bangladesh are kidnapped for ransom, and they are always afraid of being assaulted. Fishers find their own stolen gear on the market, and must pay to get it back. This is not just injustice, but sheer abuse.

Safety precautions

In Norway, most of the things Eilert Sundt proposed have since long been realized, and the number of casualties has therefore come down. Boats are now much safer, and fishers better educated. They are required to bring security equipment onboard. Communication technology has improved, rescue operations are more effective, insurance arrangements have been installed, and security courses (50 plus 20 hours) are now made mandatory for fishers by law. The number of fishers in Norway has been drastically reduced over the years, which affects statistics. The *sjarkfishers* now number hardly more than 1,500. However, as the Stavanger University study shows, they perish more often than people in other maritime occupations. Thus, there are more things needed to keep fishers safe, like improving working conditions on deck, making wharfs safer, and other measures. Still, given the natural forces they are up against, they will always be vulnerable, but there are means of making them less so.

In Bangladesh, government has done a lot to make people in coastal areas safe during cyclones, but many things remain to make small-scale fisheries less vulnerable. All the safety precautions of Norwegian small-scale fishers are relevant in Bangladesh as well. Small-scale fishers in Bangladesh have their unique security issues. The abuse they suffer from pirates and moneylenders are part of the vicious cycle that keeps them in poverty. These stressors also directly make them more vulnerable to physical risk at sea, since the financial precarity of fishers pressures them to take greater risk at sea. Poverty makes them go out in bad weather and farther out from the coast, thus incurring serious risk.

Small-scale fishing will continue to be a dangerous occupation. The sea and the weather will always be risk factors, and climate change makes it worse. Nevertheless, the staggering number of casualties is not a given, and should not be treated as such. Safety precautions such

as better education and technology that may reduce vulnerability are important, but one must also focus on the deeper structural causes. ICSF also mentions overcapacity and overfishing of coastal resources as a factor. If you cannot find fish where you used to find it, or if you want to avoid conflicts with other fishers competing for the same space, you go to unfamiliar places, which involves risk. In a FAO report, Westlund *et al.* (2007, p. 16) describe what may then take place:

“In these situations, and also because illegal industrial fishing depletes resources near the shore, small crafts may seek alternative fishing grounds further offshore where nets can be set safely away from the trawlers that would otherwise destroy the gear. These grounds may however be less well known and have different weather and sea conditions and hence constitute increased risks in other respects.”

Poverty makes fishers take chances that put them in harm’s way, since there are mouths to feed at home. A report from India summarizes this conundrum well:

“The need to shift to deeper fishing grounds has led to increased sea-safety concerns; however, few precautions are observed on board to ensure the safety of the crew, especially during long voyages. While some improvements have been observed with GPS and other technological improvements in some fisheries, especially on the west coast, the issue of sea safety is still only poorly addressed, owing to the reluctance of the boat-owners to invest in anything that offers no economic return. In Andhra Pradesh, the condition of several mechanized boats is extremely poor, with even basic safety equipment like life jackets missing. Critical inputs like mast lights, communication systems and compasses are either absent or do not function. Together with

the poorly maintained engines, this state of affairs is a sure recipe for disaster” (Salagrama 2012, p. 30).

Power relations involve pressure to take risks, as in Bangladesh. Empowering small-scale fisheries through building organizations that can support and represent them, as has happened in Norway, would thus be a means of safety enhancement. However, the now lonely fisher on board in modern ‘*sjarkfishing*’ in Norway does not have crewmembers to help in case of accidents. A small boat is obviously less safe in rough weather than a big one, and the fewer boats that are out there, the fewer to watch out for to come to rescue, and to report home.

The marginalized position of small-scale fisheries makes it easier for governments to ignore their safety concerns, and to forget that behind the many services that small-scale fisheries provide to society are peoples’ lives. The government may think it is doing people a service by eliminating the small-scale fishery altogether, since bigger boats handle bad weather better. But then, we should not forget the many attractive qualities of small-scale fisheries – like the freedom it comes by being your own boss, as the Norwegian *sjarkfisher* mentions.

Transdisciplinary

SSF Guidelines Article 6.16 states: “*All parties should recognize the complexity that surrounds safety-at-sea issues (in inland and marine fisheries) and the multiple causes behind deficient safety.*” The staggering number of fatalities in small-scale fisheries is not just related to hazardous fishing behavior, ignorance of how to maneuver a boat in rough seas, and insufficient safety equipment and rescue services. It must also be seen in the context of poverty and marginalization. Therefore, the entire SSF Guidelines would be relevant as a safety enhancing measure. Safety cannot be reduced to an issue of better boats (which may induce fishers to take even greater risk), or other

technical matters. It is also an issue of how fisheries are organized, managed, and governed, and how small-scale fisheries are considered as part of the equation.

There is hardly a topic in small-scale fisheries in greater need of transdisciplinary and holistic approaches than safety at sea. Not only do the different sciences have a role to play, but also the local knowledge that fishers have themselves. The SSF Guidelines therefore go on to say that fishers must be actively involved in developing and implementing national strategies for improving safety. The knowledge that fishers have in order to operate safely at sea is also geographically situated and ‘archived’ in the community so that it can be transferred to new generations of fishers, like in the case of Harham. To be safe, a fisher must know how, where, and when to fish, and s/he must know which routes to avoid. The Harham fishers, as Eilert Sundt learned, had remarkably detailed local expertise of how to operate in their marine environment, which they had acquired over generations from fishing Harham waters.

Obviously, there are general safety precautions that can be taught in a course, and such courses are now available for Norwegian small-scale fisheries. The situated knowledge that fishers must have, they acquire by fishing with people they know, typically an older family member. Growing up and living in a fishing community where fishing safety is part of the conversation is also important. Knowledge of how to be safe in particular situations and places requires interactive, contextualized learning among people who trust each other’s judgement.

* * *

* <http://www.fao.org/fishery/safety-for-fishermen/en/>

[1] Figure – Credit: Author unknown – Oslo Museum: image no. OB.03176 (Byhistorisk samling), via oslobilder.no; license: Creative Commons Attribution Share Alike 3.0

A Virtuous Cycle



Management systems must be designed to help secure small-scale fisheries communities...

Will communities prosper if their fishery does too? Or will the fishery prosper if community flourishes? Does the arrow of influence go from fisheries to community or in the opposite direction? This answer has profound policy implications.

In support of the former notion is the idea that as long as we sustain the marine ecosystem and the fisheries resources we draw from it, fisheries operations will be profitable, and then, as a direct consequence, the community will be secure. You would not even need to worry about the community, as things will fall into place by themselves; as long as the fishery is sustainable, communities will be too. In support of the alternative idea – that the fishery is sustainable as long as the fishing community thrives – is the notion that as long as we sustain the ‘social culture’ of fishing communities, as Olof Hasslöf talked about in his epos about the Swedish West-Coast Fishers (1949), fisheries resources will too be sustained.

In this chapter, I argue that we need to think of the relationship between sustainable fisheries and fisheries communities as inter-dependent and mutually supportive, but that the way fisheries are managed, increasingly by means of Individual Transferable Quotas (ITQ), has a tendency of transforming a potentially virtuous cycle into a vicious one.

Becoming a fisher

In the fishing communities I am familiar with, growing up to become a skilled fisher is a process, not something you learn out of a book. You learn fishing by working alongside people you know, people you trust and who know who you are. Crewmembers are from your own community, often close relatives. Not only do they teach you the skills of fishing, but also the norms and values you need to know in order to behave. Over time, you also acquire the identity of a fisher, which do not just define what you do but also who you are, in your eyes as well as in the eyes of others. This is how you become a passionate and proud fisher, and it is what makes you stand tall in your community. If you cannot retain such an image from inside yourself and from among community members, you are likely to start looking for exit opportunities, which may involve leaving your home community.

A VIRTUOUS CYCLE

We may wonder which arrow is more important to make fisheries sustainable. I would suggest that both are essential, and that they form a cycle that must not be broken. I argue that you would then need to think about fishing communities as something more than places where fisheries activities occur, but as homes for people. Therefore, all things that make fishing communities attractive places to live would also be good fisheries policy.



Sustainable fisheries communities

Best available science

When fisheries management authorities make the claim that they base their decision-making on 'the best available science', they do not include the best available social science. This may well be due to the staff composition of management agencies, where social scientists rarely are found. The left arrow in the figure has therefore few proponents. As I know current fisheries policies globally and from my own country Norway, they are predominantly along the arrow to the right. Sustainable communities are not only perceived to derive

from fishing activities; the implicit idea is that the fishing industry works well when detached from communities. This may well be true for large-scale fisheries but not for small-scale fisheries. The consequence is the marginalization of small-scale fisheries at the demise of their communities. Since the link works both ways, the cycle becomes a spiral, where things work both ways.

It is common to think of resource degradation as the result of 'too many fishers chasing too few fish.' The logical conclusion is therefore to get rid of people. Thus, the demise of fishing communities, which follows when the fishing population reduces, is perceived as necessary and unavoidable. In Norway, the drastic reduction of fishers in recent decades has not reduced harvest levels, something that a public task force described as an 'achievement'. But that presumes a different image of fisheries, what the fishing industry is for. Sustainable fishing communities are not the priority.

The causes and consequences of the demise of fishing communities are difficult to tell from this figure. The process is iterative and ongoing, which for the community become a race towards oblivion. One may blame the quota system, but that is not necessarily what triggers the problem in the first place. The quota system may be regarded as both the problem and the solution, and in an iterative process, a solution may become a problem in the next instance. The quota system aims to stop overfishing but may have a negative effect on the viability of the community. It may interfere with the intergenerational renewal of the fleet and the fishing population. The medicine that aims to cure the patient may instead be fatal. Fishing communities need fishers as much as fishers need fishing communities. This interdependence has consequences for how we plan and govern. Communities need as much attention as the resource in governance for sustainable fisheries.

Transferable quotas

TACs – Total Allowable Catch – shall secure the fish resource from overfishing. Although important, it is not however itself sufficient to secure a sustainable fishery. It is also important to secure the catch for those who fish: they must have an allocation that makes it possible for them to continue fishing. Hence individual quotas. But if the aggregate fishing capacity is too big, it poses a threat to the sustainability of both the resource and the community. Fishing effort must be brought in balance with what the resource can sustain. Excess capacity must come down, and the quota system is a mechanism to accomplish it. The TAC would then be shared by fewer people/vessels. From an economic perspective, this is a good thing, especially for remaining fishers. An effective means is to allow quotas to be bought and sold; entry ITQs (Individual Transferable Quotas). A fisher may here increase his or her own catch by buying a quota from another fisher. Since the quota has economic value, the seller may obtain a good price – for a quota he may originally have gotten gratis when the system was introduced. Thus, the seller is happy, as is the buyer who can afford it. However, for a young person who wants to become a fisher with his/her own boat and quota, entry costs may be prohibitive, and debt more than s/he alone can carry. Enter corporate buyers, as Emma Cardwell and Robert Gear (2013, p. 164) illustrate in the British purse seine fishery. A Shetland skipper has regrets:

“There were seven owners who all owned the boat, and worked on it too. One of the owners died, two were very keen to sell off. The boat then was 14 years old, we either had to sell the boat or build a new one. I was 58 then. I thought it was better to sell, because it was too big a commitment to take on with my years. One or two wanted to keep it, but it seemed to be the best way out. Looking back, it’s one of the worst decisions I ever took. We made money, and I’ve got no financial problems now, no

worries about that. But the thing is that I have grandsons who are fishing now. And I sold something, and they can never get it. That's what bothers me now. If I could have held onto it, and get them going now, when I sit and brood sometimes that comes to my mind."

It should not come as a surprise when fisheries communities suffer when quotas are sold externally. When this occurs, quotas are likely to be concentrated in fewer hands, as has happened in Norway and in many other countries. The question is, however, whether you care or not – if you see this as a problem. Your attitude would much depend on where you live: you would naturally care more if it is your home community that wins or loses. Should your community be unaffected, you may still not be indifferent, as some higher values and principles may be at risk. You may, for instance, as many Norwegians are, be concerned about the settlement pattern and the value of having viable communities along the entire coast. You may also be concerned with the idea of the privatization of a once communally-owned resource.

The Norwegian sociology professor Ottar Brox stated that “[c]ertain schools of economic thought are today more of a menace to coastal communities than foreign fleets, parasitic middlemen, and failing export markets ever were.”*. There is now a substantial literature on what ITQs do to communities. As Jeppe Høst (2015) has shown for Denmark, five years after their introduction, the number of fishing ports were reduced by 50 percent. Gordon Winder’s volume ‘*Fisheries, Quota Management and Quota Transfer: Rationalization through Bio-economics*’ offers another account of what happens in the wake of the introduction of ITQs (2018). Fisheries policies should not just be drawn out of economics textbooks; they should be evidence-based and empirically tested. The effects may prove intolerable and contradictory to other concerns and goals.

What exactly is it about ITQs that is problematic from a community perspective? Is it the I, the T, or the Q? My impression is that

Norwegian fishers have now long accepted the Q. Garrett Hardin's notion about the Tragedy of the Commons is now common knowledge. Some effort limitation to protect fish stock from decimation is required, and there is now evidence to prove that it has helped in sustaining stocks. Currently the North Arctic cod stock is in good shape. With the current catching capacity, no ceiling for allowable catch will inevitably create crisis. Norwegian fishers know this well from the crisis in the herring fishery in the 1960s and the cod crisis in the 1990s. Local fjord stocks are now in jeopardy, calling for stricter regulatory measures.

What about the T – transferability? Buying and selling is not a new thing, but for fish quotas it is. Your ability to buy and sell is generally considered positively; people are pleased to sell things they do not want to keep and buy things they need. The T gives you a sense of freedom. Norwegian fishers were critical to the quota system from the beginning, but they changed their position when they got more used to it. They were not allowed to buy and sell their quota directly, but they could buy and sell their boat with a quota attached. As a result, a sort of ITQ system developed, in which it is allowed to scrap the boat and transfer the quota to another boat. The trend has been to reduce the restrictions on quota transactions.

In my judgment, the most problematic letter in the acronym is the I (for Individual). This means that quotas are allocated to and exchanged among private individuals and/or corporations, like boat owners, with transactional freedoms attached. A purchased quota can be sold again. If you sell to your neighbor to keep the quota in your community, the neighbor may not think the same way about it.

The quota system ends up discriminating between the haves and the have-nots – those with and without quota rights – which is problematic in communities where traditionally people were 'in the same boat'. Now they must find new ways to live together as unequals. In Norway, the term 'quota-barons' has enriched our language (Grytås 2014). In Iceland, which has embraced the ITQ system in full,

quota rights owners are the ‘little kings’ in the community (Chambers *et al.* 2017). Not only is this bad for collective action; it is also a source of potential conflict in the community.

Privatization

The market does not work without private property, because no one can sell and no one will buy if they do not own the item for which the transaction is conducted. In fisheries, this is complicated, because fish is not easy to own, at least before it is caught. But even so, you can become the owner of the right to catch it, as with ITQs. The quota right itself can become a commodity. However, it is difficult for many of us to imagine why a thing that belongs to all of us as common property should become a property of some private few. It is a drastic intervention into the community cycle illustrated in figure above, and you do not need to be losing or benefiting for having an opinion about it. ITQs are blamed for ‘ocean grabbing’ or outright ‘theft’ (Macinko 2017). For TBTI, and those who depend on the resource for their livelihood, this constitutes ‘blue injustice’.

Sometimes the issue ends up in the highest court. In Iceland, the ITQ system was brought before the UN Human Rights Committee (Einarsson 2004). In Norway, the Supreme Court ruled that fishers do not ‘own’ their quota right as private property. In our Parliament, there are now three proposals for constitutional amendment that would make the ITQ system illegal. One of the proposals reads:

“The marine resources belong to the Norwegian people in common. No private can own or sell the harvesting right. No-one can forever and ever be excluded to the harvesting right.”

Parliament has not yet ruled on these proposals. The exact wording may be changed in the process, but the amendment seems to have support from left to right on the political spectrum.

When in 2014, FAO members gave their consent to the SSF Guidelines, they did so without embracing the concept of ‘rights-based fishing’ and ITQs. Instead, they supported the idea that small-scale fisheries should be governed in accordance with human rights principles and standards. The SSF Guidelines talk a lot about community-based management and tenure as a conservation measure and a way of securing local livelihoods. However, the notion that human rights are relevant in a fisheries management context is alien to many people. Can you, for instance, claim quota rights as a human right? This is, however, what the indigenous Sami in Norway do, and they have current domestic and international legislation on their side. The SSF Guidelines recognize that small-scale fisheries communities and culture are at risk of becoming extinct, which may amount to a human rights violation.

Human rights in the context of fisheries management may be thought of as a ‘negative’ right – the right not to lose something that is important for one’s individual and collective well-being. It is not difficult to imagine how a fisheries management system might do that, and that is what the UN Human Rights Committee ruled in the case of Iceland.

A quota right is not only an entitlement – something you have or have not. A quota right is also a rectitude, something considered to be right or wrong, i.e. from an ethical vantage point. Criticisms of ITQs are often launched from the latter perspective. Quota rights that end up in the hands of the ‘wrong’ people would be contested for moral reasons. Fisheries management discourses, therefore, are not just about technical matters, but also must be viewed from social and political perspectives.

Communalization

In Norway, as in other ITQ countries, the quota system is a relationship between the state on the one hand, and private individuals and corporations on the other. Local fishing communities are a conspicuously missing link, with no recognized roles, rights, or responsibilities in fisheries management. The consequence is lack of local input and control over who gets quotas and where fish is landed. For the rights holder, there is no social responsibility, no obligation to consider community impacts. Consequently, communities become vulnerable to the vagaries of private quota rights-holders. In Norway, trawlers were provided quota rights on the condition that they brought their catches ashore to secure local employment in specific communities. After systematic violations, they were subsequently relieved from this obligation and did not have to comply anymore. Another rule prohibits quota rights sales out of the northernmost and most fishery-dependent county (Finnmark), but this regulation is under pressure as it deflates the value of the quota and discriminates between sellers.

Nevertheless, both regulations show that there exist ways to steer the market in the interest of local communities. Communities could have rights and responsibilities of their own if quotas were allocated to them rather than individuals. Alternatives do exist, like with Alaska's Community Development Quota Program[^]. With the local knowledge they possess, communities could provide the checks that the current arrangement reserves for the state.

If one is serious about supporting small-scale fishing communities, if one is willing to employ the necessary means to make them sustainable, intervention should aim at converting an otherwise vicious cycle from the figure above into a virtuous one. Securing communities with quota rights would be a potent support, also because quota rights have market value, including collateral value. You would not necessarily need to block transferability of quotas

or other access limitation mechanisms (such as fishing days, area, or gear restrictions). Transferability does not only imply market transactions of property rights. Transferability is a broader concept, which includes many forms of exchange. Exchange can also occur within social networks and communities, as has long been a topic among social scientists. The community may make more out of the value of the quota right than fishing. Should the community decide to sell, it would be a collective decision made with the well-being of the community in mind. The proceeds from the sale could be invested in the community, including in alternative employment if the community should so wish.

Why then the hesitation? Why not just channel quota rights to communities, rather than private individuals as with ITQs? The conundrum may have different explanations. First, there is path-dependency. In Norway, it took decades to fine-tune the quota system. Thus, any reform tends to be marginal; a total overhaul is costly and out of the question. Too much has happened since the introduction of the quota system, which cannot easily be dismantled. Another and more sinister explanation is that the current system benefits those in power: the large-scale operators. The winners know how to defend the system; the losers have less clout. The third, and obvious problem, is that it is much easier – legally and politically – to convert common property into a private commodity, than going the other way. Once the ITQ system is settled, it is not easy to go back if you should regret it. You are stuck with it. This is also the Icelandic experience.

But the fourth reason, which has been my main argument in this chapter, is the current image of cause and effect which managers have in mind. Our ideas of what builds sustainable communities are limited to the right-hand arrow in figure above. Present-day policies do not consider the full cycle. Communities are thought of as the dependent and not the independent variable. When the quota system brings down the number of fishers and fishing capacity, and the TAC allows greater quota shares, the result is fewer and fewer fisheries

actors that become richer and richer, which according to this way of thinking makes the fishing community arrive at some imagined equilibrium. In reality, this does not happen, as communities become entangled in a viscous cycle and are put at risk.

False necessity

Quota systems inevitably intervene in the sustainability cycle of fishing communities, in which the community is both a dependent and independent variable, an outcome as well as a condition for a viable small-scale fishery. The quota system can be a destructive or constructive force; depending on its design. Depending on where rights are vested (with the individual or the community) it may break or buttress the cycle. The latter intervention requires thinking outside the box. ITQs are not the only alternative. They are instead what Umberto Unger (2004) would call a 'false necessity'.

