



Policy Briefs

The purpose of these Policy Briefs is to ensure effective dissemination of information collected and generated as a result of the World Bank-funded Study of Good Management Practice in Sustainable Fisheries, the ACP Fish II Feasibility Study (EC), and a Workshop on Fiscal Reform in Fisheries (DFID and GTZ).

World Bank Study

During 2003, the project 'Study of Good Management Practice in Sustainable Fisheries' was undertaken by SIFAR with funding from the World Bank. This resulted in an initial (brief) report followed by the substantive report which have contributed to a recent internal World Bank process aimed at justifying future investments in fisheries sector development.

EC ACP Fish II Feasibility Study

During 2002/2003 SIFAR/FAO undertook a feasibility study on behalf of the European Commission (European Aid Cooperation Office - AIDCO). This comprised an extensive consultation process with fisheries sector participants from over 60 ACP countries, together with the preparation of a range of major project proposals covering capacity building for more effective fisheries management in Africa, the Caribbean and the Pacific.

13. Key concepts II: Fisheries policy, the policy process and policy analysis⁽¹⁾

Overview

Emphasis has been given to the centrality of public policy in achieving the type of proactive approach to fisheries management needed in order for it to be effective⁽²⁾. In this context we are referring essentially to public policy. However, questions, sometimes unspoken, often arise as to:

- what is really meant by policy and why are policies important?
- what is a policy process? Is there a specific process that should be followed?
- and what is involved in policy analysis?

Key issues

A policy can be defined as a set of objectives and an associated course of action, adopted by those with responsibility for a given policy area and expressed as formal statements or positions. In other words, for the fisheries sector, it involves defining clearly what should be achieved by the fisheries sector and how, in broad terms, this will be done.

A sectoral policy, such as that for the fisheries sector, needs to be consistent with other areas of national policy. This is referred to as *policy coherence*. The set of policies developed within a country need to form a coherent whole. There is little point, for example, in developing a policy for the fisheries sector, which might include an element on prioritising export earnings, which takes no account of, or contradicts, policy on food security. Coherency is needed for all public policies within a single country. Achieving policy coherence is ensuring that policies are coordinated and complementary and are not contradictory⁽³⁾.

National policy in turn needs to be coherent with the country's international commitments. Conventions, such as the UN Convention on the Law of the Sea (1982), are in essence policy negotiated and adopted by states. Through ratification or accession to such conventions, states agree to principles, norms, rules and decision-making procedures⁽⁴⁾ which have been developed through negotiation to provide ways in which nation states can co-operate⁽⁵⁾. In theory, states freely and equally debate and jointly decide on these principles, norms, rules and decision-making procedures, often reaching decisions on the basis of consensus. However, in practice, some states are considerably more powerful than others, and pressure may be exerted by the more powerful to induce decisions conforming more closely to their own particular objectives.

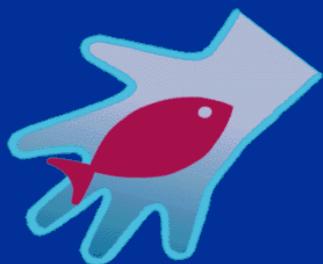
THE POLICY PROCESS

Policies are intimately tied to the policy process. The policy process involves both the design and development of policy, and continues into its subsequent implementation and assessment.

Of its very nature the policy process can be intensely political, as differences in values and preferences are resolved and agreed upon. In an open, democratic state the political process arbitrates the diverse values of society in the process of policy formation. However, attempts are often made to 'depoliticize' proposed policy (if depoliticizing it serves the interests of a dominant

DFID Fiscal Reform in Fisheries Workshop

In October 2003, SIFAR organised a Workshop and Exchange of Views on Fiscal Reform in Fisheries - to 'promote growth, poverty eradication and sustainable management'. This took place in the context of a wider OECD-DAC Initiative, promoted through the UK Department for International Development (DFID), examining issues related to environmental fiscal reform.



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group) by presenting it as objective, neutral, and value-free. It is often cast in legal or scientific language to emphasise its 'non-political' character⁽⁶⁾. Shore and Wright comment that 'this masking of the political under the cloak of neutrality is a key feature of modern power'⁽⁷⁾. However, it is important to recognise this political character of the policy process and the often complex array of interest groups and forces that in one way or the other influence policy.

Those expected to comply with rules (or legislation and regulations) are most likely to do so if they have some sense of ownership of them. This is more likely to be achieved if they have participated in agreeing to the principles and norms that motivate the rules, and have been included in the debate regarding their formulation and in the decision making process regarding their adoption. Michael Lipton argued that, through democratic or participatory systems, it becomes easier to move away from the more expensive coercive systems of control or regulation of common pool resources and towards more cost-effective 'control-with-consensus' systems⁽⁸⁾. Thus there are very practical reasons why a participatory approach to policy formulation, and its follow-through in the formulation of specific legislation and regulations, is likely to be the most workable path to effective governance of the fisheries sector.

Efforts to promote a participative process, where stakeholders have a genuine input into the formulation of policy and rules, can be undermined through undue and illicit influence of an elite in shaping policy, and the laws and regulations that arise from these. This has been referred to as "state capture"⁽⁹⁾. An explanation for this phenomena in the fisheries sector is rent-seeking behaviour, whereby those who are accruing resource rent⁽¹⁰⁾ or who see the possibility of doing so, will 'invest' in ensuring that they gain the opportunities on offer of accumulating that resource rent. Rent-seeking behaviour has been suggested as an explanation as to why countries that are relatively well endowed with natural resources, which can be seen as having wealth tied up in their natural resources waiting to be extracted, generally do not do as well economically as poorly-endowed countries⁽¹¹⁾.

