

Economic and Politic Anthropology of Fisheries Governance: The incipient failure of collective action in catalan Cofradias

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This paper analyses, from the perspective of Social Anthropology and New Institutional Economic, the institutional change that occurred over the past few years in the fisheries sector of Catalunya). This change is having important consequences on the model of fisheries management that it is trying to maintain.

Social Anthropology and Institutional Economics: a growing collaboration.

Social anthropology and Economics are disciplines that have been growing closer together since the 1960s. Some anthropologists have been introducing us to themes such as intracultural variations and social change, or the process of individual decision making, subjects that did not appear as objects of study in traditional social anthropology. For their part, economists, from about the same date, were interested in the study of the family, norms, rights of access and ownership to resources, discrimination etc, subjects which up until then had been found only in sociology and anthropology.

During the 1920s and 30s, economists such as Commons (1932) and Veblen (1971) had started to collaborate with anthropologists such as Herskovits (1940). The culturalist perspective of Kerskovits and Commons and Veblen's interest in consumption and social inequalities led to an interesting collaboration which was however, never able to put up a solid front against the hegemonic perspective of formal economics.

During the 1960s, and returning to the previous tradition, F. Barth (1966) introduced the concept of transaction to anthropology, applying it, amongst others, to the study of fishing in Norway. One of the most interesting contributions made by Barth was to introduce the concept of intentional institutional innovation, apparently without realising that, at the same time, he was covering very similar ground to Institutional Economics. Barth's position could be summed up saying that he saw the entrepreneur as someone that initiated transactions between values that were previously unmeasurable, transforming them thus into the creator of new markets. Later, sociologists such as P. Bourdieu, A. Giddens and others, followed this same line of analysis that we now find under the names of Theory of Practice, Theory of Action, Transactional Analysis, Theory of Exchange, etc.

Since the 1990s, and in the context of a growing interest in the links between the global and the local, some anthropologists have started to introduce new perspectives into the analysis of the articulation between social and individual logic (Apadurai, 1991). Influenced by post-modernism and ethno-science, these foci converge in an important and interesting way, with the preoccupations of the New Institutional Economics (NIE).

Following the initial work of Veblen, Commons, and Coase, it was not until the 1970s that NIE was consolidated. It was in this period that economists such as O. Williamson, D. North and others, interested in the industrial organisation of Western Society, started to develop what we now call NIE. NIE refers to the work of economists and political scientists interested in the creation of institutions from the point of view of individuals, in so far as the way that these institutions influence productive activity and exchange.

At the risk of over-simplification, we could say that NIE structures its analysis of social reality from the economic perspective on the basis of 4 dominant areas of study: economic rationality ('imperfect'), institutions, property rights and transaction costs.

From the interaction between these themes, many lines of enquiry can be derived amongst which we can highlight those that interest us most here in relation to the possible collaboration of Anthropology with NIE and its application to the study of fishing:

- The evolutionary models that explain the history and the present situation of institutions
- The relations that are established between rules and human interaction, both at the individual and collective level, above all in relation to the legitimacy and the fulfilment of the rules.
- The creation and the reproduction of groups of persons that organise themselves to reach collective objectives or to create commons or public goods.
- The 'other logics' beyond neoclassical economic rationality characteristic of western society.

a. economic rationality

In relation to the theme of economic rationality and the 'other logics' beyond the rationality of the neoclassical model applied to western society, economic anthropology has opened its own lines of analysis independent of the work of economists, with the debate between formalists and substantivists in the 1960s. This debate, however failed to produced definitive proposals.

The formalists centred their analysis on the 'rational choice makers' giving less importance to institutional analysis, coinciding on this point with the majority of neoclassical economists. At the end of the 1960s, the substantivists (Polanyi, 1968 and Sahlins, 1972) criticised the formalists putting forward the necessity of analysing the 'social dimension of the economy'. However, it was these same substantivists that 'lost the individual along the way'.

