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# **All aboard: power, participation and governance in the North Sea regional advisory council**

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**Abstract:** This paper explores and reveals some hitherto concealed powers relations in the European Union's new political-economic governance procedures. It does this through an empirical investigation of the fisheries stakeholder forum, the North Sea Regional Advisory Council. It shows that although governance arrangements are now designed to be more inclusive than they were before the CFP (Common Fisheries Policy reforms), they do still involve exclusions, and uneven power relations that are not always readily apparent. The paper is based on research carried out by the author, comprising a case study of the CFP governance reforms. The research includes analysis of EU policy documents, press reports and websites and over 50 interviews with key players in North Sea fisheries governance.

**Keywords:** governance; power; fisheries; deliberation; discourse.

**Biographical notes:** Liza Griffin is undertaking research at the Open University on environmental governance in the European Union, and is particularly interested in fisheries management. Griffin has also taught geography at Oxford Brookes and the University of Oxford; and has written educational material to accompany the BBC series 'Coast'. Her publications include: 'Sustainable development and community' in *The Encyclopedia of Community*; a report for the International Council for the Exploration of the Sea; 'The price of fish' in *The Green Economist* and various book reviews. Griffin has presented her research at the European Consortium for Political Research, and the Institute of British Geographers. She has helped to organise academic conferences in Berlin and Turin, and has run a workshop for Interdependence Day at the Royal Geographical Society.

## **1 Introduction**

One of the European Union's most recent concerns is that its policymaking should be relevant, transparent and perhaps most importantly, participatory – these are the so-called principles of 'good governance'. It is thought that such laudable principles are being realised through the development of new governance practices involving stakeholders in decision-making in new and ostensibly more effective ways. Simultaneously, policy

statements emanating from the EU have shown increasing concern that economic development should be *sustainable*, not only in its own terms but also ecologically and socially. In pursuit of this aim, stakeholders are increasingly being brought into the European political process – partly in an attempt to deal with the failure of state institutions alone to ameliorate environmental degradation (Bulkeley and Mol, 2003), but also in the belief that full participation and consultation with interest groups will ultimately contribute towards sustainability (see the EU's *White Paper on Governance* (CEC, 2001)).

Good governance principles imply a system that is more inclusive, and where power is equally shared between interest groups, private and public and is relatively free of conflict. But most governance theory does not seem to interrogate the possibilities for *uneven* power relations to persist, in a situation where, amidst the proliferation of stakeholders non-state, private and perhaps even unaccountable interests are involved in making political decisions. Very little academic work has examined critically these new political arrangements formed in the name of 'good governance'. I intend to do this here, with a view to testing some of the assumptions behind the introduction of the concept of better governance, and suggesting some problem areas that might still need to be addressed.

Governance refers to *how* we make decisions and *who* participates in these decisions (WRI, 2003): in other words all the mechanisms used to produce political outcomes, including not just high profile deliberations by governments but all the ways in which decisions are made. Decision-making in the EU now involves a wide range of actors, whose interactions are complex. They now include public interests such as local, regional and national governments, civic organisations, scientists and labour unions, and private interest groups and individual corporations – although the lines between public and private responsibility are blurring (Young, 1994; Paterson, 1999). Good governance also involves new *processes*, between states and non-state actors interacting in (ostensibly) non-hierarchical and thus more networked and pluralist ways (Jachtenfuchs, 1997). One of these processes involves greater deliberation between stakeholders, in which, theoretically, they should reach shared understandings, and ultimately develop genuine consensus. This requires stakeholders debating, 'rationally', from first principles about the nature of the problems and what can be done about them, in an environment (hypothetically) free of conflict. All this should lead to better quality policy (Dryzek, 1997; Hayward, 1995).

'Good governance' is fast becoming a buzz phrase in relation to fisheries resource management. The EU's Common Fisheries Policy (CFP) has been criticised for its cumbersome nature and for not being able to respond quickly enough to sharp reductions in fish stocks or to take sufficient account of fishermen's circumstances (Griffin, 2006). It is thought that by improving governance and enhancing stakeholder involvement, the management regime's lack of responsiveness to economic and ecological crises will be remedied. Fisheries Regional Advisory Councils (RACs) are to be part of this drive. They are intended to involve all interested stakeholders, to be open and accountable to participants and to support other EU policy. While there is no doubt that the RACs

