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FROM TRANSPARENCY TO PARTICIPATION:
An elusive relationship?

Key messages:

1. International support for improving transparency in fisheries is often based on the idea that it can strengthen participation in fisheries in management. However, this link tends to be vague, with both transparency and participation often being ill-defined.
2. Participation in fisheries is complex, and there is confusion surrounding to how this is done, on what aspects, by whom, and why. Unsurprisingly, being such a multi-faceted concept, participation in fisheries is often considered disappointing to some people. It can be dismissed as superficial, disorganised, and unable to challenge the status quo.
3. The relationship between transparency reforms and effective participatory processes should be improved so that public access to information leads to positive outcomes. Recent developments in forms of deliberative democracy should be explored in fisheries and marine governance.

Edition #9

Fisheries Transparency Initiative

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Introduction

The growing interest in government transparency for fisheries is based on the expectation that it will have a beneficial impact on the quality of fisheries management. One of the most frequently promoted ideas is that greater transparency will increase accountability, which is closely aligned with the idea that transparency can be used in the fight against corruption or illegal fishing. However, it is also assumed that transparency can improve participation, or the ability of people to get involved and influence the management of fisheries. This outcome of transparency is crucial given that public participation has been identified as one of the most important features for achieving sustainable and equitable fisheries management.

Intuitively, government transparency is a requirement for effective participation. It is hard to imagine strong levels of public engagement in fisheries could be achieved if authorities withhold information on how fisheries are managed or if they publish unreliable or inaccessible information. However, there are many reasons why transparency is unlikely to stimulate participation by itself. Governments might consider making information publicly available, but remain resistant to any form of non-state engagement in decision-making processes. Alternatively, much information may be produced through transparency initiatives, but this could still fail to inspire public interest and debate.

Considering this disconnect between transparency and participation is not simply a theoretical exercise; there appears to be growing evidence that it is occurring in many countries around the world. Although more and more countries are improving on open government metrics – such as having online portals of government information and access to information laws – levels of democracy and civic engagement seem to be getting worse.[1] This finding has worried those in the Open Government Partnership (OGP). Implemented in 75 countries, the OGP aims to promote government transparency and civic engagement, but research on the progress of the OGP suggests many implementing countries are backsliding on their commitments to participation.[2]

In this context, the following tBrief considers what participation in fisheries management means, why it is important, and why it is also the source of controversy. This is a crucial starting point to consider how transparency initiatives might be more effective. If transparency can be used to support improved participation, then what type of participation should we be aiming for?

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1 A large amount of literature describes both the decline in democracy around the world, as well as the decreasing levels of civic engagement in government. See for example, V-DEM (2023) 'Democracy report 2023', and also OECD (2020) 'Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave', OECD Publishing, Paris.

2 Open Government Partnership (2019) 'Open Government Partnership global report: executive summary'.

1. Distinguishing approaches to participation

International statements on the need for participation in fisheries are important, but tend to be vague. They often advocate participatory approaches, without clarifying what this means in practice. For example, the Code of Conduct for Responsible Fisheries by the UN Food and Agriculture Organization states in Article 6.13 that *"States, in accordance with appropriate procedures, should facilitate consultation and the effective participation of industry, fishworkers, environmental and other interested organizations in decision – making with respect to the development of laws and policies related to fisheries management, development, international lending and aid."* But no further practical guidance is offered on how this should be accomplished.

There are, however, various mechanisms in which public participation in fisheries is approached, covering a broad spectrum – from merely supplying information to the public, to more elaborate forms of stakeholder consultations and joint decision-making. Consider the following examples, which are found in many parts of the world:

1. **Fisheries co-management bodies:** These are organisations established by public authorities where decisions on fisheries management are shared between representatives of fishing communities and representatives of the national or regional government. Fisheries co-management organisations have been established in many places around the world, often to address the governance of small-scale coastal fisheries. Community co-management covers a broad spectrum of experiences, and specific cases differ in terms of the degree of power-sharing between user groups and the government, and in the range of management functions allowed to be taken by these groups. In some instances, this may include revenue management and the administration of fines. Co-management bodies are often associated with highly localised fisheries management, but they can also exist at a regionalised level. For example, there have been eight regional fisheries management councils established in the US since 1976, and each is assigned several management functions. By law, voting members of each council must include representatives from the commercial and recreational fishing industry, as well as a non-government fisheries management expert and, where applicable, a representative from Native American fishing communities.

