Sharing responsibilities in fisheries management
Part 1 - Final Report

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This report focuses on the evaluation of the process of devolution of responsibilities in the current institutional landscape in European fisheries management.

In particular the analysis focuses on how the present management systems contribute to good governance. We follow the criteria as suggested in the EU communication on governance (EU 2001): Openness, Participation, Accountability, Effectiveness and Coherence. The analysis of the various proposed fisheries management models confirms what would then be the hypothesis: There is no definitive alternative management model that can be applied - given the wide spectrum of circumstances surrounding fisheries activity in the six countries included in the study (Norway, Denmark, the United Kingdom, France, The Netherlands and Spain), or at least, none as clear-cut as the models proposed for regionalisation/devolution a decade ago. There are significant differences between these proposals for more decentralised fisheries management systems and the various alternative fisheries management systems proposed require improved efficiency in the application of policies and highlight the importance of local level involvement, whilst providing the opportunity to confer greater legitimacy on policies through improved participation.

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Summary

Confronted with the low level of confidence and interest of European citizens and challenged by the ongoing enlargement process, the European Commission put the transformation of European governance on the 2000 agenda. In the White Paper on European governance (EU, 2001a), the EU Commission highlighted the main weaknesses of the present decision-making system, set broad objectives and suggested principles on which to evaluate the governance system. The 2001 reform of the Common Fisheries Policy had to integrate a critical analysis of its governance performance and the opportunities for improvement.

There are many different ways in which responsibilities in management can be shared between EU/national authorities and stakeholder groups. In recent years the concept of 'co-management' has been widely recognised as a promising option for reform of fisheries governance institutions. In fisheries, co-management is commonly defined as a dynamic partnership, using the capacities and interests of user groups, complemented by the ability of the fisheries administration to provide enabling legislation and administrative assistance. Key concepts in this regard are:

- subsidiarity: taking decisions at the lowest possible level;
- devolution: a permanent, irrevocable and formal transfer of powers to an institution;
- decentralisation: transfer of power from a central authority to lower-level agencies;
- delegation and de-concentration: superficial changes that do not substantially affect decision-making;
- involvement: the right to have a voice in the decision-making process, but without guarantee that it will be taken into account;
- participation: the right to actively engage in the setting of policies, priorities and allocation.

In order to provide an advice on institutional reform in European fisheries through a comparative study of current institutions in European fisheries management, it is necessary to develop a clear analytical and methodological focus, because a comparison of six countries will involve a relatively wide and heterogeneous array of empirical cases, and the analytical and methodological framework will provide the basis on which these cases are to be compared.

A considerable amount of theoretical and empirical effort on institutional analysis for common property resources has already been undertaken, resulting - inter alia - in the Institutional Analysis and Development (IAD) framework, known as the Oakerson model. The theoretical foundations for this model are game theory, neoclassical microeconomics, institutional economics, political economy and public choice. The modified Oakerson model used in this study explains institutional development and change as a response to both developments in physical attributes of the resource base (substractability, excludability and divisibility) and relevant technology (harvesting, exclusion and monitoring), as well as de-

velopments in patterns of interaction between resource users (especially, do they cooperate or are they free riders?). Developments in both these clusters of variables are explained from resource use outcomes (efficiency and equity).

The main challenge to this study the Responsible project is to provide a common platform and a unified framework for the analysis and comparison of individual cases. This will be accomplished by distinguishing between different conceptual types of co-management, depending on the nature of user-involvement in decision-making processes. These concepts will be utilised within a revised framework of the Oakerson model. While this model provides for a rough sketch of some of the processes that are involved in fisheries management, we will extend the model in order to accommodate some of the complex issues of sharing responsibilities in fisheries management. These issues will find an empirical backing in a comparison of different case studies. The case study approach allows for selecting cases that maximises variation among the cases in the sample, thus showing the array of options available when constructing institutional arrangements for future fisheries management systems.

The Responsible project started with an examination of the fisheries management systems of the European Union and the six individual countries included in the study - focussing, in particular, on how policies are set and decisions taken. Three questions were at the core of the national and EU case studies: What is the actual division of power and responsibilities within these systems? To what extent, and how, have management responsibilities (already) been devolved within the Common Fishery Policy (CFP) and the six countries studied? What, if any, is the role of user-groups and other stakeholders in the management process and how does this affect the legitimacy of the system?

As far as management structures and procedures go fisheries management, compared to other instances of resource management is not unique. Public policy-making in the six countries studied is rooted in institutions and traditions that emphasise consultative practices and user involvement across a wide range of sectors and industries. Whether we are talking of fisheries, farming, water, aquaculture or the environment, some form of stakeholder involvement is clear. Centralisation of decision-making is probably no stronger in the fisheries than elsewhere, even though both Denmark and Norway have stuck to structures that retain much power and influence in the hands of central government. Other countries - France, Spain, Netherlands and Britain - have 'experimented' with decentralised structures to an extent that justifies the, albeit tentative, conclusion that fisheries management does not differ significantly from other policy areas in this regard.

On the other hand, corporatist traditions are probably stronger and more prevalent in fisheries than in the other sectors. Recent developments - in the Common Fisheries Policy (CFP) as well as in Norwegian fisheries management - indicate that the difference between fisheries and other sectors may be shrinking. Within the CFP, there is greater emphasis on participation, accountability and transparency, and the concept of 'stakeholder' is replacing that of 'user groups' in public debates on fisheries management.

A highly dynamic relationship exists between EU-level fisheries management and national fisheries management systems. EU countries that differ in socio-political traditions will also differ in their visions of how decisions should be taken at the European (EU) level. Furthermore, desires expressed as to preferred changes to the system, be it articulated by national authorities or specific interest groups, may well be based on vested

interests. So far, the EU system has tackled this issue by centralising decision-making in the hands of the Commission and the Council of Ministers with regard to policy making and by attempting to delegate responsibilities towards the fishery sector and Member States with regard to implementation and enforcement. Following the Green Paper, in order to tackle one of the main weaknesses of the system, the 2002 reform seeks to modify the consultative framework at policy conception level.

European fisheries management is located within a complex set of forces (international conventions and treaties, overall EU governance, path dependency within the CFP, tensions between the various institutional and political traditions of EU countries), which makes coherence within the system very hard to achieve. The impact of these processes and forces has not been sufficiently accounted for in the evaluation of CFP outputs. In trying to ameliorate the governance aspects of the CFP, particularly those pertaining to the issue of sharing responsibilities within the management system, further attention needs to be paid to two fundamental aspects: accountability within the decision-making process and the knowledge base of the management system.

Accountability within the EU decision-making system leaves much to be desired. The increasing numbers of consultations before or after the Commission's proposals are not making the process more open and/or transparent. In addition the knowledge base of the CFP at present is exclusively focussed on stock assessment. This is due to the fact that the management system is based on a set quota share per country: the principle of relative stability. As a consequence, setting EU quotas has become an object of bargaining at all levels of the decision-making system. This is partly recognised in the Green Paper, in its proposal to centralise more decisions at EU Commission level when it comes to the management of endangered stocks. Within this configuration, centralisation may be the only feasible solution but, as we know, centralisation may lead to problems that might weaken the performance of the management system.

The discussion on how to share responsibilities in fisheries management is therefore also one of how to facilitate institutional reforms within European fisheries management and how to adapt to the institutional environments of the EU and Norway. The practical question one should ask is: What are the prospects and possibilities for a decentralisation and delegation of responsibilities in European fisheries management? This is a question, which has been raised before, and has attracted increased attention in recent years as the crisis in the fisheries sector has become more apparent.

Reforms in fisheries management institutions take place within - and are influenced by - the historical tradition of policy formulation in the specific countries. The first step in reforming fisheries management in Europe, then, is to understand the present institutional landscape.

It is impossible to establish a uniform institutional landscape in European fisheries, especially when taking into account the many institutional divergences that can be observed in Europe. On the other hand, some form of uniformity is needed at the general EU level in order to generate integration and equal opportunities for European citizens and ensure sustainable resource exploitation. The challenge is to balance the EU requirements for uniformity against the diversified cultural and political traditions in the various countries.

Focusing on the policymaking process it is suggested we address design issues in relation to governance principles - moving beyond the particular resource use situations at

hand, such as those pertaining to the quality of representative democracy and the legitimisation of power. This raises questions such as where to put the locus of decision making, who should be represented, and what should be the scope of the jurisdiction. In this case the evaluative criteria are not just economic efficiency and social equity. Therefore the evaluation of fisheries management systems should focus on the *process* of policy-making, implementation and enforcement.

Attempts at decentralising European fisheries management have taken two different routes: a move towards *regionalisation* in countries such as Spain, France and the UK (descending order of significance). In countries such as Norway, Denmark and the Netherlands there has been no division of responsibilities to regions (ascending level of centralisation) but degrees of devolution have taken place through a system of (corporatist) consultation with professional organisations, user groups and other stakeholders involved.

Although stakeholders can have an influence on management decisions either through an advisory role or via lobbying, final decisions are taken by the relevant Fisheries Ministries. Despite cases of regional decentralisation, little is seen in terms of formal local level management (although some forms of shared management or co-management can be found). In addition, participation in policymaking processes has become a professional activity requiring particular resources and skills.

When it comes to other stakeholders, such as the fish processing and trade industry, other user groups and interest groups (such as environmental groups) the direct participation in the fisheries management system is rather limited. However, through lobbying and other strategies these other stakeholders can have a significant influence on the design of fisheries management systems.

For the EU member states, domestic policies are increasingly being shaped by the CFP. The sheer magnitude of policies and measures - for resource conservation, structural adjustments, market conditions and for alleviating social and economic impacts - have resulted in a myriad of rules and regulations, at times contradictory and lacking in coherence.

Taking all of the above and the experiences of individual countries into consideration it is not surprising that the effectiveness of the fisheries management systems leaves room for improvement. Having said this, however, our starting point should be that in all cases a working fisheries management system is in place that fits the existing political and institutional traditions. These systems have developed from, and are embedded in, the cultural, social, historical, physical and institutional context of each country. So it will not be the aim of this study to develop one single alternative for all the systems covered by our research.

In each country fisheries management is entangled in an ongoing process of change. This change is an incremental one, proceeding step by step, triggered by factors that are both internal and external to the fishing industry and to the fisheries administration. Outcomes of this process seem to be quite unpredictable; there is no grand design, no overall strategy based on a comprehensive analysis of what institutional reform is needed.

One of the 'drivers' for change in European fisheries, however, is the CFP itself. Although the CFP is conceived as an external force, it comes from within the EU countries through the Commission, Parliament and especially the EU council. Legitimacy - or the lack of such - continues to be an issue in the CFP.

The sharing of responsibilities, or devolution, is generally perceived to be a response to this lack of legitimacy, as it is an obvious way of closing the gap between decision-makers and stakeholders. Devolution does not always have to be legitimised as a step towards greater efficiency, but may be something that would be regarded as a step towards more democracy as it would mean the involvement of segments of society and stakeholders that were previously not allowed to play a role in the decision-making process. More transparency may in some instances be contrary to a more effective management process, as it facilitates the creation of veto points where management decisions can be challenged and overturned.

Openness and participation, as two essentials of good governance, are no guarantee for less conflict and dispute in fisheries management. Fisheries management is indeed inherently conflictive, because it is about regulating social relations among parties with different worldviews and interests. Managing conflict will, under any circumstance, be an important part of the game.

In many instances, fisheries management needs a regional, supra-national focus as several countries are sharing the same common pool resource. Consequently, decentralisation and devolution may take the shape of regionalisation at the level of for example the North Sea.

In several of the countries included in our study fisheries management reforms are discussed within a larger context than fisheries per se. Although fisheries have their unique problems and challenges, for instance due to the characteristics of their resource base, in governance terms fisheries are not always all that special. One should not always expect enthusiastic support for devolution, not even from those who as a consequence would gain from it, as devolution always comes with costs and risks. Although supportive of devolution as an ideal, stakeholders may still feel ambivalent about the additional burden of the new responsibilities.

Finally, scepticism among user-groups and stakeholders may be related, not to devolution as a concept but to its particular content; how comprehensive is devolvement, which functions are to be devolved - and for what purpose? If for instance, devolution is restricted to policy implementation and not its formation, one can hardly talk about devolution as empowerment. In fact, the reform would likely be perceived as a step in the opposite direction. Some of the scepticism that has been registered regarding the new CFP can be seen in this perspective. Devolution is not equivalent to decentralisation. The former provides the 'devolve' with autonomy, while decentralisation may still exclude user-groups from participation - as when decision-making authority is transferred from central to local government. In the latter case fisheries management will still be an exercise of power from the outside in, from political/administrative authorities on to the fishing industry. Thus, doubts with regard to decentralisation might be less if it also involves devolution, in other words co-management. Neither is devolution equivalent to participation. Thus, devolution is not the only way to ensure openness, transparency, efficiency and coherence. Intensifying and broadening the representation of user-groups and other stakeholders in existing management institutions could also be a strategy to achieve these standards.