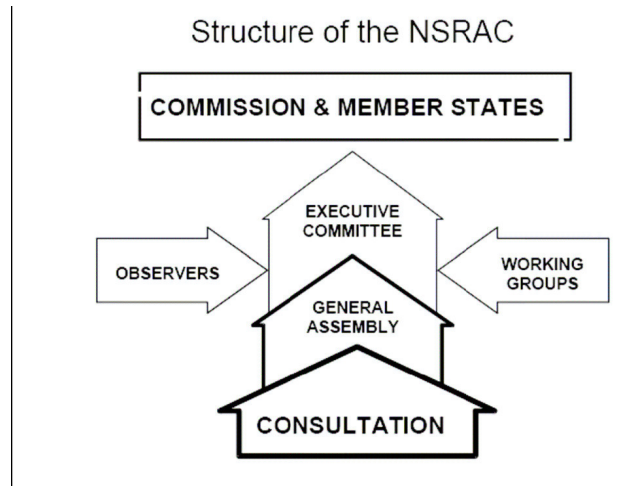
represent a more dialogic style and feature deliberation, they however, are not necessarily free of power relations which can hinder and manipulate policymaking.

These conclusions derive from research that I conducted on North Sea fisheries stakeholders and the North Sea RAC (NSRAC), the most well established of these bodies. The research comprised a detailed case examination of Common Fisheries Policy governance reforms. It included analysis of EU policy documents, press reports and websites and over 50 semi-structured interviews with the key players in North Sea fisheries governance including: ministers, politicians, policymakers, fisheries representatives, NGOs and other pressure groups. In addition, I attended ten NSRAC Executive Committees, General Assemblies, Working Groups and focus groups, between 2004 and 2006. This fieldwork was mainly orientated towards the UK, but also involved several interviews from bodies representing other nations, regions, localities, *etc.* In the discussion that follows, I will first outline the remit and functions of RACs, and then sketch the different stakeholder discourses involved in, and on the margins, of NSRAC. I then explain how the presence of dominant discourses might work to effectively exclude some stakeholders from the RACs by delimiting what is 'sayable', and also how there are others factors which might militate against potential participation in them. I argue that the act of representing constituents also involves some exclusions and that some stakeholders potentially have a privileged access to decision-making. Finally, I make the case that pursuing consensus and compromise may involve acts of domination and a recourse to authority and leave little room for dissent.

## **2 Sea change – the fisheries' regional advisory councils**

The RACs are consultation bodies with a brief to directly advise the Commission, which is the EU's policy forming body, on fisheries. The RACs were brought into being after the 2002 reform of the CFP, in an attempt to improve decision-making (CEC, 2002). NSRAC members meet as a General Assembly once per year, from which an Executive Committee is drawn, meeting at least three times per year, to consider the advice produced by its Working Groups. These last are *ad hoc* bodies, meeting to discuss specific issues, and comprising Executive members and observers (see Figure 1).

**Figure 1** Decision-making structure



*Source: NSRAC (2004)*

It was decided in negotiations at the Council of Ministers that there should be 24 members of the Executive Committee of NSRAC, and that these should comprise the most significant stakeholders concerned with fishing in this maritime region. The Executive Committee's membership is drawn from organisations nominated by the General Assembly (which are in turn, at least initially, nominated by concerned Member States). Of them, two-thirds must come from the fishing industry and one third must represent 'other' interests, like green NGOs and consumer groups. This constitution reflects the Council's decision that national catching organisations (representing fishermen, fleet owners, skippers *etc.*) should be represented on the Executive Committee in approximate proportion to their *economic*, rather than geographical, interests in the North Sea. From the very start then, it seems that economic interests were to be of *fundamental* importance to the RACs.

The RACs are charged with a number of functions. They are expected to provide advice to the Commission, to channel information between local stakeholders and policymakers, to react to proposed policy and to create advice proactively rather than adopting the short-term crisis management approach that has characterised former failed governance regimes. Their members have been asked to work deliberately, and *consensually* and as a result the advice they produce must reflect *compromise*.

There are few examples in the EU of where industry and NGOs work together, and not through the fulcrum of the Commission. The RACs constitute one such example. They represent the only stakeholder forum where diverse interests deliberate together in a *devolved* way, *i.e.*, at a lower scale of governance than that of the EU (Griffin, 2005). This replaces a situation where, before the RACs were formed, the fisheries sector had been characterised by deep and public divisions between fishermen and scientists on the one hand, and environmental groups on the other. Now however, in the environment of the RACs all issues are to be decided through 'consensus' between these participants (NSRAC, 2004), which is a radical departure from the sorts of fisheries politics that characterised previous governance arrangements. Consensus is now heralded as a Holy

Grail in EU decision-making. This is because, according to the EU, decisions arrived at in consensual environments are widely perceived as more legitimate than those arrived at hierarchically.<sup>1</sup> Indeed, consensus was seen as such an important aspect of the new governance arrangements that it was enshrined in the legislation establishing the RACs (Council Decision, Article 7 (COM, 2004)).

