

PROBLEMS OF USER-GROUP PARTICIPATION IN NORWEGIAN
FISHERIES MANAGEMENT*

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ABSTRACT

The current crisis in the Norwegian fishing industry has triggered a public debate on the efficacy of fisheries management, with a special attention being paid to the role of user-groups in regulatory decision-making. Demands are being made for drastic changes in management structures, and the national Regulatory council has come under heavy fire. Our paper describes the organization of the Norwegian system of fisheries management - with special emphases on the problems of user-group representation. The inherent conflicts of interest within the Regulatory council will be addressed, as well as the role of the Norwegian Fishermen's Association.

1. INTRODUCTION.

Since the collapse of the Atlanto-Scandinavian herring stock in the mid- 1960s, fisheries regulations have been permanently on the public agenda in Norway. This is mainly due to the fact that the Norwegian fisheries management regime was never created as part of a grand design. It has developed in a rather arbitrary manner - with ad-hoc solutions prevailing over long-term strategies. Introduced in the off-shore herring fishery in the early 1970's, regulations have been gradually extended to comprise virtually all fisheries.

To some extent this process of incremental extension has been self-propelled. As restrictions were introduced in one part of the fishery, fishermen moved on to other stocks, which - subsequently - called for further regulatory action (Sag Dahl, 1989). Some measures were triggered by external pressures, e.g. the regulations of the inshore cod fishery from the 1980's and onwards. These came largely as a result of demands from the Soviet-Union with which Norway shares the stock.

In spite of the now virtually all-encompassing regulations, coastal Norway is presently experiencing the most severe crisis in modern times. The Norwegian Arctic cod stock is at a lower level than ever before, and the industry is facing further restrictions and small quotas for the foreseeable future. The overall quota for 1990, which was less than 50% of the average for the 1980's, came as a shock to everyone - the biologists included. There certainly is a big gap between the 1990 quota of 172 000 tons and the MSY estimation of 950 000 tons (Flåten, 1990). The prospects for 1991 are not much better.

In this situation regulatory policy is topping the agenda, and demands for tougher measures and tighter control have become frequent. The management regime, its organizational structure and the role of key actors in the regulatory process, are

currently being questioned. Particular attention has been paid to the participation of "user-groups" in regulatory decision-making, facilitated through the "Regulatory Council", an advisory body to the Ministry of Fisheries. It is argued, for instance, that fishermen's participation in the council is tantamount to allowing the fox into the henhouse, and that it gives affected interests influence over decisions but no responsibility for effects.

Four alternatives to this organizational structure have been proposed: One is that government and biologists should take exclusive control of the management process and introduce some form of "enlightened dictatorship". Another suggests that the influence of fishermen should be balanced by including other groups in the Regulatory Council, thus broadening the scope of representation beyond the interests directly affected. Certain moves in that direction have already been made. A third is the decentralization of regulatory decision-making by substituting the national council with two or more regional institutions (Hersoug & Hoel, 1990). The fourth implies the delegation of regulatory tasks to fishermen's cooperatives, i.e. sales organizations. This is what is usually labelled the co-management approach (Jentoft, 1989) .

There has, however, been no thorough scrutiny of the options available, and the debate on the possible effects of the various alternatives has largely been based on speculations. We contend that any rational change of the organization of fisheries management requires a thorough analysis of the present regime; its principles, problems and possible effects. We need to know more about the background and functioning of existing institutions; why they were designed the way they were and the problems of user-group participation and centralized decision-making.

The questions addressed in this paper are the following: What are the roots of the Norwegian management regime, how is it

organized and how does it work? What are the roles and relative influence of key actors in the formation and implementation of regulatory policy? Of particular interest here is the role and significance of the Regulatory Council - as an arena where interests are articulated, influence exercised and legitimacy created. On a more theoretical level the aim of the paper is to outline some crucial dilemmas and trade-offs in fisheries management regimes.

FISHERIES MANAGEMENT IN PERSPECTIVE.

a) Background.

Government regulation has a long history in Norwegian fisheries as legislation affecting the operation of vessel and gear can be traced back as far as the 17th century. Today one could, roughly, talk about two types - or categories - of regulations: First, "practical" measures in the cod and herring fisheries where the primary objective has been to secure "law and order" on the fishing grounds, to regulate the relationships between different types of gear, and to delineate certain rules as for the execution of fishing operations. These measures were by and large introduced as solutions to problems of crowding - and put limits on the type and amount of gear rather than on the number of participants. Examples include the "Lofoten Act" of 1816 and 1897 and "The Herring Act" of 1851. An interesting point with the former is that it established a regulatory system based on the direct participation of fishermen for its design, implementation and enforcement (Jentoft & Kristoffersen, 1989).

