

Trajectories of institutional design in policy networks

European Interventions in the Dutch Fishery Network as an example

Paper for British Academy of Management Conference 2004 (30 August-1 September), St. Andrews, University of St Andrews, Track: Inter Organisational Relations (SIG Group)

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Content:

1. Introduction: institutional design as governing strategy	2
2. Institutional design in networks: an analytical perspective	3
3. Europe and the Dutch fisheries sector	7
4. Network rules in Dutch fisheries sector around 1990	9
5. European Union interventions and developments in the Dutch fisheries network	11
6. Changing rules in the Dutch fisheries network	14
7. The impact of institutional design	16
References	18

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1. Introduction: Institutional design as a governing strategy

Although not many politicians would use the name, institutional design is one of the prominent governing strategies used by politicians and administrators to achieve better outcomes, prevent undesirable outcomes or change outcomes of public policy. In fact politicians are constantly busy with changing and adjusting structures of institutional arrangements when their outcomes are not to their liking. Examples can be given easily. One could think of the prominent trend to create autonomous governmental organisations in almost all western countries (Pollitt et al, 2001) which actually affect the decision making space of these organisations and changes their relations with their parent departments. Thus the authority rules and rules for interactions in the networks in which they function are changed. But also initiatives as Private Finance Initiative or the many partnerships arrangements in UK (or at many other countries (Osborne, 2000), or the many attempts in various western countries to enhance the participation of citizens and societal groups in decision-making (McLaverty, 2002) can be seen as examples of institutional design. And these are only a few examples. One can easily find other attempts to achieve fundamental changes in the functioning of networks like the stress on market co-ordination and privatisation.

What is institutional design?

As the word already indicates institutional design is aimed at changing institutional characteristics of networks. Institutional design can roughly be described as interventions that try to change institutional structure, that is the set of rules, of policy networks. So they are not directly aimed at the process of interactions or concrete outputs but at the set of rules which regulate these interactions and the achievement of outcomes. As such institutional design is an indirect way of governance although certainly not an unimportant one. If we look at reform attempts of national governments we frequently see several interventions, which follow each other and which sometimes even conflict with each other. In recent years we have witnessed in the Netherlands a couple of changes in the central organisation responsible for social security that followed each other in high frequency. First the central organisations were taken out of the hand of social partners (employee and employers organisations) then they were organised as agencies, then they were stimulated to work more in a market like environment and recently they are being taken back into the central bureaucracy and dismantled again. All these interventions within the period of 5 years! All these interventions had important consequences for the relations between actors in the network of social security provisions, for the interactions between actors in the network and for the outcomes of the social policy network.

Why institutional design?

The 'quest for institutional design' certainly has to do with the idea politicians and administrators have that the outcomes of public policy and the way chains of actors deal with societal problems are not satisfactory. But it is also related to the growing importance of wicked problems and dealing with wicked problems. The partnerships in the UK are being designed because inner city problems of regeneration need combined efforts of actors and different sectors (Sullivan/Skelcher, 2002). Solving these wicked problems often does not fit in the existing institutional structures and the changing interventions are probably a sign that it is not easy to find the 'right institutional arrangement' if there is one. The problem we have at hand in this paper,

the North Sea fishery, is a very good example of a wicked problem (Koppenjan/Klijn, 2004). There is no consensus about the nature of the problem (is there a problem with the available fish stocks and if yes what is the problem) about the information (about for example fish mortality) about possible solutions (closed areas, technical measures). It is also a problem that involves not only a wide variety of actors in different countries but also different networks (national fishery networks, environmental networks, international networks). So this is truly a wicked problem and one which seems difficult to solve through the traditional national fishery networks. At least the EU tries actively to intervene in these networks, as we will see further on in this paper.

The content of this paper

There are thus important reasons to look at the phenomenon of institutional design more closely both theoretically and empirically. We do that in this paper by first exploring the phenomenon theoretically. We build on network theory to work out a conceptual scheme with which we can analyse interventions in the institutional characteristics of networks. With this conceptual scheme we analyse the institutional design interventions of the European Union in the national fishery networks. In this case we trace the influence of these interventions on the Dutch fishery network between 1990 and 2000. For that we make a detailed analysis of the changes in rules within the network and try to assess the impact that the EU interventions have on that change. So the rules and changes in rules are being treated as the dependent variable and the changes in strategies of the actors (partly) in reaction on the interventions of the EU which affect these the independent variable.

Section 2 contains as mentioned the conceptual framework that has been developed. In section 3 we discuss the Dutch fisheries network and its relation to the European Union. We then sketch the most important rules in the 1990-2000 period (section 4). In section 5 the EU interventions and the developments in the Dutch fishery network are outlined. Then we analyse the results of the process of institutional redesign (section 6). Finally, we address the consequences and impact of the EU intervention especially for the typically Dutch construction of the Product Corporation (section 7).

2. Institutional design in networks: an analytical perspective

Institutions structure the behaviour of actors. They set conditions for interactions shape perceptions of actors, limit their strategic actions and construct their evaluation and appreciation mechanism. Looking at institutional characteristics of networks is essentially looking at a supra-individual explanation for the behaviour of actors (Scott, 1995). Not that actors or their actions do not matter but actors act within bounds formed by institutions. Institutions are ordering principles in a complex reality. In this sense, institutional theories differ markedly from more rational theories of decision-making (see March and Olsen, 1989). In rational decision making theories (such as public choice, economic game theories, and neo-institutional theories), the outcomes of decision making are analysed as the result of a conflict between the rational (e.g., utility maximising) behaviour of individual actors (March and Olsen refer to this as the 'logic of consequences' which they contrast with a 'logic of appropriateness' in which actors try to fit and justify their actions in existing institutional rules; see March and Olsen, 1989). So if we want to say something about

institutional design we have to say first something about institutions and how they are formed and changed.

Institutions as rules: formation and change

Institutions and institutional arrangements are often regarded as sets of formal and informal rules (see Ostrom 1986, March and Olsen 1989, Klijn 1996, 2001, Scharpf 1997, Steunenberg 2001). Scharpf (1997:38) defines institutions as “systems of rules that structure the courses of actions that a set of actors may choose”. . The foundation of all forms of institutionalism is that “rules and systems of rules in any historically given society not only organize and regulate social behavior but make it understandable - and in a limited conditional sense - predictable for those sharing in rule knowledge.” (Burns, Baumgartner and Deville, 1985:256; in Scharpf, 1997:40). Institutions are thus sets of rules and in this sense networks must be considered as institutions. Each network does not only has its own history in which it is being shaped and changed but also can be distinguished from other networks by its unique set of rules.