### 3 Participation and power in fisheries management

#### 3.1 Power and discourse

Another important ethos behind the RACs is that they should provide fora for improving mutual understanding by giving participants an insight into the *discourses* used by others: *i.e.*, the shared truths and rationalities that stakeholders express and embody. ‘Discourses’ refer to the multiple ways we make meaning, and structure our understanding of the world: they hold our taken-for-granted assumptions and thus contain within them their own ‘regimes of truth’. Such discourses can be distinguished in fisheries by looking at how stakeholders define ‘the problem’ and ‘the solution’ in this sphere of economic activity. Table 1 below outlines some of the key manifestations of the ‘stakeholder discourses’ that I have identified in the fisheries debate. The fact that different groups of stakeholders may have different discourses has profound implications for deliberative politics. If groups come to a discussion forum with quite different truth claims it will take much deliberative work to reach a shared understanding.

**Table 1** Aspects of North Sea fisheries stakeholder discourses

<i>Stakeholder discourse</i>	<i>North Sea groups who represent discourse</i>	<i>General features</i>
Radical Green	Greenpeace* Sea Shepherds*	Nature has intrinsic value. Fishermen are villains and pillage the ocean. Anti big business, but pro artisanal fisheries.
Reformist Green	WWF RSPB Seas At Risk Anglers’ Alliance	Fish is a form of natural ‘capital’ and can be managed. Crisis derives from weak policies and/or implementation failure. Sustainability achieved via regulated market, working together and being rational.
Nationalist	Save Britain’s Fish* Cod Crusaders* Scottish Nationalist Party* Conservative Party*	Anti EU and nationalistic. Fish symbolise nationhood, history and supremacy. Saving Britain’s Fish is also ‘Saving Britain’ (see Figure 2). Fishermen are <i>natural</i> stewards of the ocean.
Community	Cod Crusaders* North Sea Women’s Network	Fish represent livelihoods and place. Emotional attachment to communities, which the CFP is decimating. ‘Families are suffering’.

Industry	National Federation of Fishermen's Organisations (NFFO) Scottish Fishermen's Federation	Attachment to fishing as a way of life. The problem is caused by state institutions not sufficiently taking account of the industry and by pressure from 'eco-fascists' and 'irrational' greens.
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Note: \* Organisations with an asterisk are not members of the RACs.



**Figure 2** Save Britain's Fish is not just saving Britain's fish but saving Britain.

*Source:* Accessed in January 2006 from [www.sovereignty.org.uk](http://www.sovereignty.org.uk)

And until a shared understanding is reached no consensually *agreed* solution – which is after all the remit of RACs – can be reached. But, as Table 1 shows, the fisheries stakeholders involved in or situated on the margins of NSRAC have somewhat diverse discourses. Hence, while stakeholders might be using the same words to debate solutions their *meanings* can be radically different. But, arguably, before true consensus can be reached there must first be agreement on the *language* used (Wittgenstein, 1969).

For example, fish can represent anything from a way of life to a means to capital accumulation, or they may even be symbols of nationhood or supremacy. Hence, while there are 'moments' in RAC meetings where stakeholders appear to develop instances of genuine mutual understanding these only come about after many hours of deliberation from first principles, usually in a focus group setting. A focus group held on long-term sustainability objectives in 2005 did, according to participants from all sides of the debate, yield agreement on the nature of the sustainability problem, however, tensions still remained about the time scale required to solve the problem, with green groups pressing for immediate action and industry representatives favouring a longer-term solution.

I found that in practice, stakeholder discourses are not always treated equally. Some are marginalised while others may be regarded as privileged. For example, the 'industry'

and ‘reformist green’ discourses are favoured and deemed rational while ‘radical green’ and ‘nationalist’ discourses are sometimes considered ‘extreme’ and irrational. One example of how a ‘privileged’ discourse dominates RAC meetings is seen in Jorgen Holmquist’s (Director General, DG Fisheries) demand that RAC participants *must* work within the rules and regulations of the CFP (Holmquist, 2004). So RAC members are *required* to sign up to its principles before they can become members of the Executive Committee or General Assembly. Consequently, views representing radical departures from the CFP cannot be admitted are branded ‘extremist’, and are therefore never brought into debates. Hence, the actors who want to pursue a particular course of action or to be heard, must, in order to gain legitimation, conform with a favoured discourse. As one fisheries representative put it:

“... the people in my industry always say: ‘*Bang the table and tell them [the Commission] you’re not doing it. Bang the table real hard, that’ll scare them and they’ll want to do it*’. You know, you may bang the table once: you certainly won’t be able to do it a second time. So you’ve actually got to engage them at *their* level, use *their* language.” (Emphasis respondent’s own)<sup>2</sup>

Of course, if stakeholders with radically different discourses are not seriously entertained in the deliberative political process, clearly this situation constitutes an exercise of power – where the dominant discourses ultimately restrict what will be listened to seriously and therefore limit what stakeholders can say in practice.