In society, things can always be different than they are. Things can change if we want it hard enough. Revolutions do happen from time to time. There is, however, path-dependence, which makes turning-around difficult, but it does not make it impossible. However, those who benefit from the current order are likely to resist, and they often have power on their side. Many countries still have the choice of where to go. They have not yet implemented ITQs, but may be thinking of it. Sweden is among them. If we decide to choose communities and community-based management instead of central government and markets, we must start imagining how. There is an increasing number of case studies of other models to learn from, including the Alaskan CDCs.

When drawing lessons from case studies, it is important to avoid spurious conclusions. Community-based quota systems may not always be a feasible option. Should they fail, there may be reasons that do not have anything with the particular design *per se*. It would make a difference whether they are the rule or the exception, whether

it is an outlier in a system built on a neoliberal paradigm or whether it works within a system built on cooperative principles.

A communal quota system needs government support in terms of legislation, organization-building, and initial financial support. Civil society organizations and the academic community have ideas to offer to make communities viable. States can also be an important support. They also have capacities and means that local communities do not have. With the SSF Guidelines, they have an extra reason to contribute.

* * *

*Foreword, in Apostle *et al.* (1998). Community, state and market on the North-Atlantic Rim. Challenges to modernity in fisheries. Toronto: Toronto University Press, pp. X-XI

[^]<https://www.fisheries.noaa.gov/alaska/commercial-fishing/community-development-quota-cdq-program>

Why MPAs?



Marine protected areas are social and ecological systems, whose complexity and dynamics pose governability challenges...

Marine Protected Areas (MPAs) are controversial where introduced. They tend to have enthusiastic support among conservation biologists and environmental organizations, but they often trigger opposition among user-groups, those

affected by them. Local people often resist when the MPA limits their freedoms.

MPAs are interesting creatures. I tell my students that they do not need to like or dislike MPAs, but they should know what they are, because MPAs are soon coming to a place near them. According to Aichi target 11:

*“By 2020, 20 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.”**

This target is ambitious, but is also likely to meet obstacles for reasons mentioned above. MPAs must compete with ongoing activities that are spatially demanding. MPAs are therefore going to affect life above water as much as life below it.

MPAs would be less challenging if they were kept away from crowded coastal areas, but that is where they are most needed. Protecting (and restoring) marine life in coastal areas involves regulating human agency and ongoing social systems. You cannot protect marine ecosystems without intervening in the marine (and terrestrial) social system. Environmental conservation is indirect, but social intervention is direct. Conservation is the goal, MPAs the means. Therefore, MPAs would necessarily interfere with marine usage like fishing practices. Hence, they affect the lives and livelihoods of fishing people and the communities where they live. Thus, while protecting the integrity of the marine ecosystem one runs the risk of jeopardizing the integrity of the social system.

How MPAs affect small-scale fisheries, and are affected by them, is any-one's guess until they have been implemented and investigated.

The conservation agenda is not always sensitive to small-scale fisheries and the livelihoods and human rights of small-scale fisheries people (Singleton *et al.* 2017). Therefore, there may well be positive or negative side effects, depending on how the MPA is designed and governed.

It makes sense to think of fishers as part of the ecosystem, but for social scientists only in so far as fishers are not just perceived as individual predators, but part of an interactive social system in which they are not the only user group. The MPA thus exists and operates in the interface between two systems, which are both diverse, complex, and dynamic. The coastal zone, into which MPAs are introduced, is already crowded by multiple users who are involved in struggles over space and resources. The coast is a conflict zone, but not a level playing field where power is shared among equals. Whether the MPA will increase conflicts, and empower some stakeholder groups at the expense of others, is an issue worth exploring, especially for the sake of the governability of MPAs.

The coastal zone has also seen new stakeholder groups entering into spaces that fishers once had for themselves. It has become increasingly clear that small-scale fishers and fishing communities, as the weaker party, are likely to suffer while other stakeholders benefit. They have nowhere else to go and are easily pushed aside. Although TBTI holds that small-scale fisheries are ‘too big to ignore’, that is actually what happens; they are indeed ignored. Within the new ‘Blue Economy’ and ‘Blue Growth’ scenario, small-scale fisheries are largely absent. MPAs, however, are not absent.

What are MPAs?

How effective are MPAs? This is an empirical question, partly dependent on how they are designed and managed, but also reliant on what goals they aim to achieve. Conservation is not necessarily the only goal. MPAs may be no-take zones or may allow certain

fishing practices. One or the other is likely to have an effect on their conservation goals. However, as with other management measures, MPAs are not always able to deliver on their goals, for reasons that must be understood.

If fishers are only seen as predators in the marine ecosystem, one misses their role as stewards. In this image, the MPA must be protected *from* fishers, since you cannot expect their support. Predators do not have a stewardship ethic, they have no concern for the integrity of the marine habitat: it is there to be used, not protected. If that is your perspective, you impose the MPA on the fishing community. You assume that fishers are against your initiative, and not with you, which is confirmed when the MPA meets opposition. As you try to protect the fish from the fisher, the fisher seeks protection from you.

Fishers' antagonism may also be due to images of what an MPA that are different than those captured in official definitions, like of the IUCN (The International Union for Conservation of Nature).

“Any area of intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment.”

This is a definition without people. The social dimension is reduced to law, which is a necessary part of it, but not all that makes MPAs work. The idea here is that humans will benefit in the long run if only they are willing to make sacrifices in the short run. The problem, however, is that humans also need to live in the short run, and therefore cannot always afford to wait. A fisher that does not follow the MPA restrictions is sanctioned, whether motivated by need or greed. It is said that “everyone is a conservationist until they get hungry.” MPAs that deny people their food would not only constitute a human rights abuse; it would most likely also be ineffective.

SSF Guidelines

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (SSF Guidelines) are particularly concerned with food security and poverty eradication. They therefore also have something to say about MPAs. Article 5.15 partly reads as follows:

“States should involve small-scale fishing communities – with special attention to equitable participation of women, vulnerable and marginalized groups – in the design, planning and, as appropriate, implementation of management measures, *including protected areas*, affecting their livelihood options.” (emphasis added).

Not only do the SSF Guidelines demand that MPAs are sensitive to small-scale fisheries; they also request local people to become involved in forming and running them. MPAs should be operated as co-management organizations. That would in effect leave it to those involved to negotiate among themselves what the operational goals should be, and by that define what the MPA is in its particular context. They may then choose to deviate from the IUCN’s definition.

In a study (Jentoft *et al.* 2011), we found that MPAs have a complex set of goals, which reflects the problem structure that exists in the area where they are introduced. Conservation issues may not be the only problem for which the MPA is relevant. For instance, MPAs may provide jobs, both directly in the governing of the MPA and indirectly in spin-off sectors like eco-tourism. MPAs may also be a way of securing territorial interests, as a means of claiming rights of tenure if threatened, which is a concern of the SSF Guidelines. MPAs may be all of the above, and more.

Goals may shift over time as the problem structure and the composition of stakeholders change. Stakeholders may be positive to the idea of MPAs but still want to bend them to their interest. Therefore,

MPAs may become battlegrounds in themselves. The stakes of the most powerful actors may not be as urgent and legitimate as those of the most vulnerable and marginalized groups. MPAs may thus involve issues of justice. Stated goals may not always be those that are actually being pursued, since stakeholders' interests and agendas are not shared or declared. MPAs may have an explicit goal of addressing the discrimination of 'women, vulnerable and marginalized groups', assisted by the operational rules for management, access, and resource use. There is also the possibility that such goals are primarily 'window-dressing', meant to convey a 'green' image. Consequently, the MPA definition may not accurately reflect the actual goals. They may do other things that just conserve the ecosystem. They have other concerns to live up to, and which may be the real reason for their establishment.

MPAs may entrench the inequities that already exist in the context where they are introduced. Jackie Sunde's research in South Africa illustrates how MPAs can displace local people from their traditional living and fishing areas. In her PhD case study (Sunde 2014), local people were fenced off from their communal beach and from sites of worship, while the government permitted a hotel to be built there. My own research in Nicaragua provides example of how local people were supportive of the proposal of establishing an MPA because they saw it as a way to reclaim fishing territory that had been taken by a tourist operator (Gonzalez and Jentoft 2011). MPAs can thus be and do different things to different stakeholders in different situations.

Images

The images that stakeholders have of MPAs, both in general and in a particular case, may therefore determine their attitude and agency, and ultimately whether they will be supportive or obstructive of the MPA. Although these images may change with time and experience, they are likely to be influenced by how the MPA proposal is initially

communicated to them. This is why stakeholder images should be taken into account from the very beginning of the planning process. If the MPA has a bad start, difficulties are likely to appear later on. This is not only about educating stakeholders of the MPA but also about educating MPA planners about the situation they are stepping into.

One may assume that the messenger (who the initiator is) is as important as the message communicated. Since MPAs are a form of social entrepreneurship, trust is a factor, and the government, or whoever is the sponsor, may not always enjoy it despite the best of intentions. Scientists, who are often those promoting MPAs to begin with, come with an agenda that may not be understood or appreciated locally. Of particular interest, therefore, would be to learn from MPAs initiated by local stakeholders themselves – the MPAs that grow out of a locally felt need. Do they fare any better? Are they any different from those imposed from the outside, in what sense and with what outcomes? This may provide clues about how the step zero of the MPA planning process should be conducted. Local people may have relevant images that are different from the conservation agenda.

Small-scale fishers are not necessarily against the conservation agenda of MPAs, but they may not be unconditionally supportive. What these conditions are would be useful to know before making major design decisions. How do stakeholders such as small-scale fishing people think about what the MPA is and what it is for? Which MPA rules do they prefer, for instance, with regard to who should have access to the MPA? Who should manage, and how? These preferences may be very different from those of other stakeholders.

MPAs are not introduced into a *tabula rasa*. To what extent do the values, norms, and principles surrounding the MPA's creation align with those that already govern fishing practices and communities? A reasonable hypothesis would be that the larger the disjuncture, the less support for the MPA among local fisheries stakeholders. At a general level, this is an issue of 'legal pluralism', the extent to which customary norms and MPA norms align. As Maarten Bavinck (2001)

has argued, if they do not align, conflict may arise. The fact that there are multiple stakeholder groups involved with different institutional affiliations, subject to different regimes, adds to the complexity of MPAs and their governance. Managing MPAs is therefore not just about managing conflicting interests but also legal conflicts.

Small-scale fishing people may share the same set of concerns and goals as other stakeholders, but they may still dispute their operationalization and implementation. In a study of MPAs in locations in three countries (Spain, Mexico, and Ecuador), we found that small-scale fishers were largely in agreement about what principles should guide their design, the rules and regulations to be applied. However, when we compared between the three stakeholder groups - small-scale, tourism operators, and managers - there was considerable disagreement. Reaching agreement about rules and regulations would then be a challenge, requiring an inclusive and transparent governance process. Interestingly, we found that the three stakeholder groups agreed that the concerns of small-scale fisheries should have the highest priority due to livelihood dependency.

Another notable finding was that stakeholder groups seemed to have no problem with the fact that MPAs come with rules and regulations, but they preferred decisions to be made at the local level. In all cases, stakeholders agreed that MPA rules and regulations should be strictly enforced, that no free riding should be accepted. The stakeholder groups in the three settings agreed that conservation objectives are the top priority but, contrary to conventional beliefs, stakeholders did not see conservation and resource use as mutually exclusive. MPAs can have conservation as the main goal, but without having to exclude all uses in the area, especially when other measures are in place to protect the integrity of the marine environment. In the eyes of stakeholders, no-take zones are not the only way to conserve the marine ecosystem. A differentiated set of rules should be applied so that equally legitimate social concerns can be made valid.

Political coalition

Whether MPAs deliver on their promises or not is a relevant question. How effective are they as an instrument for marine conservation or fisheries management? However, although important and legitimate, it is not the only possible question to raise. One may think of MPAs as a technical instrument, and thus discuss if they do the job or not. For the manager, this is an important issue.

However, social scientists would look at MPAs as a governance institution imbued with social values, norms, and principles. Social scientists would be interested in an MPA's organizational attributes and decision-making processes, including the degree to which it is inclusive, transparent, and participatory. Are all relevant stakeholders represented? Is the process fair and the outcomes just? How do power relations among involved participants impact on process and outcomes?

A hypothesis is that the more the design and functioning of the MPAs are consistent with good governance principles, for instance those stated in the SSF Guidelines, the greater the likelihood that the MPA will work to realize both conservation and social goals.

We must be similarly focused on interactions, the dynamic aspects of MPAs. Given the multiple groups of stakeholders, with different images, interests, and resources, we may think of MPAs as political coalitions, a loosely coupled system where things are open to negotiation and external influences.

Stakeholders have expectations as to what the MPA can do for them, but they also have potential tangible or non-tangible contributions in order to make the MPA work. What is it that stakeholders bring, and what do they expect in return? This is essential information, but the answer to this question is likely to be very different for different stakeholders. One may think that stakeholders will be individually supportive as long as their calculated gains and sacrifices are net positive. For stakeholders, their support is then a matter of rational

choice. The overarching concerns of the MPA are not what guides their support. When introduced to a MPA proposal, local people are therefore likely not only to ask what an MPA is, but also what it is *for them*. The way to achieve their individual goals is through interactions with other stakeholders. Their benefit sharing is zero sum.

However, an MPA is also collective action, and potentially plus sum and synergetic. The collective reward is bigger than the sum of individual gains, provided that involved stakeholders are able to commit to the joint project. Thus, the stakeholder is not focused on what is in it for me, but *for us*. To convey both the individual and collective benefits would be what MSP planners would need to concentrate on in the step zero phase. The MPA has a greater chance to succeed if it delivers on both.

The individual aspirations of stakeholders, as well as their mutual relations, may change over time – and the MPA agenda with it. Thus, MPAs are a dynamic, open, and unstable systems, where power is differentiated among stakeholders and concerns are brought in both before and after their initiation. Goals are negotiated, and conflict an inherent feature. The conservation agenda, and the potential contribution to community sustainability, is also a moral issue, one concerned with environmental and social values, as well as ethics. Thus, stakeholders may have ideological reasons to commit themselves to the MPA, which may lead them to support the cause regardless of their individual cost-benefit assessment.

We need a more complex image of the structure and functioning of MPA than just looking at it as a technical management instrument. Managing MPAs is not a scientific exercise, and not about command and control. Instead, it is about political brokerage. With such a complex image as, a number of questions comes to mind that may help to explain why MPAs succeed or fail in concrete contexts. The issue would be the degree to which stakeholders feel that the MPAs are delivering on their individual, collective, and ideological concerns and aspirations. We will be interested in the design and workings of MPAs,

including their governance, and the values, norms, and principles guiding them.

We will also want to learn how MPAs fit with the social and ecological system into which they are inserted. This system is not static but dynamic in and of itself, prior to and after MPA implementation, and the MPA may provide a new dynamic that may change the system. If the MPA is designed well, it may play a constructive role, particularly if it helps to build synergies. The definition of the problem that needs to be solved in a particular marine system should come before the solution. It is not a given that an MPA will be the only solution to the problem. The MPA may turn out as the “*hammer painting the floor*” (Degnbol *et al.* 2005). It should not really matter as long as the problem is effectively addressed and in ways that are also socially just as prescribed in the SSF Guidelines.

It would be too simplistic to think of MPAs as something that is primarily about ‘life below water’, as SDG 14 is named. Their success or failure is determined by what is happening above water. Nor should we just think of what is happening above water as a means of controlling what is happening below it. That which is occurring above the water is important in itself, because it has value. MPAs should therefore have a dual purpose: sustaining life below as well as above the water’s surface. We should, however, be open to the possibility that we may find ways to obtain both, even without the MPAs.

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*Launched in 2010 in the Strategic Plan for Biodiversity 2011–2020, as a follow-up of the Convention on Biological Diversity.

What is Governance, Anyway?



The governance concept suggests a perspective on the complex challenges associated with achieving sustainable fisheries development and social justice...

At a small-scale fisheries meeting, I was asked why we need to talk about governance when we could just as well talk about management. What is the difference? I felt the need to come

up with a quick and convincing answer, so I said: “*Think of a business corporation. What the board of directors is doing is governance, whereas what the CEO is doing is management.*” This seemed to make sense to the person, and he did not pursue it any further. This was, however, at best a beginning to explain what the difference is, but the occasion did not permit it. I felt that the person had every right to ask this question, as both concepts are often used synonymously. He asked for a definition, and definitions are supposed to be short and snappy.

When we talk about management, we could often just as well have used governance, so this must be confusing to anyone who has not delved into the academic literature. I have in my own writing in the past not been clear about the distinction, which can also be seen in the oldest chapters in this book. In hindsight, I realize that when I have used the word co-management, I could – and should – have said co-governance. In recent years, I have started using the latter more, because it is more in line with the standard definition of governance and the process of planning and decision-making.

Governance proved to be a difficult concept for many delegates during the Technical Consultations on the SSF Guidelines, and they wanted it removed. Given its ancient roots, going back to Greek antiquity, and its frequent use in policy circles and current academic discourse, this came as a surprise to many in the room. However, the concept survived, much thanks to civil society representatives who insisted on its relevance. Thus, the governance concept is found in several articles, like in 10.7: “*States should recognize, and promote as appropriate, that local governance structures may contribute to an effective management of small-scale fisheries, taking into account the ecosystem approach and in accordance with national law.*” Interestingly, both governance and management appear in this article, which suggests that they are not synonymous.

Still, despite the intuitive perceptions of what governance is, the concept needs clarification. What does it mean, why is it needed in a fisheries context? Important also is what follows from its use.

Governance questions

Let me begin by stating some undisputable facts. Small-scale fisheries are important for our food security and nutrition. They also create jobs for millions of people around the world. They bring prosperity for local communities and national economies. However, these services cannot be taken for granted. With 30 percent of fish stocks now overfished, the sustainability of fisheries is a challenge. There are biological and environmental concerns, as well as social and economic issues, that should not be ignored. With the growth in fishing effort, we have reached biological thresholds and economic and social setbacks. With scarcity of resources follows competition and unrest. What could potentially provide prosperity for fisher people and communities instead often results in destitution and marginalization. The challenges are thus several: a) How do we make sure that we do not ruin fisheries and marine ecosystems in the process of serving multiple stakeholder interests? b) How do we use their services in a way that helps build our societies without harvesting to destruction? And, c) How do we exploit marine resources in a rational, just, and peaceful manner? All these questions, I argue, are basically about governance rather than management.

None of these questions has easy answers. Still, we cannot be indifferent about them; they should not be ignored just because they are difficult. Fisheries, whether in the form of capture or farming modes, form an intricate social and ecological system, whose inter-relationships and inter-dependencies across scales must be taken into consideration when looking for sustainable solutions. It is, however, hard to fully understand what these systems are, what they are made up of, what their boundaries are, and how they work. They are inherently unstable; they are dynamic and change over time, and they involve not just natural processes, but also human interferences and interactions. Therefore, they are difficult to fully understand, manage, and control. Management interventions are a driver among many

others that occur without the initiative and control of the fisheries manager. One should therefore always be prepared for surprises, but also be willing to learn from experience, as they do not have quick fixes. Conklin puts it well: “*Some problems are so complex that you have to be highly intelligent and well-informed just to be undecided about them.*” (Conklin 2006, p. 1).

Tragedy of the Commons

It would have been easier if these questions had technical solutions and if we could rely fully on science. But that is a luxury we do not have, as Garrett Hardin pointed out in his seminal article in *Science* about the ‘tragedy of the commons’ (1968). His article is not about fisheries *per se*, but about resources for which one can control access and conduct. One may of course, imagine that fisheries are such a resource, that ‘in the beginning’ fisheries were conducted under no social norm whatsoever that guided behavior. History tells us that this was the exception rather than the rule. Freedom was never absolute.

Fisheries management is an intervention into an ongoing regulated system, that may or may not function very well – at least not as we intend. Fisheries management therefore often involves rule conflict – tension between rules that already exist locally and those that governments impose. It is therefore always a risk that government will make an already difficult situation worse; that what economists think of as a ‘market failure’ (which they perceive the Tragedy of the Commons to be) becomes a government or a bureaucratic failure.

Hardin’s article should be considered as an analytical statement, a mathematical formula, more than as an empirical description of the world of fisheries. His narrative is a Prisoner’s Dilemma game. Under conditions assumed within this game, the tragedy will indeed occur. However, assumptions are not statements about how things are – or ever were. They are meant to streamline our thinking. “*The freedom*

in the commons”, will necessarily “*bring ruin to all*,” Hardin reasoned.

