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Co-management and Legitimacy in Corporate Fishing Associations: The Case of the Confraries de Pescadors de Catalunya, Spain

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Abstract.—This paper discusses maritime fishing in Catalonia, Spain, modes of State intervention, and characteristics of the fishing organizations: The Confraries de Pescadors. These groups are introduced and described, not only in a historical perspective, but also in relation to their corporate and structural characteristics. It shows the co-management activity carried out by the Confraries with regard to the control of access to resources, regulation of fishing competition between the fleets, elaboration of statistics, etc. The paper ends with an analysis of the role played by the Confraries as potentially being the only legitimate organizations in Spain to represent "all" of the fishing sector, a legitimization that paradoxically comes from the state's guarantee of its corporate structure.

Characteristics of the Catalan Fishing Sector

In Catalonia, marine fishing takes place only on the continental shelf. The fishing vessels rarely go further than 20–30 miles from the coast, but are usually beyond the national jurisdiction limit of 12 miles that exists in the Mediterranean Sea. Their fishing never takes more than one day's work; hence all fishermen always go home for the night, with the rare exception of seining in the summer season.

There are two types of fleets, both the result of the combination of different kinds of organization of production, and capitalization levels and the technology used. These fleets are known as the artisanal fleet and the industrial fleet. The industrial fleet works, in order of importance, in trawl, seine and long-line in deep waters; the artisanal fleet works in gillnet and small long-line in shallower waters.

These fleets are irregularly distributed along the 552 km of the coast and the 48 coastal settlements of the Catalanian Mediterranean littoral, where all of the fishing takes place. A total of 5,900 people participated in the extractive-productive process in 1987. They worked in 1,524 fishing vessels that were registered in the census. Of the fishermen, 68.5% belonged to the industrial fleet, of 466 fishing vessels, and 21.5% belonged to the artisanal fleet with 1,058 fishing vessels. The average age of the fishermen was 40 years old for all of Catalunya, but the average age is lower in the industrial fleet than in the artisanal fleet.

Shipowners, Skippers, and Fishermen

The relation between skippers and ship ownership is one of the most significant features of the Catalan Littoral fishery. In the 1987 census, the skippers and the

shipowners were the same person for 82.3% of the vessels and for 10.4%, the skipper was a relative of the shipowner. Only 7.3% of the vessels had no proof of any family tie. Considering the fact that most of the vessels are not very big (only 24.3% are larger than 20 tonnes) it is clear that the means of production are held by the same people that actually do the work, in a context, whereby the role played by kinship is very important. In other words, this is a petty commodity system of production.

The Presence of the State in the Fishing Sector

Fishing activities are regulated in the Spanish State by different institutions. The main institution is the Ministerio de Agricultura, Pesca y Alimentación (MAPA) of the Central government in Madrid, which is in charge of marine fishing issues. This Department is responsible for everything that affects fishing within the nation's maritime space; which extends only 12 miles into the Mediterranean Sea, because the 200 mile extension still has not been implemented in these waters.

Since 1982, the Central Government has transferred most of the responsibility for fishing issues to the Autonomous Catalan Government. This jurisdiction includes the arrangement of territorial space, the control over the level of fishing activity, preservation of the resources, the regulation and the control of fishing commerce, the implementation of the census and other statistical information, and full control of the corporate fishing organizations.

The powers transferred to the Autonomous Catalan Government are the responsibility of the Conselleria d'Agricultura, Ramaderia i Pesca of the Generalitat de Catalunya. However, the Spanish Navy still has direct control over all of the fishing activities and is responsible for the implementation and enforcement of fishing regulations.

Sale of Fish

Catalunya is one of the best fish markets for fresh fish in the EEC. The fishing is not industrialized because of the guaranteed daily sale of the whole catch. All of the fish are sold every day immediately after being unloaded. Daily auctions take place in the fish markets which are called Llotges. There is no direct sale from the fisherman to the consumer. The only people who participate in the sales are the middle men, who are both wholesalers and retailers. It is not difficult to sell the entire catch because it represents only about 20–30% of the total Catalan demand and what is offered is a high quality product. In addition to having the sales ensured every day, the prices are generally higher than the national average.

