

The Story of Social Economy in the Basque Country

Direction

Marta Enciso Santocildes
Aitor Bengoetxea Alkorta
Leire Uriarte Zabala

Publisher

Aitziber Mugarra Elorriaga

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Y EMPLEO

Dykinson, S.L.

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Fishermen's associations in the Basque Country: narrative

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6.1. INTRODUCTION

Definition

Fishermen's Associations are defined both legally and by scientific doctrine.

Beginning with legal definitions, pursuant to Law 3/2001 of 26 March, on State Maritime Fishing: “these are corporations of public law, not-for-profit, that represent economic interests, that act as consultation bodies, and that collaborate with administrations competent in matters of maritime fishing and management of the fishing sector” (art. 45.1). Within the scope of the Autonomous Community of the Basque Country, pursuant to Law 16/1998 of 25 June on Fishermen's Associations: “These are corporations of public law with a legal personality and ability to take action in order to fulfil their purposes, which are legally established as a participatory and collaborative channel for the fishing sector with Public Administrations to defend the general interest in fishing, seafood collection, and aquaculture, and in the organisation and commercialisation of their products” (art. 1).

CEPES offers a definition much more in line with the principles of Social Economy, considering that Fishermen's Associations “are corporations of sectorial public law, not-for-profit, that represent the economic interests of fishing vessel owners and workers in the catching sector, that act as bodies for consultation and collaboration with administrations competent in maritime fishing and management of the fishing sector, whose management

seeks to meet the needs and interest of its members, with the commitment to contribute to local development, social cohesion, and sustainability.”¹

Origins

These definitions are the result of an important historical legacy. Thus, the origin of Fishermen’s Associations in the Basque Country falls “under the corporatist current that spread during the Lower Middle Ages across the continent” (ERKOREKA, 1991, p.32). More specifically, the Associations were a perfectly well-organised institution along the entire Cantabrian coast as of the second half of the 14th century (ARRIETA, 2007, p.34).

Initially, they were nothing more than “all fishing professionals meeting in one some location and placing themselves under a saint and appointing their patron to practise his religious duties (LLEDÓ, 1943, p.130). Later, in a second phase, the Association arose as a professional or guild group (RUMEU, 1944, p.30, 55-56). It is at this point that we can see the true legal nature of this institution. Indeed, the Associations began regulating maritime-fishing activity in all its aspects through ordinances, including the religious-charity purposes of the first phase. It is with good reason that it is said that “in these bodies, the spiritual was perfectly twinned with the material, the social with the economic” (LLEDÓ, 1943, p.130).

The importance of this organisation is clear when we observe that it lasted even after the industrial revolution, when the guilds fell away. In this vein, during the 19th and 20th centuries, “under different institutional appearances, the Associations provided a system to guarantee the collective economic exploitation of a coastal area” (FRANQUESA, 2005, p.4).

Public Law Corporation

Their nature as a corporation of public law arises precisely from their special ability to institutionally adapt to the vicissitudes of the times. Specifically, we must hearken back to Francoism to identify, for the first time, the Fishermen’s Associations as corporations of public law. During the transition, with Royal Decree-Law 31/1977, the foundation was laid to continue, although in a renewed fashion, granting them the same sort of status. Based on this provision, different national and autonomous regulations regulating Fishermen’s Associations have maintained their classification as such. But what does this classification mean, and what is

¹ https://www.cepes.es/social/entidades_cofradias_pescaadores (last viewed: 24 February 2019).

its legal relevance? In this regard, we can make the following observations (REBOLLO ET AL., 1996, p. 29-38).

- The fact that the Fishermen's Associations are corporations means that their essential element are the people in them, and that it is the will of these same people that should drive the corporation. This is why they are internally structured in accordance with techniques that guarantee the representativeness of the group in higher bodies.
- These are sectorial corporations because all people in them belong to a human group characterised by the professional relationship with fishing.
- These are Public Law corporations because they were created by public authorities for specific purposes, and these are the purposes which they must seek to fulfil. This characteristic entails a special connection with the Public Administration, although it should be clarified that the influence of public authorities is much smaller in Fishermen's Associations than in other similar corporations, and that administrative activity rates are also much lower. Indeed, what seems to justify that they continue to be Public Law Corporations is that they are still necessary to achieve the public purposes entailed by fishing policy. In other words, a private activity is taken into consideration that interests a certain group, but that is generally socially relevant. Indeed, to guarantee that this activity is properly conducted, the Fishermen's Associations are granted status as Public Law Corporations. As far as the Administration is concerned, it merely conducts supervisory tasks.