Few industries have such a deep history as the fishing industry. Fisheries are production, commerce, and culture in one. Volatile resources and markets create dynamics that pose a constant challenge to governance. It is only to be expected that these traits can be

traced in the creation and design of its institutions. It is also to be expected that each country would have their unique way of governing their fisheries reflecting these broader institutional traditions and patterns of organisation. Thus, devolution of management authority and regulatory functions will have to occur within very different national contexts. As such, institutional reform will always have to be tailored to the particular socio-political and institutional circumstances that prevail in a given country.

Our analysis of the various proposed fisheries management models confirm what would then be the hypothesis: There is no definitive alternative management model that can be applied - given the wide spectrum of circumstances surrounding fisheries activity in the six countries included in the study (Norway, Denmark, the United Kingdom, France, The Netherlands and Spain), or at least, none as clear-cut as the models proposed for regionalisation/devolution a decade ago.

There are significant differences between these proposals for more decentralised fisheries management systems. On the one hand, we are faced with proposals that are clearly inclined towards a greater decentralisation of fisheries management, such as in the United Kingdom and Spain; others, such as those currently on the table in The Netherlands and Norway, propose more timid reforms, whilst the case of France is at the opposite extreme, with no suggestion of further devolvement of management responsibilities.

However, there are points of common ground amongst all the alternative models that point towards certain changes. Key elements would be: an *active presence of the local level in management*, a *decentralisation of certain functions towards organisations run by professionals*, and, finally, an *increase in participation*.

To summarise, from the point-of-view of a better distribution of responsibilities, the various alternative fisheries management systems proposed require improved efficiency in the application of policies and highlight the importance of local level involvement, whilst providing the opportunity to confer greater legitimacy on policies through improved participation.

1. Introduction

Managing the fisheries is a complex task, and it is increasingly appreciated that central government must rely on involvement and active cooperation of lower level institutions. Consequently, devolvement of responsibilities in fisheries management is currently on the agenda of several parties: politicians, the industry, academics and other stakeholders.

In the Green Paper of 2001 from the EU Commission on the future of the Common Fisheries Policy (CFP), it is stated that more involvement of stakeholders in the process of the CFP seems to be necessary. Two things are stated on this matter: 1) Establishment of regional advisory committees in order to involve stakeholders more effectively in policy-making. And: 2) Decentralisation of certain management responsibilities in order to address local conditions and emergency situations.

The fishing industry and other stakeholders are increasingly asking for greater transparency and openness in relation to fisheries policy making in Europe. On the other hand, in the case of the European Union (EU) and Norway a request for greater participation and contribution from the sector itself in the elaboration of policies and implementation has been noticeable.

Also in the academic world there is an increasing interest in developing a more effective management system for fisheries through devolution of responsibilities under the label of *co-management*. This project is partially a follow-up on the EU research project headed by David Symes called *Devolved and Regional Management Systems for Fisheries* (1993-95).

However, what devolution of responsibilities means in practice and how it could be accomplished is, however, not at all clear. Our research has therefore focused on the devolution of responsibilities from both the EU and national levels towards individual fisheries in Denmark, France, the Netherlands, Spain and the United Kingdom.

This EU-funded project 'RESPONSIBLE' (*Sharing Responsibilities in Fisheries Management)* aims at contributing to better governance in fisheries management by evaluating the division of responsibilities within the six/seven European Fisheries Management systems, investigating decentralisation and delegation[1] of responsibilities in these management systems and taking account of the relationship between the management systems and the CFP.

Following the EU White Paper on Governance (EU, 2001a), five criteria of good governance can be identified: *openness*, *participation*, *accountability*, *effectiveness* and *coherence*. Each principle is important for establishing more democratic governance and applies to all levels of government - European, national, regional and local.

[1] Decentralisation refers to the structure of responsibilities within (supra)-national authorities, whereas delegation includes transfer of responsibilities to the fishing industry and possibly to other stakeholders.

The point of departure for our research is institutional analysis - based on a revised and adapted version of what is generally known as the Oakerson model (Chapter 2). This framework will be used to describe the division of responsibilities within the CFP and the fisheries management systems of each of the countries covered by our study. Developments in these structures will also be described and assessed in the light of Symes' 'models' for sharing responsibilities in fisheries management: *enlightened dictatorship*, *decentralised management*, *delegated management*, *co-management*, and *autonomous self-management* (Chapter 3).

Having assessed the differences and similarities between management systems in the fisheries and other sectors management systems (Chapter 4), an analysis will be carried out on how the CFP could possibly be improved in order to satisfy the criteria for good governance (Chapter 5).

Chapter 6 contains a qualitative analysis of on the contribution of institutional structures to governance of the fisheries management systems in Europe where the performance of fisheries governance across Europe is based on the criteria for good governance.

Comparison of these divisions of responsibility between the countries mentioned above should give more insight into nation specific (e.g. institutional, socio-cultural) circumstances. This will, in turn, contribute to the evaluation of current divisions of management responsibilities (Chapter 7).

Alternatives to the present systems of European fisheries management will be discussed. Case studies of all the participating countries and of the CFP will be presented - followed by a synthesis, some general observations and a discussion of lessons learnt. The case studies investigate whether possibilities for devolution appear from developments in the past and from the comparison and evaluation of responsibilities in European fisheries management. This includes external pressures arising from technological developments and market change. If the outcome of this evaluation justifies changes, alternative divisions of responsibilities will be suggested. All the case studies are written with the five criteria of good governance in mind, but deal explicitly with the existing decision-making systems and its actual degree of devolvement on different levels, like the national, regional, local, and sector level and the institutions involved at these levels (Chapter 8).

The conclusions are structured into two main parts. The first one is based on the outcomes of the different work packages that at the same time contain answers to the questions made in the Project Proposal.

1. How is the actual division of responsibilities with accompanying competencies in the Common Fisheries Policy and in the fisheries management of Denmark, France, the Netherlands, Spain, the United Kingdom and Norway?
2. Has there already been a development towards more devolved fisheries management within the CFP and in these six countries in the past ten years?
3. Are there gaps or overlaps in the chains of responsibilities from the CFP to the fisheries in the five EU countries mentioned under 1?
4. Is there support amongst different stakeholders for decentralisation and delegation of responsibilities?
5. Is it possible to formulate different alternatives for division of responsibilities for the Common Fisheries Policy and the fisheries management of these six countries?
6. What are the dynamics of change in fisheries management?

The second one tries to aim what can be called as emerging issues, that is, some aspects that were not identified as target points but were emerging throughout the project was taken shape (Chapter 9).

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2. Methodology and analytical approaches

2.1 Introduction

In order to provide an advice on institutional reform in European fisheries through a comparative study of current institutions in European fisheries management, it is necessary to develop a clear analytical and methodological focus, because a comparison of six countries will involve a relative wide and heterogeneous array of empirical cases, and the analytical and methodological framework will provide the basis on which these cases are to be compared.

This chapter is divided into three parts, each dealing with different analytical and methodological issues important to this study. Firstly, we present an analysis of different concepts and families of concepts that deal with different dimensions of the linkage between users and government. Due to the fact that the concept of *fisheries co-management* has become part of the common vocabulary in fisheries management during the past ten years, it is necessary to increase the conceptual precision of the study in order to capture the empirical array of institutional arrangements found in current fisheries management. The second part deals with a model that has been developed to understand the dynamics of decision-making processes and institutional reform in fisheries management, called the 'Oakerson-model' (Oakerson, 1992). Due to the character of this model, we discuss some of the strengths and weaknesses of this model. In the third and final part, we discuss the methodological approach of the study and some of the problems occurring during comparative studies.

2.2 Some important concepts in current fisheries management

More involvement of stakeholders in the process of the design and implementation of the Common Fisheries Policy seems to be necessary. This is clearly highlighted by the Commission in its Green Paper on the future of the Common Fisheries Policy (2001) by stating the need for:

- establishment of regional advisory committees in order to involve more effectively the stakeholders in policy-making;
- decentralisation of certain management responsibilities in order to address local and emergency situations.

There are many different ways in which responsibilities in management can be shared between EU/national authorities and stakeholder groups. In recent years the concept of co-management has been widely recognised as a promising option for reform of fisheries governance institutions. The concept of co-management is not precise (OECD, 1996),

but is a broad term referring to joint management, most often used in relation to resource management with considerable input from the users/stakeholders or local communities.

In fisheries co-management is commonly defined as a dynamic partnership, using the capacities and interests of user groups, complemented by the ability of the particular fisheries administration to provide enabling legislation and administrative assistance. The fisheries administration and user groups share responsibilities and competence for fisheries management. Co-management involves delegation of management responsibilities, where user groups take responsibility for management tasks. It covers various partnership arrangements, degrees of power-sharing and the integration of user groups.

Over time the concept has been adopted so vaguely in some cases that it has lost some of its substance in the process, because is not specific as to how responsibilities are going to be shared. We therefore find it important to introduce some of the underlying notions in order to separate between different meanings of the concept.

Although our intension is to be clear and specific, we realise that the terms presented below sometimes have a rather vague meaning, which changes depending on the context and on the background of the user. Some of these terms - particularly those with a legal connotation - may also have a different meaning in the different countries. In spite of this, we find a conceptual clarification useful for the analyses of the study.

2.2.1 Terms with a legal connotation

Direct democracy is a constitutional system whereby citizens take decisions directly, via referendum, with little or no intervention from elected members. For example, ancient Athens, Europe's first democracy, is often called a direct democracy as all free men took part in all decision-making.

Autonomy and Self-government, these terms refer to the absence of central control. Both these terms indicate that an entity - usually a part of a State - is not controlled at all from outside by others.

Subsidiarity, this term is widely referred to in the context of the European Union and appears to mean that the central institution - here the EU - should only take action when necessary due to the scale of the issue addressed. Art. 3b (2) of the ECT defines the subsidiarity principle by stating that the Community shall take action only

> 'if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effect of the proposed action, be better achieved by the Community.'

A broader, less legalistic meaning is given in the preamble of the Maastricht Treaty, i.e. that *decisions are taken as closely as possible to the citizen*.

Devolution is a broad transfer of power. The transferred powers do not appear to remain subject to control by the devolving institution.

Regionalisation has a rather broad meaning and often refers to any type of political structure aiming at decentralising a country (ref. Moreau, 1989, 105 p.128).

Decentralisation is a general term that infers some reduction of central power (Mast & Dujardin, 1994). Some authors distinguish between *functional decentralisation* and *ter-*

ritorial decentralisation. In functional decentralisation, certain tasks of government are allocated to another institution. In territorial decentralisation, certain aspects of government are allocated to a smaller territorial unit (province, local government). One could state that territorial decentralisation is a synonym of regionalisation. In French Law, decentralisation means the transfer of power to institutions which are independent from the State and which have a real degree of autonomy (Morand-Deviller, 1989, 99 p. 105).

Delegation always involves control by the delegating authority. Delegated powers can be withdrawn at any time. In French administrative law, this term describes the actions of an institution that passes one or more of its powers to an agent, who will use these powers instead. The delegated retains responsibility and the authority to intervene. In French constitutional law, the word delegation refers to the partial transfer of power from the legislative power to the executive (Guillien, 1988, 100).

De-concentration appears close to 'delegation' and implies strict control from the higher authority. In French administrative law, this term refers to a transfer of power to an agent who remains under the authority of the State.

Democracy is a form of government in which the people govern themselves or elect representatives to govern them.

Centralisation is bringing the administration of a country under central control, with a decrease in local administrative power.

2.2.2 Terms without legal connotation

Involvement in a decision-making process is probably the lowest form of participation. It does not imply any impact on the decisions taken.

Contribution to a decision implies that one can make an input, but might or might not have an impact on the decision.

Empowerment entails a thrust from a higher authority towards weaker persons, to encourage them to take on more powers.

Participation refers to an input by stakeholders in a decision-making process. The World Bank uses this term in the designation of its 'Participation Thematic team', which promotes methods and approaches that encourage stakeholders, especially the poor, to influence and share control over priority setting, policy making, resource allocations and access to public goods and services.

Partnership is a rather loose structure where participants or groups operate together as partners.