2. **Advisory bodies:** These are established by public authorities to provide opinions and advice to decision-makers. Although there are several examples of ad hoc advisory panels, there are also instances of more permanent bodies as well. A 2020 report on fisheries management among member states of the Organisation for Economic Cooperation and Development (OECD) found that multi-stakeholder advisory groups existed in 24 countries.[3] The European Union's Advisory Committees are a good illustration of this type of participation. Following the recommendation by an EU Green Paper in 2002 – which had shown that a cause of fisheries management failure in Europe was a lack of participation in the EU's Common Fisheries Policy (CFP) – the EU established Advisory Committees to develop and implement the EU's CFP. The resulting groups (now referred to as advisory councils) include a majority of members from the fishing industry, but with up to one-third from 'other interest groups' such as environmental NGOs, scientists, or representatives from recreational fishers.[4]

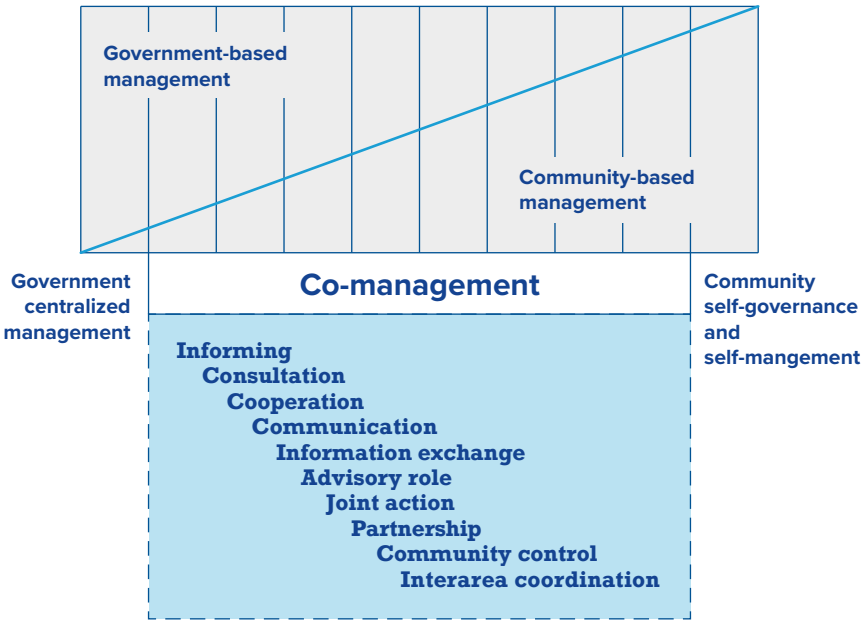
3. **Inclusion of non-state representatives on national government fisheries management bodies:** Several countries have appointed non-government representatives to official public management committees, whereas in other countries these are restricted to only public servants or politicians. In Ghana for instance, the National Fisheries Commission, which was established by law in 2002, is mandated to have a governing board that includes one representative each from the industrial and artisanal fisheries sectors, and a further non-government fisheries expert. Other countries, such as Senegal, have civil society representation on the committee that approves license applications for industrial fishing vessels. However, it is not always clear what powers are granted to non-government representatives in these instances, such as their voting rights.

4. **Public hearings:** These are events governments call to solicit public views on a specific proposal, for example, in approving an environmental impact assessment. Public hearings can be mandated in countries for the authorisation of commercial activity at sea, such as the granting of exploration and drilling rights for offshore oil and gas – including where this impacts fisheries. Although public consultations are common in fisheries, there are examples where more formalised approaches have been developed, like using online platforms to reach a larger audience. Again, in the US, federal regulations mandate public authorities to publish the text of proposed laws and regulations online via notices for public comment. NOAA Fisheries also publishes applications for scientific and exploratory fishing licenses on its website for public comment, and it is obliged to document these comments and their responses to them. In Europe, the European Commission has also launched a series of online public consultations on specific policies through the *'Have Your Say' portal*. These are based on notices issued on proposed legislation and questionnaires sent out for public comment. In 2021, the EC issued the *first public consultation on the EU's Common Fisheries Policy*.

3 OECD (2020) 'Review of fisheries 2020'.

4 Examples include the Aquaculture Advisory Council, the Long Distance Fleet Advisory Council, and the Mediterranean Advisory Council. See here.

Numerous categorisations or typologies have been advanced to make sense of different forms of participation. Typically, these distinguish forms of participation according to the degree of power shared by the state. At one extreme is a situation of autocracy, whereby states rule without participation, and at the other, states delegate power entirely. An example of this spectrum of participation is presented by researchers studying forms of co-management in fisheries:



Source: Pomeroy and Berkes (1997)[5]

As indicated here, moving away from purely autocratic or centralised governance to forms of self-governance involves several intermediary points, beginning with simply informing people about decisions and moving towards forms of collaboration and partnerships. This is a view of participation that also corresponds to what is often referred to as 'top-down' management, as opposed to 'bottom-up'.