Within networks actors interact in a related series of interactions that we can define as games. In these games actors and rules from the network (but sometimes more than one network) are ‘activated’ around a concrete issue (for an elaboration, see: Van Bueren, Klijn, Koppenjan, 2003). But these rules are also applied, re-interpreted and, in the longer run, changed.

Although there are of course situations where rules are consciously formed in games, which have been devised for that purpose, (think of establishing laws e.g.) rules are usually formed as a by-product during interactions. In other words, rules may be the product of conscious design behaviour by an actor – usually a public actor - but even then they are only rules if the other actors in the network recognise them as such and keep to them. Rules that are broken by the actors, either consciously or unconsciously, or are not (or no longer) complied with, lose their validity (Duintjer, 1977; Burns/Flam, 1997). This also clarifies under which conditions rules may change (Klijn/Koppenjan, 2004).

- As a result of a conscious action (design/intervention) by an actor provided that this intervention is perceived to be legitimate by other actors in the network and is at least complied with (note that this is not necessarily in a literal sense. We will return to this later);
- As a result of reinterpretation by actors; if a number of actors start to interpret existing rules in a different way (in terms of a judge who tries to apply abstract rules to concrete offences we could say: create a different jurisprudence) rules will change;
- As a result of non-compliance or even conscious breaking of rules; if actors no longer comply with rules or even consciously break them and this stance is adopted by other actors and not followed up by effective negative sanctions, rules will lose their meaning. This process will usually be accompanied by the simultaneous formation of new rules (see Van Buuren/Klijn, 2004).

These conditions may occur because actors view outside developments as relevant and change their perceptions and strategies and as result of that make different interpretations of rules or try to develop new rules. But actors can also evaluate their behaviour and resulting outcomes as negative and change their strategies in such a

way that it has consequences for the rules in the sense that they lose their validity or are being changed.

The conclusion is that the changes of rules can either be initiated or forced upon by one actor, in which we speak of institutional design or can be the result of a joint strategy pattern of actors within the network. Of course these two things can happen (and often do happen!) at the same time.

Directions of institutional design: how rules change

Various management strategies may be distinguished which are based on the changing of rules. These strategies may be classified into three categories (Koppenjan/Klijn, 2004):

- Strategies aimed at the *network composition*; these are strategies, which focus on changing or influencing the composition of the network. Based on the premise that the composition of the network has an influence on the interactions occurring within it so that the resulting outcomes produce changes in the composition of the network and therefore different interaction patterns and outcomes. There are various ways in which the composition of the network may be changed. For example, strategies aimed at consolidating or changing actors' positions or adding new actors. However, strategies may also be aimed at changing the access rules for actors or at influencing the network as a whole by promoting network formation, and self-regulation, or modifications to the system;
- Strategies aimed at the *network outcomes*; these are strategies, which try to influence the standards or the logic of costs and benefits in a sustainable way so that games within networks evolve in a different way because other strategic choices are made. The point of intervention here is thus not the actors as in the previous set of strategies but their choices. This means the sustainable influencing of actors' strategic choices and the outcomes resulting from them. The most important institutional design strategies in this category are strategies to change the pay-off structure, to change professional codes and morals and strategies, which are aimed at changing evaluation criteria;
- Strategies aimed at *network interactions*; these are strategies, which try to influence the interactions between actors in a sustainable way. These strategies are thus aimed at influencing rules, which regulate the process in networks and in this way try to facilitate interactions, to put them in a framework or to make linkages. Strategies in this category include developing conflict settlement mechanisms or introducing certain procedures into interactions. But strategies such as certification or influencing supervisory relationships also fall into this category.

These strategies are directly aimed at changing rules either by direct intervention upon the rules or by affecting perceptions of actors and their strategies. In this paper we focus on the institutional design interventions of the EU on the one hand and the effects, that is the changes in rules on the other hand.

Types of rules

To study the institutional structure of a network and changes in that structure, we need to analyze and describe the types of rules and their content. Various examples are available in the literature (see, e.g., Kiser and Ostrom, 1982; Ostrom, 1986; Burns and Flam, 1987; Klijn, 1996; Scharpf, 1997). For the purpose of this paper, i.e. studying

the changes in the Dutch fishery network as result of interventions of the European Union and, given the complexity of this (the changes in the fisheries network in the past ten years), we limit the analysis to three categories of rules (see also Klijn, 2001):

- *Domain rules*: these determine the division of tasks in the institutional system. Laws and regulations determine the tasks of the Product Corporation (see later on for a clarification). The same holds for the tasks of governments. Statutes of private organisations also define objectives and tasks. Informal domain agreements may also have the status of rule. The position of actors is determined as much by implicit and shared rules about mutual positions in the institutional system as by the formal division of tasks.
- *Interaction rules*: these, among other things, determine what information is exchanged and how this is done, the consultation patterns between actors, and how collective decisions are made.
- *Evaluation rules*: these are rules upon which actors evaluate the outcomes of their actions, the procedures to be followed, and the products that are realised. In this specific network, they especially concern what is considered good fisheries policy and how it is made.

These rules structure the network. Institutional design is aimed at changing these rules. We can specify institutional design strategies in the light of the different types of rules:

- Domain rules are the main rules affected by design strategies focused upon network composition;
- Interaction rules are mainly affected by design strategies focused upon network interactions;
- Institutional design focused upon network outcomes is of course intended to change the evaluation rules.

Institutional design: a complex process

Such changes are however far from clear and institutional design is far from a simple top down strategy as is already clear from our elaboration on how network rules change. There are several reasons why institutional design is a far messier job than the word suggest and than many politicians are think:

- *Power*; measures of institutional design often conflict with the interests and positions of actors in networks. This is logically if one reminds that changing rules is also always (not solely!) a question of power. Existing rules reflect the practices and positions of the past where they have been formed. Changing that rules always affect power positions;
- *Interpretation*; each intervention of institutional design will be interpreted by the actors in the network and will be changed and reworked by the actors of the network jointly;
- *Complexity*; institutional design, even if it is imposed by one actor, will be implemented in a complex interaction process between actors in which the content can change and unexpected outcomes may result. An attempt to institutional design will be part of a large and complicated set of developments in which such an attempt easily gets another direction.