For the purposes of this study, the analytical focus will utilise the following concepts:

- subsidiarity is to take decisions at the lowest possible level;
- devolution is a permanent, irrevocable and formal transfer of powers to an institution;
- decentralisation is any transfer of power from a central authority;
- delegation and de-concentration is a mere superficial change without substantially affecting decision-making;

- involvement and contribution is a right to have a voice in the decision-making process, but without guarantee that it will be taken into account;
- participation implies a noticeable influence on policies, priorities and allocation.

The purpose of selecting these concepts is to provide a scale on which one may rank the different empirical institutional arrangements. This scale is linked to the analytical model that will be used during the study.

2.3 The Oakerson model

A considerable amount of theoretical and empirical effort on institutional analysis for common property resources has been undertaken, mainly by the Workshop in Political Theory and Policy Analysis at Indiana University, USA. They have developed the Institutional Analysis and Development (IAD) framework, known as the Oakerson model. The theoretical foundations for this model are game theory, neoclassical microeconomics, institutional economics, political economy and public choice. The model gives emphasis to the relationship between the contextual variables of the 'action arena' and the institutional setting.

Rights and rules (Decision-making arrangements) are the basis of institutional analysis and it is important to describe their relationship. Rights and rules are hierarchical in nature. For example, there are rights to manage the fishery and rules which decide who has the right to do so. Rules give substance to rights as they structure how rights may be exercised and by whom. Rules also determine who has rights. The important aspect of rules in terms of institutional analysis is that they may create different incentives, which affect cooperation among users.

Ostrom (1990) distinguishes three levels of rules:

1. *Operational rules* are those which determine when, where and how to harvest the resource, who should monitor and enforce rules and what information must be exchanged or withheld. These are rules, which affect the day-to-day decisions of users.
2. *Collective choice rules* are used by harvesters, officials, or external authorities in relation to how a common property resource should be managed and who has rights to set operational rules.
3. *Constitutional choice rules* determine who is eligible to make collective choice or operational rules and the types of rules, which are permissible. Constitutional choice rules also determine who has collective choice rights to make collective choice rules.

Operational or working rules are nested within collective choice rules, which are in turn nested within constitutional rules. In other words, the rules affecting operational choice are made within a set of collective choice rules that are themselves made within a set of constitutional choice rules. To further complicate matters, all levels of rules operate at different levels. This means that the constitutional choice rules for a specific fishery are affected by the collective and constitutional choice rules for larger jurisdictions. A full understanding of behaviours and outcomes in managing a resource is only possible when

information is analysed on how institutional arrangements at the operational level (resource use, monitoring and enforcement) relate to institutional arrangements in collective choice (policy, management and adjudication) and constitutional choice (governance, adjudication and modification).

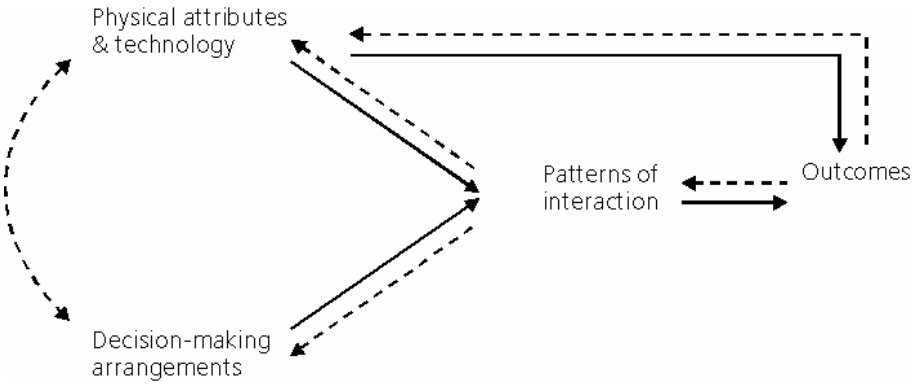

Figure 2.1 A Dynamic Framework for Analysing the Commons
Source: Oakerson (1992).

The institutional analysis focuses on how rules combine with various contextual variables to structure the action situation and to generate particular types of outcomes. The present analysis on fisheries management will start with an identification of variables affecting the present situation; the institutional, biophysical, technological, market, socio-cultural, economic, and political attributes and conditions of the resource users and the resource giving particular focus to identify the chain of responsibilities in each of the involved countries and the EU, including the specific fisheries selected in each of the involved countries.

The Oakerson framework is designed for somewhat different types of analyses and focuses in particular on outcomes. Although the framework can be considered dynamic and allows for forward or backward analysis it has a relative static approach to understand the decision-making arrangements and institutional settings. Therefore, later in this chapter we present a more thoroughly method to analyse decision-making arrangements. Nevertheless, the Oakerson framework is quite helpful to structure and guide the description of contextual variables and decision-making arrangement initiate analysis of this relationship.

We will follow the approach taken by OECD (1996) by reviewing the physical/technical conditions, the decision-making arrangement and institutional settings. In order to understand the decision-making arrangement and institutional settings we will focus on:

1. The identification of the existing property rights system in order to determine who defines rights to exploit the resource, that has access to the resource and whether any of these rights are transferable.
2. The scale and level of user group involvement in order to determine the ways in which user groups can participate in the decision-making process. Scale refers to the

types of tasks, which can be carried out by users/stakeholders, whilst level refers to the political level at which users/stakeholders are involved such as local, regional or national. Scale is related to level in the sense that different tasks can be carried out at different levels.

3. The nature of the representation in the decision-making process in order to determine the participants in the decision-making arrangement and who can claim rights to participate (e.g. fishers, fish processors, consumers, environmentalists).
4. The type of management organisation in order to characterize how responsibilities are shared in EU, countries or specific fisheries.

2.3.1 Some analytical issues relating to the Oakerson model

The focus of the research may be generally understood as describing and explaining institutional development and change. Hence we have a slightly different emphasis than Oakerson himself who was interested in explaining resource use outcomes by working backwards through the framework to describe and analyse the factors causing these outcomes. To analyse institutional development and change, one must more broadly study the dynamics of the relations between developments in outcomes and patterns of interaction. We therefore start our discussion by focussing directly on the dynamic 'moving pictures' variant version of the Oakerson framework (figure 2.2). For our purpose we can slightly tilt the dynamic framework as suggested in the figure inserted.

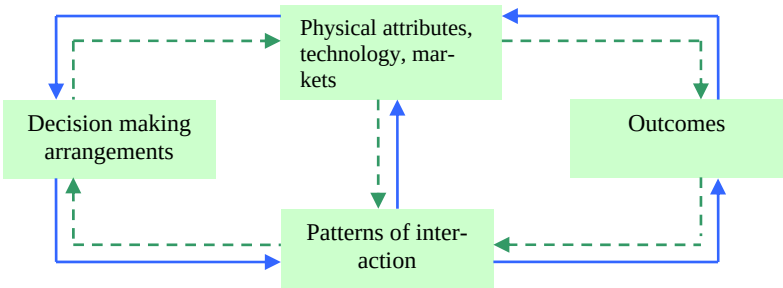

Figure 2.2 The Adapted Oakerson Dynamic Framework

The Oakerson framework thus adapted explains institutional development and change as a response to both developments in physical attributes of the resource base (substractability, excludability and divisibility) and relevant technology (harvesting, exclusion and monitoring), as well as developments in patterns of interaction between resource users (for instance, do they cooperate or are they free riders?). Developments in both these clusters of variables are explained from resource use outcomes (efficiency and equity). In line with the economic background of the framework one might add also explicitly market developments as an explanatory variable for institutional development and change.

We now have a model which suggests that the major variables explaining institutional development are related to the physical attributes and status of the resource base as

such, the patterns in behaviour of resource users, the outcomes of resource exploitation in terms of efficiency and equity, as well as some relevant developments in markets and technology. This model can be criticised for providing an overly simplistic picture of institutional development and change. Economic sociologists and political scientists would argue that institutions do not develop and change as it were 'out of the blue' in response to developments pertaining to resource use per se, but there is also an autonomous logic of institutional development: institutional change builds on, and is limited by, previous institutional developments and change ('path dependency'). Furthermore, institutions do not respond 'rationally' or 'spontaneously' towards relevant developments in the resource-use situation, but the existing institutional setting is representative of, and in turn supports, a particular dominant power-coalition which has a stake in maintaining the status quo. The suggestion is to adapt or replace the rational choice perspective underlying the Oakerson framework by a more sociologically informed historical perspective.

The purpose of the research, however is not just to describe and explain institutional development and change but, more ambitiously, to evaluate the prevailing institutional set-up which we find in the presented case studies and also to suggest possible alternative institutional arrangements. This moves our research from the purely descriptive and explanatory perspective into the evaluative and prescriptive point of view. The question is whether the Oakerson framework (adapted) and/or the social science critique of this framework provide clues to guide our research into these tasks. Oakerson suggests that the outcomes of interactions among resource users must be analysed against a stipulated set of evaluative criteria ('efficiency' and 'equity') and that 'the study of consequences is necessarily value laden' (Ibid., p. 51). It is illustrative of the background of the Oakerson framework that in the discussion that follows it is stated that 'inefficiency on the commons is closely associated with inequity', and that the 'basic equity issue is distributive, not redistributive' (Ibid., p. 52). This indicates a rather utilitarian perspective on equity issues ('something is equitable when it can be shown to result in a Pareto-efficient outcome for society as a whole'), a normative position one frequently finds among resource use analysts with a background in economics (Van der Schans 2001, p. 269-270, p. 369).

The social science critique of the Oakerson framework (Jentoft and Mikalsen, 2003) suggests to explicitly address design issues in relation to governance principles going beyond the particular resource use situation at hand, such as pertaining to the quality of representative democracy and the legitimacy of power (this raises questions such as where to put the locus of decision making, who should be represented, what should be the scope of the jurisdiction; Ibid., p. 8). It is illustrative of their approach that in this case the evaluative criteria are not just technical economic ('efficiency' and 'equity', where the later is to be understood in utilitarian terms, hence is in fact subsumed under the former), but they look for inspiration from political theory more broadly (Rousseau, Hobbes, Burke Ibid., p. 11). This also reflects a change in research focus from the specific institutions governing the resource use situation at hand, to explicitly include an analysis of the relationship between these resource use decision making institutions and the larger socio-political context. In this perspective constitutional arrangements are not treated as 'external' to the resource use community, as in the Oakerson framework (Oakerson, 1992, p. 48), but rather the idea is that decision-making arrangements are embedded in a social political context (Ostrom's idea of 'nested institutions', p. 10).

From a *critical social theory* point of view democratic decision-making should be legitimated by good arguments. A problem exists when argumentative deliberation is lacking or has no meaningful effect on management decision-making, which may be solely dominated by economic- or bureaucratic logic. From a *natural law* perspective on institutions, democratic decision-making should be informed by the classical common property perspective on (marine) resources, which implies, among others, that those vitally dependent on the resource should have priority over those with other means of subsistence. From a *contractarian* perspective on the state, resource use institutions should be designed such that social costs are optimally (not maximally) internalised in (private) decision-making. It is accepted that under certain circumstances state-administered rules may be the most efficient way to internalise the external effects of individual resource use, but these administrative rules should not be unnecessarily restrictive to private action.

Normative models of legitimate governance can be found in democratic theory, but there are also more practical approaches developed to evaluate governance arrangements. Interestingly, some of these approaches are precisely aimed at evaluating the realisation of sustainable development within the context of a modern pluralistic democratic society.

To rephrase the general idea of sustainable development and sustainability, and to further specify its basic foundations, the triple P concept was developed: Planet, Profit and People. One of the attractive features of the triple P concept is that it has been related to sustainable development both of countries and regions as well as businesses and industries. Within a public policy context, government officials are increasingly required to evaluate the impact of a specific proposal as to the sustainable development on a specific country or region. In order to facilitate this evaluation, public policy analysts first defined the idea of environmentally sustainable development (ESD) by a triangular framework, which distinguishes economic, social and ecological aspects of sustainability (Serageldin and Steer, 1994: 2). A proposal has to be economically and financially sustainable in terms of economic growth, physical capital maintenance, and efficient use of resources and investments. But it also has to be ecologically sustainable, in terms of ecosystem integrity, carrying capacity, and conservation of natural resources, including biodiversity. Equally important is the social side, by which is meant equity, social mobility, social cohesion, participation, empowerment, cultural identity and institutional development (Serageldin, 1996: 3).