The principle of open access, that resources should be free for all with no responsibilities or limitations attached, may or may not underpin the way fisheries are governed. It is a normative principle, as all principles are, which could well be different. In fisheries, the introduction, implementation, and enforcement of rules of access and behavior were never just a technical exercise, as Hardin argued. On the contrary, fisheries management is inherently political, which requires the engagement of a broader set of actors than just scientists and administrators. Fisheries management makes rules about how, where, when, how much, and who should fish. It is also about who should make decision about these questions. This is also why governance is a more appropriate concept than management.

Science has an important role to play in fisheries governance, but the complexity of fisheries, the multiple concerns and stakes which make fisheries management an inherently ethical and a political issue, suggests that we are dealing with what is often called a ‘wicked problem’ – a term originally coined by Rittel and Webber in another seminal article from 1973. Wicked problems do not go away easily and are not solved once-and-for-all, but require constant attention. They are also part of bigger systems, as when fisheries are receivers of problems from beyond the sector, like environmental problems such as climate change. People in the fisheries may be poor for reasons that do not have anything to do with fisheries per se, but may be poor for the same reasons as people in other sectors are poor in a particular country. This implies that fisheries are receivers and not just producers of problems, like the tragedy of the commons.

For wicked problems, Rittel and Webber envisage a different process of problem solving than that of science: “*Wicked problem solving must be understood as an argumentative process: one of raising questions and issues towards which you can assume different positions, with the evidence gathered and arguments built for and against these different positions.*” For those who know Habermas and the concept of ‘communicative

rationality', this will sound familiar. It is still noteworthy that Rittel and Webber say it as early as 1973. Their idea of planning fits well with our current perception of governance.

Governance defined

One of the five big TBTI research topics is 'governing the governance'. The governance concept applied is drawn from Jan Kooiman's book of the same name (2003), where the adjective 'interactive' is added to the governance term:

"The whole of public as well as private interaction taken to solve societal problems and create societal opportunities. It includes the formulation and application of principles guiding those interactions and care for institutions that enable them."

This definition is not much different from other definitions of governance, and not just in the marine realm. This is based on an idea of governance as something that involves not only management in a technical, scientific sense, but also more than government. In governance, there is a role for civil society and market actors, as they are all in one way or another contributing to how our society is governed. The stakes of fisheries actors are as numerous as the actors themselves. FAO's definition is wordier, but contains the relevant elements:

"Fishery governance establishes the overriding principles and objectives of the sector. It develops the policy and regulatory frameworks. It connects government with civil society, harmonizing individual, sectoral and societal perspectives and maintaining social order and productive socio-ecological systems. It legitimates and balances stakeholders' interaction,

enforces decisions and regulations and maintains coherence across jurisdictional, space and time scales. Finally, it conditions the allocation of power, resources and benefits and maintains the governance system capacity to learn and change.” (FAO 2019)

Governance has both a positive and a negative goal. Positively, it emphasizes things that should be accomplished. This is what Kooiman hints at with the emphasis that governance is also about “*creating societal opportunities*”. “*Caring for institutions*” can be seen as a negative goal when it involves protection from inside or outside forces who may work against their agenda and even question their existence. Both Kooiman and FAO mention the formulation of governance principles, and they both stress the interactive process of governance. The emphasis on stakeholder participation is partly responding to the limits of governance, to what governing actors can possibly know and do. In this interpretation, fisheries governance is a complex affair, with multiple concerns, and with high demands of knowledge. Thus, no stakeholder has all it requires to govern well, but together they have knowledge and other resources that are essential for solving societal problems and creating opportunities that are inherently wicked. Governance involves both the aggregation and calibration of stakeholder knowledge through a process of interactive learning that is inclusive of private and public stakeholders, including small-scale fisheries actors and communities.

Governance images

Governance, in this interpretation, does not work in a hierarchical, top-down, command-and-control manner, with stakeholders at the receiving end of the chain of decision-making. The governance institution is not a pyramid, where goals are developed at the central

level with little input from outside the system. The pyramid model is rigid and robust, but also introverted – which is a problem in a social and ecological system as dynamic as fisheries. Interactive governance, on the other hand, alludes to a more open – and hence fluid – institutional governing system of multiple more or less centrally positioned stakeholders with interests to defend, expectations to realize, and contributions to make. James March’s idea of organizations as ‘political coalitions’ (1962) comes to mind here. Such coalitions are inherently unstable, also because they have to live with conflict between more or less powerful stakeholders competing for control. Coalitions are therefore constantly required to secure actors’ commitment to common goals, goals that are not given and implemented from the top-down but which are negotiated outcomes of a political process. This model resembles a ‘rose’, more than a pyramid. Here, governance is less about exercising supreme power than about political brokerage and building partnerships between public and private stakeholders, of which government is one.

From such a perception of governance and the institutions that are there to facilitate wicked problem-solving and opportunity creation, follows a number of important questions that may be subject to empirical research. Such questions include who the stakeholders are and what exactly they have at stake. Fishers are not a homogenous group. Nor are small-scale fishers, and if we include actors in the whole value chain, which we should in one way or another, the conflicts of interest multiply. There is often a conflict between large-scale and small-scale operators, between owner-operators and those who work for others. We should not assume that the interests of the fishing sector and fishing communities necessarily converge.

Power relations

The diversity of actors within the marine realm has increased in recent years. The entry of aquaculture and other users into the coastal area has brought new conflicts, since space and resources are limited. These conflicts are in many instances institutional and legal, as different actors are subject to different rules and regulations, falling under the jurisdiction and mandate of different branches of government. Governance mechanisms may produce winners as well as losers, and it is important to know who these are, as it raises fundamental social justice questions. Governance may create opportunities for some, while destroying opportunities for others, as the weaker party – small-scale fishers – are likely to be on the losing side. To ensure a level playing field and secure both human rights and tenure rights, while making sure that all voices are heard and that the process of decision-making is inclusive, transparency and representation are essential to the governance mechanism.

The FAO definition mentions ‘power’. Likewise, in the SSF Guidelines power, power relations, and empowerment pop up several times as an issue to be reckoned with in a governance context. This also leaves a number of research questions that should be explored: Who among stakeholders is more powerful? What makes some more powerful than others? How do stakeholders exert their power to control others in pursuit of securing their interests? We should assume that institutions are not just curbing power; they are also outcomes of power. The sociologist Arthur Stinchcombe (1968, p. 107) said about institution that they are “*a structure in which powerful people are committed to some value or interest.*” What are these values and interests? Neither should we assume that the playing field is level, that institutions and procedures are bringing stakeholders on par. Since goals are not given but negotiated among stakeholders with unequal powers, what are these goals? Whose interests do they serve? How consistent are goals? How are they implemented?

Quality of governance

The move towards governance as a broader concept than management and a more inclusive approach to planning and decision-making is also prone to expand the relevance of issues and concerns that a narrow, technical management concept leaves out. Hence, the yardsticks for what constitute 'good governance' also expand. The question about whether a particular management instrument works or not is a relevant question. One may here, for instance, think of a Marine Protected Area (MPA). Does it help to conserve the marine environment or increase the fish biomass? But this is certainly not the only question one could ask with regard to this or other management tools. From a governance perspective, one could also, for instance, explore the relationship between institutional design, legitimacy, and compliance to rules among relevant stakeholders. There are also issues pertaining to distributional justice, as mentioned above. Also germane are questions regarding power relations and goal formation. We should not think that conservation is the only relevant MPA goal. Instead, we should make it into an empirical question.

The point here is that we need a broader concept like governance to even think of asking such questions, because it broadens the perspective of management measures from being just technical instruments into a social and political issue with process rules and regulations, as well as normative and ethical dimensions. Should those in decision-making position ignore those concerns, they are likely to meet resistance from negatively affected stakeholders, which may well topple the intervention.

Thus, governors must pay attention not just to the outcome goals and performances, but also to the issues pertaining to the process of institutional design and stakeholder interactions that it frames. This is also why we need a broader concept of justice than one that just focuses on distributional allocation. Our notions of justice in a governance context must also focus on representation, access to the

process of decision-making, the respect for rights and culture, and for the need to secure the voice and the knowledge of those for whom governance systems and decisions are crucial determinants of their well-being.

Governance principles

Governance should work from principles, like those included in the Code of Conduct from Responsible Fisheries (from 1995) or the SSF Guidelines. Both instruments explicitly ascribe to 'good governance principles' like transparency, stakeholder participation, accountability, rule of law, responsiveness, equity, and so forth, all within a human rights framework. These are principles to be guided by and to strive for. But in the world of '*Realpolitik*', where fisheries governance tends to be based on practical considerations - on what is doable under existing circumstances - one must be prepared to accept solutions that are less than ideal. One should understand that the best is sometimes the enemy of the good. This is, however, not an excuse for complacency.

Fisheries governance is not a linear process, but an inherently cumbersome, often chaotic process of trial and error, with inherent conflicts and knowledge limitations. But deliberating on principles is a good place to start.

If one can agree on some overarching principles, other things may fall into place, as there is naturally a tendency to search for consistency. Principles do not always translate into specific institutional designs and governance practices, but leave room for maneuvering, while also making it easier to identify disconnects. Governance principles must be brought in line with the practice of governance. Disconnects may be a way 'to agree to disagree', because conflicts of interest do not go away easily even if you talk about them - as value conflicts possibly can. But disconnects would require a conversation among stakeholders on what the limits to freedoms

are before governance intervention is needed.

For Jan Kooiman, deliberation on principles is not something that occurs prior to governance but is indeed part of governance. Thus, the Technical Consultations on the SSF Guidelines, and the stakeholder consultations that took place around the world prior to them, were part of the governance process, not antecedents to it.

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Limits to Governability?



To obtain good governance in small-scale fisheries, we must know what the governability conditions are...

As partly natural and partly social systems in an ongoing, dynamic interaction with each other, fisheries are a moving governance target. To obtain good governance outcomes – such as sustainability and social justice – while avoiding dire ones such

as the tragedy of the commons and the demise of local communities, interventions may be needed. Still, it is often difficult to predict what the outcomes of governance interventions may be. There are always side effects, often surprises and regrets. Insufficient knowledge may be part of the problem, but also the fact that actors are autonomous but interdependent decision-makers whose behaviors are not easily coordinated and controlled. Autonomy, being your own boss, not having to take orders from someone else, is also a cherished quality, which makes small-scale fisheries attractive, and people within the sector know how to protect their freedoms. With Foucault, we could say that their ‘governmentality’ is less than optimal.

Adding to the governance challenge are the multiple, and sometimes conflicting norms, concerns, and ambitions which confront governing actors with dilemmas and hard choices. Thus, fisheries governance is not and should not be considered as a technical issue, but one that also involves ethics and morality, as it affects people lives, livelihoods, and communities. This is also why governance should not as a universal rule be a supreme government responsibility, handled unilaterally in a hierarchical manner from the top down. Instead, governance may be a collective responsibility and co-product of those actors who have stakes in the outcome, which make governance a democratic process. One of these stakeholders is potentially government.

Kooiman’s definition captures what interactive small-scale fisheries governance is and requires: *“The whole of public as well as private interaction taken to solve societal problems and create societal opportunities. It includes the formulation and application of principles guiding those interactions and care for institutions that enable them.”* There is, however, a lot more to say about interactive governance, as well as questions. For instance, is it really happening? Are current governance approaches as top-down as is often the impression? Is it true, for instance, that EU fisheries governance is the most centralized approach in the world? This is an empirical question, something an

investigation might confirm or deny. At closer inspection, we may find that the governance approach is more interactive than we are led to believe. Governance may also be a bottom-up process. It is not necessarily a formal practice. One may assume that there would also be interactions taking place both front stage and backstage. There may be variation between countries and particular fisheries, such as between demersal and pelagic fisheries.

Normative theory

Interactive governance, as depicted above, is generally considered to be a good thing. It operates in a decentralized co-governance mode, and through a process that we would think of as democratic. It allows people to take part in a process that impacts on their well-being. This begs the question that, should governance be less interactive than one has reason to expect, that it does not live up to the now well-established indicators of “good governance”, should we have more of it? This is interactive governance as normative theory. Whether more interaction is always better is a matter for exploration. One may expect that there would be side effects that may hinder an effective process and thereby inhibit good outcomes. Interaction is time consuming and may trigger conflicts that are better kept outside the room where decisions are to be made. Governance is often working under time and budget constraints, for instance with regard to next year’s quota allocations.

However, because of the possible limitations of interactive governance, limitations which make it less than ideal in particular circumstances, it may still be better than the alternative, as Churchill said about democracy. For instance, it can even be distorted and captured by special interests. It is never perfect, but still worth striving for. It is valuable in its own sake because it aligns well with celebrated principles such as those of human rights. But just as democracy, interactive governance also has functional merits; it

makes political processes and institutional designs more legitimate and hence more effective because one may expect more compliance to rules and regulations. This argument is often advanced in the context of IUU (Illegal, Unreported, and Unregulated) fisheries. Thus, for all its merits, the interactive governance that Kooiman is theorizing is perceived to produce a better process and better outcomes than a unidirectional, hierarchical governance mode. Again, whether it makes a positive difference in these respects in real cases is an empirical question. If not, one would need to assess the nature of the problem and the process addressing it.

Analytical theory

For Kooiman, interactive governance is primarily an analytical approach, which involves a conceptual framework for studying governance. For him, fisheries served as a laboratory, as a case study. Fisheries systems often extend beyond the local scale. They are well suited for empirical testing, since you would learn more from researching systems that are complex and dynamic and therefore more difficult to decipher than those that are simple and stable. For understanding things as complex and dynamic as fisheries, one would need a conceptual framework that enables us to see the nuances and diversity.

Given the diversity, complexity, and dynamics of fisheries systems, there are limitations to how governable fisheries and coastal systems are. We cannot know what these limitations are in concrete contexts and situations before we have looked thoroughly, and interactive governance provides guidance for where to look for them and what to look for and look at. There is no guarantee that we will find what we are looking for; we may well find something we did not expect. Nevertheless, we need to have an idea of where to begin the assessment. The limits to governability that we identify may also provide opportunities for improving the governability of a system.

Limits may be stretched or surpassed.

Notably, governability is not a goal in itself, but only in so far that it helps to promote goals that we are able to agree on through a process that is democratic, equitable, and just. Thus, the UN Sustainable Development Goals (SDGs), and those of the SSF Guidelines, are what we should strive for, but we must also know how to get there.

Governing institutions need enabling powers to realize good goals pertaining to sustainable livelihoods, food security, social justice, poverty alleviation, climate change adaptation, and human rights. However, the distance to cover is in many instances substantial, and the ends do not always justify the means. Effectiveness is not the only relevant concern. Order and discipline are not goals in themselves, but may at best be means to accomplish the SDGs. Adherence to rules may result from abuse of the power of governing institutions. Compliance may be secured through repression. Therefore, governability must also be thought of in qualitative terms; it matters how governance outcomes are accomplished. Kooiman (2003) thus defines governability as “*the overall capacity for and quality of governance of any societal entity or system.*” Consequently, governability has both a functional and an ethical dimension.

For a group of fisheries researchers that I belong to, Kooiman’s concepts of governability have inspired several publications, and we continue the work on applying the interactive governance lens on fisheries challenges, as the job with investigating the wicked problems of fisheries and their potential solutions is never done. Still, his framework helps us to find the way into the wilderness of fisheries. Imagine yourself sitting on the beach of Lake Victoria, in the Sundarbans of Bangladesh, or on the coast of Colombia. In all instances, small-scale fisheries provide food and livelihoods for thousands of people living in scattered communities. You can see that they have problems: catches are meagre, people are poor, communities are in peril. Suppose then that you assume that they must have a governability problem: they are not capable, it seems, to

manage their resources well and conserve the environment. Neither do they get their local economies up and running so that people have work and food. You can only speculate about causes. What would you do? Where would you look to locate the governability problem, what would you look for, and what would you look at? Interactive governance, as an analytical approach, suggests the following:

Where to look?

Fisheries, as interactive governance sees them, are made up of a 'system-to-be-governed', which is natural and social. You would therefore explore what this system is and how it works. You should start with the fish and the way it is caught; then follow it all the way to the consumer. You would in other words explore the structure and functioning of the 'fish chain', including who are involved and are doing what under which conditions, terms, and norms at various stages throughout the chain. Secondly, you would seek to clarify how the 'governing system' is structured; who are the governing actors, and how are they exerting their mandates and powers on the system-to-be governed? In most instances, these governing actors are likely to be organizations, such as agencies, and you would seek them out at various scales, from the local community up. This would also lead you to explore legal matters.

You would also need to look beyond government, to civil society, the media, the universities, or wherever the lead brings you when searching for those partaking in the conversations of which governance and management initiatives are needed to address the problems and opportunities that exist. Thirdly, as Kooiman's definition indicates, you would investigate the way the two systems connect and interact. How do the governing system and the system-to-be governed communicate? What channels are set up to facilitate such communication, and how does this communication work? Who defines the problem, whose voices are heard, and who controls the conversation by what

means?

Consequently, it is within these three systems – the system-to-be governed, the governing system and the governing interactions – that interactive governance assumes that the governability problem is located and where the opportunities are found. However, you cannot know where in these systems the governability problems and opportunities exist until you have done the investigation; the problem and opportunity may not exist where you expect to find them.

What to look for and at?

Now that you know where to look for the governability problem, what do you look for? Here, interactive governance suggests that you should look for four system properties in all three systems; their *diversity, complexity, dynamics, and scale*. You should then not believe, for instance, that the system-to-be governed is any more diverse, complex, dynamic, and scaled than the other systems. Again, this is something you do not know unless you have looked closely for these properties of the three systems.

Then, when you look for these system characteristics, what specifically do you look at? Interactive governance advises you to look for a) system *components*: what the system is made up of, for instance in terms of fish species, fisheries stakeholders, and fisheries governors – those who controls the action. Then, b) you search out the way components form *relationships*, and hence the system structure, be they trophic chains or social and institutional networks. You would not only be interested in the structure of the system, or its static attributes, but also in process dynamics; how it comes alive. Therefore, as to dynamics you explore for *interactions* within the system as structured by its relationships: who is doing what to whom?

Finally, for scale, interactive governance encourages you to identify where the system *boundaries* are, and what is happening at these boundaries, for instance how they are trespassed. These

boundaries are not always easily detected, but when you find that interactions become minimal, you are likely there. The boundaries of the governing system and the system-to-be governed may only be partially overlapping, which is easy to see in fisheries when a governing system does not have sufficient mandate and control over an ecosystem. This is for instance often a problem when forming a Marine Protected Area. In contrast to natural system boundaries, social system boundaries are not natural but man-made. In this case, you may have a governability problem at hand.

Governability assessment

This way of approaching the challenge of identifying the governability problem leaves a pretty good overview of the fisheries system, how it is structured, and how it works. You may well think of a matrix with the system properties (diversity, complexity, dynamics, and scale) on the rows, and the three systems on the columns. In each cell you fill in the components for the diversity, relationships for the complexity, interactions for the dynamics, and boundaries for the scale. For each cell of the matrix you phrase a research question which, when filled with research data, would provide you with a comprehensive view of the architecture and life of fisheries governance system as a whole.

Notably, a thorough analysis is not a one person job, or is it a one-off. The governance of fisheries, which involves dealing with wicked problems and opportunities, is an ongoing exercise which must be interdisciplinary, as different disciplines tend to specialize on one of the columns in the matrix. It must also be transdisciplinary in the sense that interactive governance is not just a scientific exercise. Local knowledge, the knowledge that stakeholders have based on what they have learned from their own experience and those of others' (like ancestors), is also relevant, because they often know the local context better than any government agency or scientist. No less important are the moral and ethical dimensions of governance, where government

agencies or scientists have no supreme authority. What might count as justice in particular circumstances requires a dialogue where the voices of stakeholders must be heard, especially from those who are poor and vulnerable – those who are likely to lose out when resources are distributed and rights enforced. Stakeholder may themselves also have a good idea of where the governability problem sits.



