

Towards policy coherence for fish stock conservation in the EU and beyond?

*An assessment of the Common Fisheries Policy
and the EU-Pacific tuna relations domain*



Tuna Fishing (1967)
Salvador Dalí

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Summary

The European Union (EU) has the legal obligation to “ensure consistency in its policies, specifically in its external activities” (Art. 3 Treaty on the European Union) and to relate with developing countries in a coherent manner, which entails that EU environmental and developmental policies need to be taken into account when the EU is implementing policies in other areas. In this thesis, an assessment of policy coherence for the conservation of fisheries resources is carried out in both an internal and an external policy domain: the EU’s Common Fisheries Policy (CFP) and the EU-Pacific tuna relations, respectively.

Each domain consists of different components, each with its own agenda. Within the CFP, the Structural, Markets and Conservation policy pillars are the three components examined. Within the EU-Pacific tuna domain, four components were identified as relevant: EU Fisheries, Trade, Development and Environmental policies. Policy coherence was evaluated by examining the issues, interests, policy goals and policy targeting in each policy component, and how the interrelationships between components affect the conservation of fish stocks in European waters and as far as the Western and Central Pacific Ocean.

Our findings indicate a lack of policy coherence for fish resource conservation in both domains. Within the CFP, slow progress has been made towards conservationism since 2002, whereas at the Western and Central Pacific, trade and commercial interests of the multiplicity of actors involved undermine conservation efforts. With the majority of fish stocks in peril worldwide, it is imperative that the EU prioritizes its policy goals in order to achieve sustainable and responsible fisheries within its own boundaries and abroad. The CFP’s current reform offers a window of opportunity for the EU to address this policy incoherence internally. By taking bold steps to turn the tide in its own “common pool,” the EU’s credibility will increase internationally, thereby enhancing its leadership role in the global arena in fisheries conservation.

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List of Acronyms

ACP	African, Caribbean and Pacific States
ASEAN	Association of South-East Asian Nations
CFFA	Coalition of Fair Fisheries Agreements
CFP	Common Fisheries Policy
COM	Common Organization of the Markets
DevFish	Development of Sustainable Tuna Fisheries in the Pacific ACP Countries
DG Development	Directorate General for Development
DG Environment	Directorate General for the Environment
DG MARE	Directorate General for Maritime Affairs and Fisheries
DG SANCO	Directorate General for Health and Consumers
DG Trade	Directorate General for Trade
DWFF	Distant Water Fishing Fleet
DWFN	Distant Water Fishing Nation
EBA	Everything But Arms
EC	European Commission
EEZ	Exclusive Economic Zone
EFF	European Fisheries Fund
EJM	Environmental Justice Movement
EPA	Economic Partnership Agreement
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FFA	Pacific Islands Forum Fisheries Agency
FPA	Fisheries Partnership Agreements
FTA	Free Trade Agreement
GSP	Generalized System of Preferences
GSP+	Generalized System of Preferences Plus
IMF	International Monetary Fund
ISSF	International Seafood Sustainability Foundation
ITQ	Individual Transferable Quotas
IUU	Illegal, Unreported and Unregulated Fishing
LDC	Least Developed Country
MAGP	Multi-annual Guidance Plans
MEA	Multilateral Environmental Agreement
MEY	Maximum Economic Yield
MFN	Most Favored Nation
MSC	Marine Stewardship Council
MSocY	Maximum Social Yield
MSY	Maximum Sustainable Yield
NGO	Non Governmental Organization
OECD	Organization for Economic Cooperation and Development

P-ACP Pacific- African, Caribbean and Pacific region
PIC Pacific Island Country
PNG Papua New Guinea
PO Producer Organizations
RoO Rules of Origin
RFMO Regional Fisheries Management Organizations
SPS Sanitary and Phytosanitary measures
SPC Secretariat of the Pacific Community
TAC Total Allowable Catch
UNCLOS United Nations Convention on the Law of the Sea
UNFSA United Nations Fish Stock Agreement
WCPFC Western and Central Pacific Fisheries Commission
WCPO Western and Central Pacific Ocean
WTO World Trade Organization

Chapter 1. Introduction

1.1 The EU and policy coherence

The Treaty on the European Union (EU) states that “the EU is obligated to ensure consistency in its policies, specifically in its external activities.”¹ Under the Treaty of Lisbon, which entered into force on December 1st 2009, the quest for policy coherence in EU’s relations with other countries has become one of its fundamental objectives. Regarding development cooperation, the coherence clause introduced is much stronger than in previous treaties and “is of the greatest importance as it will help in changing EU policies such as...fisheries so that they do not run counter to development objectives.”² Furthermore, sustainable development is another priority in EU’s stated objectives, both internally and in its relations with the wider world. The development objectives pursued shall “foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty; [and EU’s external actions shall] help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development” (Article 21 TEU).

1.2 The EU’s Common Fisheries Policy

The implementation of the Treaty of Lisbon coincides with the revision of the EU’s Common Fisheries Policy (CFP). The CFP is the “European Union’s instrument for the management of fisheries and aquaculture.”³ In its early stages in the 1970s, the common measures taken in the fisheries sector focused on granting equal access to European waters to all Member States, in the organization of a common market, and in structural measures to modernize the fishing fleet. Throughout the years, these measures extended to cover other aspects, such as fisheries management in waters under the jurisdiction of the EU, and representation of Member States’ interests in international negotiations. The CFP has been revised every decade. The current version entered into force in 2002, and the recently launched revision is expected to be completed by 2012.

A Green Paper on the CFP reform was released last April 22nd, 2009 by the European Commission (EC 2009). The interactions and inconsistencies between the different components of the CFP are evident in this self-evaluation and proposals are put forward to amend current shortcomings in the future CFP. In addition, the Commission explicitly states that “Coherence with other EU policies must be ensured within all parts of the CFP” and that in specific areas, “the EU development and environment policies have a particular role to play” (ibid:22).

1. Treaty on European Union (TEU), also known as the Treaty of Maastricht, Title 1, Common Provisions Article 3.

2. www.lisbon-treaty.org Accessed Feb. 2010

3. About the Common Fisheries Policy. At http://ec.europa.eu/fisheries/cfp_en.htm Accessed June 2009.

Due to decreasing fish stocks in European waters, imports of fish products have steadily increased. Nowadays, 60% of total fish consumption in the EU is made up of imported products.¹ Under the “Trade and Markets” section of the Green Paper, it is stated that “trade regimes ... should ensure supply of the market at best prices, but they should also support sustainable development. The Commission should aim to promote that fisheries products come from sustainably managed fisheries to ensure a level-playing field on the EU market.” (ibid:17). In addition, according to the section “The external dimension”, the main goal for the activities under the external relations component of the CFP “should be to extend the principles of sustainable and responsible fisheries internationally...Other objectives that currently guide the external dimension of the CFP, such as maintaining the presence of an EU fleet internationally and ensuring that this fleet supply the EU market, may be less relevant today” (ibid:22).

Above, the relationship between fisheries, trade, environment and development cooperation is laid out, as well as the link to European interests, including those of consumers and of the fishing industry, both the local fishermen (who compete with imported fish products) as well as the distant water fishing fleet operating in third countries’ waters. The tuna relations between the EU and a number of Western and Central Pacific Island Countries (PICs) are a good example of a policy domain in which different EU policies, each under a different agency and upholding its own mandate, interact and affect one another.

1.3 EU-Pacific tuna relations

The four key EU agencies identified in the realm of the Pacific tuna problem domain are the Directorate General Maritime Affairs and Fisheries (DG MARE), DG Trade, DG Development and DG Environment.² Their interactions have at times resulted in the EU adopting contradictory positions, depending on the issue being discussed or negotiated. For instance, according to current trade agreements between the EU and its former colonies in Africa, the Caribbean and the Pacific (ACP countries), all fish products from the ACP may enter the European market duty-free and quota-free, thus in principle enjoying market access preference compared to fish from other exporting countries which do pay duties. However, strict European sanitary and phytosanitary measures constitute non-tariff barriers to trade for fish from the ACP countries, which face difficulties to meet such high standards (Campling 2008). Moreover, the EU Rules of Origin, devised “to ensure that preferences provide developmental benefits to the recipient country,” have in fact “long been a source of tension in ACP–EU relations... because of the onerous nature and the EU’s use of RoO as a tool of commercial policy on behalf of their interests” (Campling 2006). Finally, concerns around the environmental sustainability of tuna fisheries worldwide pose challenges to the EU, whose proposed measures to fight against Illegal, Unreported and Unregulated (IUU) fishing may have consequences for its trade and development cooperation relations with its ACP partners.

1. EC, Trade Issues: Key products in EU Fisheries Trade:

http://ec.europa.eu/trade/issues/sectoral/agri_fish/fish/pq_en.htm Accessed June 2009.

2. DG Health and Consumers (DG SANCO) plays an important role as well by imposing food safety and hygienic standards to fish exports to the EU. DG SANCO will not be treated separately in this thesis, but as part of the discussion on DG Trade.

The choice for the case of EU-Pacific tuna relations is based on the following considerations:

- 1) Tuna is a highly valued species, which makes up almost 60% of the European fish imports, and one which is being overexploited in the Western and Central Pacific Ocean, therefore, working towards policies that ensure the sustainability of this fishery is urgent.
- 2) The group of 14 Pacific ACP (P-ACP) countries is located in the most important fishing grounds of the world, in which tuna is the most important fishery. Due to their location, small size, and limited land-based resources, the Pacific island nations rely heavily on fisheries as a source of protein, of employment and of public revenue.
- 3) CFP reform and other key institutional reforms at the international level, such as the current negotiations for the Economic Partnership Agreements (EPAs) between the EU and ACP countries, the World Trade Organization's (WTO) negotiations on fish products tariff liberalization and fisheries subsidies disciplines provide a window of opportunity to enhance policies that have proven to be ineffective in addressing the problem of global fish depletion.
- 4) Private governance initiatives have announced their interest in the Western and Central Pacific tuna fisheries, namely the Marine Stewardship Council (MSC) and the recently established International Seafood Sustainability Foundation (ISSF), a partnership of powerful tuna processors, scientists and environmental NGOs.

Finally, practical reasons were important in the choice of the Pacific region for this study as opposed to the Caribbean or African regions. In the Pacific ACP, three FPAs focusing on tuna and one interim Economic Partnership Agreement (EPA) have been concluded between three Pacific Island Countries and the EU. While no important tuna fisheries take place in the Caribbean (reflected by the lack of FPAs signed between that region and the EU), Africa does have important tuna fishing grounds. However, the high number of FPAs that have been concluded, the signing of EPAs with two highly diverse African regional blocks (Campling 2008), and the intricacy of the social, economic and political spheres in the African continent would make the analysis of this region much more lengthy and complex.

1.9 Problem statement

According to a report by the Food and Agriculture Organization (FAO), 77% of the world's fisheries are either fully exploited (52%), overexploited (17%), significantly depleted (7%) or recovering from depletion (1%) (FAO 2006). In the EU, the proportion of fisheries in poor state is even higher (EC 2008). In the Western and Central Pacific, two of the four commercial tuna stocks exploited are reaching unsustainable fishing limits. Considering that increasing demand for fish is expected to continue in the coming decades along with population growth, the question of policy coherence for fisheries sustainability is of paramount importance. In this thesis, an assessment of policy coherence for the conservation of fisheries resources is carried out in both an internal and an external policy domain: the EU's Common Fisheries Policy and the EU-Pacific tuna relations, respectively.

1.10 Research aim

The goal of this study is to investigate whether EU policies are coherent for the conservation of fish stocks in order to assess if EU fisheries practices are sustainable, both domestically and abroad. Specific objectives are: i) to examine policy coherence attributes (issues, interests, goals and targeting) of each component and ii) determine how the interactions between components in each policy domain studied affect fish conservation.

1.11 Research questions

Internal domain

1. What are the main issues, interests, policy goals and policy targeting in each policy component comprising the domain of the EU's Common Fisheries Policy?
2. How does the interrelationship of policy components affect fish stock conservation in the EU?

External domain

3. What are the main issues, interests, policy goals and policy targeting in each policy component comprising the domain of the EU-Pacific tuna relations?
4. How does the interrelationship of EU policy components affect tuna stock conservation in the Western and Central Pacific Ocean?

1.12 Methodology

A qualitative study was carried out to answer the research questions stated above.

The study was based on a literature review of both primary and secondary data sources. Primary sources included an extensive review of EU policy documents, supplemented by three interviews of policy officers from the European Commission (where several respondents participated) and two interviews of experts (Appendix 1). Secondary sources included scientific articles, grey literature such as policy briefs, NGO reports, as well as online press releases, interviews and expert opinions.

1.13 Thesis outline

This thesis report is organized in six chapters. Following this chapter, the conceptual framework that will guide our analysis of policy coherence is presented in chapter 2, together with an overview of the role of the EU in the international discourse on policy coherence. Next, a historical account of the origin and evolution of the CFP is provided in chapter 3, along with a description and evaluation of its four policy pillars. Subsequently, a portrayal of the historical ties between the EU and the Pacific Island Countries is given in chapter 4. Also, the importance of tuna resources for both regions is explained here, indicating which EU policy agencies are involved in policy-making in the Pacific region. In chapter 5, an evaluation of policy coherence is carried out for both the CFP and the EU-Pacific tuna domains, providing the answers to research questions 1) and 3). Finally, answers to research questions 2) and 4) are provided in chapter 6, conclusions are drawn and recommendations are given to improve the sustainability of EU fisheries in European and non-European waters.

Chapter 2. Conceptual framework

This chapter provides a conceptual framework to enable the analysis of policy coherence within and between EU policy domains from the perspective of fisheries conservation policy. The chapter is organized in four sections. In the first section, theoretical background on the concept of policy coherence is presented. In the second section, a brief overview of current international debates on policy coherence relevant to this thesis is given, focusing on the role of the EU in these debates. Next, a description of the attributes proposed in the literature to characterize policy coherence is provided. In the final section, the concepts introduced in the previous sections are operationalized for their application in this thesis report.

2.1 Policy coherence: definitions, classifications, delineation of policy contours

Policy coherence implies interaction between two or more policies. The issue of interdependencies of policies has been recognized for a long time both at state level (May et al 2006) and international level (Carbone 2009). The term ‘policy coherence,’ however, is relatively new in politics and in political science (Hoebink 2005). It is related to, and often confused with, a variety of terms such as policy integration, cross-cutting policy-making, concerted decision-making, policy consistency, holistic government, joined-up government and policy co-ordination.¹

For instance, consistency and coherence have often been used interchangeably (Carbone 2008), whereas according to Tietje, “consistency in law is the absence of contradictions; [and] coherence on the other hand refers to positive connections. Moreover, coherence in law is a matter of degree, whereas consistency is a static concept” (1997:212, quoted in Carbone 2008:340). Various definitions of policy coherence are found in the literature depending on the field of study, all encapsulating the same idea of logic and agreement between policies, albeit containing subtle differences which are nonetheless important because these distinctions delimit the kind of analysis that can be carried out with each working definition.

One important consideration is that, for a meaningful discussion of policy coherence, the perspective under which the study is undertaken must be identified. The same decision may be considered coherent from a trade perspective, but incoherent from a development perspective (Carbone 2008). From this it follows that coherence is a relative concept, a matter of degree and perspective, and therefore it is recognized that absolute coherence is difficult, if not impossible, to achieve (Hoebink 2005; Picciotto 2005; van der Hoeven 2008; Carbone 2008). Another consideration is that policy coherence may be explored by focusing either on policy processes (*how* it is achieved) or policy outcomes (*what* is achieved) (Di Francesco 2001). In the first case, the focus is on tools and mechanisms in the decision-making process, as Andrew McFarland summarizes it: “The process theorist assumes that the structure of power and the nature of the process may vary in different policy areas. One has to observe various areas to find out” (2004: 6, quoted in May et al 2006).

1. In this chapter no attempt will be made to describe each of the above; for a review see Meijers and Stead (2004).

In the second case, the focus is on the results. Two approaches for the study of policy outcomes are used, the so-called 'negative' and 'positive' approaches (Ashoff 2005). The negative approach assesses whether interacting policies result in either no inconsistencies or in policies not impairing each other's ability to reach the set objectives. The positive approach assesses whether the policies show synergies in achieving the 'overriding' objectives (ibid:11).

As an illustration, Hoebink (2005) defines policy coherence as "the non occurrence of policies or the results of policies that are contrary to the objectives of a given policy"(ibid:3). In this definition, Hoebink suggests a focus on policy outcomes; he uses a 'negative approach' as he highlights the absence of contradictions between policies, but ignores the 'positive connections' implied by Tietje's definition of coherence; and he provides a point of reference, the objectives of a *given* policy, to which one or more policies can be compared. Policy coherence is also defined as "the systematic promotion of mutually reinforcing policy actions across government departments and agencies creating synergies towards achieving the agreed objectives" (Jones 2002). This definition suggests a focus on policy process, where the goal of creating positive connections between policies is clear. However, *different* government '*departments and agencies*' indicates that various policy domains interact with each other while no point of reference is mentioned.

Policy coherence can be further defined according to one of several classifications: internal versus external; horizontal versus vertical; and multilateral coherence, among others. Before describing these different terms, it is pertinent to delineate the policy contours that will allow us to understand these classifications. As May et al reflect, "One complication for assessing policy coherence is identifying the policies that in principle should cohere. The scope of the policies can be...broad,... specific,... or something in between."(2006:382). The authors adopt the concept "policy domain" as the unit of their analysis of policy coherence, as this concept is flexible and applicable to multiple levels, "while recognizing that [policy domains] differ in scope and sometimes overlap"(ibid).

May et al (2005, 2006), who discuss American politics, adhere to a widely used definition of policy domains (Burstein 1991) as "more or less established areas of policy that give meaning to common problems and have integrative properties" (May et al 2006:382). Examples of policy domains are agriculture, environment, education, transport, and so on. Other terms found in the literature dealing with policy coherence include policy fields (Hoebink 2005), policy sub-systems or policy areas (Carbone 2008) and policy vectors (Dayton-Johnson and Katseli 2006). May et al argue that policy domains are made up of policy components and that "coherence implies that various components of policies correspond because they share a set of ideas or objectives"(2006:382). The authors suggest that "policy coherence is a relative term that relates to the degree of integration of relevant components (ibid)." The elements which foster integration of components into overarching policies, according to these authors, will be described in the third section of this chapter.

In European politics, a distinction is made between *horizontal* coherence where “the potential problems raised by the interaction between various policy areas” are addressed and *vertical* coherence where “the relations between the Member States and the EU” are considered (Carbone 2008:326). Hoebink, gives a classification of policy coherence which “stems from the perspective of the viewer”(2005:15) in the sense that it can have a narrow/restricted angle, or a broad one, depending on whether the focus is on one policy domain only (he also calls this internal coherence), or whether links are attempted with other fields or domains of policies (external coherence). Carbone’s horizontal coherence therefore corresponds to Hoebink’s classification of coherence as internal or external. Multilateral coherence refers to the interaction between international organizations, such as the United Nations (UN), the Organization for Economic Cooperation and Development (OECD), the International Financial Institutions (IFIs), and a multitude of Multilateral Environmental Agreements (MEAs) “which often promote incompatible goals”(Carbone 2008:326). In the following section, a brief account of selected current debates around multilateral policy coherence is presented, with a focus on the position of the EU in these different arenas. Understanding the role and influence of the EU in each policy area is important for our analysis of policy coherence in the CFP and EU-Pacific tuna relations domain.

2.2 Policy coherence in the international discourse: the role of the EU

Policy coherence is a hot topic which has gained force internationally during the last two decades (Hoebink 2005; Picciotto 2005, Duraiappah & Bhardwaj 2007; van der Hoeven 2008). Van der Hoeven argues that the inherent difficulty in achieving coherence at the national level is exacerbated by globalization and that “this tendency for greater incoherence at national level is often creeping also into policy making at the international level” (2008:4). This in turn “is leading to calls from different quarters for increased policy coherence at the international level”(ibid). An overview of the major strands of policy coherence debates is presented in Table 2.1.

2.2.1 Coherence in international trade policy and the role of the EU

The main arena for international trade politics is the World Trade Organization (WTO). The main goal of the WTO is “to help trade flow as freely as possible — so long as there are no undesirable side-effects — because this is important for economic development and well-being.”¹ The Marrakesh Declaration, the document establishing the WTO, is the first international text providing a legal basis for ‘policy coherence,’ in an economic policy context.² Nowadays, the pursuit of policy coherence has been extended to cover many other policy areas interacting with trade policy, as it became clear that ‘undesirable side-effects’ do occur as a result of trade liberalization and interlinkages between nations become broader and deeper. Prominent debates include the relationships between trade and the environment (Gallagher 2008), trade and health (Fidler et al 2009), trade and labor (Charnovitz 2008; Howse & Trebilcock 1996) and trade and development, in particular the role of agriculture for both developed and developing countries (Anania & Bureau 2005; Swinbank 2005).

1. Understanding the WTO, official website. At:

http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact1_e.htm. Accessed November 2009.

2. The debate centered on ‘policy coherence for global economic policymaking’ is out of the scope of the present thesis. For a review on this debate see Sampson (2000) and van der Hoeven (2008).

Table 2.1 Overview of major strands of policy coherence debates.
Adapted from van der Hoeven¹ (2008).

Institutions	Time	Major publication	Purpose in short	Brief Assessment
WTO, IMF, World Bank	1994	Marrakech Declaration	Coordination of trade-economic-financial policy	Some progress
EU, OECD	1998	Treaty of Maastricht, Development Assistance Committee (DAC) review	Synergies for development policy	Various attempts but outcome poor
WTO's Doha Development Agenda	2001	Ministerial Declaration	Fairer trade rules for developing countries	Hardly any progress
WCSDG, ILO	2004	World Commission on the Social Dimension of Globalization Report	Employment, social & economic policy	Objective accepted, but difficult to implement
UN	2006	"Delivering as One" Report	Better global governance	Hardly any progress
UN/MEAs	No specific date	No specific publication	Streamlining global environmental governance	Hardly any progress

The focus here is on the role of the EU in the trade-development debate, which is embedded within WTO's Doha Development Agenda Round, launched in 2001 in Doha, Qatar "to benefit farmers in poor countries by giving them greater access to wealthy markets"(Miller 2008). The Doha Ministerial Declaration includes "commitments to aim at 'substantial improvements in market access'; 'reductions of, with a view to phasing out, all forms of export subsidies'; and 'substantial reductions in trade-distorting domestic support'. The need for 'Special and differential treatment' for developing countries and the need to take into account the demands of these countries in terms of food security and rural development were acknowledged" (Anania & Bureau 2005:540). In addition, the original agenda focusing on agriculture was expanded to include "Non-Agricultural Market Access"(NAMA) issues. Fish and Fishery products fall under this category.

According to the official website of the Trade Directorate General (DG Trade) of the European Commission,² "The EU's 27 members negotiate as one on the international scene, through the Commission" which is in line with the Single European Act's (SEA) call on the EU to act as "a cohesive force in international relations" (Article 30.2[d]).

1. At: <http://www.policyinnovations.org>. Accessed Nov. 2009.

2. DG Trade official website. At: <http://ec.europa.eu/trade/> Accessed November 2009.

DG Trade puts “the WTO and the multilateral trading system...at the heart of EU trade policy.” Due to the slow progress of the achievements under Doha and the collapse of the July 2008 negotiations, a proliferation of bilateral and regional trade agreements has taken place. All trade agreements made between WTO members must comply with the organization’s rules. The Economic Partnership Agreements (EPAs) between the EU and its former colonies in Africa, the Caribbean and the Pacific are one example and this topic will be elaborated further in this thesis report.

The EU is commonly perceived as a “major power and leading actor” in global trade negotiations (Elgström 2007:2). According to Meunier and Nicolaïdes, ‘If there is any area in which the European Union has become an uncontested power in the international system, it is clearly in the field of trade policy” (2005:248, quoted in Elgström 2007:2). Furthermore, Young adds that “The [EU] has emerged as a key and distinctive player in the Doha Development Round of multilateral trade negotiations (2007:789). From the above it is clear that both the “EU and the WTO have, at least in the popular perception, ‘real power’ – meaning coercive power” (Slaughter 2004: 144–45, quoted in Reiterer 2009:360). The expectations are therefore that the EU is able to shape international trade policy through this attributed power and leadership. The question is whether the position of the EU in international trade policy is coherent with its position in other EU policy areas which also have an impact internationally, for example development and fisheries conservation.

2.2.2 Coherence in international development policy and the role of the EU

Similarly to the SEA’s aim of “speaking with a single voice,” the Treaty of Maastricht (1992) on its Article ‘C’ seeks to ensure consistency in the external activities of the EU (Hoebink 2005; Carbone 2008). Particularly important for development cooperation are Articles 130U and 130V. The latter states that: “ The Community shall take account of the objectives referred to in Article 130 U in the policies that it implements which are likely to affect developing countries” (quoted in Hoebink 2005:7). As such, these articles provide the legal basis for “Policy Coherence for Development”(PCD), which essentially translates as considering the needs and interests of developing countries in non-aid policies (Carbone 2008).

Despite this formal acknowledgement of PCD, during the 1990s not much progress was made within the EU to reach its coherence goals. During this decade, non-governmental organizations (NGOs) launched several campaigns that highlighted the discrepancies of EU development policy vis-à-vis other policies such as agriculture and fisheries, especially in the relations between the EU and Africa (Carbone 2008). Then, a change in the EU’s role in international development policy came about in the early 2000s. The United Nations Millennium Summit was held in 2000 and the UN Conference on Financing for Development was held in Monterrey (Mexico), where the Millennium Development Goals (MDGs) were adopted and a roadmap to achieve them was laid out (Picciotto 2005).

With these international processes as a backdrop and a change in strategy, the European Commission, “managed to set an ambitious [development] agenda for the EU,” which emerged as the leading actor in the international scene (Carbone 2008).

The EU “is playing an increasingly important role in standard setting in development... The Union used to be a norm-taker in development, absorbing international norms from the member states, the OECD, [etc] ... More recently, it seems to be evolving into a norm-setter into its own right” (Orbie & Versluys 2008:68). PCD was made a policy-making priority by the Council in 2005. Recognizing that better development cooperation alone is not sufficient to achieve the MDGs, The EU has “put in place an ambitious framework for promoting the better fine-tuning of its policies with respect to their impact on developing countries.”¹ Eleven priority areas have been identified by the EU, other than aid, “where the challenge of attaining synergies with development policy objectives is considered particularly relevant” to achieve MDGs such as poverty reduction and sustainable development. These priority areas include trade, environment and fisheries among others.²

2.2.3 Coherence in international environmental policy and the role of the EU

The Stockholm Conference on the Human Environment in 1972 marked the beginning of global environmental awareness. This awakening of the world to environmental concerns has resulted in a myriad agreements, conventions and treaties related to the environment. At present, about 13 global Multilateral Environmental Agreements (MEAs) or conventions and about 500 international treaties exist (Duraiappah & Bhardwaj 2007). “This proliferation of agreements has created concern among international and national communities regarding overlap and duplication of goals and programs” (ibid 5). Not only that, but the lack of internal coherence in international environmental policies “results in high transaction costs and inefficiencies in achieving convention objectives. This growing concern has made policy coherence the single most important theme in the dialogue on International Environmental Governance (IEG) among various Inter-Governmental Organizations (IGOs) and MEA regimes” (ibid:5). Along these lines, proposals for the establishment of a “World Environmental Organization” have been put forward (Biermann 2005). Also, international efforts to achieve greater coherence between environmental policy and other policy areas have been embraced but have made little progress so far (Jones 2002; El-Ashry 2004).

The EU’s origins as a community promoting economic growth and prosperity explain the fact that its founding document, the Treaty of Rome (1957), did not provide for a common environmental policy (Connelly & Smith 2003). Despite this limitation, the EU launched its first European Environmental Action Plan (EAP) in 1973. It was not until 1987 that the Treaty of Rome was revised by the SEA to provide the legal basis for environmental policy in the EU. The SEA states that “Environmental protection requirements shall be a component of the Community’s other policies” (quoted in Connelly & Smith 2003:273). Environmental policy in the EU was subsequently strengthened in the Treaties of Maastricht (1992) and Amsterdam (1997), where the precautionary principle and sustainable development were adopted as guiding principles, respectively (ibid).

1.http://europa.eu/legislation_summaries/development/general_development_framework/r12534_en.htm Accessed July 2009.

2.<http://www.eucoherence.org/renderer.do/menuId/313375/clearState/true/sf/227364/returnPage/227364/itemId/437508/realItemId/437508/pageId/227351/instanceId/227393/> Accessed July 2009.

As Falkner puts it, “Europe’s international role underwent a gradual ‘greening’ process from the late 1980s onwards” (2007:509). Acting as a unified actor, the EU has been striving for a leadership role in the global environmental regime in recent years (Vogler & Stephan 2007) and it “arguably now surpasses the United States as an environmental driver” (Zito 2005:365).

Of particular interest for this thesis is the role of the EU in global efforts towards fisheries conservation. Here, too, the EU profiles itself as a “leader in sustainable fisheries,” exemplified by its decision to adopt in 2008 a regulation to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. This regulation, which entered into force on January 1st 2010, is a unilateral measure taken by the EU with implications outside its borders because “despite regional and international efforts to stop IUU fishing the phenomenon is still a growing problem and as a result, the European Community intensified its action towards IUU fishing.”¹

Furthermore, as a signatory of the Convention on Biological Diversity (CBD) and the Johannesburg Declaration of the 2002 World Summit on Sustainable Development, the EU has committed itself to pursuing the ecosystem-based approach in fisheries management globally, and wants to “...ensure that European fishers are among the most responsible in the world – wherever they fish, and whatever flag they fly” (EC 2008:27). Finally, the EU plays an active role in the development of international agreements such as the United Nations Convention on the Law of the Sea (UNCLOS). These agreements “have wide ranging implications on the fishing activities of the Community fleet in international and third-country waters.”²

2.3 Assessing coherence

As May et al point out, “Policy coherence is an elusive concept that is easily understood but difficult to measure” (2006:382). Different studies differ in the way they define and evaluate coherence (May et al 2005 & 2006; Picciotto 2005; Duraiappah & Bhardwaj 2007). We will follow the logic applied by May et al (2005 & 2006) for the assessment of coherence focusing on policy processes. The authors argue that the interplay between issues and interests is well documented and understood by policy process scholars (2005). Therefore, in their assessment of coherence of policy domains in the United States, May et al measured what they call the ‘attributes’ of policy coherence which they identified as: issues, interests and policy integration³ (2006:383).