More recently, sustainability has been described as a situation that leaves future generations as many opportunities as we ourselves have had, if not more. The concept of opportunities is then operationalised in terms of capital stocks and flows. Sustainability as opportunity translates into *providing future generations with as much capital per capita than we ourselves have had, if not more* (Serageldin, 1996: 4). This implies that the flows derived from the stocks cannot be larger than the stocks can sustain. At least four different capital stocks are recognised: man-made (economic and financial capital), natural (capital embodied in ecosystems), human (investments in education, health and nutrition of individuals), and social (the social, institutional and cultural basis for a society to function).

Apart from this, policy analysts increasingly draw attention to the quality of the process of governance in relation to reaching and maintaining sustainability. Governance is defined as *the manner in which power is exercised in the management of a country's economic and social resources for development* (Worldbank, 1992). There is growing

evidence that a country's triple P performance is positively correlated with good governance: in terms of predictable and open policy making, a bureaucracy imbued with a professional ethos, an executive accountable for its actions, and a strong civil society participating in public affairs, all under the rule of law (Worldbank, 1994). After the introduction of the 'triple bottom line' concept for business, the three P's reappeared as the title in the second sustainability report produced by Shell Oil Company over the year 1999 (Elkington, 1998; Shell, 2000). For business organisations, sustainable development - like building an economically successful business - requires *taking a long-term view and the integration of social, environmental, and economic considerations to make balanced judgements for that long-term* (WBCSD, 2000: 2). In a business context, the economic dimension is specified in terms such as cost-efficiency, market orientation, innovation, knowledge management and profitability. The environmental dimension encompasses issues such as the prevention of pollution by waste, the economic use of natural resources and actively maintaining a balance with nature. The social dimension involves not just acceptable working conditions for employees, but more generally it includes a responsibility for maintaining and enhancing the living conditions for employees, suppliers, customers and local communities (in terms of experience, skills, trust, and social cohesion). To analyse the underlying issues in a business context, again the capital metaphor is considered useful. Triple bottom line performance is based on sustainable management of economic, natural, human and social capital (Elkington, 1998: 74-92).

Within the business environment, the triple P concept is closely related to the concept of corporate social responsibility (CSR). The World Business Council for Sustainable Development, a coalition of 120 international companies, defines CSR as

> 'the commitment of business to contribute to sustainable economic development, working with employees, their families, the local community and society at large to improve their quality of life' (WBCSD, 2000: 10).

In an effort to conceptualise the building blocks for CSR, Wood defines corporate social performance as

> 'a business organisation's configuration of principles of social responsibility, processes of social responsiveness, and policies, programs, and observable outcomes as they relate to a firm's societal relationship' (Wood, 1991).

The breakdown of corporate responsibility in principles (as basis for action), processes (actions as such) and outcomes (visible effects of actions) seems a promising road to analyse triple P performance in (agro food) business (Meeuwsen et al., 2002).

Increasingly also attention is drawn to the process quality of business decision making and reaching and maintaining sustainability (Van der Schans et al., 2002). Evidence suggests a positive relation between triple P performance and corporate transparency, stakeholder involvement, and HSEQ management (health, safety, environment and quality). The Social Economic Council in the Netherlands, the Dutch government's highest advisory board on social-economic issues, representing both employers and employees, defines the social responsibility of business in terms of their focus on contributing to societal

welfare. Two elements can be distinguished: the conscious efforts of businesses to contribute to societal welfare in the long run, on the dimensions of people, planet and profits, and: maintaining a relation with stakeholders on the basis of transparency of dialogue, in order to respond to justified societal demands (SER, 2002: 5).

2.4 Methods

The comparative method has increased in popularity over the past 10 to 15 years, due to the possibility of contrasting data across contextual setting, notably nations. In many instances it is interesting to utilise nations as the unit of analysis because the particularities of nations are inseparable from the general structural traits of each individual nation. This means that for example comparisons of representative systems must take into consideration the particular political and administrative history of each country because the representative system is inseparable from its history.

However, the comparative approach does also impose constraints on the external validity of conclusions from a study. Because studies of nations often contain few units due to the massive amounts of data for each unit, this form of research is left with few degrees of freedom. In sum, comparative studies - as all other methodological approaches - contain possibilities and restrictions. There are a variety of possible perspectives that may be used when carrying out comparative studies. In this study, the comparison of decision-making processes in different nations is the unit of analysis and in this sense this study falls into a common framework for comparative studies often called cross-national studies. However, the comparison of nations may be completed in a variety of different manners.

Some compare nations by use of random samples of nationals where each national constitutes a vector, while others use statistics where nations are represented as singular data vectors. In this case, we will take another approach due to the substantive content of our study. Because decision-making processes may assume a variety of different forms, both within nations and across nations, it is important to get a firm grasp of the contextual setting in which these processes are located. This means that it is virtually impossible to cover all decision-making processes in the countries studied here due to mere size of the potential sample. It has therefore become necessary to select national case studies that, in the next step, are used for cross-national comparisons. First, we will introduce the rationale and procedure followed when designing the comparative study. Next, we discuss the selection of case studies, and how they will merge into a cross-national comparison.

2.4.1 The comparative method

The research focuses on the decision-making processes in the fisheries sector in Spain, France, the Netherlands, United Kingdom, Denmark and Norway. This substantive issue is inherently complex because it involves two general structural levels. Firstly, it includes the national decision-making processes in which the different national interests are articulated and represented. Such processes include the system of representation, delegation and policy formation. These are embedded in the general political and administrative system in

each country. Secondly, the fisheries sector is one of the sectors that often constitute an important element in foreign policies.

There are a variety of different issues that will arise when comparing these nations. Some of the important issues include:

Political and institutional traditions: the present political system is connected to the specific political, legal and institutional traditions and histories of each country. In relation to decision-making processes, this issue constitutes an important explanatory factor.

Scale differences: the fisheries sector has varying degrees of importance among the countries included in the study. In the next turn, this creates scale differences among the fisheries sectors in the countries included in the sample. It is reasonable to expect that this will affect the decision-making processes within the fisheries sector because the number of interests in an industry is usually proportional to the economic importance of the same industry.

Market system: decisions, as to how to manage a fishery, are also connected to the right to sell catches. In some countries, fishers are allowed to put catches directly on the market, while in other countries market access is regulated and distributed to producer's organisations. The array of market systems that are connected to the administrative and political systems will therefore represent an important independent variable.

Specifics of fisheries: this factor refers to the fact that the management of a fishery, and thereby the decision-making processes that lie behind it, is affected by the specifics of that fishery. In instances where there are few participants one may expect that this process is different than in fisheries that are heavily populated.

International relations: some fisheries rely entirely on national stocks that may be utilised as a sovereign national property. However, in other cases, resources are managed in collaboration with other countries. This triggers a different set of decision-making processes that must be accounted for in the analysis.

2.4.2 Case studies

The research has been designed to capture information on institutional structures, as they are found in decision-making settings. These settings are, as discussed above, inherently complex due to the number of interests represented but also because such processes span over time. Consequently, a vast amount of data is necessary in order to represent each case. In order to generate this data, a case study approach will be used because it allows for spending a large amount of time with few subjects, enabling the researcher to grasp several aspects of different social institutions within reasonable time limits (Marshall and Rossman, 1989). Case studies enable the researcher to go deeply into a limited set of informants (Kirk and Miller, 1986). Case studies allow for use of several methods at the same time, both quantitative and qualitative. However, the approach implies a trade-off regarding the representation and external reliability of conclusions. This is solved in this study through a comparative approach.

A case study approach also was selected for this study in order to calibrate the data to the unit of analysis. As mentioned above, the study of decision-making processes must allow for the study of a variety of contextual variables due to the complex nature of the phenomena at hand. Decision-making processes involve the participation of a variety of

parties, each linked to a set of first-, second-, and n^{th} order parties. All these may have partially overlapping interests, whilst others have contradictory interests. The decision making process is then carried out within the limits of institutional borders and the nature of the decision at hand. At the same time as there is a tendency within institutional economics to attribute all decision-making processes to the history and context of the participating parties and the institutional setting in which the process takes place, it is also important to keep in mind that such processes may vary considerably dependent on the specific problems at hand and the interests at stake. This also introduces a contingency into our study because decision-making processes are not always directly similar in each of the countries studied due to the fact that the problems at hand and the interests at stake differ. Thus, the institutional settings in which the decision-making processes are articulated may also differ. One possible way to control this variation is by selecting cases that are consistent across some of the dimensions listed above.

One of the analytical aims of the project is to give an analysis of the range of institutional arrangements embedding decision-making processes in different European countries. There are a variety of different ways in which such processes may be organised and completed. The selection of cases for this study aims at selecting cases that can represent this wide range of arrangements. In other words, the aim is to maximise the variation in the sample, for then, in the next step, to analyse the basis for the variation. In this manner, we will be able to contrast different models for decision-making. The selection of cases will be carried out by each of the participants in the project, who will contribute with two or more cases. This means that the project will present at least 12 case studies, in addition to an analysis of the Common Fisheries Policy with regard to decision-making arrangements. The basis for the selection is the participating researcher's knowledge of their national fisheries. Accordingly, they will pick cases that will fit into the common framework of the analysis after discussing the selection of cases among the participants collectively.

2.4.3 Challenges

The main challenge to this study is to provide a common platform and a unified framework for the analysis in order to provide a homogeneous analysis. This will be accomplished by separating between different conceptual types of co-management, depending on the nature of user-involvement in decision-making processes. These concepts will be utilised within a revised framework of the Oakerson model. While this model provides for a rough sketch of some of the processes that are involved in fisheries management, we will extend the model in order to accommodate some of the complex issues of sharing responsibilities in fisheries management. These issues will find an empirical backing in a comparison of different case studies. The case study approach allows for selecting cases that maximises variation among the cases in the sample, thus showing the array of options available when constructing institutional arrangements for future fisheries management systems.

The focus on the decision-making processes in the European fisheries sector is inherently complex because it involves two general structural levels. Firstly, it includes the national decision-making processes in which the different national interests are articulated and represented. Such processes include the system of representation, delegation and pol-

icy formation. These are embedded in the general political and administrative system in each country.

Secondly, the fisheries sector is one of the sectors that often constitute an important element in foreign policies. Consequently, national decision-making processes are inherently connected to similar international processes and one would expect that such processes be reciprocally streamlined in order to meet the needs of each other.

As mentioned above, there are a variety of different issues that will arise when comparing these nations. Some of the important issues include:

1. political and institutional traditions;
2. scale differences;
3. market systems;
4. specifics of fisheries;
5. international relations.

While the list above is by no means complete, it shows some of the important dimensions of a comparative study which must be accounted for. Instead of treating these differences as methodological problems, we aim at using the differences as independent variables that in themselves also are object of individual research. One of the points of cross-national comparative studies relates to the fact that particularities which may be taken for granted in one country become accentuated when contrasted to the particularities of other countries, thus serving to highlight institutions, processes and traditions which may be important for further analysis. While this inductive approach certainly can be fruitful, we will also rely on predefined dimensions that will serve as guidelines of comparison between the countries. These guidelines will also be used as dimensions on which the analysis can be based.

In addition, the fact that Norway is not an EU member state, while all the other countries are, represents a control problem because findings in Norway can be attributed to national policies while findings in the other countries may be both attributed to national policies and EU policies. This issue will be solved by a thorough analysis of the Common Fisheries Policy that will be contrasted to the findings from each of the EU member states included in the sample of nations. Thus, to a certain extent, we will be able to control for the source of variation when comparing differences among EU countries.

If we use the stages model of the public decision making process, as suggested above, we may also be able to provide more precise proposals for alternative distributions of management responsibilities. In each stage of the policy making process user involvement may need to be reconsidered, in order to improve the overall quality of the decision making process. Ironically, we return to making use of a goal rational model of action now, but not as a descriptive category but analytically, in order to facilitate our analysis of an otherwise very complex process of democratic decision making in action.

The more theoretically informed approach to our evaluative research may be especially interesting because the perspectives drawn from democratic theory suggested above are all 'formal' rather than 'substantive'; hence they should facilitate comparison between different contexts. It is presupposed that in any democratic context, institutions must - in the final analysis - be supported by argumentative deliberation between free and autonomous citizens. It is also presupposed that all people who are, as it is, gifted with ratio

subscribe to the minimally social normative principles as stipulated by natural law, independent of the context of action they find themselves in. It is also assumed that there is a drive to increase the efficiency of the institutional arrangement governing resource use, given the fact that the fisheries we study take place in a market based society and the fishermen are professionally involved in the fisheries under study. This does not imply that substantive aspects do not play a role in the evaluation of a fishery management system under study, but the argument here is that substantive aspects may be case study specific, whereas formal aspects as indicated above may reach across case studies (and countries).