The second type of regulation is what could be named limited entry proper; measures aimed at restricting, not only certain types of gear, but also the number of participants - if certain conditions are met. These measures were either introduced as a form of protection against outside investors,

restricting the use of new technology as well as ownership rights, or to secure a long-term adjustment of harvesting capacity to stock size. The protective measures were by and large a response to vociferous demands from fishermen's organizations for the closing of the industry to "outside" investors (Sagdahl, 1973; Mikalsen, 1977), and includes "The Trawler Act" of 1938, and "The Ownership Act" of 1951. The primary purpose of this legislation was to facilitate the control of investment and ownership of fishing vessels rather than the management of stocks. It did, however, have the side effect of limiting fishing effort.

Measures geared to the management of stocks were initially a response to the depletion of the Atlanto-Scandinavian herring resource. The passing of the so-called "Limited Entry Act" of 1972 gave government the authority to introduce limited entry on a broader scale - with the dual objective of resource conservation and economic efficiency. Together with the revised "Salt Water Fishing Act", it constitutes the legal foundation of various limited entry regulations in Norwegian fisheries, defining objectives, principles of consultation as well as the means and conditions of implementation of particular measures. In the following we shall concentrate on this system - outlining its goals, context and formal organization.

b) Goals.

In Norwegian fisheries limited entry - in the form of licensing and/or quotas - has, since 1972, been introduced in the following fisheries: Trawl fishing, including shrimp-trawling with vessels exceeding 50 GRT or 65 feet, purse seining for herring, mackerel, capelin, sprat and pollock, net fishing for herring and in the inshore cod fisheries (quotas only). As stated in various government publications, the goals of limited entry are fourfold (Mikalsen, 1985) - although they do not necessarily all apply within the framework of

particular measures.

First, limited entry is meant to secure the conservation of the fishery resources. In this respect limited entry should facilitate the control of fishing effort in the interest of stock conservation.

Second, limited entry is about strengthening the economic viability and efficiency of the fleet; raising the incomes of fishermen and the profits of the industry by ensuring a rational use of resources. Limited entry is thus applied to prevent "capital stuffing" (Copes, 1982), continuous increases in costs and dwindling profits.

Third, limited entry has been conceived as a tool for promoting a politically acceptable, or "fair", regional distribution of the fishing fleet. It is, in other words, supposed to serve as an instrument of regional policy.

Fourth, limited entry is also intended to protect bona fide fishermen against profit-seeking "outsiders" as well as those fishing for recreation. In this respect, limited entry is meant to preserve and protect a customary or established right, and to further the professionalization of the industry.

Given these goals, one is tempted to conclude that limited entry, at least in a Norwegian context, is a protective device: It is about protecting the resource from being depleted, fishermen from the future effects of present behaviour - and from competition from external interests. The various regulations, instructions and provisions issued need not concern us here. Of greater interest, apart from the organization and functioning of the system, is the political and administrative context of regulatory policy-making: The political "climate", industrial structure and general administrative framework within which regulatory decisions are made and implemented.

c) Political context and administrative structure.

The introduction of limited entry implies, among other things, a "delegation" to government of decisions that were formerly made through individual choice. Regulations, in other words, means a transition from market processes to political steering and administrative distribution (Mikalsen, 1981); a transition that will affect vested interests and established traditions as well as the relationship between government and industry.

The process of regulatory decision-making must be seen in relation to three characteristics of Norwegian fisheries: First, the existence of sharply conflicting interests and a multitude of organizations. The cleavages are regional, economical and technological - often mutually reinforcing - and pervade public policy-making from inception to implementation (Sagdahl, 1982). If politics is mainly about conflicts, then fisheries are more "political" than most other sectors. Consensus is hard to achieve on most issues, and few policies are conceived as authoritative and final among all groups.

Second, the centralization of political and administrative decision-making. The formation and implementation of public policies is by and large the responsibility of central government - notably the Ministry of Fisheries and the Directorate of Fisheries (Mikalsen, 1982; Hoel et al., 1989)¹. The continuous increase of regulatory measures, of tasks pertaining to allocation, enforcement and control, have clearly been stretching the administrative capacity of central institutions - perhaps to a point where the concept of

¹ The Directorate of Fisheries is essentially a "professional" or "staff" institution, providing expertise and advice to the Minister of Fisheries. It is beyond doubt a highly influential institution in that capacity. It is led by a Director, a position considered one of the most important (and powerful) in the entire industry.

"overloaded government" is a fairly accurate summary of current problems (Eriksen & Mikalsen, 1990).