### 3.2 Effective exclusion

There is no doubt that stakeholder involvement in EU fisheries management is fuller and more complex than before the CFP reform. But, as seen above, full or effective participation by all stakeholders can in practice be undermined. For instance, radical groups with a political discourse and activism which are entirely different from those of the mainstream are not even involved in RACs. The fact of their effective exclusion can tell us as much about the governance process as can a consideration of those who are involved, since omitted groups or actors operating ‘outside’ the political process are inevitably constitutive of those ‘inside’. Those organisations which have a stake in North Sea issues but are not present in the political process are groups like the Cod Crusaders, who represent fishing communities, Save Britain’s Fish, who are anti-EU and anti-CFP, and Greenpeace and Sea Shepherds – who both speak primarily for ‘nature’ and are radical conservation activists (see Table 1).

In general, there are several reasons why these stakeholders are missing. They may have been nominally invited to be NSRAC members, but the invitation to join was rejected because these particular stakeholders perceived that:

- RAC membership necessitated accepting principles which compromised their beliefs
- they lacked sufficient resources to participate effectively



- they felt they may only discuss technical and not structural problems
- they did not want to join the ‘game’ of deliberative democracy since joining implied consenting to the possibility of their own defeat.

Thus, Greenpeace considered signing up for RAC membership but declined:

“You are meeting every few months, and putting a lot of energy into reading all the crap you have to read, [...] you know, if you look at it scientifically, you might only be able to change minor details in the proposals. [...] I don’t think it’s good to be in these RACs now, because you put a lot of effort in it, but in the end your voice is not heard. You have to give everyone an equal importance.”<sup>3</sup>

Effective exclusion is seen again in the example of Save Britain’s Fish, who did enquire about RAC membership. But to become members, they would have had to sign up to the principles of the CFP, which they vehemently oppose (see Figure 2). Hence, mere participation in the regime would compromise their basic principles.

This requirement to sign up to encoded laws actually serves not only to exclude but also to obscure the presence of power. Thus, a *putative* ‘equal opportunity’ to join RACs, from which groups appear to exclude themselves, here entrenches the position of hegemonic groups because, it is arguable, the rules of the game are unfair to start with.

According to one interviewee, other effectively excluded groups include coastal fishermen – drawn from *small* fishing communities. It is argued that their voices are stifled on the RACs by *larger*, usually national, fishing organisations. A spokesperson from Seas At Risk, a federation of marine focused environmental NGOs, has maintained that this constitutes domination, by *big*-business over more *local* interests in the fisheries stakeholder landscape.<sup>4</sup> Some individual fishers, too, have complained about overweening influence of larger and multiple vessel owners in the Executive Committees of the fishing industry organisations.

### *3.3 Stakeholder representation, accountability and power*

In EU fisheries it is not the citizens or individual fishermen who participate in consultation fora such as RACs and the Advisory Committee of Fisheries and Aquaculture, but, rather, their *representatives*. This raises further questions about the constituencies of such representatives: who the constituents are, how they become members of their stakeholder groups and how it is that their demands are represented in the political process. And are the stakeholders ‘standing in for’, *i.e.*, representing others, or ‘standing as’, *i.e.*, representing themselves? Do they represent people or economic interests or values? The policy and stakeholder literature is not always clear. All these issues clearly have profound implications for accountability in a governance system striving to be more accountable and legitimate than previous government incarnations.

Representations, whether political or cultural, both reflect *and* constitute reality and so it is never a neutral process and thus always involves power. This fact then should prompt us to consider what, out of the constituents' interests, is being represented – and, crucially, what is left *un*represented, and therefore effectively *powerless*. NGO literature frequently makes claims about representing 'nature', for instance, without articulating what this might and might not involve. And though NGOs have fully paid up supporters they often claim to represent the much wider constituency of unborn generations. Hence, the RSPB's slogan, 'For Birds, for people, for ever' makes it clear that the organisation is not only representing civil society but also an *unborn* civil society, who, evidently, cannot tell the RSPB what they want or require.