A comparison of the devolution of responsibilities between countries should give more insight in nation specific, e.g. socio-cultural, circumstances and this will contribute to the evaluation of current divisions of responsibilities. Identifying perceptions of stakeholders in the fisheries management in these countries about the responsibility chains is an equally important component of an evaluation. In fact, in order to facilitate the analysis the focus should be on the process of policy making ranging from policy preparation, goal setting, choosing among alternative instruments, policy implementation, enforcement, sanctioning and evaluation (Van der Schans, 2001b).

Focusing on the policymaking process it is suggested to explicitly address design issues in relation to governance principles going beyond the particular resource use situation at hand, such as pertaining to the quality of representative democracy and the legitimisation of power. This raises questions such as where to put the locus of decision making, who should be represented, what should be the scope of the jurisdiction. In this case the evaluative criteria are not just technical economic (efficiency and equity) (Van der Schans, 2001b).

Therefore instead of focussing on the mere result criteria the evaluation of fisheries management systems should focus on the process. Following the EU white paper on Governance (EU, 2001a), five criteria based on the principles of good governance can be identified: openness, participation, accountability, effectiveness and coherence. Each principle is important for establishing more democratic governance and applies to all levels of government - global, European, national, regional and local.

Openness. Institutions should work in an open manner. They should actively communicate about actions and decisions it takes, using a language that is accessible and understandable for the general public.

Participation. The quality, relevance and effectiveness of (EU) policies depend on ensuring wide participation throughout the policy chain - from conception to implementation. Improved participation is likely to create more confidence in the end result and in the Institutions that deliver policies. Participation crucially depends on central governments following an inclusive approach when developing and implementing (EU) policies.

Accountability. Roles in the legislative and executive processes need to be clearer. Each of the EU Institutions must explain and take responsibility for what it does in Europe. But there is also a need for greater clarity and responsibility from Member States and all those involved in developing and implementing EU policy at whatever level.

Effectiveness. Policies must be effective and timely, delivering what is needed on the basis of clear objectives, an evaluation of future impact and, where available, of past experience. Effectiveness also depends on implementing EU policies in a proportionate manner and on taking decisions at the most appropriate level.

Coherence. Policies and action must be coherent and easily understood. The need for coherence in the Union is increasing: the range of tasks has grown; enlargement will increase diversity; challenges such as climate and demographic change cross the boundaries of the sectoral policies on which the Union has been built; regional and local authorities are increasingly involved in EU policies. Coherence requires political leadership and a strong responsibility on the part of the Institutions to ensure a consistent approach within a complex system.

Each principle is important by itself. But they cannot be achieved through separate actions. Policies can no longer be effective unless they are prepared, implemented and enforced in a more inclusive way. The application of these five principles reinforces those of *proportionality* and *subsidiarity*. From the conception of policy to its implementation, the choice of the level at which action is taken (from EU to local) and the selection of the instruments used must be in proportion to the objectives pursued. This means that before launching an initiative, it is essential to check systematically (a) if public action is really necessary, (b) if the European level is the most appropriate one, and (c) if the measures chosen are proportionate to those objectives (EU, 2001a).

Another challenge lies in equipping society at large in order to create the necessary aptitude to effectively partake in a process of participation in a decision-making system. The concept of *social capital* is a tool for the implementation of the measures aimed at encouraging participation. The notion of social capital brings a new dimension to development research and policies which has to date been neglected by economic theory. This theory, which alludes to the bonds that exist between individuals and the community, was first made popular by Robert D. Putnam (1994) after research into the performance of government institutions in Italy, and is at present still being theorised. Putnam states: 'Social capital is shaped by the degree of trust between social actors in a society, the norms of civic behaviour and the degree of networking' (Putnam, 1994).

For the World Bank social capital

> 'refers to the institutions, relationships, and norms that shape the quality and quantity of a society's social interactions (...) It is not only the sum of the institutions that shape a society but the glue that holds them together.'

The ECLAC (Economic Commission for Latin America and the Caribbean) defines social capital as

> 'the set of norms, institutions and organisations that promote trust and cooperation among persons in communities and also in wider society.'

Empirical evidence has been gathered over recent years that demonstrates that a strengthening of local associations and social networks, and an increase in their participation in public management, do have a positive impact on local development. The studies

that corroborate this claim are not confined to the sphere of under-developed countries[1], as significant experiences exist in the regions of the first world, such as the USA. The IADB currently finances programs that foster the participation of ordinary people in State modernisation processes and in development projects.

In short, social capital consists of the sum total of resources based on membership of a group. In the words of Grootaert (1998) 'Associations and institutions provide an informal framework to organize information sharing, coordination of activities, and collective decision-making.'

To facilitate the participation of the sector in the fisheries management system at local level through an increase in the social capital of these organisations, we propose the use of a design taken from earlier studies. The basic criteria for the design of community building projects (an increase in social capital) have been set out in a study conducted by the Development Training Institute (Kingsley et al., 2001):

- residents must be deeply committed to the project. Dependence attitudes must be replaced by ones of self-confidence;
- *community participation* is not enough. The community must play a central role in the design and implementation of strategies for their own improvement;
- projects must be sufficiently wide-ranging to include labour, education and health issues as well as any others that are part of a strategic plan and that make use of community members' enterprising attitudes;
- the initiatives must be adapted to the conditions and scale of the place where the community is located, in order to allow sufficient interpersonal contact for relationships of confidence to develop;
- the project must be bound to society in a wider sense in order to strengthen community institutions and improve outside opportunities for residents. Relationships can be established with government offices, universities and other outside organisations, making a conscious effort to overcome any possible institutional barriers on either side.

Finally, the DTI study establishes the utilisation of some criteria before participation projects are implemented in order to assure the success of the initiative:

- the identification of existing institutions, social relations and the networks that contribute to participation, as well as others that might impede it, in order to avoid the weakening of positive social capital, and to analyse ways it might be strengthened;
- calling on community associations to form part of the projects that are being instigated might reduce the cost of the program and contribute towards sustainability. Furthermore, the institutions themselves will come out stronger;
- great care must be taken when choosing the organisations that should really be included in the participation process. They should basically be those that are representative;

[1] To name just some successful examples: the creation of the Villa Salvador Urban Community in Peru, where agricultural and farming development projects have been undertaken (since 1973); the community participation initiative in budget allowancing in Portoalegre, Brazil (2000); and the Bronx Community Revitalization Program (1992).

- the political and economic environment *can encourage or discourage local organisations and offer the population incentives or punishments for participating*. A favourable environment is characterised by *good, general government, observance of the rights of property, an independent judiciary, transparent and competent bureaucracy, and mechanisms to foster dialogue and to resolve conflicts between economic agents;*
- it is necessary to invest in social capital through the direct support of existing and emerging organisations. In practice 'emerging organisations and local government can often be in the best position to do this, as the majority of civic associations are small and of a local nature'.

3. Fisheries management in Europe

The Responsible project started with an examination of the fisheries management systems of the European Union and the six individual countries included in the study - focussing, in particular, on how policies are set and decisions taken. Three questions were at the core of the national and EU case studies: What is the actual division of power and responsibilities within these systems? To what extent, and how, have management responsibilities (already) been devolved within the CFP and the six countries studied? What, if any, is the role of user-groups and other stakeholders in the management process and how does this affect the legitimacy of the system? The present chapter contains a summary of these country specific case studies - reflecting the key questions and emphasising the systems' histories or backgrounds, their decision-making arrangements and their contribution to good governance. The full descriptions of the case studies can be found in volume two of this report.

3.1 The Danish case

Like in other Scandinavian countries, Denmark has developed the tradition of *negotiation economy* (the so-called *Scandinavian model*) (Pedersen, 1989). This means, in short, that the political system in Denmark is characterised by a centralised integration of stakeholders in policy-making, where stakeholders participate in consultative boards providing advice to the Minister. In the terminology of Symes (1996), Denmark has thus formally an *enlightened dictatorship,* since these boards have no decisive decision-making power. The Minister generally follows the advice from the boards, which means that the national fisheries management in Denmark de facto is what Symes calls *delegated*.

The national fisheries management in Denmark has to be seen in the context of the Common Fisheries Policy. The spine of the CFP is *total allowable catches* (TACs) for most species and technical conservation measures. TACs are divided into national quotas, and member states are being allocated the same percentages of the TACs every year - a principle known as *the relative stability*. Within the framework and limits laid out by the CFP the Danish government may determine its own national fisheries policy. It can be argued that Danish fisheries management is a matter of balancing economic and social objectives, as the CFP should[1] ensure sustainable resource utilisation.

Formally decision-making in Danish fisheries management is centralised, as the Minister for Food, Agriculture and Fisheries (MFAF) has the right to define specific details of when, where and how to fish. The Fishery Law in Denmark states that the MFAF has the

[1] This is presently not the case, and EU is presently in the process of introducing restrictive recovery plans for several stocks.

right to define access to and exclusion from fisheries through the distribution of licences. MFAF may also set up operational rules and management tasks in accordance with EU rules and transfer/sell fishery rights (e.g. quota substitution with other countries). Further, the MFAF has the authority to decide the regulation for the commercial exploitation of the Danish quotas. Changes in the regulations can be made at short notice. The Minister generally consults fishermen and other stakeholders in two consultative boards before regulations are changed (Raakjær Nielsen and Vedsmand, 1997 and Raakjær Nielsen, Vedsmand and Friis, 1997).

3.1.1 The Danish fisheries

Danish fisheries can be divided into four different types:
1) Demersal fisheries;
2) Pelagic fisheries (herring);
3) fisheries for non-human consumption; and
4) fisheries for mussels and Wadden-Sea shrimps.

These fisheries differ not only in target species, but also in fleet structure and in the way they are being managed (figure 3.1).

	Demersal fisheries	Pelagic fisheries	Non-human consumption fisheries	Fishery for mussels and Wadden-Sea shrimps
No. of vessels	Many	Few	Few	Few
Size of vessels	Mixed	Large vessels	Larger vessels	Smaller vessels
Geography	Spread	Centred	Centred	Centred
Management instruments	CPQ a)/IQ b)	ITQ	CPQ	Licence scheme
Levels and importance of decision-making:				
Regional	No influence	No influence	No influence	Important
National	Important	Some influence	Some influence	Some influence
Supra-national	Important	Important	Important	Some influence

Figure 3.1 Danish fisheries and management instruments
a) CPQ is Common Pool Quotas. b) IQ (individual quota) is an option in the cod fishery in the Baltic Sea.

Management of most Danish fisheries[1] has until recently been based on a CPQ regulation, where catch rations (from one week to two months depending on species and fishing water) have been distributed according to vessel length. Annual quotas[2] have been

[1] In the following we focus only on the allocation of fishing rights, but are aware that also technical measures and structural regulations are in place.
[2] In practice fishermen were allocated an IQ.

used for the cod fishery in the Baltic Sea and in the pelagic fisheries since 1995. ITQs are now being introduced in the pelagic fisheries. IQs are likely to be introduced in the fisheries for non-human consumption fairly soon. The more regional based fisheries, mussels and Wadden-Sea shrimp, have been managed through a licence scheme and are under regional management.

In 2003 ITQs were introduced in the herring fishery. It has been discussed to introduce IQs in the mackerel fishery and in the fisheries for non-human consumption in 2004. So far, final decisions have not been taken on the matter.

In terms of sharing responsibilities in fisheries management it can be argued that the move towards IQs, ITQs and licences is the ultimate form of co-management, as it, to a large degree within some limits, is introducing self-management in these fisheries and delegating a large burden of the management decisions to the fishermen.

The demersal fisheries are thus the only fisheries in Denmark where the responsibility has not been either shared or discussed to be shared. The demersal fisheries are much more complicated, because they are multi-species, multi-fleet and multi-water fisheries. In particular there is a high degree of internal heterogeneity among the fishermen participating in these fisheries. Christensen and Raakjær Nielsen (2004) explain that Danish demersal fishermen are different and apply different fishing tactics and investment strategies. This is a further challenge in delegating/sharing management responsibilities within these fisheries.

3.1.2 Good governance?

How does the national fisheries management in Denmark live up to the five EU criteria for good governance - *openness, participation, accountability, effectiveness and coherence*?

Openness: The Danish system can only be described as partially open. The meetings in the advisory boards are closed, but the public has access to the minutes from the meetings. In sensible cases the minutes are revised before being made public.