1. DG MARE official website. At:

http://ec.europa.eu/fisheries/cfp/external_relations/illegal_fishing_en.htm. Accessed November 2009.

2. DG MARE. At: http://ec.europa.eu/fisheries/cfp/external_relations_en.htm. Accessed November 2009.

3. May et al (2005 & 2006) conducted quantitative studies where the attributes of policy coherence were measured, coded and analyzed using statistical methods. In this thesis report, a qualitative study is conducted and therefore the methods to measure the attributes differ from those applied by May et al.

May et al suggest that “the array of interests and issues among different components of a given policy [domain] is important to consider” (2006:381-82) and they maintain that coherence of the policy domain is undermined when issues and interests “pull in different directions and enhanced when they are more or less in accord”(ibid). In other words, when the focus lies on a small number of issues and when a few well-established interests dominate the policy space, it is more likely that coherence will be achieved than when attention is spread across a wide variety of issues and many different interests are involved in the process.

In addition, the way in which issues and interests relate is important as well. Even if a policy domain contains a high diversity of issues and interests, “[it] can still cohere if policies contain integrative properties that link issues and interests” (ibid:384). These concepts will be explained below shortly.

2.3.1 Attributes of Policy coherence: issues and interests

Issues in the public political agenda are defined as "the list of subjects or problems to which governmental officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time" (Kingdon 1984:3). Policy scholars have provided different explanations on how issues get this attention and move up the government agenda until a proposal is formulated and finally adopted for legislation (Kingdon 1984; Burstein 1991; Rogers et al 1993). Kingdon's 'multiple stream' and 'garbage can model' are well known explanations. His ideas run against the rationalization model that views decision-making as a rational and orderly choice and instead portrays decision-making as a process characterized by “organizational anarchy” (1984).

Kingdon distinguishes three independent processes, or streams, which represent problems, politics and policies. If coming together, in what he calls a ‘policy window’ they result in policy change. The problem stream represents the agenda-setting processes. The politics stream represents the debate about alternatives to the status quo and reflects public opinion, interest groups, experts, elections, partisan forces, and legislative, judicial, and executive bodies. The policy stream represents the matching between problems and solutions already available in a ‘garbage can’ (1984).

Interests may be defined as “prior desires,” “wants” or “preferences” of individual actors, which are used “to determine the attractiveness of expected consequences” in a political process when dealing with specific issues (March & Olsen 2002:61-62). According to Jankowski, “Interest aggregation is an (if not *the*) essential function of the political process in democracies. The heterogeneity of preferences and issues at the individual level must be aggregated in the political arena in the determination of public policies” (1988:123). Organizations that affect interest aggregation include interest groups, political parties, legislators and executives (ibid). May et al argue that the nature of interest-group involvement in a policy domain is a key aspect of the integration of components into overarching policies (2006).

The impact of ‘policy on politics’ considers the effect of the interplay between issues and interests on the political process (Burstein 1991:342). Wilson, for instance, proposed that the way in which interest groups organize themselves is affected by the distribution of costs and benefits entailed by policies (1980):

When both the costs and benefits of a policy are widely distributed, small interest groups will have little incentive to organize to exert influence, and the result is likely to be ... "majoritarian politics." When costs and benefits are both concentrated, a policy often benefits one small group at the expense of another; both will have incentives to organize, the mass public will be indifferent, and the result will be "interest group politics." "Client politics" results when benefits are concentrated but costs dispersed; potential beneficiaries have reason to organize, but those paying the costs will not. Finally, when policies confer benefits widely at a cost borne mostly by relatively small numbers of people, the result will be "entrepreneurial politics" (quoted in Burstein 1991:342).

2.3.2 Policy integration: commonality of goals and policy targeting

Two integrative properties, or 'policy glue,' are considered by May et al in their assessment of coherence of policy domains: 1) commonality of policy goals and 2) policy targeting (2006). Policy goals are the intent of a policy or what it seeks to achieve. According to a dictionary definition, "a goal is an observable and measurable end result having one or more objectives to be achieved within a more or less fixed timeframe."¹ Policy domains that encompass different components with a high diversity of issues and interests can still cohere if all components share the same set of ideas, or policy goals, that link these issues and interests with each other (May et al 2006). Policy targeting refers to the idea that 'policy is purposeful and attempts to achieve goals by changing people's behavior' (Schneider & Ingram 1993:335). The populations that are identified by a policy as those whose change in behavior will lead to the desired goals are called the 'target populations.' Focused policy targeting congruent with society's expectations can provide a commonality of purpose by establishing 'the deservedness' of the targeted groups for policy attention (ibid). In the following sections these concepts are described.

Policy goals in fisheries

Three trends in policy goals can be distinguished in fisheries, which in turn are based on three philosophical orientations or world views: 1) a trend to conserve fishery resources, 2) to advance the economic performance of the fishery and 3) to safeguard social and community welfare. In the terminology used by Charles (1992), these are the Conservation, the Rationalization and the Social/Community paradigms, respectively (Table 2.2). Added to these three orientations is the reality of political goals being pursued in fisheries decision-making. Political goals tend to be compatible with other policy goals that create the least level of conflicts (Hilborn 2007).

Table 2.2 Policy goals and fishery paradigms (Charles 1992).

Policy Goal	Paradigm
Conservation/resource maintenance	Conservation
Economic performance/productivity	Rationalization
Community welfare/equity	Social/Community

1. At: <http://www.businessdictionary.com/definition/goal.html>. Accessed November 2009.

Charles proposed that these paradigms form the corners of a triangle (Fig. 2.1) and argues that "...‘extreme’ policy proposals [lie] relatively close to one of the corners, and attempts at conflict resolution typically [aim] at the middle ground" (Charles 1992:384). In this thesis report, the framework proposed by Charles is used to assess whether the different components of the two policy domains examined share common goals or whether their center of gravity lies close to one of the triangle’s corners.

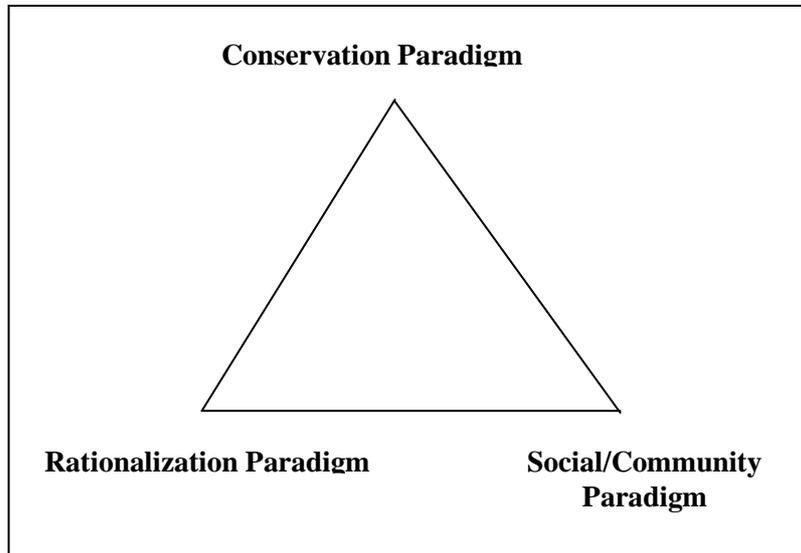


Figure 2.1 The paradigm triangle (Charles 1992).

Conservation Paradigm

According to this world view, the primary goal of fisheries management must be to protect the fish stocks from fishermen, who ought to be controlled in order to prevent them from overexploiting the fishery resources (Charles 1992 & 1994). This view is in line with Garrett Hardin’s claim that an unmanaged common, in this case the oceans, leads to overuse of the resource and eventually to its ruin (1968). A distinction between preservation and conservation is pertinent at this point. While preservation of natural resources implies keeping them “exactly as [they are] without human interference” (Connelly & Smith 2003), conservation on the other hand, implies management through human intervention for consumption in the present and in the future (ibid:15).

The conservation paradigm has the longest history of all three paradigms in fisheries management. Initially, consisting of a narrow focus on management of single fish stocks, it has gradually shifted to a more holistic view in which sustainable use of target species is conducted taking non-target species as well as their supporting ecosystems into account. This is the so-called Ecosystem-Based Management of Fisheries (EBMF) approach (Pope & Symes 2000; Pikitch et al 2004). The main supporters of the conservation paradigm are academics, especially ecologists and biologists, as well as environmental groups. In addition, governments have increasingly ‘greened’ their policies as a response to the emergence of a global green political ideology in the last four decades (ibid).

From MSY to EBMF

In the late 1930s the conservation movement in the United States was already “in full cry” and resulted in numerous fish and game regulations, as well as in increased awareness that scientific data was necessary for management (Larkin 1977:1).

The publication of two important papers by M.B. Schaefer (1957) and Beverton and Holt (1957) laid the foundations for a biological rationale for fisheries management. The authors developed useful concepts that clarified the links between fishing effort and fishing mortality in fish populations. The concept of Maximum Sustainable Yield (MSY), defined as “the largest annual catch that can be taken while maintaining resource sustainability” (Charles 1994: 203), provided a target reference point for fisheries management. While the first notions around MSY date from the 1930s, the concept became popular in the 1950s and was institutionalized as the fisheries dogma until the 1970s (Larkin 1977).

The MSY principle as understood at that time can be summarized as follows: “You only need to have as much effort as is necessary to catch this magic amount, so to use more is wasteful of effort; to use less is wasteful of food” (ibid:1) (Fig. 2.2.). That the goal was maximization of yield can be understood by the fact that most fish stocks in that period were relatively unstressed and by the preoccupation to provide food to a hungry world market (Pope & Symes 2000). As evidence of overfishing started to accumulate worldwide, the validity of the MSY principle was challenged. In the late 1970s, three main criticisms shook the foundations of the MSY paradigm: 1) the many uncertainties in determining the model, 2) the inadequacy of management based only on MSY if other goals were present, and 3) the difficulty in implementing a harvest equal to MSY (Larkin 1977; Punt & Smith 2001).

In the 1980s, “a reincarnation of MSY” took place because “it... changed from a management target to an upper limit”(Punt & Smith 2001:55). Today, MSY continues to be a guiding principle in fisheries management internationally. In addition, in the 1980s and 1990s, a variety of binding international agreements emerged which promoted conservation of aquatic organisms¹ and sustainable development.² The precautionary approach became an important principle in environmental policy; adaptive management and adaptive governance were introduced in fisheries, and most notably, the ecosystem-based approach matured from principles and conceptual goals into an integrated framework for fisheries management embodied in the 1995 FAO Code of Conduct for Responsible Fisheries (Garcia & Cochrane 2005). The European Union, as a signatory of these agreements, has made a commitment to embrace and implement these principles both internally within its Common Fisheries Policy (CFP) and globally.

1.The 1971 RAMSAR Convention on Wetlands; the 1973 CITES Convention on International Trade in Endangered Species, the 1979 Bonn Convention on Migratory Species of Wild Animals; the 1982 Law of the Sea Convention; the 1992 Convention on Biological Diversity; the 1995 Fish Stocks Agreement.

2.The 1972 Stockholm Conference on Human Development; the 1987 World Conference on Environment and Development; the 1992 UN Conference on Environment and Development; and the 2002 World Summit on Sustainable Development.

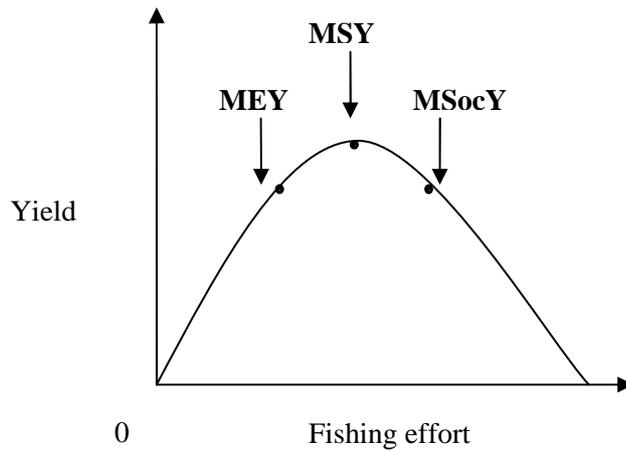


Figure 2.2 Relationship between the yield of a fishery and fishing effort.

Rationalization Paradigm

In the 1950s the conservation paradigm was questioned by a group of economists who sought an economically “rational” or efficient fishery as the desired outcome of fisheries policies (Charles 1992 & 1994; Wilen 1999). Two seminal works were published in the 1950s, which laid the foundations for an economical rationale for fisheries management. H.S. Gordon’s paper, published in 1954, focused on open access resource use, “hypothesizing that, without an entrepreneur to direct the application of inputs, excess effort would enter until average rather than marginal product equaled opportunity costs” (Wilen 1999: 307-8). A.D. Scott’s book appeared in 1955 and “cast the then confusing notion of conservation of natural resources in terms of stewardship of assets” (ibid).

Thus, the goal of fisheries policy according to the rationalization paradigm must be to maximize resource “rent,” which is the return to resource owners from the fishery. Advocates of this paradigm argue that an open access fishery (one without governmental or social controls) will result in a rush to fish which eventually will lead to unsustainable resource rents (Charles 1992). According to this view, property rights and some kind of fishing controls are necessary to achieve a Maximum Economic Yield (MEY) (Charles 1992; Wilen 1999). When MEY is plotted in the same graph as MSY, the resulting model is called the Gordon-Schaefer or bioeconomic model (Pope & Symes 2000). MEY is located to the left of MSY, which implies a reduction of fishing effort (Fig. 2.2).

Throughout the 1960s and 1970s, economists were unable to explain how to operationalize these ideas to fisheries managers mainly due to the absence of economists in the policy-making process (Wilen 1999). Wilen notes that concepts such as maximization of rents were “foreign to biologists’ intellectual training” (1999:309). Moreover, the main obstacle to the implementation of these economic goals was the difficulty in ‘selling’ the argument of a more efficient fishery when the consequence was the loss of jobs and destruction of vessels (Wilen 1999; Pope & Symes 2000).

Initially, the economic models developed were static and therefore were not useful for their application in the long-term (Wilén 1999). Clark noted that “The principal shortcoming of the existing theories is their disregard of the time variable, both biologically and economically” (1973:631). By the 1970s, new methods available to resource economists allowed them to start developing dynamic models which incorporated the time variable (Wilén 1999). This improvement in the theory, however, did not solve the problem of persuading fishermen to reduce fishing effort to eventually achieve higher profits, due to the “economic discounting of future harvests.” This means that fishermen tend to perceive increased profits in the future not as valuable as an immediate loss in profits (Punt & Smith 2001:53). In the case of stocks being overfished and recovery plans being proposed by policy-makers, fishermen similarly tend to postpone catch reductions. They fear that, if resource recovers, decision-makers will allow new entrants with as net effect a situation that is not better off for the original fishers than their earlier situation (ibid)

In the 1970s, rights-based solutions to environmental problems were starting to emerge in the environmental economics literature (Wilén 1999). The concept of ‘Individual Transferable Quotas’ (ITQs), developed by Francis Christy in 1973, is considered as the most ‘free-market proposal’ to enhance the economic efficiency of the fishing sector (ibid:316). ITQs entail privatization of access rights to fish and allow the owners of these yearly entitlements to lease them or sell them as considered convenient. These ideas seemed too radical at that time, but in the 1980s a “...change in political philosophy was brought about by the broad shift to the right in the political systems of countries like the United States, Canada, New Zealand and Britain” (ibid:317). Iceland and New Zealand were the first countries to adopt ITQs and they were followed by Australia, Canada and the Netherlands (ibid).

Currently, advocates of the rationalization paradigm include individual firms, fleet operators and the different national governments which have adopted the use of ITQs for some or most of their fisheries. Furthermore, Charles points out that in recent years, this paradigm has also attracted many fisheries managers and biologists probably due to the perception that a reduction in fishing effort to increase economic efficiency could also serve conservation goals (1992). The rationalization paradigm can be viewed from two perspectives: a) from a State perspective, where ‘profit’ is the net social benefit less ‘transaction costs’, and b) from the perspective of the individual firm (Pope & Symes 2000:12). The European Union has declared its intention to consider adopting some kind of property rights in its CFP, but the debate around this topic is still ongoing (EC 2008 & EC 2009).

Social/Community Paradigm

In this paradigm, human concerns are the focus of policy debates. The social/community paradigm is most relevant to fisheries dependent regions (FDRs) and fishing communities (Pope & Symes 2000). Under this view, social objectives such as employment, food security, distributional equity (in access to fishing rights) and community welfare are pursued in fisheries management. Terms often used to illustrate this desired state include Maximum Job Yield (MJY) (Hilborn 2007) and Maximum Social Yield (MSocY) (Pope & Symes 2000).

Pope & Symes observe that “It is difficult to locate [MSocY] on the yield curve but the tendency to support employment objectives through subsidies to the industry suggests that [MSocY] will be found well to the right of MEY or MSY and...in the area characterized by overfishing” (2000:13) (Fig. 2.2.).

Advocates of this paradigm include fishers’ unions, fishing cooperatives, people living in the affected communities or involved with them, such as NGOs or academics working in the field of the social sciences (Charles 1992). Proponents of this paradigm seek “to protect the ‘small’ fishers who are seen as being buffeted by economic forces beyond their control” (ibid:385). This perception has led to opposition to policy reforms intended to increase the economic efficiency of fisheries, which would lead to disadvantages for the small-scale inshore sectors. This paradigm therefore challenges the view upheld in the rationalization paradigm that the best solution to the ‘fishery problem’ is the creation of well defined property rights, as many examples exist of self-regulation in small, traditional fishing communities around the world where no overfishing occurs (Ostrom 1990).

The favored systems under the social/community paradigm hence include regulations based on territorial preference or stringent access regulations. The latter can be accomplished by discriminating on vessel size or gear groups and by technical conservation measures such as mesh size restrictions, seasonal closures and the like (Pope & Symes 2000). According to Pope & Symes, “social goals are more likely to be prioritized in regional or local management systems than at national or supra-national levels” (ibid:14).

It has been argued that small-scale fisheries exert less pressure on fish stocks than large-scale commercial fleets and inflict less damage to the marine ecosystem because their fishing methods are less destructive. However, this view may be disputed, as small-scale fisheries operate close to the shore where many sensitive areas are located (ibid). The European Union is considering a ‘differentiated’ approach to deal with its FDRs and commercial fleets in the future CFP (EC 2009).

Policy targeting

The assessment of policy targeting as integrative force in this thesis report draws from ideas proposed by Schneider and Ingram on the social construction of target populations (1993). The authors, focusing on policy-making in the United States, argue that the images and meanings that society constructs around groups of people that share specific characteristics influence the way policy affects these groups in the allocation of burdens or benefits. For instance, while society considers criminals and drug addicts as “bad” or “dishonest” thus deserving punishment, it considers scientists and veterans of war as “good” or “intelligent” therefore deserving benefits from policies. These social constructions influence elected officials in their choice of the extent of benefits or burdens assigned to the target population of specific policy proposals.

According to Schneider and Ingram (1993), research has shown that one of the major motivations of elected officials is “to produce public policy that will assist in their reelection and that will be effective in addressing widely acknowledged public problems” (1993:335).

By anticipating the reaction of the target group itself, based on their level of power (defined here as votes, wealth or capacity to organize themselves) and of society as a whole, policy-makers then assign burdens or benefits which they expect will match society's expectations and will result in either support from the target population (i.e. when benefits are assigned to 'deserving' groups), or will have no political consequences (i.e. when burdens are assigned to 'undeserving' groups) (ibid).

The authors developed a typology of target populations based on the social construction (positive or negative) and political power (strong or weak) of these groups. Four types are distinguished: Advantaged, Contenders, Dependents and Deviants (See Table 2.3). Schneider & Ingram argue that a distinctive pattern can be observed in the way policy targeting treats these groups by either oversubscribing benefits to the deserving groups, this is, providing "more beneficial policy that is warranted either in terms of policy effectiveness or representativeness" and undersubscribing benefits to the undeserving groups, or providing "too little beneficial policy" (ibid:337). Similarly, burdens are under- and oversubscribed to deserving and undeserving groups, respectively. In addition, the level of control that these groups have to influence policy-making and their own social construction differs from high control by deserving groups to low control by the undeserving groups.

Table 2.3 Types of target populations based on social construction and political power, and variation in allocation of benefits and burdens (adapted from Schneider and Ingram 1993).

Power	Construction	
	Positive	Negative
Strong	<i>Advantaged</i> high control in both benefits & burdens; benefits oversubscribed; burdens undersubscribed Examples: the elderly, businesses, scientists	<i>Contenders</i> burdens are symbolic and overt (some control); benefits are kept confidential (low control) Examples: the rich, big unions, cultural elites
	<i>Dependents</i> benefits undersubscribed (low control); burdens oversubscribed (no control). Examples: children, single mothers, disabled	<i>Deviants</i> No control either in benefits or burdens; benefits very undersubscribed, burdens very oversubscribed. Example: criminals, drug-addicts, gangs

Schneider and Ingram (1993) argue that, in order to create effective public-oriented policy, policy-makers also need to take into account the logical connection between the potential target populations to the goals of the policy proposal. By combining the three factors mentioned: social construction, power and connection between target groups and goals, policy-makers try to achieve congruence in their decisions. However, Schneider and Ingram claim that only in two cases can congruence be achieved: by providing beneficial policy to the Advantaged when this group is connected to a broader public purpose and by providing punishment policy (burdens) to the Deviant group. In all other cases, some level of non-congruence is produced (1993).

For instance, in the case of Dependents such as children or the disabled, policies that seek higher benefits will be non-congruent in the framework provided here. “Officials want to appear to be aligned with their interests, but [the] lack of political power [of dependent groups] makes it difficult to direct resources towards them” (ibid:338). Therefore, policies will tend to be symbolic and dependent groups will have little control in the design of these policies. On the other hand, when policies seek to assign burdens such as costs or stringent regulations to Advantaged groups, this will be met with forceful opposition by the target group and it will be difficult to find public support for the proposed measures if the target group is, for instance, a well-respected business. This is, unless social construction undergoes changes due to for example, a change in the dominant discourse, through external events or manipulation by public officials, the media, or the groups themselves. The social construction of target groups is thus dynamic and therefore the images associated with certain groups may change over time.

The environmental discourse has dramatically changed social constructions since Rachel Carson published her groundbreaking book ‘Silent Spring’ in 1962. Taylor’s account of the Environmental Justice Movement (EJM) reflects the linkages made between environmental and social injustices (2000). Taylor states that “The EJM is the latest in a series of environmental mobilizations that employ the injustice frame... it is the first... to examine the human-human and human-nature relations through the lens of race, class and gender” and “The EJM also examines corporate and environmental behavior and the effects of those actions on the aggrieved communities”(ibid:523). The authors mentioned above draw from the specific history and political system in the United States. However, Europe has also been the cradle for various “green” ideologies and the environmental discourse has become an integral thread in EU policies (Connelly & Smith 2003, see Chapter 2.2.3). Therefore, these elements are combined in our assessment of social construction of target populations of European policies as influenced by the environmental discourse.

2.4 Operationalization

As van der Hoeven points out, “For a discussion of coherence, it is necessary to first indicate coherence of what, by whom and for what” (2008:3). In this thesis, policy coherence is defined as “the systematic promotion of policy actions across EU Directorate Generals to create synergies towards achieving the agreed objectives of a given policy.” Thus, in response to van der Hoeven: an assessment of horizontal policy coherence by the EU for fish conservation will be carried out, both in terms of internal (within one policy area) and external (different policy areas) coherence.

2.4.1 Internal Coherence

Internal coherence will be examined within the CFP, considered here as a policy domain consisting of three components. These components correspond to the three domestic policy pillars of the CFP: the Markets Policy, the Structural Policy and the Conservation Policy. The assessment will focus on the policy process by examining the issues, interests, goals and policy targeting of these pillars from 1970-present. As the Conservation policy was not adopted until 1983, an assessment of coherence between Markets and Structures will be made from 1970-1983 in the same manner as proposed above, except that the perspective will not be fisheries conservation. In this first analysis it will simply be investigated whether the two policy components are consistent with each other (See Discussion on policy outcomes, Table 2.4).

2.4.2 External coherence

The fourth policy pillar of the CFP, External Relations, will be part of the assessment on external coherence. Here, the policy domain is referred to as 'the EU-Pacific tuna relations domain' and includes the following policy components: Fisheries policy (bilateral fisheries agreements), Trade policy EU-Pacific Island Countries (trade in tuna fishery products as part of ACP countries), Development Cooperation (in terms of development of local fisheries), and Environment (conservation of tuna resources in the region). The components are represented by the name of the European Commission's Directorate Generals (DGs) in charge of each policy. The same rationale as above will be applied for the policy coherence assessment focusing on the policy process (See Table 2.4.).

Table 2.4 Assessment of policy coherence within and between EU policy domains in this thesis report.

	Internal coherence	External coherence
EU Policy domain	Common Fisheries Policy	EU-Pacific tuna relations
Policy components	Markets pillar, Structures pillar, Conservation pillar	DG Mare (External relations: FPAs), DG Trade, DG Development, DG Environment
Perspective: EU	Resource conservation	Resource conservation (Environment)
Focus on policy process: a) Interplay of issues & interests. b) Policy goals and targeting		
Issues	Concentrated or diffused?	Concentrated or diffused?
Interests	Concentrated or diffused?	Concentrated or diffused?
Policy targeting	Specific targeting? What is the social construction around target?	Specific targeting? What is the social construction around target?
Policy goals	Position of each pillar in 'Paradigm triangle'	Position of each DG in 'Paradigm triangle'
Discussion on policy outcomes applying 'negative' approach & 'positive' approach	Inconsistencies found? Yes: discussion and conclusion based on causes and implications of incoherence No: Synergies found? Then policies are coherent with Conservation goals. No synergies: policies are consistent with each other.	

Chapter 3. The European Union and its Common Fisheries Policy

The aim of the present chapter is to provide an overview of the past, present and future of the CFP, in order to set the stage for the analysis of policy coherence for fisheries conservation in both this domain (internal) and the EU-Pacific tuna relations domain (external). First, a condensed account of the evolution and functioning of the European Union is provided, as basic knowledge of the structure and operation of the legislative apparatus of the EU is necessary to understand the process of creation, adoption and implementation of legislation at European level. Then, a section on the historical development of the CFP is presented. Finally, a description of the four policy pillars of the CFP is given, including an evaluation of each pillar and the respective reforms proposed for the new CFP.

3.4 The European Union: a brief introduction

Three “communities” were established in Europe in the 1950s, primarily to promote peaceful economic cooperation in post-war Western Europe: the European Coal and Steel Community, the European Atomic Energy Community and the European Economic Community. These three communities eventually became known as the European Community (EC), and together are one of the three pillars sustaining the European Union, which was created in 1992 under the Treaty of Maastricht. The other two pillars are the Common Foreign and Security Policy and Police and Judicial Cooperation in Criminal Matters. From the three pillars, only the EC has supranational power (Warleigh-Lack 2009). In this thesis, the term EC is used to refer to the group of pertinent Member States when describing events up to the year 1992 and the term EU is used for events occurring from 1992 onwards.

Five institutions make up the EU: the Commission, the Council, the European Parliament, the European Court of Justice and the European Central Bank. The Commission is the executive branch of the EU; it formulates policy proposal, is dedicated to the day-to-day running and administration of Community affairs and represents the Community externally. The Commission is divided into Directorate Generals, dedicated to different policy fields and led by 27 Commissioners, one from each Member State. The Commission represents the interests of the Community as a whole, as opposed to the Council, which is made up by the leaders of the Member States and corresponds to national interests.

The Council constitutes one half of the EU’s legislative branch. The European Council consists of the heads of state of all EU members and the Council of ministers, as its name denotes, consists of the ministers representing each Member State. The configuration of the Council depends on the issue being decided on.

For proposals on fisheries, for instance, Fisheries Ministers (and their officials) are the incumbent decision-makers in the Council. In its early days, decisions by the Council were made by consensus. Currently, decisions are reached by Qualified Majority Voting (QMV). As from January 1st 2007, a total of 345 votes are distributed among Member States according to the size of their population. For a decision to be approved, 255 votes are necessary, representing 62% of the total population of the EU (CFP User's Guide 2008:12).

The European Parliament forms the other half of the legislative branch. The members of the European Parliament (MEPs) are democratically elected in the Member States every five years but do not represent their local political parties, instead they sit according to European political groups. The main tasks of the Parliament are to vote on legislation, in a process of either consultation (non-binding opinion by the Parliament) or co-decision (equal decision-making power) together with the Council, to approve the budget of the Community and to keep a check on the Commission. The Fisheries Committee of the Parliament scrutinizes fisheries proposals, and, if the issues at stake will have an impact beyond fisheries, other committees are involved in the process. Under the Treaty of Lisbon, for the first time in history the Parliament will have equal decision power as the Council of Ministers in measures of both agriculture and fisheries policies¹. This will most likely prolong the already lengthy procedures to adopt fisheries measures but will make the process more transparent and democratic. The Court of Justice is the EU's judicial branch; it ensures that the interpretation and application of the treaties are observed. The Central Bank manages the single currency (Warleigh-Lack 2009).

The legal basis of the European Union lies on the Treaty of Rome, signed in 1957 by France, Germany, Italy, the Netherlands, Belgium and Luxembourg, referred to as the Six. Following various rounds of enlargement, the EU today consists of 27 Member States. The first enlargement took place in the 1970s, parallel to the development of the CFP (Leigh 1983). Acceding members to the EU are required to accept what is known as the *acquis communautaire*, the entire body of existing legislation of the Community. Of course, upon accession, new Member States may propose changes to the legislation but this is contingent on approval by the Council. Negotiations for accession by the United Kingdom, Ireland, Denmark and Norway, known as the Four, influenced and were influenced by negotiations leading to the adoption of the CFP (ibid), as will be described in the next section.

1.Except for allocation of fishing opportunities, for which the Council remains the sole legislator (Article 37.3 Treaty of Lisbon).

3.5 The Common Fisheries Policy: a historical account

Since its origins in the late 1960s, the Common Fisheries Policy has been highly controversial. Although fishing accounts for only a fraction of the total jobs and GNP in the EU, fisheries policy has been disproportionately politicized because fisheries activities are concentrated in coastal areas where communities have traditionally depended on fishing for their livelihood and where other employment opportunities are scarce. Moreover, the identity of these coastal communities is strongly tied to their fishing traditions, which have been passed on from one generation to the next for centuries, and thus constitute an important component of their cultural heritage.