Lastly, it was stated that sectorial Public Law Corporations are “private-based organisations for private ends, but with a public dimensions given their connection to the public interest” (PANIAGUA, 2011, p. 215). Specifically, this public dimension that stems from their connection to the public interest takes shape in the aforementioned idea that, pursuant to article 1 of Law 16/1998 of 25 June on Fishermen's Associations, of the Autonomous Community of the Basque Country, “fishermen's associations are legally established as a participatory and collaborative channel for the fishing sector with Public Administrations to defend the general interest in fishing, seafood collection, and aquaculture, and in the organisation and commercialisation of their products.” Moreover, we might consider that this defence is related to their commitment to local development.

In this line, the Bylaws of Fishermen's Associations establish that they act as a “consultative body for the Administration in preparing, applying, and drawing up regulations that affect matters of general fishing interest, as

well as a collaborative body with the Administration on actions or reforms to develop and improve the extractive industry of fishing, seafood collection, and aquaculture, and commercialisation, considered based on the shared interest of the sector” (see Bylaws of Fishermen’s Associations of Armintza, Bermeo, Lekeitio, Zierbena, and Santurtzi).

Illustration 67. Purposes of Fishermen’s Associations

- To act as a consultative and collaborative body with Public Administrations under the general scope of activity and commercialisation of fishing products, seafood collection, and aquaculture
- Issue and send public reports and proposals to the Administration on legal provisions, structural and socioeconomic measures, activity plans, and regulation and management of the fish product market
- Within their regional scope, exercise the roles delegated by Public Administrations on matters that affect the professional fishing sector
- Adopt necessary measures to disembark and sell fishing products according to established legal regulations
- Draw up and present statistics on catches and sales, according to the instructions of the Ministry competent for fishing matters
- Ensure the safety of boats and crews
- Provide administrative service and consulting for all operations related to Social Security and complementary benefits

Source: Bylaws of the Fishermen’s Associations of Armintza, Bermeo, Lekeitio, Orio, Zierbena and Santurtzi, Donostia, Getaria, Hondarribia, and Pasaia

Principle of Autonomy

Based on all the aforementioned, the scientific doctrine affirms that “administrative guardianship does not affect economic and business activity, or at least in the sense that it impedes reaching autonomous association agreements, orientated toward the market and entered into with other operators on said market (wholesalers, restaurant owners, etc.)” (PAZ CANALEJO, 2012, p. 136). In other words, even though Fishermen’s Associations are Public Law Corporations and are therefore legally dependent upon Public Administrations, they have the freedom to work to defend sectorial interests (CERVERA, 2010, p. 23).

Indeed, STC 89/1989 (Judgement of the Spanish Constitutional Court) of 11 May makes clear that Public Law Corporations are not integrated into the Administration, nor can they be considered decentralised public

entities, even though they fulfil both public and private purposes (legal basis 4). Additionally, STC 132/1989 of 18 July highlights the idea that these public purposes are fulfilled through collaboration with different Administrations, once again bearing on the idea that this does not mean that they are a part of them (legal basis 6). STC 139/1989 of 20 July was also proclaimed in the same vein (legal basis 2).

Consequently, we can conclude that classification of Fishermen's Associations as Public Law Corporations, a priori, does not make it impossible to classify them as Social Economy entities. Without these clarifications, one might think that the Fishermen's Associations' Public Law Corporation status would make it impossible, in and of itself, to comply with one of the guiding principles of Social Economy, set forth in article 4 of Law 5/2011 of 29 March on Social Economy, to wit, on "independence from public authorities." With good reason, along with these clarifications, Law 16/1998 of 25 June on Fishermen's Associations of the Autonomous Community of the Basque Country sets forth that Fishermen's Associations "are granted autonomy to manage their own interests and resources and their actions shall be subject to private traffic, notwithstanding Public Law regulations over actions that concern their establishment, organisation, and electoral procedures, along with others carried out by virtue of their Public-Law classification that are considered administrative actions" (art. 2.2)².