5 Pomeroy, R. and Berkes, F. (1997) 'Two to tango: The role of government in fisheries co-management', Marine Policy, Volume 21, Issue 5.

Civic governance beyond the state

There is a tendency to depict forms of participatory governance in fisheries as the progress made by centralised authorities and powerful actors – such as donors, international NGOs or financial institutions – to be more inclusive of so-called stakeholders. However, this overlooks systems of direct governance by those engaged in fisheries that, in many places, predates the involvement of state or external authorities. Forms of non-state governance are encapsulated in various terms, such as customary rights or the commons. A defining characteristic is that members of the commons devise their own rules for limiting fishing and benefit sharing, usually within a particular area. Such systems of governance emerged long before centralised state management of fisheries. Similarly, along-side spatial commons, fishing and the trade in fish has been regulated for centuries through guilds; by the 12th century, guilds were the dominant system of social organisation in Europe, with many continuing for hundreds of years.[6]

As many observers have documented, guilds and commons-based arrangements for natural resource management have been concerned with efforts to ensure resource use is sustainable and equitable, while also dealing with conflict among their members. Elinor Ostrom's study of common-pool resource management documented many examples, and led to her Nobel prize. However, as Ostrom and others have described, consolidating state control over fisheries has been a contentious process, and has often resulted in the reduction of people's rights and access to resources. This process of centralisation of fisheries management by government authorities has been observed as an outcome of fisheries modernisation and commercialisation.[7]

Understanding commons-based systems of fisheries management is relevant not only because they continue to exist, but because they are often overlooked when new forms of community participation are created. There is a valid argument that, in many places, forms of participatory governance instigated by state and foreign organisations have represented the acquisition of power from local institutions, rather than an extension of it. In Japan, the development of fisheries cooperatives have been documented from at least the pre-feudal era, but were gradually subsumed under state control since the 18th century. The state then incorporated these cooperatives more forcefully in the second half of the 20th century, using legislation to erode the rights of self-determination and conflict management. Some accounts suggest that throughout this process, fisheries cooperatives in Japan responded by formerly engaging with state authorities, while ensuring aspects of their fisheries governance remained as far from state authorities as possible.[8]

6 For a discussion on the history of fisheries guilds in Spain, see Franquesa, R. (2004) 'Fisheries guilds in Spain (confredas): Economic role and structural change', IIFET Japan Proceedings.

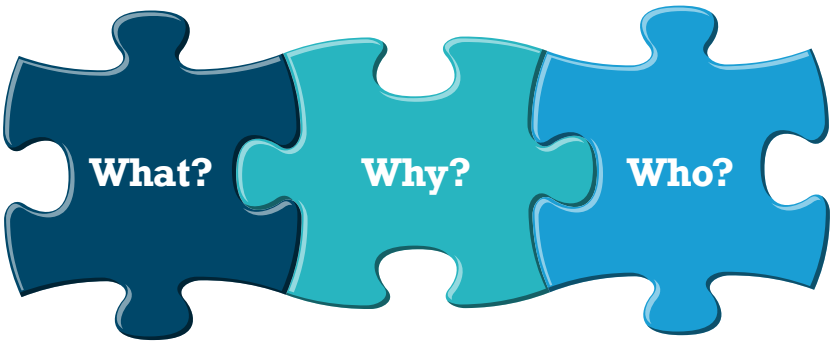
7 Kurien, J. (2003) 'The blessing of the commons: Small-scale fisheries, community property rights and coastal natural assets', Centre for Development Studies, Trivendrum Working Papers 349.

8 Ruddle, K. (1987) 'Administration and conflict management in Japanese coastal fisheries', FAO Fisheries Technical Paper 273.

2. Unbundling participation in fisheries: On what, why and by whom?

The concept of participation, therefore, covers a wide spectrum of participatory processes, which highlights the limits of thinking about it in very general terms. What constitutes participation in one context may simply be a workshop where people are invited to discuss government policies, whereas in another context, participation is based on formalised systems of power-sharing, where non-state actors have legally recognised responsibilities. The spectrum of participation, therefore, covers scenarios where governments largely control fisheries management but with public input to situations where fisheries management is largely handed over to non-government bodies, which may be characterised as privatised or devolved fisheries management.