In the years after World War II, a pronounced escalation in fishing technology and vessel capacity in Western Europe led to overfishing of many commercial stocks. In the 1950s, up to 90% of fishing by all the founding Member States, except for Luxembourg which is landlocked, took place outside national waters. At that time, national jurisdiction extended only 3 nautical miles (nm) from the shore (Holden 1994). In order to avoid conflicts among fishing nations, European politicians were confronted with the need to allocate fishing rights. The 1964 London Convention established an exclusive fishing zone for coastal states out to 6 nm, and this was extended to 12 nm in cases where the coastal population was particularly dependent on fisheries. Nations which had habitually fished in other coastal nations' waters were allowed to continue doing so in the fishing belt between 6-12 nm (Wise 1984; Windley 1969).

National delimitations of exclusive fishing zones, however, did not offer a solution to the increasing conflicts among the fishing nations of Europe due to the migratory nature of fish and to developments in other EC policies, such as the Common Organization of the Market and the related Common Customs Tariff. Trade liberalization in fisheries affected the poorly competitive industries of France and Italy, which held high tariffs for imports to protect their domestic production. These two countries demanded help from the Commission to modernize their fleets and to cover the costs of setting up producers associations (Leigh 1983).

In 1967, a paper entitled "Basic principles for a common fisheries policy" was produced by the Commission and presented to the Council. Structural aid, markets, external trade and social questions were included in this paper (Holden 1994:18). The Council did not agree on the proposals to support France and Italy, however. The opposition was led by Germany, who at that time provided major funding to the EC budget, and was backed by the Netherlands and Belgium. The opposing countries, having efficient fishing industries themselves, did not agree in using Community's funds to intervene in domestic fishing industries. The stalemate lasted for three years and was broken by the application by the Four to join the Community (Leigh 1983).

The reason for this change within the Council was the requirement of acceding members to accept the *acquis communautaire*: “If agreement to the CFP package were delayed until the accession negotiations had begun, the candidates would have demanded to be consulted. A package deal which took the views of the candidates into account would have been far less favourable to the Six than one which they might approve alone” (ibid:25). The Six managed to agree on two regulations right before negotiations of accession began with the Four in 1970. The regulations adopted on December of that year, which designate the birth of the CFP, were Council Regulation (EEC) No. 2141/70 “Common Structural Policy” and Council Regulation (EEC) No. 2142/70 “Common Organization of the Market in Fishery Products”.

The most controversial issue of the regulations was the equal access provision. According to this principle, all fishing vessels flagging a Member State flag would be allowed to “fish up to the beaches” anywhere in Community waters (1994:19). This caused great commotion among the UK and Norway. Both countries, together with Iceland, Greenland and the Faroe Islands (the latter two belonging to Denmark), possessed the richest fishing grounds in Europe and would clearly be at a disadvantage under the equal access provision. For Norway, with many local communities highly dependent on fishing in their own national waters, this was unacceptable. The candidates for accession held a referendum prior to entering the EC, and fisheries and agriculture disagreements were decisive in Norway, who eventually decided not to join the Community (Leigh 1983).

After three years of negotiations between each accession candidate and the EC, on January 1st, 1973, the UK, Ireland and Denmark joined the Community. Some concessions were made on fisheries matters under the Accession Treaty. Derogations allowed a ten-year transition period to the new Member States in which the Shetland Box, a protected area off the coast of Scotland, was created and limited access for foreign boats within the 12 nm zone was reasserted (Ørebech 2004; Symes 1997).

With the imminent extension of fisheries jurisdiction to 200 nautical miles under the third conference of the United Nations Convention on the Law of the Sea (UNCLOS) held in 1974, a new set of problems arose for the Commission. For centuries, European vessels had ventured into distant waters following the fish, under the principle of “freedom of the seas.” This doctrine proclaimed the idea that the oceans were common property and was applied in international law by limiting national jurisdictions of territorial seas to the minimum (3-12 nm) (Anand, 1993). The overhaul of this doctrine would imply that the European distant fishing fleet would lose historical rights to fish in third countries’ waters.

The new regime gave control to the coastal state of all fisheries activities within its 200-mile Exclusive Economic Zone (EEZ). As a response to these international developments, the European Community adopted its policy on External Fisheries Relations of the CFP on January 1st, 1977.¹

1. On the same day, the Member States extended their jurisdiction to 200 nautical miles, except for the Mediterranean, the Baltic Sea and the Skagerrak and Kattegat (Holden 1994:37).

The main objectives of this policy were to prevent that individual Member States would be played off against each other if they were to negotiate access agreements with third countries and to ensure that the Community's distant water fishing fleet (DWFF) be able to continue fishing in international waters (Holden 1994:35).

The rationale behind the latter point was that, if the European fleet would return to Europe, fishing pressure in European waters would further increase exacerbating the problem of overcapacity and dwindling fish stocks. Moreover, the Community wanted to ensure a continuous supply of fish from its DWFF as opposed to increasing imports and to maintain the influx of fish species not found in European waters to satisfy consumer demand. Equally important was to minimize unemployment among the DWFF (ibid).

In contrast to the way other fisheries legislation was crafted, no basic regulation was issued to cover the External Relations Policy. Its legal basis is found on Article 43 of the Treaty on the general implementation of the CFP, or on Article 113 when trade is concerned. In other words, proposals for fisheries agreements are not prepared by the Commission and presented to the Council for approval. Instead, "... the initiatives for implementing the policy have come mainly from those Member States which wish to continue their traditional fishing activities in third country waters. The manner in which the policy is implemented is that the Council adopts a decision authorizing the Commission to negotiate an agreement on behalf of the Community" (Holden 1994:37).

The new international regime on the law of the sea had ramifications for the last policy pillar of the CFP as well. The Conservation Policy has its origins on the Structural Policy: article 5 of Reg. 2141/70 stated that "where there was a risk of overfishing, the Council might adopt, upon proposal by the Commission, conservation measures" (Leigh 1983:31). These measures, which up to this point had been the competence of the Member States, included restrictions on fishing gear, fishing areas, species which could be caught in certain seasons, and so on. Upon extension to the 200-mile exclusive fishery zone, far-reaching new powers were thus ascribed to the Community. Initially unnoticed, this single article would be the basis of a new heated debate which would last for seven years and would signify a major transfer of power from the Member States to the Commission. "The Community's new conservation powers applied to a vast sea area that covered some of the world's richest fishing grounds. The apparently innocuous article 5 contained the basis for a massive extension for the Community's scope for action... [it] became potentially the most powerful international body concerned with fisheries management and conservation" (ibid:31).

At the core of the debate lied the question of allocation of fishing opportunities. The method which was finally adopted was the determination of Total Allowable Catches (TACs), based on scientific advice, for each commercial fish species and the distribution of this figure into national quotas. The allocation of quotas was based on the principle of "relative stability," which in turn was based on "historic catches" of each Member State per species, using the reference period of 1973-1978 (Wise 1984). This means that each Member State would be able to expect the same proportion of fishing opportunities of a certain stock in a certain area every year.

Considerable horse-trading during negotiations of the Conservation policy's package deal took place (da Conceição-Heldt 2006). The UK and Ireland were the veto players in the Council, opposing decisions on the Conservation policy as long as their demands were not met. "At an informal meeting in Berlin on January 1978, Ireland gave up its demand for a 50 mile exclusive limit, and in compensation it obtained the following concessions: substantial quota increases; the prospect of EC financial aid for restructuring and expanding the fishing fleet within the framework of a structural policy for fisheries; the settlement of an Irish box, a fishing area reserved for Irish fishermen" (ibid: 290). Similarly, "Britain no longer demanded an exclusive 200-mile EEZ, but only requested a 'dominant preference' in the 12 to 50- mile band. Moreover, the initial British demand for 60 per cent of the Community's TACs was reduced to 45 per cent. The EC rejected this demand and offered Britain 36.1 per cent of the total fish allocation, the highest quota of TACs granted to any Member State. In addition it obtained concessions in the form of a 'dominant preference' for British fishermen in the Shetland and Orkney boxes, which are fishing areas reserved for British fishermen" (ibid: 290-291).

Continuous disputes prevailed on the thorny issue of equal access. A compromise among Member States was reached by adopting derogations within the 12 nm zone akin to the provisions articulated by the London Convention of 1964. The derogations would apply for ten years and be renewable for another ten, this is, until the end of 2002. This deadline has once more been extended to December 31st, 2012 (Leigh 1983, Ørebech 2004).

Finally, negotiations on the Conservation policy ended on January 25, 1983 with the adoption of twelve regulations.¹ This date is usually named as the origin of the CFP, however, this is incorrect as it refers only to the Conservation policy and as we have seen, the first fisheries regulations date from 1970. Nonetheless, this date does mark an important shift in the institutional balance of power within the EC in favor of the Commission (and the Court of Justice)², since "the most important feature of this [new] management system was that the Commission itself would monitor catch levels and decide when it should call upon national authorities to close a fishery when the TAC had been reached" (da Conceição-Heldt 2006:289).

The accession of Spain and Portugal to the EC in 1986 proved a great challenge for the newly implemented CFP. In particular, Spain was notorious for its oversized fleet. According to Symes, with the entrance of Spain the Community's fishing capacity "increased [in terms of] tonnage by 65% and production and consumption by 45%. By contrast, the waters around Spain and Portugal, even including the Atlantic islands of the Canaries, Azores and Madeira, were comparatively poor in resources." (Symes 1997:144).

1. The most important of these regulations was No. 170/83, which established a Community system for conservation and management of fishery resources. This basic regulation for the Conservation Policy provided the basics for TACs and quotas, relative stability and provisions on access. It also provided for a review of these provisions after 10 and 20 years (Holden 1994:55). Regulation No. 171/83 laid down technical measures for the conservation of fishery resources.

2. See Ørebech (2004).

Between 1990 and 1992, Spain and Portugal brought a number of cases before the European Court of Justice in which they demanded changes in the allocation of quotas, arguing that “the entry of the new Member States fulfilled the necessary conditions for a reinterpretation of the relative stability of the Community resources in third countries [namely Greenland]”(Jensen 1999:30). Their cases were dismissed.

The UK and Ireland were concerned that the equal access principle would open the door to an invasion of their fishing grounds by the Spanish fleet. Full accession of Spain and Portugal was thus delayed, preventing the new Member States to take whole advantage of their membership to the CFP until 1996 (Symes 1997).

The enormous increase in fishing capacity, the alarming decline in fish stocks and difficulties in enforcing TACs and quotas were all acknowledge problems in the early 1990s, as indicated by two reports published in 1990¹ and 1991.² A mid-term review of the CFP was carried out in 1992 and the revised basic regulation entered into force on January 1st, 1993 with no fundamental changes. The most important new features it contained were “the prolonging of the exceptions to equal access until 31 December 2002, which was the only issue that the Council *had* to decide on; the introduction of the possibility to adopt multi-annual TACs; the introduction of the possibility of using days-at-sea to limit fishing effort; and the adoption of a scheme for developing an EU licensing system” (Council of the European Communities 1992, in Hegland & Raakjær:10, forthcoming).

In addition, a more comprehensive control system was adopted in 1993, which included the possibility to use a satellite-based vessel monitoring system. Although more control powers were given to the Commission after the 1992 reform, implementation of monitoring and enforcement efforts remained a Member State’s prerogative (Gezelius & Raakjær 2008:147). It was not after the 2002 reform that the effective balance of control powers inclined in favor of the Commission.

During the third enlargement in 1996, Sweden, Finland and Austria joined the EU posing no major challenges to the stability of the CFP (Symes 1997). Norway applied for accession for a second time and its population once again voted no, partly due to fisheries disagreements. In the same year, an independent report recommended a reduction in fishing effort and called for a differentiated reduction across sectors and across regions.³ The Commission responded by setting ambitious targets for effort reduction, notably in the North Sea where pelagics, roundfish and flatfish would face the most severe cuts (ibid). The Commission’s proposals were diluted by the Council and the overall *status quo* remained more or less unchanged in the period leading up to the 2002 reform (Gezelius & Raakjær 2008).

1. The Gulland Report, prepared by an expert committee appointed by the Commission in 1990, recommended a 40% decrease in fishing mortality.

2. ‘Report 91,’ a Commission review of the CFP of the period 1983-1990, concluded that overcapacity was a “latent sectoral crisis” and identified seven main areas that required improvement, most of these related to the setting of TACs, reducing fleet capacity and improving enforcement (Ørebech, 2004 :11).

3. The Lassen report.

On its 2001 “Green Paper on the future of the Common Fisheries Policy” the Commission reflected on the CFP, “painting a dark picture” and proposing its most sweeping reforms thus far on all aspects of the CFP (ibid:149). The Commission’s radical reform efforts and conservationist world view was opposed by a group of Member States that formed a coalition as a response to the 2001 Green Paper, referring to itself as the “Friends of Fishing.” Another group emerged, the so-called “Friends of Fish,” which occupied middle ground between the Commission and the “Friends of Fishing.” At the end of the day the proposals by the Commission were not adopted by the Council in their original form. However, four new elements were adopted in the revised CFP, which represented a genuine improvement from its predecessor (Box 3.1).

Two new rounds of enlargement in 2004 and 2007 brought the number of Member States to 27 and signified new challenges to the CFP. Not only has the scale of management jurisdiction increased, but also the growing diversity of patterns of fishing, of needs and of marine and political landscapes has made harmonization of fisheries policies difficult to achieve (Symes 1997). The long-standing problems of overcapacity and overfishing persist. In April 2009, the Commission released its “Green Paper: Reform of the Common Fisheries Policy” (EC 2009) to launch the open consultation process for the forthcoming revision of the CFP. As was the case in 2001, a somber picture of the European fisheries has been sketched and wide-ranging reforms have been heralded. In the next section, an assessment of the CFP is made in the context of the 2012 reform.

Box 3.1 Four main new elements of the CFP after the 2002 reform (Nerheim 2004).

1. long-term sustainable management approach

- Recovery and management plans
- Long-term targets and harvesting rules
- Incorporation of an ecosystem approach
- Improvement of scientific advice

2. a new policy for the fleets (balancing fishing capacity and available resources)

- Simpler rules for limiting fishing capacity
- Fishing effort limitation when necessary
- Phasing out of public aid

3. better application and enforcement of rules

- Closer cooperation between the Member States
- Sanctions for poor enforcement against Member States
- More autonomy for Community inspectors
- A commitment at Community level to reinforce coordination and enforcement

4. improving stakeholders’ involvement

- Creation of Regional Advisory Councils (RACs)
- Right of initiative
- Commitment to consultation

3.6 The CFP: Scope, evaluation and future

As already explained, the CFP is composed of four interrelated policy pillars: structural policy, common organization of the market, resource conservation and management and external relations. The CFP was revised in 1992 and 2002 and a new revision is currently underway, with the view to adopting the revised version in 2013. In this section, a brief overview of each policy pillar is provided, including the guiding principles of the policies and their objectives, as well as a general evaluation of each pillar and the proposed way forward to amend the identified shortcomings.

3.3.1 Structural policy

The goal of this policy is two-fold “to protect resources and the marine environment to guarantee sustainable fisheries, while ensuring the economic and social development of fisheries areas.”¹ The latter is based one of the EU’s main principles of promoting economic and social cohesion, or solidarity, among regions. The EU puts this in practice this by providing financial assistance to the areas, people and enterprises in greatest need. The structural policy’s financial instrument is the European Fishery’s Fund (EFF), “ a public aid instrument intended to contribute to the financing of projects developed by enterprises, public authorities, representative bodies, etc. in all the economic activities that form part of the fisheries sector: catches, farming, processing, marketing, ports, heritage...”²

Holden correctly points out that “it is too easy to forget the factors which influenced the development of a policy when the circumstances have changed and are no longer relevant to those of today” (Holden 1994: 21). In the post-war years in Europe, the fear of experiencing hunger again had led Community leaders to uphold the principle of “auto-sufficiency,” to ensure food production in the continent and reduce Europeans’ dependency on food from elsewhere. This principle translated within the Common Agricultural Policy (CAP) as subsidies to strengthen the agricultural sector.

The CFP has the same legal basis as the CAP, as stated in articles 3 and 38 of the Treaty of Rome (Holden 1994). Fisheries was at that time a side-issue and fell under the responsibility of a small administrative unit under the Directorate General for Agriculture. It was not until 1976 that the Directorate General for Fisheries was established (Then DG Fish now called DG MARE). A structural policy for fisheries similar to that of the CAP was envisaged by the Commission in its 1967 paper.

1. EC Fisheries official website “About the CFP-Structural measures”:

http://ec.europa.eu/fisheries/cfp/structural_policy_overview_en.htm Accessed Oct. 2009

2. The European Commission: About the Common Fisheries Policy – Structural Measures

http://ec.europa.eu/fisheries/cfp/structural_measures/eff_introduction_en.htm Access Oct. 2009

Originally, the objective of the structural policy was to increase the amount of fish captured in Europe and the reasoning was that higher investment in fishing fleet capacity would lead to higher fish landings. Indeed, a spectacular increase in fleet capacity in Europe was observed in the decade of 1970- 1980, both in terms of Gross Registered Tonnage (GRT) and in engine power (Holden 1994:22). During its first years, the structural policy was considered as a success both by the Member States and the industry, whose criteria was obviously the improvement of the fleet and other infrastructure as well as a temporary increase in fish catches.¹ Nevertheless, when the rapidly deteriorating state of many of the most valuable fish stocks in the mid 1980s made it clear that this approach was wrong, the emphasis in policy changed. Multi-Annual Guidance Programs (MAGPs) were established, whose goal was “to balance fishing capacity with resources.”

Through these programs targets were set centrally at Community level to stop the expansion of its fleet. Each Member State was required to draw up its national plan to attain the necessary cuts, which would be realized by means of providing decommissioning grants to fishermen willing to give up their vessels. The decommissioning grants were paid in part by the Community and in part by the national governments (Cann 1997). Most Member States did not meet their objectives in the MAGPs for 1982-86 nor for 1987-1991 (Holden 1994). Even for those who did, Holden doubts on the effectiveness of the measure, as “...it seems more likely that many Member States met their targets by weeding out from their registries vessels which were fishing very little, if at all” (ibid:27).

A number of reports released in the 1990s showed that fishing capacity in the Community was still too high for the available resources and the risk of collapse existed for some valuable species. Based on scientific advice, the Commission recommended reductions in the range of 20-40% of fishing effort for the third MAGP. Discontent among the fishing industry and political resistance started to mount at this point.

A total of four MAGPs were carried out between 1982 and 2001. However, due to the failure to achieve the goal of aligning fishing effort with fish resources, the MAGPs approach was abandoned in the CFP reform of 2002. Instead, an “entry-exit program” for vessels was established, in which a cap on national fleet sizes was set and rules laid out for the admission of new vessels into the national fleet.² Critics note that “[e]ven if the system were to be operating properly ..., and without being watered down over time, it is important to recognize that the fundamental problem remains that there is no legal requirement for Member States to reduce their fleet capacity”(Brown 2006:7). “As long as there is no permanent reduction of the fleet to more sustainable levels, there will always be a powerful temptation for some fishers to bend rules, exceed quotas and under-declare catches, just in order to survive” (EC 2008:19).

1. In the 1970s, cod and haddock showed an unusually high recruitment, which ultimately proved detrimental to the future of these stocks as their abundance was overestimated (Gezelius & Raakjær 2008).

2. Entry-exit rules, laid out in Reg. 2371/2002, Chapter III and Reg.1438/2003, are “designed to ensure that the capacity of the fleet in tonnage cannot rise above the level of 1 January 2003 (or, for the Member States which joined the EU on 1 May 2004, above its level on that date)” (CFP User’s Guide, 2008). For a review on EU fishing capacity management, see Brown (2006) at: <http://www.ieep.eu/publications/pdfs/fisheries/EU%20fishing%20capacity%20management.pdf>

During the first three decades of its implementation, the principle guiding the structural policy had been economic sustainability of the European fishing sector. The Commission had been harshly criticized for its perverse policy of subsidizing vessel construction and modernization while encouraging fleet reduction (Cann 1997). On its 2001 Green Paper, the shift in the Commission's position towards conservationism was apparent in the numerous reforms it proposed. One of them was that subsidies would no longer be provided for acquiring new vessels after 2004 (nevertheless, subsidies were still made available for improvement of existing vessels). The European Fishery's Fund (EFF) became operational on January 2007 and replaced the Financial Instrument for Fisheries Guidance. With this change in name and mode of operation, the Commission hopes to achieve better results in its structural policy.

3.3.2 Markets Policy: The Common Organization of the Market

The first regulation adopted in 1970 laid out the provisions for a market support system for fisheries that was almost identical to that of the agricultural sector (Holden 1994: 34). The general principle guiding this policy was the overall objective of the Treaty of Rome of achieving a 'Single Market' in the Community. Accordingly, the goal of the Common Organization of the Market (COM) in fishery and aquaculture products was "to create a common market in fish products inside the Union that would match production to demand for the benefit of producers and consumers."¹ Creating a common market in the EU has been achieved by liberalizing trade internally and establishing a common external tariff. At the same time, adjustments have been effected to keep up with the trend in international trade liberalization as regulated by the World Trade Organization (WTO).

The goals of basic regulation No. 2142/70 were to "establish marketing standards; stabilize market prices and avoid formation of surpluses; help support producers' incomes, and consider consumers' interests" (Holden 1994:34). Originally catering to the needs and characteristics of six Member States, this regulation has been continuously modified to fulfill the demands of an ever expanding European Union and to adapt to shifting conditions both internally, such as declining fish stocks and changing consumer habits, and externally, such as globalization of world trade² (COM 2002:4).

Today, the organization of the common market for fishery products in the EU is based on the following four components: 1) common marketing standards; 2) producer organizations; 3) a price support system (which is directly related to the previous component); and 4) rules for trade with non-EU countries. From these components, labeling as a marketing standard and trade rules bear special importance to the analysis of policy coherence of the external domain and will be elaborated in subsequent chapters. A special sub-section will be devoted to component number four 'rules for trade with non-EU countries' at the end of this section on Market Policy.

1. EC official website, about the CFP – Common Organization of the Market:

http://ec.europa.eu/fisheries/cfp/market_policy/common_org_markets_en.htm

2. Market Policy: http://ec.europa.eu/fisheries/cfp/market_policy_en.htm

1) Common marketing standards are a prerequisite for a single market for fishery (and aquaculture) products in which commercial characteristics for these products are harmonized across the EU. This means that, in all Member States, descriptions must be the same for fresh products on quality, grades, packaging and labeling of both EU and imported products (ibid). I will return to this point when traceability is discussed below in the sub-section on 'rules for trade with non-EU countries.'

2) Producer Organizations (POs) have been the vehicle used to implement the various intervention mechanisms required to achieve the goals of the COM policy. POs are voluntary fishers (or fish farmer) organizations set up in each Member State making use of EU financial aid through the European Fishery's Fund. POs coordinate efforts to regulate and stabilize the market.

3) For instance, guide prices are fixed under which the fish cannot be sold and must be withdrawn. During the 1970s, POs set withdrawal prices in the range of 70-90% of guide prices, under which their products had to be taken off the market and destroyed. Members of POs were reimbursed the costs of withdrawal by the Community (COM 2002:4,5).

As the problem of deteriorating fish stocks in Europe became more serious, efforts were made to reduce waste and to seek an optimal match between demand and supply. The COM was first revised in 1981 to discourage definite withdrawal of fishery products by providing lower financial compensation. Also, the principle of 'carry-over aid' was introduced. This measure stimulated fishers to place their products in temporary cold storage for later introduction to the market, when prices were higher, instead of their immediate destruction (ibid:6). Whereas in the 1980s only 30% of the withdrawn fish was stored, today this percentage has risen to 70% and the Commission expects it to continue rising (EC 2008:33).

A second revision in the 1990s sought to cope with growing demand for fish products in the EU as a result of enlargement, compounded by the serious deficit of European fish supplies due to stock depletion (COM 2002:7). Increased imports meant that European producers faced strong external competition in their own market. A third revision of the COM in 2000 addressed these issues by requiring that POs submit 'operational programs' to their national authorities at the beginning of each fishing year. The aim of these programs is to improve the balance between supply and demand by planning deliveries from their members in advance and by examining measures to maximize the value of their catches. The Commission observes that "...over the years, balancing supply and demand has come to be seen as an ecological as much as an economic, issue. In this sense, the COM was arguably ahead of its time [when the Markets Policy was first designed], since a fair price for fish is inherently a force for sustainability. Low prices, particularly at a time of high costs, are one of the principle factors driving overfishing in the short term" (EC 2008:33).

Operational programs consist of a marketing strategy, a catch or production plan, special anticipatory measures for species which are known to be difficult to sell, and a system of internal penalties to ensure compliance with the program.

For instance, measures the PO could take to increase profits “...might include redirecting products towards different market outlets, raising their quality, introducing voluntary labeling initiatives, or developing other promotional activities” (COM 2002:7). Also, “...the PO should consider avoiding certain fisheries when there is little or no demand for the species caught...” and “for species that are traditionally difficult to market... advance contracts with the processing industry might be improved” (ibid:8).

The Commission argues that today POs are making a greater contribution to ecological sustainability than it was intended with the original focus of the COM, by seeking to maximize their profits through responsible management of fishery resources. On the other hand, it is acknowledged that their management and marketing roles should be strengthened if the vicious circle of overfishing driven by low prices is to be broken.

The 2009 Green Paper mentions three reasons that have contributed to this situation. The first one is the fragmented nature of POs, which would need to reorganize themselves for improved marketing of their products and maximization of their profits as intended by the operational programs.¹ As noted by the Commission and critics alike “Particular attention should be given to ways of organizing the dialogue between the producers and big retailers. The latter are powerful and highly organized, with a tendency to impose low, often unprofitable, prices on the producers.”² Second, consumer preferences are favoring frozen or processed fish products above fresh fish. The costs of other ingredients, of processing and marketing of processed/frozen products are high relative to the value of fish in the final price paid by the consumer. Third, the low sales prices for fish in Europe are partly the result of the surge of imports coming into the Community (ibid). The EU is the world’s largest importer of fish, seafood and aquaculture products. As such, trade policy has an important role to play within the COM and will be the focus of the next section (EC 2008).

4) Rules for Trade with non-EU countries

The main instruments established by the CMO relevant to the European domestic fisheries have been dealt with in the preceding section. In the next few paragraphs, the rules for trade with third countries will be briefly described. At present, 60% of the fish consumed in Europe is being imported, mostly as raw material from developing countries for the processing industry. For some species, at certain periods of the year, this figure can be 100%. Autonomous Tariff Quotas (ATQs) are a tool set up to facilitate the import of raw material for the processing industry by applying low import tariffs to specific, sensitive fish products for which a deficit exists in EU waters. Tuna, which accounts for 60% of fish imported to the EU, is one of these sensitive products, in particular canned tuna and tuna loins for the processing industry.

1. One tool to accomplish these objectives is the Commission’s plan to design a European market Observatory for fisheries and aquaculture products. The Observatory “ will be tailored to provide market intelligence to all actors in the industry and in particular to help POs to better adapt to demand conditions as well as to reduce production costs” in Open Call for Tenders No MARE/2009/06. At: http://ec.europa.eu/fisheries/press_corner/calls/2009_06/tendering_specifications_en.pdf Dec. 2009

2. CFFA-CAPE document Trade and Markets:2 (Development NGOs contribution) At: http://www.ldrac.eu/component/option.com_eventlist/Itemid,77/func.details/did,17/lang,en/ Dec. 2009

The COM seeks to balance the interests of producers and consumers. For the latter, not only price is important, but also product quality and safety. For a growing number of conscientious consumers, the sustainability of the fishing methods used and the social conditions of the producers in developing countries are becoming important as well. Labeling provides all kinds of information required by consumers and implies transparency “from the ship to the shop.” On the 2009 Green Paper, the question is posed “How can the future CFP best support initiatives for certification and labeling?” (EC 2009:19). Traceability of fishery products allows for people “...to know that the fish they are eating is healthy, and has reached them through a chain which respects real standards of hygiene and freshness. [People] want to know that the fish was caught fairly within quota – that it has not contributed to the possible collapse of a fragile stock, and that is not the result of black market trade or illegal fishing.” (EC 2008: 33). One type of traceability is eco-labeling, which is a scheme that incorporates environmental protection concerns into the fisheries sector and is currently being explored by the Commission.¹

The special trade relations between the EU and the ACP countries provide for duty-free, quota-free (DFQF) market access of all fish products from the ACP into the EU. As mentioned in the introduction to this thesis, several contentious issues affect EU-ACP trade, notably fisheries subsidies, Rules of Origin (RoO) and Sanitary and Phytosanitary (SPS) measures and will be further elaborated in chapters 4 and 5.

3.3.3 Conservation Policy

The main goal of this policy is “to take conservation measures to prevent fish stocks from being overexploited.”¹ These measures include:

- 1) To set Total Allowable Catches (TACs)
- 2) To adopt technical conservation measures such as minimum mesh and landing sizes, promoting selective fishing gear, establishing closed areas and closed seasons, and setting limits on by-catches
- 3) To limit fishing effort by decreasing the amount of fishing days that vessels may spend at sea, and
- 4) To fix the type and amount of vessels which are allowed to fish.

Since its origination, this policy of the CFP has given rise to the most divisive debates among Member States and harsh criticism from the public. The reason for the former is that the new principles and measures established under the conservation policy impinged on Member States’ traditional freedom, not only in terms of *what* fish and *how much* may be caught but also *where*, *when* and *how* it may be done. The reason for the latter is the alarming state of the fish stocks in Europe, which testifies to the failure of the conservation policy: today, 88% of the most important commercial stocks are overfished (EC 2008).

1. EC Fisheries official website “Eco-labeling of fishery products”
http://ec.europa.eu/fisheries/cfp/market_policy/ecolabel/definition_en.htm Accessed Sept. 2009.

It is common knowledge that decisions taken at the Council have always been guided by short-term interests. In its 2007 annual Policy Statement about fishing opportunities, the Commission stated to the Council that: "...the TACs set each year [from 2002-2007] have remained consistently well above the levels advised by scientists (in excess of 40%, on average)... As a result, all attempts to bring stocks back to optimal health and productivity were being severely hampered, if not made impossible" (ibid:15). Also known is that a culture of infringement prevails when it comes to compliance to CFP conservation measures, as shown by a 2007 report by the EU Court of Auditors in which an extensive description of the deficiencies of Community fisheries control was presented (EC 2009).