In this line, we must remember that one of the roles of the Fishermen's Associations is "the management and administration of their goods and rights and those they acquire in any fashion" (art. 4.k). In this fashion, the Bylaws of the Fishermen's Associations also expressly refer to their functional and economic autonomy (see Bylaws of the Fishermen's Associations of Armintza, Bermeo, Donostia, Lekeitio, Getaria, Hondarribia, Pasajes, Zierbena, and Santurtzi) and "complete autonomy within their scope of action" (see Bylaws of the Fishermen's Association of Orío).

Due to all the aforementioned, having discarded possible non-compliance of Fishermen's Associations with the principle of "independence from public authorities," in principle, it appears that their nature as a Social Economy entity could be recognised as established in article 5.1 of Law 5/2011 of 29 March on Social Economy. We say in principle, because, in light of provisions in article 2 of this regulation, it would be possible to prove that this classification is inadequate. For this reason, in the following section, it is pertinent to discover whether, in practise, Fishermen's Associations fulfil the rest of the guiding principles set forth in article 4. Moreover, according to articles 2 and 5 together, the Associations must

² The Bylaws of the Fishermen's Association of Orío expressly state the same.

fulfil, just like all the other Social Economy entities, two other requisites; to wit, on one hand, conduct economic activity and, on the other, either fulfil the collective interest of their members or the general economic and social interest, or both (ARRIETA, 2014, p. 40).

Ultimately, this will be the result of verifying that, in practise, Fishermen's Associations fulfil all these principles and requirements, which justifies public support for Fishermen's Associations, because they are true Social Economy entities, beyond *nomen iuris*. In other words, this is the only way to fairly measure the socioeconomic impact of the eleven Fishermen's Associations in the Autonomous Community of the Basque Country³, beyond the data corroborating that, on 31 December 2019, they provided employment to 35 people, had 315 members and 62 vessels, and obtained a total commercialised production volume of 17.247 tonnes, which entails, at first sale, an amount of 26,352,560 euros (Production and Commercialisation Plan Report from 2019 delivered to the Basque Government).

But before addressing analysis of Fishermen's Associations' compliance with the aforementioned requirements, we might observe how, even much before their establishment as social economy entities, scientific doctrine highlighted some of the features or elements that are consubstantial for Social Economy.

In this line, FRANQUESA (2005, p. 5-6) highlighted, amongst other aspects, the following functions: they include all fishermen working their geographical area, and the institution has a democratic structure with two representative groups: the owners and the sailors. Each group selects the same number of members for executive bodies, members are bound to sell at the Association's auction, they cannot accumulate profits and surplus allocated to improve infrastructures (Fishermen's Associations normally purchase from shops with equipment for vessels, fishing, ice, etc.) or that are redistributed amongst members (for example, with additional pensions for retired members or widows, ritual festivals, etc.); under the legal framework established by the European Union, the Ministry of Agriculture, Fish, and Food, and the Ministry of Agriculture, Fish, and the Food Industry of the Basque Government, they may establish additional rules: controlling fishing time, accepting or prohibiting certain fishing methods in the area, establishing reserves or closed seasons, etc.

Moreover, CERVERA PAZ (2010, p.18-28), after conducting an empirical study, concluded that the Fishermen's Associations, regardless of being

³ These are the Fishermen's Associations of Zierbena, Santurtzi, Armintza, Bermeo, Lekeitio, Ondarroa, Hondarribia, Pasaia, Donostia, Orio, and Getaria.

Public Law Corporations, can fall under the framework of Social Economy because of their other characteristics. Specifically, the following results can be highlighted from this study:

- These are voluntary associations in terms of membership, with no discrimination for social, political, religious, or sex-based reasons.
- They group individuals with the same objectives who conduct similar productive activities, in order to self-help and thus obtain benefits that can only be obtained thanks to the associationist movement in the fishing industry.
- They have an ethical foundation inspired by the values of honesty, transparency, responsibility, and social vocation.
- They use democratic management mechanisms or democratic decision-making mechanisms. By means of a vote, the members choose their representatives, such that power moves from the hands of the capital to the hands of the labourers. Since the ship owners are associated with them (capital or businessperson, although many times the workers themselves with their own vessels), employers (who can also be ship owners), and sailors (or workers), power is distributed amongst them with proportionate representation mechanisms, where both parties must always be present and never one to the detriment of the other. Moreover, we can speak of economic democracy, since associates are the ones who define the lines of action in the Fishermen's Association.
- They are obligated by law to provide information to their associates so that their management is transparent.
- They seek the sustainable development of the communities in which they reside.
- Equity belongs to the Fishermen's Association, and not to the members.