Third, the important part played by organized interests in public policy-making. Corporatist structures are prevalent as interest groups are either directly represented in government through a formalized structure of councils and committees, or delegated public authority on specified issues (Hallenstvedt, 1982; Smith, 1979). The combination of corporatism and centralization justifies the characterization of policy-making in the fisheries as a form of "centralized consultation".

The relevance of terms such as centralized control, functional representation and internal cleavages - are easily recognized when looking at regulatory decision-making.

Centralized control is secured through formal legislation which places the power to initiate and enforce regulations firmly in the hands of the Ministry of Fisheries. At this level quotas are set, licenses allocated and the timing and scope of other regulatory measures decided.

Functional representation is facilitated through the Regulatory Council, and through the participation of affected groups (i.e. organized interests) in various task forces and committees on fisheries management. This "corporatist" aspect is part of a long standing tradition in Norwegian politics, and it is crucial to an understanding of regulatory politics - in the fisheries as well as in other sectors of the Norwegian economy (Rokkan, 1966).

Internal cleavages can easily be traced in the multitude of contradictory demands concerning the content and timing of regulatory measures, and in the often vociferous opposition against particular measures. Regulatory policy-making means that conflicts must be solved, compromises worked out or "winning coalitions" established. Regulation then, to make a

rather obvious point, is politics, and the conduct of politics requires institutions: resources, rules and procedures. An important aspect of fisheries management is thus organization; the way in which participants are selected, problems defined, solutions presented and decisions taken (March & Olsen, 1976).

d) Formal procedures.

The formal procedures of regulatory decision-making can briefly be summarized as follows:

First, the overall quota is decided on the basis of recommendations from the International Council for the Exploration of the Sea (ICES), or rather from its advisory committee (ACFM) - and after bilateral negotiations between Norway and the Soviet Union, and Norway and the EEC. The strategies for these negotiations are worked out in a special committee - "Sjøgrenseutvalget" - which counts representatives from the Fishermen's Union, the Foreign Office, the Ministry of Defence, the Ministry of Fisheries and the Marine Science Institute.

Second, the Directorate of Fisheries works out a proposal on measures to be taken within the different fisheries. The regulatory actions deemed necessary and their distributional implications are specified in detail. This proposal is then, if time permits, commented on by the relevant organizations of fishermen, processors and plant workers.

Third, and within a few weeks of the proposal being issued, there is a meeting of the Regulatory Council, where the Directorate's proposal is discussed and decided upon. There is a certain pressure to reach consensus, but votes are always cast when there is obvious disagreement. We will return to this part of the process, and the role and working of the council.

Fourth, following the deliberations in the Regulatory Council, the Director of Fisheries - as chairman of the council - informs the Ministry of Fisheries about the councils recommendations.

Fifth, the regulations for the coming year is finally decided by the Ministry - largely on the basis of the advice given by the Regulatory Council. The Ministry is, however, free to introduce other measures than those advocated by the Council.

THE POLITICS OF REGULATION.

a) From procedures to politics.

A brief description of formal procedures, does not, of course, tell the whole story. It gives an impression of order, rationality and discipline which is largely misleading as it conceals the political aspects of the process. Regulation is about the articulation and aggregation of conflicting interests and demands, and the exercise of "cruel" choices. Politics thus enters the process, though the intensity of conflicts and the scope of controversies may vary from one stage to the next.

Deciding the overall quota, for instance, is not just a question of abiding to the scientific advice of ICES. The negotiations between Norway and the Soviet-Union, and with the EEC, are a highly political affair. First, because there are obvious national interests at stake - as illustrated by the annual "tug-of-war" within the joint Norwegian-Soviet fishery commission. Second, because the process is susceptible to "internal" pressures; i.e. from interest groups like the Norwegian Fishermen's Union which is represented in the joint commission. The fact that the overall quota agreed on has often been different from the one recommended by ICES, at least indicates that biology is not the only factor at work

here.²

The proposals of the Directorate set the agenda for the "national" process, and they will invariably be influenced by considerations of the political, social and economic effects of different measures and policies. The work of the Directorate is part of a sounding-out process, and as such susceptible to inputs and reactions from different sections of the industry - especially from the Fishermen's Union which seems to enjoy a rather privileged position, at this stage.

Even though the Regulatory Council is supposed to represent the expertise of fisheries management, it is - by its composition - also a political body. Representatives of the relevant interest groups, be they fishermen or processors, do have a fair amount of professional or technical knowledge, but they also have political points to score. The Council will have to face questions of allocation which do not have a "technical" solution, and its recommendations will not always be unanimous. The Council is, in other words, not just a body founded on expertise but an arena for the articulation and aggregation of political demands.