In this section, the topics that are considered as most urgent to be addressed in the new CFP will be briefly discussed. These topics are based on the "five structural shortcomings of the CFP" identified by the Commission itself (Box 3.2)² and also on my view of the need to reexamine the principle of relative stability and on the crucial role of stakeholder involvement (especially fishermen) in the improvement of research-based advice.

The topics to be discussed here are divided into two broad categories:

- A) those related to policy development, including imprecise policy objectives; long-term sustainable management plans; the principle of relative stability; scientific advice and stakeholder participation; and
- B) those related to policy implementation such as control and enforcement; and more rights and responsibility for the industry.

Box 3.2 Five structural shortcomings of the CFP (EC 2009).

- Fleet overcapacity
- Imprecise policy objectives resulting in insufficient guidance for decisions and implementation
- Decision-making system that encourages a short-term focus
- Framework that does not give sufficient responsibility to the industry
- Lack of political will to ensure compliance and poor compliance by the industry

1. EC official website. about the CFP - Conservation measures. At:
http://ec.europa.eu/fisheries/cfp/management_resources/conservation_measures_en.htm

Accessed Oct. 2009.

2. except for fleet overcapacity which was already discussed in the section on the structural policy pillar.

A) Policy development

Imprecise policy objectives

The main difficulty of fulfilling the goals of the CFP is the fact that no priority is set for the different goals. The regulation in force at present states that “ The CFP shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.” It is recognized that ecologic sustainability is the basic premise to achieve the other two objectives. While in the long term all of these objectives are compatible with each other, in the short term, however, measures to achieve environmental sustainability clash with economic and social objectives. In the new CFP, these objectives should “ be defined in a clear, prioritized manner which gives guidance in the short term and ensures the long-term sustainability and viability of fisheries” (EC 2009:10).

Long-term sustainable management plans

Throughout the first two decades of its implementation, the conservation policy of the CFP was essentially about avoiding conflict among Member States and providing stability to the industry, not about conservation of fish stocks. By the end of the 1990s, however, it was evident that many European fish stocks were at risk of collapse and that short-term decision-making (i.e. annual management plans) were no longer feasible. Furthermore, the concept of sustainable development had gained strength globally.

As the world prepared itself for the 2002 Johannesburg World Summit on Sustainable Development, European fisheries policies were undergoing their second round of reform. In 2002, a shift to sustainability was effected in the four pillars of the CFP. In practical terms, the conservation policy moved from annual planning to its first multi-annual management plans for the recovery of a number of vulnerable species, such as hake and cod, starting in 2003. The principles on which long-term management plans are based are the following: first, harvest control rules are defined for a stock based on clear quantifiable biological targets and these targets are set to be gradually met over time in order to avoid sudden social and economic disturbances. Second, the maximum variation on year-on-year TACs is set at 15% (plus or minus) in order to provide some level of stability for the industry, but at the same time to grant some level of protection if the stock shows signs of being in risk of collapse. Third, the annual changes in fishing possibilities are reflected on schemes on TACs and quotas to limit fishing effort – this is, the maximum number of days which vessels may spend at sea (EC 2008).

Although multi-annual management plans have improved the way in which some key species are being managed in the EU, much remains to be done in terms of management and the ways it will be done are still open for discussion. At Johannesburg the EU made a commitment “to bring all European fish stocks to a state where they can produce at Maximum Sustainable Yield (MSY)¹ by 2015” (EC 2008:15).

1. MSY is the point where “the largest annual catch... can be taken while maintaining resource sustainability “ (Charles 1994:203).

The Commission states that “This international commitment should now be enshrined as a principle for stock management in the future CFP” and reflects on a possible way to achieve it: “Should we consider reforming the CFP in two steps, with specific measures to move to MSY prior to 2015 followed by measures to maintain MSY as the upper exploitation level after that date?”(ibid). The way the questions are formulated illustrates the Commission’s quest for effective management measures and a sincere search for contributions from stakeholders to address these challenging issues.

Also important in this respect is the relation of the CFP with the Integrated Maritime Policy (IMP). Under the Marine Strategy Framework Directive, which is the environmental pillar of the IMP, Member States must achieve “good environmental status” by 2020. An ecosystem approach will be implemented to marine management of all sectors. This will benefit European fisheries, as the impact of other sectors on fisheries resources will be addressed.

Relative stability

As explained before, the method for allocating fishing opportunities to each Member State after the TACs have been set is based on relative stability. During the hostile negotiations prior to the adoption of the Conservation Policy in 1983, all parties involved agreed on one point: whatever the allocation method would be, it should be preserved for a long period of time in order to avoid lengthy debates about the allocation issue every year (Holden 1994). Relative stability became thus the fundamental principle of the CFP and has remained untouched in the reforms of 1992 and 2002. However, the principle has created undesirable effects such quota swaps among Member States and out-flagging. According to the Commission, “it is fair to say that relative stability no longer provides a guarantee that fishing rights remain with their fishing communities”(EC 2009:16).

For the current revision of the CFP the Commission has considered the option of replacing relative stability with a system of allocation of fishing rights. Although certain Member States have implemented this system within their national fleets, the creation of property rights in fishing opportunities remains controversial as it in fact privatizes fish resources. A public debate was launched by the Commission in 2007 to discuss this approach and the debate still continues. An alternative is to maintain relative stability but include flexible provisions to better align national quotas to the real needs of their fleets.

The fact that many European fleets perform mixed fisheries, each with their own quota, contributes greatly to the discard problem. Mixed fisheries target different fish species that swim together, which often results in the capture of unwanted species, known as by-catch. For instance, when a fisherman has exhausted the quota of a certain species but not of other target species swimming in the area, he has no choice but to throw overboard the fish that he is not allowed to land.

The extent of the discard problem varies from region to region and from fishery to fishery. A 2005 study by the FAO estimated that it ranged from an average of 1.4% in the Baltic up to 31-90% off the west coasts of Ireland and Scotland (EC 2008).The Commission remarks that “In addition to being a waste of precious resource, discarding has prevented several stocks from recovering in spite of low quotas” (EC 2009:15).

To address the problem of discards, the questions posed for consultation are: “What measures should be taken to further eliminate discards in EU fisheries? Could management through transferable quotas be useful in this regard?” and “How could the MSY commitment be implemented in mixed fisheries while avoiding discards?” (ibid).

Scientific advice and stakeholder participation

The Commission drafts its fisheries proposals based on advice from a number of bodies, with scientific advice being at the foundation of its policy decisions. Scientific knowledge on the biology of fish stocks is provided by the International Council for the Exploration of the Sea (ICES), founded in 1902, which coordinates and promotes research in the North Atlantic, the North Sea and the Baltic Sea. The Advisory Committee (ACOM) reviews and approves the recommendations made by ICES, obtaining data from other sources as well (increasingly from fishers). In addition, the Commission established the Scientific, Technical and Economic Committee for Fisheries (STECF) in 1993 to obtain a second opinion on the analyses provided by ICES and to incorporate economic and social elements into assessments of policy proposals (EC 2008).

On the 2009 Green Paper, the Commission claims that “The human and institutional resources available to provide this advice are increasingly limited and the questions to address have become increasingly numerous and complex” (EC 2009:20). The questions posed address the problem of certain regions within the EU which lack high-quality scientific research, the need to ensure coordination of research programs at European level, and to secure funds so that young researchers can continuously be trained in fisheries fields (ibid). Apart from the need to generate sound and robust scientific knowledge, an issue of crucial importance here is the way this scientific knowledge is used in public debates and translated into policy. A 2007 EU project “Policy and Knowledge in Fisheries Management” found that “People from all major stakeholder groups are calling for a more interactive system of producing a common knowledge base” (Schwach et al 2007).

Directly related to this point is the question by the Commission: “How can we better promote stakeholder involvement in research projects, and incorporate stakeholder knowledge in research-based advice?” (EC 2009:20).

In particular, more involvement of fishermen is considered necessary. The suspicion between fishermen and scientists is notorious. As the Commission aptly puts it: “Scientists need to leverage the wealth of insight which fishers’ experience can provide; fishers need to understand how scientists reach their conclusions. Only then will both sides feel able to trust both the results of this research, and the fisheries policies which rest on it” (EC 2008:14).

Traditionally, non-scientific advice has been channeled to the Commission through the Advisory Committee on Fisheries (and, recently also on Aquaculture – ACFA), established in 1971. Initially, only interests from the industry were represented. Nowadays, trade, consumers, environment and development interests at European level are represented as well by the twenty-one members who make up this committee. In addition, “a major new exercise in permanent consultation” (ibid:6) was initiated after the 2002 reform of the CFP with the creation of the Regional Advisory Councils (RACs). These bodies were set up in order to involve stakeholders to a higher degree in the entire policy process, as a response to criticism of the top-down, centralized approach that characterized CFP policy-making. Seven RACs were created, five of them based on geographically and biologically distinct zones: North Sea, Baltic Sea, Mediterranean, North western waters, South western waters, and the other two based on the type of target stocks: pelagics in Community waters (except for the Mediterranean and Baltic Sea) and high-sea fisheries (or Long-Distance RAC). The Commission states that in the future CFP, “improving communication between scientists, policy makers and stakeholders, particularly ACFA and the RACs and securing their full commitment, should remain a priority” (EC 2009:21).

B) Policy implementation

Control and enforcement

Control and enforcement of CFP regulations has always been a responsibility of each Member State. Stemming from the 2002 reform of the CFP, however, more control powers have been given to the Commission. Namely, the Commission has ever since been authorized to take Member States to Court “if noncompliance could lead to a serious threat to fish stocks” (Nerheim 2004:32). Besides, the Community Fisheries Control Agency (CFCA) was created in 2006 to improve cross-border collaboration among Member States. The CFCA employs 25 Community inspectors, who double-check national inspection systems – the CFCA controllers do not control the fishers, this remains the job of national inspectors. In addition, a CFP Compliance Scoreboard was created to compare sanctions imposed by the Member States and encourage a level-playing field across the EU. Another noteworthy achievement of the 2002 reform was the implementation of the satellite Vessel Monitoring Systems (VMS) to track large fishing boats, which aids in inspection efforts. Recently, a regulation was adopted on electronic reporting systems and remote sensing technologies, which should facilitate the work at national catch and effort data registries (EC 2008).

Despite the improvements achieved on this front, the Commission acknowledges that “Fisheries control has generally been weak, penalties are not dissuasive and inspections not frequent enough to encourage compliance. Moreover, no checks have been built into the system to ensure that, for example, Member States only access Community funding if they fulfill their basic control and conservation responsibilities” (EC 2009:13). A comprehensive reform of the fisheries control and enforcement system is underway, based on a proposal published by the Commission on November 2008 as a response to the findings by the Court of Auditors.

At the same time, the Commission poses a number of questions on its Green Paper to request stakeholder input on how to address these deficiencies. The main question is in fact: “What mechanisms could ensure a high level of compliance?”(EC 2009:13). The options being considered are centralized versus decentralized controls, enhanced self-management by the industry, where management is implemented at the level of geographical regions, and a link between effective compliance with access to Community funding. Finally, ways are being explored to upgrade the data collection system to ensure coherent and timely information for enforcement purposes (ibid).

More responsibility for the industry

Essentially, as noted above, the needed change would be from a centralized, top-down management approach to a bottom-up, decentralized one in which more rights and responsibilities are given to the fishing industry. Results-based management is considered as an option by the Commission, in which rules focus on the outcome (instead of detailed regulations establishing how to fish) and the implementation is left to the industry itself. In this way, it is expected that the industry will have the incentives to develop the best economic and technical solutions, that the policy will become simpler and that there will be higher compliance with the rules). Also considered for the new CFP is the possibility to have the industry to pay for access to fishing grounds, which up till now have been freely accessible, and the costs of management, which have been covered by the taxpayer (ibid:12).

Finally, a word must be said about simplification of the rules in the broadest sense. The CFP is a wide-ranging and complex policy. The enlargement of the EU from six to twenty-seven Member States, the two revisions of the CFP and the adoption of various *ad hoc* technical measures and multi-annual plans has resulted in “...a legislative labyrinth – a mass of overlapping, and sometimes contradictory provisions, allowing multiple derogations and exceptions, scattered throughout a range of very different legal texts” (EC 2008:18). The Commission has embarked in efforts to simplify the rules and should continue to do so in the new reform of the CFP.

3.3.4. External relations

The External Relations Policy of the CFP has two objectives: 1) to establish fisheries agreements with third countries, and 2) to negotiate common conservation measures in high-seas fisheries at global forums. As explained in the section “CFP: a historical account,” the changing regime on the law of the sea in the 1970s led to the adoption of this policy. Initially, its main goal was to secure historic fishing rights for the European long-distance fishing fleet and ensure a continuous supply of fish for the European market. Gradually, a conservationist and development dimension have evolved within this policy. In the sections below, both components of the External Relations Policy will be described.

Fisheries Agreements

Traditionally, the fishing fleets of the world were able to roam the oceans following the fish, based on the principle of “freedom of the seas.” Many EU Member States have long histories in distant-water fishing, particularly Spain, Portugal, the UK, France, Poland, the Baltic states of the former Soviet Union, and the Netherlands. Spanish and Portuguese fishers, for example, caught halibut in the Canadian Grand Banks for centuries and many Western European fleets are known to have chased cod all over the north Atlantic since the Middle Ages.¹ Up to the first half of the 20th century, the oceans were considered as public domain and hence no regulations on fisheries existed, except for those enacted by the individual coastal state in its narrow territorial sea (3-6 nm).

The freedom of the seas doctrine had its origins in Roman law and was revived by Dutch jurist Hugo Grotius in the 17th century. The big European maritime powers of that period clearly reaped the benefits of such a *laissez-faire* attitude and were reluctant to give up their right to navigate –and fish–unrestrictedly. The first serious challenges to the freedom of the seas doctrine arose after WWII when the United States declared an extension of their coastal jurisdiction under the Truman Proclamations of 1945 (Anand 1993:78). Soon, other coastal states followed but the divergent standpoints and conflicting claims made by the various nations attempting to extend their sovereign and exclusive jurisdiction of territorial seas led to confusion and conflict around the world. As a result, efforts to codify the law were made by the UN through its Convention on the Law of the Sea (UNCLOS).

Starting in 1958, a series of UNCLOS conferences were held, where continuous struggle between two groups was evident. On one hand were the rich, satisfied Western maritime powers who wished to preserve the *status quo*, and on the other hand the newly independent Asian and African developing coastal states, together with their Latin American and Soviet group allies, who wished to establish a new legal order, fair to all. They were seeking “to analyze, question and remold, destroy if need be, and create a new, equitable and rational regime for the world’s oceans and deep ocean” (ibid:82)

1. European history in cod bones. Times Online . April 14 2008. At: http://www.timesonline.co.uk/tol/life_and_style/court_and_social/article3738383.ece Accessed Dec. 2009.

The establishment of the 200-nm EEZ gave coastal states the right and responsibility to manage their fisheries, as well as limit access to them. UNCLOS provided that developing coastal nations could make the “surplus”¹ resources in their EEZs available to foreign countries by various fisheries arrangements. Since the adoption of its External Fisheries Relations Policy on January 1st, 1977, the European Community has negotiated bilateral and multilateral² fisheries agreements with third countries, both in the North and in the South, on behalf of the Member States. The first agreement was concluded with the United States in 1977, followed by agreements with northern non-EC members and African countries in the 1980s.

At present, about 40% of the EU’s catch (by weight) is obtained through access to third country waters by means of these fisheries agreements, which provide fishing opportunities to almost 3000 vessels and employment for nearly 40 000 Europeans (EC 2008:24). The EU’s Distant Water Fishing Fleet (DWFF) is active throughout all of the FAO regions of the Atlantic Ocean, the western and southern Indian Ocean, and most recently in the Pacific region. Two kinds of agreements exist: those based on exchange of fishing opportunities, meaning a straightforward exchange of quotas based on historic fishing patterns of stocks which are shared with neighboring countries (the so-called northern agreements), and those based on paying access fees for “surplus” stocks in a third country’s EEZ (the southern agreements).

Three northern agreements are in force between the EU and Norway, Faeroe Islands and Iceland, respectively. Twenty-one southern agreements are in place, from which seventeen have been concluded with African countries, one with Greenland, and three with Pacific Island Countries (PICs).³ From the southern agreements, twelve deal exclusively with access to tuna fisheries, indicating the importance of this commodity to the Community. The budget destined to all international fishing agreements increased from €5 million in 1981 to almost €300 million in 1997, which accounted for nearly one third of the resources allocated to the fisheries sector (EC 1999).

The original objectives of the 1977 fisheries agreements policy changed very little in the first twenty five years of its implementation. A great deal of criticism was directed to the pure commercial nature and negative effects of the agreements for the coastal state. Especially in West Africa, local fishers were allegedly out-competed by an invasion of European fleets that rapidly led to overfishing and the local populations deprived from the main protein source in their diet (Binet 2008). Environmental and social concerns thus led to conservation and development agendas to be included in the External Relations policy after the 2002 reform of the CFP. Development aid and the word “partnership” were added to these agreements, which are known since 2004 as “Fisheries Partnership Agreements” or FPAs (Witbooi 2008).

1. Article 62 (UN, 1982) UNCLOS. Accessed Sept. 2009.

http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm

2. Multilateral fisheries agreements, also referred to as the North-East Atlantic “coastal states agreements,” cover three major pelagic stocks: Scandian-herring, mackerel and blue whiting. The stocks are shared as follows: blue whiting between the EU, Faroe Islands, Norway and Iceland; Atlanto-Scandian herring between the EU, Faroe Islands, Iceland, Norway and the Russian Federation; and mackerel between the EU, Faroe Islands and Norway. Europa Press Release Rapid.

At: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1640&format=HTML&aged=0&language=EN&guiLanguage=tr>. Accessed Sept. 2009.

3. European Commission. Bilateral fisheries agreements between the EC and third countries. At: http://ec.europa.eu/fisheries/cfp/external_relations/bilateral_agreements_en.htm. Sept. 2009.

The intention was to turn the FPAs into cooperation channels to help in the sustainable development of the local fishing industry rather than merely paying for access to their resources. In the current revision of the CFP, a shift from the current model of bilateral agreements to regional agreements has been considered, as the latter would benefit regional integration which is considered as desirable to promote development.

Very significant is the Commission's assertion that the major goal "for activities under the external dimension of the CFP should be to extend the principles of sustainable and responsible fisheries internationally" (EC 2009:22) which shows a further inclination towards conservationism and will be discussed in the chapter on DG Environment. Also, the Commission states that "...other objectives that currently guide the external dimension of the CFP, such as maintaining the presence of an EU fleet internationally and ensuring that this fleet supply the EU market, may be less relevant today" mainly due to the increasing dependency on imports (ibid:22). The effects of this possible shift of policy for the DWFF, in particular the Spanish fleet, will be discussed in the chapter on DG MARE. In the lines below, the EU's assumed role as "leader in sustainability in international fisheries" (EC 2008:27) will be elaborated.

Negotiating common conservation measures: The role of the EU in the global fisheries regime

After UNCLOS conferred coastal states jurisdiction over their EEZ in the 1980s, the freedom to fish in waters beyond the 200-nm limit became conditional upon cooperation of the states fishing in a given area to ensure sound management and resource conservation of the stocks being exploited. This cooperation took place within international bodies known as Regional Fisheries Management Organizations (RFMOs). While EEZs cover only a small portion of the total ocean surface, RFMOs oversee the vast extensions of international waters, referred to as the 'high seas.' Most RFMOs had been set up after WWII, but they acquired a strengthened role in the newly established ocean regime under UNCLOS. This regime was reinforced by the adoption of the UN Fish Stock Agreement (UNFSA) in 1995, when the principle of the precautionary approach for fisheries management in the high seas was instituted. RFMOs were assigned the task to implement the required measures to achieve these goals.

Today, a total of seventeen RFMOs exist or are in the process of being created, however, not all international waters are covered by one yet. This means that unlawful or IUU fishing can take place unhindered. Even in areas covered by RFMOs, a great deal of overfishing occurs due to the impossibility of surveying immense stretches of oceans and controlling thousands of fishing vessels, some of which use flags of convenience to by-pass international regulations. Moreover, many RFMOs have been condemned for the failure of their member states to agree on effective management and conservation measures due to political power games. As is the case at EU level, recommended TACs advised by scientific bodies under the RFMOs are consistently watered down in the process of reaching consensus.

The EU, with 20-40% of its catch being taken by the long-distance water fleet in a large geographical range covering many of the oceans of the world, is a member of the most important RFMOs (EC 2008:24). At these arenas, the EU has exerted its influence, together Norway, New Zealand, Iceland and other countries leaning towards conservationism (referred to as “Friends of Fish”), by fighting against IUU, opposing low TACs and destructive fishing methods. Despite all the criticism on RFMOs, the Commission believes that working through them is the only way forward in fisheries governance, as these organizations are the only bodies with legal power to act in the high seas. Improvements of the current RFMOs are deemed necessary and possible. The EU has stated its commitment to help strengthen existing RFMOs, and to promote the formation of RFMOs in areas of the high seas still lacking one (ibid:26). Finally, besides supporting RFMOs, the EU plays an active role at the United Nations General Assembly (UNGA) and FAO, where it seeks to achieve a better global governance of the sea in general.

In summary, this chapter has told the CFP story from its birth until the present day. We have seen that short-term socio-economic goals have consistently been favored over long-term conservation goals. However, the rhetoric that the Commission uses in its Green Paper seems to indicate that real policy change awaits the future CFP, favoring ecological sustainability. Furthermore, the Commission stresses the importance of ensuring policy coherence throughout the CFP, and specifically refers to development and environment policies as components of the CFP’s External Policy. In the next chapter, a portrayal of the EU policy components involved in the EU-Pacific tuna relations domain will be presented.

Chapter 4. EU-Pacific tuna relations

Four policy components have been identified in this report as comprising the domain “EU-Pacific tuna relations.” The aim of this chapter is to provide the state of play in each policy component in order to facilitate the analysis of policy coherence for conservation of tuna resources in the following chapter. The first component is fisheries policy, which addresses the question of access for EU vessels to Pacific waters. The second component is trade policy, or the access for Pacific fish products to the EU market. The third component is development policy, or tuna industry development in the Pacific, and the role the EU plays in that development. The fourth component is environmental policy, or conservation of Pacific tuna resources and the role of the EU herein. The latter is the focus of our policy coherence analysis.

Policy-making for each component falls under the responsibility of different Directorate Generals (DGs) of the European Commission: DG Mare, DG Trade, DG Development and DG Environment, respectively. As it will be shown, clear interdependencies exist between these components, and compartmentalization in policy-making often results in inconsistencies. The present chapter is organized in six sections: section 4.1 gives general background information about EU-Pacific tuna relations and introduces the topics discussed in subsequent sections. Sections 4.2 to 4.5 give an overview of the policy components. For each policy component, a description of the guiding principles, goals, the main actors involved and the contentious issues currently debated is given. Finally, section 4.6 provides concrete examples of interdependencies and inconsistencies among all policies, except for the environmental component, which will be treated separately in Chapter 5.

4.1 Pacific Island Countries, their tuna resources and the EU

The relationship between Europe and the Pacific Island Countries (PICs) dates back to the European period of world exploration and colonization. After independence of most of the PICs in the 20th century, Europe has remained engaged in the region as a trade partner and aid donor. The first Lomé Convention, signed in 1975 in Lomé, Togo, marked the beginning of modern trade and aid agreements between the EU and its former colonies in the African, Caribbean and Pacific regions. These countries are collectively referred to as ACP States. The Pacific-ACP region, or P-ACP, consists of 14 island countries (Box 4.1). One third of these island nations belongs to the group known as ‘Least Developed Countries’ (LDCs) and all are considered as ‘Small and Vulnerable Economies’ (SVEs) due to their small size and small populations, limited land-based resources and geographical features such as long distances within PICs and between PICs and major world markets (Calì & te Velde 2009). These conditions restrict economic growth, trade and the integration of the PICs with the global economy.¹ The P-ACP region covers a total EEZ area of 20.1 million km² in the Western and Central Pacific Ocean, which constitutes one of the most productive fishing grounds in the world (See map in Appendix 2). Here, tuna is a key natural resource with an estimated value of approximately €2.5 billion in 2007 (Bourne & Collins 2009), making it the most important tuna fishery worldwide.

1. Country Strategy Papers 10th EDF. At: http://ec.europa.eu/development/geographical/methodologies/strategypapers10_en.cfm. Accessed December 2009.

Box 4.1 Pacific ACP States

Cook Islands
Federated States of Micronesia
Fiji
Kiribati*
Marshall Islands
Nauru
Niue
Palau
Papua New Guinea
Samoa*
Solomon Islands*
Tonga
Tuvalu*
Vanuatu*
(*LDCs)

Tuna is a collective name for many different species of fast-swimming, highly migratory carnivore fish. In the Pacific, four species make up more than 90% of the total catch by weight: skipjack, yellowfin, bigeye, and albacore tuna (Sibert et al 2006). Different fishing methods are used to capture the various species, which include purse seines, long-lines and pole-and-line fishing (Langley et al 2009). Purse seines are considered as the least sustainable gear, while pole-and-line is potentially the most sustainable method for capturing tuna.

Pacific tuna resources are vital for the PICs, as the sector provides employment (mostly for artisanal fishers and women working in fish processing), food security and export proceeds. Moreover, many PICs

governments obtain revenues from selling fishing licenses to foreign fleets who in this way gain access to tuna resources in the EEZs of the PICs¹ (Allen et al 2009; Witbooi 2008). As explained in chapter 3, UNCLOS established that developing coastal nations could make the ‘surplus’ resources in their EEZs available to foreign countries by different arrangements, such as bilateral or multilateral fisheries agreements.

The EU is the major fish importer in the world and a lucrative market for Pacific tuna products. Special trade relations between the EU and the P-ACP countries grant market access preferences to the latter which could potentially boost the Pacific tuna sector. At the same time, however, stringent food safety and traceability measures constrain the potential benefits conferred by these trade preferences.

The reason for PICs having ‘surplus’ tuna stocks is that these countries lack the infrastructure (vessels, adequate ports, processing facilities) and the institutional capacity (management, monitoring) to make optimal use of their own fisheries resources. As a major aid donor in the region, the EU provides funding and support for the development of the tuna sector in the Pacific.

A decade ago, most tuna stocks in the region were not overfished yet. However, yellowfin and bigeye tuna stocks have rapidly decreased and scientists and NGOs¹ warn that current fishing levels are not sustainable (Allen et al 2009; Langley et al 2009). In 2004, the Western and Central Pacific Ocean Fisheries Commission (WCPFC) was established as a recognition of the urgency to manage and conserve tuna resources in the region.

1. http://worldfishing.net/news/news_story.ehtml?o=3205. Accessed December 2009.

4.2 DG Mare: Bilateral fisheries agreements between the EU and P-ACP countries

Policy principles

As explained in the previous chapter, more than half of the bilateral fisheries agreements currently maintained by the EU with southern countries deal exclusively with tuna. The combination of decreasing stocks in European waters¹ and increasing domestic demand² explains the prominence that tuna agreements hold in EU's external fisheries relations. Originally, the guiding principles of the External Relations pillar of the CFP were 1) to avoid conflicts by securing historic fishing rights for its long-distance fleet after the declaration of the EEZ by UNCLOS in the early 1980s, and 2) to ensure a continuous supply of fish to European consumers. Tuna agreements with African coastal nations date from that period. However, signs of overfishing of tuna stocks worldwide became evident in the late 1990s (Allen et al 2009) and this prompted the EU to seek access in more remote waters. Although the EU had no previous fishing history in the Pacific, in June 2001 the Fisheries Council issued a mandate for the Commission to start negotiating bilateral agreements with members of the P-ACP countries (Box 4.2), where tuna stocks were still abundant (Klinckhamers, 2005).

Policy goals

According to DG Mare's website "The aim of the agreements is to promote responsible and sustainable fisheries in the waters of non EU countries by providing the European fleet with access only to surplus fish resources in the territorial waters of those countries and, in particular, by supporting their fisheries policies."³ At the same time, it is stated that fishing agreements "aim at defending the interests of the European fisheries sector through keeping its long distant water fleet operational and securing the European market supply"(EC 2008).

Main actors

The first agreement in the Pacific was signed with the Republic of Kiribati in 2003, followed by the agreement with the Solomon Islands and the one with the Federated States of Micronesia in 2004. Spain, France and Portugal were the fishing nations involved at the European side. Spain-owned and flagged vessels made up about three-quarters of the fleet, according to data published at DG Mare's website. In reality, Spain is the only active player in the Pacific at present, as the possibility to swap fishing rights among Member States exists and Portugal's purse seiners initially active in Kiribati transferred their rights to Spain. Moreover, France never showed up to the negotiations between DG Mare and the P-ACP (pers. comm., DG Mare officer).

1. As an illustration, scarcity of this resource in the 1990s led to "tuna wars" between Spanish fishers and their counterparts in neighboring countries. Basque fishers resorted to violence when the French did not comply to the EU's prohibition of using nets longer than 2.5 km. Basques also resented the incursion of Irish and British in the tuna fishery and blocked the northern ports of the Bay of Biscay for several days. The Independent, 5 Aug. 1994. At: <http://www.independent.co.uk/news/uk-protests-to-spain-in-tuna-wars-1381445.html>. Accessed April 2009.

2. In the UK alone, consumer spending on fresh tuna increased 15 fold from £786,000 in 1993 to £12,439,000 in 2001. British retailer Sainsbury was selling 665,000 cans of tuna each week in that period. Marine Stewardship Council, Feb. 2002. At: http://www.msc.org/newsroom/msc-news/archive-2002/news_item.2008-03-12.8830469080. Accessed April 2009.

3. EC Bilateral fisheries agreements At: http://ec.europa.eu/fisheries/cfp/external_relations/bilateral_agreements_en.htm. Accessed June 2009.

Spain has historically been the Member State with the highest stake in the fisheries agreements and currently maintains the largest and most active DWFF of the EU (EC 1999). Long-distance fishing activities mainly benefit the regions of the Canary Islands, Andalusia, Galicia and the Basque Country (EC 1999:22). These regions are home to a large fish processing sector, in particular tuna canneries, dependent on the raw material provided by the long-distance fleets. In the Pacific, the Spanish fleet targets mainly skipjack and yellowfin tuna using purse seiners and long-liners. Besides supplying European canneries, Spanish vessels also supply Pacific-based canneries, which in turn export the processed tuna to Europe.