6.2. FISHERMEN'S ASSOCIATION AS PART OF SOCIAL ECONOMY

Central role of people in Fishermen's Associations

The central role of people as a characteristic of Fishermen's associations is initially linked to their nature as a "not-for-profit" institution, since we consider that this condition refers to "justice in distribution of generated wealth or fairness (MORENO RUIZ, 2000, p.59). Although this characteristic is not set forth in Law 16/1998 of 25 June, on Fishermen's Associations, it forms part of the definitions set forth both in Law 3/2001 of

26 March on State Maritime Fishing⁴ and in CEPES. As far as the Bylaws are considered, only the Fishermen's Association of San Sebastian's mention this characteristic (see articles 3, 4, 32, and 33). In this regard, the following clarifications are provided:

- a) "Association quotas must exclusively be for the amount necessary to sustain the Association's expenses and the expenses necessary to fulfil its purposes" (art. 3).
- b) "In the event that [in their economic activity] there is an excess or surplus, this shall be added to funds in the next fiscal year, so that the quotas and contributions from members, at all times, are as moderate as possible, and all this based on the Association not seeking to profit itself with its revenue, but rather to merely cover its costs and expenses budget, and investments to fund other complementary services, as well as its social works" (art. 32).

Indeed, as we can see with this second clarification, since this is a not-for-profit institution, the profits obtained through the Association's economic activity are applied to its social purpose, which falls under the second of the four guiding principles set forth by article 4 of Law 5/2011 of 29 March on Social Economy. In this same line, in the event that an association dissolves, as occurred in Elantxobe, Mundaka, and Mutriku, the bylaws generally state that the remaining capital that may exist, once all pending obligations have been complied with, must be allocated to social purposes, purposes of municipality interest, or charity purposes. That being said, in certain cases, the remaining funds are left in the hands of whomever has been agreed upon in the General Assembly Plenary Session, and in the particular case of the Bylaws of the Santurtzi Association, they say that these funds shall be distributed amongst members in direct proportion to their seniority as members, which once again makes clear the central role of people, above that of capital.

Moreover, the central role of people is present in many different aspects set forth in the Fishermen's Associations' Bylaws. This is for the fundamental objective of the Fishermen's Associations, which consists of increasing and developing activities stemming from fishing, seafood collection, and aquaculture, in order to increase their yield and the moral and material well-being of workers at sea. Indeed, increased yield of the aforementioned activities has an effect on the collective interest of members. This requirement, as mentioned (above 1) is mandatory to speak in legal terms of the existence of a Social Economy entity pursuant to article 2 of Law 5/2011 of 29 March.

⁴ See article 45.1.

One of the purposes established to achieve this objective also includes aspects related to the central role of people, from the perspective of promoting internal solidarity as alluded to by the third guiding principle for Social Economy set forth in Law 5/2011, such as:

- a) Defending the general interests of associates in their fishing and commercial activity.
- b) Promoting and conducting educational, recreational, cultural, and social activities for their members. Special interest is sparked by the educational activity in intermediate-level tests to obtain certification as chief mate. This is so individuals without studies may obtain intermediate-level degrees, making it more appealing for them to continue working at sea. To this end, these individuals, by merely proving their experience, can bypass a series of courses which allows them to obtain professional certification, which is equivalent to compulsory secondary education, as an exam to access intermediate-level studies, such as machinist or the aforementioned first mate.
- c) Attempting to increase and complete care actions, to the extent possible, for fishermen and their families, granting necessary resources for elderly or invalid fishermen. In this regard, in some Associations, if there are profits at the end of the economic fiscal year, they have the habit of allocating a part of said profits to retired fishermen. Historically, others have paid quotas for private health insurance (e.g., IMQ). In terms of bylaws, it is worth mentioning the provision in the Bylaws of the Association of San Sebastian, according to which the Association may agree to grant guarantees or deposits for their associates to official credit institutions, provided that said guarantees or deposits refer to transactions related to fishing activities by the interested parties (see art. 36).
- d) Resolve issues between members within the scope of their professional activities, provided that interests shared by all of them are at stake.
- e) Facilitate free and fair coexistence between businesspeople and workers in order to boost their shared interests.
- f) Manage fishing resources that may be individually or collectively made available to associates.
- g) Manage and administer their goods and rights acquired by any means.