Such constituents do not actively apply for membership, they become affiliates by default. This may be a truism of course, but it does indicate how some stakeholder representatives have power over constituencies beyond any remit they are given in formal terms. Interestingly, the Sea Shepherds assert that they represent 'animals', arguing that though protecting creatures would ultimately benefit humanity it is the protection of animals for their own sake that is important to their organisation. And while the representation of animals may well be desirable, they cannot of course communicate a wish to be involved or spoken for in the political process, let alone articulate their demands (though presumably seals would lobby against a proposed seal cull). If such constituents are to be represented, more thought needs to be given to how we might speak for them in a way that does not entirely reflect our own prejudices (Latour *et al.*, 2005). Save Britain's Fish argues that it represents "all those who believe that control of fishing rights should be repatriated to the nation state".<sup>5</sup> Here again, membership of the organisation is not always actively applied for, citizens with a particular, nationalistic, point of view are enrolled by default. Once more, representing such a membership can be problematic. 'Constituents' of the Sea Shepherds and Save Britain's Fish have no automatic entitlement to change policy, or any recourse if they feel the organisation does not sufficiently embody their views.

### *3.4 Representation – in whose interest?*

Perhaps, in order to better understand the power of representatives in governance processes, we should ask, when endeavouring to be inclusive, not only who groups *represent*, but also what their *interests* are. These interests include the *material*: vested interests in policy outcomes may be pecuniary for instance. As if to underline this, the RACs have been created as limited liability *companies* (NSRAC, 2004). This is not just a technical procedure; it seems to instil a corporate sensibility upon the RAC character. For instance, during one meeting an NSRAC senior official, referred to the participants as 'shareholders' and in a communication to the Commission he designated the executive committee as the 'board of directors'. This might be considered to create a bias towards business interests and therefore to define the discourse – what is sayable and not sayable.

In fisheries, since the turn to 'good' governance and active involvement of interested parties rather than just consultation, *private* interests are now more fully involved in *public* politics, and the lines of responsibility between them are more blurred. Private

interests are often charged with functions previously accorded to the state, an involvement thought necessary not only because industry has technical expertise that policymakers can draw on, but also because if private stakeholders ‘buy in’ to regulation, they will probably be more likely to implement it. This is especially important in the fisheries context since it is thought that one of the major obstacles to achieving sustainable fisheries is noncompliance with regulation by fishermen who feel alienated from a decision-making infrastructure which disenfranchises them. Much is made of the benefits of thus involving private interests in public government but less thought is given to the implications for power of such participation. For it might be that the financial interests of fishing organisations run counter to the interests of civil society at large – it might be in the latter’s interests to preserve ecosystems and in a financially powerful industry’s immediate interests to exploit them: “The problem”, says Kirby (2004), “with the EU’s Common Fisheries Policy is not that it’s common – it has to be that – but that the ministers represent the fishermen, not the fish”.

Yet truly democratic deliberative processes are supposed to focus on this *common* good rather than individual self-interest, and importantly they should oblige *vested* interests to robustly *justify* their assertions in the context of publicly held values (Jentoft and Mikalsena, 2001). However, in reality there are deontological difficulties associated particularly with involving commercial private interests in deliberation. For, when their interests are ‘structural’ we might legitimately ask how actors representing them can *possibly* put them to one side. Yet having a ‘moral point of view’ is a prerequisite for deliberative practices according to Audard (2006), and the process must be conducted by ‘individuals’ motivated principally by a ‘sense of justice and conception of the good’ (à la Rawls), and not vested interests. Though fishing industry actors may strive to ‘overcome self-interest’, they have also to go back to their constituencies and report to their members, demonstrating how they represented their interests fully in deliberation. Their position clearly contrasts with that of green NGOs who, “don’t have anything to loose, they don’t have a real stake in the ground like we do”.<sup>6</sup>

Surprisingly, given that the Commission makes much of civil society’s participation in policy formation, there is no representation of civil society on NSRAC, excepting for a place reserved for a consumer group. This perhaps suggests that in the fisheries case, the EU conceives of ‘civil society’ as largely a collective of consumers. Clearly, however, NGOs like Greenpeace and the Royal Society for the Protection of Birds (RSPB) are not consumer groups, though they do claim to represent wider society. In fact NGOs are often proclaimed as the *real* voice of civil society, but it is very often unclear whose precise interests they do represent. For example, while WWF does espouse a desire to create a ‘harmonious’ relationship between people and nature, its Executive is certainly not open to the scrutiny or participation of civil society: policy directions are determined by a non-elected executive behind closed doors.<sup>7</sup> In fishing industry circles environmental NGOs are widely conceived of as a powerful lobby and frequent complaints are made in the fishing press about the perceived ‘undue’ influence of the greens<sup>8</sup> over fishing policy. It is argued that many groups like Greenpeace and WWF have a disproportionate influence over the Commission, who then gives ‘undue’ consideration to environmental matters (*pers comm.* fishing industry representative). Given that the RSPB, an NSRAC

Executive member, has over one million members in the UK it is not difficult to see why the industry feel unease about its influence in Brussels. Such concerns have been raised in other policy sectors too, with the Countryside Alliance, for instance, alleging that “if RSPB were officially a business rather than a charity then it would be one of the great corporate successes... with an income twice that of a small island nation and more members than any British political party” (Baynes, 2006, p.1). RSPB contrasts with fishing organisations, who have only a few thousand members, but the latter argue that as resource *users* they ought to have a greater claim to political influence.