At the moment, the most fertile contribution of anthropology to the debate over the rationality of *homo economicus* consists in introducing the relationships between '(economic) irrationality', '(economic) imperfect rationality' and 'other (economic) rationalities'. It is in this way that from both anthropology and NIE, pure (economic) rationality, in which the social actor is not influenced by other factors, is rejected *a priori* introducing the theme of access and the control of necessary information for the process of taking 'rational', 'perfect', etc., decisions, as well as the themes of risk, uncertainty and the very randomness of this process and even more when applied to study of the fishing process.

b. Institutions

Closely linked to the theme of rationality and access and control of necessary information for the process of individual and collective decision making, is the concept of the institution as analysed from social anthropology and NIE. In this sense, this is confirmed by the anthropologist J. Acheson when he says that 'institutions are a substitute for good information' or that 'in a world with perfect knowledge institutions would not be necessary' (Acheson, 1994:9). This coincides fully with what was being said in the 1930s by the institutional economist Coase (1960).

Taking its starting point as the initial work by K. Polanyi (1957), economic anthropology went on to consider institutions as one of the best places for the application of comparative method in the study of cultural diversity and social change, thus inaugurating what can be defined as institutional anthropology.

There is a certain coincidence in the definitions of an 'institution' produced by social anthropology and NIE. Definitions of institutions such as 'the rules of the game' (Bailey, 1969:20), 'pattern of allocation of time and resources' (Barth, 1967: 663), 'An institution is a convention' (Douglas, 1996:74), 'an institution is a combination of formal rules, informal constraints and enforcement' (Esminger: 1992:5-6), are some of those used by anthropologists interested in the study of institutions. When compared it with the definition of institutions given by North "the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction" (North, 1990: 3-4), we see the high degree of coincidence existing between social anthropologists and economists of the NIE.

c. property rights

We understand property rights as the social institutions that define or limit the environment of privileges given to individuals in relation to determined goods such as land, fish, etc. The institutions relating to property rights vary from formal agreements, including rights, obligations, statutes and legal rules to informal and customary agreements relating to the assignment and use of those resources or the property in general (Libecap, 1989:1).

The majority of economists have always maintained that property rights are essential to guarantee the economic profit of any transaction. They also state that when Property Rights are not perfectly specified and/or imposed, people can renounce the benefits of cooperation and easily enter into individual competition for the resources, losing in this way the social or community dimension of the resource. However, contrary to what many economists claim, the fact that property rights are not completely defined, does not mean to say that these rights are irrational or rarely operational. This is the fundamental problem that underlies the now old debate over the Tragedy of the Commons.

Some economists such as Barzel (1989) and anthropologists such as Esminger (1992) maintain that there are good reasons why property rights are not always perfectly defined. In the room for manoeuvre that offers an interpretation, application and fulfilment of the same, is where the social or community dimension of rights underlies, beyond the strictly formal, legal or juridical dimension. In the fisheries sector, this recognition of the existence of this room for manoeuvre between what determines the norms and what in reality the fishermen accept and do, is currently one of the priority themes of study for social sciences. It would also appear to be one of the small changes in the scientific policy of the European Commission related to fisheries research in the last few years, when DG-XIV has started, although tentatively, to give

prominence to the research of the social dimension of fisheries, in an attempt to explain what biology and neoclassical economics on their own cannot explain.

The reality of anthropological field work in Catalonia, just as in other places, shows us that there are many important property rights that are incomplete, both in their definition as in their fulfilment, simply because the costs of necessary transactions to determine, control and enforcement would be too high compared to the potential benefits. As Ensminger says: "goods have many characteristics; and to be complete, rights would have to be established and enforced over every valued characteristic of a good. Even in the most developed societies this does not occur, nor would it make economic sense" (Ensminger, 1992: 125).

It is precisely in the study of the characteristics of property rights where anthropologists and NIE economists have a long way to go together. NIE theory can reconcile the economic assumption that states that incentives are important, with empirical observations facilitated by anthropologists about the fact that common property is not necessarily problematic or conflictual, but changing and adaptive to the evolution of political ideology that society produces. But, politics and ideology can establish a different route in the direction of changes in property rights. Given that political decisions depend on the structures and divisions of political power, we find that some property rights are created and maintained, not in order to increase economic profit, but to foment personal or group power.

So, the political dimension of property rights, whose first manifestation is the process of assigning resources, obliges both economists and anthropologists to give maximum attention to the analysis of the process of actors decision making, relating it to the change produced in the property rights. In order to do this we should give maximum attention to the factors that provoke this: the change in relative prices, changes in technology and in the institutions of production and control, the changes in the political parameters and the changes in preferences of the members of society.

d. Transaction costs

One of the premises of the NIE is that economics should give more importance to the study of transaction costs, in order to break free of the limitations that is imposed upon it by the tradition of studying technological and production change as the only variables that impact upon economic growth. However, perhaps the most important proposal of the NIE in relation to the decrease in transaction costs is that its interest is not limited to the study of the formal aspects, but also includes the informal aspects that, acting through social norms, can result as, or more important for, the reduction in transaction costs, as the legislative-judicial aspects are.