However, the subject of participation instigated by public authorities can be expanded further by asking what it is about fisheries management that ought to be participatory and who should be engaged as a result. Is it simply everything and everyone, or are there limits to both? And what exactly do we hope the outcome of participation will be? Each of these questions needs to be carefully considered to avoid the generalisation of participatory processes.



The WHAT?

Many aspects of fisheries management could be expected to follow participatory approaches. The following four categories represent a simple way to think about this:

- **The development of laws and policies that affect fisheries management:** This includes fisheries management plans, fisheries access agreements, as well as policies or regulations on things such as labour rights, illegal fishing and the regulation of by-catch. It should be appreciated that there is an expanding realm of participation in decision-making processes for fisheries, evident in marine spatial planning and national plans to develop the 'blue economy'.
- **Fisheries management service delivery and enforcement:** This includes non-government representatives having a direct say in the allocation of licenses, as well as partnerships between communities and public authorities on monitoring vessel activities to support law enforcement. Within some fisheries, decisions on the allocation of rights or quotas to access to fish resources can be delegated to non-state actors such as fisher user groups.
- **The production and interpretation of information used for fisheries management decisions:** This includes participatory approaches to the production of data for stock assessments, including those that integrate fisher's knowledge.[9]
- **Review of the implementation and outcomes of laws and policies:** This includes assessments of the performance of fisheries management plans, foreign fishing access agreements or the implementation of donor-funded projects.

The notion that fisheries should be participatory, therefore, opens up a number of different ways people can be brought into fisheries management. It may be argued that participation ought to happen across all these dimensions. However, demands on groups such as NGOs and representative organisations of fishers could then be extensive, and potentially onerous. Non-governmental organisations may not have the resources to do all this. This is particularly important in small states, where the number of people engaging in fisheries management processes may be limited.

There are also clearly valid questions about the limits of participation: is non-government participation necessary for every decision that public authorities make, or are there some aspects where fisheries managers ought to be trusted to get on with their responsibilities? A controversial example is the negotiation of access agreements between governments and foreign industrial fishing representatives. Should these negotiations be opened for public participation, or left to elected public officials to conclude behind closed doors?

9 Stead, S., Daw, T. and Gray, T. (2006) 'Uses of Fishers' Knowledge in Fisheries Management', Anthropology in Action, 13(3).

Why?

The WHY?

Participatory processes in fisheries are justified for numerous reasons. Again, we can simplify the subject by highlighting some of the main claims or ambitions about it.

- **Participation can increase the legitimacy of government decisions.** This would suggest participation is particularly important when government policy is controversial and may be subject to public criticism or conflicts. Examples include decisions to impose temporary fishing bans, creating marine protected areas, or allowing for offshore oil and gas exploration and mining. This benefit of participation is vital given that trust in fisheries – between fishers, authorities, scientists, and environmentalists – is widely recognised as problematic.[10]
- **Participation can improve the quality of fisheries management.** This would suggest participation is particularly important when governments are dealing with complex challenges where both the problem and the outcomes of policy decisions are difficult to comprehend. Participation may also allow people to share information from differing perspectives, i.e. the knowledge held by fishers compared to scientists.
- **Participation can create a sense of 'ownership' of fisheries policies and decisions.** This, in turn, could improve compliance among fishers, as well as enhance demands for government accountability.
- **Participation can increase the efficiency of fisheries management.** This may be achieved where government tasks are outsourced to non-government stakeholders and is, therefore, particularly important when governments struggle to deliver management services. Regular participation may also allow fisheries management to be more responsive to changes, what is sometimes referred to as 'adaptive management'.
- **Participation can advance the interests of otherwise marginalised or vulnerable groups.** This benefit of participation is widely referred to when advancing participatory processes for small-scale fisheries or women in the fisheries sector.

Considering the above, it is evident that the justifications for participation are both ambitious and variable. This likely influences the mechanisms by which participation is approached. If governments want to legitimise their decisions or actions, the requirements of participation might look different when compared to other efforts that aim to achieve efficiency gains by delegating certain responsibilities.

10 Several studies have described that fishers tend not to trust government officials, while marine scientists do not trust fishers. See for example, Eggert, H. et al, 'Do you trust me? Go Fish, a study on trust and fisheries management', Working papers in economics No 675, Gothenburg University.

> *"An inclusive process, which incorporates data and views from the full range of impacted stakeholders both within and outside government, is essential to ensure policies and policy changes are accepted and upheld by fisheries actors."*
>
> Organisation for Economic Co-operation and Development (OECD), OECD Review of Fisheries 2020, Chapter 5 'Governing fisheries'

The WHO?

