

# CPR FORUM *Europe Regional Report*

## Predictions about European Commons

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Like everyone else, the perspective that I brought to “Building the European Commons: from Open Fields to Open Source” reflects my own experience in commons research. I work in fisheries management. Fishing in Europe is an “old commons” in the sense of having been created around a traditional common pool natural resource. In contrast to other old commons, though, fishing is a very large commons, in both space and the number of commoners, and many of these commoners are powerful business concerns.

The Common Fisheries Policy (CFP) as it is called is an “exclusive competence” of the European Union (EU) meaning that all decisions are taken at the level of the Union. This is one of the few policy areas where such a significant amount of power has been granted to the EU, making fisheries important in the overall formation of the Union. For example, when France was recently ordered to pay a fine for ignoring a court order to comply with fishing rules, and to continue to pay it until it did comply, it was the first time that the court had ever fined a member state for disobeying a past ruling and imposed a periodic penalty payment.

The CFP is not only politically important within the overall effort to build a new kind of polity in Europe; it is also failing to do a very good job of maintaining sustainable fish stocks. Fisheries scientists tell us that, in 2003, 22% of the fish caught from stocks managed by the CFP were taken from stocks that were smaller than they should have been for sustainable fishing. Neither scientists, fishers, government agencies nor marine conservation groups are happy with the CFP and there are myriad attempts to reform it. These reforms include better policing, better data gathering, a reduction in perverse subsidies to the fishing industry and, finally 30 years after most other fisheries management agencies had moved beyond top-down management, some serious attempts at stakeholder involvement.

With this commons management milieu as background, and having listened for the past three days to my colleagues talking about other form of commons management in Europe, I would like to make the following predictions about European commons:

1. We are going to see more *multiple-stakeholder cooperative management arrangements*. The driving force for these arrangements will be complexity. On complex commons multiple user groups are carrying out multiple interacting uses. Commons management, at least in the environmental field, is also being heavily influenced by demands for ecosystem-based approaches. The trend towards mimicking private property rights, the so called market-based solutions, will continue both because of fierce ideological support and because they do solve a number of practical problems, but this overall complexity will make simple privatization arrangements attractive only in the context of wider participatory structures.

2. We are going to see highly *participatory ways of addressing uncertainty*. Commons management is constantly struggling with limits on knowledge about the true condition of the commons and the real behavior of the commoners. Only cooperation among user groups and other actors concerned with commons management will make effective management institutions possible in the midst of this uncertainty. Stakeholders must learn to share their knowledge in transparent ways if commons management is to succeed.

3. We are going to see *government agencies at multiple levels acting as stakeholders* in commons decision making. The nation-state has traditionally been the important decision making level. But now, while Europe is growing in importance, so also are subnational and even municipal level governments. Crossscale institutional linkages reflect the growing complexity and uncertainty and the ways that different agendas and priorities operate on various scales. Commons are often large scale and even global, while the monitoring of behavior happens at the local level, and the enforcement of rules is often a national responsibility. Related economic development agendas are increasingly the concern of sub-national governments. NGOs concerned with Europe-level policies form temporary alliances with community groups and local governments. Public body stakeholders have a special role in providing legitimacy for decisions, participatory balance in decision making, and knowledge services at many levels in response to various values and agendas. The forms that the design principle of “minimal recognition” can take may need to be rethought as many kinds of recognition emerge.

One of the things that surprised me at this meeting was the degree to which the same issues of complexity, uncertainty and cross-scale linkages are emerging in the in almost all of the “new commons” that my colleagues were describing. Indeed it striking in this meeting how much from a policy perspective the new commons resemble the old ones.

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