

## TBTI Working Group 6: **Governing the Governance**

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### Introduction

Fisheries governance experience is generally one of failure and disappointment. Despite decades of efforts, we are not doing a good job in achievable sustainable fisheries goals. Fisheries resources are in peril, large segments of the industry are in crisis, and people whose livelihoods depend on them are negatively affected. How can this be? Why do these problems persist? Does the effort lack the needed resolve, or could it be that fisheries systems are inherently complex and difficult to govern? Or is it because the governing institutions are simply not up to the task? In other words, assuming that the ambition to govern is there, what inhibits the governing implementation? Is it for instance about how the relationships of power work as a limiting and/or enabling force affecting the governability of SSF? Is the problem a lack of understanding of how fisheries systems work? Do we need more knowledge about what the limits for governance are, and which opportunities exist for advancing desirable goals, such as healthy environments, food security, poverty alleviation and sustainable livelihoods? These, we believe, should be the overarching questions for WG6.

SSF is important for their contribution to society and because of what they mean to the millions of people who actually live this fishery. How SSF perform in these respects is an overarching concern for WG 6. The aim of WG6 research should be to develop some good and reasoned governance principles for SSF, as well as some ideas about their institutional operationalization, emphasising key issues such as social justice, property, social security, empowerment, gender equality, human rights and well-being. As we employ a SSF sector perspective, we should also employ a “people” perspective. We should, in other words, not only emphasize the realities and prospects *of* the SSF sector but also the opportunities for work and wellbeing for people *within* the SSF communities.

### The challenge

The challenge for this WG, as we see it, is to undertake an approach that is analytically coherent and empirically comprehensive. In the first instance, the TBTI proposal embraces the interactive governance approach (IGA) and the governability assessment framework (GAF) as its theoretical foundation. In the latter, the challenge is to undertake a global empirical assessment of SSF in a way that makes comparison across case studies and countries possible. The assumption here is that despite the diversity, complexity and dynamics of SSF globally, general lessons for governance can be drawn. The IAG helps in facilitating an analysis that does not leave substantial gaps in understanding what SSF are, what they contribute to, and where their governability challenges exist. Notably, by following the GAF, contributors of the SSF governance case studies will be able not only to frame their particular research questions in the context of governability but also to see how they fit into the overall governance research agenda. What follows is a summary of what the IAG and GAF are about and how it may serve as a guide to the investigation under this theme.

### IGA essentials

IGA is a theoretical perspective developed by Kooiman et al. (2005) in their book (“Fish for Life: Interactive governance for fisheries”, Amsterdam University Press), and further elaborated in the forthcoming volume Bavinck et al. (“Governability: Theory and Applications in Fisheries and Aquaculture” Springer). In explaining what this perspective is, it is important to first recognize that IGA can mean three things: a) an empirical phenomenon, i.e. something that is happening to a greater or lesser degree in SSF globally; b) a normative theory, i.e. something that should occur as an operationalization of “good governance” as defined by the World Bank and others, in SSF; and c) as an analytical perspective, i.e. as a conceptual framework for empirical research and theorizing. Here, it is the latter aspect of IGA that is explained.

### *Governability*

A key analytical concept in the IGA is *governability*, defined as “the overall quality for governance” (Kooiman 2008). This quality is assumed to be situated partly in the system-to-be governed (SG) (in the SSF chain and in the fisheries community), the governing system (GS) (in the institutions and organizations that have a steering role in SSF) and in the governing interactions (GI) (i.e. how the GS and the SG are linked and communicate). In this conceptualization, what makes a system of SSF more or less governable depends on the inherent traits and constructed capabilities of all three systems. The more proficient the GS, the more amenable the SG, and the more effective the tools by which the GS uses to steer, the higher the overall quality for governance, i.e., high governability.

As a simple illustration, think of a fisher who is trying to catch fish. His ability to bring the catch onboard is partly determined by his strength and skills but also by the amount of fish in the sea and the weather, as well as the gear he uses. In this case, the fisher can be thought of as a GS, the fish is SG, while the gear that the fisher uses to interact with the fish is GI. The more capable the man, hence his power, the better the fishing condition and the more effective the gear, the more successful he is in accomplishing what he sets out to do. In other words, the higher is the overall quality for the fishing governance, i.e., high governability.

