

CHAPTER 3

ENGAGING STAKEHOLDER PREFERENCES THROUGH DELIBERATIVE DEMOCRACY IN NORTH SEA FISHERIES GOVERNANCE

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Abstract

The question of how the preferences of a broad range of stakeholders can be effectively brought into the process of fisheries governance is one that has yet to be resolved in the North Sea context. To date, a top-down style of fisheries governance, exemplified by the Common Fisheries Policy (CFP), has failed to meet the expectations of all those involved in North Sea fisheries – from the science community to the fishing industry and from environmentalists to politicians. Part of this failure has been attributed, by stakeholders, to three democratic deficiencies of the CFP – its centralisation, its politicisation and its externalisation – which have collectively caused the exclusion of the majority of stakeholders from the process of fisheries governance. This chapter considers what prospects two models of democracy – representative (currently in operation in North Sea fisheries governance) and deliberative (unexplored in North Sea fisheries governance) – offer for successfully engaging a broad range of stakeholders. I argue that the current governance framework is characterised by both ‘thin’ (electoral) and ‘thick’ (corporatist) types of representative democracy, but that knowledge of stakeholder preferences obtained by a process of deliberative democracy offers a better way of strengthening the legitimacy and effectiveness of North Sea fisheries governance. Research conducted using iterative stakeholder engagement (ISE) – derived from the deliberative model – to develop a framework for ecosystem-based fisheries management in the North Sea is employed to support this claim.

3.1 Introduction

The notion of including stakeholders in fisheries governance is gaining currency in the European Union (EU) (World Commission on Environment and Development 1987; EC 2002a, 2002b). However, there is no commonly agreed understanding of how this might best be achieved. The North Sea – one of the most important of the EU’s regional seas – manifests two types of stakeholder participation in fisheries governance: a ‘thin’ or electoral type of representative democracy (for example, the EU Fisheries Council); and a ‘thick’ or corporatist type of representative democracy (for example, co-management in the Netherlands and Norway). However, the thin type is a very diluted style of stakeholder representation – few UK stakeholders feel that the UK Fisheries Minister is representing them at the EU Fisheries Council. Similarly, the thick type is also a restricted style of stakeholder representation as co-management has historically only included resource users in the governance process, thereby effectively excluding all other stakeholders. Additionally, co-management tends to limit participation to a select few representatives of the fishing industry, leaving many resource users with no voice, particularly if they are not affiliated to the dominant national associations. Thus, while

the thick type of representative democracy has achieved a greater degree of stakeholder participation than has the thin type, it is still an incomplete solution to the problem of increasing the level of stakeholder participation in fisheries governance.

This chapter considers an alternative to the representative democratic model of stakeholder participation in fisheries governance (whether thin or thick). Iterative stakeholder engagement (ISE) is drawn from the deliberative model of democracy and consists of a systematic and sustained dialogue with a broad range of fisheries stakeholders about their preferences regarding the structures, styles, instruments and controls of fisheries governance. This deliberative democratic model of fisheries governance offers a means by which more stakeholders can obtain more effective access to the fisheries governance process. The viability of this alternative model of stakeholder participation in fisheries governance is supported by empirical evidence from a recent European project – European Fisheries Ecosystem Plan (EFEP) – which employed ISE to consult with a wide variety of stakeholders from several countries around the North Sea.

3.2 Fisheries stakeholders in the EU

In many parts of the world, the involvement of stakeholders has come to be seen as a necessary component of marine fisheries governance. The advantages of such involvement are well rehearsed in the literature (Jentoft & McCay 1995; Nielsen 2003; Hatchard *et al* 2004). For example, it is claimed that stakeholder participation in the governance process will improve the perceived legitimacy of the governance system in general, and of specific regulations in particular, in the minds of resource users and the wider stakeholder community, which will in turn increase compliance (Pinkerton 1989; Hatcher 2000). It is also claimed that incorporating stakeholders' views into the decision-making process will take advantage of their wide experience and knowledge, which will produce better policies, not least because stakeholders will be able to shed light on the likely implications and consequences of different management measures for both ecological and societal systems (EFEP 2004; McCay and Finlayson 1995).

However, acceptance of the concept of stakeholder participation, observable in both the developing world and developed countries, has only recently begun to spread in the actual governance of European seas, where fisheries governance has traditionally been characterised by a centralised, politicised and coercive style of management, orchestrated by the Directorate-General for Fish (DG Fish) in Brussels, and legitimised by a thin type of representative democracy in the shape of the Fisheries Council, the members of which are the elected Fisheries ministers of the Member States. Any tendencies towards a thick type of representative democracy have been restricted to the internal fisheries policies of individual Member States within the Union (of which the Netherlands' co-management system is a good example).

However, in the not too distant future, if we are to believe the rhetoric of European fisheries' political masters, it is likely that stakeholder participation will be established as a permanent element of EU fisheries governance, alongside, if not in place of, what has hitherto been a wholly top-down affair. This is a significant change in the governance process, the importance of which for the fishing industry, and for environmental interests, should not be underestimated, although it is yet to be