So effects of institutional interventions and initiatives are never clear at the beginning but are achieved in a complex process. That makes it interesting to study interventions

and their effects, which is what is being done in this paper. We can expect that institutional changes which fit in an ongoing development in the network (go with the flow), will be more effective than interventions which go in opposite directions than developments within the network (against the flow). In this paper we not only try to analyse institutional changes as result of interventions with a institutional design character but also look at how these interventions are ‘processed’, fortified or weakened, in the everyday dynamics of a network.

The Research Method

A difficulty in the reconstruction of rules is that they do not exist ‘out there’ but are rather shaped by actors and are, as a result, a social construction. So by necessity, a reconstruction of rules is the reinterpretation by the researcher (see Klijn, 1996 and Scharpf, 1997). The reconstruction of formal rules is, obviously, much easier. For this article the rules have been reconstructed through interviews with 28 actors in the fisheries network such as associates of the Product Corporation (see section 3), civil servants of the ministry, and representatives of fisheries organisations (Van Buuren, 2002). In these interviews, we encouraged interviewees to explicate all sorts of formal and informal agreements about division of tasks, types of interaction and methods of evaluation. Especially important was the question of why they regarded certain actions as self-evident and disapproved of other actions. Thus, implicit assumptions about ‘legitimate behaviour’ were uncovered. By way of controlling, we asked whether the interviewees could identify with and recognise the reconstructed rules. In addition, a large number of policy documents was studied. From these we deduced the impact of European policy interventions on the institutional arrangements in the fisheries network. Finally, a brief survey was sent to all members of the co-management groups (67 people). Of these, 36 responded (53.7%). The questions mainly concerned the functioning of these quasi-autonomous groups of fishermen (see section 3) and the relations of the fisheries organisation with the PC (Van Buuren, 2002).

3. Europe and the Dutch Fisheries sector

In this article, we address the impact of European interventions in the past ten years in the Dutch fisheries network in terms of institutional changes. After all, with its active fisheries policy, the EU has had – directly and indirectly – substantial influence upon the positions and relations within national fisheries networks. To focus our analysis, we look especially at the changing position of the Product Corporation as a consequence of this European involvement.

Characteristics of the Dutch fisheries network

There are few Dutch policy sectors that have been under such pressure in recent years as the fisheries sector. At the beginning of the 1980s, the fisheries network could be characterised as a ‘fisheries policy community’. The Ministry of Agriculture, Nature Management and Fisheries operated as a clientele department and developed policy in the interest of the fisheries. Consultation with the sector was institutionalised a public corporation: the Fish Product Corporation.

The Fish Product Corporation is characteristically Dutch. It was created in the 1950s together with other product corporations (PCs) with the enactment of the Corporate Association Act. The essence of this act was the creation of organisations that would

be involved in policy making on behalf of a specific policy sector. The management of these organisations consisted of representatives from sector organisations and observers from relevant ministries and the Social-Economic Council (an advisory body for the cabinet on social-economic policy). The corporation's task is to support the sector with issues of promotion, research, and administration. They also have to support government in the implementation of policy and regulation and are involved in policy making. They provide a platform for the sector's discussions with government about policy plans. The corporation also has regulative authority and can impose binding regulations upon companies. The PC thus provides a link between the sector (mainly the fishery organisations) and the government.

Personified by their chairpersons, the fisheries organisations, namely the Dutch Fishery Association and the Federation of Fisheries Associations, had strong advocates with substantial public exposure (Van der Kroon, 1994). Together they sought out the best for the sector.

The EU and the Dutch fisheries network in the eighties

This image of a corporatist policy sector was severely challenged in the 1980s. In 1977, European quota regulations were established, and suddenly, fishermen were required to decrease their catches. The transfer of fishing to control proceeded with difficulty, and regulation was massively evaded. Following a European evaluation in 1983, a parliamentary inquiry committee was established. This committee concluded that civil servants and political officeholders had worked too closely with the interests of fishermen and their industry. The fisheries interest was too quickly viewed as synonymous with national interest (Hoetjes, 1993).

Strict measures politicised the relations. Real physical battles occurred between fishermen and the police (Kickert, 2002). In 1989, the Minister of Agriculture was forced to resign because regulations were still not sufficiently followed. His successor hoped to solve these problems. Upon his initiative, and together with the Fish Product Corporation and the fisheries industry, an effort was made to establish a system of co-management to strengthen the control of the fishing quota, the Biesheuvel system. Fishermen received responsibility for quota control. They formed groups in which the quota were distributed and controlled. In first instance, oversight and sanctioning was the responsibility of the management group itself. Trust was slowly re-established and quota control became increasingly de-politicised. The fisheries sector remains an independent, licentious sector.

With the specific national implementation strategies for the quota regulations, the institutional impact of the EU interventions in the Dutch network remain limited. The main effect was the diminishing position of the Dutch ministry of Agriculture. But the internal relationships did not change spectacularly.

We start our institutional analyse at roughly this stage thus the beginning of the 90ies. We analyse the institutional changes by comparing the set of institutional rules that 'governed' the fisheries network in 1990 (see section 4), the dynamics in the fisheries network between 1990 and 2000 (section 5) and the changed set of rules in 2000 (section 6). We view the fisheries network in a relatively limited sense. The central actors are the Fisheries Directorate of the Ministry of Agriculture, the Fish Product Corporation, the overarching organisations in fisheries (the sector organisations) and (since the 1980s) the European Union (i.e., its Directorate General for Fisheries). Recently, nature and environmental interest groups want to join the network, supported by the 'green policies' of the EU.

4. Network Rules around 1990

In the 1980s, the fisheries network was relatively closed. The first EU interventions broke open this somewhat corporatist institutional structure of the sector a little bit. But it is only in the 90ties that EU interventions actually effect the autonomy of the Dutch fisheries network. And they also resulted in an environment in which it was increasingly difficult to solve conflict and distribution problems exclusively within the network. For proper understanding of the changes that occurred, we first provide an overview of the rules around 1990, i.e. after the first quota measures were implemented through the Biesheuvel system.

Domain Rules: Live and Let Live

The most important domain rules in the early 1990s expressed a ‘live and let live’ attitude in the fisheries. Everyone knew his place in the corporatist network, and national regulations were made in consultation. The PC’s role as platform placed it in an advantageous position in policy advising. Its standpoints were developed in intensive consultation with the sector.