The concept of *Participation* is related to the form of inclusion of the stakeholders in the policy chain. The *Accountability* is related to the degree to which responsibilities, tasks and roles are clearly defined among the participants in the management process. It is further related to the degree to which the actors in the system must take the responsibility of their actions, and that the system as such represents a legal object that can be prosecuted. In Denmark these two concepts are partially applied: Formally the roles of the participants are clearly defined - the stakeholders can give advice, but do not have a say in the decision. The Minister has the final say, which takes away the responsibility from the stakeholders, since the Minister is not formally obliged to follow their advice. In practice the Minister follows the advice, which means that the stakeholders de facto have a say in the decision-making, but are not kept accountable.

Effectiveness of a fisheries management system is a question of the degree to which policy processes are timely and hit their objectives and the extent to which policies are founded on the rational principles of past experiences, research and impact assessments. Overall one can say that the system is caught in a path dependency in the meaning that the national management is put under a heavy framework from the EU with little incentive to change the system. Further, in Denmark there is no tradition of evaluating the management

system in order to incorporate past experience in future management. Whether the Danish fisheries management is effective or not depends on the perspective used as scale for the effectiveness. The objectives of the fisheries management are multiple. All objectives can thus not be met equally.

The matter of multiple objectives also has to do with the last criteria, *Coherence***,** which relates to the degree to which objectives and policies are consistent and the degree to which policies are consistent with each other. The coherence of fisheries management systems may involve several different dimensions of the system: coherence between the regulations, but also the consistency of the fisheries policy with other sectoral policies. Fisheries management often clashes with other interests. An example of such a clash, in this case between the management of cormorants and fisheries, is given in Raakjær Nielsen et al. (2003). The case shows how difficult it is for pound net fishers to get heard in the consultative system, and also how difficult it is to coordinate the management of fisheries with the management of cormorants.

3.2 Fisheries management in Norway

Fisheries management proper dates back to the late 1960s when the depletion of the Atlanto-Scandinavian herring stock led to a ban on the introduction of new vessels into this fishery. This was a highly controversial issue at the time. The Cabinet split on the issue, and there was resistance in parliament to legislation that would limit the *professional freedom and discretion* of existing, or would-be, boat owners. The controversy was somewhat surprising, given the dismal state of the herring stock, but it illustrates that the ban on new vessels in the fishery was conceived as a qualitatively new type of government intervention. Although the effects of this particular measure were limited, it was significant in that it signalled a new era, characterised by the introduction and continuous increase in restrictions on harvesting across a wide range of stocks and fisheries.

The idea of limited entry was first (officially) floated in 1967 - by a top fisheries bureaucrat in an address to the annual meeting of the Norwegian Fishermen's Association. The response was by and large favourable, and by the end of that year a proposal had been drafted for what would eventually become the *Limited Entry Act*. The gist of this proposal was that the government, i.e. the Ministry of Fisheries, be authorised to limit participation in specific fisheries through licensing and/or catch quotas. The Fishermen's Association came out in favour of stricter measures to protect the stocks - with the caveat that the industry would be consulted on the content and scope of future regulations. In 1972, Parliament passed the 'Limited Entry Act' - authorising the Ministry of Fisheries to enforce whatever measures deemed necessary to prevent the overexploitation of fish stocks. Limited entry regulations were eventually enforced in the herring, capelin and shrimp fisheries, and quotas enforced in parts of the cod fisheries (for trawlers). Besides, severe restrictions - in force until 1985 - on the building of new offshore vessels (trawlers and purse seiners) were introduced.

The inshore fisheries - and smaller vessels - largely escaped such measures until 1983 when the ministry decided to intervene by setting an overall quota for the inshore cod fishery. This, however, turned out to be a somewhat symbolic step as the inshore fleet was

allowed to exceed its quota until 1989. That said, this fishery did not entirely escape the long arm of management as non-fishing periods and weekend stoppages were enforced throughout the 1980s. The turning point, however, came in 1989, when - acting on recommendations from ICES - the ministry decided to enforce a drastic reduction of the TAC for cod. The so-called *cod crisis* was a fact, generating social and political turmoil along the coast as inshore fishermen were driven into a fierce competition for 'their' share of the dwindling overall quota (Jentoft, 1993). The crisis - and the measures that followed - marked a watershed in Norwegian fisheries management as it saw the extension of management by individual quotas to virtually all fisheries and vessels. These quotas are not - in theory at least - transferable. In practice, however, there are not many - if any - obstacles to them being the objects of market transactions.

The history of Norwegian fisheries management is one of ad-hoc adjustments and incremental change rather than long-term planning and grand designs. The Ministry of Fisheries has been - and still is - more of a fire department than a Soviet planning bureau. Fisheries management has by and large been synonymous with crisis management where conflict and controversy - not surprisingly, given the stakes involved - have been the order of the day. That said no management policy would be viable without ways of creating a minimum of consensus and legitimacy. This is largely a question of 'due' process and formal organisation - of creating decision-making arrangements that allow for representation from stakeholders. In this sense, fisheries management fits well into the overall Norwegian 'philosophy' of involving affected interests - or primary stakeholders - in public policy decision-making.

3.2.1 Formal procedures and the politics of consultation

The first step or stage in the management process involves the setting of the total allowable catch (TAC) for a wide range of stocks and species. The TACs are set on the basis of recommendations from the International Council for the Exploration of the Sea (ICES) - or, rather, from its scientific and advisory committee (ACFM) - and after bilateral negotiations between Russia and Norway in the so-called 'Mixed Norwegian-Russian Fisheries Commission' (for shared stocks in the Barents Sea) and between Norway and the EU (for North Sea stocks). On the Norwegian side the strategies for these negotiations are worked out in a special committee ('Sjøgrenseutvalget'), counting representatives from government (several ministries are involved) as well as from industry and science. In this sense, the consultative aspect is present from 'day one' as it were.

The TAC agreed on through these bilateral negotiations, which may or may not be in accordance with ICES' recommendations, serve as the starting point for the consultative process at the national level. At the core of the domestic process is the 'Management Council' ('Reguleringsrådet'), an advisory committee to the Ministry of Fisheries chaired by the Director of Fisheries and counting representatives from both harvesting and processing. The council usually meets twice a year - in June and December. The chair, and his staff at the Directorate of Fisheries, prepare the agenda and also work out a fairly detailed proposal for the management of different stocks and fisheries. Within a few weeks the council meets to discuss the Director's proposals, and although the council has no decision-making power, its word carries considerable weight - provided it speaks with one voice as it were.

There is, thus, a certain pressure to reach a consensus, but a vote is always cast when there is disagreement. Following the deliberations, the Director - as chair - informs the ministry about the council's recommendations. Although the ministry is free to disregard these, the advice of the council is usually the backbone of next year's management plan. According to those involved, voting is a major form of decision-making; compromise and consensus tend to be the exception rather than the rule. This, of course, goes somewhat against the 'logic' of corporatism and policy consultation. The council is part of a system or chain of decision-making where participants are supposed to be moved - at least from time to time - by the sheer force of the argument, and thus engage in compromises that may not meet the ultimate demands of their own group. There is a dilemma here for any group or organisation seeking political influence by way of participation in government: should representatives be instructed to toe the organisational line, or should they be able to exercise personal discretion in order to break a stalemate and reach viable compromises?

What should be noted, however, is that the work of the council is but one - although crucial - part of a more comprehensive process where the annual meetings of the local and regional branches of the Fishermen's Association are the starting point. At these meetings management issues always loom large - with debates usually concluded with a wide array of demands for changes in, or additions to, the management 'menu'. Although most of these are shelved by central office, some may end up on the table of the association's executive board for further consideration. The board, we should hasten to add, is an important actor in the management process - for several reasons: its deliberations are decisive for the association's position on key issues, some of its members also sit on the Management Council, and there is a regular exchange of information between the association and the Directorate of Fisheries prior to council meetings. In addition, the leadership of the association takes an active part in preparing for the annual negotiations with Russia and the EU.

3.2.2 Good governance?

To what extent, then, does the Norwegian system of fisheries management live up to the criteria of good governance set by the EU?

Openness: the deliberations within the Norwegian-Russian Fisheries Commission are conducted in considerable secrecy. Preparatory documents are not publicly available, nor are the minutes. The domestic process is more transparent even though current arrangements do put representatives of industry in a privileged position compared to other stakeholders. Environmental groups, however, meet as observers in the Regulatory Council, and minutes and decisions are publicly available.

Participation: major stakeholders, such as fishers and processors, are included in the process, virtually from the preparatory stages. Although environmentalists and representatives of the Saami population have been recognised as legitimate stakeholders, they can hardly be considered core members of the management policy community. As such, management decision-making takes place through a system of centralised consultation. Worth noticing is also the fact that parliament is conspicuously absent from the policy-making process.

Accountability: While the bilateral negotiations between Norway and Russia have been going on since 1976, it was not until 1995 that parliament asked to be briefed on this

process. However, these briefings seem to be a mere formality as they generate little, or no, debate among representatives. In this sense, procedures to hold key players politically accountable for decisions and outcomes may not be working properly. In the domestic process, the Management Council stands out as a player with considerable power but with no formal responsibility. The Minister's position, however, is unambiguous: he or she is accountable to parliament - and eventually to the public. Not so with the council, even though its (public) position has become somewhat tenuous as management problems have mounted. The lack of any formal responsibility for policy on the council's part may thus be compensated by an increasing public awareness of its work and decisions.

Effectiveness: There are few, if any, procedures in place for systematic assessments of regime effectiveness. In terms of goal achievement the effectiveness of the Norwegian management system has probably been better than most - even though it, ideally, leaves much to be desired. With regard to resource conservation, the joint Russian-Norwegian regime in the Barents Sea has worked relatively well, despite occasional 'violations' of scientific advice in setting TACs.

Coherence: Multiple objectives are a key feature of Norwegian fisheries management. Resource conservation, economic viability, regional development and the 'protection' of bona-fide fishers are all laudable goals, but not necessarily mutually consistent. To take but one example: the furthering of economic efficiency may well have a negative impact on the regional distribution of harvesting capacity - as keeping down costs may imply a greater concentration of capital and labour. In this sense there is certainly a lack of coherence, and a conspicuous gap between 'promise' and 'performance' in Norwegian fisheries management.

3.3 The French 'model'

French fisheries management took a new turn after the Second World War, with the 'reconstruction' of the fleet and management structures. The fishery management model developed over the last 50 years is embedded in the French tradition of state centralisation and corporative management, but is also original because of the nature of relationship between fisheries and the State. Briefly, the fishery management system can be described as corporatist, paternalist, and essentially centralised although with some de-concentration and delegation. In the terminology of Symes (1996), the management system could be characterised in-between *enlightened* and *delegated dictatorship*.

French *corporatism* is sector-based and non geographical; the State has developed different relationships with different economic sectors. In the fishery context, the corporatism appears as a paternalistic and benevolent State management framework beginning in the 18th century. At that time, a specific administration was created (Marine Affairs[1]) that aimed at controlling the *potential nursery of sailors* for the military fleet; fishermen received a special status in exchange for serving the king. The system diluted with the

[1] This administration, Marine Affairs, is still in charge of managing activities related to the sea, including fisheries. They are under the supervision of two Ministers, the Minister for Agriculture and Fisheries and the Minister for Equipment, Transportation, Housing, Tourism and the Sea.

increasing professionalisation of the army, but the relationship State-fisheries reminded one of *paternalism.*

Another key characteristic of the French model is that the State administration interacts with the citizen at the lowest geographical level. Napoleon wanted the administration to be no more than a day's ride from any citizen. Nowadays, state administration is widely spread throughout the territory.[1] Thus Marine Affairs are present in ports or groups of ports as well as at regional and national levels. The management system has been partly *deconcentrated* and hence contributes to a strengthening of the relationships between the State and fishermen.

The last characteristic, and an originality of the French fishery system, is that it is conceived as a unified body. The Committee of Marine Fisheries (CMF) created by the State to represent fishery interests in the decision-making process systematically includes all workers of fishery-related activities (fishers, processors, traders and consumers). This privileged stakeholder in the fishery management system also has some *delegated decision-making power*.

3.3.1 Sharing responsibilities

In the 1997 law[2] on fisheries and aquaculture, the fish resource is considered a renewable and non-tradable common pool resource. As such, the State is responsible for ensuring its sustainable exploitation and for organising fishing licences and quotas to avoid fishing right privatisation and maintain economic and social balance in the coastal zone. The Directorate for Marine Fisheries and Aquaculture (DMFA) of the Ministry of Agriculture and Fisheries thus supervises fisheries management.