Sri Lankan fishers making it through the surf [1]

Who, for instance, would know this better than the men in the fishing boat in this photo, which appears on the front page of my TBTI book with Ratana Chuenpagdee (2015). Together the fishers are maneuvering their boat through the surf, which they must do in order to reach the fishing ground. This is not an easy task, but one that requires experience and involves considerable risk if they do not know how to do it and are not able to work as a team. Getting safely through the surf requires leadership and control. The collective capacity to hold the boat steadily against the surf is tested. The natural system-to-be-governed in this case is obviously the surf itself, whereas the

men in the boat form the social system-to-be governed who must work as a team. Who is actually giving the orders is hard to say, but the man at the stern is in a degree of control. He is the one who is steering the boat, but he is not in control of the oars – which are the tools used to ‘communicate’ with the natural system. The shape and the size of the boats and the oars, and the knowledge, experience, and the strength of the men, as well as their ability to communicate and cooperate as a governing system is what makes them fit for the governability challenge. If they are an experienced team, they will know what to do, what their roles are, and body language would often be sufficient for communication unless there is a crisis. As Tomasello (2010, p. 301) writes: In specialized settings where people share common ground...and “*have worked together for years, a kind of abbreviated code arises in which participants take advantage of their mutual experience to leave much unsaid.*”

To understand the governability challenge in any depth, interactive governance would also suggest broadening the analysis into the governing images, norms, and principles, and the governing modes. We do not know what images of the world the men have in their minds, and which norms and principles govern their interactions. Neither can we know how hierarchical their governing mode is and how they actually communicate when they interact. These are issues that cannot be known from afar; you’d better be in the boat yourself, or ask those who are there.

Governability assessments of wicked problem require research in proximity to the problem, and respect for those who own it. Otherwise, you risk drawing spurious conclusions, which, when you act on them, risk making the governability problem even more wicked than it currently is. In the case of the boat, the men on board are also part of a social system that extends it. They are members of a community, perhaps related to each other, and they have other roles that bind them together which may or may not be supportive of their on-board relationships and interactions. A full governability assessment in

this case must therefore look outside the boat to determine system boundaries, where the community may be the next stop, but not necessarily the last one. From the photo, we do not know who owns the boat and who determines the conditions under which the men in the boat operate, in addition to those natural conditions that are determined by the surf itself.

It is also important to note that although interactive governance, both as a conceptual framework and as a governability assessment tool, is here tested on fisheries in a broad sense, is not limited to that sector. As Kooiman (2008, p. 187) argues: In principle, “*all societal systems can be looked upon from the point of view of their governability.*” Even in this case, with the societal system that is the small-scale fishing vessel, interactive governance provides a lens through which the work on the vessel can be analyzed. The major governability problem may not be the surf, or the relationships and interactions onboard; instead it may sit on the beach or further up in the value chain. To determine where it is, we would need to do the research.

* * *

[1] Photo – Credit: Gayatri Lokuge, 2013

Being Well, Doing Well



There is no contradiction between values of and in the small-scale fisheries sector...

Small-scale fisheries contribute to society with food security, employment, community viability, ecosystem health, and cultural heritage, to mention some of their important services. But small-scale fisheries are also valuable in themselves, for the

people and communities who depend on them, whose human rights and dignity must be respected regardless of their services to society as a whole. Small-scale fisheries thus create and represent a diverse range of values. They produce valuable goods and services, but they are also intrinsically valuable. Social scientists associate this idea with Max Weber and his distinction between ‘instrumental’ and ‘value’ rationality. Small-scale fisheries are not just here for the rest of ‘us’ as external beneficiaries of their services; they also exist for those who are part of these fisheries.

Values

If we want small-scale fisheries to prevail, we must help sustain them for themselves. Therefore the SSF Guidelines call for the state, civil society, and academia to become involved in this goal, as we all have contributions to offer. Our commitment to small-scale fisheries is not necessarily founded on their intrinsic values, but it would matter. Small-scale fisheries have intrinsic value for the people whose lives are dependent on and governed by them, as often expressed when they say that fishing is more than a business but also a way of life. However, small-scale fisheries would be even securer if those values were shared among outsiders who are in a position to influence or control their working conditions, like consumers and policy-makers. These different combinations are captured in the figure below.

	SSF people	General public
Instrumental	1	2
Intrinsic	3	4

Small-scale fisheries values

In cell 1, small-scale fisheries people think of their occupation in instrumental terms only. As long as they pay well relative to alternative available jobs, fishers stay and newcomers arrive. In cell 2, the instrumental perspective is shared among the general public. Again, society keeps small-scale fisheries for what they bring: they are means to an end, like food security. In cells 3 and 4, small-scale fisheries have value in themselves, for instance because of the emotional satisfaction of being a fisher, like dignity, or for the cultural heritage they represent for society. The former is likely to be important for the people who fish, while the latter is the value that the rest of society see in small-scale fisheries. Fishers who consider both cell 1 and 3 as important and relevant are likely to see small-scale fisheries as a life-long career. The general public, and those who represent them in government, may wish to support small-scale fisheries as long as they bring net value to society at large. Should they also appreciate their intrinsic value, they might keep supporting small-scale fisheries even if their net value to society in economic terms is negative. Derek Johnson captures the same idea here:

“Attention to the broader social contribution of small-scale fisheries presumes that small-scale fisheries are regarded with some positive favour by larger national populations, or that such an attitude can be cultivated. It also presumes that such positive associations rest on certain specifiable aspects of small-scale fisheries that are seen as valuable by more than just fishing populations, even if we also want to consider the values of small-scale fisheries that may be of relevance only to small-scale fishing populations, or groups or individuals within them.”
(Johnson 2018, p. 4)

By endorsing the SSF Guidelines in 2014, FAO member states implicitly confirmed the notion that all four cells are relevant, that small-scale fisheries have both instrumental and intrinsic value for people both within and outside the sector. Small-scale fisheries cannot therefore just be removed in the name of economic efficiency or environmental conservation if governments should contemplate such a move, without the Guidelines countering that idea.

The instrumental values ‘of’ are the contributions of small-scale fisheries to society, such as food security. The intrinsic values ‘in’ are those embedded in small-scale fisheries, i.e. what people value about what they do, what they cherish in the way they live, and what they revere in who they are. The two types of values are expressed in principles about how to organize the community, manage resources, and how we govern. The intrinsic values are also what is transferred to the next generation of fishers as part of the socialization process.

Society may have legitimate reasons to expect something from small-scale fisheries. Our societies are, after all, based on labor division, and we function through social and economic exchange. As the sociologist Emile Durkheim said, social communities in the modern age hang together by ‘organic solidarity’. However, failure of small-scale fisheries to deliver on societal expectations would be a reason to support them, not to get rid of them. Small-scale fisheries

function under conditions that are not only of their own making, but also due to external forces such as markets and governments. This is also why the SSF Guidelines primarily speak to states. States have a responsibility to provide the working conditions necessary to make small-scale fisheries secure, thriving, and sustainable.

Meaning

Small-scale fisheries have no capacity to deliver on the expectations that rest upon them from society, like making communities more resilient and keeping people fed, unless people who inhabit the sector have work satisfaction and find their lives meaningful. For that they must have sustainable livelihoods and communities, as well as equality and justice. In other words, the intrinsic values ‘in’ small-scale fisheries are instrumental for the realization of values ‘of’ small-scale fisheries. It was to make this point that we subtitled the Poverty Mosaics book ‘Realities and Prospects *in* Small-Scale Fisheries’ (Jentoft and Eide 2011, emphasis added). As to their intrinsic values, small-scale fisheries – and the millions of people who depend on them for their well-being – have a right to be treated with dignity and respect. For that, people who have the power to determine their working conditions and life opportunities must understand what small-scale fisheries involve with regard to problems, challenges, and opportunities. If not, the governance of small-scale fisheries, also when narrowly focusing on their societal services, would easily misfire. They may even be contradictory and ruin what we, the general public, hope to sustain.

The values ‘of’ small-scale fisheries require a listing of services; what small-scale fisheries produce in tangibles and intangibles and what they are worth. Many of these services do not have market value, and must therefore be estimated. This is basically what the valuation research attempts to do through the ‘willingness to pay’ approach. The values ‘in’ small-scale fisheries are inherently qualitative, as

when you try to establish what small-scale fisheries mean to those who fish. Then you may find help in happiness research and job-satisfaction studies (cf. Pollnac *et al.* 2012), but you would also need to go deeper and capture the *emic* perspective on small-scale fishing. For knowing how small-scale fisheries work and what meaning they provide to those who inhabit them, you would need to understand them as small-scale fishing people understand them – as the subjective meanings that these people have of who they are, what they do, and how they fit in.

Sociologists who try to discern the latter find inspiration in *phenomenology* and the ideas of Alfred Schütz, Peter Berger, and Thomas Luckmann (1991). Their topic is the way people reflect and symbolize the society they live in and the work they do. Sociologists are particularly interested in how people's everyday language fills their 'lifeworld' with meaningful objects. A fisher must know the language of fishing, what things are called, especially when fishing with others, because s/he need to communicate to cooperate with them. The fisher needs language to learn the skills of fishing, including the 'relational skills' (a term that interested my professor Cato Wadel in his later years) to be part of the crew. Indeed, communication is a relational skill. These are skills we need to be able to function in our daily life and profession. We need words for things we deal with, and we need to share their meaning in order to interact.

Well-being

Doing well makes us be well. When I write well, I feel well. Here, however, I argue also for the opposite: being well is essential for doing well, as when feeling well improves my writing. Our performance influences our well-being, but the reverse is equally true. It also works at a collective level when being and doing well *together*, as a 'we'. As a 'we', a small-scale fisheries community is socially adept, and therefore more robust and resilient. One cannot expect small-

scale fisheries to contribute to global food security in any substantial way unless small-scale fisheries people are lifted out of the poverty that holds them back. This would be easier if communities were well organized and had secure tenure rights, as the SSF Guidelines also point out. Under these conditions, they would be better equipped to deliver on society's expectations.

Explained by Derek Johnson *et al.* (2018) in their book on small-scale fisheries values, well-being has a *material dimension*. We need access to goods and services. If you are materially poor, your well-being is low. Well-being also has a *psychological dimension*, something we feel subjectively as individuals. Paul Onyango (2011) has argued that material poverty does not necessarily make you feel miserable. Your subjective perception is influenced by your standing in the community. It matters for your sense of well-being whether you are the only one who is poor or whether poverty is representative for the rest of your community. Poor people tend to lower their expectations to what they may 'realistically' attain given the circumstances they live with. As Sen (2009, p. 283) notes, poor people "*train themselves to take pleasure in small mercies,*" or as Sayer (2011, p. 134) phrases it, "*refuse what they are refused.*"

Thirdly, well-being also has a *relational dimension*; being well with others. It matters how you are able to relate to people in your orbit, how you are with your family and friends; whether you have a social network or not. These are among the things Onyango is thinking about when he makes his observations about poverty, and that we should focus on what poor people have, and not just on what they are missing. They may be materially poor but relationally rich, which is essential for your subjective well-being. Thus, the three dimensions of well-being connect, and might possibly compensate for each other. If you are relationally well, you are likely to feel subjectively well, and vice versa. The social network may provide you with the support you need to be materially well, like with the support from your community. Subjective well-being is then almost guaranteed, and you may have

what you need to do well, as a fisher or a family and community member.

Dignity

The SSF Guidelines talk about human rights and dignity in the same breath (article 3.1.1). In the same vein, Andrew Song and Adam Soliman (2019, p. 19) hold: *“Translating human rights principles into action appears a crucial step for ensuring the basic dignity of fishery-dependent people around the world and promoting their empowerment to achieve sustainable and equitable fishing livelihoods”*. In an earlier article Song (2015, p. 168) argued, *“[H]uman dignity is a concept more culturally sensitive, conceptually inclusive, and mutually responsible than human rights, and therefore can offer a robust perspective in guiding fisheries governance”*.

Human rights and dignity are what Kooiman (2003) called meta-order governance values: values governing our governance. Both are interlinked, and both are essential for achieving well-being in all three dimensions. Human rights have a legal definition, and can be defended in a court of law. Dignity as a concept is less clear, it is not a legal term, and we may disagree on how to achieve it. It is a deeply felt subjective idea of self, but it also has a relational aspect, as it involves recognition from other people. Our sense of dignity is not oblivious of how we are regarded in our community. Dignity is something we have and something we receive.

Regardless of definition, the dignity concept has intuitive power. We have an idea of what it means. It is also sufficiently clear to be included as a guiding governance principle of the SSF Guidelines. Still, it would be important to know what matters for achieving dignity. Human rights are a necessary but hardly a sufficient condition. Gene Sperling (2019) lists three ‘pillars’ of dignity; the first being *“the capacity to care for family and experience its greatest joys.”* With *“economic deprivation, discrimination, flaws in market rules, and gaping holes in the*

safety net,” this is hardly achievable to millions of small-scale fishing people around the world. The second pillar is *“pursuit of potential and purpose.”* Springer quotes Martha Nussbaum: *“The notion of dignity is closely related to the idea of active striving.”* Being denied the opportunity to realize your dreams and aspirations, despite how hard you struggle, would undercut your dignity. Such lack of opportunity is caused by poverty, a dysfunctional school system and an economically or socially disadvantaged community.

Springer’s third pillar is *“economic participation without domination and humiliation.”* The desperation that results from un- or underemployment, or powerlessness, may compel people *“to accept conditions that lead to humiliation, domination, abuse, and the denial of the basic joys of family.”* Small-scale fishers are often victims of such working conditions, which is why the SSF Guidelines, in article 6.12, note:

“States should address occupational health issues and unfair working conditions of all small-scale fishers and fish workers by ensuring that the necessary legislation is in place and is implemented in accordance with national legislation and international human rights standards and international instruments to which a State is a contracting party, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and relevant conventions of the International Labour Organization (ILO). All parties should strive to ensure that occupational health and safety is an integral part of fisheries management and development initiatives.” (Springer 2019)

After reading Springer’s article, Rolf Willmann, the main architect of the SSF Guidelines, suggested the relevance of a fourth pillar, *“the impact of and responsibility for one’s own economic behavior on others and on nature.”* This would be especially important for fishing people whose life and work are based on exploiting natural resources. Being a good steward of your natural environment, and making sure that

it is there for the next generation to enjoy, would be tantamount to being a dignified family caretaker.

Springer concludes that even if government cannot guarantee happiness, realizing the basic promise of dignity “*is still in our grasp.*” He believes it should be the ultimate economic goal. In his thoughtful article about the relationship between human rights and dignity, Andrew Song (2015) similarly holds that “*human rights should be ultimately about advancing the dignity of fishers/communities*”, and “*that human dignity can serve as a foundational value for human rights’ implementation.*”

The SSF Guidelines are the context for Song’s paper. His point is also concurrent with the one I have advanced in this chapter: Dignity is an essential aspect of well-being, both as a subjective and a relational quality. Well-being is critical for social and economic development in small-scale fisheries. Dignity, and the well-being it contributes to, is both an outcome goal and an enabling condition. The SSF Guidelines have therefore reason to include dignity among its guiding principles.

* * *

A Leveled Playing Field



In implementing the Human Rights-Based Approach (HRBA) in fisheries, the roles of different players need to be judiciously factored in to ensure a level playing field...

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines), shepherded primarily by the

Food and Agriculture Organization of the United Nations (FAO), is the first document of a similar nature that talks about human rights in the context of small-scale fisheries, more generally. The Code of Conduct for Responsible Fisheries does not do it, for instance. The Tenure Guidelines talk a lot about human rights but mention small-scale fisheries only briefly.

The Human Rights-Based Approach (HRBA) is, therefore, a unique perspective on fisheries governance and management, with implications that are interesting and important. Some would perhaps argue that it goes without saying. People in fisheries do, of course, enjoy the same universal human rights as anyone else. It is, nevertheless, sometimes important to state the obvious, as a reminder, like when Hillary Clinton, in her famous speech at the World Women's Conference in 1995, declared that "*women's rights are human rights.*"

It is, however, a novel idea, but not an obvious thing, that fishing-rights regimes should undergo a human-rights litmus test. There are people out there who think that fisheries are too mundane for such lofty ideals and principles. They are more comfortable talking about a 'rights-based approach' than a 'human-rights-based approach'. We know that the two concepts are different and potentially in conflict, despite the fact that they sound alike.

The concept of the 'rights-based approach' does not appear in the SSF Guidelines. For those who reject the idea that it is relevant to talk about human rights in the context of fisheries, with the endorsement of the SSF Guidelines, this is now an established fact. We do not need to discuss whether they are relevant or not; now the issue is how to implement them.

The SSF Guidelines speak to states and civil society, and involve a broad set of players—or stakeholders—who will vary according to which article in the SSF Guidelines we are talking about. The word 'stakeholder' suggests that there are groups within or outside small-scale fisheries who may have things to win or lose because of the SSF Guidelines. There is no reason to expect that they will sit still and

passively witness their implementation. The word ‘players’ indicates that they will act strategically, and that they will try to outsmart or outmaneuver each other. This would perhaps not be so bad if the playing field was level. The SSF Guidelines would hardly have seen the light of day if that were the case.

Interdependence

As observed in the SSF Guidelines preface, *“Small-scale fishing communities also commonly suffer from unequal power relations. In many places, conflicts with large-scale fishing operations are an issue, and there is increasingly high interdependence or competition between small-scale fisheries and other sectors. These other sectors can often have stronger political or economic influence, and they include: tourism, aquaculture, agriculture, energy, mining industry and infrastructure developments.”* These sectors have players because they are stakeholders, but they are not equally equipped and capable of securing their interests, and they do not always agree on things. Would they, for instance, yield to the concept of *“preferential access”*, which is mentioned, for example, in article 5.4?

“States should take appropriate measures to identify, record and respect legitimate tenure right holders and their rights. Local norms and practices, as well as customary or otherwise preferential access to fishery resources and land by small-scale fishing communities, including indigenous peoples and ethnic minorities, should be recognized, respected and protected in ways that are consistent with international human rights law.”

One should not be surprised when this, and many other articles in the SSF Guidelines, will meet resistance when implemented in concrete playing fields. Even if the HRBA comes with an aura of righteousness and self-evidence, its practical application may still be contested.

Stakeholders tend to be opportunistic if it serves their interests, and they would know how to spin things to show goodwill.

The question is what to do. The first thing, I believe, is to recognize that the SSF Guidelines are entering the playing field that, in many instances, looks like a minefield, and I do not only mean this metaphorically, as the SSF Guidelines also mention ‘armed conflict’. They will have to engage with stakeholders who may not become sympathetic when they get to know about them. Therefore, I think it would be essential to bring stakeholders on board; they should be invited in. It is better to have them inside the tent than outside, for reasons that are well known. Co-optation is not necessarily a bad thing, especially when your cause is legitimate. The implementation of the SSF Guidelines would require a building of platforms where stakeholders can argue about the HRBA and its concrete implementation.

But one would need to be careful about how small-scale fisheries are secured and represented within such arrangements, because they come from an underdog position. There is a clear risk of small-scale fishworkers and their communities becoming disempowered, rather than empowered, if one does not actively try to hinder it.

Government and civil society organizations have both a role to play in building such platforms and to exercise control so that they remain level. They should not need FAO to do it for them, but they may still need a push. Such platforms could be anything from organizations to website forums.

The SSF Guidelines in section 11 recognize the role of the academic community as provider of research-based knowledge. The academic community also has an important contribution to make as watchdog. Since knowledge is power, it can help to level the playing field. Social scientists often complain that no one listens to them. With the SSF Guidelines, I argue, they could hardly ask for more. Now they need to get involved. Now is their chance to make a real difference.

* * *

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Holistic Approaches



The SSF Guidelines are an historic achievement, and must now be implemented at national and local levels as a holistic approach...

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) (FAO 2015), are the first global instrument of this nature particularly targeting small-scale fisheries.

The SSF Guidelines are indeed a landmark achievement, whose implementation would potentially make a huge difference for the millions and millions of people around the world dependent on small-scale fisheries. It is premature to decide how the SSF Guidelines will take effect, how they will bring about change, but they are already with the government and civil society, and we already see promising examples of implementation action. FAO is not sitting idle, but is actively engaging in promoting their uptake, and so are a number of civil society organizations like the International Collective in Support of Fishworkers (ICSF), Masifundise, and others. The SSF Guidelines have also been a focal point of TBTI. Even if early, it is still at this point important to reflect on what the Guidelines might possibly mean in a national and local context, what challenges they represent to the existing order, and the potential hurdles they might face. Do they find fertile ground? What can the research community do to help their implementation?

Change-maker?

What I learned from playing a small part in the process of developing these guidelines, especially from participating in the Technical Consultation as member of the Norwegian delegation, has made me keen about their fate. For me, as a member of TBTI, the SSF Guidelines are also a research topic (Jentoft 2014; Jentoft *et al.* 2017), and I keep coming back to them throughout this book because I find them both important and inspiring. Indeed, the SSF Guidelines recognize the contribution of the research community and call upon our engagement. Social scientists often complain that no one is listening to them, that our work leaves no trace in fisheries governance. I do not think we can say that anymore. The SSF Guidelines are not only recognizing our contribution; they actually draw on it. There is a social science research literature behind almost every one of the hundred articles that make up the Guidelines. Many of us have been part of their

development, and now we have a role to play in the implementation. We may play the watchdog role and follow their reception at all levels of governance. We may help to smoothen their uptake, but we may also explore empirically how they make a difference on the ground. Will they be the change-maker they intend to be?