The final decision by the Ministry of Fisheries may not be based exclusively on the Council's recommendations. Alternatives and adjustments will be considered in view of administrative feasibility, distributional effects and pressures and protests from discontented groups. The policies implemented should then, be understood as a compromise between what can be defended biologically, legitimized politically and

² The following table can illustrate this:

Year	1982	83	84	85	86	87	88
Recomm.TAC	434	380	150	170	446	645	363
Agreed TAC	300	300	220	220	400	560	451
Weight in 1000 t.							

Source: Extract of the Report of The Advisory Committee on Fishery Management, ICES, Copenhagen, 1988.

accepted on social and economic grounds. ³

b) The politics of aggregation.

Another aspect of the politics of fisheries regulation concerns the aggregation and coordination of interests within the industry. A key actor here is the Fishermen's Union, where most of those directly affected by government policy hold membership. Aggregation does, however, pose problems of a genuine political nature due, we contend, to the special characteristics of this organization.

Formed in 1926 as a federation of regional associations, the Union's decision-making structure was based exclusively on territorial representation (by county). Due to increasing diversification and capitalization within the industry, new types of organizations emerged such as the Norwegian Trawler Association, the Boat Owners Association and the Association of Seiners. During the 1960's these were granted "associate membership" in the Fishermen's Union, turning the latter into a federation of territorial and functional groups.

The functional groups mentioned are largely on the capital and off-shore side of the industry - controlling the technologically more advanced part of the fleet and to some extent located to the south-western part of the coast. The implication, which is of considerable interest in our context, is that the Union take on the character of a fragile coalition of conflicting interests; of interests pertaining to region, technology and economics. This fact makes the hammering out of

³ The final decision on the allocation of the capelin quota for 1991 is a good illustration of this: Here, the council recommended a 25/75% distribution between North-Norway and the rest of the coast - in line with proposals from the Fishermen's Union. The Ministry, however, opted for a 30/70 solution after vociferous opposition from the north.

a consistent regulatory policy a difficult, and often time-consuming affair. Whatever stand the Union takes on particular issues are thus either a carefully worked-out compromise or the product of a winning coalition.

The internal process in the Fishermen's Union is dominated by its executive committee. This is where the unions's stand or policies are decided - after consulting the regional associations as well as the functional groups. The latter currently hold five out of 18 representatives in the executive committee, giving the regional associations of (mostly) inshore fishermen a clear majority at this level.

The functional groups however, are able to compensate their apparent minority status on the executive in several ways (Jentoft & Mikalsen, 1987) : First, overlapping membership provides for alternative sources of influence and representation. More than half of the members of the Boat Owners Association for example, also hold membership in the regional organizations of the Fishermen's Union. Furthermore some of them are also affiliated with the Association of Seiners. The implication is that owners of purse-seiners, for instance, have three channels of interest representation within the Union: The Boat Owners Association, the regional associations and the Associations of Seiners. The current organizational structure of the Union may thus lead to the over-representation of functional groups in union decision-making.

Second, the functional associations have retained their autonomy and administrative capacity. Most of them have a well-equipped administration of their own and sufficient resources to engage themselves in a broad set of fishery policy issues. The Trawler Association has, it must be said, a modest administration, but a homogenous and clear-cut membership which may be essential for political efficiency. In comparison with most of the regional associations, the

functional groups score higher on administrative capacity as well as political coherence. This may prove decisive for the exercise of political influence (Jentoft & Mikalsen, 1987:227).

The exact implications of this for the aggregation and articulation of interests are still unclear, but a few qualified guesses seem appropriate:

First, the fact that the Fishermen's Union is a fragile coalition of groups with conflicting interests, clearly complicates the aggregation of demands. The observation that opposition to particular regulations has grown ever more vociferous, especially among inshore fishermen, indicates that union policy tend to tip in favour of certain groups. A significant group of inshore fishermen has lately broken with the Union and formed their own organization. Dissatisfaction with the Union's stand on regulatory issues were given as a major reason for the split.

Second, the fact that the Union's representatives in the Regulatory Council must stick to the decisions of the Union's executive is, in itself, a sign of complex processes and fragile compromises. They are not supposed to engage in a give and take process in the council, and they are, it seems, the only participants with no room for manoeuvre.

c) The politics of consultation: The Regulatory Council.