For this reason it is clear that the NIE studies need to have a profound knowledge of the ideological structures and the real institutions existent in each society, something that the anthropological perspective with its methods and techniques of field work can help with.

Transaction costs derive from, and are directly related to, formal or informal institutions existent in a society. In many of the societies studied by the anthropologists, transaction costs are extremely low because the majority of the exchanges are done between individuals that are known or recognised. This is so because the individuals are relatives or because they belong to the same social identity group that unites them with complex social and political ties that go beyond the strict economic dimension of the transaction, influencing it.

Sharing a common ideological orientation, like, for example being members of Corporations with a long history or consolidated ideological discourse on the relationship between society and the eco-system or on labour relations, can also serve to assure that the individuals share a large quantity of information on the conduct of those with whom they interact. This predictability can reduce transaction costs in a significant manner, for example by facilitating the negotiation, insurance and fulfilment of the agreements taken by the group.

This is why interest about the study of transaction costs in the terms set out by the NIE has started to interest certain anthropologists, that using the theory elaborated by the NIE economists, they have started apply it to certain themes related to fishing such as the study of share system (Russell, 1994) or the creation of new markets (Breton and Savard, 1999).

Fishing in Catalonia as the focus of study economic-anthropological collaboration

In the case of fishing in Catalonia we find many empirical examples from which we can analyse any of the themes of mutual interest to social anthropology (SA) and the NIE.

From this point onwards we propose to demonstrate the possibility of this collaboration between SA and NIE, looking at one of these examples: the institutional change related with the failure of the collective action model happening in the fishermen's Cofradías in Catalonia. This theme was chosen because it is provoking a significant loss of bargaining power, an increase in transaction costs and institutional change in all the fisheries sector of Catalonia, with unforeseen consequences for the future of the management system currently in place.

A primary indicator of this loss of bargaining power of the institutions that represent the fishing sector can be easily seen in the growing role over the years of other organizations in the sector such as the Owners Associations and the Fishmerchants Associations. These associations, legitimately defending their interests, are starting to occupy an important part of the political and bargaining space that up until now belonged exclusively to the Cofradías, that acted as the only official communication link with the state on all matters related to fishing.

The most important consequence of this slow but progressive change in the political context of fisheries management in Catalonia is that the Cofradías, for a number of years now have started to reclaim from the state their direct intervention in a range of issues that they traditionally self-managed, demanding of the administration that they assume the responsibility of imposing and fulfilling the current rules, often made together with, or at the request of, the Cofradías. This was a clear example of the functioning of a co-management system (Alegret, 1990, 1995, 1996a).

From our point of view, the Cofradías and their Federations are not currently fully conscious of this real loss of their bargaining power. On the one hand, a majority of members of the sector, implicitly, use a discourse that we could name of transaction costs. Their main argument is that in the past few years the fisheries system has transformed itself in to a hyper-complex system in which the cost of access to information, rather than reducing has increased exponentially. There are three principle things that demonstrate this:

First, the complexity of the laws, its incoherence in relation to reality and the excessive number of norms, laws, orders, directives, exceptions, derogations etc that are current and which make it impossible to understand them or their legitimacy or their acceptance and finally their fulfilment by the fishermen.

Secondly, the changes and the complexity of the current market for fish, a result of Spain's entrance into the EU, are forcing the disappearance of traditional concepts such as internal market, borders, national interests, etc. This new market is managed by laws of supply and demand that are inaccessible from the local perspective and incomprehensible from the fishermen's perspective. All this is provoking the exponential growth of capital invested by the merchants in the entire trading process and the consequent increase of power in these sector, in detriment to the fishermen.

Thirdly, and in parallel to the complexity of the laws, is the multiplicity of administrations that have been acquiring, at different levels, competencies and responsibilities in fisheries policy and management. For example, currently in the same port in Catalonia there are local, provincial, regional, state and EU administrations with their respective representatives, interests, norms, priorities and policies that are not always coordinated. All this increases transaction costs and makes it much harder to establish or modify property rights and adapt them to the new situation, which clearly weakens the institutions that should do it.