International hard and soft law instruments, be they conventions, declarations, or guidelines, may be celebrated at their inauguration, but they are not always followed up in practice. States may sign up, but do not necessarily fulfill the promises and implement them. Bad will, or ‘organizational hypocrisy’ as described by Niels Brunsson (1989), may be the reason. The endorsement was only ‘window dressing’. Another reason is the resistance they often meet on the ground. The current order may have strong defenders, as Machiavelli pointed out:

“It must be considered that there is nothing more difficult to carry out, nor more doubtful of success (...), than to initiate a new order of things. For the reformer has enemies in all those who profit by the old order, and only lukewarm defenders in all those who would profit by the new order...” (Machiavelli 1950, p. 21)

The SSF Guidelines certainly raise research questions about their take-off; it was a process of extensive stakeholder consultations around the world, which in itself gave the SSF Guidelines legitimacy. The Technical Consultations proved to be a lengthy deliberation with arguments in support of and against the proposed language. Here, civil society representatives were a powerful voice.

There is reason to assume that the landing will be no less bumpy than the take-off, if we are to believe Machiavelli. People of good will developed the SSF Guidelines, and they are now eager to see them take effect. However, implementation may involve new people who do not share the same enthusiasm. Thus, implementation is rarely a linear process but one of hard work and frequent setbacks,

and there is no reason to believe that the implementation of the SSF Guidelines will be any different. The ground is often tilted in favor of the powerful. Conflicts of interest do exist between small-scale fisheries and other stakeholders. That states endorsed the SSF Guidelines does not necessarily commit stakeholders, not even in the small-scale fisheries sector, unless states convert the guidelines, or part of them, into law. State policies may be the reason why small-scale fisheries are marginalized to begin with, and why power relations are what they are. The state, or some part of it, may not be on the side of small-scale fisheries when push comes to shove.

Trickle-down or -up?

Implementation of the SSF Guidelines could follow a trickle-down process, starting at the international level with FAO and ending up in the local community, which is where change is supposed to be felt. The SSF Guidelines speak to states primarily;

‘States should’ do this or that – which indeed they should now that they have endorsed the Guidelines. Even if the guidelines are voluntary, states have a moral responsibility to do what they have committed themselves to, including take steps if needed to change the existing order to make small-scale fisheries more sustainable and secure.

The SSF Guidelines are a consensus document: states have agreed to it in the full. States cannot just put them in a drawer and forget about them, they must “walk the talk.” There is always a risk that the Guidelines will only change the political discourse and not the material conditions of small-scale fisheries. The attention to small-scale fisheries they generate may also weaken with time so that things fall back to as they were.

In some countries, the SSF Guidelines do not radically deviate from existing policies and practices. Thus, they do not require much change, but may still work as a bulwark against future initiatives that may

weaken the position of small-scale fisheries. In other instances, the SSF Guidelines would require transformational change. 'When appropriate', they call for legal reform, new governance, change of power relations, and redistribution of benefits, like quota-shares or subsidies. They even talk about the need for 'special treatment' of small-scale fisheries. Reforms that involve special treatment - or 'positive discrimination' - are never easy to execute, as it tends to meet with resistance at all levels: from within state bureaucracy and among stakeholders who anticipate disadvantage. What is positive discrimination for some is negative discrimination for others.

Positive discrimination must be justified, as it replaces one justice principle with another. The marginalization and poverty situation would then be a reference point. Positive discrimination would be an issue of 'restorative justice' - restoring what small-scale fisheries once had and compensating for what they lost.

The trickle-down implementation might get stuck in the process from the international to the local level. Governments may start back-pedaling to avoid political backlash. Successful implementation may therefore hinge upon a trickle-up process, commencing from an engaged civil society or from small-scale fisheries communities themselves. We should therefore not only look at what state government does with regard to the SSF Guidelines, but also how the Guidelines trigger a movement more broadly among affected and interested parties, from the grassroots and up. I have seen this in my own research among indigenous peoples in Nicaragua, where local people brought up the UN Declaration of the Rights of Indigenous Peoples when defending their tenure rights. We may expect that small-scale fishing people would do the same with the SSF Guidelines if they experience inaction or opposition from government.

Researching implementation

Implementation is the process by which “*intent is translated into action*” (Rein and Rabinovitz 1987, p. 308). We may have ideas about what lies ahead with the implementation of the SSF Guidelines, which may be tested empirically. Most likely, as I wrote in an article in *Maritime Studies* in 2014, the implementation of the SSF Guidelines will not be a straightforward transition. Rather, one should expect a cyclical, interactive, and iterative process, where original objectives are subject to repeated questioning, debate, and evaluation, which may result in their reformulation. The stated principles, and the values and norms underpinning them, are therefore not stable. The target of the SSF Guidelines is in itself moving; small-scale fisheries are a dynamic sector which operates within ecological, social, and political circumstances that are ever-changing. The interpretation of the guiding principles may therefore change over time to fit an evolving context.

When researching implementation processes and outcomes, one can always think about some questions to ask that would be relevant. You do not need to be a social scientist to do that. Social scientists may ask different questions, and they also provide a theoretical justification for asking them. You need to know not just what questions to ask, but also why you think they are relevant. Then it is useful to draw on some theoretically grounded conceptual framework, which enables systematic thinking and provides help to cover all bases.

My own thinking on the implementation of the SSF Guidelines has been inspired by ‘interactive governance’ theory, as laid out by Jan Kooiman in his book *Governing the governance* (2003) and later applied in our joint publication *Fish for Life* from 2005. Indeed, one may perceive the implementation of the SSF Guidelines as an interactive governance process, where decisions are made which have societal implication and where those affected have a right to be heard. The SSF Guidelines therefore talk a lot about governance.

They are in themselves both an outcome of an interactive governance process and a start of such a process, which would involve institutional and management reform at regional, national, and local levels. As Kooiman would phrase it, implementation of the SSF Guidelines would involve all three ‘orders’ of governing.

The meta-order is where the values and norms are deliberated and governance principles established. The second order is about the design and workings of governing institutions, including law, whereas the first order governing concerns the day-to-day routine management actions. The SSF Guidelines operate at all three governing orders. The guiding principles initially stated are at the meta-order. Kooiman argue that meta-order governing is not something that happens prior to, but is part of governance, and therefore deserves as much attention as what happens at lower orders. Now the SSF Guidelines are a fact, an ‘objective reality’ if you like; they are an official statement about what needs to be changed as far as policies, institutions, organizations, and management are concerned.

Should you still be critical about the SSF Guidelines, the train has left the station. You may decide, however, to meet up at the next station, which is at the level of national government. The SSF Guidelines would need to be contextualized and operationalized in terms of new policy, new legislation, and institutional reforms. This is what the SSF Guidelines say happen at the second order of governing. Thus, if you feel that you lost when the SSF Guidelines saw the light of day, here you have another chance here to voice your opposition. If you have power, or represent someone who does, you may even have what it takes to veto the decisions and block the process. Should you also lose at the second order, there is still the opportunity at the end station, which is the first governing order, where management takes place. Here you have given up on fighting the principles and the institutions, but try to influence management decisions so that they work in your favor. If still not happy, you may decide to break the rules, and choose the ‘exit’ option.

Goodness of fit

Notably, as the figure illustrates, the implementation of the SSF Guidelines must pass hurdles at all orders. One may end up with a disconnect within each order, because the multiple branches of government do not communicate well. Administrators may well be among those who defend the current order, as Machiavelli mentions, if they are satisfied with status quo, which is much of their own making anyway. Also involved is a range of stakeholders, within and outside the small-scale fisheries sector, that need to be convinced. For instance, the latter group may feel unjustly disadvantaged by the preferential treatment that the SSF Guidelines believe is needed to correct for previous injustices.

There is also the possibility of disconnect between orders. Meta-order values, images, and principles are (or are supposed to be) giving direction for institutional design at the second order, and the management processes that institutions enable and direct at first order. Importantly, values, images, and principles are not established once-and-for-all, neither within nor external to the governing system. Rather, they are subject to continuous ‘testing’ through reflection and deliberation at second and first order. The guiding principles of the SSF Guidelines may cause a disconnect that was not there to begin with. If the SSF Guidelines are implemented as intended, disconnects become evident, but there may be opposition to efforts to correct them. One may expect resistance all the way from the top to the bottom (trickle down) or from the bottom to the top (trickle up).

Interactive governance would look at this as an issue of ‘goodness of fit’, but also as a dynamic process within and between orders, which may lead to change over time. Inconsistencies may exist prior to the SSF Guidelines, and the Guidelines put a finger on them. Disconnect between orders is likely to create uneasiness and trigger response among stakeholders and decision-makers, as it

would suggest ‘organizational hypocrisy’, which has its limits. Hence adaptation and change between orders are a two-way street. Some resulting research questions would then be “at what level would one identify change, from which order is change of another order induced? Does change occur within all orders or just some?”

Organizations survive despite, or sometimes because of ‘hypocrisy’, as when stakeholders are satisfied with current practices, which is what they care about most at the end of the day. Members stay involved because they do not pay attention to or care much for stated goals. Goals, and the values they express, are just for show – a phenomenon sometimes described as ‘green-washing’, but still helpful to secure the organization’s survival. One may assume that the governance principles defined in the SSF Guidelines, and the ethical and social values from which they derive, will have an impact on the values and principles that dominate at lower scales, but they may still not affect current order and practice.

We may find that the process of change is triggered by what occurs at the first order. This might happen if people at the grassroots level engage in a process of correcting organizational hypocrisy, and making overarching governing principles more aligned with the implicit values expressed through working practices on the ground. This is especially possible if the reforms spurred by the SSF Guidelines lead to more inclusiveness and transparency through the representation and participation of small-scale fisheries stakeholders. The idea that values and principles are foundational for small-scale fisheries and their governance, but part of an ongoing, multidirectional interactive process, which make all orders dynamic and unstable, open to stakeholder involvement but subject to power grabs, is also an intriguing issue for implementation research.

Holistic approach

FAO estimates that more than 90 percent of all those employed in fisheries globally are within small-scale fisheries. This in itself makes small-scale fisheries intriguing to social scientists. Social scientists are therefore naturally drawn to the communities where these people are found, being interested in not just how (much) they fish, but also in how they live their lives and organize their industry and their communities. It is in these communities that the SSF Guidelines intend to make a difference. For social scientists interested in the implementation of the SSF Guidelines, they should situate themselves in these communities to watch what is happening when they arrive there, for instance when local people become aware on their existence. How do local people receive the SSF Guidelines, and how do they (inter)act on them? The SSF Guidelines call for communities to take on new responsibilities, and for that they need to enhance their collective capacities and capabilities, which also would need organizational initiatives. Building human capital, promoting education, empowering women, securing tenure rights, and providing legal assistance are emphasized, and they all need to take place within an organized context. The SSF Guidelines propose co-management and producer cooperatives as relevant tools.

However, before the SSF Guidelines are implemented in the local community, they need to pass political and institutional hurdles at higher scales. The reforms that the SSF Guidelines are calling for would need government support, new legislation, and a supportive political process. Many of these initiatives are not typically within the mandate of a fisheries department or ministry. This is why the SSF Guidelines aims broadly, and why they advocate a ‘holistic’ approach. This implies not just fisheries sector activities, but a wider reach of things that are important for the well-being of fishing people. TBTI promotes a “transdisciplinary” approach which not only involves different scientific disciplines, but also mobilizes the local

knowledge of small-scale fishing peoples (Chuenpagdee and Jentoft 2018). Without using the word, the SSF Guidelines promote the need for such a transdisciplinary approach.

The SSF Guidelines leave hardly anything forgotten, which suggests an open and thorough consultation process. But they do not explicitly define what holism means. It could simply mean ‘everything’ that is relevant to make small-scale fisheries sustainable. In the classical interpretation that goes back to Aristotle (in ‘*Metaphysics*’, 1045a10), holism refers to the idea that the whole is more than the sum of its parts. As individuals, for instance, we are more than our body parts. Thus, you cannot just add up. You would need to think of not just how things come together but also of synergies. One may think of culture in this way, as an epiphenomenon rather than a deliberate design, but which plays a causal role in the chain of factors that make small-scale fisheries sustainable.

Thus, holism may be thought of as a set of independent and dependent variables, where elements of small-scale fisheries are in a complex causal relationship. Securing sustainable small-scale fisheries would then need to start with those things that are fundamental, things that come first in a causal chain, where one thing leads to another. Do you, for instance, as I have discussed in previous chapter, believe that as long as you secure a healthy marine ecosystem, the rest will follow suit? Would you need to do many different things simultaneously, or perhaps sequentially? For the implementation of the SSF Guidelines, what comes first, and what follows next? Do you need to advance on many fronts simultaneously?

The SSF Guidelines seem to think *systemically*. The first part of article 6.1 reads: “*All parties should consider integrated, ecosystem and holistic approaches to small-scale fisheries management and development that take the complexity of livelihoods into account.*” This means thinking not just how things come together but how they *hang* together. Then you need to understand how elements function in relation to each other, how relations are structured and how

their constituent components interact. With a diverse, complex, and dynamic system like small-scale fisheries, this is no easy task, because you would need to make sense of components, relationships, and interactions. Their role and functioning for the system is not evident. In this sense, the holistic approach is clinical; it requires a diagnosis and calls for precaution, as you risk doing unforeseeable harm. Hypotheses must be tested and organizational experiments carried out. The holistic ambition of the SSF Guidelines would therefore benefit from a playful implementation approach.

Successful implementation requires knowledge of the structure and function of the whole system that the SSF Guidelines are stepping into. The ‘body parts’ of small-scale fisheries systems are not the same all over, and the holism they create differs a lot. What you learn from working in one place, in one part of the world, does not necessarily apply in another. Local context always matters, and must be taken into account even if the holistic approach should be applied everywhere when the SSF Guidelines are implemented.

* * *

Overlapping Consensus



Small-scale fisheries are subject to conflicting normative orders that need to be reconciled...

At her defense, a PhD student of mine was asked to define what small-scale fisheries are. She had more to say than the examiner expected. He did not get what he probably asked for – a line or two. Neither did the examiner have a short definition to

offer himself, but his question triggered an interesting exchange of observations and viewpoints. They agreed that small-scale fisheries are inherently complex, that they are characterized not just by their small scale. They both were of the view that small-scale fisheries are also different; what is small in one place or fishery is not necessarily small in another.

Although small-scale fisheries are among the oldest occupations and fish has been part of the diet from time immemorial, they are not necessarily the same as they always were. Over time, and with modernity, small-scale fisheries have undergone change, but in many instances less so than what we might expect. A small-scale fishing vessel may look very different now than it used to in a particular case, but the fish is the same, the gear is not always that different, and how we produce and consume it may not differ all that much. The cod of Lofoten in Norway is still dried as it has been for more than a millennium, and the markets (Italy, Spain, and Portugal) are largely the same as they used to be.

Small-scale fisheries go by different names in different countries, with terms such as inshore, coastal, artisanal, municipal, small-boat, community-based, and so forth, which also reflect differences of character and adaptation. Small-scale fisheries take place under very different ecological and climatic conditions, which define what they are in particular contexts. They are as different as these conditions are. Poverty and wealth also determine the kind of fishing technology small-scale fishers can afford. Since they are often under the radar of government, they do not receive the support that large-scale fisheries receive. However, in some instances mechanisms, whether institutional or otherwise, have enabled small-scale fisheries to grow and modernize. Thus, small-scale fisheries are not necessarily “traditional” and stuck in the past.

Defining small

For such reasons, the SSF Guidelines refrain from defining them. Small-scale fisheries need to be defined for statistical, management, political, or other reasons, but not necessarily on a global level. At least, they have managed without it so far. Still FAO has a definition, which is as wordy as it probably needs to be in order to catch their multiple facets.

“Small-scale fisheries can be broadly characterized as a dynamic and evolving sector employing labour intensive harvesting, processing and distribution technologies to exploit marine and inland water fishery resources. The activities of this subsector, conducted fulltime or part-time, or just seasonally, are often targeted on supplying fish and fishery products to local and domestic markets, and for subsistence consumption. Export-oriented production, however, has increased in many small-scale fisheries during the last one to two decades because of greater market integration and globalization. While typically men are engaged in fishing and women in fish processing and marketing, women are also known to engage in near shore harvesting activities and men are known to engage in fish marketing and distribution. Other ancillary activities such as netmaking, boatbuilding, engine repair and maintenance, etc. can provide additional fishery-related employment and income opportunities in marine and inland fishing communities. Small-scale fisheries operate at widely differing organizational levels ranging from self-employed single operators through informal microenterprises to formal sector businesses. This subsector, therefore, is not homogenous within and across countries and regions and attention to this fact is warranted when formulating strategies and policies for enhancing its contribution to food security and poverty alleviation.”

My student touched on many of these features in her response to the examiner, but she was not able to reduce them into a couple of sentences. In the absence of something precise, the tendency is to simply define small-scale fisheries by the length of the boat, as with “under ten” in the UK or “*fishing carried out by fishing vessels of an overall length of less than 12 meters and not using towed fishing gear*” in the EU fisheries regulation. The problem with this approach is that building policies on such narrow definition does not do justice to their complexity and diversity, and to the role they play in their local communities as a livelihood and material and cultural basis for community viability.

FAO’s rich definition is right at pointing to the lack of homogeneity. Small-scale fisheries acquire their specific form from the context they are operating in. Nevertheless, some features are common, like their labor intensity. They are also small relative to large-scale fisheries, which involve similar problems of definition. Researchers often talk about small-scale fishing as way of life, defining not only what people do, but also how they regard themselves and the life they live, and how others will know them. Small-scale fisheries are also an economic activity, ranging from a subsistence to commerce. For the owner-operator, fishing must yield a surplus: the crew must be paid and the family fed. Small-scale fishing as a business and a way of life may well be in conflict. Still, they facilitate each other. To produce a surplus, you need to be deep into it. To be deep into it, you must produce a surplus. Without one, the other would be impossible to sustain.

Legal pluralism

What should interest us, especially from a governance perspective, is that small-scale fisheries are regulated from within very different regimes, which is also why they are different. This is certainly true globally, but also nationally. Different rules apply for different small-scale fisheries depending on species fished and gear. They

vary according to regions, localities, but also political ideology and perceptions of good governance. One may not necessarily think that since small-scale fisheries are different, they are regulated differently, but different regulations are among the factors that make them so. Fisheries regimes are designed according to principles that are generally valid in a particular country. This calls for interesting cross-national investigations, just as TBTI has initiated regionally, not just focusing on institutional designs *per se*, but more importantly how they shape the conditions and opportunities of small-scale fisheries. The intriguing question is what difference do different management systems make for the sustainability of small-scale fisheries?

Another dimension that accounts for the diversity of small-scale fisheries is the relationship between statutory and customary regimes, which often exist side by side and overlap each other. Thus, small-scale fisheries are often subject to different ratios of legal plurality, where one or the other regime dominates. These may be confusing to the fisher, and problematic to the government who may see lawlessness where fishers themselves see lawfulness, albeit relative to a different legal regime.

Such a situation is described with the term 'legal pluralism', which is both an empirical fact, and an analytical recipe for research. Which legal norms apply in a particular situation? How do small-scale fisheries people deal with legal pluralism, especially when there are conflicts between different norms, for instance pertaining to rights of various sorts? How do governors take legal pluralism into account? Do they impose statutory law while suppressing customary law, or do they attempt to bridge the two? If the former, how is that received locally? If the latter, is there a process that tries to harmonize existing legal pluralism into homogeneous law? These are all empirical questions, which are important also from a governability point of view. Legal pluralism may well be a reservoir for institutional innovation.

Interestingly, the SSF Guidelines take a stand on this issue. Article

5.4 reads as follows

“States, in accordance with their legislation, and all other parties should recognize, respect and protect all forms of legitimate tenure rights, taking into account, where appropriate, customary rights to aquatic resources and land and small-scale fishing areas enjoyed by small-scale fishing communities.”

Same article:

“Local norms and practices, as well as customary or otherwise preferential access to fishery resources and land by small-scale fishing communities including indigenous peoples and ethnic minorities, should be recognized, respected and protected in ways that are consistent with international human rights law.”
... “Where constitutional or legal reforms strengthen the rights of women and place them in conflict with custom, all parties should cooperate to accommodate such changes in the customary tenure systems.”