Despite this, the PC was not exactly appreciated in the fisheries sector. Fishermen were averse to any type of governmental interference. They could not get around the PC or influence it, but they could organise themselves. In their perception it was a costly institution. The ‘live and let live’ doctrine culminated in the rule: what can be done privately, must be done privately. Initially the EU held back, with the exception of the quota regulation and the market organisation. The Ministry of Agriculture held the political primacy, but used it cautiously because it valued support for her policies (see also Bekke et al., 1994).

Table 1. Domain rules in fisheries network

Domain rules:	
1	Within policy discretion defined by national governments, the EU sets frameworks for national fishery policies. This is especially with regard to market organisation, capacity reduction and catch regulation.
2	The Ministry of Agriculture is responsible for national fishery policy within the framework set by the EU.
3	The PC represents the interests of the sector and, taking into account the general interest, supports the sector where the sector believes it necessary and cooperates in the implementation of government policy.
4	The sector organisations take care of the interests of their members, the fishermen.
6	The fisherman is king on his ship in does not want to be under unnecessarily tutelage. It is necessary to convince him of the use of intended measures.
7	The Fisheries Directorate takes care of the fisheries interests within national government.
8	Within the frameworks set by government the PC has an autonomous regulative authority. The board determines the more detailed content of policy. Government oversight is marginal.
9	The PC advises government about policy and regulation.
10	Branch organisations have a decisive voice with regard to the activities of the PC (veto power).
11	The PC prepares the common sector standpoints and represents these.
12	Branch organisations have the right to independently formulate their own standpoint.
13	National government determines the degree to which it wants to be responsible for the content and implementation of its policy.
14	What can be done privately, must be done privately: only when the private associations cannot perform a task does it become a responsibility of the PC.

Interaction Rules: Corporatism in Optima Forma

The interaction rules ‘regulated’ the relations between actors in the fisheries network. The PC offered a consultation platform for the sector (the Committee for International Affairs for issues concerning the market organisation and the Cutter Committee for cutter-rigged boats). The PC also provided a platform for consultation between minister and sector in the “Regular Supply Consultation”. The relation between the ministry and the PC took the shape of the latter having the right to advise with regard to intended policy and oversight of the ministry on regulations by the PC.

Table 2. Interaction rules in the fisheries network

Interaction rules:	
1	In PC’s International Affairs Committee, market organisation is discussed. PO’s are represented there. Together they determine the standpoint with regard to Europe. In the PC’s Cutter Committee, the sector determines its standpoints on Cutter issues.
2	The Supply Issues Committee addresses all issues concerning supply.
3	In the regular supply meeting with the minister, the sector discusses the entire state of affairs with the government.
4	Agreement with ordinances from the ministry involved is sufficient for an ordinance to be passed.
5	The PC can advise about intended policy.

Evaluation Rules: Fisheries Interests are General Interests

The relevant evaluation rules (with which those involved evaluate the results of policy type interactions in the fisheries network) assume strongly that fisheries policy and fisheries interests are synonymous. Furthermore, actors regard it as self-evident that results of policy processes are only good when accepted by the sector.

Table 3. Evaluation rules in the fisheries network

Evaluation rules:	
1	Policy is for and by the fisheries. Fisheries policy serves the fisheries interest.
2	Policy is legitimate when fisheries sector and politics agree.
3	Support for intended policy in the sector must be pursued as much as possible. To that end there is regular and ad hoc consultation with the sector.

These rules remained almost implicit until their validity became the subject of discussion. This was especially the case with the ‘support rule’. Tinkering with this rule determined the problems in the 1980s (quota management) and the solution direction in the 1990s (co-management). One respondent remarked: *“In the end, the government has the authority to push issues through but to large extent, it will consider what support it has.”* In general, this rule remains in the fisheries network (Dorren, 1996).

The problems in the 1980s were mainly a consequence of the fishermen’s perceptions about the lack of legitimacy of European regulations. Also, policy did not serve the short-term interest of the fisherman. One of their leaders said succinctly: *“If it is not between the ears of the fishermen, you need one-on-one supervisors. Otherwise it is simply not going to work.”*

Toward the late 1980s and early 1990s, the fisheries network had all of the characteristics of a rather closed corporatist network in which issues were settled internally and among those interested. However, the interventions of the EU result in a major institutional redesign of these rules.

5. EU interventions and developments in the Dutch fisheries network

From the early nineties, the position of the European Union in the national fishery policies became stronger and stronger. On four items, the network was put under pressure and changed considerably. We summarise these four interventions and their context in table 4.

Table 4. Characteristics of the EU institutional design interventions

Institutional design intervention	Type of intervention	Main rules affected (see section 4 and 6)	Comments
1. Fish quota and downsizing catch of fish	Mainly aimed at network outcomes and a little bit on network composition	Changing evaluation rules (what is profitable and good in the network). Indirect: emphasising the domain rule of the EU	Unilaterally top down measures to limited fish catch. Bypassing the ministry of Agriculture
2. Stimulating green issues in fisheries	Mainly aimed at network composition (stimulating access of other groups)	Introducing new actors weakens existing domain rules of PC, sector and ministry.	Encouragement to take ecological issues into account in fishery policy and politics
3. Stimulating private organisations and Producer Organisations	Aimed at network composition (strengthening actors and changing relations between actors in network)	Changing domain rules: strengthened for private organisations, weakened for PC	By stimulating the private organisations the EU explicitly ignores the Product Corporation
4. Free market policy	Mainly at network interactions and indirectly on network composition	Weakened domain and interaction rules that were in favour of PC. Strengthened domain rule of private organisations.	This is a general policy of the EU not specifically target at the fishery network. It does however include ignoring and bypassing the traditional Dutch organisation of the Product Corporation. This forms an extra impetus for the national debate about the PC-structure

1. *The EU and quota regulations*

European quota regulation, partially a result of alarming data about the deteriorating numbers of fish, was strengthened substantially in the 1990s. Also, the EU developed an extensive package of auxiliary policy, such as, e.g., technical measures (about the allowed width of meshes) and sea-day regulations (the number of days that fishermen can fish at sea), in order to reduce the amount of fishing. Its ‘top-down’ manner of administration – with little attention for national administrative culture – is not appreciated. “*The Commission is just muddling along.*” An associate of the PC remarks: “*they (the fishermen) are heard, but no one listens.*”

The EU passed the national government and doesn’t reckon with the Dutch consensual approach. Its top-down approach and the power to enforce compliance (because of the rather docile attitude of the national government, after the trauma of the eighties), give the EU a powerful position within the Dutch network.

