

Imagining the Future

The subsidiarity principle is one of the more powerful ideas to have been suggested for restructuring—or re-imagining—the fisheries field

If governance is defined as the capacity 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 mn 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, do 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 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 origins 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

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definition in his paper, "Subsidiarity as a Structural Principle of International Human Rights Law" in *The American Journal of International Law* Vol. 97: "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

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Small-scale fishers ought to be assisted by industrial fishers in negotiating how to share resources and territories. A scene from a fishing harbour in Chile

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

B J McCay and S 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 fishermen 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 decisionmakers 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.

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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. 

For more

icsf.net/icsf2006/uploads/resources/presentations/pdf/english/1118331992550***uni0101.pdf

Small-scale Fisheries Perspective on an Ecosystem-based Approach to Fisheries Management