Green NGOs do of course have considerable power, either in the threat to mobilise public opinion through apparently representing it (Jentoft and Mikalsena, 2001), or to realise latent consumer power, which could undermine industry profitability. However, for Castree the popularity of environmental NGOs does not necessarily translate into power to influence policy decisions (Castree, 2006). And some argue that in truth they have played only a modest role in shaping the conservation agenda in fisheries (Todd and Ritchie, 2000).

#### **4 Stakeholder conflict and power**

Much of the work on present governance arrangements in Europe represents them as fairly harmonious, where power is relatively evenly distributed. However, in fisheries governance the stakeholders have been notoriously divided on this question. Environmentalists have often argued that the fishing industry held far too much sway with the ministers while industry groups have complained that greens had disproportionate power with the Commission. These stakeholder perceptions might suggest a situation ripe for conflict, and indeed some theorists of power insist that it is primarily conflictual (*e.g.*, Dahl, 1969; Bachrach and Baratz, 1970; Lukes, 1974) because uneven power relations inevitably produce conflict.

Other theorists, however, maintain that power is primarily consensual *i.e.*, subjugated groups frequently acquiesce in their own subjugation (Arendt, 1970; Parsons, 1963). Yet others acknowledge the scope for conflict in consensual arrangements and vice versa (Foucault, 1980; Clegg, 1989). In other words, uneven power relations can still be at work in what appear to be harmonious and conciliatory situations, and this ‘harmonious conflict’ appears in evidence in fisheries governance.

##### *4.1 Harmonious conflict*

RACs should produce opinions on Commission fishery policy proposals. Under the previous, pre-RACs, system of consultation, different stakeholder groups were able to give their own opinions direct to the Commission. For instance, WWF might produce an opinion, and *Europêche*, which represents Europe’s fishing industry, might do the same, and any differences between them would have to be resolved at European level. However, now, under the RACs, stakeholder groups produce *one* collective opinion. This means that differences must be ironed out before the opinion document is made available to DG Fisheries. Although minority opinions can be recorded, in practice this has been

discouraged for fear of presenting a disunited and therefore, weakened front to the Commission. This, it is believed, could undermine any influence the RACs hope to have. According to the Commission, legislating for consensus has been a successful procedure so far, and the deeply ingrained differences between, say environmentalists and the industry, have been ‘overcome’ to produce views that ostensibly take into account all sides of the argument. It is certainly the case in many NSRAC meetings that open confrontation is largely absent or infrequent.

But while good natured working relationships between participants makes harmony easier to achieve, it unusual for conflict to be avoided at all times, even if it is apparently ‘harmonious conflict’, because all political interactions include antagonisms at one time or another (Laclau and Mouffe, 1985). And although, broadly speaking, the interest groups forming NSRAC are the same as those who participated in policymaking before the RACs, they interact in ways which are new and ostensibly more democratic, yet still may include some of the old antagonisms and power struggles. For example, according to a senior member of the Scottish White Fish Producers Association, some (unspecified) countries are already trying to *abuse* the operations of the RACs for their own national interests (Fishupdate, 2005). It seems that this fear has been realised in a number of early RAC meetings where some national representatives have subverted collaboration by stressing their own narrow agendas.

Additionally, latent conflict in a ‘harmonious’ environment is suggested by the behaviour of some RAC delegates, when they seek collaborative solutions in the meeting room but behave discordantly outside of it. This situation might be one that produces a *consensus in a vacuum*, where actors agree to one set of principles inside the meeting room but then go back to their constituencies and say quite different, sometimes contradictory, things. For instance, the industry has accused green representatives of ‘doubling crossing’ them, when the latter sought collaboration with the former within the milieu of NSRAC to solve sustainability problems, whilst simultaneously campaigning on a basis which (the industry thought) would undermine the economic viability of fishing vessels (Fishing News, 2006). Again, one NSRAC executive acquiesced with the Commission’s cod recovery measures in a meeting in 2005, saying that “what we are trying to do is allow our guys to live and allow cod to live as well” (Fishupdate, 2006). However, less than two months later, at the politically difficult time of the fish quota negotiations, the same figure, this time representing a fishing association in the UK, said “the catching sector had to be released from the ‘strait jacket’ of cod recovery” (Fishupdate B, 2006).