2. *New Issues in the Fisheries Network: Nature and the Environment*

An important development in European fisheries policy, and thus in national policy, is the increased attention for the issue of ‘nature and environment’. In the annual reports of the PC, a steady increase for the number of national policy initiatives in this area are evident (Van Buuren, 2002). European attention for the ecological values in fisheries policy forces the department to pay also structural attention to this. Accent

nature areas are introduced, as well as ecological indicators, ecosystem targets, an action plan biodiversity and the precautionary principle.

It is not so much the ‘greenification’ of fisheries policy that puts pressure on mutual relations, but more the manner in which it is implemented. The sector perceives the stream of initiatives, such as the policy memo “Sea and Coastal Fisheries” (see LNV, 1993a and 1993b), the establishment of ecosystem objectives and the policy brief on the welfare of fish, as administrative overdoses. One respondent remarked: “*The sector is confronted with too many initiatives [...]. Hence, such a sector is confronted with ecosystem objectives (initiative of the Ministry of Public Housing, Planning and Environment, AvB and EHK) and the next day with the fifth memo on planning (initiative of the Ministry of Housing, AvB and EHK) that also contains all sorts of planning regarding the North Sea. And then someone appears who says: I also have Ecological Quality Objectives (policy plan of the Ministry of Economic Affairs, AvB and EHK). They do not know what to do with it.*”

3. Changing Relations in the Network: Professionalization of the Sector

Since private parties were also involved, the PC faced challenges from the private sector as well. In the 1990s, fisheries organisations experienced high professionalization. To a large extent, this was a consequence of European policy regarding Producers organisations. The EU, in the Common Market Policy gave these voluntary associations of fishermen various market organising authorities. Thus, some tasks of the PC became superfluous and were thus abolished. Professionalization also occurred in the Biesheuvel groups. Together with the Producers organisations, they were able to implement the quota regulation and the market organisation. The sector itself initiated consultation among Producers organisations so that other committees, led by the PC, ceased to exist or lost their functions. As a result, the PC lost part of its influence upon cutter-rigged issues. Also, because of these developments, the PC could no longer effectively co-ordinate the Biesheuvel system. The group meetings, chaired by the PC, were convened more infrequently. The fisheries organisations themselves acquired the means to expand their secretarial function so that their representatives (some individuals who have leading positions) had more time to build and expand the fisheries lobby.

The results of our survey supported these conclusions. The respondents are not satisfied about the way the PC defend their interests. The Producer Organisation is seen as becoming more and more important. In their concrete actions, we see an increased use of ‘own’ organisations and a neglecting of the Fish PC.

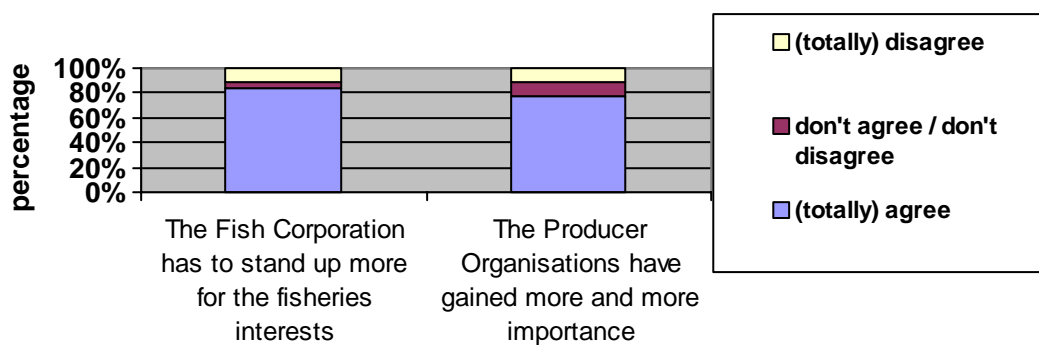


Figure 1. Opinions of the sector about the Fish PC and the Producers Organisations (n=36)

Many in the fisheries world regarded the Producer Organisation as the organisation of the future, and they wanted to invest in these, at the cost of the PC. The joint meetings of the Producer Organisations gained in importance.

The PC, on the other hand, increasingly profiled itself as a vanguard institute that desired to fulfil a meaningful role for the sector and the ministry. It sought to facilitate the transformation to a more durable fisheries sector. To that end, it developed various initiatives, but the scepticism in the sector greatly inhibited this.

The PC attempted to streamline negotiations between sector and government and to integrate it through its own channels. But this was not always successful since it met with resistance from the sector and with pragmatism in the ministry. In the development of the Biesheuvel system, we can certainly recognise that the PC was marginalised and forced to give up its role almost entirely.

4. The Fish Product Corporation in a Free Market

The battle faced by the fisheries sector was intensified by the political discussion about the public corporation system in the 1990s. An important argument in favour of revising the system was the relation of the PCs to European regulations. The concern was that the Dutch product corporations were not tailored to European policy with regard to the free market objectives and market organisation through private product organisations. A public organisation had no place there. As a result, a number of competencies were removed from the PCs.

The PC doesn't fit within the European doctrine about the role of government in relation to the free market. It is an intermingling of public and private elements and an not-allowed association of private businesses. In their policy the EU obviously neglect the PCs. The former chairman of the Fish PC participates in European policy processes as the representative of the united private fisheries organisation. Otherwise, he was not allowed to participate!

This change was part of a much larger (national) debate about the manner in which the relations between the government and the private sector were shaped. In part as a consequence of this argument, the PC system came under pressure during the so-called Purple cabinets (1994-2002; in which socialist, liberal and democratic parties govern together). Consequently, the Fish PC had to prove itself time and again (Dijkstra, 2000). The sector had already criticised how the PC Fisheries exercised its duties (see below), and this critique became more vehement as a result of this development. Because of the PC discussion and the resulting limitations on its functioning, the PC gradually lost its added value for the fisheries. For example, the obligation of the ministry to request advice about intended policy from the PC was abolished and oversight on the regulative competency of the PC was strengthened. The informal patterns of mutual contacts and information exchange between the Fisheries Directorate and the PC continued to exist, but the discretion of the latter was decreased.

Conclusion: A Network under Pressure

An important consequence of European involvement in Dutch fisheries was that the network was put under pressure in the 1990s. Partly by connecting to existing developments (the discussion about the position of the Fish Corporation and the professionalization of the sector), but also partly by self-imposed developments (quota regulation, greenification), the EU interventions effects heavily the institutional relations in the network. We will explore the consequences in the next paragraph.