### *A note about governance modes*

IGA recognizes the ability and utility of *self-governance*, i.e. that SSF at local level may have the capacity to govern itself, without external interference or support. There is a vast literature documenting how fisheries governance occurs at the level of the household and the community, often but not always informal and spontaneously developed. We need to continue this research effort in order to explore the capacity and conditions for these local institutions to take on governance functions and responsibilities, and what their shortcomings are. There is also literature that describes how governments have become increasingly influential in the life and work of SSF, often to the detriment of self-governance. This is sometimes described as a dis-embedding process or one of the state colonizing the life-world of community. The impact of such intervention on SSF and their (self-) governability is a research issue. Since markets are also self-governing instruments, we need to explore their consequences in the context of SSF, for instance, how certain quota systems may lead to privatization of common property resources. How these market-based instruments affect SSF is a research issue relevant to this WG.

Furthermore, *co-governance* can be seen as a means to draw on the capacities of both the SSF communities and the government, while compensating for the inherent disabilities of both. This adds to the complexity of fisheries governance by increasing the number of possible relationships and interactions, and hence the need for cooperation and coordination. Yet, how

this mechanism works from a governability perspective for SSF is a research question. What are the gains and transaction costs involved, and what are the institutional forms conducive to their governability? The broader the participation, the more cumbersome is the process, and the lower the governability.

Finally, IGA identifies *hierarchical governance* as the third governance mode. This is perhaps the most common form of governance with the introduction of common property resource management, which has brought state government into the arena. Here we will be focusing on actual and potential roles of the state in SSF governance, what their limits are, and under what circumstances government can work in support of SSF. Importantly, when is the use of state power legitimate in fisheries governance and what power relationships is conducive to governability?

Often fisheries governance involves a mixture of elements of the three modes, forming hybrid institutions, sharing various governance functions. Our research therefore examines the relationships and dynamics that occur between different approaches to governance in different contexts. Is the mix of governance modes similar or different in SSF than in other fisheries sectors, why and with what consequences? How do governance principles like subsidiarity and precautionarity help in determining the overall governance arrangement?

### Unpacking GAF

The matrix below (Table 1) provides a number of key research questions that emerge from the IGA. On the row are the three modes of governance outlined above, whereas the column contains the three systems, SG, GS and GI. The important thing to stress is that the conditions for governability would reside within all three systems and in all modes. **Governing the Governance** would imply a focus on the choice of modes, of which governability has to be examined within the context of these three systems. How is the match between the existing situation within SSF and the selected modes of governance in particular contexts? Do the properties of the GS reflect those of the SG? A mismatch would suggest that key issues and conditions in SSF do not receive the attention and care they deserve; thus leading to low governability.

The task for WG6 is to provide general lessons for the choice of modes, including the mixture, given the experiences of SSF around the world and considering that SSF may have many similarities globally but also display features that are unique to time and place. From a governability perspective, the choice of mode should fit the particular characteristics and context of SSF. Specifically, IGA argues that we must take into account the diversity, complexity, dynamics and scale issues associated with each of the systems. Their internal and external linkages are multiple and intricate, thus forming relationships and interdependencies that we must attempt to discern and comprehend. Furthermore, as a sector, SSF display a capacity for change and adaptation that is essential for their continued existence, as well as a certain degree of robustness that makes it possible for them to survive. In order to respond to the dynamics of SSF, the governing system must be flexible, adaptive and innovative. Finally, SSF do not exist in a social, economic or political vacuum. Rather, they form an open system with permeable boundaries affected, for instance, by large-scale industrial fisheries, coastal zone development, climate change, international markets, and external governance. The assumption is that the overall quality for governance, i.e., governability, is a function of all these system properties, as well as the internal and external processes and drivers affecting SSF. On a whole, from the governability perspective, it is essential to understand how SSF

work in the real world in order to make sound judgment as to the merits and capacities of different governing modes and their particular designs.

*Table 1 Overall research questions about governance and governability of SSF*

Mode	(Social) SG	GS	GI
Hierarchical governance	What are the characteristics of SSF that are conducive for government intervention? What are the perceptions underpinning governance, from the perspective of the SSF community?	What resources are available when implementing policies affecting SSF? What are the values, principles and images vis-avis SSF and how they correspond to the SSF characteristics?	What are the various forms, frequencies and instruments used to interact with SSF? What is the legitimacy associated with the normative orders?
Co-governance	What tradition and culture for cooperation and collective action exists? What are the capacities of involved parties, and perceptions of their relationships and interactions?	Are government institutions open to cooperation and sharing of power and responsibility? How has experience informed interactions and relationships?	Has collaboration resulted in trustful interactions, mutual understanding and high compliance? Has there been any co-production of knowledge, informing decision-making?
Self-governance	What are the community's attitudes towards local stewardship? Are communities at odds within and among themselves, and how are these issues handled?	What local governing institutions exist and what roles they play? Are they in harmony or conflict with those of governments?	What is the level of adherence to locally-made rules and regulations? What conditions and drivers encourage compliance and free-riding behaviours?