On the other hand, a majority of the members of the sector simultaneously use another discourse which we could call traditional, in which this 'world' of fishing has always existed like that, ensuring that the continuity of the Cofradías and that of the whole system is guaranteed if they are able to maintain, without changes, its structure and traditional functions. To sustain this discourse, this 'traditional' majority of the sector uses the argument of the survival of various traditional institutions that are considered as the identity matrix of the Catalan fisheries sector and its guarantee of continuity. These institutions are: the share system, a guarantee of social peace; the Corporativism and the Parity of the representation of the Cofradías in government bodies -Guildhood-, which is seen as a guarantee of the internal functioning of the sector and its 'corporative democracy'; the institution of the Patró Major (Main Skipper, president of the Cofradía) seen as the guarantee of consensus and the resolution of conflicts internal to the sector; and the institution of Llotja - Fish Market- see as the guarantee of the economic survival of the Cofradías through the control of the fish auctions.

We cannot develop here each of these versions of the ideological discourse actually current in the Catalan fisheries sector. We do, however, concentrate on the analysis of some aspects that are directly related with the loss of bargaining power and representation of the Cofradías. At the root of which they are being displaced by other organisations that defend legitimate, but specific interests and as such not general to the sector, using non traditional discourses to the sector, but in tune with the changes and transformations that are being produced in it.

The current political-economic context of fishing in Cataluña

It is a reality that in Catalonia during the past four decades, economic growth has provoked improvements in the road, port and telecommunication infrastructures; improvement in the marketing of fish with the installation of electronic auctions, the standardisation of boxes, the creation of 'denominations of origin', the imposition of minimum sizes etc, all factors which have helped in the reduction of transaction costs and the change of relevant prices of all the factors involved in the productive fishing process.

However, it is also clear that in the past two decades in Spain, important political and social changes have happened that have led to the consolidation of the democratic system and the creation of a new State model based on the transfer of competencies to the 17 autonomous regional governments, some of them with direct, but not total, competencies and responsibilities in fisheries management. All this is provoking a change in the rules of the current political game in the areas related to fishing. But, at the same time, this change is also provoking an increase in the transaction costs due to the political disagreements and the lack of coordination between the different administrations in themes related to territorial maritime subdivisions, division of competencies and responsibilities over the inspection of minimum sizes, the sale of young fish, the reduction of fishing effort, the establishment of closed seasons, the creation of protected areas, the authorisation of changes of port basis, the means of fleet modernization, the authorization for new ship's buildings etc.

However, this apparent balance, or zero sum, between the reduction of the transaction costs derived from the improvements to the conditions of production, distribution and consumption and the increase in transaction costs from the uncertainty and lack of unification of political-administrative criteria between the different administrations, is not really zero-sum, if one looks at the medium to long term.

Our hypothesis is that in the medium term this will produce the collapse of representative power and bargaining of the Cofradías, just as many indicators are beginning to show, the transaction costs for fishing in general will rise in such a way that they will not be supportable without a radical change in the current way of managing the fishery, with important changes in the environment of resources management, the reduction of fishing effort and fisheries policy, as well as in the associated context and ideology of the fishermen. Changes that would provoke an even bigger increase in the transaction costs, impossible to quantify a priori.

If this institutional change happens, it will be a clear example of the negative impact that an increase in transaction costs can have on the socio-economic sustainability of fishing, above all if this change happens in institutions created to reduce transaction costs and now, for political-economic motives, see their function change provoking an effect counter to that expected, increasing transaction costs.

One of the principle, but not sole factors, that historically have played an important role in the reduction of transaction costs is the creation of consensus in the process of collective decision making in the fishing sector. This process helped, and still helps, in the existence of institutions such as the Parity in all the representative bodies such as the President of the Cofradía (Main Skipper), the Share System and the Auction controlled by the Cofradía, all these integrated by a corporatist ideology typical of a guild-corporate system, in which consensus was and is a central aspect.

As North (1981) maintained, States can realise economies of scale in the introduction of institutions with the aim of reducing transaction costs. This is what Franco's fascist regime did when it forced the imposition of Cofradías throughout the country giving them a juridical character that was specifically corporatist and as such as the only possible organisations for representation and collaboration of the entire sector with the administration, a formula that the democratic system has maintained until today, without change.