Resource Exhaustion and Ecological Damage of the Littoral

During the last 20 years there has been significant ecological damage to the environment as a result of the overexploitation of the fish resources and the strong impact of urban development along the littoral due to massive tourism. These facts have also had significant effects on the capture rates. The only way to maintain the situation is to increase sale prices and strict control by the State over the fishing vessels.

The process of integration of Spain into the EEC still has not affected the Catalan fishing sector. For example, the fishermen associations (Confraries de Pescadors) are still waiting for the legal formula which will entitle their participation in the European System controlled by Producers' Organizations (POs). Another example

is that with the elimination of economic borders in 1993, the local market for fish will have to adjust to the mechanisms of a wider market, and with all of its associated problems.

The question of the elaboration and application of common fishing policies among the countries on the Mediterranean Coast still exists. This will have important effects on the Catalan fishing sector. There is no doubt that such common policies will enforce an important restructuring of the Catalan fleets. According to the statistics, it could affect around 40% of the fishing vessels and the producers. It is evident that the restructuring will succeed only if it is done with the cooperation of the fishery organizations.

The Organizations

There are different types of organizations within Catalan fisheries. The most outstanding of these are the Confraries de Pescadors or the "Brotherhood of fisherman", which is due both to their histories and to the role they play within the fishing sector.

The Confraries de Pescadors are the largest and the most representative of the associations. They exist along the entire Catalan littoral, and everyone involved in fishing in this maritime space is forced to belong to one of them. There are several other associations of voluntary involvement such as the shipowners, seamen and sellers' associations. Cooperatives are almost nonexistent and the free Unions were banned until 1977. Even now, after 15 years of active life in other productive sectors, there is no real presence of the Unions in the fishing sector. This is due to the presence of the Confraries, which are seen by the majority of its members as alternatives to the Unions.

The Confraries de Pescadors

Confraries de Pescadors are corporate organizations with exclusive territories. They represent the interests of the fishing sector in relationships of co-management and advice with the State through different administrations.

The 550 km of the Catalan littoral are juridically spread among the 30 Confraries (29 of maritime fishing, 1 of shallow water fishing). These 29 maritime Confraries (Figure 1) are part of a system that includes three Provincial Federations (Girona, Barcelona and Tarragona) and in two national federations (Catalan and Spanish).

Legal Status of the Confraries

Juridically the Confraries are Public Right Corporations. This special legal status is the same as that which is held by the Local or the Municipal Councils. It gives the organizations the special characteristics which are that:

- the Confraries can only appear and disappear by law or central governmental decision,
- they have juridical capacity over their own and they depend directly on public administration, and
- they have a vertical structure whereby all of the fishermen and the shipowners must both be represented, if they belong to the small artisanal fleets or to