Furthermore, interviews conducted for this research suggest that there is a feeling amongst some groups that while NSRAC’s consultation documents may appear to be conciliatory, in reality divisions still remain. Some of these may be differences that cannot be mediated or overcome through deliberation alone. For example, some NGOs argue that in the climate of compromise environmental objectives are really being overshadowed by economic ones, because RACs are effectively ‘industry led’.<sup>9</sup> The fishing industry has argued that when consultation was mainly focussed in Brussels that *environmental* goals took ‘undue precedence’. However, the industry is confident that

this perceived imbalance will be redressed and that an economic agenda will again prevail.<sup>10</sup>

#### *4.2 Agreeing to disagree – consensus, compromise and power*

Compromise is coupled with consensus in decision-making because a consensus is a position reached by a group *as a whole*. It thus might often require a settlement of differences in which different sides make concessions. Compromises are, of course, necessary features of liberal democracy (Bellamy, 1999). They notionally require that all sides can take something away from the process, presupposing a rough equality of power.

However, the notion and practice of compromise obscures the fact that uneven power relations can be at work. For example forcing a compromise can, of itself, be an act of domination, and the discourse of compromise can be used by elites to exclude others or render particular positions *unreasonable*. Compromises might, in fact, favour those interests who shout loudest, or who are part of a dominant discourse. To put it another way, there might be no genuine compromise, because one set of values is more dominant, or more powerful and those who represent the dominant values can better mobilise this bias in order to gain influence. In the context of the EU, economic-liberalisation is the dominant discourse: radical policies that threaten it, involving greater environmental regulations, are very often sidelined (Griffin, 2004; for further examples and discussion see Pepper (1999) and Swyngedouw (2005)).

But the notion of compromise includes the concept of ‘balance’. For reformist environmentalists ‘balance’ usually implies that change can only occur to ‘acceptable levels’. The ubiquity of such expressions in EU political discourse tends to conceal the fact that they are *relative* terms. They are meaningful only in terms of the *position* within the discursive spectrum from which the debate is couched. For instance, the ‘acceptable’ level of dolphin deaths from the bass fishery for fishermen of the ‘industry’ discourse is radically different from that which is ‘acceptable’ to ocean campaigners of the ‘radical green’ discourse. This is because the environmental groups’ discourse is premised on the intrinsic value of nature and the wellbeing of human kind more generally, while fishers argue from a more instrumental discourse (see Table 1 above). Often, then, the compromises that are made mask very different underlying principles emanating from divergent discourses.

Yet an interview with a senior commission official suggests that it is possible to reach a pluralistic ‘balance’ between these very different positions:

Interviewer: Are there differing ideas about sustainability?

Kirkegard: There are, clearly. For example, certain interests would say “OK, my present need is to continue to fish without having dolphins getting in the way”. “[Others would say]... my need is not to fish, it is to have the pleasure of looking at dolphins” [chuckle]. And what we [the

Commission] have to do is effectively find some kind of balance or compromise between all interests.<sup>11</sup>

A political decision of this nature, requiring a ‘balanced’ arbitration between incommensurable goals like ‘protecting dolphins for their intrinsic worth’ and ‘fleet viability for the next financial year’, is ultimately a power-laden exercise. It involves an appeal to superior authority or reason where those with power determine what is rational and reasonable (Flyvbjerg, 1998). For the fishing industry before the recent governance changes, what was considered reasonable was strictly determined by an ‘all-powerful’ Commission who effectively acted as the final arbiter between different world views. However, now in the milieu of fisheries governance reform such arbitration between values is also performed within the RACs. While this might be a desirable state of affairs in respect of producing a more applicable policy which has stakeholder ‘buy in’, this arbitration is not free of uneven power relations.

A further problem is that seeking consensus through deliberation in ideal conditions should engender a rationality that will not only foster justice but will also produce the best solution to problems. However, this search for a ‘definitive rationality’ through consensus means that there is little room left for a sense of injustice, for resistance and for criticism of what is deemed as rationally acceptable. As Iris Young suggests, deliberative processes need not conclude with consensus at all, participants should have room to dissent (Young, 2000). But being forced to agree a common line, as the RACs routinely are, means that dissenting positions are ruled out at an early stage, and they do not usually come to the notice of the Commission as would have been the case before the governance reforms.