However, sometimes States, for diverse reasons, can be interested in maintaining without change these same institutions, in the sense that they do not allow them to transform, or help them adapt to the changes, thus provoking a contrary effect to the initial objective to reduce transaction costs, justifying it from the point of view of the social or political cost that this change would cause. This last point is what we believe to be happening in Catalonia with the Cofradías. First, they were imposed by Franco's regime 'reinventing' them and giving them the character of Public Law Corporations which transformed them into instruments of the State as bodies for consultation and management (Alegret, 1999a). The result was a clear reduction of transaction costs in the fishing sector when clear norms and obligations for the entire sector and one system of representation for the sector were fixed by law.

Since 1987, the new democratic State tried to create, after a proposal from Brussels, a new type of institution, the Producers Organisations (Alegret, 1996) with the fundamental objective of also lowering transaction costs, making it possible that catches were adjusted to meet demand and that the producers benefitted from their participation in the marketing process, something that the Cofradías did not do, nor wanted to do for reasons of ideology which we will not go into here.

The failure of the creation of POs in the Spanish Mediterranean context is well known. The explanation of this failure needs to be found, amongst other things, in the socio-political cost that it would have resulted from displacing the Cofradías which would have created a power vacuum that would provoke an increase in transaction costs that would be greater – and in many aspects not comparable – to the reduction in transaction costs that theoretically they could have gained with the implementation of the POs. However, this cannot be generalised through the Spanish State, nor in the Mediterranean, because the level of internal structuration and consolidation (institutional health) of the Cofradías was not, and is not the same throughout the Spanish Mediterranean coastline.

However, the problem of adjusting captures to demand and the participation of the fishermen in the process of marketing continues to be a real and very significant problem in Catalonia fish sector. At the moment, the Cofradías and their Federations are completely incapable of responding to the changes imposed by the market. For example, they have been unable to reach agreement amongst the Cofradías to impose maximum catch quotas for small pelagics, despite numerous attempts made in this matter (Alegret, 1999b), nor have the Cofradías been capable of arriving at an agreement to eliminate some of the privileges that the small pelagic merchants enjoy.

All this is leading the Cofradías to a situation of non-operation in the representation of the global interests of the sector, and more specifically to the loss of bargaining power with the merchants that now dominate the process of assigning prices and with the administrations that do not see the Cofradías as true co-management instruments with some consequences that will be difficult to foresee.

A clear example of this institutional change that is happening in the dynamic association of the Catalan fishing sector is found in the failure of the decision making model that has historically characterised the Cofradías and that they inherited from the Guilds. We refer to the decision making model based on consensus, a corporative characteristic.

The failure of collective action in Catalan Cofradías, an institutional problem?

To explain the failure of collective action in the Catalan Cofradías we look to the hypothesis that it has been the new economic conditions imposed by the transformation of the market, the increase in the costs of production and above all, the increase in the investment of necessary capital for the construction and/or improvement of new boats which is provoking an ideological change between an important group of owners that are starting to modify the rules of the political game of the sector, causing the traditional decision making model based on corporativist representation and consensus to fail.

The Cofradías have managed for a long time to maintain social order under community conditions (Gemeinschaft) although not necessarily with the level of equality they often wanted. The mechanisms that the Cabildos (executive bodies of the Cofradías) used to reach consensus in collective action were complex and based on the existence of a network of family alliances, personal connections, clientelism, common values, balances between fleets and gears and a certain dose of local social pressure, possible in a context where everyone knows everyone else, all characteristics of community societies.

Since the 1980s, however, the Cofradías started to openly reclaim intervention from the State in order to fulfill the agreements and norms approved by themselves in a real regime of co-participation in the management. The question that needs to be asked at this point is what were the motives that led the Cofradías to arrive at this change of attitude?

Reclaiming intervention from the State has been increasing throughout the 1990s, changing thus the components of traditional social order, to the point that currently, external intervention by the State to solve questions of internal order in the Cofradías is perceived and demanded as the only possible solution to the multiple crisis situation that the fishing sector is going through.

One explanation for this institutional change is that, due to the economic changes mentioned before, the Cofradías started to transform their own system of government based on consensus into a system of government based on the majority, a characteristic of Gesellschaft societies and in which the interests of certain group gain dominance over common interests.

