

CHAPTER 2

WHAT ROLE FOR PUBLIC PARTICIPATION IN FISHERIES GOVERNANCE?

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Abstract

Public participation is a key ingredient of good governance, aimed at a) engaging the public, b) resolving conflicts and supporting implementation, and c) improving decision quality. It is useful to consider ways of analysing the effectiveness of public participation by reference to these three aims: the level of public satisfaction through ongoing engagement of sections of the public; the degree to which conflicts are resolved and compliance with decisions is achieved; and the extent to which public views are reflected in the outputs and outcomes of decisions. I examine the 2002 Common Fisheries Policy (CFP) reform process for insights into the European Commission's use of public participation to achieve these aims. I note how the Commission's public participation efforts were reinforced during this process, but I conclude that more innovative efforts could be used in future, particularly to engage new 'publics', and that finding a balance between the three aims within the newly formed Regional Advisory Councils will be particularly important.

2.1 Introduction

During the last two decades, public participation has become very fashionable, and is now routinely promoted by national and local authorities, civil society groups, social scientists and scientific experts alike (Maurer *et al* 2003). Although practice in this area is certainly uneven, public participation is no longer seen as a luxury for the western middle classes but as an essential element of good governance, including the governance of natural resources (Pring 2001).

The public participation agenda has emerged as a result of developments on various fronts, including international civil and political human rights discussions, as well as the sustainable development discourse. The European Union (EU) has engaged – in one way or another – in these discussions and gradually incorporated some provisions in EU primary and secondary legislation, which is applicable to all EU Member States and increasingly also to the EU institutions themselves. In doing so, the EU has also sought to respond to the growing public dissatisfaction with the EU, in an attempt to (re)kindle public support for the European project (Coffey 2001).

Neither the human rights agenda nor the EU's specific interests in participation have focused explicitly on fisheries. They have however contributed – directly or indirectly – to changes in the way Europe's fisheries are being governed. Certainly a combination of these factors, plus the particular difficulties surrounding the legitimacy and effectiveness of European fisheries policies, appear to have helped to force public participation high up the 2002 Common Fisheries Policy (CFP) reform agenda. The result was not only to

open up the 2002 CFP reform process itself; the reforms also opened the way for more substantial and lasting changes to the CFP's governance structure, in support of greater participation.

This paper outlines the concept of and issues surrounding public participation. As will become evident, a comprehensive overview, let alone analysis, of public participation in relation to European fisheries governance is better suited to a book than a single chapter. Therefore, having explored general public participation in decision-making and some of the issues associated with this, the chapter focuses on experience in relation to the European Commission's organisation of the EU Common Fisheries Policy reforms of 2002, with a view to providing an initial assessment of practice.

2.2 Public participation: A vague and multi-faceted concept

2.2.1 DEFINING PUBLIC PARTICIPATION

Despite its apparent ubiquity in public and non-governmental organisation (NGO) documents, 'public participation' is an ill-defined concept, meaning different things to different people. This may be helpful for some but it can also lead to much confusion and frustration, and can even contribute to a loss in confidence in management bodies and processes. Before proceeding with an analysis of public participation in relation to the CFP reform it is, therefore, useful to identify what public participation means, at least in the context of this chapter, and why it is being promoted so widely and vigorously.

2.2.1.1 *Who Is The 'Public'?*

While at first glance a relatively simple term, the word 'public' is often used loosely in the context of public participation and is often interchanged with the terms 'stakeholders', 'users', 'interests' or 'civil society'. While each of these groupings is significant to the discussion on public participation, none of them is synonymous with the 'public'. The 'public' or 'publics' potentially include everyone. Public participation should arguably include more than just organised representative groups and non-governmental organisations but also a mass of other individuals. In practice, the 'public' will normally be limited to some sub-sections of society: for example, those more affected by an issue, those who decision-makers determine to be the public, and/or those who are able to make their voices heard (Lazarow undated). For the sake of this chapter, 'public' is taken to mean all those affected, recognising that this is still a rather 'elastic' definition.

2.2.1.2 *What Does Public Participation Involve?*

Participation can loosely be defined as the process through which the public participates in, influences, and shares control over decision-making, be it priority setting, resource allocation, or access to goods and services (World Bank 1996). Participation can occur during any or all stages and levels of decision-making, including decisions relating to the initial identification of a policy need, to subsequent policy formulation, execution, monitoring, enforcement and review (House of Lords 2000). And, although participation is most frequently associated with the development and implementation of public policies, it is equally and increasingly relevant to private sector activities as well.