In the early 1970's two regulatory committees were set up: The Licensing Committee (1972) and the Regulatory Committee (1973). Both counted representatives from the fishing industry, the Marine Science Institute and from government. The idea was basically to provide arenas for the exchange of information and advice, in order to ensure a firmer and more professional basis for management decisions and international

negotiations. Here, the government followed a course of action which was initiated with the setting up of the so-called "Trawler Council" in the early 1950's. This council counted representatives from the industry as well as from government, and it was supposed to be consulted before trawler permits were issued.⁴

These institutions were replaced by a "Regulatory Council" in 1983 - through an amendment of the Salt Water Fishing Act. The mandate of the new council was broader than those of its predecessors as it included the right to be consulted on decisions concerning TAC's, the allocation of quotas among groups and regions and a number of other issues. The Ministry of Fisheries emphasized the increasing complexity of regulations and distributional problems as reasons for this reorganization.

The Regulatory Council has since played a key role in fisheries management - providing a vital link between government and industry. The composition of the council is a matter for the Ministry of Fisheries, and the council currently counts representatives from the following organizations:

- The Norwegian Fishermen's Union (5 representatives)
- The Norwegian Seaman's Union (1 representative)
- The Association of Fish Processors (2 representatives)
- The union of plant workers (1 representative)
- The Directorate of Fisheries (2 representatives)
- The Directorate for The Management of Natural Resources (1 representative (from 1988)).
- The Marine Science Institute (1 representative).

⁴ This type of organs - otherwise known as corporate structures - is a common feature of public policy making in most sectors. They facilitate participation from affected groups and contributes to the legitimacy of public policy.

In addition, several organizations and institutions have status as observers on the council, among these are The Norwegian Environmental Conservation Society (from november, 1990).

Two things are worth noticing here: First, the strong representation from the Fishermen's Union and the fact that the fishing industry commands a majority on the council. In practice, however, the industry does not operate as a coalition - for reasons already given. Second, the recent inclusion of organizations "representing" the environment. This is a more or less direct response to demands from environmental groups, and it could well reflect a growing awareness of the need to broaden the premises of regulatory decisions beyond the interests of those directly affected. In this sense fisheries management is clearly becoming more of a national concern than has hitherto been the case. It is, however, too early to say anything about the impact of broader representation on regulatory policy.

Being recognized as a key actor, the position of the Regulatory Council has become increasingly tenuous as the problems of management have grown. Although the Ministry of Fisheries has taken most of the beating, the council has been criticised for failing to give sound advice. Interest group representation, some argue, is tantamount to letting the fox into the henhouse. The problem is not one of information and knowledge, but lack of restraint on the industry's behalf.

Considering the fact that the council, by government, is defined as a "professional" body and not a political one, this may come as a surprise. A closer look at the composition of the council, however, should suffice to convince any observer that this is not just a body of "neutral" experts, and it was probably never intended to be. The minor representation from science compared to that of affected interests, however, suggests a certain ambiguity as for the role and functioning

of the council.

It is difficult, in most circumstances, to draw a straight line between professional advice and political preference - even more so when the livelihood of those you represent depends directly on the decisions eventually taken. The fact that the representatives of the Fishermen's Union are directly instructed and closely followed by their executive, testifies to this. So does the observation that even professional scientists, when arguing in the council, seek to strike a balance between biological necessity and political feasibility.

To what extent this mix of professional and political considerations poses a problem is not entirely clear. Few of the issues handled by the council are exclusively professional ones. There is indeed a "politics of consultation" in the sense that there are conflicts to be solved and "cruel" choices to be made. The initial aim of creating a genuine professional body may thus seem unrealistic. Besides, it may not even be desirable given the nature of the issues to be handled.

Whatever the council's recommendations, the final decision lays with the Ministry of Fisheries. By and large, the Ministry seem to follow the proposals put forward by the council. It may, of course, in case of disagreement in the council, choose to follow the minority vote, but a compromise is usually found. This suggests that the council may have more influence than its advisory status implies. In that case we are dealing with an institution with considerable power but no formal responsibility for policy. The latter is, of course, carried by the Ministry. This is a situation which may inspire opportunistic behaviour rather than moderation. The representatives of the industry will tend to define their role vis a vis government as adversary rather than partner.

⁵The Ministry, on the other hand, may experience a conflict between its role as "defender" of the stocks and its role as "arbitrator" among conflicting interests. As the second problem will be more immediate and pressing, there is a need for solutions that will satisfy all groups involved. One such is to increase the TAG; a strategy which also helps solve another problem: the need to reduce the amount of transfer payments to the industry. Larger quotas mean higher incomes, which in turn reduce the need for government subsidies. Another reason for increasing the TAC could be the need to keep one's share of the market by preventing a discontinuation of supplies.