One of the characteristics of the Cofradías as organisations, according to the traditional model, is that they do not have separate governing bodies that take decisions and to carry out what has been agreed. The members of the Cofradías are – or should be – the ones responsible for the application and fulfilment of their own decisions.

As Bailey (1965) says, in societies with no separate bodies for the promulgation and fulfilment of norms, and with a weak sanctioning capacity, as is the case of the Cofradías, the type of governance tends to be more by consensus than majority. This is because when decisions are not unanimous it is relatively easy for the dissidents to avoid its fulfilment. However, this does not mean that non-intervention by State

administration means that the norms are not fulfilled. What is currently happening is that, the fishermen constantly adapt the fulfillment of the norms, not from the perspective of common interest but as a function of the private interests of each group, thus breaking the traditional model of consensus.

In Societies or organisations in which there is no direct State intervention, in order to achieve individual decentralised acceptance and fulfillment of agreed norms by their own members, these members have to accept the principle of collective decisions. But this does not mean that this acceptance has to be unanimous or that all the members of the society are involved in a similar fashion in this acceptance and fulfillment. Thus we can see that differences in acceptance and fulfillment of the explicit and implicit norms can exist as a function of age (for example the community recognise or tolerate to the retired fishermen certain exceptions in the enhancement of the agreements); as a function of economic strategy (for example the community tolerate more irregularities to the professional fishermen than part-time fishermen); as a function of level of wealth (for example the community accept a more relaxed fulfillment of the norms to large owners due to the bargaining power they have); and as a function of political status (for example certain chief skippers with representative offices linked to fisheries policy are recognised as having certain privileges and power inherent in their status).

However, one the characteristics that should complete any consensus system, is that it is based on individual decentralised acceptance and the fulfillment of the norms. The group, as well as having the power to generate norms, should also have the capacity to generate necessary consensus for its acceptance and fulfillment. But this power should be widely distributed for the whole society and as such should not be concentrated in groups, nuclei or particular areas. This is what was found with the traditional system of representation of power through the Cofradías and their Federations and this is what has been transformed by the economic and ideological changes produced over the last two decades.

The balance between communities, fleets, economic and social interests was balanced by the corporative and peer character of all the governing bodies of the Cofradías and their Federations in that, by law, these were comprised of 50% representatives of capital interests (owners) and 50% representatives of social interests (workers). Moreover, the real existing inequality between the large and small Cofradías, between the more heterogeneous and the more specialised or between those in areas with a richer ecology (with more continental platform) or those with poor ecology, was compensated by the type of territorial representation through the Federation of Cofradías (provincial, regional or state) that guaranteed an equal and formal defence of the interests of the Cofradías.

This system of political, territorial, collective decision making processes and consensus balancing is what is being dismantled, provoking institutional and ideological change which leads to the apparent paradox of the reclamation by the Cofradías of intervention from the State as the only solution to the problems in the fisheries sector.

This growing weakness of the Cofradías and their gradual loss of representation and bargaining power with the administration is manifest in issues such as:

- Incapacity of action by the Cofradías and their Federations as principle negotiators with the administration, as formally recognised in their status as public law bodies. This is provoking the appearance of other negotiators such as the Associations of Trawling Owners, the Groups of Fishmerchants and the Unions (coastal fishing in Spain was the only productive sector in which the Unions were present) that are starting to occupy the space traditionally occupied by the Cofradías as direct negotiators with the State in all themes related to the management of fishing.
- The incapacity of self-reorganisation of the Cofradías in aspects such as their election regimes, their internal functioning or the decision making process to adapt it to the changes that are being produced. All this is provoking the gradual disappearance of consensus as a form of basic agreement and its substitution by a decision making system based on sectoral decisions (purse seine, trawl, etc) and taken by the majority, which makes consensus unnecessary but breaks the unity of action.
- The incapacity of the Cofradías to adapt their main – and only – means of marketing and financing – the fish markets – to the new market conditions such as greater concentration of supply, greater and improved standardisation of products, greater value added to catches, greater participation in marketing beyond the first sales at the auction, etc.
- The incapacity amply demonstrated of organisation of a system of maximum catch quotas for small pelagics (Alegret, 1998), in the context of true formal co-management and in which the control of fishing effort is the only means of existing regulation.
- The incapacity of self-organisation in the determination of the times of leaving and entering the port, a fundamental means of regulating fishing effort, both for trawling and seining.