The Committee of Marine Fisheries, conceived to facilitate direct links with the Minister, is systematically consulted on fishery-related decisions. It provides government with quick access to the advice and expertise of the profession as well as giving the profession access to the decision-making process and executive power. French positions defended at the European Council on the common fishery policy are thus directly discussed between the DMFA and the CMF. The State has also delegated competencies on fishing management to the fishery sector.

In 1991[3], the CMF was reorganised territorially and was given new responsibilities. At national and regional level the committee may decide on licences, quotas, closure dates, fishing effort and technical measures. By decree the administrative authority[4] has the power to implement these rulings.

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[1] Administratively France is divided into 4 levels, municipality, department, region and Central State. Municipalities, departments and regions are managed by elected councils with a certain degree of decentralised decision-making power but there is also specific State administration at departmental and regional levels that fulfil non decentralised state responsibilities.

[2] Law 97-1051 Guidance law on fisheries and aquaculture (*d'orientation sur la pêche maritime et les cultures marines*) of 18 November 1997.

[3] Law 91-411 du 02 May 1991 (*Loi relative à l'organisation interprofessionnelle des pêches maritimes et des élevage marins et à l'organisation de la conchyliculture*).

[4] DPMA at national level and the prefect of region at regional level.

Producers Organisations (PO) also have delegated competence. Created in the 1930s, their role considerably evolved with the implementation of the Common Fisheries Policy, in particular with the establishment of quotas under the principle of relative stability. PO responsibilities are now focussed on market and quota management through the implementation of fishing plans, as suggested in the EU 1992 regulation.[1] Between 1995 and 1997, rules to share and exchange quotas between POs were negotiated by the two federations[2] and DMFA in a way to avoid 'fish privatisation', but to date quota fishing plans have still not been implemented by POs.

In the Mediterranean, the *prud'homies* also have fisheries management competence. Deriving from medieval and *Ancien régime* corporations, they include all the independent self-employed fishermen of their circumscription. In the second half of the 20th century, the dwindling of the Mediterranean fleet and the establishment of Committees of Marine Fisheries have considerably weakened their role. Nowadays, their formal competence is limited to policing, project development and internal fishing rule setting. Agreements between the regional CMF, Marine Affairs and the prud'homies have also led to the delegation of CMF competence to the prud'homies on specific projects or areas.

3.3.2 Good governance?

The privileged relationship of the central State and the fishery has facilitated a high level of professional *consultation* and *delegation* of authority. The consequence is that sector-based corporative systems are not open to non-fishery sector stakeholders. As a result, environmental groups and civil society are excluded and have no real way to enter the fisheries management forum at the national level.

Delegation to the fishery sector has been favoured rather than the decentralisation of responsibilities towards territorial communities (regional or departmental). As a result, territorial communities have only an indirect influence on fisheries management by means of economic support.[3]

Another consequence of the sector-based corporative system is that the fishery sector is not consulted on policies and decisions that interact indirectly with fisheries: for example coastal tourism, offshore oil winning activity and environmental policy. The State has recently made some efforts to inform the fishery sector earlier in the process as, for example, in the case of offshore windmill development projects. The fishery sector is in the ambiguous situation of asking to be consulted on such development projects whilst being reluctant to accept other stakeholders in the fisheries management decision-making process.

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[1] CE 3759/92, 17 September 1992.

[2] There are two POs federations, the FEDOPA (Federation of Artisanal Producer's Organisations) and the ANOP (National Association of Producer's Organisation). Both include artisanal and industrial vessels; the main remaining difference is linked with the PO status, co-operative for the FEDOPA and non-co-operative for the ANOP.

[3] In 2003, regions were asked to express their interests and to choose one area for a decentralisation pilot from the central State. Of the 22 regions, only Brittany expressed an interest in managing fisheries but finally favoured decentralisation of water management.

Corporatist systems are often structured between a restricted number of partners, with limited transparency and communication towards society at large. In fisheries, communication is well organised between the State and the sector. For its part, the Committee of Marine Fishery has greatly improved its communication tools and content quality towards the public. This improved *openness* may be linked with greater awareness by fishers that fisheries issues are embedded in a broader socio-political environment than their privileged 'Sector-State' relationship. Debates integrating an environmental dimension such as the drift net ban or challenges like integrated coastal zone management drive fishers to extend their communication towards civil society and other administrations.

The concept of *accountability* covers several aspects: sharing of responsibility and clarity, how responsibilities are assumed and type of encountered difficulties. Overall, stakeholder tasks in the management system are clearly defined by the 1991[1] and 1997 laws; nevertheless overlapping responsibilities and factors hindering stakeholder capabilities to perform their task remain in the system, in particular:

- there is no evaluation of the work undertaken by CMF;
- incentives (i) for a boat owner to join a producer organisation, (ii) for POs to implement fishing plan and (iii) for members to follow internal PO rules are weak or non-existent;
- tools to establish the framework for quotas fishing plans are under CMF responsibilities (licensing, fishing effort measures, closures...) but quotas are managed by POs;
- committees, especially at regional level, have limited financial resources, which hinders their capabilities to undertake initiatives and management.

Effectiveness of the management system is lowered by these structural weaknesses (overlaps, lack of incentives, low stakeholder accountability) and also by the co-existence of non-prioritised multi-objectives.

In a centralised sector-based corporatist system, *coherence* between policies is supposed to be ensured by the central State that guides the overall decision-making system. In fisheries, it is part of the role of Marine Affairs to verify that the Committee of Marine Fisheries decisions are coherent with the law, other policies and *State directions*. This coherence, ensured and 'controlled' by the central State, explains the weakness of non-fishery sector stakeholder participation and partly the tight link between the DMFA and the fishery sector. As more 'non fishery-linked' decisions impact on fisheries activities, the sector is willing to extend its interactions with stakeholders other than its Ministry. Thus the CMF has developed direct contact with the Ministry of Environment and Sustainable Development on issues like aquatic ecosystem and habitat conservation. A few years ago, the CMF would have dealt with such issues with the DMFA that would have discussed them with the Ministry of Environment.

The CMF constantly faces the dilemma of strengthening its links with the Central State, on which it relies to defend its interest at the European Council, whilst seeking to

[1] Law 91-411 du 02 May 1991(*Loi relative à l'organisation interprofessionnelle des pêches maritimes et des élevage marins et à l'organisation de la conchyliculture*)

emancipate itself from its over tight link with the central State by negotiating and discussing directly with other stakeholders in the sea and coastal decision-making arenas.

3.4 The British case(s)

The UK institutional setting is very old with some remnants of the feudal area still in place. There is no written constitution and a rather powerful Executive. The Executive and the civil service do not routinely consult affected parties before deciding policies, and citizens do not participate in decision-making. The civil service does not as yet have a culture of sharing information with citizens. Some representation is facilitated through the so-called quangos (quasi autonomous non-governmental organisations) that play an important part in public policy-making. However, the accountability of these is considered to be rather low. Devolution along regional lines has been introduced through the establishment of the Scottish Parliament and the Welsh Assembly. Since the Scottish Devolution of 1999, the power to grant regulating orders in the fisheries (the right to regulate) in Scotland lies with the First Minister of Scotland, subject to approval of the order by the Scottish Parliament.

3.4.1 Management decision-making

In British fisheries the *pelagic sector* offers some interesting aspects of decision-making. By its very nature, the pelagic fishery is international because of the movements of the stock. Since pelagic fish migrate outside the European waters, an additional management level has been created in a multilateral organisation, the North East Atlantic Fisheries Commission. This is an extra level of decision-making on top of the European and the national UK level. Because of this three tier system, one would expect to find a sector burdened by over-regulation and complicated decision-making. However, market forces have operated forcefully in the pelagic sector, resulting in a remarkable concentration with very few large vessels, which appear to be very profitable. Pelagic fishermen's organisations have the financial means to organise themselves effectively, not only at a national but also at an international level. Through their own efforts, they have achieved a high degree of participation. Although most of this participation has grown informally and is not codified, it has reached a level from which it can probably not be removed.

The distribution of quotas to the UK vessels was originally based on the *track record* of the vessel, calculated as a rolling average of the landings of the previous three years. Since 1998, instead of using a rolling average, the entitlement of a vessel is calculated on a fixed reference period, namely the landings during the period 1994 to 1996. The resulting share in the national quotas is called a *Fixed Quota Allocation* (FQA). FQA are set for specific stocks, such as West Coast mackerel etc. Nearly all FQAs and their resulting quotas are grouped within Producers' Organisations that monitor their uptake. There are 20 POs in total in the UK. There is however a strong concentration of pelagic quota in the hands of four POs. This concentration is correlated to the fact that there are only 44 pelagic vessels in the UK and only three main pelagic ports. For example, three POs manage 89% of the West Coast Blue Whiting stock. All these PO's are located in Scotland. Pelagic quotas are allocated for the exclusive use by a vessel as if they were individual transferable quota

(*ITQs)*. There has been a concentration of pelagic quotas at the same time as large capital investments in vessels and modernisation of the pelagic fleet.

When looking at the process of pelagic stock management, one is struck by how complicated it seems to be and how many institutions are involved. Nevertheless, pelagic fishermen seem to be rather more satisfied with the management regime than their colleagues in demersal fisheries. Pelagic fishermen also seem to find that the level of participation - although not sufficient yet - is actually not too bad.

The management of the *Shetland shellfish fisheries* offers another interesting case with regard to decision-making. Within Scotland legal rights to manage fisheries for specific shellfish species within defined areas can be granted by the Scottish government to local organisations by Regulated Fishery Orders - commonly know as 'Regulating Orders'. Although a number of communities in Scotland have shown interest in the potential of such Orders to improve the management of shellfish fisheries only one has been granted to date - covering the waters around the Shetland Islands.

Recognising that the sustainable management of local shellfish fisheries was an issue of interest not just to fishermen but also to the broader local community, the Shetland Fishermen's Association (SFA) brought together a variety of interested local parties to develop plans for a local regulating order. This grouping developed into the Shetland Shellfish Management Organisation (SSMO). The SSMO comprises six local organisations which between them nominate a total of ten representatives who act as directors of the company. The main activity of the SSMO was to apply for and implement a regulating order for Shetland. A fisheries scientist from the North Atlantic Fisheries College often attends to provide expert advice. In addition to the partner organisations an observer from the Shetland office of the Scottish Fisheries Protection Agency (SFPA) has been invited to attend meetings since July 2002 as a means of improving liaison and communications between.

Associated with the difficulty of reaching formal decisions, it has proven difficult for the SSMO to establish and adhere to consistent policies, as fishermen in particular tend to prefer to treat each case on its individual merits. Overall, it is interesting that while all of the Directors are nominated by various organisations, once they are on the board of the SSMO they tend to make personal decisions on issues rather than seeking the views of the organisations they represent. In some cases the directors are effectively granted the power to make such decisions on behalf of the bodies they represent. In the case of the fishermen, however, it is apparent that they often tend to take decisions on the basis of how their own interests might be affected, rather than in the interests of the broader community of fishermen, who they ostensibly represent.

3.4.2 Good governance?

Whet then can be said of these cases with regard to the criteria of good governance?

Participation: The pelagic fishery has very few participants, and fishermen are very close to their own organisations. As described before, only four Producer Organisations group the whole pelagic fleet of 44 boats. On average, each PO represents only 11 boats. Fishermen are well organised and the pelagic fleet has sufficient resources to be able to fund their lobbying efforts via well managed organisations and permanent structures with capable, paid staff and representatives. However, because the participation evolved via

very informal structures, the fishermen do not actually formally participate in the decisions. Although unlikely, it would be possible for managers to suddenly deny the fishermen's input.

In terms of involving fishermen, the lobster V-notching programme has been the most successful thing the SSMO has done, probably because of its tangible results, i.e. the fishermen can see that the notched lobsters are surviving and being caught again and again. This has generated a high level of compliance with the primary management measure - the local shellfish-licensing scheme. Virtually all of the legitimate local shellfish fishermen (i.e. those with registered fishing vessels and national fishing licences), including a number from outside Shetland who fish regularly around Shetland, have signed up to the licensing scheme. Even the most recalcitrant and determined opponents of the Order have generally fallen into line.

Openness: As Regulating Orders in Scotland have put the management of shellfish fisheries in the hands of local communities; the process is open to a broader range of stakeholders than is normally the case. This helps facilitate transparency. The three-tier structure of management in the pelagic fishery makes decision-making more complicated and less transparent. The transparency of domestic policy-making, however, is strengthened by the fact that there are very few players involved.

