

Fisheries Governance: the Interplay of Formal and Informal Practices

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Jan van Tatenhove



WAGENINGEN UNIVERSITY
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Outline

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- A Changing Context of Fisheries Policy
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- Examples
 - Community Fisheries Control Agency
 - RAC
 - Co-management systems
- The consequences for Participation, Compliance and Legitimacy
- The Future: from fisheries governance to marine governance?



What is the EU?

- It is not ...
 - International organization; Federal State (The United States of Europe); a collection of member states
- But ...
 - A unique political system
 - In constant flux
 - Driven by intergovernmental history-making decisions
 - Fragmented system with different competences



The interconnectedness of arenas

- Intergovernmental
 - Codified institutions: member states, Council
 - Supranational
 - Codified institutions: EC, EP, Council, ECJ
 - Transnational
 - Formal: committees and European agencies
 - Informal: epistemic communities; best practices and benchmarking
- constant dynamics and plurality



A Changing Context of (Fisheries) Policy

■ Shift in Locus

- New Actors (empowerment of sub-national actors, NGOs, transnational networks)
- New Levels (interconnectedness of levels and arenas: supra-national, national, sub-national, transnational)

■ Shift in Focus

- New Rules (new political spaces and arenas where rules are negotiated)
- New Steering Mechanisms (No clear lines of authority; interplay of formal and informal practices: beyond the state – supranational dichotomy)

- Shifts resulted in new governance arrangements



Fisheries Governance: a preliminary definition

- Sharing of (marine) policy making competences in a system of negotiation between nested governmental institutions at several tiers (international, (supra)national, regional and local) on the one hand and state actors, market parties and civil society organizations on the other in order to govern all activities concerning fisheries and their consequences



Fisheries governance is about ...

- Processes of fisheries policy making (on different levels with multiple actors)
- The actions of politicians (on different levels) and the power relations between political actors
- The institutional setting (or system or rules) in which fisheries politics and policy takes place



Fisheries Governance: some general characteristics

- A specific form of European Governance or MLG
 - Different scales: global, regional, national and local
 - New modes of interaction between state, civil society and market actors at different levels
 - Interdependence between EU and member state institutions
 - Competencies are shared; diversity of policies
 - Emphasizing the dynamic interplay of Front stage and Backstage
 - Focusing on the dynamics of Formal and Informal practices



Informal Practices

“those non-codified settings of day-to-day interaction concerning policy issues, in which the participation of actors, the formation of coalitions, the processes of agenda-setting and (preliminary) decision-making are not structured by pre-given sets of rules or formal institutions” (Van Tatenhove et al, 2006)



Different strategies

- Interplay of formal and informal practices depends on strategic intent actors
 - Strategic motivations: co-operative or conflictual
 - Existing rules or changing the rules

Strategies	Co-operative	Conflictual
Rule-directed	Lubricant	Critical voice
Rule-altering	Experimental garden	Circumvention



Frontstage - Backstage

■ Frontstage politics

- Policy-making in rule-directed arrangements (codified rules)

■ Backstage politics

- Policy making in rule-altering arrangements (roles of actors and the rules of the game are not given beforehand)



The staging of practices

	Formally sanctioned	Not formally sanctioned
Frontstage (rule-directed; pre-given rules)	1. Formal Frontstage	2. Informal Frontstage - <i>Lubricant</i> - <i>Critical voice</i>
Backstage (rule-altering; no pre-given rules)	3. Formally Sanctioned Backstage <i>Experimental garden</i>	4. 'Sub-politics' - <i>Circumvention</i>



Examples of fisheries enforcement arrangements

- Community Fisheries Control Agency
- RACs
- Co-management Systems



The staging of fisheries arrangements

	Formally sanctioned	Not formally sanctioned
Frontstage (rule-directed; pre-given rules)	Control Agency	Co-management
Backstage (rule-altering; no pre-given rules)	RAC Co-management	???



- How does the staging of practices in fisheries management influence the participation of actors, processes of compliance and legitimacy?



Definitions

- **Participation**: the involvement of agents such as fishermen, NGOs and other stakeholders, in politics and the process of governance
- **Compliance**: the degree to which involved agents adhere to the (formal) rules
- **Legitimacy**: the notion or perception that the actions and products of a certain entity are wished for and in accordance with a socially constructed set of norms, values, principles and definitions.



Consequences of a shifting balance between Formal and Informal Practices

- Formal front stage (Community Fisheries Control Agency)
 - Participation of actors clearly defined
 - Role of actors in policy making determined by the pre-given rules (the 'script')
- Informal front stage (Co-management systems)
 - Participation is negotiated between actors
 - Role of actors in policy making determined by the pre-given rules (the 'script')
- Formally sanctioned backstage (RAC, Co-management)
 - Inclusion and exclusion is defined by members of formal practices
 - A script influences the conduct of actors, but allows for changing institutional borders of the front stage



Compliance and Legitimacy

- Input legitimacy (Co-management)
- Output legitimacy (Control Agency, RAC)
- Throughput legitimacy (Co-management, RAC)



Conclusion

- Institutional reform: new arrangements affecting the interplay of formal and informal
- Enforcement has to deal with complexity (changing locus and focus) and the staging of practices
- Staging of Practices: Frontstage and Backstage innovations
- From Fisheries Governance to Marine Governance

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