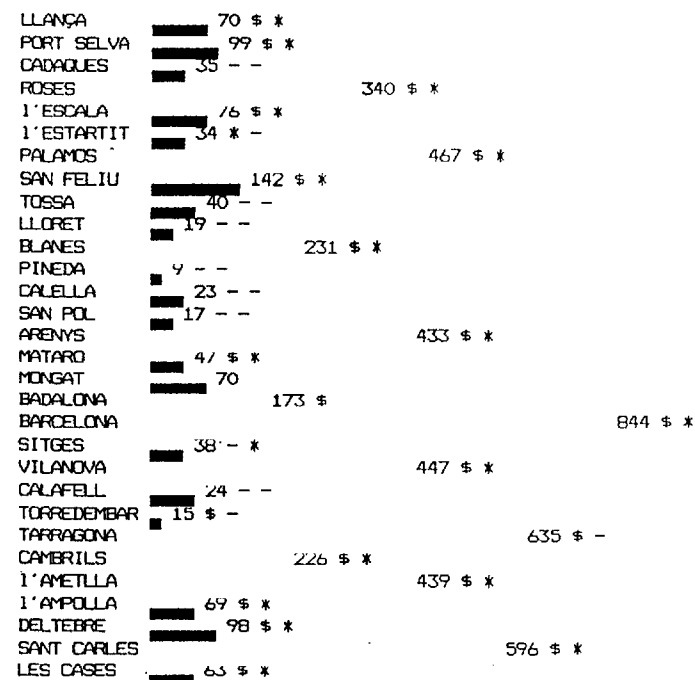


FIGURE 1.— Characteristics of the Catalan Fishermen Associations. The first column gives the name of the village; numbers = number of membership of the each association; \$ = Confraries with Llotja (fishmarket); * = Confraries with a harbor.

the larger industrial fleets. This vertical structure is opposed to the horizontal structure of the Unions and therefore it is one of its remarkable characteristics.

Functions of the Confraries

The Confraries can have many functions. Through a comparative study of the Estatuts (guidelines) of those organizations, we found many functions and aims that are common to all:

- to promote the arrangement of the fishing areas and their jurisdiction in the different sectors of harvesting, processing, and marketing;
- to arrange the setting up and exploitation of the services necessary to develop the productive process and control the operations of fish sales;
- to represent, defend and promote the social and economic interests of their associates;
- to manage public or private loans in order to facilitate the buying of new vessels and fishing gear,

- to promote the construction of new houses, buildings, and other services for social and community development; and
- to use the cooperative movement to achieve their aims and protect the sector.

Despite their aims, and due to growth of the State's apparatus during the last decades, as well as to the evolution of the sector, we found that the social functions (health, retirement, housing, etc.) are no longer done by the Confraries. The Instituto Social de la Marina, supported by the Central Government, is now responsible for it all.

Services Offered by the Confraries

The principal function of the Catalan Confraries nowadays is to offer all marketing and administrative services to their associates. The degree of the development of the services in each Confraria depends basically on two factors: the existence of a harbor within their territory, and whether or not they have a fish market to sell to for the auction.

In the villages that lack a Llotja (fish market), the Confraries offer only their minimum services, whereas in the harbors with fish markets the Confraries are in charge of offering all the needed services for the unloading of the catches, the organization of the auction, the collection of the charges from the sales and taxes (TAV), and all the administrative services required by their associates.

All the Confraries with fish markets offer to their members a wide variety of services, such as: an ice factory, stores, refrigerators, tumble driers for their nets, scales, storage boxes, handling of oil, spare parts, etc. But the most important service is the organization of the daily auction (*subhasta a la baixa*).

The management of the 17 Llotjas of Catalunya is in the hands of 17 Confraries. Through the auctions, every productive unit sells its daily catch and, thanks to the payment of a percentage of the sales, the Confraries obtain their financial support.

With the organization of the first sale through the auction, the Confraries offer a kind of protection to the producers that ensures the daily sale of a perishable product and some stability of the prices and free concurrence, because the sale auctions are opened to all buyers who have previously requested participation.

The Confraries are also empowered to represent the interests of the fishery sector in the economic and political life of the nation. They are responsible for channeling such concerns as social revitalization, working laws, and financial policy.

The Corporate Character of the Catalan Confraries

The Confraries of the Catalan fishermen became corporations of the public right in 1943 during the dictatorship of Franco. Before this, the fishing sector had had organizational structures that adjusted to every historical moment. During the Middle Ages, there were religious confraries with functions such as the protection of widows and orphans and payment to the rescuers. Later on, there were the Corporation Guilds which were more commonly known by the name of "Gilts" of Fishermen. They were the only organizations in the fishing sector from the end of the Middle Age until the 19th century when they officially disappeared in Spain. From that time until the beginning of the Franco Dictatorship in 1939, there were many different organizations in Catalunya which included: Mutualitats, Montepios, Pòsits, Cooperatives, Lligues, Germandats, Societats Marítimes, and Sindicats. All of these were in line with the rapidly changing social and political climate of the time.