6. Changing Rules in the Fisheries Network

As indicated in section 5, the EU stimulated a change trajectory in the Dutch fisheries network. The network was broken open effectively and the room to deal with issues internally in a discrete manner diminished. Some interventions were further enhanced by network internal developments (professionalisation of the sector, discussion about the PC). The classic corporatist rules in the network were hollowed out, as a result of all these developments. The consequences of the (direct and indirect) interventions of the EU in the institutional structure of the fisheries network, that is the basic rules of the network, are analysed in this section.

Changes in Domain Rules

The various developments in the fisheries network had great consequences for the domains of the various actors in the network. The EU was able to unilaterally expand its domain. The ministry, as a consequence, lost much of its policy discretion. The sector and the PC complained, but were unable to turn the tide. While the ‘purple polarisation’ and the ‘greenification’ basically amounted to an interventionist strategy on the part of the Ministry of Agriculture, the EU ultimately forced them. As a consequence of the PC debate, the PC lost influence: *“When I came there [some twenty years ago, AvB/EHK], the Industrial and the Product Corporation were ‘gentlemen’ of great authority. They had real influence because of their formal authority. This was a public corporate organisation. They determined what happened. But all that is gone.”*

The strong involvement of Brussels forced the Fisheries Directorate to transform itself from a sector directorate to a more neutral policy directorate. As a result, relations with the sector became less intimate, and the sector was forced to learn to deal with its own problems, such as fisheries issues addressed by other ministries (e.g., social-economic issues).

The rule ‘What can be done privately, must be done privately’ was upheld, and obviously especially by the private parties. They managed to enhance their domain with the help of the EU and were no longer as dependent upon the PC: *“Hence we can also get finances through the avenue of private Producers Organisations in order to professionalise the organisation. Thus the argument of the PC [that they are the only one who have the means to make joint action possible, AvB/EHK] is no longer as strong.”* The most important changes in the domain rules are provided in table 5.

Table 5. Changing domain rules

	Domain rules:	
1	Within the room for policy discretion defined by national government, the EU determines national fisheries policy	Emphasised
2	The Ministry of Agriculture is responsible for national fisheries policy within the framework set by the EU	Unchanged
3	The PC represents the interests of the sector, taking general interest into account, supports the sector where it considers it necessary and cooperates in the implementation of government policy	Unchanged, but contested
4	The sector organisations look after the interests of their members, the fishermen	More strictly enforced
6	The Producer organisations operate in a market organising manner and ‘manage’ the catch regulation together with the group	New
7	The fisherman is king on his ship and does not wish to be under patronised when unnecessary. It is necessary to convince him of the use of intended measures	Unchanged
8	What can be done privately, must be done privately. Only when a task cannot be performed by private actors can it be the responsibility of the PC	More strictly enforced
9	Branch organisations have a decisive voice in the activities of the PC (veto power).	Unchanged
10	The PC prepares common sector standpoints and represents these	Unchanged
11	Branch organisations have the right to take independently their own standpoint	Unchanged
12	Within the boundaries set by national government the PC has autonomous regulative authority	More limited
13	Public primacy: national government determines to what degree it will take responsibility for the content and implementation of its policy	Emphasised
14	The Fisheries Directorate focuses on general policy; the sector looks after the fisheries interest in the Ministry and elsewhere	Changed

Changes in Interaction Rules

The political debate about the organisation of the representation of the private interests by the PC’s changed the relations between ministry and PC, especially because the obligation of advising was abolished. Requesting advice became voluntary: *“Presently it is nothing more than a neighbourly service. It is much more like “Let us not start on the wrong foot with this regulation, Let’s ask advice”. But I must say, this is not the standard.”* according to a civil servant from the Agriculture Ministry.

The professionalization of the sector resulted in preference being given to interactions internal to the sector over interactions through the PC. The sector considered the Producers Organisation consultation sufficient for regulating its affairs (concerning fishing quotas and market regulation) in the direction of ‘Brussels’. The PC became increasingly marginalized as a platform for the sector.

Table 6. Changing interaction rules

	Interaction rules:	
1	When considered necessary, the Ministry will request advice from the PC	Changed
2	In the producers’ meetings the sector regulates as far as it can matters concerning cutters	New
3	All matters concerning supply are addressed in the Supply Matters Committee	Weakened
4	In the frequent supply meetings with the minister the sector discusses the general way of doing things with government	Unchanged
5	Agreement with the Social-Economic Council, the European Commission and the ministry involved is necessary before a regulation is enacted	Changed

Changes in Evaluation Rules

The self-evidence of the notion that the fisheries interest must be served by fisheries policy clearly diminished, as a result of EU interventions and the discussions about the environment. The standard of good fisheries policy clearly shifted although there was no unanimous agreement about its direction. In this sense, a development can be seen from a more or less uniformly shared understanding about the standard of good fisheries policy to a different somewhat ambiguous standard that was, at least, broader. The support rule was still relevant, certainly in the eyes of the sector, but not at any price. In sum: the EU adds some important evaluation criteria to the national policy discourse. Table 7 provides an overview of the changes in these evaluation rules.

Table 7. Changing evaluation rules

	Evaluation rules:	
1	Fisheries policy serves both the nature and the fisheries interests. Attempts are made to reconcile fisheries interests with ecological values. A sustainable, ecologically responsible fisheries is the objective	Changed
2	Policy is legitimate when sector, politics, and society (nature interests) all agree	Changed
3	Support in the sector for policy intentions must be pursued as much as possible. In order to get this there is regular and ad hoc consultation with the sector	Unchanged, ambiguous

Conclusion

In general, we see how the fishery network is broken open by the interventions of the EU. The position of the Product Corporation is severely challenged by a professionalized sector and the much broader task orientation of the ministry. The interventions of the EU have dramatically changed positions and interaction rules. In the last paragraph we analyse the specific dynamics of institutional design and take some general conclusions.

7. The impact of institutional design

From a comparison of the two sets of rules, the effects of the intervention of the European Union become clear. Many domain-, interaction- and evaluation rules change during the period 1990 – 2002. However, the patterns in which the institutional changes occur, are not always the same. Some rules changed very clearly, other became ambiguous. There are a lot of complications when the EU tries to restructure the Dutch fisheries network.