There are many examples in the past where the TAC has exceeded the level recommended by the ICES. In some cases, such decisions are taken in collaboration with other countries with which Norway share the stock. The Regulatory Council, to be fair, does not wield any influence here. The Norwegian Arctic cod stock is a case in point.

As for other stocks, like herring, where Norway has full control, TACs have time and again exceeded the recommendations by the ICES. For 1990, for instance, ICES recommended a ban on the herring fishery while the council proposed a quota of 60 000 tons which the Ministry accepted - probably with a view to the need for preserving market shares. The same year the

⁵A member of the Regulatory Council - the representative of the fisheries branch of the Norwegian Food and Allied Workers Union - has made the following observation: "...one of the main causes of the current resource-situation is the lack of responsibility among the actors in the industry; among legislators, bureaucrats and fishermen. The distance between user-groups and policy-makers has been so wide that the individual participants have been able to neglect their responsibility. At the same time user-groups have wielded substantial influence over regulatory decisions. In this way, resource management has become an object of logrolling." (Source: Letter of August 27, 1990 to "Landsdelsutvalget for Nord-Norge og Namdalen").

council also endorsed a saith quota 70 000 tons higher than the one recommended by ICES. The council has, furthermore, not accepted ICES's proposal of expanding mesh sizes from 135 to 155 mm.

We do not, of course, contend that these and other "excesses" are the sole causes of the present crisis. The point is rather that decisions like the ones referred to have tended to undermine the authority of the council - and the legitimacy of regulatory policy. Questions of fisheries management have started to catch the public eye, and the present system is being criticized for giving too much influence to the industry. The management of stocks is increasingly considered to be of interest and importance - not just to those directly affected - but to the public at large. In this perspective, co-management and exclusive participation, is a problem, not a solution. The alternatives currently being debated must be considered with this in mind.

REFORMING FISHERIES MANAGEMENT.

The question of reforming the current regime has drawn increasing attention during the last 2 or 3 years. Suggestions for improving management schemes and institutions have come from various quarters: the industry itself, fisheries biologists, academia, government and from regional political bodies. There are, however, significant differences among these as to the definition of problems and to the scope of reform proposed. We will outline the major dimensions of this debate, and do not claim to cover all views forwarded.

The catalyst for the current debate on reform - apart from the crisis, of course - has been a white paper by a government task force. Diagnosing the problem of the Norwegian fishing industry as one of excess capacity, the paper suggested additional restrictions on participation that could, in fact,

lead to a privatization of the fishery resources - without attending to the constitutional questions and procedures involved (Hersoug & Hoel, 1989).

The task force did not, however, consider the organization of the regulatory regime; the way in which participants are selected, problems defined and decisions taken. Means rather than institutions tend to dominate the discourse, and the task force made no contribution towards broadening the agenda.

In the emerging debate on regulatory reform, two issues are prominent. We will use these as coordinates for our discussion. First, the question of authority: in whose hands should the power to regulate be vested? On this point the views range from those advocating centralized control to those suggesting more delegation and decentralization of regulatory decisions. Second, the question of scope: what is the extent of reform needed? Some contend that minor adjustments will suffice, while others demand fundamental changes of management procedures as well as regulatory instruments.

The need for fundamental changes have been argued by representatives of the "hard" sciences, i.e. biology and economics; the major spokesmen being a chief scientist at the Marine Science Institute and a professor of fisheries economics. The crisis of the industry is largely explained as a consequence of user-group participation in regulatory decision-making. "Politics", according to this view, is the problem and should be driven out of the system. This can be done either by vesting the powers to regulate in the hands of the experts - excluding user-groups from the system - or by letting market forces operate more freely through the introduction of ITQ's and the scrapping of current rules and regulations.

Less malign in its view of man is the case for "co-management" (cf. Jentoft, 1989), In Norway, delegating regulatory powers

to regional committees of user-groups has been proposed by the fisheries branch of the Norwegian Food and Allied Workers Union. The basic problem is seen to be the fishermen's lack of incentives, in a highly centralized regime, to comply with government restrictions. Delegation of regulatory powers, according to this view, would foster a more responsible approach to resource management on the fishermen's behalf. In a system characterised by genuine co-management - or some form of self-regulation within a legally defined framework fishermen would conceive themselves as partners rather than adversaries of government. Cooperation rather than consultation is the catchword here.

There are several options that would satisfy the objective of responsibility through "partnership". One is the delegation of regulatory tasks and powers to the fishermen's sales organizations. This would not require a large scale reform of existing legislation; a few paragraphs would have to be changed or reinterpreted. Besides, this is a well-tried alternative in a few other countries, notably Great-Britain. Another option would be to create new organizations especially designed to handle regulatory issues. Regional councils counting representatives from central and local government, processors and fishermen is a "design" that has been proposed (Hersoug & Hoel, 1989).