Box 4.2 Policy process in FPAs

Unlike policy-making in the other policy pillars of the CFP, the process in the External Relations pillar does not begin with a proposal drafted by the Commission and then submitted for approval to the Council. Instead, the initiative stems directly from the Member States by expressing their interest to fish in the EEZ of a third country. If the interest is mutual, impact assessments and ex-ante evaluations are conducted prior to the elaboration of a strategy by DG Mare. This strategy is submitted to the legislative service and then to a consultation procedure with other DGs in the so-called inter-service group consultation. Subsequently, DG Mare calls a meeting with a working group in the Council. Upon approval of the strategy by the Council, DG Mare may start negotiations with the third country on behalf of the interested Member State (pers. comm., DG Mare Officer). Once negotiations are completed, the Commission submits the proposal for the agreement to the European Parliament for its opinion, and finally the Council adopts a Regulation that sets up an agreement and its protocol (EC 2008).

Contentious issues: From access agreements to cooperative partnerships?

Before the CFP was revised in 2002, fisheries agreements with third countries had a strong commercial nature and were criticized for their “pay, fish and leave” construction (EC 2005). In West Africa, the presence of the EU fleet under these access agreements had an overall adverse effect on the sustainability of the region’s coastal fisheries (Witbooi 2008; Binet 2008). Since 2004, EU’s fishing policy towards developing countries underwent a transformation. Access agreements became Fisheries Partnership Agreements (FPAs), emphasizing sustainability and development of the third country’s fisheries. The EU has pledged to cooperate with its partners by providing all kinds of support, both financial and technical (Witbooi 2008: 673).

In FPAs, an explicit distinction is made between payment for access to resources and a financial contribution earmarked for development of the sectoral fisheries policy of the partner country (ibid). The EU has traditionally subsidized the expenditures of its fisheries agreements, paying up to 80% of access costs, whereas European ship-owners pay the remainder in the form of license fees (ibid). Currently, in tuna FPAs “the principle of a 65-35 share between the Community budget and the ship-owners”¹ has been established as an attempt to progressively decrease the subsidization of the EU’s distant water fleet. Fisheries subsidies have been the subject of a heated debate at WTO level due to their trade distorting effects and negative environmental impact and this point will be elaborated in the following section.

1. http://ec.europa.eu/fisheries/cfp/external_relations/bilateral_agreements_en.htm. Accessed Dec. 2009.

Although the EU pays better than other foreign fleets for access to the EEZ of the PICs (Braxton 2006) and provides development aid as well, several controversial issues around FPAs remain. For instance, FPA negotiations are held behind closed doors. The secrecy of the deals has led to accusations of corruption among coastal state officials (Barclay & Cartwright 2007; Miller 2007) and thus calls for more transparency have been made. A huge difference in power between the parties exists. The EU has been criticized for taking advantage of this during the negotiation of the FPA with the Solomon Islands. Klinckhamers notes that “...One can speculate that the disadvantages¹ in the Solomon Islands agreement [compared to Kiribati’s] are a result of the weaker bargaining position of the Solomon Islands due to the civil unrest from 1998 to 2003 and their need to revive their collapsed economy as a result of this” (2005:12). The author notes that, if a coastal state does not clearly demand certain provisions, “the EU will not help them to find more favorable conditions ...as you may expect in a partnership agreement which is also committed to development in the coastal state”(ibid 13).

Table 4.1 FPAs concluded between the EU and the Pacific ACP region
(Adapted from: European Commission Bilateral Fisheries Partnership Agreements).

Country	Duration of Agreement	EU contribution per year	Support for sectoral fisheries policy	Fee for ship-owners per ton caught	Reference tonnage per year
Republic of Kiribati	6 years (16.9.2006 – 15.9.2012) Renewable	€478 400	30 % to be increased to 40 % the 2 nd yr., later to 60 %	€35	6 400
Solomon Islands	3 years (9.10.2006 – 8.10.2009) Renewable	€400 000	30%	€35	6 000
Federated States of Micronesia	9 years (26.2.2007 – 25.2.2016) renewable	€559 000	18 %	€35	8 600

1. Less local crew members on board of EU vessels, no minimum standards for transshipment and lower advance license payments (Klinckhamers 2005).

4.3 DG Trade: EU-Pacific tuna trade

Policy principles

As mentioned above, the EU and its former colonies in Africa, the Caribbean and the Pacific maintain a special relation in terms of trade and development cooperation due to their shared history. At the basis of this special relation is the principle of solidarity, originally laid out in the Treaty of Rome to promote cooperation among the Member States, and extended to encompass their colonies and territories.¹ This translates into aid and trade preferences from the EU to the ACP countries. The first generation of agreements providing a framework for EU-ACP cooperation were signed in the 1960s. In the early years of the European Community, colonies were located in Sub-Saharan Africa. With the accession of the UK, many more colonies in the Caribbean and the south Pacific joined this cooperation framework in successive agreements.²

At present, 79 countries are members of the ACP group and their relationship with the EU is governed by the Cotonou Agreement.³ and the new trade regime under the Economic Partnership Agreements framework. Cotonou is a development cooperation agreement, in which trade cooperation is sought as a means to enhance development.

Under Cotonou, all ACP countries enjoyed non-reciprocal duty-free, quota-free market access to the EU for all their goods. However, this runs against the WTO's most-favored-nation (MFN) principle, which states that a country should not discriminate between its trading partners, and is contrary to its reciprocity principle.⁴ The EU and the ACP countries had made commitments at the WTO "that trade agreements must not discriminate between groups of countries unless they fully open trade between the countries concerned."⁵ In 2001, the EU and ACP group obtained a waiver from the WTO which exempted them to comply to WTO rules with other member countries until December 31, 2007, when the trade chapter of the Cotonou Agreement would legally expire. In order to comply with WTO rules, in 2003 the EU and ACP countries started negotiating new trade and development agreements, known as Economic Partnership Agreements (EPAs), to replace the trade chapters in the Cotonou text.

For the purpose of negotiations for the EPAs, the 79 ACP States were divided into six geographical regions which to some extent fit with existing regional integration dynamics.⁶ The EU negotiates as one block with each separate region. Negotiations with some regions have faced delays due to a number of contentious issues, however, failing to meet the original deadline.

1. Articles 131 and 136 of the Treaty provide for the association of non-European countries and territories with which EU Member States have particular relations.

2. The first agreements were signed in Yaoundé, Cameroon, in 1963, and were followed by the Lomé Conventions, first signed in Lomé, Togo in 1975. At: http://ec.europa.eu/development/geographical/cotonou/lomegen/lomeevolution_en.cfm. Accessed Dec. 2009.

3. The Cotonou Agreement. At: http://ec.europa.eu/development/geographical/cotonouintro_en.cfm. Accessed July 2009.

4. Understanding the WTO: Basics. http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm. Accessed July 2009.

5. http://trade.ec.europa.eu/doclib/docs/2009/january/tradoc_142188.pdf. Accessed Dec. 2009.

6. <http://www.acp-eu-trade.org/index.php?loc=epa/background.php>. Accessed March 2009.

Only the Caribbean region has concluded a full EPA. In the Pacific, only Papua New Guinea and Fiji have initiated an interim or temporary EPA with the EU, which was implemented in January 2008.¹

Policy goals

The goals of the EU's trade policy with ACP countries are 1) to comply to WTO rules by progressive liberalization of trade in the ACP regions and 2) "to enhance the contribution of trade to development" by improving cooperation in all areas related to trade.² In addition to the EPAs, other preferential trade arrangements are granted by the EU to all developing countries, with the aim to contribute to the reduction of poverty, sustainable development and good governance (see Box 4.3).

Main actors

The main actors in EU-Pacific tuna trade are the signatories to the Pacific EPA, Papua New Guinea (PNG) and Fiji, which are the largest countries in the P-ACP region. In general terms, the EU is a major trading partner of PNG and Fiji, who together account for 83% of all EU-Pacific trade. The other 12 PICs did not join this EPA because their trade with the EU is very limited³ and besides they enjoy preferences under the EU's existing trade regime with developing countries (Box 4.3).

Box 4.3 EU trade regimes with developing countries

I. Economic Partnership Agreements with ACP countries.

II. Generalized System of Preferences (GSP)⁴, in which reduced tariffs for 176 developing countries' goods are granted for entering the European market. This policy is implemented by a Council Regulation which lasts for three years at a time and does not require reciprocity (meaning reduced tariffs for European goods entering developing countries). The GSP consists of three different arrangements:

- a) The standard GSP regime confers reduced tariffs to 176 countries and territories on over 6200 tariff lines (66% of their products).
- b) GSP+ provides additional tariff reductions (88% of products) to support the ratification and implementation by vulnerable economies of various international conventions aiming to attain sustainable development and good governance.⁵
- c) The Everything But Arms (EBA) program provides duty-free, quota-free (DFQF) access to the European market to all goods from the 49 poorest countries in the world, belonging to the LDCs group.

1. <http://trade.ec.europa.eu/doclib/press/index.cfm?id=405&serie=248&langId=en>. Accessed Dec. 2009.

2. <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/regions/africa-caribbean-pacific/> Accessed December 2009.

3. P-ACP share of EU trade is just 0.06 %. Their most important export products to the EU are palm oil, copper, sugar, coconut (copra) and fish (EC 2009).

4. <http://ec.europa.eu/trade/wider-agenda/development/generalised-system-of-preferences/> Accessed Dec. 2009.

5. This regime, however, excludes tuna, sugar, bananas, flowers, rum, beef, and cocoa. At: http://www.bilaterals.org/article.php3?id_article=16046. Accessed Dec. 2009.

The LDCs (Box 4.1) all benefit from the Everything But Arms program. The non-LDCs who did not join the EPA (Cook Islands, Tonga, Marshall Islands, Micronesia, Niue, Palau and Nauru) benefit from the EU's regular Generalized System of Preferences program since 1 January 2008. Nevertheless, talks are ongoing with all 14 P-ACP countries, which are negotiating a full EPA as a region. According to DG Trade's website, "all sides reaffirmed their commitment to the ongoing negotiations towards a comprehensive EPA"¹ and "the full EPA is expected to cover the same areas as the [EPA] plus development cooperation provisions, a fisheries chapter, social and environmental issues and competition." (EC 2009). The aim of the EU is to conclude a full EPA with this region as soon as possible (pers. comm., DG Trade officer), given that the original deadline of December 2009 has not been met.

The EPA is a trade in goods agreement (thus covers no services, investment, government procurement, competition law, intellectual property rights or data protection).² Its main features are summarized in Appendix 3. The most relevant ones for our discussion of tuna trade are that the EPA provides duty-free, quota-free access to the EU market for all imports from PNG and Fiji and that it contains a chapter on technical barriers to trade and Sanitary and Phytosanitary (SPS) measures, "to help Pacific exporters meet EU import standards."⁴ On September 2008, a technical round between negotiators indicated that improved Rules of Origin for fisheries products are of central importance for the Pacific region. The PICs argue that "further relaxation of the rules could convince other P-ACP countries, especially the small ones, to be part of the agreement on trade in goods" (EC 2009:3).

Fish exports, mainly processed tuna, make a significant contribution to PIC's GDP, ranging between 2.5 to 20 % in the various island countries.⁵ PNG and Fiji, together with Solomon Islands, are the tuna canning island nations of the Pacific.⁶ PNG's production of canned tuna has increased considerably in the last few years, with Europe as its main export market. PNG's processed tuna exports to the EU in 2007 amounted to 763 tons of tuna loins (a semi-processed product for use in canning) and 16,299 tons of canned tuna,⁷ placing PNG in the top-ten list of countries from which the EU imported the product that year.⁸ Consequently, a major motivation for non-LDCs like PNG and Fiji to sign the EPA was uninterrupted preferential access of their canned tuna products to the European market and the possibility to improve these preferences by means of reformed Rules of Origin (Campling 2008).

1. Negotiations Pacific. At: http://ec.europa.eu/trade/wider-agenda/development/economic-partnerships/negotiations/#_pacific. Accessed Dec. 2009.

2. Investment, competition and government procurement, also known as the "Singapore issues", were eliminated from the WTO Doha Development Round in July 2004 due to the intense opposition of developing countries.

4. Fact sheet on the interim Economic Partnership Agreements. At: http://trade.ec.europa.eu/doclib/docs/2009/january/tradoc_142188.pdf. Accessed Dec. 2009.

5. Strengthening fishery products health conditions in ACP/OCT Countries. At: <http://www.sfp-ACP.eu/>. Accessed Dec. 2009.

6. FISH INFOnetwork Market Report on Tuna. At: <http://www.eurofish.dk/dynamiskSub.php4?id=3051>. Accessed Dec. 2009.

7. Bilaterals. Org. Interatun against EU-Papua New Guinea Accord. At: http://www.bilaterals.org/article.php3?id_article=15537. Accessed Dec. 2009.

8. EC Trade. Fisheries EU Import Regime. At: <http://ec.europa.eu/trade/creating-opportunities/economic-sectors/fisheries/products/>. Accessed July 2009.

Contentious issues.

I. Fisheries aspects in the Pacific EPA

Two crucial provisions of the EPAs which affect tuna exports are Rules of Origin (RoO) and Sanitary and Phytosanitary (SPS) measures. In EPAs, RoO are designed to provide partner countries preferential access to the EU market. RoO for fishery products as defined in the Cotonou Agreement were reformed during EPA negotiations after long-running tensions between the ACP countries and the EU, as the former claimed that RoO were burdensome and designed to serve EU's commercial interests (Campling 2008). RoO exist for two categories of fishery products: a) "wholly obtained fish" and b) "sufficiently worked or processed fish."

a) For wholly obtained fish, RoO stipulate that fish from inland fisheries or from the territorial waters (12-nm zone) of an EPA country automatically qualify as originating. However, fish caught outside of this zone but within the EEZ must comply with detailed criteria defined by the EU on vessel flag, registration, ownership and until recently, crew composition, in order to be considered as originating from the EPA country (ibid). The former requirement of a 50% crew composition made up of nationals of the EU, ACP or overseas countries and territories of the European Communities (OCTs) has been deleted. The new definition of "wholly obtained" marine fish establishes that at least 50% of the vessel ownership must be held by nationals or companies of one of the parties to the agreement and vessels must be registered and flagged by one of the parties.¹ In addition, the leasing or chartering of vessels by ACP countries is subject to conditions which in practice are difficult to meet, resulting in a limitation of the overall potential supply of originating fish to processing plants based in EPA states.

b) For "sufficiently worked or processed fish" to be considered as originating a number of conditions must be met as well, such as those established in the value tolerance, cumulation and derogation provisions.²

The P-ACP signatories, however, successfully pushed for a relaxation of the rules for this category of fishery products during negotiations of the EPA and currently enjoy the so-called global sourcing RoO. Global sourcing entails that, "regardless of where the fish was caught or the status of the vessel's flag, registration or ownership (of course, still subject to [EU] regulations on SPS and agreements on IUU fishing), the fish is deemed originating as long as it is transformed from being fresh or frozen ... into a pre-cooked, packaged, canned, etc., product..." (Campling 2008:17). In theory this implies a major benefit for locally-based tuna processors. Nevertheless, in practice a limiting factor to maximize these benefits is the requirement to comply to strict European SPS measures, as will be described below.

1. Article 3 of the Cotonou Agreement (Protocol I, Annex V) Fair Policy..

2. The value tolerance provision states that, when the supply of originating wholly obtained fish is not enough for the manufacture of fish products (i.e. tuna loins, canned tuna) in EPA countries, up to 15% of non-originating input of fresh or frozen fish is tolerated. Similarly, a derogation is a pre-specified value or quantity of a country's product that may qualify as "originating" regardless whether the standard rules of origin are met or not. Cumulation is where an EPA country is allowed to use materials from other specified countries, which will then be considered as locally sourced when establishing the "originating" status of the final product, provided that identical RoO are applied by the partner countries in the cumulation zone (Campling 2008).

The fisheries-specific components of the EU's SPS requirements fall under the EU's overarching SPS framework. The EU's SPS relations with third countries are governed by the Directorate General for Health and Consumer Protection (DG SANCO) and its executive arm, the Food and Veterinary Office (FVO). Recognizing the health and safety of EU consumers as a top priority, the EU's position on SPS issues is non-negotiable. For a third country to be eligible to export fish to the EU, its products must be certified by a local authority which in turn must be recognized as "competent" by DG SANCO. The local competent authority is a public body with the necessary legal powers and resources to carry out official controls throughout the entire production chain. Regarding fishery products, "The hygiene legislation contains specific requirements on the structure of vessels, landing sites, processing establishments and on operational processes, freezing and storage."¹

According to Campling (2008), the most important of these requirements is the EU's condition that freezer and factory vessels must be registered and approved by the local competent authority, which is monitored by DG SANCO (EC Regulation no. 853/2004). The total number of vessels that is approved and registered by DG SANCO is limited worldwide. Hence, this requirement structurally constrains the benefits of the global sourcing RoO to the P-ACP region, as the supply of SPS-compliant fish to the locally-based processors is also limited. In addition, the high costs of implementing the above requirements by poor countries has been acknowledged as a potential non-tariff barrier to trade. As a recognition of this problem, the EU has established a program to channel aid for capacity building called 'Strengthening Fishery Products Health Conditions in ACP/OCT Countries (SFP) programme'².

II. The IUU regulation and fisheries subsidies

In addition to the EPA provisions described above, two very different issues which potentially restrict exports or distort trade of Pacific tuna to the EU should be mentioned here: the EU's regulation to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU), and fisheries subsidies.

The IUU regulation, which entered into force on January 1st, 2010, was introduced in chapters 2 and 3 and therefore only its effect on trade is addressed here. For P-ACP countries, the adoption of the IUU regulation may have an indirect negative impact on their share of the EU market, as access may "become conditional on the adoption of complex legal, administrative and technical procedures ... Many ACP countries have little capacity to enforce complex fisheries regulations and establish catch certification systems" (Boto et al 2009: 30). In addition to the new administrative burden placed on developing countries for implementation and enforcement of this new regulation, the costs associated with its establishment and operation may erode the market access preferences of ACP countries (ibid:33).

Fisheries subsidies have been the subject of much debate within the WTO's Doha Development Round. A revision of the rules on subsidies is deemed necessary because subsidies (mostly granted by developed countries) result in an unlevel playing field in international fish trade and furthermore lead to overcapacity and overfishing.

1. http://ec.europa.eu/food/international/trade/im_cond_fish_en.pdf. Accessed Sept. 2009.

2. http://www.sfp-ACP.eu/EN/Download/2006/TdR_37-03-06-PACI.pdf. Accessed Dec. 2009.

About US\$15 billion in subsidies are injected annually into the fishing industry worldwide, which amounts to approximately one fifth of the industry's revenue (Braxton 2006). This figure is based on the officially reported subsidies, but not all subsidies are notified by governments. Japan, the EU, the United States, Canada, Russia, Korea, and Chinese Taipei grant 90% of the reported amount.¹ This means that their fisheries sectors compete unfairly in the world market. As can be expected, these countries are opposed to ambitious reforms of subsidies disciplines at the WTO. Although general agreement has been reached on prohibition of subsidies that directly support capital costs (building and/or improving fishing vessels), no consensus exists about the restriction of subsidies on the operating costs (fuel, labor). Similarly, the position on whether to eliminate subsidies directed at infrastructure, price support or access agreements is still unclear.²

An important point of the discussion at present is whether conditionalities (and if so, which type) should be attached to the 'Special and Differential Treatment' (SDT) for developing countries and LDCs. SDT entails providing exceptions to these countries for temporarily subsidizing the development of their fishing industries.

4.4 DG Development: EU's development policy for the Pacific tuna sector

Policy principles

The main principle guiding DG Development's policies is the solidarity principle. As explained before, the Cotonou Agreement embodies the framework for cooperation between the EU and the ACP countries. Concluded in 2000 in Cotonou, Benin, for a period of 20 years, the agreement's main goal is "reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy" (Art. 1).

Policy goals

According to DG's official website: "The primary and overarching objective of EU development policy is the **eradication of poverty** in the context of sustainable development, including the achievement of the Millennium Development Goals."⁴ In addition, striving for Policy Coherence for Development has been stated as an important goal by the EU since 2005⁵ (see Chapter 2).

Main actors

The main actors in EU-Pacific cooperation for the development of the tuna sector are the EU as a sponsor and policy-maker through DG Development, and the P-ACP public and private actors. The financial instrument for development cooperation is the European Development Fund (EDF).

1. http://assets.panda.org/downloads/factsheet_february_2009_final_.pdf

2. Policy Brief. Fisheries subsidies and the WTO negotiations. At: http://www.mrag.co.uk/Documents/PolicyBrief9_Subsidies_insert_Apr09.pdf. Accessed Dec. 2009.

3. FFA Fisheries Trade News. January 2009. http://www.ffa.int/system/files/FFA%20Fisheries%20Trade%20News%20Jan%202009_0.pdf. Accessed Jan. 2010.

4. DG Development. At: http://ec.europa.eu/development/policiesgen_en.cfm. Accessed Dec. 2009

5. http://ec.europa.eu/development/policies/policy_coherence_en.cfm. Accessed Dec. 2009.

At present, the 10th EDF covers the period from 2008-2013. Under the EU's Pacific Strategy,¹ a project was set up to specifically target the development of the tuna sector in the P-ACP: The Development of Sustainable Tuna Fisheries in the Pacific ACP Countries Project (DevFish). The goal of DevFish is to encourage and provide guidance to Pacific governments to make policy changes that can facilitate the growth and profit of local Pacific tuna fishing industries.

DevFish is implemented by the Pacific Islands Forum Secretariat (FFA), which is the European Commission's counterpart in the Pacific region, and the Secretariat for Pacific Community (SPC). DevFish addresses two main concerns: " a) that local countries do not derive adequate economic benefits from this major resource, and b) that their fish is stolen by Illegal, Unreported and Unregulated (IUU) fishing."² Whereas the share of the pie for PICs is just US\$600 million worth of tuna from its fisheries, foreign nations fishing in the same waters catch over \$2 billion. In addition, the yearly value of IUU fishing in the Pacific has been estimated at US\$360 million (approx. €250 million) (Braxton 2006).

Contentious issues

The most important development of the Pacific tuna industry is taking place in Madang, PNG, where the Pacific Marine Industrial Zone is scheduled to open in 2010 with the construction of ten new canneries. However, The EU's contribution to the development of this project has been criticized from different fronts. From a development perspective, the most serious criticism is that this project will contribute little to the reduction of poverty among the inhabitants of Madang or will even threaten their livelihoods and food security. Not only will most of the people to be hired by the tuna company will be unskilled workers from Asian countries, but local fishermen will also have to compete with foreign commercial vessels for tuna stocks.³

4.5 DG Environment: The EU and conservation of Pacific tuna stocks

Policy principles

EU environmental policy is based on a number of principles (see Chapter 2), from which the precautionary principle is particularly relevant for the discussion of conservation of tuna stocks in the Pacific.

Policy goals

Combating loss of biodiversity is one of EU's DG Environment priorities. As 90% of top fish predators in the world have disappeared since industrialization of fisheries, and tuna belong to this group, preventing overfishing of tuna resources in the Pacific may be considered as a policy goal for DG Environment.

1. http://europa.eu/legislation_summaries/development/african_caribbean_pacific_states/r12556_en.htm. Accessed Dec. 2009

2. DEVFISH <http://www.ffa.int/DevFish>. Accessed Dec. 2009

3. <http://indymedia.org.au/2009/10/23/papua-new-guinea-tuna-factories-threaten-regional-ecology-livelihoods>. Accessed January 2010.

4. http://ec.europa.eu/dgs/environment/index_en.htm. Accessed Nov. 2009.

Main actors

The main regional actors in the management and conservation of tuna stocks in the Pacific are shown in Box 4.4. The EU is a member of the Pacific regional management organization, known as the WCPFC, together with the PICs, Australia, China, Canada, France, Japan, Korea, New Zealand, Philippines, Chinese Taipei and the United States of America. In general, two coalitions are distinguished here: the so-called “Friends of Fishing” (Asian DWFNs) and the “Friends of Fish” (Australia, New Zealand). The EU is somewhere in the middle.

Global actors influence fisheries conservation issues as well. These include the United Nations General Assembly (UNGA) and FAO through its Code of Conduct on Responsible Fisheries; and different international agreements such as the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The discussion on fisheries subsidies disciplines at WTO may be also considered as an international agreement to prevent overfishing. The EU is a member to all of the above. As mentioned in several occasions already, the EU’s IUU regulation intends to combat pirate fishing in all oceans of the world, including the Western and Central Pacific. Finally, environmental non-governmental organizations (e-NGOs) have become important actors in tuna conservation and the most active in the Pacific include Greenpeace, Oceana and the WWF.

Box 4.4 Main agencies responsible for managing fisheries in the Pacific (Braxton 2006:8).
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| <ul style="list-style-type: none">• The Pacific Islands Forum Fisheries Agency (FFA) in Honiara, Solomon Islands, helps member states manage fishery resources that fall within their 200 mile EEZs.• The Western and Central Pacific Fisheries Commission (WCPFC) in Pohnpei, Federated States of Micronesia, was established in 2004 to manage the conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific. The Commission determines total allowable catch, regulates fishing methods, and allocates quotas to member countries, including Pacific Island states and DWFNs, that fish in the WCPO.• The Secretariat of the Pacific Community (SPC) is a technical assistance and research body based in Noumea, New Caledonia, with an office in Suva, Fiji, that provides data on catch and stock levels, as well as technical assistance with training and local industry development. Its membership includes all 22 Pacific nations as well as Australia, N. Zealand, France and US. |
|--|

Contentious issues

The WCPFC has been widely criticized for failing to adopt effective measures to prevent overfishing of bigeye tuna in the Western and Central Pacific. At the 6th annual session that took place last December 2009, scientists agreed “that the conservation and management measure adopted at Busan in December 2008 (CMM 2008-01) would not achieve the objective of reducing fishing mortality on bigeye tuna by 30% between 2009 and 2011.”¹ In addition, the expectations that the two remaining high seas pockets in the region would be closed to purse seine fishing were not met by the WCPFC due to opposition by the Asian DWFNs.

1. <http://www.wcpfc.int/news/2009/sixth-session-wcpfc-concludes-papeete-tahiti> Accessed Feb. 2010.

4.6 Interactions between EU policies in the P-ACP

I. Interaction of fisheries policy with development policy

As mentioned above, part of the Spanish-caught tuna in the EEZs of the PICs is sold to Pacific canneries. This fish automatically complies with European food safety standards and thus meets European import requirements (see section 4.3). For this reason, Spanish operators are able to command a premium price for the fish they sell to Pacific processors. The latter face difficulties in sourcing enough compliant-tuna from local fishery operators (Campling 2008) and this in turn limits the growth of the tuna processing sector in the Pacific.

One of the aims of DevFish is “... development of locally based fishing and processing operations to progressively replace the distant waters access fisheries.” For instance, in Vanuatu, the main source of economic gains from tuna has historically been the access fees derived from licenses to foreign fishing nations to fish in their waters, however “recent innovations and strategic thinking has encouraged many Pacific Island nations [such as Vanuatu and the Solomon Islands] to look at increasing domestic development through encouraging local investment and more local jobs.”¹ DevFish’s goal is clearly in opposition with the goal of DG Mare of “defending the interests of the European fisheries sector through keeping its long distant water fleet operational”.

Although FPAs have substantially improved the terms of the agreements for the coastal nations involved, the European Commission recognizes that this new approach has “contributed to the development of [the coastal state’s] industry but not in a way to have a significant impact on the fight against poverty and the achievement of the Millennium Development Goals. The external fisheries policies should better take into account in the food security strategies of the third countries”(EC 2009:23).

II. Interaction of fisheries policy with trade policy The global sourcing RoO provided by the EPA to Papua New Guinea and Fiji has been a source of controversy among the Spanish tuna sector. The Spanish tuna industry opposes global sourcing due to the advantages this new rule confers to their Asian competitors. According to Interatun, the organization that represents Spanish tuna processing and purse seine associations, “It is well known that Papua New Guinea has been wholly against [allowing] the Community fleet access to the Central and Western Pacific Ocean. Therefore, if its true intention were to guarantee tuna supply with the Papua New Guinea-origin certification, it could have favoured [permitting] access to this area by the EU fleet and not by our competitors.”² For this reason, Interatun lobbied the European Commission, urging it against approval of the EPA with the Pacific in the summer of 2009.

1. FFA website: <http://www.ffa.int/taxonomy/term/450>. Accessed Nov. 2009.

2. http://www.bilaterals.org/article.php3?id_article=15537. Accessed January 2010.

III. Interaction of trade policy with development policy (and fisheries policy)

Processing fish adds value to these products and is more profitable than merely capturing and selling the unprocessed fish. By setting higher tariffs for Pacific processed products of non-originating fish than for unprocessed fish (which enter the EU tariff-free anyway), the EU discourages the development of the Pacific tuna-processing industry. This is termed ‘tariff escalation’ by the WTO, and assists the EU in protecting its domestic industry.

The Pacific’s fishing fleet is relatively small and not suited to supply to canneries. This is due to the fact that skipjack, the tuna species usually used in canneries, is caught by purse seiners, which are large, expensive vessels. Moreover, these vessels must be especially equipped in order to be registered and approved by DG SANCO (section 4.3). The EU’s RoO provide an incentive for Pacific canneries from PICS which did not sign the Pacific EPA (for instance Solomon Islands and Vanuatu), to buy the raw fish from Spanish-flagged vessels with the aim of gaining tariff-free access to the EU market. Braxton states that RoO requirements act as a form of upstream subsidy to EU vessels by encouraging Pacific ACP states to sign EU access agreements so that supply of ‘originating’ fish is ensured for their processing plants. “Although it might be argued that the RoO help to encourage the Pacific *fishing* industry, at present the balance between helping the fishing industry (both Pacific and European) with tight RoO on the one hand, and developing the Pacific *processing* industry on the other, disproportionately favours the former” (2006:7).¹

Summarizing, in this chapter the different EU policies relevant for the Pacific tuna sector have been examined. It has been shown that the EU plays a dual role in the region by, on one hand, promoting the development of local fishing and processing industries and on the other hand, defending its own fishing and trade interests. Similarly, many of the Pacific ACP states find themselves under pressure to grant access to EU vessels to fish in their EEZs in order to gain market access in Europe for their processed tuna products, which compromises the development of their own fishing industry and reduces their policy space. Underpinning all these policies is the management of tuna stocks in the Western and Central Pacific Ocean, as warnings about overfishing of two of the four commercial stocks may endanger the entire tuna sector in the region. In the following chapter, the effects of EU fisheries, trade and development policies on the conservation of Pacific tuna resources will be assessed.

1. Braxton made this criticism before the global sourcing RoO for PNG and Fiji Islands was adopted in the Pacific EPA in 2009, but is still valid for non-signatories of the EPA.