If fisheries management is to be participatory, then who gets to participate? There appear to be various thought processes on how best to decide this, and not all are necessarily compatible:

- **Participation should be given to those most affected by fisheries policies and service delivery.** This means that people engaged in fishing and fish work are the primary target for participatory approaches, including historically marginalised and vulnerable groups such as small-scale fishers, indigenous communities, women, and young people. Sometimes, those most affected by decisions are known as the main 'stakeholders'.
- **Participation should be given to those with expert knowledge and competencies.** This is consistent with the idea that participation aims to improve the quality and legitimacy of decision-making. This might not favour fishers but rather academics and experienced consultants with knowledge of fisheries governance.
- **Participation should be open to all.** This is consistent with the ideal that fish are a public resource, and therefore fisheries does not belong to any specific interest group. Public participation should aspire to be as democratic and open as possible.

In summary, statements such as 'fisheries should be participatory' are unsatisfactory when left at a general level. Asking how this should be done, on what, by whom and for what purposes creates an enormous number of options. It is unlikely people will agree on what the optimum approaches are. One person's view that participation should be aimed at building trust among fisheries stakeholders may be dismissed by another view that participation should be about improving the quality of decision-making to reflect public opinions. Some may argue that participation should be focussed on those most affected by government policies, i.e. fishers themselves, while others might argue that leaving the fishers to decide how fisheries are managed is inviting problems, including conflict of interests.

3. The failures of participation

Since participation became a universal goal attached to development and the ideal of good governance, a corresponding wave of literature has argued that forms of participatory governance often fail to live up to expectations, with some even leading to negative outcomes or growing frustrations among non-governmental actors.

When participation is tokenistic

One of the main negative observations about participation is that it can be superficial. For example, different stakeholders are invited to consultative meetings but are then carefully managed to ensure predetermined outcomes are guaranteed. This gives the impression that participants have been invited to discuss matters but with no possibility of influencing either the agenda or the outcomes. Participation is then seen by non-state actors as a 'tick-box' exercise.

This tokenistic nature of participation is revealed in the experiences of some advisory bodies and public consultations. For example, while the European Commission (EC) has been congratulated for its use of online public consultations, a report issued by the European Court of Auditors noted that there can be a lack of feedback provided by the EC on how public opinions are dealt with. In some cases, it is not entirely clear whether public opinions have changed the minds of those who make decisions.[11]

11 European Court of Auditors (2019) 'Have your say!: Commission's public consultations engage citizens, but fall short of outreach activities'.

Another illustrative example comes from Argentina. In 2021, the Ministry of Environment and Sustainable Development held a public hearing regarding the authorisation of offshore oil and gas mining in an area of the Northern Argentinian Basin with extensive fishing activity. This followed the publication of an environmental and social impact assessment by a mining company applying for a license. The hearing lasted for three days and was attended by 533 people, including representatives of fisher groups. Time was allowed for presentations by the hydrocarbon company, and then presentations and comments from the public. A survey, taken by researchers after the hearing found that 96% of those involved were against the authorising of exploration and mining rights and had concerns about the environmental impacts, the contribution to the climate crisis, and the restriction of fishing activities. However, the government concluded that having heard both sides, they were satisfied the mining should proceed, subject to some additional monitoring of environmental impacts. Public protests occurred as a result but with no impact on reversing the government's decision.[12]

When participation is disorganised

Even where authorities have a genuine interest in listening to the ideas and concerns of stakeholders on how marine fisheries should be managed, participation can be badly managed, which causes another set of problems. One aspect to this is that information is not provided with sufficient preparation time prior to meetings, meetings are rushed, or participants are provided biased or misleading information on which to make decisions. This is evident, for example, in some assessments of marine spatial planning, where fisher representatives are brought into consultative meetings, but with limited resources to fully contribute.[13] Their access to resources and ability to influence decisions may contrast to others, such as those representing offshore oil and gas.

The problem of rushed or poorly resourced meetings needs to be put in a wider context where officials are afforded some sympathy. Effectively organising stakeholder involvement in fisheries requires not only a clear commitment from governments but also considerable time, expertise, and resources. Those expected to provide carefully planned and well-managed meetings might not be trained to do so, and they can easily be overwhelmed with balancing multiple other priorities.

12 Verón, E.M., Socrate, J. and García, M.C. (2022) 'Participatory process for marine spatial planning: perception of Mar del Plata's residents on offshore hydrocarbon exploration in the North Argentina Basin (Argentina)', Journal of Coastal Conservation 26, 51.