The concern for customary institutions and practices appears in several articles throughout the SSF Guidelines. For instance, in the introduction on page X it is observed: *“Customary practices for the allocation and sharing of resource benefits in small-scale fisheries, which may have been in place for generations, have been changed as a result of non-participatory and often centralized fisheries management systems.”* The SSF Guidelines obviously see this as a bad development.

However, the SSF Guidelines are also challenging customary authorities. Article 6.10: *“States and small-scale fisheries actors, including traditional and customary authorities, should understand, recognize and respect the role of migrant fishers and fish workers in small-scale fisheries, given that migration is a common livelihood strategy in small-scale fisheries.”* Thus, the SSF Guidelines are also addressing customary

authorities and not just states and civil society organizations. But it also states: “*States and development partners should recognize the traditional forms of associations of fishers and fish workers and promote their adequate organizational and capacity development in all stages of the value chain in order to enhance their income and livelihood security.*” (Article 7.4). The reference to ‘traditional forms of association’ is relevant in that customary law, as other legal forms, is inherently connected to organizational structures that decide, implement, and adjudicate. Behind such ‘traditional forms of association’, one can therefore envision the role of customary law (Jentoft and Bavinck 2017).

Legal schisms

When confronted with legal pluralism, in this case overlapping statutory and customary law, the SSF Guidelines envisage the need for a participatory process through which legal differences and inconsistencies can be juxtaposed and harmonized. Statutory law should not necessarily take precedence; overruling customary law, and the cultural values, norms, and principles underpinning it, would potentially amount to human rights violation. This is also how I, together with colleagues, perceive the need to find compromise and consensus should then be conflict between customary and statutory law, or between different customary law for different communities. The latter may cause problems when fishers move out of their communal waters and into the area of other communities.

In our paper, we pointed at co-management as an institution that could facilitate a conversation, and potentially a consensus, about how to address legal/normative inconsistencies and incompatibilities (Jentoft *et al.* 2009), because co-management provides an arena for different stakeholders to meet. However, co-management is primarily about process, and the process does not in itself guarantee that a consensus will be reached. Conflicts may prevail, but go under

the table, as with compromises where parties agree to disagree – for now. The parties may agree on principles but not on their practical implementation.

This is likely to be an issue for the SSF Guidelines, for instance when the human rights principles meet normative realities on the ground. (“*The SSF Guidelines place a high priority on the realization of human rights.*”). For example, customary law can often be discriminatory against women, and for migrant fishers like with regard to tenure and access rights. Enforcement can even be cruel in some instance. Children are often kept as cheap family labor when they should go to school. And yet, the SSF Guidelines call for respect of customary and indigenous practices, cultures, and social systems, which is also a matter of human rights. Here is an obvious dilemma, which has no easy solution, at least in the abstract but most likely not in the concrete either. What should be the governance approach?

Keebet von Benda-Beckmann, who together with her late husband Franz are leading scholars of legal pluralism, holds that to take legal pluralism seriously “*is not the same as endorsing every rule, or even any rule at all...*” (2001, p. 331). One should work from no preconceived evaluation of any kind of law, whether state or local law. Instead, as her husband argues, one should “*challenge the exclusiveness and self-evidence of any single normative system*” (F. von Benda Beckmann 2001, p. 124.) With regard to non-state, or customary law, she argues the following:

“To take it seriously means to acknowledge that it [i.e., non-state law] is there, that it affects people’s behavior, and that it also affects the way legislation is implemented. It allows for a better understanding of what is going on, of why in so many cases legislation is not having the effects it is expected to have.”
(K. Benda-Beckmann 2001, p. 33)

Legal pluralism calls for cross-cultural dialogue so that participants

from different traditions can learn from each other's moral universe. Should they then come to a point that differences cannot be reconciled, for instance with regard to human rights principles, they risk conflict. Therefore, I think we should listen to Charles Taylor, the philosopher. He (1999) imagines a dialogue between representatives of different traditions so that participants can learn from each other's values, norms, and principles. Even then, however, they may experience that differences cannot be reconciled. Taylor thinks that such a situation should allow for disagreement on the ultimate justifications of norms and values. Instead of defending contested foundational worldviews (or what we might call 'first principles') and condemning those we disagree with, we should try to abstract from those beliefs and instead attempt to reach an overarching consensus of human rights norms. In the terminology of interactive governance, as Kooiman (2003) explains it, we should try to move the conversation from first and second governing orders to the meta-order. But that might still not solve the problem: we might still disagree. According to Taylor, the solution might be to reach agreement "*on the norms while disagreeing on why they are the right norms.*" Hopefully, "*we would be content to live in this consensus, undisturbed by the differences of profound underlying belief*" (Taylor 1999, p. 124). We may agree on norms of conduct but still not reach consensus on their underlying values – the reasons for them. Taylor here refers to John Rawls' concept of 'overlapping consensus'. (I believe the same applies to transdisciplinary collaboration, which is a topic in another chapter of this book and in Chuenpagdee and Jentoft (2018)). People from different disciplines should be able to work together on solving societal problems even if they do not agree on the foundational assumptions of their disciplines.

Whether what Taylor recommends will work in real life or not is, however, questionable, although Taylor himself believe so. It would perhaps require something like what Habermas calls an "*ideal speech situation.*"

*“In such a situation, participants would be able to evaluate each other’s assertions solely on the basis of reason and evidence in an atmosphere completely free of any nonrational “coercive” influences, including both physical and psychological coercion. Furthermore, all participants would be motivated solely by the desire to obtain a rational consensus, and no time limits on the discussion would be imposed”.**

The consensus would also hinge upon the willingness to listen and learn from people with another worldview than yourself, which is not always there. People are often stuck in their convictions, sometimes because they fit their interests; they are more inclined to talk than to listen. Even if people are willing to endorse the human rights principles as spelled out in the SSF Guidelines (in fact the human rights principles in the Guidelines hardly met any opposition during the Technical Consultations at FAO in 2013–2014), small-scale fisheries stakeholders may differ on what these principles mean in particular situations. This is especially likely when these principles challenge existing statutory and customary law and order, including the power relations they help to cement.

Human rights principles are often supported for their symbolic reasons. Endorsing them is a ‘speech act’ that has merits, as it helps to build legitimacy around a specific practice or system even when they do not live up to them. Some countries, for instance, do not see a conflict between human rights and capital punishment, while others have banned it on such a basis. Many countries have ratified human rights laws only to ignore them. They may well do the same with the SSF Guidelines. Since the guidelines are voluntary, states cannot be held legally accountable when not abiding with them; ‘naming and shaming’ might do the trick, although some might still be immune.

Context matters

There may be situations where it would be legitimate to accept practices that do not fully abide with human rights standards. Child labor is not synonymous with the labor of children. In a speech by the General Director of the FAO at a meeting I attended in 2018, he mentioned how it was his responsibility to feed the chicken before he went to school. In Norway, cutting cod tongues is a lucrative after-school activity for children. Equal rights and opportunities for men and women is a goal, and something that the SSF Guidelines underscores. Division of labor between men and women does not necessarily amount to discrimination and abuse.

Therefore, human rights principles, just like other good governance principles, need contextualization. That is also what is likely to happen when the SSF Guidelines principles are implemented. As the British statesman and philosopher Edmund Burke 1729–1797, quoted in Korda (2019, p. 201), points out: “*Circumstances give to every political principle its distinguishing color and discriminating effect.*” How much and in what context should it be allowed to mitigate such principles, should, in line with the advocacy of the SSF Guidelines and legal pluralist theorists, be left to participatory democracy, whereas the needed limits of freedom may be decided at higher scales than the local community. Discrimination, abuse, racial discrimination, and cruelty are practices ripe for reform, wherever they occur, within statutory or customary legal settings, and they should not be excused even if stakeholders agree on them. Human rights standards, as inscribed in the SSF Guidelines, provide a tool for calling authorities to account when they fall short of providing small-scale fisheries people and communities with the protection and security they need from violation of generally accepted norms. In this sense, the SSF Guidelines as a global instrument are a means of empowering small-scale fishing people wherever they are. This is also why we need a reconciliation when there is a conflict between universal human rights

standards and local customary norms. We just need to establish a good process for it.

It would be useful if we could reach a consensus of how to define small-scale fisheries in a way that would apply generally and cross-culturally (Smith and Basurto 2019). The fact that we have not been able to reach a definition that would work for all is probably one of the reasons for their marginalization. They need to be considered as distinct, something you can point at and say ‘this is what small-scale fisheries are’, without having to give a lecture about them. It would certainly help in recording their situation, estimating their poverty, counting their numbers, valuing their contributions, and calculating their ecological footprints. We know that they are too big to ignore, but it would be good to know exactly how big. However, for this we would need a precise definition. Rough estimates are not always convincing to trigger political action. What we then would be searching for is something we could well call an ‘overlapping consensus’, or the inner space of a Venn diagram, that would work for the present as well as for the future. Whether this is doable in practice, in a way that would be sufficiently comprehensive while operational, is a question that remains in my mind. We should hold open the possibility that we will never reach a definition that is fully satisfactory to all. But we may still agree on a definition that is acceptable.

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* <https://www.britannica.com/topic/democracy/The-legitimacy-of-government#ref796675>

The Agony of Choice



Fisheries governance involves dilemmas and hard choices, which must be freely deliberated before being decided on...

According to Cambridge Dictionary, a dilemma is “a situation in which a difficult choice has to be made between two different things you could do.”* We know well what it means; it pops up in both our private and professional lives, and we do not just have an

intellectual, distanced perspective on them. We are often confused and emotional about them, and not sure how to decide. Therefore, we hate dilemmas, but we should not. Clearly, without dilemmas, life would have been easier, but inevitably less interesting. When we cannot make up our mind about which dish on the menu to choose, we feel confused. Imagine, however, if there were only one dish on the menu: simple perhaps, but no excitement.

Without the dilemma, we would not have to choose between alternatives that are equally as bad or equally as good. We feel miserable regardless of which option we decide, even when both options are good – like with the Countess Madeleine in the Richard Strauss opera *Capriccio*. She has two suitors, one a musician and the other a poet, but cannot make up her mind of who to choose. She knows she will be unhappy because of the one she cannot have. How do you choose between music and poetry anyway? When the options are both good, we struggle because of the sacrifice. It would have been better if we could have both, as in the expression of “having the cake and eating it too,” But in reality, once you have had the cake, the aftertaste is all that remains. With suitors, it might be less definitive.

Reasoned agency

Having the opportunity to make a choice is the essence of freedom. Freedom is, as Amartya Sen (2000, p. 10) points out, a condition for development: “*Freedoms are not only the primary ends of development, they are also among its principal means.*” “*Development consists of the removal of various types of unfreedoms that leave people with little choice and little opportunity of exercising their reasoned agency.*” Thus, since freedom comes with dilemmas, we would miss them if they went away. The choice between having freedom and having dilemmas can hardly in itself be called a dilemma, because the choice is easy – but that is at the level of the individual more than at a collective level. Sometimes, there is a clear conflict between what constitutes rationality for the

individual and for society.

Garrett Hardin talks about this dilemma in his paper about the Tragedy of the Commons. A famous statement reads as follows:

“Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit—in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all.”

Since this is the logic of all fishers, the tragedy is inevitable. Thus, in Hardin’s narrative, individual freedom leads to collective disaster, and the only way to avoid the latter is to limit the former. In game theory, Hardin’s narrative is explained in the Prisoner’s Dilemma, and is what McEvoy (2010) calls the ‘fisherman’s problem’. Fisheries management deals with this problem; how to ensure a sustainable fishery when individual freedom to fish leads to overfishing.

The juxtaposition of Hardin and Sen may help to solve the dilemma. Hardin’s protagonist makes a blind choice. In Hardin’s case, the fisher is a rational individualist who has no concern for the ecological and social implications of his choice. In Hardin’s scenario, there is no community with norms and rules for how to fish and no capacity to enforce them. Fishers are in a competitive race, which no one can afford to lose. His ‘reasoned agency’ is limited to his ‘own best interest’, and not the best interest of the group or the community. In the Prisoner’s Dilemma game, actors do not communicate and cooperate, as they would do in the case of a community. Hence, if we allow community into the narrative, the tragedy is not a given outcome.

Like all of us, fishers make choices under conditions that provide both restrictions and opportunities. In Hardin’s narrative, fishers have just opportunities but no restrictions. They are free to fish where,

how, when, and how much they want. Then, like in a Greek tragedy, the tragedy of the commons is inescapable, because the resource is limited. To avoid the tragedy and save the resource, their freedoms must be taken away. Hardin envisages state intervention, while ignoring the community. The commons dilemma is the ‘fisherman’s problem’, but a state responsibility. Community-based management, or co-management, is not in his toolbox. Reasoned agency and social responsibility of the community are not part of the solution.

In the SSF Guidelines, communities indeed have a contribution to make. However, they may need help from the state, as they are not always equipped to take on a stewardship role. Communities are also worth keeping, not just because of their contribution to solving the commons dilemma. Communities provide many services that are essential for the well-being of their inhabitants. Indeed, they are part of what we associate with a good life. However, as the sociologist Zygmunt Bauman (2001) points out, as mentioned in chapter 18, community comes with a dilemma. He argues that there is a tension between community and individuality: the community provides security at the expense of the freedom of the individual.

This dilemma requires a balancing act. You may accomplish both if you renounce on them. You will never be completely secure and free anyway, but you can be enough of both. We may not even want to be completely secure, as you would miss the excitement of taking risk, as when you experiment and innovate. Neither would you want to enjoy total freedom. Think of family and community. You would not want to be without them. Property, as another type of social relation, provides opportunities, but also limits our freedom, as any child inheriting a farm or a fishing vessel would know. If both my father and I had been the elder brother, I would never have become the professor I am today, as there would have been a pressure to keep up the family farm. I would have been stuck with the farm, like my cousins. I may have been more secure, but certainly less free. Knut Hamsun, the Norwegian author and Nobel laureate in 1920, says: “*The man who*

owns a commode is not a free man.” In my experience, the same applies to goldfish. In his biography of Leonardo Da Vinci, Walter Isaacson (2018) suggests that we would probably never have been able to enjoy his art if he had been a legitimate son; then he would have had to follow in his father’s footsteps and become a notary.

The unfreedom that comes with lack of choice takes learning out of the equation. You do not want to repeat a bad choice. With a good choice, you do. However, if you should learn that a dish is not to your liking and it is the only one on the menu, the lessons you learn cannot be implemented. You may perhaps go to another restaurant next time, if there is one within your vicinity. But it would not make much sense if it is also a MacDonald’s. It would be more attractive to live in a community with several and different choice options. It would also be a more interesting place because it enables individual and collective learning. Without alternatives, agency will not be ‘reasoned’, but routine.

Freedom’s downsides

The time and effort to gather the information you need in order to choose rationally, you could spend on other things you enjoy more. This is a benefit of the welfare state. It may bring you fewer options, but it frees you from worrying about basic things you need. With social security, you do not have to use time to operate rationally on the insurance market. With a good public school system, you do not need to think about which school to send your children. As a Norwegian living a while in the US, I was struck by how often health insurance came up in conversations. In my country, it is hardly an issue when people meet, only if it is a campaign topic during national elections.

Freedom of choice brings anxiety: you may learn that you have made a bad choice. It also comes with pressure, especially when you have to make a decision within a limited timeframe, as when the waiter is hanging over you while you are scrutinizing the menu. When

uncertain of how much time you have, the pressure is even greater. When you have little experience and knowledge of what alternatives exist and where to find them, and when you cannot be sure of what the benefits and costs associated with each of them are, you cannot be fully rational.

Under such circumstances, Herbert Simon (1947/2013) notes that you tend to be ‘satisficing’ rather than maximizing. You choose the alternative that you believe is good enough. The idea of the perfectly rational actor, who never experiences the agony of choice, only exists in economics textbooks. Simon was a Nobel laureate in 1978. A psychologist will tell you (Simon was a psychologist) that we are all ridden with uncertainty, self-doubt, regrets, complex emotions and motives, confusion, and yes – irrationality. We are not a living calculator. Instead, we make decisions based on hunches and the rule of thumb, even in the marketplace. Entrepreneurs, for instance, are driven by ambitions of self-realization, a desire for independence, and sometimes, social responsibility, like wanting to do something good for family and community. In communities, we care for other things and operate differently than we would do in the market.

To reduce the agony of choice, you may lower your expectations, or adopt some decision rule that tells you what to do in situations of ambiguity. When you do not know which dish on the menu to order, you can make a habit of always choosing the same as your companion. Then, you will have someone with whom to share the experience. You may also make it a rule to let the waiter help you choose, or choose randomly and hope for the best. In your mind, you may also reduce the importance of choice and think that there will be other meals after this one. It is, after all, not such a big deal; mistakes are rarely fatal.

Markets and hierarchies

The dilemmas we experience happen within a context that may complicate or ease the decisions we have to make. Markets involve a social relationship, which is not representative of all social relationships. In the market, relationships have only use-value. It does not really matter who the other is. On the other hand, if a family or a community were just a marketplace, it would quickly corrode, because here relationship has value. Because they care for each other, family and community members' needs relate to one another differently than those of market actors. The sociologist Talcott Parson[^] explains this difference with his 'pattern variables', like with 'universalism vs. particularism'. The first instance involves a general norm, as when fulfilling a contractual agreement. In the latter case, when you for instance say yes to help a friend, your friend is special and you treat her accordingly. Bureaucracies operate according to universalist norms: you do not receive special treatment, as if you are a friend, when dealing with a fisheries department. You have a right to expect to be treated impartially, just like everyone else.

Oliver Williamson, the 2009 Nobel laureate in economics, argues that markets do not operate like standard economics textbooks make us believe, especially when transactions that are time-consuming and lasting, like with your bank. In this case, the two parties try to guard themselves from opportunistic behaviour of the other. The buyer and seller need to trust each other. If trust is missing, the two parties would naturally be more cautious, feel the need to sign a formal contract, perhaps with the assistance of a lawyer. This would involve costs – 'transaction costs'. I assume that it was trust my used car salesperson in Alabama sought to convey with the Bible for me to see on his office desk when I was signing the papers. He may have sensed my uncertainty about the car when he said: "Remember that we are a Christian company." Such information is just relevant among strangers who interact in other capacities than just buyer

and seller, contrary to local communities where people know each other. Neither would such information be necessary if I were an employee of the dealer and needed a new car. As Ronald Coase, another economics Nobel laureate (1991), notes, transaction costs are the rationale for the existence of firms, or ‘hierarchies’ as Williamson talks about. By internalizing the transaction into the organization, and thus transforming the relation between buyer and seller into a formal one, transaction costs reduce. This is also an impetus for vertical integration, which is common in fisheries, for instance in the form of fisheries cooperatives or when fish processing plants own and run the boats that supply them. The transaction of fish between fisher and fish-producer is then an internal affair in the organization, and subject to other means of control and enforcement.

The voice of the community

In an insightful article, James March and Johan Olsen (2009) make the distinction between “*the logic of consequentiality*” and “*the logic of appropriateness*.” In the former instance, people ask themselves: “What do I need to do to achieve a good outcome?” The answer requires considering what your alternatives are. You would also need to clarify your values, and the consequences of your alternatives for your values. Only then will you be ready to make a rational choice. This is the thinking of the *homo economicus*, the economic man. When acting according to the logic of appropriateness, you would ask differently: “Who am I, what situation is this, what is a person like me supposed to do in a situation like this?” March and Olsen explain:

“The logic of appropriateness is a perspective that sees human action as driven by rules of appropriate or exemplary behavior, organized into institutions. Rules are followed because they are seen as natural, rightful, expected, and legitimate. Actors seek

to fulfil the obligations encapsulated in a role, and identity, a membership in a political community or group, and the ethos, practices and expectations of its institutions.”

This is the logic of *homo socius*, the social man. This person is guided by norms, rules, and responsibilities that define the roles he assumes, for instance as a husband, father, friend, neighbor, etc. The institutions we live by, in this case a family and a community, impose these norms, rules, and responsibilities on us. They define not only what I am supposed to do, but also what it means to be a father, friend, and the like. Being a fisher is not different.

We enact both logics ourselves, sometimes separately and sometimes together, depending on the context. What happens when economic man meets social man? Then, we are in a dilemma about which logic to follow. Should I, for instance, do what serves my individual interests, or should I care about neighborly values and listen to the voice of my community? As an entrepreneur in a small-scale fishing community in Northern Norway, which anthropologist Robert Paine (1972) writes about: should I follow the logic of consequentiality and be a ‘free-enterpriser’, or should I ascribe to the logic of appropriateness by paying attention to the norms of my community, and be a ‘free-holder’?