When looking at *hierarchical governance* from the SG perspective, we position ourselves at the 'receiving' end of governance actions and interventions. In the context of governability, the question is to what extent SSF are amenable, receptive and conducive to this mode of governance. This depends largely on the characteristics of the SSF system, as well as the underpinning perceptions (with respect to values, principles and images) that people within the sector (SG) associate with the GS (e.g., government). With regards to *co-governance*, the issue is to what extent there exist tradition and culture for cooperation and collective action that involves government within the sector. It also relates to how the SSF communities perceive their own capacity for co-governance. As to *self-governance*, we would be interested in local perceptions of rights and rules, as well as the existence of tenure systems, including stewardship practices. Power differentials and how internal conflicts among competing interests are handled in the community would also be a concern in so far as it affects cooperation and collective action; and hence governability.

When looking at *hierarchical governance* from the GS perspective, we would locate ourselves analytically within government agencies and other governing institutions, i.e. at the driving seat of governance. In the context of governability, we would assess (financial, human and legal) resources that the GS has at its disposal in implementing policies that affect SSF, as well as its mandates. We would also investigate the dominant values, principles and images of

GS vis-avis SSF and how they correspond to the characteristics of the SSF sector (SG). Is there a SSF policy to begin with, and how is it related to the overall goals for fisheries governance, including that of large-scale fisheries and other sectors? As for *co-governance*, we would investigate the degree to which governing institutions are open for cooperation and sharing of power and responsibility. Is the existing legal system conducive to such arrangement? What are the experiences, what lessons have been learned, and how have these lessons informed interactions and relationships between GS and SSF in a way that has enhanced governability? With respect to *self-governance*, what governing institutions exist at the level of community? How has the SSF community built its autonomous capacity for governance, such as organizations, rules and enforcement mechanisms, in absence of the government? The governability issue is also related to legal pluralism, i.e., the prevalent local normative orders existing on its own or alongside those of government, often in conflict, but sometimes in harmony. The greater the conflict between legal orders, the lower is the governability.

When looking at *hierarchical governance* from the GI perspective, we would be interested in how the GS interacts, or communicates in a broad sense, with SSF stakeholders (SG), in what forms, through which channels, by which instruments and at which frequency? What is the level of compliance at the local level to the normative orders constituted and enforced by the GS? To what extent are these rules considered to be legitimate, appropriate and socially just among the SSF stakeholders? The better the quality of these interactions, the higher is the governability. For *co-governance*, the issue will be to what extent this governance mode has made a difference in producing collaboration, trustful interactions and mutual understanding between government and SSF communities. Interactive learning and knowledge production will be an issue here. As to the *self-governance* mode, governability is concerned with how local stakeholders respond to and abide with rules and regulations that are constituted at the level of community by institutions of their own making and within which they themselves participate. What conditions are conducive to producing loyalty and trust, and what are the drivers that encourage free-riding and rule-breaking behaviours?

#### Invitation to contribute

This concept note aims to inspire contributions from all TBTI members and associates who would be expected to apply the GAF in their case study research. Our ambition would be to have case studies addressing all the cells in the matrix. For the sake of balance, we hope to cover all five TBTI regions, with at least 2-3 case studies for each. This would add up to a nice volume of coherent global analysis of SSF governability.

If you are interested in contributing a case study, the first step will be to write a 250-word abstract describing the governance problems and/or challenges affecting SSF in a community or region of your choice, and explaining what your particular research question is and how it fits within the GAF matrix (table 1). *The case studies would address and speak to the issues and questions emphasized in one or more cells.* The abstract submission deadline is **February 28, 2013** (sent as an e-mail attachment to [toobigtoignore@mun.ca](mailto:toobigtoignore@mun.ca)). In addition to the quality of the abstract, the completion of the matrix and the regional balance will be the key criteria for case study selection for the volume. While we are not able to provide funding for the actual case study research, WG6 will provide partial support for the main contributors of the selected case studies to attend the meeting to discuss the framework as presented here, and to work on the book outline at the next MARE conference, to be held in Amsterdam at the end of **June 2013**. Note, however, that we welcome your contributions even if you are not able to attend the MARE conference. The complete write-up of the case studies will be expected by

**June 2014** for the final deliverable at the 2<sup>nd</sup> World Small-Scale Fisheries Congress (2WSFC) in Merida, Mexico in **September 2014**. The book will be an edited volume planned to be published within the Mare Series at **Springer in 2015**.