Additionally, different practises based on uses and customs or practises set forth in internal regulations must be bound to the aforementioned concept of internal solidarity. Currently, a noteworthy example of said uses

and customs due to their importance is used in the system with maximum fishing limits on mackerel and anchovy, which operates thus: when a vessel has captured the maximum limit to which they are entitled, it gives the surplus to vessels that still have yet to reach their maximum limit. Moreover, this measure makes it possible to rationally use the fish, with excess capture leading to waste. Moreover, an internal regulation of note is on towing with the Guipuzcoa Federation of Fishermen's Associations, which is a good example of mutual aid practised between different vessels, especially in situations when vessels break down on the high seas.

In any event, this internal solidarity cannot be understood without referencing another one of the essential characteristics of Fishermen's Associations, which is their voluntary nature with the open-door principle to be an associate member. This is a characteristic or principle set forth in article 7 of Law 16/1998 of 25 June, on Fishermen's Associations, or the Autonomous Community of the Basque Country, which is also set forth in the Bylaws of different Fishermen's Associations. This is so that ship operators and crews of vessels based at the port to which the Association belongs, who professionally work in fishing, can freely become members of the Association by merely conducting this activity and requesting inclusion. Consequently, the Board of Directors can only deny access if the applicant fails to comply or previously failed to comply with the Association's bylaws.

Democratic nature of Fishermen's Associations

Once accepted as members of the Association, all members or associates have equal rights and obligations. However, this equality is certainly mainly apparent in democratic and participatory management, which prioritises decision-making based on people, as set forth by the first guiding principle of Social Economy, established in article 4 of Law 5/2011 of 29 March on Social Economy.

Indeed, the basis of participatory democracy is made clear in Law 16/1998 of 25 June on Fishermen's Associations, by affirming that "fishermen's associations shall consist of operators and workers who depend on them that conduct fishing activity as a professional activity, embarked on fishing vessels with their base port within the regional scope of the association" (art. 6.1). This affirmation defends the interests of the two parties affected by fishing activity as professional activity, thus following the organisational system of the old guilds. And in accordance with this foundation, participatory democracy can be seen in the composition of the governing bodies of Fishermen's Associations.

Thus, pursuant to the aforementioned Law 16/1998, the General Assembly acts as the “higher representative body for all members and to control other governing bodies” (art. 17.1). As such, “it shall consist of representatives of ship owners and employees who depend upon them, based on fair representation between both sectors” (art. 17.2). Notwithstanding, “bylaws may establish that the General Assembly of the association is formed by all its members, notwithstanding fair representation in issuing votes (art. 17.2 *in fine*), as set forth, for example, in the Bylaws of the Fishermen’s Associations of San Sebastian (see article 14), Getaria (see art. 12), and Pasajes (see art. 12). Even so, the Associations’ Bylaws also recognise the possibility that the General Assembly may consist of all members of the Association, notwithstanding fair representation in issuing votes, in particular cases such as rendering accounts, approving budgets, and any other case that this is required by the Bylaws, applicable legal provisions, or when this is agreed to by the members of the General Assembly (e.g., the Bylaws of the Associations of Armintza, Bermeo, Ondarroa, Lekeitio, Zierbena, and Santurtzi). A different aspect is that all other members may attend the General Assembly, but with no vote, as set forth by the Bylaws of the Fishermen’s Associations of Hondarribia (see art. 14) and Orío (see art. 14).

Additionally, the Board of Directors and the President are selected by members of the General Assembly (article 18.b). Moreover, “the Board of Directors shall consist of the President, the Vice-President, and a number of members of the General Assembly selected by said Assembly, heeding the same fair representation criteria set forth for it” (article 19.2), although there is an exception with the Bylaws of the Armintza Association, given that, contravening the legal mandate, this criteria is modified, with a Board of Directors formed by five members, including the President and the Vice-President, of which four are ship owners and one a crew member, although they are all elected by and amongst representatives of ship owners and crew members from the General Assembly.