13 Pomeroy, R. and Douvere, F. (2008) 'The engagement of stakeholders in the marine spatial planning process', Marine Policy, 32(5).

When participation is engineered

There are also a range of issues that arise from how architects of participatory processes control who is involved. As noted already, this may reflect different opinions on why participatory processes are needed. Critics of the EU's advisory councils raise concerns over the 60% rule for representation by the fishing industry.[14] This ensures that the industry has more influence than others, such as environmental NGOs, scientists, or recreational fishers. Equally, there is concern that representatives from industrial fisheries are emphasised over small-scale fishers.[15]

Those in charge of organising participatory approaches may cherry-pick attendees, making sure that troublemakers or those with 'radical' views are left out. The power to choose who attends and who does not can easily be used to ensure participatory processes lead to desired outcomes, thereby avoiding criticisms or alternative views.

Similarly, there is a longstanding tension caused by inviting NGOs to participatory processes on the basis that they represent the interests of communities, such as coastal fishers. While many NGOs work closely with these constituents, some professionalised NGOs have tenuous links to the communities they claim to represent and may want to advance their own agendas. Thus, if participation is intended to empower otherwise marginalised groups, decisions on who gets to attend might do the opposite: reinforcing hierarchies and power imbalances rather than challenging them.[16]

Many of these critical observations have been applied to community co-management bodies. A substantial body of literature points out that community co-management structures are vulnerable to elite capture.[17] The meetings of these organisations can become exclusionary and lacking in democratic accountability. This is problematic where such bodies decide on restrictions to fishing and costs of user fees. Thus, what was envisaged as a mechanism for empowering local communities becomes another locus for public demands on accountability and transparency. In the case of regional management councils in the US, federal regulations go to great lengths to ensure meetings are public and that decisions are highly transparent. Yet still, there are those who claim some of these councils are excessively influenced by industry lobbying and that conflicts of interest are not dealt with.[18]

14 Linke, S., Dreyer, M. and Sellke, P. (2011) 'The Regional Advisory Councils: What is Their Potential to Incorporate Stakeholder Knowledge into Fisheries Governance?' Ambio, 40(2), 133–143.

15 Griffin, L. (2010) 'The Limits to Good Governance and the State of Exception: A Case Study of North Sea Fisheries', Geoforum Volume 41, Issue 2:282-292.

16 Gaventa, J. and Barrett, G. (2012) 'Mapping the Outcomes of Citizen Engagement', World Development Volume 40, Issue 12: 2399–410.

17 Puley, M. and Charles, A. (2022) 'Dissecting co-management: Fisher participation across management components and implications for governance', Fish and Fisheries, 23, 719–732.

18 Eagle, N. (2021) 'How politics and lobbying have shaped federal fisheries policies in the pacific', Honolulu Civic Beat.

It takes two to tango…

While much of the critical observations on participatory mechanisms point to shortcomings by those in authority, there are also several challenges caused by participants as well. This includes the problem of participants being ill-prepared and disinterested, which may feed into apathy or frustration among government officials. Another example is where meetings about long-term policy discussions are hijacked by immediate stakeholder concerns, or where stakeholders attend meetings primarily to engage informally with public officials.

In other words, the success of participatory processes is shared. In their assessment of the challenges facing co-management of fisheries, Pomery and Berkes highlighted that failures are often attributed to government representatives, but this can overlook the responsibilities of fishers themselves:

> *"It is often pointed out that government resource managers are reluctant to share authority. However, it would be a mistake to interpret this solely as a self-serving motive to hang on to political power. Many managers have well-considered reasons to be sceptical about local-level management. To convince managers that local-level management is possible, part of the responsibilities falls on the resource users themselves. The ability for self-management in turn, partially depends on the ability of the local community to control the resource in question."* [19]

There can be multiple reasons why people invited to take part in participatory meetings may not contribute particularly well. An overlooked problem lies with the potential corrupting influence of monetary incentives to attend meetings, such as the ubiquitous abuse of per diems. Compensation for attending meetings can be vital for some, particularly for fishers that might have to forgo a day's income to participate. Yet it is well established that the per diem culture and the perks of travel has had perverse outcomes, including acting as a disincentive by participants to speak critically of the organisers.[20]

Additionally, there can be a failure of participants to consider different perspectives or those that run counter to personal interests. Again, in the case of the EU's advisory committees for fisheries, members are supposed to reach a consensus, but several have struggled to do this on a regular basis, suggesting the dominant voices are incapable of compromise.[21]

Finally, although governments may cherry-pick participants or favour NGOs despite their tenuous links to communities, these problems may be exacerbated where genuine representative bodies are absent or poorly organised. For government officials, the absence of well-organised civil society organisations makes the task of ensuring inclusive processes extremely difficult, opening them to unfair criticisms of exclusion or bias in meetings.