However, conflict within the context of participatory situations might not necessarily thwart the process of reaching decisions that are satisfactory to all parties involved in the struggle. Dialogue does not *have to* produce consensus to be useful for governance purposes. Perhaps what is more important is that the minorities should *feel* that their views are as important as those of the majority group (Gemmill and Bamidele-Izu, 2002). For political theorist Mouffe (1999), rational consensus cannot be reached without some degree of exclusion. She argues that a democratic society should make room for dissent and conflicting views or discourse:

“The prime task of democratic politics is not to eliminate passions nor to relegate them to the private sphere in order to render rational consensus possible, but to mobilise those passions towards the promotion of democratic designs. Far from jeopardizing democracy, agonistic confrontation is in fact its very condition of existence.” (Mouffe, 1999, p.756)

## **5 Conclusion**

I have suggested that new governance arrangements designed to foster greater inclusiveness can empower some actors while disempowering others. Needless to say,

participatory practices will always involve exclusions, and be distorted by power, but this fact is not manifest in the good governance rhetoric which often obscures the limits to inclusion or the presence of domination. In fact, governance innovations like the RACs mean that new actors rise to prominence; some actors' positions are consolidated; while others' are excluded or their positions diminished (Swyngedouw, 2005). It is clear that in this new governance forum, NSRAC, designed to embody a more pluralist and deliberative style of policymaking, certain stakeholder groups do appear to have more influence than others, not only because they may have greater resources at their disposal but also because the decision-making system is weighted towards them (Blowers, 1984) by: 1) giving them disproportionate representation or 2) favouring their discourses. This 'excess' power may have come, as demonstrated here, through dominating the discourse of rationality (Flyvbjerg, 1998), or through better 'colonising' decision-making institutions (Owens, 2000), or the reasons could be to do with structural domination where the government institutions work predominantly for the interests of capital (Benton, 1997).

However, as I have shown here, power in governance arrangements is not usually naked: it may be implicated in seemingly innocuous and conciliatory terms like 'consensus' and 'compromise' that can be deployed in such ways as to intensify inequities and further legitimise already-favoured actors or views. It may be that pluralist democracy needs to make more room for dissent and for the institutions through which it can be manifested.

Governance theory then should not simply be concerned with how powers are divided between institutions, and apportioned to different authority levels. It should also enquire about the discourses, strategies and behaviour that affect the way in which powers are exercised – the *realpolitik* of governance. Excavating power is not just a theoretical diversion intended to remedy deficient governance theory, the presence of (uneven) power relations does have implications for accountability and effective policy-making. While the lines between private and public responsibility are indeed blurred as governance theorists tell us, it is clear that this may not be a desirable state of affairs and might work to marginalise or silence legitimate interests. While some of the consequences of governance reform may be desirable, contributing to better policy and law, there may be consequences that are unwelcome.

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## Notes

- 1 Mireille Thom (spokesperson for Commissioner Borg, European Commission – Fisheries Directorate-General), in an interview with the author, 2004.

- 2 Mike Park (Chairman of the Scottish White Fish Producers Association Limited, Vice President of Scottish Fishermen's Federation), in an interview with the author, 2004.
- 3 Arjen Boon (Marine adviser/activist. Greenpeace), in an interview with the author, 2005.
- 4 Carol Phua (Fisheries Policy/Sustainable Seafood. Seas At Risk/North Sea Foundation/De Noordzee milieuorganisatie), in an interview with the author, 2004.
- 5 Roddy McColl (Chairman Save Britain's Fish/Fisherman's Association Limited), in an interview with the author, 2005.
- 6 Michael Andersen (Danish Fishermen's Association), in an interview with the author, 2004.
- 7 Industry leaders claim that this closed door policy contrasts with that of the UK fishermen's industry federations, who have an ostensibly democratic internal structure with regular executive meetings where federation policy can be scrutinised and altered by potentially all members. However, it is worth noting that by no means all of the UK's fishermen are members of the two main industry federations. Significant numbers of fishermen have opted out of membership or have joined other 'dissident' organisations like Fishermen's Association Ltd. (affiliated with Save Britain's Fish) usually because they feel that the mainstream industry groups do not represent their views on the Common Fisheries Policy.
- 8 The term 'Greens' is used here (and in general EU fisheries discourse) to refer to environmental NGOs with a specific environmental remit.
- 9 Charlotte Mogenson (Fisheries Policy Officer. WWF), in an interview with the author, 2005.
- 10 Francisca Martinez Toledo (Assistant-Project Manager. Europêche/Cogeca), in an interview with the author, 2004.
- 11 Eskild Kirkegard (Chairman of ACFM – Advisory Committee on Fishery Management/ Commission EU Scientist), in an interview with the author, 2004.