The least ambitious, but possibly very consequential, proposals for regulatory reform stem from the white paper of the aforementioned governmental task force. Here, the issue of reform is restricted to an examination of the development, working and possible improvements of the current regime. The question of authority is not raised at all, and the impact of organizational factors on management decisions barely considered. The suggestions made for the extension of licensing to all fisheries and for individual transferable quotas (ITQ's) may, however - if implemented - affect the future rights of large segments of the coastal population. A

market for licenses and quotas would enable fishermen to sell off their rights to fish - with a concentration of licenses and a privatization of the resources as likely outcomes.

It seems, however, that the task force has not been aware of these implications, and this may be the reason why institutional reform to match the market-oriented approach is not taken up. The incremental philosophy of the fisheries administration thus serves to reinforce itself to a point where dramatic, yet very likely, consequences are not perceived and considered.

The last approach to be discussed advises a more or less complete reorganization of the regulatory regime along regional lines. The crucial point here is that the power to set TACs should be separated from the task of allocating individual quotas and licenses. The basic "philosophy" of this position derives from federal political science, which states that the jurisdictional boundaries of a regime should coincide with its issue area, and from constitutional theory which suggests the separation of powers for different types of regulatory functions.

The proposals for decentralization or regionalization of management functions imply that the authority to set overall quotas should reside with central government. The same goes for the authority to allocate "shares" to the relevant regions. The further allocation of individual quotas should, however, be the responsibility of the regional fisheries administration. This, it is argued, would secure that management decisions were related to regional "needs" and objectives and based on information of local conditions. A decentralization, in other words, would make the regulatory regime more sensitive to the great regional diversities that exist - with regard to technology, structure and adaptations.

DILEMMAS OF USER-GROUP PARTICIPATION.

In Norwegian fisheries management decisions are largely taken within the framework of corporate structures, i.e. through some form of formalized cooperation between government and industry. User-group participation is facilitated through the Regulatory Council and a few other advisory bodies, and is founded on a long-standing tradition of functional representation in virtually all sectors of public policy-making. The concept of "corporatism" - as defined and applied in modern political science (Schmitter, 1974) - is an adequate label here.

Corporate arrangements of the kind described in this paper are basically arenas of consultation, and they are often established to "sound out" affected interests before decisions are made. They are, in this sense, instruments of governance and "providers" of legitimacy. That they also facilitate the sharing of responsibility for policy, thus serving as vehicles of cooptation (cfr. Selznick, 1966), goes without saying.

On the other hand, committees, councils and the like, are also channels of interest articulation, and as such a source of political influence for those granted representation. In this sense corporatist arenas have facilitated the effective articulation of (narrow) group interests at the expense of public governance and common concerns. In the Norwegian context then, corporatist institutions may be considered a solution to as well as a cause of problems of governance (Egeberg et al., 1978). The Regulatory Council is probably no exception here.

Partly, the problem is one of participation; of what groups and interests to include - or "sound out" - when decisions are taken. In Norway, as in most liberal democracies, participation in corporatist institutions presupposes organization. Not all affected interests, however, are

organized, or have equal status and access even if they are. The Norwegian Fishermen's Association, for instance, has always had a privileged position vis a vis government compared to other groups within the industry. Other organizations, like the Norwegian Association of Fish Processors, have never had the same political "clout" due - partly - to the fact that they were late in joining the "organizational society". For this, and other associations outside harvesting, representation has certainly been a privilege one has had to fight for - sometimes with scant success.

Another aspect of the problem has to do with representation; with the fact that the members of corporatist bodies are speaking - not for themselves - but for the group they represent. We know that certain representatives in the Regulatory Council meet with a fixed mandate. Their vote is decided beforehand, a fact which obviously reduces the likelihood of rational discourse and the prospects of consensus. In case of disagreement, a vote will be taken and the government will either have to work out a compromise or follow the advice of one faction. There is, however, according to some of our informants, a certain pressure towards consensus - or a tacit understanding that some sort of agreement should be reached. If that is the case, it is likely that the representatives with no room for manoeuvre will define the character of a compromise - and thus wield substantial influence over the content of advice given.

There are, however, limits to compromise if resource conservation and economic efficiency are the main objectives of fisheries management (Chatterton & Chatterton, 1981). At some point "cruel choices" will have to be made, even if they may alienate certain groups to the extent that "exit" from the system becomes a more attractive alternative than "voice" (cfr. Hirschman, 1974).