- The incapacity to establish efficient means of self-control in marketing of immature fish and the self-fulfilment of existing norms related to minimum sizes.
- The incapacity to establish agreements of self-fulfilment of the existing norms in relation to size and quantity of fish gears used. etc
- The incapacity of the determination and self-fulfilment of the existing norms in relation to the permitted depths, separation of areas of fishing between fleets, respect of protected zones, etc
- The incapacity of self-control of the increase in fishing effort related to the renovation of the fleet and the construction of new boats that do not fulfil the basic norms in engines and mean a real and important increase in fishing effort.

Confronted with this set of situations, incapacities or lack of political will, the current discourse of the Cofradías is persistently the same: the public administration should control the application and the fulfilment of all norms because the Cofradías do not have the capacity to do it themselves.

Currently, the majority of decisions that the different administrations take are the result of direct agreements with the representative groups created *ad hoc* for each problem, and not the result of a bargaining process by the Cofradías, although it is presented like this to the outside world.

Possible explanations of these changes should be looked for in the different levels between the two sectors involved: the extractive and the marketing subsectors.

a. Changes in the extractive subsector

Owners of large, newly built boats, or those of recently modernised boats, whether seiners, trawlers or longliners, due to the important investments of capital and the financial risks that they have to endure, have started to act like true industrial fishing entrepreneurs. Their objective is to amortise their investments in the shortest time possible, optimise their benefits to the maximum and reduced their costs of production as much as possible. All this distances them from the very ideology of the traditional owners, that since fundamentally family based companies maintain an ideology characteristic of petty commodity production (Bernstein, 1986) in which the ideas of consensus, conservation of resources, recruitment of family members to the crew and fishing as a way of life rather than a business, were still present at certain levels.

One of the consequences of this change in ideology of this group of owners of different fleets is that the associations that represent them no longer fit their new specific interests and so have started to look for new forms of representation, bargaining and pressure in confronting the administrations, with the consequent negative impact on the traditional organisations in the sector.

In this sense it is timely to point out that, even if the change has happened in the context of certain owners with a more empresarial mentality, the same has still not happened with the most proletariat sea-farers, as occurred in the seining fleet where this ideological change should lead them to a more unionised position, distancing them from their current corporative position. This change of position at the moment has not happened and so very precarious labour conditions are still maintained which is leading to the real marginalisation of labour of the sea-farers in the fleet, with the problems of crew recruitment, strong ethnicization and other indices of high instability in the work force.

b. Changes in the marketing subsector

The changes that have happened in the general structure of the market over the past couple of years, with the disappearance of commercial barriers, the entrance of significant amounts of fish from abroad, the rise in demand and consumption, like the maintenance of prices despite the reduction in local catches, has provoked a considerable change in the marketing subsector.

The main characteristics of this change has been that the fishmerchants have adapted better to this than the fishermen. It has produced a process of specialisation between the merchants that tends to reduce the transaction costs and better control the market, although they do not control first sale through the auction which are in the hands of the Cofradías, at the moment.

They have made an important capital investment in the basic elements of the commercial infrastructure. But what is perhaps more important is that the fishmerchants have been able to articulate the control of the local markets after the first sale, with the imports that they themselves make from other EU countries or countries outside the EU, thus achieving real control of prices against which the fishermen have no room for manoeuvre.

This greater relevance of the fishmerchants and the consequent weakening of the Cofradías is making them into a true pressure group, which, by being totally on the margin of the extractive production process,

they are unable to collaborate in the urgent common effort of managing the fishing activity, a function of the state of the resource, of the socio-economic sustainability and not only of the laws of the market.

Conclusion

It is not odd that the final result of this entire process of change should be the growing reduction of the Cofradías power of negotiation, their lack of capacity to create these conditions so that they conduct real internal discussions that lead to truly representative decision making processes on each of the many problems that affect them, their increasing distance from the marketing process and their delegation of responsibility towards the administration in a desperate attempt to justify their lack of non-operation.

The current strategy of the Cofradías is to approach the general problems (EU, national, provincial and regional) from a strictly local point of view (each port, each Cofradía) only defending the local interests, that is, thinking and acting locally instead of thinking locally and acting globally.

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