Chapter 5. Policy coherence for the conservation of fish resources: an analysis of EU internal and external policy domains

As we may conclude from chapters 3 and 4, so far the EU has not achieved policy coherence for fish stock conservation neither internally nor in its relations with the Pacific Island Countries of the ACP group. The aim of this chapter is to prove this by offering a systematic analysis of all EU policy components in each domain examined, drawing from the framework proposed by May et al. (2006) to assess policy coherence. In this framework, attributes of policy coherence are assessed: issues, interests and policy integration (Chapter 2). If a policy domain is composed of a wide range of issues, conflicting interests, disparate goals and diffuse policy targeting that does not match the social construction of target populations, policy coherence is not likely to be achieved. However, if the interplay of issues and interests is in accord to overarching goals and to the social expectations of the target population, then policy coherence is more likely to be attained in the domain in question.

In the first section an analysis of internal policy coherence is carried out within the three domestic pillars of the Common Fisheries Policy domain: the Markets; Structural and Conservation pillars (Chapter 3). Here, both the policy process and policy outcomes are assessed. In the second section an analysis of external policy coherence is carried out between the External Relations pillar of the CFP and three other policy components involved in the EU-Pacific tuna relations domain: Trade, Development and Environmental policy. Because the presence of the EU fleet in the Pacific is relatively recent, and because international developments influencing trade of fisheries products, (EPAs, WTO Doha Round), development cooperation (DevFish project) and conservation of tuna resources (establishment of WCPFC, EU's IUU regulation) are still evolving, this assessment of policy coherence focuses on the policy process only and not in the outcomes.

For each policy component, the issues related to the “problem”, “politics” and “policy” streams in Kingdon's multiple stream model (1984) are presented, followed by an examination of how interest groups organize themselves based on the distribution of the policy's costs and benefits (Wilson 1980). Next, the center of gravity of the policy goals of each component is placed within the “Paradigm Triangle” proposed by Charles (1992) to indicate whether a policy is predominantly pursuing conservation goals, economic profit or social well-being.¹ Subsequently, the target populations of each component are assessed in terms of the social construction around them, whether these populations are focused or diffuse (Schneider & Ingram 1993) and taking into account environmental discourses (Connelly & Smith 2003, Taylor 2000). Finally, based on these policy coherence attributes and the nature of their integrative forces, it is concluded whether coherence for the conservation of fish resources exists within each policy domain.

1. Charles (1992) proposed this assessment for fisheries policy only, however, in this analysis his framework is extended to cover all policy components examined.

5.1. Policy coherence for the conservation of fish resources in the EU

The Structural and Markets policy pillars of the CFP were adopted as early as 1970, whereas the Conservation policy pillar entered into force in 1983 (Chapter 2). For this reason, our analysis of policy coherence starts in 1983. Before this period, it can be argued that both the Structural and Markets components of the CFP were consistent with each other and synergies between both policies occurred, as the majority of issues and interests were united under the overarching goal of strengthening the European fisheries industry, including the capture sector (both small- and large-scale fisheries) and the processing sector to ensuring supply for a growing consumer demand in an expanding Europe (see Table 5.1).

Table 5.1 Summary of policy coherence attributes of the Structural and Markets pillars of the Common Fisheries Policy in the period of 1970-1983.

<i>Policy coherence attributes</i>	Structural policy pillar	Markets policy pillar
Issues	Auto- sufficiency: Increase fish catch	Achieving a ‘Single Market’
Interests	The fishing industry in all Member States, including small- and large-scale fleets	Producers in all Member States
<i>Integrative Forces</i>		
Policy goals	Ensuring the economic and social development of fisheries areas	Create a common market in fish products that matches production to demand for the benefit of producers and consumers
Policy targeting	Fishers (subsidies for fleets and infrastructure) Vessel owners	Fishers (price support system)
Consistency between policies?	Yes	

5.1.2 Structural Policy Pillar

Issues

The main issue that paved the way to the creation of the Structural policy was the request for aid of Italy and France to the Commission for the modernization of their fishing fleets after internal trade liberalization was effected in the newly created European Community (Chapter 3). This can be considered as the “problem” stream in Kingdon’s model (1984). As an unintended effect of the policy, overcapacity of the European fishing fleet became an issue in the 1980s, with accompanying discussions on how to accomplish the balance of fishing capacity with resources. This can be considered as the “politics” stream. Debates in the 1980s and 1990s on this topic were common between, on one hand the European Commission and the Council of Ministers, on the other hand and between opposing coalitions within the Council.

The “policy” stream includes the establishment in 1982 of the Multi-Annual Guidance Programs (MAGPs) to limit fleet increase in Member States (see Chapter 3).

A number of reports released in the 1990s showed that fishing capacity in the Community was still too high for the available resources and the risk of collapse existed for some valuable species. Based on scientific advice, the Commission recommended reductions in the range of 20-40% of fishing effort for the third MAGP. Discontent among the fishing industry and political resistance started to mount at this point. “The structural policy has swung from one extreme to another. It began as a policy which was regarded as having little or nothing to do with fish stock conservation. [By the early 1990s] the policy [was] seen as an integral part of the conservation policy, as explicitly recognized for the first time in Article 1 of Regulation No. 3760/92. The policy’s initial, overriding objective was vessel construction; now it is vessel destruction” (Holden 1994:33).

A total of four MAGPs were carried out between 1982 and 2001. However, due to the failure to achieve the goal of aligning fishing effort with fish resources, the MAGPs approach was abandoned in the CFP reform of 2002. Instead, an “entry-exit program” for vessels was established, in which a cap on national fleet sizes was set and rules laid out for the admission of new vessels into the national fleet.¹ Critics note that “[e]ven if the system were to be operating properly ..., and without being watered down over time, it is important to recognize that the fundamental problem remains that there is no legal requirement for Member States to reduce their fleet capacity”(Brown 2006:7).

Overcapacity is a result of structural aid, another term for fisheries subsidies, provided by the EU to the Member States. The new financial mechanisms of the CFP, the European Fisheries Fund (EEF), “has been designed from the bottom up to support the shift towards a fleet that is actually in line with the present level of resources”, according to the European Commission (EC 2008: 20) .

With the launch of the Doha Round discussions on fisheries subsidies, this issue became of international importance and the EU was forced to define its position in the matter.

The position of the EU at the WTO has changed from being reluctant to any reform on subsidies disciplines at the onset of negotiations, to a more proactive stance since 2003.¹ This change followed the 2002 CFP reform, when subsidies for construction of fishing vessels in the EU were prohibited. Environmental NGOs have argued, however, that the EU stance at the WTO is not ambitious enough. The two main negotiating positions are: i) ‘Top-down approach’ by the ‘Friends of Fish’, who argue that all fisheries subsidies should be prohibited except from certain derogations. Members of this group are Australia, Chile, Ecuador, Iceland, New Zealand, Peru, Philippines and the US, and ii) ‘Bottom-up approach’ which argues that all subsidies should be allowed, apart from those that are specifically prohibited. Members of this group include Japan, Korea, Taiwan and the EU.^{2,3}

1. <http://ictsd.org/i/news/biores/9191/>. Accessed January 2010.

2. http://www.mrag.co.uk/Documents/PolicyBrief9_Subsidies_insert_Apr09.pdf and http://www.wto.org/english/tratop_e/dda_e/negotiating_groups_e.pdf. Accessed January 2010.

3. <http://agritrade.cta.int/en/Fisheries/WTO-and-international-developments>. Accessed January 2010.

Interests

Generally speaking, Northern countries like the UK, Germany and Belgium (net aid donors) within the EU have opposed fisheries subsidies whereas Southern countries like Spain, France, Italy and Greece (net aid recipients) have supported them.¹

In the period from 2000-2006, Spain received 44.4% of the share of the total structural aid provided by the EU to the Member States. Likewise, for the period of 2007-2013 Spain is the main recipient of EU fisheries subsidies, obtaining 50% out of an EFF budget of € 4.305 billion (EC 2008: 24-27). CEPESCA,² the Spanish Fisheries Confederation, is the most representative corporate organization of the Spanish industry in the EU. This organization has a strong presence and wields lobbying power in the EU.

Wilson (1980) proposed that the way in which interest groups organize themselves is affected by the distribution of costs and benefits entailed by policies (Chapter 2). In his typology, fisheries subsidies under the Structural policy may be considered as "Client politics," as benefits derived from this policy are concentrated (the Spanish and other Southern countries) but costs dispersed (European taxpayers, environmental and social effects in Europe and abroad). According to Wilson, potential beneficiaries have reason to organize, but those paying the costs will not. This situation could be indeed observed up to the late 1990s. However, in the surge of worldwide environmental awareness, civil society's voice started to be heard mainly through a growing body of environmental NGOs. In this manner, the interests of those advocating for the conservation of fish resources in Europe have been aggregated.

Policy goals

As was stated in Chapter 3, the goals of the Structural policy are "to protect resources and the marine environment to guarantee sustainable fisheries, while ensuring the economic and social development of fisheries areas."³

During the first three decades of its implementation, the main objective of the structural policy was the development and modernization of the European fishing industry. Therefore, high investments with public funds were made to achieve this objective, which in fact was counterproductive as fleet overcapacity eventually led to overfishing of European fish stocks. The reluctance of the Council of Ministers to cut aid to the disadvantaged regions of Europe constantly led to ineffective measures to reduce overcapacity. The Commission has been harshly criticized for its perverse policy of subsidizing vessel construction and modernization while encouraging fleet reduction (Cann 1997). It can be argued that the center of gravity of the Structural Policy was initially anchored near the Social/Community corner in Charles' Paradigm Triangle (Fig 2.1).

1. Europeans Clash on Fish Subsidies. At: <http://ictsd.org/i/news/biores/9430/> Accessed Dec. 2009.

2. It consists of 46 ship owner associations, 1,550 fishing companies and 1,897 fishing vessels, coastal as well as offshore. At: http://issuu.com/cepesca/docs/cepesca_english. Accessed Dec. 2009.

3. <http://eufundings.com/fisheries/common-fisheries-policy.html>. Accessed Oct. 2009.

On its 2001 Green Paper, the shift in the Commission’s position towards conservationism was apparent in the numerous reforms it proposed. One of them was that subsidies would no longer be provided for acquiring new vessels after 2004 (nevertheless, subsidies were still made available for improvement of existing vessels). The center of gravity has thus shifted, albeit in a limited way, towards the Conservation corner (Figure 5.1). In the revised CFP. A further shift to the Conservation corner may be expected – and eventually a shift towards the Rationalization corner, if the vision sketched in the 2009 Green Paper is pursued.

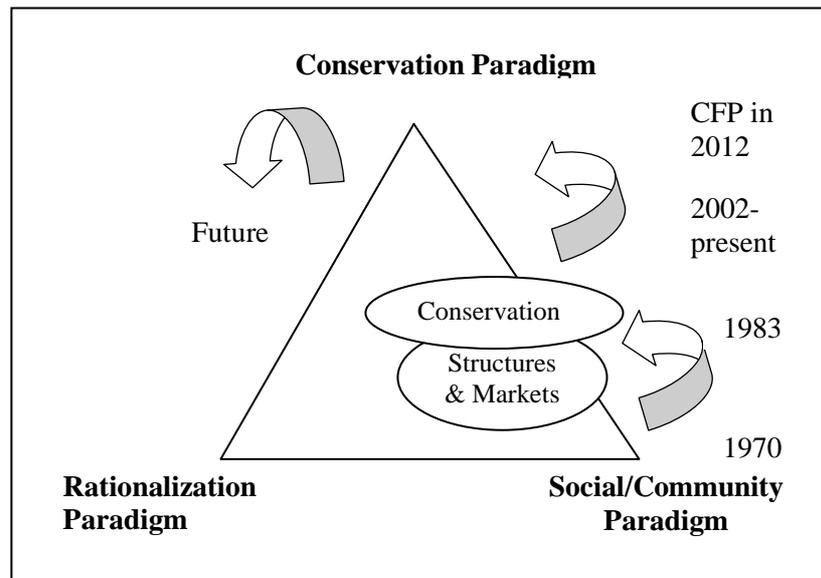


Figure 5.1 Historic overview of the policy goals pursued by policy pillars of the CFP.

Policy targeting

Based on the allocation of benefits and burdens of the Structural policy, it is clear that the Southern countries, in particular the Spanish fishing and processing industries, have enjoyed in the past an “advantaged” position (Schneider & Ingram 1993). In this typology, the target population enjoys a positive social construction (businesses that provide for jobs and supply consumers with fish) and wields strong power (i.e. lobbying power), resulting in benefits that are oversubscribed and burdens that are undersubscribed (ibid).

In recent years, however, the tide of the environmental discourse in Europe has led to shifts in how the fishing industry as a whole is perceived (Connelly & Smith 2003), given that the practices of this industry have led to the depletion of fish resources in European waters (and abroad). Thus, the social construction of the fishing industry is changing from positive to negative, but it is still enjoying the same benefits and bearing almost no burdens under the current EEF¹ (from “Advantaged” to “Contenders”: negative construction, but strong power).

1. In July 2008, the Council adopted temporary derogations to the EEF rules, to help Member States in the process of fleet restructuring in response to the ‘fuel crisis’ (EC 2008).

5.1.3 Markets Policy Pillar

Issues

The main “problem” that led to the adoption of the Markets pillar of the CFP was the EC’s general desire to promote peaceful economic cooperation among its Member States in the years after the second world war (Chapter 3). As such, the Common Organization of the Market (COM) in fishery products was created. Soon after its creation, the problem of overcapacity and overfishing initiated a trend of diminishing fish stocks in European waters. This has led to an increasing reliance on imports, which in turn results in increased competition between the products offered by European fishers and those from abroad (including cheap aquaculture products) as well as in a trade deficit for the EU.

Many of these issues have been dealt with domestically, primarily through a price support system for producers. As fish stocks became scarce, measures to decrease waste were established as well (Chapter 3). The issues currently discussed in the “politics” stream as part of the CFP reform focus on how to break the vicious circle of overfishing driven by low prices. A shortcoming of the current COM is that the European fishing industry receives a small portion of the price the consumer pays. In general, a stagnation of first sales prices has been the trend and fishermen are unable to pass on rising costs (i.e. during periods of high oil prices) to the consumer.

This results in the individual fisherman seeking high quantities as a compensation, which leads to overfishing and dependence on Community aid to counteract the chronic low profitability of the industry (EC 2009:17). Issues discussed at WTO level but with direct impact on EU policy include i) the reform of fisheries subsidies, ii) and trade liberalization in fisheries. These issues are elaborated in the second part of the chapter in the specific context of EU-Pacific tuna trade, and in the general discussion.

Interests

In chapter 3 the fragmented nature of Producer Organizations (POs) was stated as one of the current shortcomings within the COM. This interest group is not well organized and therefore has not been able to market their products optimally nor maximize their profits. As noted by the Commission and COM critics “Particular attention should be given to ways of organizing the dialogue between the producers and big retailers. The latter are powerful and highly organized, with a tendency to impose low, often unprofitable, prices on the producers.”¹ In this case, retailers may be considered as benefitting from unintended “clients politics” as a result of current sub-optimal COM’s policies (Wilson 1980).

The COM seeks to balance the interests of producers and consumers. Consumer preferences have been gradually changing, favoring frozen or processed fish products (mostly imported) above fresh fish (mostly caught domestically). Moreover, for a growing number of conscientious consumers, the sustainability of the fishing methods used and the social conditions of the producers in developing countries are becoming important. Labeling provides all kinds of information required by consumers and implies transparency “from the ship to the shop.”

1. CFFA-CAPE document Trade and Markets:2 (Development NGOs contribution) At: http://www.ldrac.eu/component/option,com_eventlist/Itemid,77/func,details/did,17/lang,en/

It also implies that in order to meet all these demands, producers in developing countries must comply to stringent standards in order to export to the EU. As we will see in the second part of the chapter, strict food safety and hygiene standards may become obstacles for some developing countries to access the European market.

Policy goals

The original goals of the COM policy were to “establish marketing standards; stabilize market prices and avoid formation of surpluses; help support producers’ incomes, and consider consumers’ interests” (Holden 1994:34). All of these goals indicate a tendency towards the Social/Community corner as they seek to benefit both producers and consumers through measures which have undermined both the environmental and economic sustainability of the fishing industry. Most salient in this respect is the EU’s intervention in price support and other measures, which unquestionably indicate a protectionist behavior.

Reforms in the COM’s policy, most notably efforts to reduce waste and to seek an optimal match between demand and supply (Chapter 3), show a slow movement from the Social/Community towards the Conservation Paradigm corner. Similarly, if the plans expressed by the Commission in its Green Paper to make the industry economically self-sufficient are realized, a turn towards the Rationalization corner may be expected in this policy pillar as well (Fig 5.1).

Policy targeting

Despite significant financial support targeting fish producers by the EU, the net effect of the current COM policy is that this target population does not fully benefit from the support provided due to the vicious circle explained above and to the increasing power of retailers in Europe. The social construction of producers is positive when the small-scale fisher or the local market’s fishmonger are invoked in people’s imagination. However, as already mentioned in the preceding section, a growing concern for the environment and the state of fish stocks in Europe has gradually shifted the social construction of the entire fishing industry. In addition, the fact that subsidies stay in the hands of the few powerful including vessel owners and corporation CEOs (Contenders with a negative social image but strong power) and do not reach the ones who need it the most such as vessel crews and processing plant workers (Dependents: positive image but weak power) is found unacceptable by many. The discourse thus incorporates both social and environmental injustice concerns (Taylor 2000).

Moreover, European tax-payers are becoming more critical of the destiny of public funds. In a recent report on the contribution of EU subsidies to the fishing sector’s income, it was found that subsidies represent between 60%-80% of the wealth generated by the fishing sector in countries like Spain, France, Italy and Denmark.¹

1. Press article, *Voz de Galicia*, 22 November 2009
At: http://www.lavozdeg Galicia.es/dinero/2009/11/22/0003_8123858.htm

5.1.4 Conservation Policy Pillar

Issues

Overfishing and declining fish stocks in Europe were the main issues making up the “problem” stream that led to this policy pillar, whereas the debates among Member States on the issue of allocation of fishing opportunities have invariably been among the most heated discussions within the “politics” stream of the Conservation policy (Chapter 3). At present, a controversial issue is whether the principle of relative stability should remain in the new CFP or whether a new mechanism of quota allocation should be designed.

Relative stability has contributed to some of the CFP’s most serious inadequacies, including the lack of flexibility for the fishing sector to adapt to its resources, the tendency of Member States to constantly push for higher quotas (to increase their own national share) and the discard problem (Chapter 3). All of the above lead to the economic and environmental unsustainability of the CFP.

Another salient issue under debate which significantly undermines conservation efforts is the poor compliance to conservation measures. A culture of infringement prevails across Europe, as shown by a 2007 report by the EU Court of Auditors in which an extensive description of the deficiencies of Community fisheries control was presented (EC 2009). “Fisheries control has generally been weak, penalties are not dissuasive and inspections not frequent enough to encourage compliance. Moreover, no checks have been built into the system to ensure that, for example, Member States only access Community funding if they fulfill their basic control and conservation responsibilities” (ibid:13).

Interests

The European Commission is the major initiator of fisheries legislation and represents the interests of the European Community as a whole, whereas the Council of Fisheries Ministers are the actual decision-makers,¹ representing national interests which include those of their fishing sectors (economic goals) and of their fishing communities (social/community goals). Increasingly, NGOs and consumer groups are successfully exerting pressure on their national governments and in Brussels to adopt measures that support sustainable fisheries (conservation goals).

Member States assume different positions within the Council depending on how their interests are affected and the issue at stake. Two main coalitions can be distinguished, the so-called “Friends of Fishing” and the “Friends of Fish,” as was mentioned in chapter 3. Below, the conflicting goals of these two coalitions is explained in more detail to illustrate how these preferences have shaped the trajectory of the CFP.

1. Most proposals by the Commission are subject to a consultation process and are unofficially approved before they are presented to the Council (Holden 1994). However, decisions on fishing allocations (or other pertaining national interests) are always negotiated at the Council. Under the Treaty of Lisbon, the Parliament will gain new decision powers (Chapter 3).

Policy goals

The main goal of this policy is “to take conservation measures to prevent fish stocks from being overexploited.” Power plays and compromises at all levels in the EU have determined the trajectory of the Conservation policy. Internal factors such as institutional struggles (i.e. between the Council and the Commission; between the Member States and the Commission), and external factors such as international developments (i.e. in the ocean regime) have also influenced the decisions made within the Conservation policy (political goals).

Chapter 3 described the tug-of-war negotiations which led to the creation of the Conservation policy and which have prevailed between the Commission and the Council up to this day. Throughout the first two decades of its implementation, the Conservation policy of the CFP was essentially about avoiding conflict among Member States and providing stability to the industry, not about conservation of fish stocks. Hence, it can be argued that the goals pursued by the Conservation policy pillar in the early years after its adoption were oriented towards the Social/Community corner (Fig. 5.1).

Chapter 3 also mentioned the emergence at the Council of the two coalitions after the Commission presented its reform plans in 2001, the most ambitious so far and one that embraced a clear conservationist world view. The “Friends of Fishing” group, on one hand, opposed the Commission’s radical reform efforts. This group consisted of France, Spain, Portugal, Italy, Greece and Ireland and “... to a large extent argued from a social/community perspective... [These Member States] engaged in an unprecedented level of coordination of strategies, meetings at high levels, publications of joint conclusions and counterproposals, etc.”(Gezelius & Raakjær 2008:153).

The “Friends of Fish” consisted of Germany, the UK, Sweden, the Netherlands, Belgium and to a lesser extent Finland. They supported a comprehensive reform as proposed by the Commission, but favored a less radical conservationist stance. Although the sweeping proposals tabled by the Commission were diluted at the Council, the resulting CFP contained novel elements (Box 3.1) which set the CFP in motion, away from the Social/Community Paradigm and heading towards the Conservation Paradigm (Figure 5.1). In the 2009 Green Paper, proposals towards a more market-oriented CFP include for instance, phasing out subsidies to the fishing fleet, abandoning direct price intervention, and creating a system of fishing rights. The Commission has voiced its interest in the economic “success stories” of countries like New Zealand and Iceland which have privatized fishing rights by adopting Individual Transferrable Quotas (ITQs) (Chapter 2). The pursuit of economically sustainable fisheries, or a shift towards the Rationalization Paradigm, is a clear goal stated by the Commission in its 2009 Green Paper. Hagland and Raackjaer similarly argue that, in recent years, “the CFP’s center of gravity has moved, and is increasingly moving, from being firmly associated to the social/community corner towards the conservation corner” and that it is likely that it will eventually move towards the rationalization corner (Gezelius & Raakjær 2008:156).

Policy targeting

The European fishing sector is the target population of the Conservation pillar of the CFP. It has been shown above that several loopholes in the system lead to overfishing and that fishermen have a poor compliance record.

Therefore, the intended change in behavior (i.e. decreasing fishing effort, eliminating destructive fishing practices and increasing compliance) which is the purpose of the conservation policy is not being met satisfactorily. It has also been stated that a change in the social construction of this populations has changed from positive to negative through the emergence of the environmental discourse in Europe and elsewhere. This shift in social perceptions challenges the “deservedness” of the target population to a policy in which the benefits have traditionally been oversubscribed and the costs undersubscribed.

Calls for a more responsible industry have been made. The possibility to have the industry to pay for access to fishing grounds, which up till now have been freely accessible, and the costs of management, which have been covered by the taxpayer (EC 2009) has been proposed for the new CFP.

5.1.5 CFP: Policy coherence assessment

Based on the historical account of the CFP provided in chapter 3 and the analysis presented above, it is evident that:

1. A wide range of very diverse issues which affect small- and large scale fisheries, fish processors, traders and retailers in more than 20 countries of the EU is on the agenda on all three policy pillars.
2. Strong interest groups with lobbying power pull the CFP in different directions. A gradual change in the interplay of issues and interests and how this affects the political process is being observed (from "client politics" to "entrepreneurial politics," see Chapter 2).
3. Despite having a common overarching policy goal, namely healthy fish stocks for sustainable fisheries, the pace at which the shift in Paradigms is being effected differs between the Structural-Markets and the Conservation policy pillars.
4. An inherent inconsistency exists between the policy targeting of the Structural-Markets pillars on one side and the Conservation on the other. Whereas the former policies ascribe benefits to the target populations in the form of public financial aid, the latter seeks to not only remove these benefits but also to ascribe costs to the *same* target populations. Moreover, the current distribution of policy benefits and burdens is not congruent with expectations of European citizens due to the changes in social construction of the target populations catalyzed by the emergence of the environmental discourse. Therefore, this targeting does not provide a commonality of purpose by establishing ‘the deservedness’ of the targeted groups for policy attention. Demands to ship-owners in Europe to bear the costs of their operations and producers to better organize themselves to be able to survive without EU money exemplify this change in social expectations and may shift the allocation of benefits and burdens in the future CFP.

From the above we conclude that no policy coherence for the conservation of fish resources in the EU has been achieved so far. In fact, the outcomes of the Structural-Markets pillars have systematically undermined the policy intent of the Conservation pillar. To be fair, important steps to break this pattern were taken in the 2002 reform and, in the current reform, an increased recognition of the priority of ecological sustainability is ubiquitous throughout the Green Paper. Pope & Symes (2000) contend that the deplorable state of many European fish stocks justifies a “crisis management” approach in which the foremost priority at present should be to pursue ecological sustainability goals.

5.2 Policy coherence for the conservation of Pacific tuna resources

In the previous chapter, the four policy components that comprise the domain “EU-Pacific tuna relations” were described. In this section, the same structure for the analysis of policy coherence that was used in section 5.1 will be followed. The issues, interests, goals and policy targeting of each policy component will be examined for the period 2003-present. The perspective is a EU perspective, but in order to provide a balanced picture, certain elements will be discussed providing a perspective from the Pacific island countries as well.

5.2.1 Fisheries Policy: The Pacific FPAs

Issues

According to the ‘problem stream’ in Kingdon’s model, two main issues can be directly linked to the conclusion of the FPAs in the Western and Central Pacific Ocean. These issues are increasing demand for tuna in Europe, and decreasing stocks in the waters, both domestic and foreign, fished by the EU (Chapter 4). An underlying issue that has recurrently influenced the agenda-setting process in FPAs is overcapacity of the European fishing fleet (Chapters 3 and 5). In order to relieve fishing mortality on dwindling European stocks, agreements with third countries have been sought as a means to keep the fishing vessels operational to preserve onshore and offshore jobs and to ensure fish supply for European consumers. The transformation of the access agreements into partnerships with the coastal state has already been described (Chapters 3 and 4). In this period, development and environmental issues were included in the agenda of the FPAs.

Regarding the ‘politics stream,’ debates affecting the FPAs are presently unfolding at two levels, one at global level and the other one at EU level. The first one deals with public funding for the European distant water fishing fleet. The second one centers on the very nature of the FPAs, including their goals and the way the negotiations are conducted. As for the first debate, chapter 4.3 mentioned that current discussions on fisheries subsidies disciplines are being conducted under the Doha Round. No agreement has been reached yet on whether subsidies that directly or indirectly support access agreements, such as payment to the coastal states¹ and fuel subsidies should be prohibited.

The EU presently covers 65% of the costs per ton of tuna caught in the coastal state’s EEZ. In addition, support to the distant-water fishing fleet has been provided in the form of funding for modernization of their vessels (i.e. freezers on board) and tax breaks or discounted price for fuel. Fuel is a substantial component of fishing costs, in particular in vessels equipped with fishing gear which is fuel-intensive, such as purse-seiners used for tuna capture.²

1. Consensus is emerging at the WTO that government-to-government payments should be allowed in fisheries access agreements, as opposed to government-to-industry payments. FPAs belong to the first category.

2. Fisheries targeting high-value species such as shrimp, tuna and swordfish frequently consume in excess of 2,000 liters per ton of landings. Fuel subsidies are estimated to account for about \$4.2 billion to \$8.5 billion a year, or about 8% of the commercial fish catch.

These vessels are the top recipients of EU aid.¹ It has been estimated that fish owners pay just 17% of the costs of access agreements while the EU covers the rest (ibid). In summary, it can be argued that without EU funding, the European fishing fleet in the Pacific would not be able to operate economically.

The second debate entails a reform of the current FPAs. The EU has been criticized for the way it negotiates with coastal states. On its Green Paper, the Commission has stated that it is considering a revision of the negotiation process. Instead of a continuation of its bilateral approach in which the Commission negotiates with individual coastal states, multilateral or regional agreements would be possible under the new CFP (EC 2009). The current revision opens a policy window which would make changes in the status quo feasible. Not only would regional agreements strengthen the bargaining position of the coastal state vis-à-vis the EU, by negotiating collectively instead of competing against each other,² but such a construction would make more sense for the management and conservation of highly migratory and straddling species such as tuna, which do not respect national borders (Braxton 2006).

Interests

According to DG Mare, the three current FPAs in the Pacific “occupy a *key* position in the future network of tuna agreements to be set up in the Pacific Ocean,” which clearly indicates the desire of the EU to continue negotiations for future FPAs in that region.³ According to Braxton, “the status quo allows EU negotiators to “pick off” Pacific Island countries as and when more access is required... [DG Mare is] likely to be subject to lobbying from the EU’s fishing and processing industries, with the Spanish fishing industry particularly influential with DG Mare” (ibid:12).

It has already been stated that Spain has the largest stake in the Pacific FPAs. The interests of the Spanish fishing industry are aggregated at several levels (national, European) and fit Jankowski’s description of narrow interest groups (1986). OPAGAC is a powerful association of Spanish tuna boat owners, processors and traders.⁴ OPAGAC is a member of Interatun, the Spanish Inter-professional Tuna Organization, a body endorsed by the Ministry of Agriculture, Fisheries and Food, which represents both the tuna shipbuilding sector and the tuna processing and marketing sector.⁵ Furthermore, Spain is a member of Eurothon, the organization that represents the tuna fishing industry (canners and ship owners) in Europe.⁶

1. Figures show that amongst the top receivers of EU fisheries subsidies are the EU fleet of tuna purse-seiners fishing outside EU waters, including through FPAs.

At: <http://agritrade.cta.int/en/content/view/full/4731>. Accessed January 2010.

2. At <http://ictsd.org/i/news/bridges/4125/>. Accessed January 2010.

3. No new FPAs will be negotiated by the EU until 2012, when the revised CFP will enter into force. Press article in Spanish, *La Voz De Galicia*, 16 September 2009

At: http://www.lavozdeg Galicia.es/vigo/2009/09/16/0003_7973883.htm . Accessed January 2010.