19 Pomeroy, R. and Berkes, F. (1997) 'Two to tango: The role of government in fisheries co-management', Marine Policy, Volume 21, Issue 5.

20 Samb, O.M., Essombe, C. and Ridde, V. (2020) 'Meeting the challenges posed by per diem in development projects in southern countries: a scoping review', Globalization and Health 16, 48.

21 Linke, S. and Jentoft, S. (2016) 'Ideals, realities and paradoxes of stakeholder participation in EU fisheries governance', Environmental Sociology, Vol. 2/2, pp. 144-154.

4. Participation in fisheries: Is it worth the effort?

There is a widespread view that participation is important and that without it, fisheries management will be worse off. However, clearly, the link between participation and success is complex partly because there such a wide range of expectations about it. To what extent participation works or not is, therefore, extremely hard to understand and measure. The success of participatory processes designed to build trust among otherwise conflicting groups differs from the success of a participatory process designed to empower marginalised people. Some forms of participation may be viewed as a failure among specific groups, where it is seen as a success among others. These outcomes might be immediately noticeable, or they may take a long time to materialise.

Given how difficult it is to conceptualise and measure the outcome of participation, it is unsurprising that we lack empirical evidence of what works and why. A possible exception comes from a global study of fisheries management by a group of marine scientists from the US, published in 2009.[22] Through questionnaires sent to independent fisheries experts in every coastal and small island state in the world, they isolated the defining characteristics of countries that were maintaining fishing at sustainable levels. They found **policy-making transparency** the most important feature, characterised by the sharing of scientific information with key stakeholders and a participatory approach to agreeing on catch limits. A lack of participation was therefore associated with fisheries failures, and their results suggested that this is occurring in many countries.

22 Mora, C., Myers, R.A., Coll M., Libralato S., Pitcher T.J., Sumaila R.U. *et al.* (2009) 'Management Effectiveness of the World's Marine Fisheries', PLoS Biology 7(6): e1000131

> *"Of all management attributes analyzed (i.e., scientific robustness, policymaking transparency, implementation capability, fishing capacity, subsidies, and access to foreign fishing) plus taking into account country wealth, we found that variations in policymaking transparency led to the largest difference in fisheries sustainability."*

This is an encouraging finding for those who believe participation is a vital component of good fisheries management. However, the study left many issues unresolved. Was there an agreement among people from different countries and cultures on what participation meant? Was the study comparing similar or different types of participation? How did participation lead to improvements in sustainable fishing? And while participatory processes might cause sustainable fishing, that is not the only metric to measure success in fisheries governance. What about national food security, poverty reduction and the well-being of otherwise marginalised groups?

In comparison to this positive global study, a more cautious view is provided by the OECD in their analysis of advisory groups in fisheries management.[23] Although the existence of such groups was considered positive, the OECD describe that in many places, advisory groups exclude certain stakeholders and are captured by fishing industry interests. What looks like participatory governance on the surface may not hold up to closer scrutiny, at least by other definitions of how participatory governance should work.

23 OECD (2020) 'Review of fisheries 2020'.

5. A growing momentum for forms of participatory democracy

The various failures and pitfalls of participation are now well understood in academic literature, and by many organisations working on international development and open government. This has led to a flood of recommendations, or best practice guidelines and 'toolkits', on how to do things better. Still, some argue that manufacturing participation is a hopeless exercise. In 1995, Jules Pretty wrote an influential essay on the failures of participatory approaches and argued that the most enduring and effective forms of participation happened through 'self-mobilisation'.[24] This referred to efforts by governments and people that were spontaneous and largely independent of external organisations or NGOs. His view represents a warning to well-minded organisations that try to engineer participatory processes in a society where they do not exist.

However, a contrasting view is that participation is something that requires careful planning, ongoing education, and practice. Over the past decade or so, this perspective has gained momentum, being closely associated with the concept of *deliberative democracy*. This is not a new idea, but an effort to re-energise forms of civic engagement that have been dominant in previous epochs, with classic Athenian democracy often cited as providing the basic model many emulate.