With the fascist regime the Confraries were the only organizations allowed in the fishing sector. This is how the corporative character of the Confraries was imposed. This juridical status forces the Confraries to undertake the functions of representation, collaborations and mediation of interests at different levels in the fishing sector, all of which directly depends on the Administration.

The Confraries as Social Space for Conflict Resolution

Traditionally, most of the internal conflicts of the Catalan fishing sector have been handled within the social space of the Confraries. The success of conflict resolution is based on the legitimacy of the governmental body of the Confraria. Legitimacy is obtained not by the elections, but is the result of the collective acceptance of all the members of the Confraries.

The governmental body and official roles of the Confraries are the "Junta General," "Cabildo," and the "Patrò Major." The Junta General has the power of decision-making and is formed from all of the members of the Confraria. The Cabildo is the executive body and it acts as a permanent commission headed by the President of the Confraria or Patrò Major. According to the guidelines of all of the Catalan Confraries, in the cabildos there must be an even representation between the social side, the fishermen, and the economic side, the shipowners.

The interests of each of the fleets of each Confraria must be represented. In this way, the interests of all the groups are equally and formally represented in every section of the government in the Confraria, a fact which contributes to the success of the conflict management. Nonetheless, in most of the conflicts, the mediator is the Patrò Major (Main Skipper) who acts as the good-man or go-between between the parties, maintaining the Latin tradition of the "Prohomes catalans" or the French "Proud'homies."

Co-management and Legitimacy in Representation

The Confraries can be considered as a formal corporate system of co-management between the State and the fishing sector. Within their jurisdiction and due to their status as a corporation of public right, every Confraria has to collaborate with the State in the regulation and the control of access to the resources of the fleets that have a base in that Confraria. This collaboration is centered on matters such as the establishment of the fleet's daily departures and arrivals at the harbor; the setting of the ships and a timetable for the sales; the delimitation of the fishing areas for each fleet, and the restrictions for the seasons and the closed seasons.

On the other hand, the State delegates tasks to the Confraries which are administrative in nature, such as: collecting statistics on the catches and the sales, the collection of certain taxes, and the control of the auctions.

Nowadays the Confraria have ensured their hegemony over other organizations in the same sector due to their legal status which makes it compulsory for all members of the sector to belong to one of them. The Confraria obtain their legitimacy from this compulsory collaboration with the State. For all their members, the Confraries are considered the most representative organizations of the sector and the ones that best represent their interests for these major reasons. Firstly, their historical importance: the Confraries have survived and remained unchanged since the Middle Ages due to their adaptive capacity. Second, most members of the Confraries

actually consider these organizations to be the most efficient ones for solving the problems that arise during the long process of fishing.

The strongest argument concerns the equality of different estates in the sector of the organization's government. The parity or proportional representation of all the interests of the sector in the same management groups is considered a major guarantee of the unity and the continuity of the Confraries despite the strong corporate character of this type of organization.

The hegemony of the Confraries in relation to other organizations of the sector, such as the unions or the associations of skippers, is also due to the fact that the Confraries, through their provincial, regional or national federations, are considered exclusive valid interlocutor vis-a-vis the State. They are considered the natural organizations of "all" the interests of the sector due both to their history and their internal structure.

To summarize, the Catalan fishing Confraries, apart from being hegemonic organizations of the fishing sector, are considered by the majority of their members as the only organizations able to represent the interests of the whole sector, they are therefore necessary for any intervention in the sector. The Confraries are also co-managers with the State when implementing new regulation policies, which becomes the main tool of their legitimacy and therefore the main tools for intervention of the State within the fishing littoral sector.

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