4. European Commission. Register of Interest Representatives. At: <https://webgate.ec.europa.eu/transparency/regrin/consultation/displaylobbyist.do;REGRINSID=T6vYLBxNDY1qvLHqcD1y1vmmKg2z0pRrV172KVpSdqwqYdQpT17p!-642305349?id=96665582234-88> . Accessed Dec. 2009.

5. At: <http://www.interatun.com/Interatun.html>. Accessed Dec. 2009.

6. At: http://www.intracen.org/btp/roundtables/presentations_nama/commerce_eurothon.pdf. Accessed Dec. 2009.

In Wilson's typology, FPAs may be considered as "Client politics," as benefits derived from this policy are concentrated (the Spanish industry) but costs dispersed (European taxpayers, environmental and social effects abroad). According to Wilson, potential beneficiaries have reason to organize, but those paying the costs will not. This situation could be indeed observed in the previous generation of fisheries access agreements, which were characterized by pursuing commercial goals and showing a complete disregard for social and environmental effects in the coastal state. After NGO campaigns in the 1990s brought this to the light in Europe, stakeholders in coastal states were finally given a voice (Carbone 2008). Since 2004 FPAs have tried to accommodate for sustainability and equity issues, triggered by a worldwide attention on sustainable development.¹ In this sense, it can be argued that social and environmental interests have been progressively aggregated in NGOs. Especially active in Pacific tuna issues are Greenpeace, Oceana, the WWF and Oxfam Novib.

The governments of several Pacific countries have joined forces since 1982 to defend their interests, when they established the Nauru Agreement, a sub-regional accord on terms and conditions for tuna purse seine fishing licenses in the region. The Parties to the Nauru Agreement are Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu, and their common goal is "to advance their interests in securing greater economic benefits from the tuna resources and co-ordinate and harmonize the management of common fish stocks for the benefit of their peoples."² Many of the measures of the PNA have been adopted by the Western and Central Pacific Fisheries Commission such as the high seas pockets closure, controls on Fish Aggregating Devices (FADs) and the coverage of purse seine fishing vessels with observers.

Goals

When examining various official documents about the EU's fisheries agreements, it is interesting to note how the formulation of the goals of the FPAs differ from one text to the other, altering the meaning conveyed (chapter 4.2). Evidence shows that, so far, the economic interests of the Spanish fleet (Rationalization paradigm) and the interest to preserve European jobs (Social/Community) have dominated the FPA policy at the expense of sustainable development of the tuna fishery in the Pacific (Fig. 5.2). First we will consider the evidence that supports commercial and social goals in the EU and secondly we will consider the evidence that supports sustainable development goals in the Western and Central Pacific.

1. Communication from the Commission to the Council, to the European Parliament, to the Economic and Social Committee and to the Committee of the Regions "Towards a world partnership for sustainable development" COM (2002) 82 final of the 13.02.02. Furthermore EC contribute to the World Summit on Sustainable Development, in particular the Plan of Implementation for the WSSD and in particular by paragraphs 29, 30 and 31.

2. <http://www.ffa.int/system/files/%252Fhome/ffaadmin/%252Ffiles/ffa/Nauru%20Agreement.pdf>

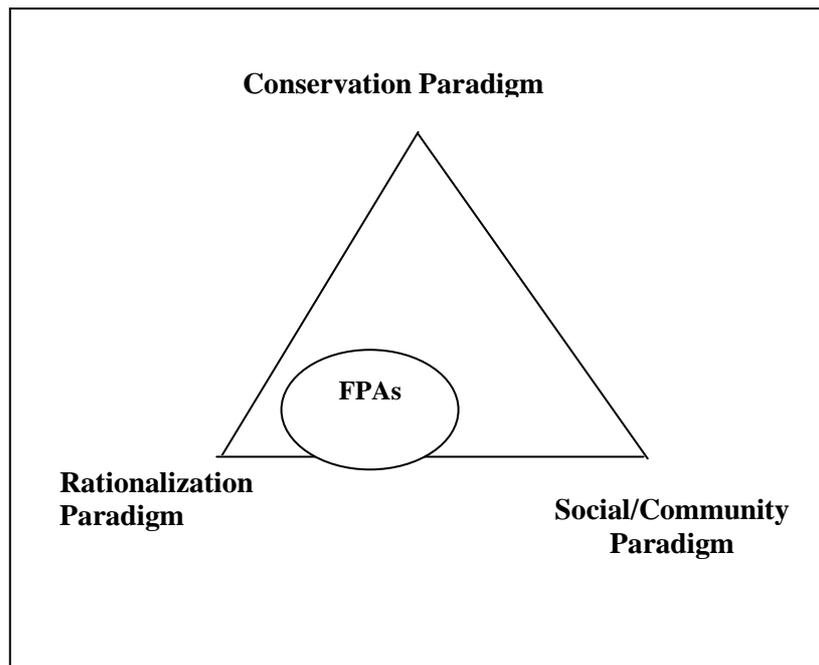


Figure 5.2 Goals pursued by the FPAs in the Pacific ACP.

The EU has declared that “The Community should first of all defend the legitimate objectives of its fishing industry...” (COM 2002:3). It has recognized “the socio-economic benefit of fisheries agreements” and “the need to ensure that fisheries agreements are concluded in accordance with a cost-benefit oriented approach” (EC 2001). In 1997 a debate was initiated by the Council on the increasing costs of fisheries agreements. The Commission was asked to conduct a cost/benefit analysis of the agreements and found “that fisheries agreements generate roughly €3 in turnover for every €1 of public expenditure (Community compensation)” (EC 1999). It was found that the Southern agreements resulted in economic benefits concentrated in Spain, both for the fishing and processing sectors (jobs in processing tropical tuna caught under agreements are concentrated in Spain with an estimated 3 800 jobs). Furthermore, the cost of non-renewal of all fisheries agreements was estimated as roughly € 2000 million,¹ including immediate costs and costs over a 10-year period for the following measures: fleet withdrawals, aid for ship-owners and crews, early retirement and flat-rate premiums, aid for vessel conversion or scrapping, and laying off part of the on-board workforce. The loss of jobs in the tuna sector alone would be as high as 2000 jobs (ibid).

Now we turn our attention to the sustainability component of FPAs. The activities designed to promote responsible fishing in the P-ACP coastal states, “Cooperation on responsible fishing” (described under chapter 3 of the protocol) and “Support for enhancing responsible fishing” (Protocol chapter 5), must be communicated and monitored within the *annual* Joint Committee provided for by Article 9 of the Agreement (Article 9.2). According to the DG Mare Officer in charge of management of the FPAs with the Pacific, no Joint Committee meeting has been held yet with any of the three parties in the Pacific.

1. Minus the savings brought about in public investment.

The reason given to explain this is that the Pacific partners have not decided on a date for such a meeting or have postponed dates that had been proposed by DG Mare (pers. comm.). We may conclude that monitoring of the agreement has not been optimal and this gives reason to speculate whether the commitments made to fish responsibly and sustainably have been met. In addition, it is remarkable that only the protocol of the FPA concluded with Micronesia includes a short section on environmental protection¹ whereas the protocols of the agreements concluded with Kiribati and Solomon Islands make no mention of restrictions or duties for the European fleet, for instance, of the obligation to report by-catch or to respect restricted areas which are considered as sensitive habitats (i.e. near coral reefs).

Regarding the development component of the FPAs, the DG officer interviewed was not able to name any investment or plan to invest or support the local tuna industry as a result of the FPAs in any of the three Pacific states. Indeed, in its 2009 report on policy coherence for development, the European Commission indicated that “European investment in joint ventures is stagnating both in countries with which an [FPA] has been signed and in other countries traditionally targeted by European fishing vessels such as Namibia or Argentina.” Poor investment climate and lack of infrastructure are possible reasons for this. The Commission added that “concerns remain with regard to the sustainability and the social consequences [for coastal states] of the [FPAs].”² This report supports our claim that the center of gravity of the FPA goals is found far from the Conservation corner.

Policy targeting

The three existing FPAs concluded between the EU and Pacific ACP countries target on one hand, i) the Spanish fishing fleet and the Spanish canning industry, and on the other hand ii) the governments and tuna sectors of the three partner coastal states, with the view to supporting the development of a sustainable fishery which contributes to an improvement in the standard of living of Pacific islanders.

Based on the allocation of benefits and burdens of the FPAs, it is evident that the Spanish fishing and processing industries have enjoyed in the past an “advantaged” position (Schneider & Ingram 1993). The Pacific target populations as a whole have traditionally been ascribed a “dependent” position (positive construction but weak power), where the benefits are undersubscribed and the burdens oversubscribed.

In recent years, however, the discourse on environmental and social justice has gained force, as explained in the first part of this chapter (Taylor 2000). Certain NGOs and watchdog groups have challenged these social constructions by exposing members of both target populations. Greenpeace has been the most active environmental NGO campaigning for sustainable tuna fishing in the Pacific Ocean, while the Coalition for Fair Fisheries Agreements (CFFA) and Oxfam Novib have been advocating for a more equitable share of the benefits derived from tropical tuna for the local populations.

1. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:151:0003:0030:EN:PDF>. Accessed Dec. 2009.

2. Commission Staff Working Document accompanying the 2009 report on policy coherence for development, EC, Brussels, 17.9.2009 SEC(2009) 1137 final
http://ec.europa.eu/development/icenter/repository/SWP_PDF_2009_1137_EN.pdf

Greenpeace has publicly accused both the Spanish fishing and processing industries of unsustainable practices, including pirate fishing. Video images of the “largest tuna destroyer in the world”¹ and of Greenpeace’s expeditions in the Western and Central Pacific Ocean, when several pirate fishing activities have been documented, have reached European viewers through the Internet. Fueled by these allegations, the social construction of the Spanish industry is changing from positive to negative, but they are still enjoying the same benefits and bearing almost no burdens under the FPAs (from “Advantaged” to “Contenders” : negative construction, strong power). At the same time, reports about widespread corruption among fisheries officials in Pacific island countries ((Hanich & Tsamenyi 2009) have resulted in a shift in the social construction of this target population from positive to negative (“dependent” to “deviants” negative construction, weak power). This group was obtaining all the benefits from the policy and allowing the other groups to bear the burdens. The tuna sector in the Pacific is still perceived as “positive” by Europeans (businesses that provide much needed jobs, food and income to local populations), as are the local Pacific communities. The latter are the overall losers when it comes to the allocation of benefits and burdens derived from the FPAs.

It can be concluded that policy targeting of the FPAs is not focused, as clearly distinct populations are targeted at the same time, and is not congruent with current expectations of European citizens. Demands to ship-owners in Europe to bear the costs of the fisheries agreements and to coastal states to achieve good governance exemplify this change in social expectations and may shift the allocation of benefits and burdens in future FPAs.

5.2.2 Trade Policy: the Pacific EPA

Issues

As we have seen in chapter 4, the EU’s trade policy with Pacific ACP countries is in constant flux. In this section our focus is on the Pacific EPA, however, the interrelationships with other trade regimes and developments at the international level are also important and are briefly considered here.

In Kingdon’s stream model, the major issue that defined the “problem” in this policy component was the non-reciprocity nature of EU-ACP trade relationships under the Cotonou Agreement (Chapter 4. 3). In the EU’s agenda, the main issue driving the negotiation of the EPAs was to comply to WTO rules.² In the Pacific, the main issue in the agenda of Papua New Guinea and Fiji during the EPA negotiations, was to maintain and improve access conditions for their canned tuna products in the European market.

1. The Spanish-owned and flagged Albatun tres,¹ a ‘super super seiner’, 115 m long and weighing 3200 tons (GRT), is the world’s largest tuna vessel. According to Greenpeace, this vessel is capable of fishing 3,000 tones of tuna per trip, which is equivalent to the catch of several Pacific islands in an entire year. The €4.9 million EU subsidy that helped to build this ship is equal to 14% of Kiribati’s total annual government income.

2. Of course, this statement may be questioned. Instead, critics observe that free market access in ACP countries for European goods may be considered as the main issue in the EU’s agenda.

Current debates on fish trade with direct implications for either party or both parties are being carried out at different levels. These include discussions i) between the EU-P-ACP, ii) between the EU-South-East Asian countries and iii) between the Pacific ACP-non-ACP countries. In addition, iv) multi-lateral discussions at WTO level affect all of the above. The “politics stream” in this policy component is thus very complex, reflecting the intricacies of international tuna trade, globalization, and the resulting interdependencies among countries and sectors.

i) Negotiations between the EU and the twelve countries which did not join the EPA are ongoing. At present, the most salient points of discussion between the EU and P-ACP are SPS measures, including assistance to overcome the lack of competence in the export certifying authorities in many P-ACPs (See Box 5.1), the extension of the global sourcing RoO to all Pacific EPA signatories and the trade-restricting effects of the IUU regulation (see chapter 4).

ii) In 2007, the EU started talks with the 10-member Association of South-East Asian Nations (ASEAN)¹ on a proposed free-trade agreement between both regions. Negotiations slowed down due to a number of issues² but have regained momentum recently, with the EU and Singapore reopening negotiations. For several ASEAN members, namely Thailand, the Philippines and Indonesia, including canned tuna in the FTA is of crucial importance. These countries are among the top producers of canned tuna in the world and are very competitive due to their strategic geographical location, economies of scale i.e. availability of cheap steel for cans, packing oils, sea-freight, etc. and the availability of low cost, abundant and productive labor (Campling et al. 2007). These countries currently export to the EU under high tariffs (24% compared to 0% enjoyed by ACP countries).³ Through the FTAs they seek better access conditions to the lucrative European market. This reduction in tariffs for ASEAN, however, would lead to erosion of market preferences for canned tuna from ACP countries, which are not as competitive as south-east Asian canneries.

iii) The Pacific ACP countries are members, together with Australia and New Zealand, of a regional agreement called the Pacific Agreement on Closer Economic Relations (PACER). A main concern for Pacific governments when negotiating the EPA with the EU has been to avoid triggering negotiations with Australia and New Zealand under PACER, “which have the potential to devastate Pacific Islands economies. The trigger is activated if they negotiate a free trade agreement on goods with the EU.”⁴ The reason is that, under WTO rules, Australia and New Zealand may demand the same trade concessions from the Pacific island countries (opening up of their markets) that the EU obtains through the EPA.

1. Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam.

2. http://www.bilaterals.org/article.php3?id_article=15828. Accessed February 2010.

3. Up to 2008, these three countries enjoyed a temporary Tariff Rate Quota Scheme (TRQ) granted by the EU after a WTO mediation. Under this arrangement, the three Asian nations were able to export 25,000 tons of canned tuna yearly to the EU at a 12% duty rate. This arrangement expired, however, and a prolongation was not granted by the EU. http://www.bilaterals.org/article.php3?id_article=15828. Accessed January 2010.

4. Ten Reasons to Challenge the Pacific EPA. <http://www.arena.org.nz/pacepa.htm>. Accessed Feb. 2010.

iv) Reduction of tariffs for fish and fishery products is dealt with at the WTO under the Non-Agricultural Market Access (NAMA) negotiations. In a recent meeting of the EU's long-distance regional advisory committee (LD-RAC, composed of representatives of the EU fishing sector and NGOs) a Commission representative considered that 'if successfully completed, the Doha round will imply substantial cuts in the current EU tariffs applicable to imports of fish and fishery products in the EU ... the higher MFN tariff applicable...could be of roughly 8% for products with current applicable EU MNF tariffs of 24%. Lower EU MFN tariffs would be also slashed accordingly to the 'Swiss formula', resulting in much reduced final rates or full liberalization.'^{1,2} In a study on the socio-economic effects of trade liberalization of tuna and tuna products, it was found that, with the exception of the scenario maintaining the current situation, all other scenarios (full liberalization, progressive liberalization, all tuna products, canned/loins...) would have negative socio-economic effects on the European tuna canning sector.³

Box 5.1 Fijian tuna ban by EU

A ban has been placed on Fiji's tuna exports to the EU since 2008. The competent authority in Fiji, responsible for overseeing the whole tuna production chain from capture to export, has been disqualified as not meeting EU SPS standards by DG SANCO.

Under the EU system, all Fiji fish exporters are adversely affected - not only the ones that do not meet the requirements.

Interests

Tuna is a very sensitive product for the EU, especially canned tuna (to satisfy consumer demand) and tuna loins⁴ (to ensure supply to the processing sector). Moreover, taking advantage of access preferences enjoyed by ACP and GSP+ countries into the European market, the Spanish industry has made significant investments in tuna canning in certain African and Latin American countries. The Spanish industry has thus a vested interest in maintaining the status quo i) in both stringent RoO for their competitors and in ii) market access preferences for countries in which they have investments. Eurothon and Interatun are the two big lobbying organizations for the tuna industry.

In the summer of 2009, after the EU and PNG signed the EPA, Interatun declared that relaxing the rules of origin for PNG could endanger the European tuna industry. This concession in the rules appears to have contributed to the decision of PNG's government to invest in a new tuna processing complex called the Madang's Pacific Marine Industrial Zone (Chapter 4).⁵ Interatun expressed their concern to the European Commission that this measure would grant an advantage to their major competitors in Asia, the Philippines, China and Taiwan, the major investors in PNG's planned complex in Madang. In return for their investments, these countries are granted fishing access into PNG's EEZ.

1. http://www.lidrac.eu/component/option,com_docman/task,cat_view/gid,95/Itemid,33/lang,en/
2. Narrowing the gap between high and low tariffs is called harmonizing the tariffs. The "Swiss formula" is a harmonizing method that uses a mathematical formula to produce a narrow range of final tariff rates from a wide set of initial tariffs. Usually the required cuts are divided into equal annual steps. http://www.wto.org/english/tratop_e/agric_e/agnegs_swissformula_e.htm#swiss. Feb. 2010.
3. At: http://ec.europa.eu/fisheries/publications/studies/tuna_2005_en.pdf. Accessed Jan. 2010.
4. Tuna loins, being pre-processed products, reduce labor costs in European canneries. A shift from sourcing raw tuna to tuna loin is gradually taking place in Spanish canneries. <http://ec.europa.eu/trade/creating-opportunities/economic-sectors/fisheries/products/> Accessed Dec. 2009.
5. http://trade.ec.europa.eu/doclib/docs/2008/march/tradoc_138112.pdf. Accessed Feb. 2010.

During EPA negotiations, PNG based its request for this concession on the argument that a shortage of raw tuna supply from EU and ACP vessels for their canneries under existing RoO was limiting the development of their industry (Chapter 4). Interatun disputed this argument¹ and maintained that the Pacific EPA will not actually support industry development in PNG but rather favor their main competitors, who will get access to the European market in “unsurpassable conditions.” Interatun lobbied against approval of the EPA by the Council of Agriculture and Fisheries Ministers, without success. The organization declared that “It is...incomprehensible that the EU is threatening the competitiveness and future viability of the entire tuna industry and the community located in the countries covered by the ACP and GSP + regime, simply for allegedly encouraging the economic development of a single country such as New Papua Guinea, in which there is...no community investments.”² PNG has been opposed to EU fleet access in their fishing zone.

It can be argued that the position assumed by Interatun is disproportionate to the extent to which Pacific countries are actually in a position to endanger the European tuna industry. On one hand, the presence of the Spanish fishing fleet in the Pacific is relatively low and, on the other, the hurdles placed by SPS measures and the catch certificate on PNG’s (and Fiji’s) tuna exports to Europe may constrain any potential benefits granted under the global sourcing concession. Interatun’s position can better be explained by apprehension that a precedent is being set for other regions where the Spanish presence is more dominant.³

Interests in PNG include the national government as main investor in Madang’s Pacific Marine Industrial Zone, Phillipine-owned RD cannery (already present in Madang) and other investors, including the World Bank’s International Finance Corporation. Other stakeholders which have been increasingly aggregating their interests include civil society groups, in particular the Kananam indigenous community of Madang province, as well as environmental and human rights NGOs, which have led or joined protests against Madang’s Pacific Marine Industrial Zone project.⁴ More diffuse interest groups, albeit with increasing influence in the tuna trade industry, include European consumers, (eco)labeling schemes, retailers, and the ISSF.

1. At: <http://www.anfaco.es/webs/webAnfaco/portales/anfaco/revista/files/Conservera%2079.pdf> (in Spanish) Accessed January 2010.

2. <http://tunaseiners.com/blog/2009/07/agreement-with-papua-new-guinea-is-resisted-in-europe/> . Accessed January 2010.

3. <http://agritrade.cta.int/en/content/view/full/4723>. Accessed Feb. 2010.

4. Protests against Madang’s Pacific Marine Industrial Zone. At: http://www.ecoearth.info/shared/alerts/send.aspx?id=png_tuna. Accessed Feb. 2010.

Goals

The stated goals of the EPA, apart from progressive liberalization of Pacific markets to comply to WTO rules, are to promote regional economic integration and sustainable development in the Pacific ACP countries by enhancing trade cooperation between them and the EU (Chapter 4). The latter is in line with the commitments made under the Cotonou Agreement, which provides the framework for EU-ACP relations and has historically emphasized development cooperation and aid. The EPAs, however, are under the lead of DG Trade, while the role of DG Development has been relegated mainly to dealing with technical and financial assistance to ACP countries. "[T]here is reportedly a big gap between DG Trade and DG Development, with DG Development making little policy input, both because it has limited its role, and because DG Trade is dominant."¹

Although global sourcing may be considered as a pro-development provision under the Pacific EPA, we have seen that non-tariff barriers to trade may limit the potential benefits to PNG. In Fiji, this is already the case. The above suggests that the center of gravity of the EPA lies between the i) Rationalization corner and ii) the Social/Community Paradigm, in the sense that, i) given the limited impact that the global sourcing provision is expected to have on the European tuna industry, commercial interests are not being compromised, and ii) meeting European demand for tuna is importance both in order to keep the canneries operational and to satisfy consumers' needs (social/community) (Fig. 5.2)

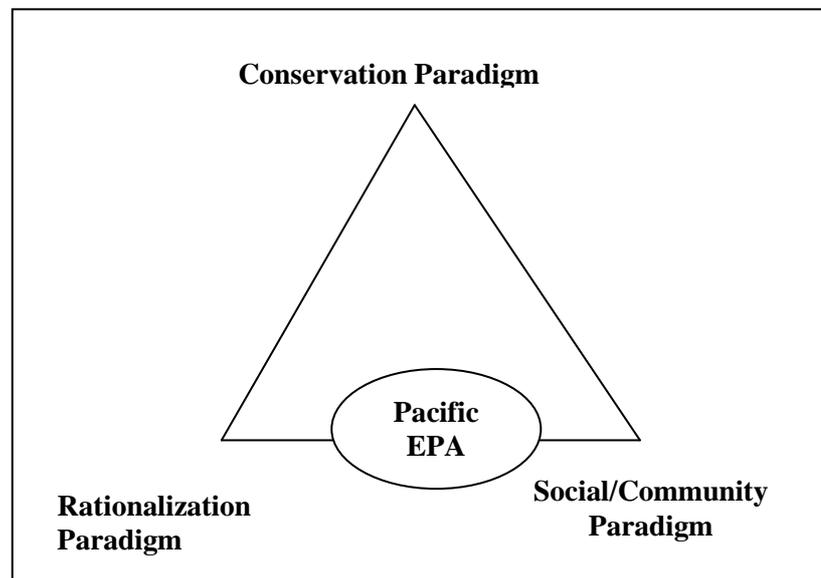


Figure 5.3 Goals pursued by the P-EPA.

1. Page 24. At: http://www.odi.org.uk/RAPID/projects/RAP0031/docs/EU_PCD_Trade_EPAs.pdf. Accessed Feb. 2010.

Policy targeting

The main target population of the Pacific EPA in its current form is PNG's tuna processing sector, specifically Madang's Pacific Marine Industrial Zone project. Catherine Ashton, DG Trade's Commissioner at the time of conclusion of the EPA stated that "We have already seen how the initialing of the agreement has delivered results, with new investment flowing into the fisheries industry, supporting development in Papua New Guinea and creating jobs."¹ From a European perspective, the social construction of the target population is mostly positive, whereas from a Papuan perspective, this construction is in fact mostly negative as a range of social and health problems are being associated to foreign tuna fishing and processing investments in the region (see Box 5.2).

Box 5.2 Social and health effects of tuna canneries in the Pacific Island Countries.

A series of social and health problems have negatively influenced the social construction of the tuna industry in Pacific Island Countries. These include a change in traditional gender roles as women have left their families to work in canneries, where low pay and below-standard labor conditions are well known. In addition, the emergence and rapid increase in the incidence of sexually transmitted diseases such as HIV, has been blamed on the development of a sex industry in local ports massively visited by male crew members of the tuna fleets (Barclay 2009). Poor women have engaged in the practice of "fish for sex" with some of these crew members as well.² Also, health problems have been associated with changing diet patterns as a result of an influx of foreign processed products, including canned tuna, displacing fresh produce which has become expensive for the local populations (Cassels 2009).

5.2.3 Development Cooperation Policy: The DevFish Project

Issues

The main "problem" leading to the current EU policy on tuna sector development in the Pacific is the perceived unequal distribution of benefits derived from the sector for Pacific islanders. According to DevFish, "in 2008 Pacific ACP countries caught only \$604 million USD worth of tuna within their own waters, while foreign fleets fishing in the same waters caught over \$2.05 billion USD. Additionally, less than 10% of the tuna caught locally was processed in the region, further marginalizing Pacific ACP countries from potential benefits" (DevFish 2009:5).

Regarding the "politics stream," current discussions related to this policy component are part of wider debates at European level such as Policy Coherence for Development (PCD) (chapter 2), aid effectiveness and the road to achieve the Millennium Development Goals. For DG Development, alleviation of poverty is one of the focus areas. In addition, anomalies found in the fisheries relations between the EU and developing coastal states have situated fisheries as one of the priority policy areas in the PCD agenda.³

1. 'The EU and Papua New Guinea signed the interim Economic Partnership Agreement', *EPA Flash News*, DG Trade, European Commission, 30 July 2009. Accessed Dec. 2009.

2. <http://mams.rmit.edu.au/vfs7jv4c1zji1.pdf>. Accessed Feb. 2010.

3. 1. May 2005 Council Conclusions on PCD. The twelve policy areas are Trade, Environment, Climate Change, Security, Agriculture, Fisheries, Social Dimension of Globalisation, Employment and Decent Work, Migration, Research and Innovation, Information Society, Transport and Energy.

Interests

The EU has no investments in the tuna processing sector in the Pacific. Lobbyists Interatun and Eurothon in general favor the status quo in other policy areas of the EU relevant to the tuna industry such as fisheries policy and international trade policy (i.e. current preferential regime for ACP and GSP+ countries and current tariffs for fish products as set at the WTO), and oppose the EU's Pacific EPA's global sourcing provision for PNG, as explained previously. The EU as an actor in the international arena has an interest in pursuing "good policy" in its foreign relations with developing countries, and particularly in achieving Policy Coherence for Development (Ch. 2). I

In a broad scale, ACP fisheries interests are starting to organize themselves better, as illustrated by the first meeting of ACP Fisheries Ministers which was convened last June 2009, with the view of creating an ACP mechanism for coordination and cooperation in fisheries.¹ In a local scale, Pacific fisheries interests are aggregated in the Pacific Islands Forum Fisheries Agency (FFA), whose motto is "Strengthening national capacity and regional solidarity for sustainable tuna fisheries."²

Individual Pacific nation's interests are varied and sometimes conflicting with the current regional balance. For instance, the DevFish report found that "Many Pacific islands are in a prime position to develop sustainable pole-and-line skipjack fisheries to meet the growing global demand, in Europe, the USA and Japan, for sustainably and equitably caught tuna. Such a development would give Pacific islands higher domestic revenues and more rural-livelihood options compared to selling their tuna resources to distant-water fishing fleets for relatively little"². It should be kept in mind that a substantial foreign presence is already active in the Pacific tuna industry, both in terms of fleets with access to the EEZs of the PICs and of investors in canneries such as RD cannery in Madang (Philippines owned) and Soltai in the Solomon Islands (Japanese and Solomon owned, with 49% and 51% shares, respectively). Tri Marine International, is a private company formed in Singapore in 1972 and now one of the largest tuna traders in the world. Tri Marine is a major supplier of tuna products to Europe.³

Policy goals

The DevFish project was established to achieve the objectives of the Pacific Plan and EU Strategy for the Pacific.⁵ The purpose of DevFish is: "To increase the benefits that Pacific ACP countries secure from tuna resources through increasing Pacific Island owned fishing operations and capabilities, and increasing the contributions from foreign fleets to economic development in Pacific ACP Countries"(Gillet et al 2008:9). It aims to respond to the aspirations of Pacific Forum leaders laid out in their national strategies for fisheries development. In the period of 2005-2009 DevFish provided interventions in a number of important areas, including; fishery products health conditions; port management; and private sector development through the establishment of tuna industry associations.

1. http://www.acpsec.org/en/newfisheriesmechanism/newfisheries_09.html. Accessed Feb. 2010.

2. <http://www.ffa.int/>. Accessed Feb. 2010.

3. <http://agritrade.cta.int/index.php/en/content/view/full/4891>. Accessed Jan. 2010.

4. <http://www.foodprocessing-technology.com/projects/soltaituna/>

5. The EU's Pacific strategy defines its relationship with 15 ACP countries and 3 Overseas Countries and Territories (OCTs) in the Pacific. The aims are to: 1) strengthen political dialogue –ii) focus development cooperation on economic growth and sustainability and iii) improve the effectiveness of aid delivery. At: http://ec.europa.eu/development/geographical/regionscountries/eupacific_en.cfm. Accessed Dec. 2009.

Clearly, the goals pursued by DevFish are situated near the Social/Community corner in Charles' Paradigm Triangle (Fig 5.4).