A fisher who cheats on his quota risks sanctions. Still, that is what he must do to feed his family and pay the bank. The fisher is caught in a bind between the logic of consequentiality and the logic of appropriateness, and the different moralities that apply to both. When the fisher asks himself who am I, and what situation is this, and what people in my situation are expected to do, he would not be so sure what to think. The government may punish him for doing something that the community will support (Gezelius 2004).

In her PhD thesis on small-scale fisheries in South-West England (2019), Rebecca Korda quotes a fisher who with a considerable despair expresses his dilemma:

“When you are running a boat, and you need 100 boxes of fish to give the crew a wage and they turn round to you and say you can only catch 50 boxes, what do you do? Do you lose your boat, do you tie up and go into debt... I’ve fished illegally as there was no other way of fishing to make my business work.”

Her small-scale fishers are under extreme pressure to stay afloat: they have responsibilities to bank, crew and family. They feel that they have no other choice than to break a rule that is imposed on them. Without a clear explanation from government as to why the rule is needed, it does not make sense to them. Another fisher says, *“how can we carry out as businessmen, trying to make the right decision, the honorable decision, the moral decision?”*

Sociologists would know this dilemma as a ‘role conflict’. Being a fisher means that you have to deal with conflict demands, responsibilities, and moralities. Anthropologists may think of this as a situation of ‘legal pluralism’ (Vanderlinden 1971), where different normative orders apply in the same situation. This typically occurs when state law interferes with customary law. In customary law, norms and rules may be informal, but still obligatory. The dilemma for the fisher arises when state law and customary law demand or allow different things, as when what is legal according to one set of norms is illegal in another. What is legal is not necessarily the right thing to do. A personal dilemma then becomes a social problem.

Collective dilemmas

Dilemmas confront us also as a society. They tend to dominate our politics, because they do not have answers that everyone would agree with. Fisheries politics are no exception to this rule. Fisheries perhaps are even more political than other industries. Different operators, large and small, are often in conflict on how to divide a common resource and space. Conflicts also occur within the value chain. As a

Norwegian delegate during the Technical Consultations on the SSF Guidelines, I learned that small-scale fisheries are political not just in a local but also in a geopolitical sense. They touch on global issues like climate change and poverty eradication. Sometimes they involve territorial disputes between countries, in some cases armed conflict. Small-scale fisheries raise issues of societal governance because of the hard choices that policy-makers must make. If dilemmas are hard to solve at individual level, they are no easier at collective level.

In a paper in *Marine Policy* in 1990, titled '*Hard Choices in Fisheries Development*', Conner Bailey and I argue that planners in a developing context have failed to recognize the necessity of making difficult choices between increasing exports, increasing domestic fish supply, raising producers' incomes, and expanding employment opportunities in fisheries. Instead, the false assumption is that they are a win-win. The choices are hard, not just because alternatives are in conflict, but also because they are political and moral rather than technical and economic. They involve considerations about equity and fairness. We posit that failure to engage with these dilemmas represents choice by default – inaction becomes action, which will have negative consequences, especially for small-scale fisheries.

Such complex dilemmas make fisheries governance a wicked problem. Rather than going into them, trying to understand their 'wickedness', we make it easier by choosing governance designs that are already on the menu. Rather than starting with the problem, we start with the solutions; we select among menu items, be they Individual Transferable Quotas (ITQs), Marine Protected Areas (MPAs), Community-Based Management (CBM), Ecosystem-Based Management (EBM), Marine Spatial Planning (MSP), or other available tools. These are all technical instruments, which may or may not fit the problem as it occurs in concrete contexts. Thus, governors are customers or guests, instead of chefs. The result is institutional conformity rather than innovation. Governors choose security before freedom, and thus reduce the likelihood that they will come up with

something original and more fitting to the problem. They reduce the agony of choice, but run the risk of aggravating the problem rather than solving it.

Governing from principles

Good governance requires a balance between principle and pragmatism. The social dilemmas would be easier to handle if we could agree on some overarching meta-governance principles to guide our choice by setting some normative and ethical limits for the pragmatism we need when operating in real-life situations. Jan Kooiman and I argue that governance choices can be made less hard when the values, norms, and governing principles are made coherent and explicit (Kooiman and Jentoft 2009). For instance, the ‘precautionary principle’ and the ‘subsidiarity principle’ help when making governance decisions; governors know what to strive for. These principles also tell us what not to do.

The human rights principles introducing the SSF Guidelines set standard for what small-scale fisheries governors should aim for. Principles are thresholds; they are free to do more, but not to do less. The freedom of choice is restricted, but not eliminated. Governance dilemmas usually have to do with value conflicts of an incompatible, incommensurable, and incomparable nature. This is why we need an interactive governance approach, which allows critical reflection and deliberation among stakeholders. Once consensus is reached, your freedom is such that you stick to the principles, but you are pragmatic about concrete solutions as long as you do not violate these principles. Principles do not solve the problem; there is still work to do, but they help you make the hard choice.

*<https://dictionary.cambridge.org/dictionary/english/situation>

^http://sociologyindex.com/pattern_variables.htm

Words Matter



How we speak about small-scale fisheries determines how we act on them...

I posit that the one who controls the language, the words we use, determines our conversation. Moreover, the one who controls the conversation determines how we perceive the action space we have, how we act, and how we ultimately learn from what we have

done. In this sense, language is power, and that is where we need to start when attempting to understand how things work in small-scale fisheries. This implies that we need to thoroughly examine how we talk about small-scale fisheries. We may then discover that we do not only need to talk differently, but also may have to invent new and more adequate language.

This lesson has stayed with me since I, as an undergraduate, read a book by Norwegian sociologist Rolv Mikkjel Blakar, titled '*Language is power*', published in 1973. He made the intriguing point that we do not, in Norwegian at least, have sufficient language for gender equity. For that, we would have to invent new words. As an example, he used the word for bishop, in Norwegian '*biskop*', and we have an equivalent term for his wife; '*bispinne*'. We could therefore not call our first female bishop '*bispinne*', so we simply called her '*biskop*'. Since this bishop was unmarried, we did not have to think what to call her husband, for which we simply do not have a name.

The example he used made me think of a fisherman, which in Norwegian is a '*fisker*'. Unlike in other languages, for example English or Spanish, the word is gender neutral, even if in practice, the name is usually associated with a man. (It is a long time since '*fiskermann*' was in use). The word '*fiskerkvinne*' in Norwegian, fisherwoman in English, is commonly thought of not as a female fisher but the fisher's spouse, the home caretaker. Again, for female fishers – and they do exist in Norway, we run into the same problem as with the bishop; we do not have a name for her husband. But then, we might not need it as he would usually not be home caretaker but have his own professional title. Therefore, we have not bothered to identify the name of the man. For the Norwegian word '*ombudsmann*' – which is adopted into English – we just deleted the 'man' to make it gender neutral. Now, these professional titles are as inviting to women as they are to men, and vice versa.

Language as deliverable

As an undergraduate student, I also read a text by the Norwegian sociologist, Dag Østerberg at the University of Oslo. Here he argued that sociology's contribution to society is not limited to knowledge; an equally important deliverable is language – 'meta-language' (2012). This language, and the concepts it is made up of, helps us to reflect on our predicaments and challenges. Sociological language is no different from other languages: we need language not only to have a conversation. We also need it to be able to think. We are dependent of having names for things to manage them.

The same is true for the language of fisheries and fisheries management. To become a fisher is also about learning the language skills you need to catch fish. You need names for the different fishes, fishing gear, and grounds, the different things on board and the parts of the boat, for the weather, for the waves, etc. Fisheries managers need a similarly sophisticated language, which fishers need to know in order to understand how managers think and act. Fisheries management systems are also a linguistic construction. The same with the laws that govern. To become a lawyer involves not just getting to know the law, but also the language of the law and lawyers. Every academic discipline has its own distinct language.

Without concepts, we would be powerless. Sometimes, it is through the provision of language innovations that social scientists help to empower people and communities. For small-scale fishers to experience 'empowerment', they must know what the term means; without it they would not be able to make the necessary steps to achieve it.

The word 'network' is now part of our scientific and daily vocabulary, and with modern information technology it has become even more common – cf. the word "internet." The film about the creation of Facebook was called '*The Social Network*'. Today, we think it naturally belongs there; no one questions what it means, but that is not how

it always was. ‘Network’ was in use long before it even became a sociological concept. But how did we come to use this concept to refer to social relationships; who brought it there? It was introduced by the Australian and British social anthropologist J. A. Barnes in an article about a small fishing community on Norway’s west coast, published in 1954 in the journal *Human Relations*. It is remarkable that a local fisheries community case study enriched our common language.

The story goes like this: Barnes had studied communities in New Guinea and other places before he landed in the Norwegian fishing community. I do not know how and why, but he became puzzled about why this community was so orderly even without a hierarchical organization; it did not have a chief. One day as he was walking along the wharf, he saw a seine hanging to dry. He looked at the seine, noticing the structure, and thought: this is how the community hangs together! His comparison of the seine with the social structure of the community is revealing:

“Each person is, as it were, in touch with a number of other people, some of who are directly in touch with each other and some of whom are not. Similarly each person has a number of friends, and these friends have their own friends; some of any person’s friends know each other, others do not. I find it convenient to talk of a social field of this kind as a network. The image I have is of a set of points, some of which are joined by lines. The points of the image are people, sometimes groups, and the lines indicate which people interact with each other.”

(Barnes 1954; p. 43)

Barnes does here what Østerberg says that sociologists often do: taking words from daily language, reinterpreting them so that they acquire a somewhat different or broader meaning, and then giving them back to society – and he gives many examples of this.

Recognition

Concepts like ‘network’ are also lenses; they enable us to see things *as something*. Barnes could make sense of how the fishing community functioned when he could see it as the network of the seine. I recognize the tool I use for writing this text as a computer because I already have the name for a computer. It looks very much like other tools that carry the same name.

However, the problem with concepts is that, in addition to allowing us to see things, they also make us blind to other things that are potentially relevant. We see what our concepts allow us to see. What we do not have name for, we tend to ignore. I do not know any better way of illustrating the latter than with a quote from a favorite novelist in my now distant youth, the 1946 Nobel laureate Hermann Hesse:

“Just imagine a garden with hundreds of different trees, thousands of different flowers, hundreds of different fruits and herbs. Now, if the only botanical distinction the gardener knows is that between edible things and weeds, he will not know what to do with nine tenths of his garden. He will uproot the most enchanting flowers, fell the finest trees, or at any rate detest and frown upon them.” (Hesse, 1927, p. 68)

We may easily conclude that this gardener is in need of a richer language. With his limited vocabulary, he risks doing irreparable damage to his garden. Could it be that we run a similar risk when we talk about small-scale fisheries, for instance when we engage in the implementation of the SSF Guidelines (2015). Is our language sufficient to understand and argue what we must do when eradicating poverty in small-scale fisheries while, for example, enabling them able to cope with climate change? We need to think hard about the language we are using in these contexts, not just because language provides the lens for how we see or don’t see, but also because it

determines how we act in the next instance.

Language is political

Since language is power, it becomes a matter of political controversy. Imposing your own concepts may be a way to forward your interest and set the stage for others. Thus, the original meaning of words may change over time because powerful people create new words or give old words a new meaning. But concepts may also change because we find them to be too narrow for the problem we are trying to solve. What we mean by poverty, for instance, has changed over time from income poverty to a more comprehensive definition, which includes poor education, health, sanitation, and the like. A broader definition of poverty will necessarily lead to a broader approach to eradicating it. The concept of governance proved to be controversial among state delegates during the technical consultations on the SSF Guidelines. Some delegates wanted to stick with the word 'management', claiming that governance does not have an official definition and that it is difficult to translate into other languages. Both are true, but these delegates did not mention that the same can be said about the management term. But for those who insisted that governance should stay, which it did in the end, it was important to stress that governance is not a technical issue, but one that also involves interventions into power relations and a concern for decision-making processes on a broad range of issues. These are issues of a political nature because they challenge interests and values that we do not necessarily share, and because they would involve a broad range of players in addition to government. Therefore, 'governance' was considered to be a more relevant concept than management.

Small-scale fisheries defined

The SSF Guidelines do not define what small-scale fisheries are. A suggestion to do so was taken down, for reasons that are easy to understand. Small-scale fisheries are too diverse and multi-faceted to be captured in a few lines that would work globally. Still, definitions are important; fisheries policies must be clear about who they are targeting. Better statistics for the sector are needed, but FAO data suggest that small-scale fisheries are ‘too big to ignore’. However, definitions are not just about finding the right language. Andrés Cisneros Montemayor, in an article in *SAMUDRA Report* No. 79, 2018, writes:

“An issue that perhaps requires more discussion is the power of language in shifting perceptions about fishing communities within policy debates. For example, the now well-established term ‘small-scale fishery’ can sometimes work against arguments to increase their visibility among policymakers and their recognition within relevant policies and regulations, particularly when policymakers are new to fisheries discussions and specific terms. ‘Small-scale’ can imply that the sector is less important, provides less economic benefits, or employs fewer people – all three of which are clearly false assumptions. It may be time to begin reassessing our own use of language, perhaps by using (when appropriate) terms such as ‘artisanal’, ‘subsistence’ or ‘indigenous’, instead of ‘small-scale’, which convey the distinction from industrialized fisheries and to the need for a different management approach, while not implying a comparison of scale or importance.”

The problem with any definition, including one of small-scale fisheries, is that it needs to be expressed with words that in themselves could be in need of definition; what is small, or scale, or fisheries?

For each of these elements we would need other words. The regress is endless, and we will never reach a full precision, as the philosopher Bertrand Russel argued. We just have to agree on where to stop. We do not necessarily need precise definition of the concepts we use in order to have a conversation about an issue. Approximations will suffice; we still have an intuitive sense of what we are talking of. Should there be misunderstandings, we can use other words to clarify. With small-scale fisheries we know them when we see them. We need words to recognize what we see, and our languages are rich with descriptors. We are not in the unfortunate situation that Hesse's gardener found himself in.

But one may well think that someone could opportunistically use the lack of a precise definition of small-scale fisheries for inaction, for instance for not implementing the SSF Guidelines, as they did with the governance concept. Advocates of community involvement in fisheries management are often met with a similar argument: "What is a community anyway?" The question is often intended to kill the idea that communities may have a bigger role to play. And yet, the academic literature has dealt extensively with the question of what a community is, and is well aware of its complexities and diversities. The same is also the case with the governance concept. Delegates who took part in the technical consultations on the SSF Guidelines and argued that it does not have an 'official definition' could, for instance, have checked how FAO defines it. It is just a click away.

Climate change language

The philosopher J.L. Austin is famous for his book '*How to do things with words*' (1962). He posits here that the words we use are not just descriptive and constative (for making an argument); they are also *performative*. Words do not only aim to capture reality; they also create it. Thus, as with any other law or declaration, when FAO member states endorsed the SSF Guidelines, they acted, and by that created a

new reality. The SSF Guidelines then became what Austin would call a ‘performative utterance’, a collective ‘speech act’.

We need fine-tuned concepts that depict the essence of a problem. But we should be interested in more than their descriptive attributes. We should also be concerned with their performativity: what concepts do, how they function in framing the conversation and directing action. Does the language of small-scale fisheries, for instance with regard to climate change and poverty eradication, do what we need it to do, that is, guide social action and governance response? Is, for instance, the concept of ‘adaptation’ adequate for what we have to do, or do we need a more nuanced vocabulary, just like Hesse’s gardener?

The SSF Guidelines mention ‘adaptation’ twelve times. In the report to policy-makers by the International Panel of Climate Change, published in October 2018, ‘adaptation’ is mentioned 52 times. The way we now talk about climate change response in adaptive terms is strongly influenced by so-called ‘resilience theory’. Resilience theory was quite evident in the fourth Intergovernmental Panel on Climate Change (IPCC) report that came out in 2007, from the second working group. The resilience terminology also flourishes in a FAO report on climate change and fisheries that was released in July 2018, the same with ‘adaptation’.

However, Archbishop and Nobel laureate Desmond Tutu has something important to say on the matter:

*“Perhaps the starting point is to reflect on the inadequacy of language. The word ‘adaptation’ has become part of the standard climate change vocabulary. But what does adaptation mean? The answer to that question is different things in different places.”**

‘Adaptation’ may be a descriptive term for what is actually happening – or not. But the term also has a performative function; it tells us what to do. Therefore, we should not just ask for the meaning of a

word, but also for its use, as Wittgenstein argued, and Andrés Cisneros Montemayor does above. There are limits to how long we can just ‘adapt’ to climate change. More radical change would be needed, but then we must change the way we talk about the challenge. As Mann and Wainwright (2018, p. 72) note: “[T]he transformation we need is essentially political. This truth is hidden by the language of adaptation.”

Similar to what Østerberg said about sociology, resilience theory, which generated the adaptation term, is also a good example of how “concepts seep through from the academic, analytical side, to the political, engaged, and operational side” (Lund 2010, p. 24). If we had talked about climate change from another perspective than Resilience theory, like Political Economy or Political Ecology, I am not sure if we would even have talked about ‘adaptation’. Instead, we would have talked about power – including the power of language and social justice, as Tutu does.

Walking the talk

James March argues that organizations do not always do what they say; they do not, for instance, follow up on what they have committed themselves to do. Nils Brunsson calls this ‘organizational hypocrisy’. That may well happen with the SSF Guidelines that FAO member states unanimously endorsed them, but it remains to be seen whether they will implement them. Their endorsement is a performative act, but it is not meant to be their final speech act. The SSF Guidelines also talk about the need for institutional change, including legal reform.

Still, the SSF Guidelines have already changed our conversation about small-scale fisheries, even without changing what they are called. The SSF Guidelines give language to what to do for small-scale fisheries, without having to define what they are. It is an illustration of the empowering effect of language. We did not previously talk about them in human rights terms; now we do, and that is significant. Whether it will fundamentally change the ways small-scale fisheries

are governed is up to the future, but something that should be of interest to social scientists.

Be that as it may, my argument here is different: even if there is not a direct link between what we say and what we do, there is indeed such a link between *how* we say things and *what* we do, for instance how we govern. Our concepts have consequences for how we see the world of small-scale fisheries and how we act on them in the future, like when implementing the SSF Guidelines. We rely on the conceptual framework we have until we replace it with another one. In this sense, we always ‘walk the talk’: we do what we say, and it has nothing to do with organizational hypocrisy or not.

We may not be aware of the limiting effects of language, including scientific language. We are not necessarily conscious about how our theoretical concepts define how we govern. Scientific disciplines do not only come with a topic, but also with certain assumptions of how the world works. These assumptions, and the theories they lead to, are conceptualized in ways we as disciplinary-trained tend to take for granted, because we are disciplined to do so. This relates to both scientists and non-scientists, including small-scale fishing people.

Language is in itself an institution that comes with rules and regulations, with organizations (like schools) to back it up and control its usage. Language, like other institutions, is infused with values and identity: I feel Norwegian not just because I have my passport to prove it, but also because Norwegian is my mother tongue. Once I am and feel Norwegian, and I follow the rules of this particular language, I cannot develop my own syntax or create my own vocabulary. Not only will I violate the grammar and confuse my statements; those I talk with will immediately correct me, if they do not think I am deranged and let it go.

The reason is that instead of thinking of concepts as mutual ‘agreements’ of what to call things, we mix our concepts with the thing they name. As Sara Meltzoff (2013, p. 238) says in her book on fisheries communities in three countries in South America: “*concepts are often*

unconscious ideals or beliefs taken for granted as truth – comparable to the grammar of one’s mother tongue that is automatic and unquestioned.”

Thus, once I start talking about small-scale fisheries in different ways, using different concepts, people may wonder if I make sense. Still, if we want to change the ways we act on small-scale fisheries, for instance because of the SSF Guidelines, we would need to start talking about them in different ways and with different terms than those that now dominate the language of fisheries.

Think for instance of the word ‘traditional’ which is often invoked when we talk about small-scale fisheries. It may work well from a descriptive perspective in some (but certainly not all) contexts. Small-scale fisheries have a deep history; they come with a tradition and with the values that are associated with it. However, small-scale fisheries can also be modern, as they need to adapt to current challenges and opportunities in order to survive. Therefore, ‘traditional’ may not function well as a performative concept, because it makes us blind to their development potential, to their ability to be modern, which they can be and indeed are in many places. Small-scale fisheries represent cultural heritage, and it may be tempting for policy-makers to keep them as they are, or in the age of modernity to get rid of them. Small-scale fisheries should not be stuck in the past, and they need language that encourages them to prove that they can also be different. If the only concept we have for them is ‘traditional’, they may well continue to be so.