The support of - and continuous participation from - user-

groups is not only a question of the content of regulatory decisions. Recent events have shown that the scope of representation may be just as important for the legitimacy of the system among user-groups. Making the Norwegian Environmental Conservation Society an observer in the council has, for instance, proved a highly controversial step. On the part of government, this is a response to a growing interest in fisheries management among the general public. It is thus part of an effort to broaden the representativity of the Regulatory Council in order to strengthen the general legitimacy of the management system. Among user-groups, however, it has had the opposite effect. There have been vociferous protests from fishermen and their representatives in the council. The council is becoming an irrelevance and a "joke" according to a prominent spokesman of the Norwegian Fishermen's Association.

This point of view must be understood in relation to the fact that observers have the right to speak (but not to vote) and that they tend to be as active in the council's debates as the ordinary members. From transcripts of the deliberations of the council it appears that summary statements of the chairman often include views from observers as well as members. Observers therefore may wield substantial influence on the decisions, and fishermen may well fear a new adversity in the council.

For the government the benefits of broader representation could prove ambiguous. Increasing the number and type of participants may, of course, give the ministry more room for political manoeuvre as the council would be divided on most " issues. But if this was essential, there would be no need for a council as it would be more rational to consult the different organizations directly. A fragmented council would not, on the other hand, serve as an instrument of cooptation since no user-group would feel responsible for - and committed to - regulatory decisions. One may therefore conclude that as

long as the council is able to produce compromise and consensus - however tenuous - it serves a purpose. Expanding representation to groups outside the industry increases the likelihood of failure in this respect. In that case the council may have lost its "raison d'etre".

Broadening representation beyond the groups directly affected may, however, be an important step towards recognizing the fact that the fish stocks are "the property of the nation", and as such too precious to be left at the discretion of the industry. This view is part of a general argument against the prevailing forms of functional representation in Norwegian politics. Corporatism, it is contended, strengthens the influence of well-organized user-groups at the expense of government control and the national interest. Broader representation, in this view, would provide a council of "countervailing powers" where the economic interests of user-groups would be balanced against common concerns.

Others argue that the Regulatory Council should be replaced by regional ones. Giving proper attendance to the geographical variations in the fisheries and the regional impact of management decisions, presupposes decentralization. Rational management, it is said, is a question of information about regional problems and needs; information that can best be attained by decentralizing regulatory functions. Besides, this would be a democratic reform in the sense that it would bring regulatory institutions closer to those individuals directly affected by management decisions.

Some go even further and argue that the power to regulate should be delegated to the industry through some form of co-management. Fishermen's cooperative sales organizations, which already have the authority to regulate the marketing of fish, could also be given the power to control harvesting. This would, it is argued, foster restraint, responsibility and commitment as fishermen would have none to blame but

themselves if things went wrong. Co-management would also change the system from "exocratic" to "endocratic" rule (Tivey, 1978).

These proposals for reform are all controversial, and each poses problems that must be confronted. Centralization, i.e. the exclusion of user-groups from the regulatory process, will certainly reduce the legitimacy of decisions which, in turn, could weaken the incentives to abide by the rules. Legitimacy, support and compliance is, in other words, not just a question of decisions, but as much one of procedures.

Decentralization, on the other hand, is complicated by the fact that stocks as well as fishermen are highly mobile; they "migrate" from one region to the other. If decentralization implies discrimination along territorial lines, there is bound to be conflict and concern - as demonstrated by the recent quarrels over the allocation of the capelin-quota for 1991. One can, of course, think of solutions to this problem, for instance that regional councils negotiate the allocation of stocks - as done by the regional management councils in the US. The transaction costs, however, may prove prohibitive.

The co-management alternative, while-attractive for several reasons, does exclude the public interest from the regulatory process. This is probably not acceptable in a situation where questions of fishery management seem to attract increasing attention outside the industry. Besides, many would argue that user-groups have too much power and influence as it is.

There are no simple solutions to these problems of fishery management. Schemes that look good in theory seldom work in practice, often for the "simple" reason that they are considered irrational and unfair by those affected. In other words, no regulatory "design" will work properly unless it is accepted as sensible and just by the fishermen.

This is a challenge to any management system, and it raises, we contend, the question of organization. In Norwegian fisheries, the Regulatory Council has been designed to provide legitimacy and commitment. The fact that this institution has now come under attack, from within the industry as well as from groups outside the fishery, points to the need for reorganization and institutional innovation. We know that organizational changes in the fishery have tended to occur in times of crisis, and that the power of established institutions become tenuous in difficult times. It remains, however, to be seen whether this will produce significant, and sensible, changes in our regulatory regime.

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