In the same fashion, management of the Fishermen’s Associations is transparent. On one hand, because the General Assembly, as the higher representative body of all associations, and with its fair structure, holds authority to take transparent action on important issues, such as approval of revenue and expense budgets, approving quotas or apportionments, approval of the balance sheet and financial statements or operational accounts for the budgetary fiscal year or approval of the report, projects, and action programmes for the Association. On the other hand, because, by the Bylaws, all members have the right to be duly informed of the Association’s actions and operations in matters that affect them. Reciprocally, the bylaws

also regulate the duty of members to provide solvent and responsible information on matters that are not reserved when asked to do so by the Association.

Additionally, as a good practise in management transparency, we can refer to provisions in the Bylaws of the Fishermen's Association of Orío regarding the obligation to submit to an external accounts audit⁵.

Business Dimension of the Fishermen's Associations

There is no doubt that the Fishermen's Associations, while not-for-profit entities, conduct economic activities, such as selling sea products, manufacturing ice, and creating and effectively governing financial vehicles. Thus, the Bylaws of the Associations, when regulating their purposes, more specifically refer to "creating and promoting services of common interest that they deem suitable, such as sales of fishing gear, commissaries, freezer plants, ice factories, dry docks, holdings in fishing vessels," and "establishing organisational and commercialisation systems for their fishing products" and "encouraging the adoption of measures to bring technical enhancements to the extraction and conservation process and presentation, standardisation, and commercialisation of fishing and quality products." Specifically, regarding the sale of sea products, we must highlight the idea that it is mandatory for Association members to sell all their captures at the Association auction.

On the other hand, Fishermen's Associations do not directly carry out business activity because they are not companies, but rather Public Law Corporations (ARRIETA IDIAKEZ, 2014, p.39). However, indirectly, through association with other entities or companies, in practise, they do carry it out. As such, the Bylaws of the Fishermen's Associations expressly mention that one of their purposes is to "drive associative processes and enter into commercial collaboration agreements or enter into inter-professional agreements with other organisations and companies in order to obtain efficacy and profitability in fishing activity and greater participation in fishing-product transformation and commercialisation processes." In fact, the Memorandum of Law 16/1998 of 25 June on Fishermen's Associations also refers to this purpose, placing it in context in terms of the adaptations that the socioeconomic reality makes necessary and the circumstances that make it advisable to establish new missions.

In this regard, a good example is the company Matxitxako Moluscos SL, created in 2015 in Ondarroa, and held, amongst others, by the Fishermen's

⁵ See art. 46.

Associations of Ondarroa and Lekeitio, the Federation of Fishermen's Associations of Gipuzkoa, the Azti Foundation, and the companies Arrankoba SL and Itsaskorda SL, in order to create the first marine complex for aquaculture (mussels and oysters) in the Cantabrian Sea. At the end of the day, this is no more than an example of how Fishermen's Associations can act as a niche for new employment methods (e.g., aquaculture, handling fish, tourism).

Moreover, the inter-cooperation between different Fishermen's Associations is of note, as well as the integration of the Associations of Biscay into the Federation of Fishermen's Associations of Biscay, and the integration of the Associations of Gipuzkoa into the Federation of Fishermen's Associations of Gipuzkoa, to better fulfil their purposes.

Lastly, we must not forget that Fishermen's Associations promote agreements with financial institutions in order to better use financial vehicles in conducting fishing activity and enter into agreements with Public Administrations in order to conduct campaigns to identify markets and for propaganda and to promote fishery products in the Autonomous Community of the Basque Country.

Fishermen's Associations' Commitment to the Community

Fishermen's Associations demonstrate commitment to local development in that, in addition to creating jobs, they foment economic activity and act as a source of revenue that reverts back to their municipalities.

Moreover, collaboration and association with other entities and companies also proves commitment, not only to local development, but also to social cohesion. Given the current decadence in the fishing sector, initiatives aimed at diversifying or competing fishing activity take on huge importance. In this line, we should especially highlight the Local Development Strategy carried out by the Local Fishing and Aquaculture Action Group "Itsas Garapen Elkarte, FLAG,"⁶ established 16 February 2016, where the Federations of Fishermen's Associations of Biscay and Gipuzkoa also participate, and which acts as a channel for economic aid for sustainable development of fishing zones from the European Maritime and Fisheries Fund (FEMP) for the Autonomous Community of the Basque Country.