Innovative language

We are less stuck in a particular conceptual framework than we think we are. We have options we often do not see. The implementation of the SSF Guidelines depends on our ability to critically reflect on the performativity of small-scale fisheries language. This is not only because of what concepts allow us to see. Equally important is what concepts tell us to do. Knowing that concepts have such a function

should make us think deep about both, about what we say and how we say it. In the world of small-scale fisheries, as diverse as they are, this is particularly important. We cannot assume, as Desmond Tutu says, that concepts mean the same thing everywhere. Neither should we, I argue, think that concepts would perform in the same way wherever we are. We therefore need a nuanced language that captures the complexity, diversity, and dynamics of small-scale fisheries, but also point in the direction of where we need to go. We cannot then rely on simplified concepts with universal connotations, as those who demand a simple definition of what small-scale fisheries are before they are willing to act.

Therefore, we have to be aware of how concepts work in particular social settings, like communities, as there is always something unique about them. Concepts may help our understanding of these contexts, but they may also do harm if they make us blind to things that we should take notice of. The latter is the risk that TBTI wants to avoid with the term 'Blue Justice'. In the current publicity about Blue Growth and the Blue Economy, which are themselves linguistic innovations, it is easy to forget that there might not only be winners but also losers. Small-scale fisheries, as the most marginalized stakeholder group, are likely to end up in the latter category. Policy-makers may not see their growth potential because they do not have the language they need to see it, just like Hesse's gardener. If we miss the actual and potential negative impacts of Blue Growth for small-scale fishing people, we will do harm to things we think we are sustaining. At the receiving end of these Blue Growth policies are people who are vulnerable to begin with – those whom the SSF Guidelines have in mind.

Morality

Fisheries policies are ‘language independent’ (as the philosopher John Searle, a student of Austin, would put it (1998)). Climate change happens regardless of how we talk about it, and we cannot talk ourselves from the fact that small-scale fishing people are often poor. However, how we define and what we decide to do about it are not language independent. Policies of change, including the implementation of the SSF Guidelines, are indeed “language dependent”. Talking about climate change action in adaptive terms is an illustration of this fact. Desmond Tutu has more wisdom to offer:

*“No community with a sense of justice, compassion or respect for basic human rights should accept the current pattern of adaptation. Leaving the world’s poor to sink or swim with their own meagre resources in the face of the threat posed by climate change is morally wrong.”**

Tutu suggests here that we should also talk about climate change in moral terms. This is also how Garrett Hardin talks about poverty in his seminal ‘*Tragedy of the Commons*’ article that appeared in *Science* in 1968. His is among the most cited academic papers ever, and it is often invoked in the climate change discourse, since the atmosphere and the air we breathe can be seen as a common resource and global warming as a result of the freedom of individuals to pollute. This way of phrasing the climate change problem has its own performativity. However, Hardin’s most memorable and cited quote is not the following:

“An implicit and almost universal assumption of discussions published in professional and semi popular scientific journals is that the problem under discussion has a technical solution. A technical solution may be defined as one that requires a change

only in the techniques of the natural sciences, demanding little or nothing in the way of change in human values or ideas of morality.” (p. 1243)

The change that Hardin believes is needed to avoid the tragedy of the commons has moral implications. His problem is our freedom to breed, and hence the exhaustion of our common resources and the destitution that follows in its wake. There is hardly an issue loaded with so much moral norms as our freedom to breed. Behavioral change is required, but any change will not do. Change must take place within the moral ramifications that we impose, which is not a scientific issue.

Bertrand Russell, the philosopher, states in his *Unpopular Essays* (1996 [1901]): “*Change*’ is scientific, ‘*progress*’ is ethical; *Change* is indubitable whereas *progress* is a matter of controversy.” Change is something we can study, describe, measure, and predict with a varying degree of certainty. Should we not be convinced by what we learn, the remedy would be closer scrutiny, more research, higher quality data, and better models. Progress, on the other hand, belongs to a different discursive realm. All progress is change but not all change is progress. Progress is normative; it refers to our social values and aspirations. Whereas empirical statements about change may be right or wrong – factual change is true for all – *progress* may be good or bad, for some but not always for others. What constitutes progress, on the other hand, is a matter of judgement. In small-scale fisheries, for instance, whether the observed change is positive or negative would be in the eyes of the beholder. When FAO member states endorsed the SSF Guidelines, they did so on the basis of a reached consensus about what constitutes ‘progress’ in this sector. This, I argue, is precisely what makes the SSF Guidelines powerful despite the fact that they are ‘voluntary’.

With the human rights approach that the SSF Guidelines advocate, we must also talk about small-scale fisheries in moral terms. Our conversation about their future must draw on our perceptions of

what constitute progress. But such a conversation must be inclusive, allowing the voices of small-scale fishing people themselves to be heard, as scientists do not have any particular authority on moral issues. This is why we need to talk about governance and not only management, which the SSF Guidelines also do. This is also why we need concepts like Blue Justice in the context of Blue Growth. We cannot, and should not, dismantle our moral principles for the sake of wealth creation in the Blue Economy.

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*<http://hdr.undp.org/en/content/we-do-not-need-climate-change-apartheid-adaptation>

Blue Justice Now!



In the Blue Economy, the human rights of small-scale fishing people must be respected!

A rising tide lifts all boats”, president John F. Kennedy famously said. The idea he wanted to convey was that economic growth benefits everyone, and that is therefore what economic policy should aim at. In a literal sense, this aphorism is true, the tide does

indeed lift all boats; but is it also figuratively true? Will economic growth only produce winners? Critics of Kennedy have argued that the rising tide will lift some boats – the super yachts – while others will run aground, thus pointing out that policy-makers should also be concerned about the distributional effects of economic growth. The likelihood that everyone will benefit is not very likely. Thomas Piketty (2014) provides ample evidence.

With the hype of the ‘Blue Economy’ and ‘Blue Growth’, with the ocean as the new frontier, this should be a reminder. Judging from how the marine economy has been conducted in the past, it is hardly realistic that big and small will gain equally, that the Blue Economy will be a plus-sum game. Small-scale fisheries, for instance, have always been on the defensive; they have had a beach to defend, and ‘ocean grabbing’ is a concept that is gaining prominence in the political discourse on the exploitation of marine resources. With the new marine industries, be they aquaculture, bio-prospecting, sea transport, offshore oil and mineral mining, green energy like windmill parks, or the growing tourism industry, small-scale fisheries have seen their tenure rights disregarded, their environments deteriorate, and their communities suffer. In many instances, they have lost access to traditional working space, their beaches and fishing grounds, and have been forced to leave their settlements. The Blue Economy may well add to this trend if it does not have an eye for Blue Justice.

Small-scale fisheries ignored

As Boucquey *et al.* (2019) note, we are currently in a ‘third phase’ of ocean enclosures, which commenced with rights-based fishing like Individual Transferable Quotas (ITQs), then were followed by the ambitious plans for the establishment of Marine Protected Areas (MPAs) globally, and now include Marine Spatial Planning (MSP). Judging from what is seen so far, these mechanisms are all part of the Blue Economy agenda. For small-scale fisheries, the first two phases

have proven detrimental to their viability, and they may not expect the third phase to be any different. It does not have to be like that, but those who insists that the Blue Economy is the tide that will lift all boats have the burden of proof on their side.

If small-scale fishers check the EU's Blue Economy website, they have reason to worry. In the list of blue growth industries, fisheries are absent. You would need to go to a background report to find them: "In fisheries, future employment will depend on effective conservation of the stocks on which the industry depends and the split between the large-scale and small-scale fisheries (EC 2017).

"About half of all fishermen in the EU are employed in small-scale fisheries whilst their production in value terms is about five times less than that of the large-scale fleet. All other factors being equal, measures such as quota allocation that favours small-scale fisheries at the expense of large-scale fisheries will increase employment."

I am not sure what to make of this, but it would have been more reassuring if small-scale fisheries had figured more prominently in the Blue Economy strategy.

The report from the Nairobi Conference on Blue Growth in November 2018 is a bit more positive (SBEC 2018):

"Putting in place a people-centred economy that prioritizes promotion of the interests of ordinary workers, small-scale food producers and vulnerable communities, we have an opportunity to employ blue economy to close the inequality gap."

But also here, fisheries, and in particular small-scale fisheries, play a miniscule role. The question is whether the Blue Economy and the management mechanism that it involves, like MSP, will take advantage of the mentioned opportunity and implement measures

that will benefit small-scale fisheries. This is what the SSF Guidelines say it should in article 10.2:

“States should, as appropriate, develop and use spatial planning approaches, including inland and marine spatial planning, which take due account of the small-scale fisheries interests and role in integrated coastal zone management. Through consultation, participation and publicizing, gender-sensitive policies and laws on regulated spatial planning should be developed as appropriate. Where appropriate, formal planning systems should consider methods of planning and territorial development used by small-scale fishing and other communities with customary tenure systems, and decision-making processes within those communities.”

For assessing what the Blue Economy will actually encompass for small-scale fisheries, the SSF Guidelines provide a checklist. Apparently, however, so far, not so good. The geographer Brice Trouilett (2019) examined the content of 43 current marine spatial plans in different countries around the world, and found that fisheries are not represented at all. Their spatial usage does not show up in the maps, and consequently not in the plans themselves. He finds it a paradox that especially small-scale fisheries seem to go unrecognized. Small-scale fisheries are *“more vulnerable in that their capacity to spatially adapt is more limited, or sometimes non-existent, and they equally face more competition for space in coastal sea areas.”* Trouilett’s findings are in line with what other people have documented (for instance Flannery and Ellis 2016; Janssen *et al.* 2018). For small-scale fisheries in the Blue Economy, this does not bode well.

A map may seem like a neutral and technical instrument. What is being mapped, however, is not. Mapping has social and political consequences. Once MSP starts mapping the sea, and then allocates distinct space to different stakeholder groups, it is bound to have

distributional consequences, especially for fishers who are mobile. They move from season to season and from fishing ground to fishing ground depending on where the fish is to be found. In contrast, some users are stationary; like aquaculture, windmill farms, and oilrigs. With mapping and spatial demarcation and allocation, fishers run the risk of being both fenced in and out, and MSP is therefore not necessarily in their interest if it involves that they are no longer free from interference and free to be mobile.

Newspeak

In the ‘newspeak’ of the Blue Economy, and in marine governance more generally, small-scale fishers and coastal communities are ‘stakeholders’ among many. Even the SSF Guidelines talk like that about small-scale fishers to some extent. In a neutral interpretation, stakeholder just refers to an individual, group, or organization that has something to gain or lose, in this case with regard to MSP. Obviously, small-scale fishing people qualify; they have income, livelihoods, food security, communities, and cultural heritage in their balance sheet. In the past, small-scale fisheries may have been the only stakeholder in the coastal zone, or a major one, but this is not so anymore. The coastal zone is now a crowded place of different stakeholders. As newcomers move in, their stakes follow, and they therefore demand a fair share of the space and equal opportunities. The coastal zone therefore becomes a battle-zone where it is important to have representation when decisions are made. *“If you are not at the table, you are on the menu!”* a fisher representative said at a MSP workshop in Vilnius, in 2013, organized by the DG MARE of the EU. In the workshop, “strong support was expressed for MSP as a tool to recognize fishermen user rights”*.

Stakeholders often represent different sectors, like aquaculture, energy, tourism, and the like, with legislation and administrations supporting their particular interests and needs. In the Norwegian case,

the so-called *lex specialis* principle applies, which means that sector legislation has priority over municipal legislation. Thus, if there is conflict between the two, the sector legislation rules over the spatial planning that occurs at the municipal level. A local community or municipality may indeed be an important stakeholder in its territory, but they have limited control over who has access to it. This would also apply to fisheries. When the stakes of the local community are at odds with those of fisheries, like the mobile, large-scale fleet, the community has less legal advantage. The small-scale local fishers may have the support of the community and the municipality, but not the law. Sometimes, however, the community and the municipality may have different opinions on small-scale fisheries matters, as when aquaculture is introduced on traditional fishing grounds.

Stakeholders obviously have more or less at stake in any particular case. From a justice perspective, one would think that this is something MSP should account for. Those with more at stake should have privileges, like first or exclusive rights, because they have more to lose and/or win. This would require legal protection and secure tenure rights, as the SSF Guidelines are advocating.

All stakes are not equally legitimate in the public eye. A mining company that wants to dump solid waste in a Norwegian fjord may have big economic stakes, but from the perspective of the public, their stakes may be less legitimate than those of small-scale fisheries, for whom the fjord is their pantry. From the local fishers' point of view, the issue is clear; they have a prior right. This is actually an ongoing conflict in a fjord in Northern Norway. Thus, again from a justice perspective, one could legitimately argue that the stakes of small-scale fisheries should take center stage, but your view would depend on whose side you are on. From a justice perspective, siding with the weaker party would make sense, especially when the weaker party has the most to lose.

Justice principles

There is often no general agreement on whose stakes are more legitimate and urgent, and should therefore have more weight. How much weight should a small-scale fisher have relative to a recreational fisher or a fish farmer, or in the mentioned Norwegian case, a mining company? This is not mathematics, but an ethical and political issue, where arguments about how to solve conflicts do not necessarily originate from particular interests, but from different justice principles. In such situations, John Rawls (1971) may provide guidance with his idea of a 'veil of ignorance'. Here, people are supposed to deliberate and decide on distributional issues without knowing what they personally have at stake. People would then discuss general principles rather than express individual and opportunistic preferences. However, this is usually not how the world works. MSP stakeholders often have a clear idea of what they have to gain or lose in a particular situation. Since they would have difficulty setting aside their individual interests, the question of whose stakes should count more is contentious. A stakeholder may not even recognize another stakeholder's right to participate in the process. Who gets their rights confirmed in the process depends on their relative power, including discursive power.

Therefore, in reality which stakes come first is often a power issue where good governance principles yield. Those with more at stake are not necessarily those in power, which is the situation small-scale fishing people find themselves in. Therefore, they are often pushed aside. In the aforementioned Norwegian case, small-scale fjord fishers are clearly not in control. The mining company is economically and politically powerful. The municipal government, who is itself a stakeholder, is siding with the company and not the small-scale fisheries, whose industry yields less tax income. Thus, how MSP will perform in such a situation is something to look out for. On whose side is it?

Equality vs. equity

For small-scale fisheries, the concept of ‘stakeholder’ is troublesome. This is expressed in a joint press statement by the World Forum of Fisher Peoples’ (WFFP) and the World Forum of Fish Harvesters and Fish Workers, in opposition to the so-called Coastal Fisheries Initiative sponsored by, among others, the World Bank and the Asian Development Bank. They take issue with the idea that small-scale fishing people are “*reduced to the level of ‘stakeholders’ on par with private sector representatives, academics etc.*” (TNI 2015).

The stakeholder category does not distinguish between the various stakes involved, and therefore who should legitimately have their rights secured and have more power in MSP. It does not distinguish between those who earned their tenure rights through long time presence and continuous use of natural resources in an area on the one hand, and those who just arrived making claims about being a *bona fide* stakeholder with equal rights on the other. Equality and equity are both justice principles, but they are not the same. To correct for positional handicaps, we have affirmative action programs, as with women in universities. Progressive tax-rates equalize the burden relative to income. Tourists do not have the same rights as inhabitants in a country.

If MSP is to follow the SSF Guidelines, small-scale fisheries should have preferential treatment, not just because of their vulnerability, but because in order to be sustainable they also have a need to have their territorial rights restored. This is, for instance, the rights claims of indigenous peoples. Equal treatment would then not suffice. In the case of the mentioned fjord fisheries conflict with the mining corporation, the fishers are indigenous Sami.

To do justice, MSP would need to account for the weight of the different stakes that are involved, and the rights that apply in particular situations, like in the fjord, and from there decide who should have priority. This is not a technical planning issue, yet it is something MSP

cannot ignore. If it does, it may have legal implications. Stakeholders, who experience that their rights are not respected, are not likely to remain passive. In the fjord fisheries/mining dispute, this is certainly not the case. With MSP, this does not necessarily have to happen. Yet, according to Flannery *et al.* (2019), it is increasingly common:

“Marine Spatial Planning (MSP) offers the possibility of democratising management of the seas. MSP is, however, increasingly implemented as a form of post-political planning, dominated by the logic of neoliberalism, and a belief in the capacity of managerial-technological apparatuses to address complex socio-political problems, with little attention paid to issues of power and inequality. There is growing concern that MSP is not facilitating a paradigm shift towards publicly engaged marine management, and that it may simply repackage power dynamics in the rhetoric of participation to legitimise the agendas of dominant actors. This raises questions about the legitimacy and inclusivity of participatory MSP.”

If MSP brings order, reduces conflict, and secures legitimate, urgent, and rightful stakes, it should be welcomed. For ocean grabbing (Barbesgaard 2018) not to occur, MSP must institute power relations that favor small-scale fisheries. They need secure tenure rights and strong representation in planning and decision-making, as the SSF Guidelines hold. They also need better organization and the backing of the law. Whether that is what MSP is actually providing is an empirical question. We therefore need more research like that of Brice Trouilett, which looks out for how small-scale fisheries are faring in the Blue Economy and what difference MSP makes.

Redistribution

The notion that Blue Growth will only produce winners is naïve. The alternative scenario, that Blue Growth will “recast control of and access to blue resources, with major impacts on small-scale users, while large-scale, capital-intensive uses continue,” is more likely (Barbesgaard 2018, p. 145), unless steps are taken to avoid it. That would require a close eye on distributional equity from early on. The idea that first we must create the Blue Growth before we can distribute the values would not work. In the meantime, the small-scale fisheries may be wiped out. What values are we talking about anyway, and whose values count? There are also tipping points and zero-sum economies involved. For small-scale fishers, there is little comfort if others gain more than they lose. They are likely to resist threats to their livelihoods. With the legitimacy and urgency of their stakes, they are likely to obtain public support.

Inequity is a growth obstacle in itself, especially when people revolt, as they increasingly do in the coastal zone. There are limits to how much inequity people will accept, especially when their basic idea of justice is challenged. Tides rise all the boats, but they also fall. The notion that Blue Growth shall provide equal opportunities for all stakeholders, and that MSP is the means of leveling the playing field, is obviously a selling point. It may be attractive to some stakeholder groups but not to others. It all depends from which position they start: whether they anticipate to be a winner or loser. For the latter group, the prospect will be less appealing. Redistribution is also a power issue, and therefore a notoriously difficult concept, as was the case during the Technical Consultation at FAO on the SSF Guidelines. The idea of redistributing fish resources and access opportunities from large-scale to small-scale fisheries was unappealing to many of the delegates.

Thus, when a newcomer claims access to the space that others had previously had for themselves, the situation is bound to burst, as

we have seen in Norwegian fjords when salmon aquaculture moves in. When visiting Chile in March 2019, our King and Queen met fierce protests from local people who opposed Norwegian aquaculture operations there. The history of aquaculture in North America is also one of opposition and conflict (Bailey *et al.* 1996). Recently, Washington State banned Atlantic salmon farms[^]. Shrimp aquaculture has met similar opposition in many countries in the Global South, especially because of the destruction of mangroves, which do not only constitute rich ecosystems and are important for local livelihoods, but also provide protection during tsunamis and climate-related natural hazards.

Within the Blue Economy, small-scale fisheries have legitimate, urgent, and rightful stakes which should not be ignored. Small-scale fisheries may also deserve special treatment, as the SSF Guidelines advocate, because they have become increasingly marginalized in the fisheries development process that has prioritized large-scale fisheries, including by subsidies (Shuhbauer *et al.* 2017). Blue Justice includes ‘restorative justice’: government must make up for previous failings.

Small-scale fisheries have human rights on their side, as their communities, food security, and indigenous cultures are at stake. If we did not think so before, the SSF Guidelines are here to remind us. Yet, in the age of neoliberalism, privatization and other forms of enclosure are believed to be necessary means to achieve Blue Growth. Whether MSP will be foe or friend in the struggle for Blue Justice is an issue of great concern for those who believe in it. Justice is always a right in itself. In the Blue Economy, it is also a means. The consequence of not acknowledging the concerns and stakes of small-scale fisheries is likely to become as predicted by Flannery and Ellis (2016, p. 124): “*If distributional justice is a neglected issue in MSP, and power (in its different guises) is not acknowledged in MSP, we can assume that the process will simply reflect existing power structures.*” When FAO member states endorsed the SSF Guidelines, they expressed other

commitments.

* * *

*https://ec.europa.eu/maritimeaffairs/content/fisheries-and-aquaculture-stakeholders-explore-benefits-maritime-spatial-planning_en

^<https://www.alaskapublic.org/2018/03/27/after-3-decades-washington-state-bans-atlantic-salmon-farms/>

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