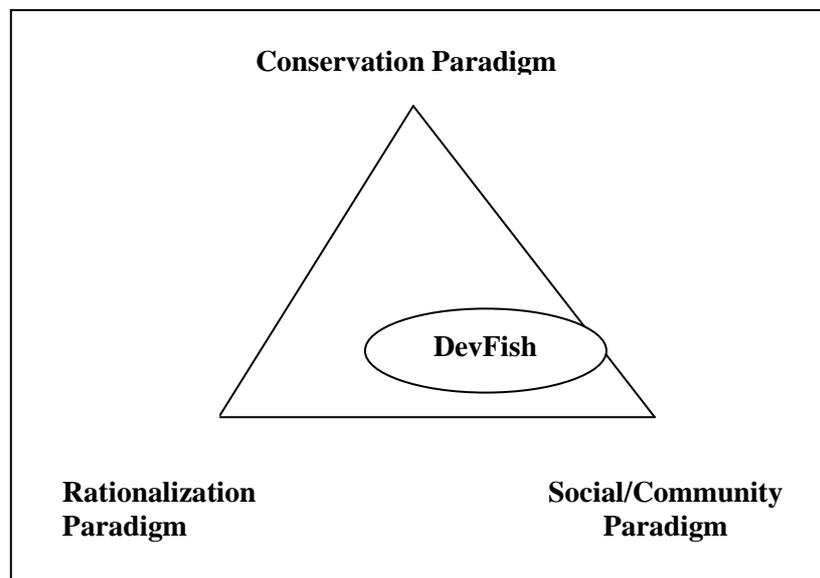


Figure 5.4 Goals pursued by DevFish.

Despite development efforts in the region in the last decades, however, few local tuna enterprises have become profitable. The government of the Federated States of Micronesia, for instance, has invested almost US\$100 million in developing the country's tuna fisheries without success. A Fiji-based fisheries consultant observes: "It's kind of ironic...Kiribati is in the middle of the most productive tuna zone on earth. People have spent millions of dollars on trying to develop a processing industry there. But the net result after 30 years is that tuna exports from Kiribati are zero."¹

Policy targeting

DevFish targets "Pacific Islanders involved in tuna fishing, processing and marketing, or businesses servicing those industries; or who have the potential to become involved" (Gillet et al 2008:9). The authors observe in their midterm review of DevFish that "Despite considerable effort of project staff, only a portion of the important DevFish messages are getting through to the target audiences" (ibid 7), meaning the Pacific governments. In the Pacific region, governments are the main investors in the tuna industry, who have teamed up with mainly Asian investors in the past. Within the capture sector, a distinction should be made between large-scale and small-scale fisheries. Whereas only certain Pacific island countries such as PNG can afford to invest in large-scale fisheries, the great majority are already involved in small-scale fishing.

1. Kiribati's tuna challenges. At <http://agritrade.cta.int/en/content/view/full/4894>. Accessed January 2010.

5.2.4 Environmental policy: Conservation of Pacific tuna resources

Issues

Signs of overfishing of bigeye and yellowfin tunas in the Western and Central Pacific Ocean, which provides about 60% of the global tuna catch, have been the main issue in the “problem” stream in recent years. Concerns about rampant pirate fishing in the area and the possibility that new entrants in the fishery would exacerbate the problem contributed to speed up the process of establishing the Western and Central Pacific Fisheries Commission (WCPFC) in 2004. The EU is a member of this regional fisheries organization.

As bigeye juveniles are unintentionally caught by purse-seiners which target skipjack, the WCPFC was required to decide in December 2008 on the closure of two of the four high seas “pockets” (areas between the EEZs of the Pacific Island Countries) to purse-seine fishing by 2010. According to the Scientific Committee of the WCPFC, however, this and other measures (known as CMM-2008-01) will not be sufficient to protect bigeye stocks. The Scientific Committee noted that “even if fully implemented and complied with, CMM-2008-01 is extremely unlikely to achieve its most important objective: that of reducing fishing mortality on the Western and Central Pacific Ocean bigeye tuna stock to at least 30% below the level experienced either in 2004 or the annual average of the period 2001-2004.”¹ Furthermore, the Scientific Committee warned that closure of the high sea pockets may result in effort being transferred to high seas areas to the east, where the proportion of bigeye tuna that end up as purse-seine by-catch is usually higher than in other areas. In the “politics stream,” Asian long-distant water nations Korea, China, Taiwan and Japan blocked negotiations in the last WCPFC meeting in Tahiti on December 2009 to close the two remaining high sea pockets.

The tuna industry is a global industry, which entails multiple and intricate interactions in different locations and by different stakeholders. For this reason, the “politics stream” in current tuna conservation consists of discussions and developments not only within the WCPFC, but at other levels and at different geographical scales. At European level, the EU’s IUU regulation is a unilateral measure adopted to counteract pirate fishing in all oceans of the world, which will most like have consequences for Pacific tuna fishing practices and possibly for trade flows from the region. At global level, WTO’s negotiations on fisheries subsidies are relevant for i) the future of access agreements between the EU and the Pacific ACP countries (more access agreements mean more fishing pressure to the area) and ii) for the possibility of developing countries to support their own infant fisheries industries with certain kinds of subsidies eventually allowed to them based on the General Exemptions (article II) and Special and Differential Treatment (SDT) (Article III) articles upheld by the WTO. The approval of these subsidies may be contingent on certain conditions, such as developing countries having a fisheries management system in place in order to avoid overcapacity and overfishing. This issue is presently under discussion.

1. http://www.islandsbusiness.com/islands_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=18997/overrideSkinName=issueArticle-full.tpl. Accessed Jan. 2010.

WTO's NAMA negotiations are of vital importance for developing countries because fish is nowadays the most widely traded commodity worldwide, and developing countries hold approximately 50% of the global export value of fish. With only 18% of global import value, a huge trade surplus for this group of countries provides them with the means to import essential goods they lack, in many cases agricultural products to feed their populations (Ahmed 2006). Obstacles to fish trade liberalization have emerged, however, and this has prompted some to advocate for an accelerated liberalization. Observers warn about the negative impacts of an accelerated elimination of tariffs for fish and fish products, namely the sustainability of the use of the resources (ibid).

Also at global level, market-based governance structures have increasingly gained importance in changing fisheries practices. The most important of these for the Pacific tuna fisheries are the Marine Stewardship Council (MSC) and the International Seafood Sustainability Foundation (ISSF) and will be elaborated in the section below.

Interests

The EU as actor in the WCPFC plays a dual role: i) on one hand it seeks to promote sustainability of tuna fisheries in the region by its commitment to strengthen the role of this regional management organization (Chapter 3), ii) and on the other hand it represents the interests of the Spanish fishing fleet in the three Pacific ACP countries with which FPAs have been concluded (Chapter 5). The EU's representative at WCPFC is the head of the Directorate of International Affairs, Law of the Sea and RFMOs within DG Mare¹ (pers. comm., DG Mare officer).

Other long distance fleets in the region, in particular Asians, have great stakes in the tuna fishery. For instance, Japan is the world's largest consumer of tuna, and Japanese fleets catch more than 25% of the Pacific tuna taken annually. In addition, Asian investors have a long history in the region's tuna processing business.

What were diffuse "green" interests in the past have been aggregated since the 1990s first by NGOs and lately as partnerships of all sorts involving arrays of stakeholders sharing the same goals of sustainable fisheries. The MSC, originally a partnership between the WWF and Unilever, the world's largest purchaser of frozen fish in the late 1990s, was created to link fish production to fish trade and in this way enhance the sustainability of fisheries practices (Gulbrandsen 2009). Today, the MSC is the world's leading wild-capture certification program. The MSC has pointed out that there is significant unmet global demand for MSC certified tuna products and hence certified tuna is one of its strategic priorities.

1. Organization chart DG Mare: http://ec.europa.eu/dgs/fisheries/organi/oganig_en.pdf

In 2009 the MSC certified a Japanese pole-and-line skipjack fishery, which involves catching the fish one by one with a lure and is therefore not a wasteful method.¹ Previously certified were the north and south American Albacore Fishing Association Pacific albacore tuna fisheries.² The International Seafood Sustainability Foundation (ISSF)³ was established in 2009 as a partnership between tuna processors, traders, scientists and the WWF. ISSF members are required to set an example by conforming to the highest standards and only sourcing tuna originating from well-managed, non-depleted stocks, which can be verified as having been caught legally, has not been caught using methods that result in unacceptable levels of by-catch, and that has not been transhipped at sea.³ Current ISSF members include: Bolton Alimentari, Bumble Bee Foods/ Clover Lead Seafoods, MW Brands, Princes, Sea Value, StarKist, Thai Union Manufacturing/ Chicken of the Sea, and Tri Marine International.

Policy goals

Although no EU legislation exists that specifically seeks to protect tuna stocks from overfishing in the Western and Central Pacific Ocean, the EU has made commitments internationally to pursue responsible and sustainable fisheries globally (Chapters 2 and 4). The target to bring down catches of overfished stocks to MSY level by 2015 and to apply an ecosystem based approach to fisheries management are the most important of these pledges. In addition, the EU has expressed its goal to strengthen the role of fisheries management organizations to achieve the above mentioned commitments (Chapter 3).

Following this line of reasoning, it can be argued that the EU's goals within the WCPFC include the support for measures to protect bigeye and yellowfin stocks and therefore the EU's position in the WCPFC is located in the Conservation paradigm corner (Fig. 5.5). This argument is supported by the EU proposals adopted in 2006 by the WCPFC to fight IUU fishing in the Pacific. These conservation and control measures included the formal blacklisting of IUU vessels, which is crucial for tracking down and eliminating IUU activities, and the adoption of a scheme allowing non-flag state inspectors to board and inspect any vessel flagged to a contracting party.

Commenting on the results of the WCPFC meeting where the measures were adopted, Joe Borg, Commissioner for Fisheries and Maritime Affairs, said: "It is good to see such a recently-established RFMO taking serious measures to ensure sustainable fishing and fight against the scourge of IUU. The WCPFC has become the first tuna RFMO to introduce a non-flag state boarding and inspection scheme, and the EU will be working to encourage other RFMOs, in which we participate, to follow their example."

During its last meeting in Tahiti on December 2009, the WCPFC has expressed its concerns about the rapid increase in purse seiners fishing in the same area during the last 4 years which has resulted in increasing pressure on bigeye and yellowfin stocks.

1. <http://www.japanfs.org/en/pages/029670.html>. Accessed Feb. 2010

2. At: http://7thspace.com/headlines/305394/greenpeace_welcomes_the_launch_today_of_the_international_seafood_sustainability_foundation.html. Accessed Dec. 2009.

3. <http://www.msc.org/cook-eat-enjoy/fish-to-eat/albacore-tuna>. Accessed Dec. 2009.

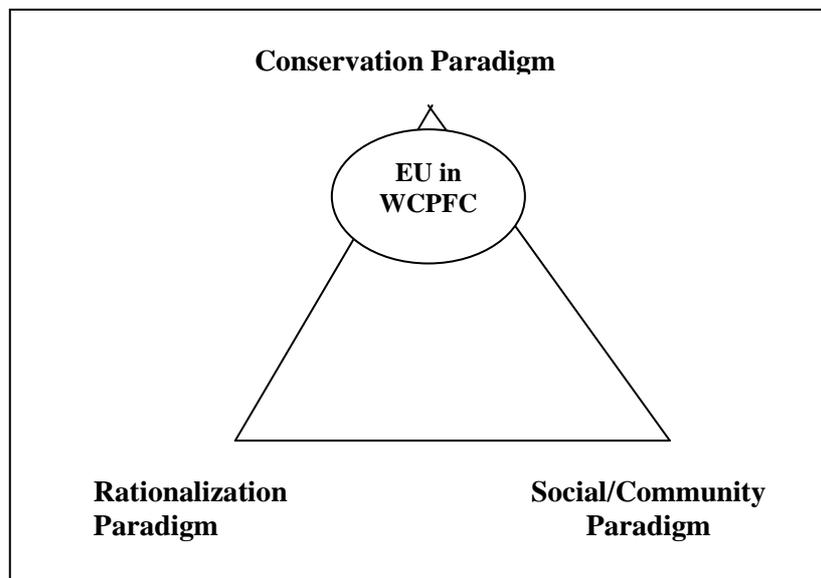


Figure 5.5 Goals pursued by the EU in the WCPFC.

Policy targeting

Conservation measures in the Western and Central Pacific Ocean target all fleets operating both in the EEZs of PICs and in the high sea pockets in between.

As we have mentioned before, the social construction of fishermen tends to be positive for the small-scale fisher and negative for the large-scale or industrial enterprise, especially the highly efficient super purse seiners are perceived as “predators” whereas pole-and-line fishing is perceived as ecologically sustainable and equitable fishing, as this industry creates local employment. According to FFA Fisheries Development Adviser Robert Stone, “on average 10 boats employing 25 crew each catch the same amount of tuna as one purse seiner employing around 12 people.”¹ Among the foreign fleets, Asian distant-water fishing fleets are considered as “bad” and unscrupulous by many in Europe and the Pacific alike.

5.2.5 EU-Pacific tuna relations: policy coherence assessment

From the account provided in chapter 4 and the analysis carried out in this chapter it is clear that the policy domain labeled as EU-Pacific tuna relations is highly complex as it involves a wide array of interrelated issues and conflicting interests at different scales, from local to regional and up to global, and affecting different sectors of the tuna industry as well as the wider society and the environment. The goals of each component pull the policy domain in different directions, thus providing no “glue” or commonality of purpose. Policy targeting of the domain as a whole is not focused, as the scores of measures, regulations and decisions of the various components do not have the same purpose for the same target populations. In addition, society increasingly challenges the “deservedness” of the fishing industry and demands shifts in the distribution of benefits and burdens of EU’s policies. Policy targeting thus offers no integrative force to the domain and we can conclude that no policy coherence for the conservation of Pacific tuna resources has been achieved by the EU so far.

1. <http://www.ffa.int/node/263>. Accessed Feb. 2010.

Chapter 6. Conclusions and Recommendations

This thesis investigated whether EU policies are coherent for the conservation of fish stocks in order to assess if EU fisheries practices are sustainable, both within its own “common pool” and abroad. It was shown that no policy coherence for fish conservation has been achieved by the EU so far and this results in fisheries practices that are unsustainable. To arrive at our findings, four research questions were posed:

1. What are the main issues, interests, policy goals and policy targeting in each policy component comprising the domain of the EU’s Common Fisheries Policy?
2. How does the interrelationship of policy components affect fish stock conservation in the EU?
3. What are the main issues, interests, policy goals and policy targeting in each policy component comprising the domain of the EU-Pacific tuna relations?
4. How does the interrelationship of EU policy components affect tuna stock conservation in the Western and Central Pacific Ocean?

In chapter 5, questions 1) and 3) have been answered. Tables 6.1 and 6.2 provide a summary of these findings. In this chapter, answers will be provided to questions 2) and 4). Fisheries sustainability will be assessed first within the CFP and subsequently within the EU-Pacific tuna relations domain. Next, the position of the EU in the three relevant global arenas that affect fisheries sustainability will be discussed. Finally, recommendations will be given as to how the EU can remedy the incoherencies found in order to “green” its fisheries practices.

6.4 Effects of Structures & Markets policies on fish Conservation policy in the EU

Today, 88% of the most important commercial stocks in Europe are overfished (EC 2008). It is estimated that some European fleets can exercise fishing pressure two-to-three times above the sustainable level. A 2008 report by the Commission concluded that “...while EU fishing capacity overall is declining, the reduction is coming too slowly (on average, an annual reduction of 2-3% over the last 15 years) for it to have any substantial impact on fishing pressure and thus alleviate the poor state of many EU fish stocks. It is estimated that technological creep runs at around 2-4 % annually, thus effectively cancelling out any nominal reduction” (ibid:19).

Fleet overcapacity has been listed as the first of five structural failings of the current CFP (EC 2009). Overcapacity is a problem for the fish stocks and the fishers alike. Too many fishing vessels chase too few fish, which results in intense competition. For fuel-intensive vessels, the ‘fuel crisis’¹ has translated into rising costs and thus dropping profits. In spite of the shift in mindset and of the efforts of the Commission to achieve the balance between capacity and fish stocks since the CFP’s 2002 reform, so far the policy as a whole has been largely unsuccessful and is loudly criticized for not taking bold action to reverse the trend in fishing capacity - - in other words, to cut subsidies altogether to the fishing sector.

1. The price of fuel has risen by as much as 240% since 2002 in some Member States (EC 2008: 20).

Table 6.1 CFP: Policy coherence assessment

Attributes of policy coherence	Structures	Market	Conservation
Issues	Fleet overcapacity Subsidies= perverse incentives with overfishing as result Social injustice issues	Fragmented POs Low sales prices = Chronic low profitability Changes in consumers preferences Traceability	Overfishing Relative stability Weak control & enforcement Privatization of fishing rights? EU enlargements
Interests	Fisheries Ministers Northern vs Southern Member States Artisanal vs Commercial fisheries Fleets vs processors	Fisheries Ministers POs Retailers Consumers	Commission NGOs Consumers
Policy integration			
Policy goals	Social/Community (slowly towards Conservation Paradigm)	Social/Community (slowly towards Conservation Paradigm)	In 2002: shift from Social/Community Towards Conservation Paradigm
Policy targeting	Focused Social construction of fishing industry: shifting to negative	Not focused Social construction of fishing industry: shifting to negative	Focused Environmental discourse led to shift of social construction on fishing industry
Policy coherence?	No		

Similarly, it was stated that a shortcoming of the current Markets Policy pillar is that the European fishing industry receives a small portion of the price the consumer pays. This results in the individual fisherman seeking high quantities as a compensation, which leads to overfishing and dependence on Community aid to counteract the chronic low profitability of the industry (EC 2009:17). According to DG MARE's director of development policy, 'In 14 Member States, costs of subsidies are bigger than the sale price of the catches'.¹ If a "profitable and economically independent fishing sector" is to be attained, then ecological sustainability must be accepted as the basic premise for economic and social sustainability. Simply put, medium- and long-term goals must precede short-term goals.

1. Press article in Spanish, *La Voz de Galicia*, 4 September 2009
http://www.lavozdeg Galicia.com/mundo/2009/09/05/0003_7950347.htm

Table 6.2 EU-Pacific tuna relations: Policy coherence assessment.

Policy component				
Attributes of policy coherence	Fisheries	Trade	Development	Environment
Issues	High domestic demand for tuna in EU Low domestic supply Overcapacity in EU fleet Negotiations on fisheries subsidies (WTO) CFP reform	Compliance to WTO rules RoO SPS measures IUU regulation EU-ASEAN FTA negotiations Pacific regional integration PACER	Unequal distribution of tuna benefits EU's commitment to PCD EU's commitment to MDGs (1: poverty alleviation)	Overexploitation of tuna stocks IUU EU's commitment to WSSD (MSY) EU's commitment to CBD EU's commitment to MDG 7
Interests	Spanish tuna fishing fleet Spanish processors 3 P-ACP governments FFA NGOs	Eurothon EU's position at WTO PNG's processors FFA NGOs	EU executive Diffuse interests ACP Ministerial Meeting FFA NGOs	EU executive Diffuse interest NGOs
Integrative forces				
Policy goals	Rationalization Paradigm	Between Rationalization & Social/Community	Social/Community Paradigm	Conservation Paradigm
Policy targeting	Not focused Social construction: shifting to negative	Not focused	Focused	Focused
Policy coherence?	No			

6.5 Effects of EU Fisheries, Trade and Development policies on Environmental (conservation) policies in EU-Pacific tuna relations

Several inconsistencies between the EU's conservation efforts and other policies within this domain are obvious, such as the FPA's goal of defending Spanish fishing interests in the Pacific which include an expansion of the purse seine fleet in a region where fishing effort should be decreased in order to prevent bigeye and yellowfin stocks from being depleted. It has been suggested that the Pacific EPA's global sourcing provision for Papua New Guinea could serve as a "laundering" platform for illegal fish in Madang's canneries that could then access freely the European market. Establishment of foreign tuna canneries in the Pacific has traditionally been accompanied by unintended social and health problems among the local communities besides environmental deterioration caused by pollution from the canneries and an intensification of fishing pressure. In DevFish's 2009 report on its development efforts in the Pacific islands, the word "sustainability" or "sustainable" appeared only three times, whereas the emphasis on economic growth was evident throughout the report. Some of these incoherencies with conservation efforts are unintended whereas others are intended (Hoebink 2001).

According to Hoebink, "In the case of unintended incoherence, policies in a particular field frustrate the objectives or results of other policies although this is not noticed because the results of the different policies are never compared. Such an incoherence could frequently occur in the development field because policy produces results at a great distance, which are therefore less visible or are made less visible"(2001:9-10). This could arguably be the case of DevFish objectives under the Europe-Pacific strategy. On the other hand, "Intended incoherence would be a form in which an authority consciously accepts that the objectives of policy in a particular field cannot be achieved because the policy involves conflicting interests"(2001:9). This type of intended incoherence fits the position of the EU in WTO NAMA discussions on fish trade liberalization.

EU position in the international trade, development and environmental policy arenas

It has been explained previously that low sales prices for fish in Europe are partly the result of the surge of cheap imports coming into the Community and that a liberalization of canned tuna products worldwide would have negative economic consequences for the European canning sector. The EU prices itself as being a leader in the international trade arena advocating for liberalization as an independent actor through "collusive delegation" from the Member States. According to the "collusive delegation argument", delegation of trade authority from the national to the European level has "insulated policymakers from protectionist interests"(Dür 2008:16) and one can expect a relatively large independence of the EU from societal interests in its role as actor in the international trade arena.

Critics have observed that at the Doha Development Round, however, “the EU’s negotiating position is closely in line with interest group demands” (Dür 2008:16). Hoebink notes that “in the last two centuries protectionism has much more ruled trade policies of dominating economic powers than liberalization. In this sense ‘Fortress Europe’ is not an exception to the rule (2001:10). From the developing countries’ point of view about fisheries negotiations, “ It is clear that the United States and the European Union want to squeeze as much as they can from developing countries on NAMA as pay back for what they claim to be their own concessions in agriculture, concessions that many analysts feel are not even enough to level the playing field in agriculture.”¹ These arguments indicate that concentrated fisheries interests within the EU most likely influence the position of EU in NAMA negotiations in their favor and that the incoherencies of EU’s development and trade policies are thus intended.

Regarding the EU’s commitment to international development, in the 1990s a “coherence gap” in the EU’s foreign policies undermined its credibility in the international arena. (Carbone 2009:340). At the turn of the millennium, the European Commission legalized policy coherence for development (PCD) and the EU assumed a new role as a single actor in international development with the ability to shape the global agenda (ibid). Nonetheless, critics note that the way development cooperation is presently organized, with competences divided among various DGs provides “a sorry picture ...of scattered responsibilities and broken chains of policy and program formulation and implementation.”² The entry into force of the Treaty of Lisbon is proposed as an opportunity to address this weakness by creating a strong organizational unit for international cooperation which integrates policy formulation and implementation. It has been shown that the local tuna industry in the Pacific has not been successful in its development efforts. Regarding the role of the EU in this development, better coordination is necessary to achieve the Treaty’s objective “to foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty” (art. 10a/21).

The position of the EU in Pacific tuna conservation efforts has been on one hand that of a leader in sustainability (in the WCPFC and EU’s IUU 1005/2008 regulation), and on the other hand that of a laggard (in WTO’s subsidies negotiations). The latter is illustrated by the EU’s preference so far for a bottom-up approach, reflecting the EU’s stance about subsidies in its Common Fisheries Policy. The latter undermines EU’s credibility internationally.

Although fisheries subsidies have a proven negative effect both in economic and environmental terms (leading to overcapacity and to overfishing, respectively), prohibition of all types of subsidies would have serious consequences for several Pacific states. Critics have pointed out to the risks of a general prohibition of subsidies: “...the uniform abolition of subsidies seems too general to be effective in all different locations. The approach ignores the tension that exists between the dynamics in international trade of fish and the specific local circumstances of place-bounded fisheries”(Oosterveer 2008:804).

1. Letter to Peter Favila, Dept. of Trade and Industry, from the Philippines delegation at NAMA 11. At <http://www.catw-ap.org/2007/07/letter-to-sec-favila-no-to-a-possible-compromise-deal-on-non-agricultural-market-access-nama-negotiations/>. Accessed Dec. 2009.

2. <http://www.thebrokeronline.eu/en/regulars/blogs/Europe-s-International-Role/Institutional-change-and-paradigm-shift>

Access fees are a significant source of income for many small, vulnerable P-ACP countries that have few or none alternative income sources. For instance, access fees amount to as much as 40% of total GDP for Kiribati and Tuvalu (Grynberg 2003).

In addition, fishing in most developing countries is an infant industry that requires temporary government support in order to survive (small-scale fisheries) or compete globally (commercial fisheries). A one size-fits-all approach at WTO in subsidies disciplines would lead to enormous problems for these countries and therefore careful consideration should be given to Special and Differential treatment provisions.

As the largest fish importer in the world, the EU's IUU regulation 1005/2008 to prevent, deter and eliminate pirate fishing has been applauded globally as an effort to improve the effectiveness of sustainable fisheries management programs around the world. The estimated volume of unlawful imports into EU is 10%. An analysis of the impact of this regulation estimates that "In the case study countries, the regulation is estimated to reduce IUU fishing by about 27,000 tons/year. This represents an assumed 60% of the IUU fishing associated with trade with the EC. Based on extrapolation, the global impact could therefore be a reduction in illegal catches in the region of 135,000 tons/year" (Oceanic Développement 2009:119). Thus, as a result of this regulation, long term improved sustainability of fishery resources and economic benefits for the lawful fishers/exporters are expected in developing countries.

However, risks associated as side-effects of this regulation include i) a short-term alteration of trade flows of illegally fished products into alternative markets because the costs of compliance to the IUU regulation will reduce the profitability of the EU market, ii) the emergence of a secondary (fraudulent) market of catch certifications in countries where corruption is prevalent and iii) the exclusion of small-scale fisheries in less developed countries not able to take up the technical and financial challenges of implementing catch certification and traceability systems (ibid). Respected environmental organizations such as the Pew Environment Group have endorsed this regulation, provided that certain conditions are met, such as EU vessels also being subject to the same stringent rules as all other vessels.¹

1. http://www.pewenvironment.eu/piratefishing/pewposition_piratefishing.pdf

6.6 Recommendations

At EU level

The priority should be to tackle the EU's fishing overcapacity by a substantial reduction and eventual disappearance of its subsidies to the fishing industry. The subsidy structure could be initially changed by giving the industry financial incentives to transform into one with more sustainable fishing methods and practices. According to the Green paper, possible ways the Commission is considering to tackle overcapacity include development of better scrapping schemes, in which public aid is provided only for scrapping and not for other types of support, and the widespread practice of individual transferable fishing rights, where the allocation of rights would be market-based. By conferring more rights (a higher say in decision-making) and responsibilities (self-management, sharing costs) to the industry, higher compliance to the rules is expected.

One of the drivers in the overfishing problem is the increasing demand for fish. Awareness should be created among consumers, retailers, wholesalers and the fishing industry itself about the issue of sustainability. Spain is the key player in the Pacific FPAs; the national forces within Spain include CEPESCA, OPAGAC and, specifically relevant to the Pacific tuna fishery, Interatun. Interventions at this level would aim at facilitating collaboration between these organizations and the MSC and the ISSF. If the eco-label would provide the industry with a premium price for their products, possibly taking the step to sustainability assessment would not be so costly.

At Pacific level

The interventions applied at the European level would have repercussions at the Pacific level as well. For example, by addressing demand and reducing EU's overcapacity, fishing levels by the EU at the Pacific would be expected to decrease. However, this is not enough to halt overfishing of bigeye and yellowfin stocks because other distant water fishing nations are involved in the tuna fishery, and they actually conduct most of the tuna fishing in the Pacific. Within the collaborative arrangement between the industry and the MSC/ISSF mentioned above, it would be necessary to include the Asian actors, especially Japan as more than 25% of the total tuna catch goes to the Japanese market.

The WCPFC would need reform in its decision-making rules: from consensus to majority voting to avoid the lowest common denominator compromises obtained in the last years. It is true that just changing the voting rules would not be sufficient to ensure compliance by the individual fishing entities to the decisions made by the WCPFC. Enforcement of these rules would be imperative in order to translate decisions made at the WCPFC into real improvements in the fishing pressure on Pacific tuna stocks. Better monitoring is necessary for this purpose.

At the regional level, the development of small-scale fisheries should be fostered, especially pole-and-line, which is potentially the most sustainable method for tuna fishing. At the national level, the most significant change deemed necessary is better governance (including the fights against corruption) and to encourage more participation from the Pacific stakeholders in the fisheries strategies of each nation by means of co-management. Finally, the establishment of permanent marine reserves in

the four high sea pockets of the region, as proposed by the Parties to the Nauru Agreement and Greenpeace, is recommended. This process would be best conducted in the context of adaptive management (Grafton & Kompas 2005).

Final words

The European Commission has declared that “Ecological sustainability is...a basic premise for the economic and social future of European fisheries”(EC 2009: 9) and with this statement long-term objectives are given priority over short-term solutions. Only time will tell whether the new CFP will truly realize this shift in paradigm. Finally, for the EU to accomplish its quest of policy coherence for the conservation of fish resources globally, it should avoid double standards which undermine its credibility and its leading position in sustainable and responsible fisheries.

Appendices

Appendix 1: Interviews

Interviewee	Position	Date	Place
Dr. Marek Beran Barbara Focquet	1) Administrator Bilateral Agreements, DG Mare 2) Bilateral Agreements, Indian Ocean, DG Mare	May 28, 2009	Brussels, Belgium
Jana Popelkova Miriam Garcia Ferrer Lourdes Alvarellos	1)Coordinator of Trade Relations with the Pacific, DG Trade 2) Head of Fish section food-related sectors, DG Trade 3)Policy Officer Trade Policy in Fisheries, DG Trade	October 16, 2010	Brussels, Belgium
Luc van Hoof	Director European Research	July 2009	Wageningen, the Netherlands
Dr. Agnieszka Romanowicz	Policy Officer DG Environment	June 2009	Wageningen, the Netherlands
Liam Campling	Consultant Pacific Islands FFA	May 2009	Via e-mail

Appendix 2: The Pacific Island Countries with EEZ and (proposed) high sea pockets shown as 1-4.



Appendix 3: Interim Economic Partnership Agreement concluded between the EU and Papua New Guinea + Fiji Islands (Source: EC Trade 2009:3-4)

The main features of the iEPA are the following:

- a)** It provides DFQF access to the EU market for all imports from PNG and Fiji, with transition periods for rice and sugar;
- b)** It provides for an asymmetric and gradual opening of PNG and Fiji markets to EU goods, “taking full account of the differences in levels of development between them and the EU”
- c)** It contains a chapter on trade defense meaning that safeguards allow “each party to reintroduce duties or quotas if imports of the other party disturb or threaten to disturb their economy”;
- d)** It contains a chapter on Technical Barriers to Trade and Sanitary and Phyto-sanitary (SPS) measures, “to help Pacific exporters meet EU import standards”; and
- e)** It contains a chapter “aiming to facilitating trade through measures such as more efficient customs procedures and better cooperation between administrations.”

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