Patterns of change

Sometimes it goes easy: the professionalisation of the private organisations is an example of a rather successful intervention, which supported developments already underway in the network. But the discussion about the quota raised heavy protest from the Dutch fishery network. Only through a long process of pushing and pulling (one has to take into account that the first intervention date from the early eighties) the EU succeed in get the position it need to effectively implement its policy ambitions. And its position is still not undisputed. Thus if we look at the experiences in Dutch fisheries network we can see an important distinction in the dynamics of institutional design. When an institutional intervention hooks on a present

development within the network, acceleration can be realised. When an intervention opposes such a development, much more energy is needed to realise a restructuring of the network.

The second observation would be that the outcomes of a process of institutional design couldn't be known in advance. Actors react strategically on these attempts, try to make an interpretation of the intervention and thereby shape and change interventions of institutional design. So evaluation of strategies of institutional design requires a careful look at the developments and changes in rules in networks and the strategic patterns that are the result of institutional design interventions. One also needs a picture of the trajectory in which changes take place. In this paper this is attempted by studying the changes in rules over time. This should maybe be extended by a more dynamic and long range view of the actors' strategies and the patterns than we did here.

Some of the institutional design strategies are not always an intended policy strategy. A key objective of the EU is realising a free internal market. Product Corporations don't fit in this image. But the EU leaves alone the PCs. They were neglected. But when a discussion in Dutch politics raises, the arguments of Europeanisation and a free market were used in order to diminish the position of the EU. So, European arguments were used in order to realise national policy ambitions. In table 8 we summarize the differences in types of institutional design attempts and their effectiveness.

Table 8. Effects of EU institutional interventions

EU intervention	Against or with the 'flow' of the network	Institutional effects	Effective?
Fish quota and downsizing catch of fish	Against the flow	Over a long period (1970-2003) the closed fisheries network is opened and classical positions are changed	Yes, but only after a long period of pushing and pulling. And effects remain uncertain
Stimulating green issues in fisheries	More or less with the flow (stimulates also network internal development)	In a decade 'green evaluation criteria' become the only valid standards for evaluating fisheries policy.	The joint effort of the EU and nature organisations leads to the opening of a closed ministry – sector network
Stimulating private organisations in fishery network	With the flow	Important: the private organisations become powerful players in the network, while the position of the PC marginalizes.	Yes, the PC has a serious problem in finding new tasks with added value for the sector
Free market policy	Neither of both, pragmatic used to legitimate network internal development	New actors (PO's), diminished position for PC and ministry of Agriculture	Yes, a strong EU interventional policy results in large changes

Some final reflections: possibilities for institutional design and research

The interventions of institutional design tend to work out within the existing sets of rules of networks and don't lead to an entire new set of rules, which is of course not surprisingly. Institutions are relative durable. This does set some limitations and narrows the possibilities of institutional design measures. Especially politicians do not always seem to realise this point themselves sufficiently. On the other hand: path dependencies are strong but they also make that changes once they are 'implemented' can not be undone in an instrumental way. The past set of rules simply does not exist anymore. It is thus very unlikely that the changed relationship between fishery organisations and Product Corporation will be restored in the old situation.

If we look at the used design strategies of the EU (see also section 5) it is clear that different types of strategies (aimed at composition, interactions or outcomes, see section 2) are used at the same time in interventions. This points at the fact that the types of strategies maybe are more an analytical tool to describe and analyse the content of strategies, than a tool to analyse effective and non-effective strategies. The fact that effect is dependent on both the existing set of rules in a network and the strategic choices and interpretations of actors in networks make general statements about effects of institutional design very difficult. But maybe ongoing research on this topic can reveal certain successful mix of strategies.

Because of the various effects of institutional design its long-term character and the fact that interventions are being interpreted by involved actors the effects of institutional design can, as said before, only be examined by 'close reading'. If one wants to analyse effects of institutional design interventions a close look at the developments within networks is essential to get a realistic picture. The research should be addressed at specifying types of strategies, analysing reactions of actors on these strategies and on looking at different trajectories of change. This could maybe result in a more realistic view on institutional design than sometimes is held in political spheres.

References

- Becker, B.L. en Vries, J. de (1993) Quoting en politisering van visserij (Quota and Politicization of Fisheries). In: Kickert, W.J.M.(red.) *Veranderingen in management en organisatie bij de rijksoverheid* (Changes In The Management And Organization Of National Government). Samsom H.D. Tjeenk Willink, Alphen aan den Rijn.
- Bekke, H.; Vries, J. de; Neelen, G. (1994) *De salto mortale van het ministerie van Landbouw, Natuurbeheer en Visserij. Beleid, organisatie en management op een breukvlak* (The turnabout of the Ministry of Agriculture, Nature Management and Fisheries: Policy, Organization And Management at a Crossroads). Samsom H.D. Tjeenk Willink, Alphen aan den Rijn.
- Bueren, E. van, E.H. Klijn, J.F.M. Koppenjan (2003), Dealing with wicked problems in networks: analyzing an environmental debate from a network perspective, *Journal of Public Administration Theory and research* (JPART), vol 13, no. 2, pp. 193-212
- Burns, T.R. & Flam, H. (1987) *The Shaping of Social Organization. Social Rule System Theory with Applications*. Sage Publications, London.
- Buuren, M.W. van (2002) *Productschap, Quo Vadis? Vechten en volgen in een dynamisch netwerk* (Fighting and Following in a Dynamic Network). Afstudeerscriptie (MA-thesis) Erasmus Universiteit Rotterdam.
- Buuren, M.W. van & E.H. Klijn (2004) *Kapitein in de storm. Het Productschap Vis in een veranderend zeevisserijnetwerk*. In: *Bestuurswetenschappen*. To appear.
- Dorren, G. (1996) Diagnose: zeeziekte. In: Waagmeester, K. (red.) *Creatieve Democratie. Kroniek van duurzaam Nederland* (Creative Democracy: Chronicle of a Durable Netherlands). Nationale Commissie voor internationale samenwerking en duurzame ontwikkeling (National Committee for International Cooperation and Sustainable Development). Haasbeek, Alphen aan den Rijn.
- Duintjer, O.D. (1977), *Rondom regels: wijsgerige gedachten omtrent regelgeleid gedrag* [about rules; philosophical thoughts on rule guided behaviour], Meppel: Boom
- Dijkstra, G.S.A. (2000) *Product- en Bedrijfsschappen als lichamen van openbaar en functioneel bestuur* (Product and Industry Corporations as Bodies of Public And Functional Governance). In: SER, *Met raad en daad. Visies op de toekomst van de overlegconomie op nationaal en sectoraal niveau* (Through Advice and Action: Visions on the Future of the Consensus Economy at the National and Sectoral Level). Uitgave van de SER en de product- en bedrijfsschappen ter gelegenheid van het vijftigjarig bestaan van de Wet op de bedrijfsorganisatie. 's-Gravenhage.
- Freeman, J.P., J. Parris-Stevens, (1987), A Theoretical and Conceptual Reexamination of Subsystem Politics, *Public Policy and Administration*, vol 2., n0.1, pp 9-24
- Giddens, A., (1984), *The Constitution of Society*, Berkeley: University of California Press
- Godfroij, A. (1981) *Netwerken van organisaties. Strategieën, spelen, structuren* (Networks of Organizations: Strategies, Games, and Structures). VUGA Uitgeverij BV, 's-Gravenhage.
- Hanf, K., Th.A.J. Toonen, (1985), *Policy Implementation in Federal and Unitary Systems*, Dordrecht: Martinus Nijhoff Publishers
- Have, K. ten, Bekkers, V., Nagelkerke, A. & Stoppelenburg, P. (1995) *Het schap de maat genomen. Evaluatieonderzoek naar het functioneren van de product- en bedrijfsschappen* (Measuring the PC:

- Evaluation of the Functioning of Product and Industrial Corporations). Onderzoek in opdracht van het ministerie van SZW verricht door IVA, Tilburg. VUGA, Den Haag.
- Hoetjes, B.J.S. (1993) *Landbouw, Natuurbeheer en Visserij. Profiel van een ministerie* (Agriculture, Nature Management and Fisheries: Profile of a Ministry). Departementale studies nr. 4. VUGA Uitgeverij B.V. 's-Gravenhage.
- Kickert, W.J.M., (2002), *Verhalen van verandering* (Stories of Change), 's-Gravenhage: Elsevier
- Kiser, L. L. & Ostrom, E. (1982) The Three Worlds of Action. A Metatheoretical Synthesis of Institutional Approaches. In: Ostrom, E. (ed.) *Strategies of Political Action*, Sage Publications, Beverly Hills.
- Klijn, E-H. (1996) *Regels en sturing in netwerken. De invloed van netwerkregels op de herstructurering van naoorlogse wijken* (Rules and Steering in Networks: The Influence of Network Rules on the Restructuring in Postwar Neighborhoods). Eburon, Delft.
- Klijn, E-H. (2001) Rules as institutional context for decision-making in networks; the approach to postwar housing districts in two cities, *Administration & Society*, vol. 33, no. 2 May 2001: pp. 133-164
- Klijn, E.H., E. van Bueren, J.F.M. Koppenjan, (2000), *Spelen met onzekerheid; over diffuse besluitvorming in beleidsnetwerken en de mogelijkheden voor management* (Playing with Uncertainty: About Diffuse Decision Making in Policy Networks and the Possibilities for Management), Delft: Eburon.
- Klijn, E.H., J.F.M. Koppenjan (2004) Institutional design in networks. Elaborating and analyzing strategies for institutional design. *Paper for IRSPM VIII, March 31th – April 2nd, Budapest, 2004.*
- Koppenjan, J.F.M. & E.H. Klijn (2004) *Managing uncertainties in Networks. A network approach to problem solving and decision making*. London: Routledge.
- Kroon, O. van der (1995) *Ministerie in crisis. Over visfraude, milieubehoud en boerenbelang* (Ministry in Crisis: Fish Fraud, Environmental Protection and Farmers' Interest). L.J. Veen, Amsterdam and Antwerpen.
- LEI-DLO (1996) *Bijdrage aan de eindevaluatie van de uitvoering van de voorstellen van de stuurgroep Biesheuvel* (Contribution to the Final Evaluation of the Implementation of Proposals from the Biesheuvel Steering Group). Mededeling 575 (Memo). Landbouw-Economisch Instituut, afdeling Visserij, december 1996.
- March, J.G. & Olsen, J.P. (1989) *Rediscovering Institutions: The Organizational Basis of Politics*. The Free Press. New York.
- McLaverty, P. (ed) (2002) *Public participation and innovation in community governance*. Aldershot, Ashgate.
- Ministerie van Landbouw, Natuurbeheer en Visserij (1993a) *Vissen naar Evenwicht* (Fishing for Balance). Beleidsvoornemen Structuurnota Zee- en Kustvisserij (Policy Intention Structural Memo Sea and Coastal Fisheries), LNV, Den Haag.
- Ministerie van Landbouw, Natuurbeheer en Visserij (1993b) *Vissen naar Evenwicht* (Fishing for Balance). Regeringsbeslissing (Cabinet Decision) Structuurnota Zee- en Kustvisserij, LNV, Den Haag.
- Osborne, S.P. (ed.) (2000), *Public-Private Partnerships; theory and practice in international perspective*, London: Routledge
- Ostrom, E. (1986) A Method of Institutional Analysis. In: Kaufmann, F-X.; Majone, G.; Ostrom, V. (eds.) *Guidance, Control, and Evaluation in the Public Sector*. The Bielefeld Interdisciplinary Project. Walter de Gruyter. Berlin - New York.
- Peters, B. G. (1998) *Institutional Theory in Political Science: The 'New Institutionalism'*. Pinter, London and New York.
- Pollitt, C.; Batgate, K.; Caulfield, J.; Smullen, A.; Talbot, C. (2001) Agency fever: analysis of an international policy fashion. In: *Journal of Comparative Policy Analysis*, Spring issue.
- Productschap voor Vis en Visproducten (1991) *Voorstel eigen strategie PVV*. (Proposal Own Strategy PC) 30 augustus 1991
- Produktschap voor Vis en Visproducten (1992) *Discussienota Nieuwe Taken* (Discussion Memo New Tasks). Oktober 1992.
- Productschap Vis (2001) *Uit Koers. Beleidsnota 2001* (Off Course. Policy Memo 2001)..
- Scharpf, F.W. (1997) *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research*, Boulder: Westview Press.
- Scott, W.R. (1995) *Institutions and Organizations*. Sage Publications Inc, Thousand Oaks.
- Steunenberg, B.,(2001), *Institutionele verandering; naar een bestuurskunde bewegend tussen 'vloeibare' en 'gestolde' voorkeuren* (Institutional Change: Toward a Public Administration Moving Between Flowing and Solidified Preferences), Bussum: Uitgeverij Coutinho
- Sullivan, H. C Skelcher (2002), *Working across boundaries; collaboration in public sector*, Basingstroke: Palgrave