At a local level, we must mention the Association "Bermeo Capital Mundial del Atún (Bermeo, World Tuna Capital)," founded 27 March 2018. Along with the Fishermen's Association, the AZTI Foundation, Town

⁶ For more information, see their webpage <http://www.itsasgarapen.eus/es/>

Hall of Bermeo, the Provincial Council of Biscay, the Basque Government, the National Association of Owners of Freezer Tuna Vessels (ANABAC, in Spanish), the Association of Large Tuna Freezers (AGAC, in Spanish), and the companies Zallo SA, Serrats SA, Salica SA, and Gaviota SL form a part of this association.

Finally, regarding environmental sustainability, we must highlight, on one hand, the Code of Conduct and Good Practises and Objectives in Fishing for the Fleet in the Cantabrian, signed by Federations of Fishermen's Associations of Biscay and Gipuzkoa, and on the other, the MSC (*Marine Stewardship Council*) Certificate obtained by both federations for fishing anchovy and tuna in the north⁷.

6.3. CONCLUSIONS

— Although Fishermen's Associations are Public Law Corporations, they are independent from public authorities

Classification of Fishermen's Associations as Public Law Corporations does not prevent the possibility of classifying them as Social Economy entities, because the guiding principle of "independence from public authorities," typical of Social Economy entities, is still fulfilled, insofar as the Fishermen's Associations have autonomy to manage their interests and their own resources and their action bears on private traffic.

— The Fishermen's Associations seek the collective interest of their members

The fundamental objective of the Fishermen's Associations consists of increasing and developing activities stemming from fishing, seafood collection, and aquaculture, in order to increase their yield and the moral and material well-being of workers at sea. Consequently, increased yield of these activities bears on the collective interest of their members.

— In addition to fulfilling the open-door principle, Fishermen's Associations are democratic, solidary, and transparent with their members

Joining Fishermen's Associations is voluntary and falls under the open-door principle. This is so that ship operators and crews of vessels based at the

⁷ *Marine Stewardship Council* (MSC) is an international not-for-profit organisation created to help transform the sea product market in the direction of sustainability. MSC operates the only eco-label programme for wild-capture fishing consistent with ISEAL'S Code of Good Practises to Establish Social and Environmental Standards. These guidelines are based on the FAO Code of Conduct for Responsible Fishing (www.msc.org/es).

port to which the Association belongs, who professionally work in fishing, can freely become members of the Association by merely conducting this activity and requesting inclusion. In this regard, all the members or associates hold equal rights and obligations. This equality especially takes shape in the democratic and participatory management in the composition of the governing bodies of Fishermen's Associations. Additionally, Fishermen's Associations promote internal solidarity by defending the general interests of their associates in fishing and commercialisation activity, educational activities, care actions for fishermen and their families, and different practises based on the uses and customs, or those established by internal regulations. Moreover, management of Fishermen's Associations is transparent, and all of their members are entitled to information.

— **Although Fishermen's Associations are not-for-profit, they conduct economic activity and indirectly exercise business activities, as well**

The Associations are not-for-profit institutions, which is why the profits obtained from the Fishermen's Associations' economic activity are applied to their social purpose. Although they are not-for-profit entities, they conduct economic activities. And although they do not directly conduct business activity because they are not companies, but rather Public Law Corporations, indirectly, they do conduct it by means of association with other entities or companies. Fishermen's Associations can even act as a niche for new employment methods (e.g., aquaculture, handling fish, tourism).

— **The Fishermen's Associations collaborate with each other and with other entities, both private and public**

There is inter-cooperation between different Fishermen's Associations, as well as the integration of the Associations of Biscay into the Federation of Fishermen's Associations of Biscay, and the integration of the Associations of Gipuzkoa into the Federation of Fishermen's Associations of Gipuzkoa, to better fulfil their purposes. Additionally, Fishermen's Associations promote agreements with financial institutions and enter into agreements with Public Administrations.

— **Fishermen's Associations foment local development, social cohesion, and environmental sustainability**

Fishermen's Associations are committed to local development in that, in addition to creating jobs, they foment economic activity and act as a source of revenue that reverts back to their municipalities. A result of this collaboration and association with other entities and companies is that they are also committed to social cohesion. In the same fashion, they are committed to environmental sustainability.

6.4. REFERENCES AND SOURCES

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