

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 60 years of scholarship (provided that we consider Raymond Firth's monograph on the Malay fishermen 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 some 20 years ago, is now to 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, another fisheries co-management conference was 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.

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 couple of 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 those people in the management decision-making process whose livelihoods depend on marine resources, and who are affected by management decisions. 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 a recent book, *Governing as Governance*.

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*, "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 was 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 worked 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 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 demonstrated in a recent FAO technical report on freshwater fisheries in southern Africa, the frequent migration of fishermen 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 in the short term. Even so, that should not cause us to sacrifice democracy, since democracy is favourable 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, therefore, 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 practice. A new label may be adopted to justify a traditional pattern as when a missile is named the 'peacemaker'. 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 recent co-management anthology of Wilson and colleagues. Then co-management becomes corrupted easily, and naturally falls victim to 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 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 thus 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 decisionmaking? 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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