POLICY ANALYSIS

A policy process and, consequently, an approach to policy analysis, is determined by the vision practitioners have of how a fisheries management system works⁽¹²⁾.

Policy analysis is undertaken to improve our knowledge of the policy process in each particular setting. It is also of interest to the broader fisheries management community from the perspective of extracting generic lessons from such analysis. By identifying the factors which have affected policy performance in the past, it may be possible to improve policy performance in the future by addressing these factors.

The policy process is often poorly understood because of its complexity. This presents a major challenge for policy analysis. Over time the analysis of fisheries policy should evolve to accord with each particular context, as important situation-specific aspects of the policy process become apparent. However, one way of getting started is to evaluate the performance of the current fisheries policy framework with whatever information exists. The evaluation results can then be used as a basis for the identification of future policy development opportunities and for identification of the information needed in order to undertake the analysis more effectively in the future.

A simple 4-step approach to policy analysis⁽¹³⁾, presented here as a set of questions, could be as follows:

Step 1: Identify policy profile: The purpose of this first step is to examine existing fisheries policy and the broader policy framework for purposes of ensuring coherency and to establish the extent of participation by stakeholders.

What are the objectives of policy?

What are the mandates related to and derived from this policy?
Which organisations, institutions or individuals are responsible for policy design and implementation? Who in reality influences policy?
What is the policy context?

Step 2: Assessment of policy performance: This exercise is undertaken in order to ascertain the extent to which policy has been given effect in legislation and accompanying regulations and whether these have been effective in bringing about the desired results.

Have the stated objectives of policy been achieved?
To what extent have they been achieved?
What sources of information underpin the assessment? Is legislation consistent with policy and is it effectively implemented?

Step 3: Evaluate policy performance: This step amounts to improving understanding of why policy has been implemented in the way that it has. Other influences, which might need to be made explicit, might be having an impact on the policy process.

How can the level of performance be explained?
What influence have political interests had on performance?
How has policy been influenced by actor-networks?
How have policy approaches been shaped by particular development narratives?

Step 4: Identify options for policy change (new policy spaces) : The purpose of the final step is to identify ways of improving policy and the policy process in order to achieve the objectives of policy.

What opportunities currently exist for policy change?
What opportunities might be anticipated in the future?
What constraints does policy change face in general?
How can these constraints be overcome?

Key literature

SIFAR/FAO (2003) [Feasibility Study Report for a proposed programme on “strengthening fisheries management in African, Caribbean and Pacific countries”](#) (ACP Fish II FSR):

- Appendix 3A. “A review of fisheries management performance in developing countries, with particular reference to issues of policy and governance”.
- Appendix 3B. “The role of fiscal reforms in fisheries in promoting growth, poverty eradication and sustainable management”.
- Appendix 7B. “Scoping study: Design of a policy advisory programme for the fisheries of Lake Victoria and financing proposal” (commissioned by the EU-funded Lake Victoria Fisheries Research Project (through FAO/SIFAR) in 2002).

Sutton, R. (1999) [The policy process: An overview](#). Working Paper 118. London: Overseas Development Institute.

(1) This Policy Brief draws upon work undertaken for the [ACP Fish II Feasibility Study Report \(FSR\)](#) cited below.

(2) SIFAR/FAO (2003) [Feasibility Study Report for a proposed programme on “strengthening fisheries](#)

- management in African, Caribbean and Pacific countries" (ACP Fish II FSR); Cochrane, K.L. (ed.) (2002) *A fishery manager's guidebook. Management measures and their application*. FAO Fisheries Technical Paper No. 424. Rome: FAO.
- (3) Weston, A. and Pierre-Antoine, D. (2003) *Poverty and policy coherence: A case study of Canada's relations with developing countries*. Ottawa: The North-South Institute.
- (4) 'Principles are beliefs of fact, causation and rectitude. Norms are standards of behaviours defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice' (Krasner, S. D. (ed.) (1983) *International regimes*. Ithaca, New York: Cornell University Press).
- (5) (Sutton 1999).
- (6) (Sutton 1999).
- (7) Cited in Sutton: Shore, C. and Wright, S. (eds) (1997) *Anthropology of policy, critical perspectives on governance and power*. Introduction: London: Routledge. pp. 3–34.
- (8) Lipton, M. (ed.) (1985) *The prisoners' dilemma and Coase's theorem: A case for democracy in less developed countries?* Economy and Democracy, Macmillan Press Ltd.
- (9) Kaufmann, D. and A. Kraay (2002) *Growth without governance*, World Bank Policy Research Working Paper 2928.
- (10) The profits in excess of normal profit accruing because of the scarcity value of the product. For a fuller discussion on rent see: [ACP Fish II FSR. Appendix 3B](#). Also: Keefer, P. and S. Knack (2002) *Boondoggles and expropriation: Rent-seeking and policy distortion when property rights are insecure*, World Bank Policy Research Working Paper 2910.
- (11) Sachs, J.D., and A.M. Warner (1995) *Natural resource abundance and economic growth*, NBER Working Paper Series, No 5398. Cambridge, Massachusetts: National Bureau of Economic Research.
- (12) See Policy Brief 12 in this series: [Key concepts I: Fisheries management systems and governance](#).
- (13) [ACP Fish II FSR. Appendix 7B](#).

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