While institutions of deliberative democracy cover a range of different types[25], the general approach is showcased well through the concept of *civic assemblies*, where participants are selected to represent a cross-section of society, usually tasked with debating a particular question with input from opposing experts, and sometimes with the help of an independent research team. Often, civic assemblies are conducted over a long period of time, and participants are compensated for this in a similar way to how jury duty works in many countries. Positive experiences of such assemblies have meant they are increasingly advocated by international organisations. The Organisation for Economic Cooperation and Development (OECD), for example, has launched a series of reports urging forms of deliberative democracy to be used more often and showcasing positive outcomes and trends.[26] They have compiled a database of over 600 examples of deliberative processes set up worldwide, with most of these occurring in the past five years.

Still, there remain few examples of civic assemblies or their variants for fisheries or ocean governance. One exception was a civic conference on the future of fisheries held in Denmark in 1996, where a public panel and a panel of fishers provided their views separately on the challenges and policy options for developing sustainable fishing.[27] However, there appears to be considerable scope for their use in fisheries and the blue economy, and this might represent an innovative addition or replacement to existing forms of participation.

24 Pretty, J. (1995) 'Participatory learning for sustainable agriculture', World Development, 23 (8).

25 For a brief overview of such models of participatory democracy, please refer to organisations such as People Powered.

26 See OECD (2020) 'Innovative citizen participation and new democratic institutions: riding the deliberative way'.

27 The results of this can be read here.

Conclusion

This tBrief started with the assumption that improving transparency strengthens participation. It would be wrong to reject that, and it is quite possible that simply increasing public access to trustworthy and accessible information will stimulate public debate and inspire self-mobilisation. Additionally, it would seem unlikely that participation – however it is organised – would work well without transparency. Still, we should accept that the relationship between transparency and participation is varied and hard to predict. In some contexts, improving public access to information might not lead to any progress in participatory processes. Unfortunately, this could contribute to apathy towards transparency initiatives such as the FiTI. Can transparency be sustainable if it fails to stimulate public debate or influence the decisions and behaviours of authorities?

So how do we resolve this dilemma? How can transparency initiatives combine with efforts to create and improve forms of participation? It seems unlikely that there will be a simple route to achieving this, and it is imperative that efforts proceed carefully, being fully aware of the various pitfalls and constraints that can undermine participation and cause resentment among some groups, including government officials who may find that the demands of participation go beyond their expertise or resources. Therefore, this is a process that requires adaptation, learning, and experimentation. Trialling new (or old) ideas, such as civic assemblies, could provide fertile ground for improvements, albeit with careful consideration as to what success looks like and how it can be measured.

Outlook

'Beyond transparency' – FiTI pilot project for enhancing stakeholder participation in marine fisheries of Seychelles and Madagascar'

A founding principle of the FiTI has been that all stakeholders have important and relevant contributions to make when seeking to improve the sustainability of marine fisheries, including governments and their agencies, large- and small-scale fisheries, multilateral organisations, financial organisations, organised civil society, and academia. Furthermore, the impact of the FiTI does not lie in the act of publishing information alone. It relies on how this information is used, and on the willingness of decision makers to listen to stakeholders' ideas and concerns about how marine fisheries should be managed.

The FiTI accepts that public participation in fisheries management varies considerably across countries, and that there is no simple blueprint for how participation should work across countries. Nor should the FiTI tell countries exactly which mechanisms to put into place to contribute to improved fisheries governance. However, a FiTI implementation also should not start and end solely with transparency.

At the end of 2023, the FiTI partnered with the non-profit organisation *People Powered*, a global hub for participatory democracy. Together, both organisations will be piloting a participatory support approach for the FiTI National Multi-Stakeholder Groups (MSGs) of Seychelles and Madagascar to work towards creating a more inclusive policy-making environment. This pilot, to be conducted throughout 2024, will include the mapping of core needs, challenges, and opportunities and should enable the FiTI National MSGs of both countries to determine practical recommendations to their national governments. Furthermore, both national governments will be invited to undergo a tailor-made capacity building programme and receive expert support to ensure successful preparation and implementation of the determined recommendations.

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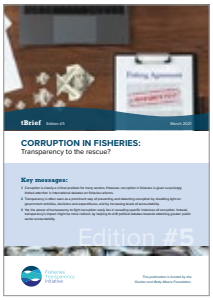

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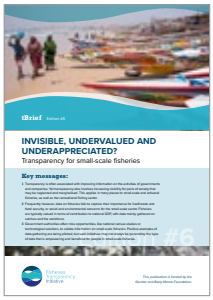

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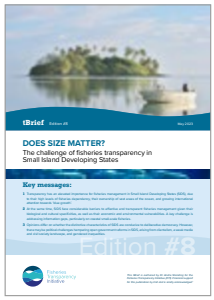

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