Accountability: In the case of shellfish management, a certain devolvement of authority has been intended, making the stakeholders involved accountable for decisions and outcomes. One could, however, argue that since all regulations are subject to approval by the Minister, accountability rests with him. Given the degree of continued control by the Scottish Executive, it has to be questioned whether there has been any genuine transfer of power at all. What the regulating order has done - and effectively so - is to establish a mechanism for implementing regulations for the management of local shellfish fisheries, but without any real authority to make regulations independently. To all intents and purposes the SSMO has been granted *responsibility* but not *authority*. The Scottish Executive effectively retains control of the fishery while the SSMO bears the responsibility of implementing and enforcing the regulations, collecting data, assessing the stocks, and dealing with discontented fishermen, all at no charge to the Scottish Executive.

Effectiveness: One could assess the effectiveness of a management regime by the state of the stocks concerned. Overall, pelagic species are in a better condition than demersal species.

One can of course not state with certainty that the health of the pelagic stock is due to the management regime. Several other factors may have played a role, for example the system of individual transferable quotas (ITQ) that has been in place for several years and the high level of user participation in management decision-making.

The efficiency of the management regime for Shetland's shellfish fisheries has been undermined by the need to obtain government approval for any change to the regulations. If the organisation responsible for management seeks to amend or add a regulation it is usually because it feels that the change is needed now, not in three or four months time. If a serious situation were to arise that required immediate action, the length of time to get changes to the regulations approved would compromise the success of the measures.

3.5 The development of fisheries management in Spain

The background of fisheries management in Spain from the middle of the 20th century onwards, is one of a greatly expanding fisheries sector directed at extraction and a centralised and protectionist State. The aim of fisheries management defended by the State was linked to the furthering of production, and based on the development of fishing in international waters, with deep-sea and long-distance fishing. This therefore meant that naval construction was both favoured and encouraged. This was not the case of research and the processing, marketing and ancillary industries sub sectors, which was to become one of the greatest failings of the Spanish management system, barely redressed up to the present day.

By assuming powers and responsibilities, and with the subsequent passing of legislation, the State has gradually become the lead figure in fisheries regulation. In this way, it supplanted the widespread local fisheries organisations that, in their own particular areas, had enjoyed autonomy in devising and creating their own rules of conduct. This transformation in the way management responsibilities were structured and shared out contributed to fisheries organisations being established as valid interlocutors between the authorities and the people they represented. Nevertheless, these organisations were scattered, and together with a lack of organising the sectors' interest, led to the establishment of a relationship of dependency on the authorities that has continued to the present day.

The emergence of new fishing methods came to be one of the main sources of conflict amongst fisheries associations, which demanded greater protection for traditional fishing methods from the authorities. However, the administrative bodies - the Fisheries Boards -, in an effort to step up activity, promoted the new methods, all the while trying to avoid conflicts through the creation of credit institutions (the so-called 'Crédito Social Pesquero' and the 'Pósito de Pescadores') that provided a certain degree of social and economic support.

The move to a decentralised state in 1977 coincided in time with the beginning of the biological crisis in world fisheries and the recession of the extractive sector. The change in the administrative aims of fisheries management is linked with both the coming into being of the Autonomous Communities and the consolidation of the International Law of the Sea. These events led to a kind of regionalised fisheries management based on the various geopolitical areas along the Spanish coast, in an attempt to counteract the contradictory situation of the biological exhaustion of resources and a deeply-rooted fisheries sector in need of urgent action to prevent its social and economic collapse. This issue, as it turns out, has been impossible to resolve. As such, the management focus changed and it became reactive. For the first time studies were conducted of resources in jurisdictional waters, and efforts were made to secure new agreements with third-party countries.

The fisheries organisations have gradually adapted to this new situation of political and administrative decentralisation in two ways: on the one hand, by strengthening their links and dependency (both in the political arena and the economic field), and, on the other, by becoming removed from the sphere of political influence, as their distinctive management norms were not validated by the new regional authorities. This has progressively limited the direct participation of sector organisations in the decision-taking process and was further aggravated by Spain's entry into the European Union.

3.5.1 The current situation

The consolidation of the State decentralisation process in Spain, with the country being politically and territorially organised on the basis of autonomous regions, has resulted in fisheries management measures becoming territorialised in geo-economic areas. Perhaps the most novel aspect is the regional authorities' and fisheries organisations' ever-greater ability for reaction in the face of higher political authorities (the EU and the State) in their effort to address the challenges faced by a sector in retrocession forced to confront the process of restructuring on the basis of the technological development and free competition that the current process of globalisation demands.

The model for fisheries management today has become one of crisis management. The consequences of the application of the bio-economic management model - resource protection through a reduction in the fishing effort - have not been limited to changes in structures and in the fishing industry, but have wider significance, with a direct bearing on the social fabric. In the face of this new reality, the old institutions cease to function, and must give way to a new model that responds to emerging problems which are not only biological and economic, but eminently social in nature. The new model that is called for would abound in greater decentralisation, as the authorities would no longer be required to manage an expanding sector, but to focus on any social problems that arise.

In this sense, the decentralisation process in Spain driven by European institutions could be applied to the decentralisation of local administrations. What is more important in this management is the mitigation of the social impact derived from the dismantling of the sector, which would justify more active intervention in management by local administrations on the basis of the principle of subsidiarity.

Nevertheless, the weak point of decentralisation is the scant operational capacity of local and regional institutions in the face of a globalised economy. This could be overcome by: i) delegating Spanish State representation in the EU to the various autonomous governments for matters of fisheries management that directly affect them, and ii) surmounting the problem of the isolation of local administrations by means of the use of new technologies, whereby local issues could have a presence on the global stage.

Finally, the new, alternative management model would require the greater participation those that are most affected, the users, and this is borne out by the reform of the CFP. This considers that sector organisations should be given priority in the decision-taking process. This could be made possible by using the social capital these organisations possess (associationism and networks). It is a question of redefining the role played by the interested parties, companies and organisations within the sector when devising management measures. In this way, the responsibility for resource maintenance and reproduction would be redistributed amongst all the agents involved in fisheries activity.

3.5.2 Good governance?

Openness: the Spanish management system, on both state and autonomous region levels, has made great efforts to make both the process and the final result of adopted management measures known. The flow of information is both transparent and effective as far as

access and opportunity, and the relevance and quality of the information to be made public is concerned.

With regard to *participation*, that is, the degree to which the policy that is devised includes all participants, there are unequal opportunities for the different groups that are involved or which have some interest in the fisheries sector. There is a clear predominance of the extractive sector and, consequently, the new way of understanding representation, which would embrace new interest groups, is considered to be contrary to its interests.

Accountability: this is one of the main shortcomings of the Spanish management system as, although the roles the different administrations - State and Autonomous Communities - take on in management have become consolidated, the same cannot be said of the responsibilities.

Effectiveness: the degree to which the political process achieves its aims in the envisaged time period is difficult to assess clearly. Membership of the EU has forced the authorities to adopt time-scales for the implementation of fisheries policies, and a great effort has been made to achieve these objectives. Nevertheless, the broad spectrum of administrations involved, together with the casuistry of each fishing ground, but, above all, the restructuring process that the sector has been caught up in, all contribute to slowing down and hindering both the accomplishment of the management objectives and keeping to stipulated periods of time for implementation.

Finally, the *coherence* of policies on European, national and regional levels constitutes an added difficulty due to areas that overlap as well as gaps in powers and responsibilities. Apart from this, there are also basic contradictions in the generation of policies, that is, the policy on resources contradicts the economic policy. This may even be a greater problem than that of overlaps in management matters, which is an issue that must be looked into at all levels of government.

An overall appraisal of a greater onus being placed on the private sector in fisheries management, in tandem with a reduction in the power of the administrations (a trend which is being advocated in fisheries governance), reveals that a process of this type would result in the greater vulnerability of the fisheries communities which have been most affected by market globalisation. These communities are still not sufficiently ready to face up to a situation of intense competition without the protection afforded them by the public sector, and this would lead to an increase in the fishing effort, which would in turn make the problems of illegal, undeclared and unregistered fishing more acute.

3.6 The development of fisheries management in the Netherlands

Since the last quarter of the previous century Dutch fisheries management can be characterised as an ongoing process of restricting all fisheries. Before 1975 Dutch fishermen had much more freedom to decide where to fish, what, when and how to fish and how much. After the Second World War the Dutch state stimulated and supported fishermen to build up modern efficient fisheries enterprises. So the sector had quite some liberty and was less regulated. This fitted into the political philosophy of the country, which is based on 'subsidiarity' and 'sovereignty in own circle'. In an organisational sense this is exemplified by corporatist institutions in agriculture, fisheries and many other sectors of Dutch economy

(since 1950). Essentially, corporatism is a form of organisation in which government and organised interests (mainly trade unions and employer associations) jointly develop and implement social-economic policies. The government does not operate at a distance and organised interests do not have to lobby; they are welcome partners in the conference room. There is tripartite consultation at all stages of legislation and policymaking. Often this is institutionalised in advisory bodies, but much coordination takes place in an informal way.

Considering this tradition of liberty and partnership, the imperative European regulations and restrictions were not new for fishermen alone, but also for Dutch government. Consequently government's attitude towards and her relationship with the sector had to change as well. However, at first, the government did not want to become too patronising, though gradually it couldn't escape from its new restrictive role. Nowadays government and sector try to divide management responsibilities within the narrow framework of the Common Fisheries Policy.

Since 1975 the European system of TACs has been expanded to more than 20 species (22 in 2004), since fishing pressure has become more severe in the last decennia. The Dutch receive their national share of these TACs. In the Netherlands the system of ITQs is realised. Next to the quota regulation a patchwork of regulations co-exists, like licences, maximum engine power, days at sea.

Nowadays Dutch fishermen consider their individual fishing rights (which is a percentage of the national quota for a certain species) as private property. However, this quota system was only accepted after a period of fierce resistance. Implementing and monitoring fisheries policy has been far from painless. Dutch fishermen (and also many European fishermen) did not want to give up the ideas of the *freedom of the seas* and of the *inexhaustible resource*. Finally in 1991 even a minister had to resign because of these difficulties.

3.6.1 The current situation

Following the political philosophy in the Netherlands, Dutch government is willing to devolve responsibility to industry. The corporatist institution of the Commodity Board Fish (Productschap Vis), however, lost its grip on sectoral policy making during the turbulent decennia in which fishermen did not comply with the quota regulations (1975-1990). This left a vacuum for policy mediation between government and the sector. After the resignation of the minister in 1991 a steering committee advised on the issue of non-compliance and the bad relation between government and the sector. This led to the introduction of a set of diverse management tools, developing into the present co-management scheme.

The key ideas of the new management scheme were:

1) sharing of responsibilities between government and fishing industry; and
2) cooperation between fishermen.

In February 1993, the co-management system was implemented, and nearly all enterprises united in 'groups'.

For over ten years now fishermen do not overfish their quota and are very satisfied with the group system. They feel a sense of belonging within their group and, not unimpor-

tantly, the groups function very well as a quota market. They are even now trying to reorganize their national organisational structures into a co-management like structure.

These co-management arrangements are an attempt to fill the gap for policy mediation between government and the sector. Co-management in the Netherlands, therefore, is perhaps not so much a sign of re-vitalisation of corporatism but co-management is probably competing with corporatist organisation. Today there are suggestions on abolishing old corporatist organisations like commodity boards. Although fishermen behave quite well according to the quota regulations, they are no saints and according to environmentalist they should be even more restricted. A new steering committee explores at the moment ways to expand the present co-management scheme.

Dutch fishery law states that the goal of fishery management in the Netherlands is to comply to international agreements: both in terms of complying to national quota as to the capacity management goals, Dutch policy is in line with EU policy. In the development of the fisheries co-management system and the system of Individual Tradable Quota a form of conditional cooperation has emerged, based on the assumption that the government succeeds in sector wide control and enforcement of production limits.

Due to the consensus oriented policy philosophy in the Netherlands, fisheries policymaking is full of compromises. As a result, one of the general complaints is that the underlying (long term) causes of the fisheries problems are not being addressed.

Self-management arrangements in the shrimp sector have been challenged under Dutch competition law. The issue is to what extend is fishermen self-organisation in conflict with anti-trust law. The case is rather complex because fishermen self-organisation may involve cooperation with traders, and it is perhaps the concerted action of traders rather than of fishermen that is challenged under law.

3.6.2 Good governance?

In the Netherlands devolution is performed through a system of (corporatist/co-management) consultation with professional organisations, user groups and other stakeholders involved. The Dutch Fisheries Management system is a mixed system, considering the influence of the EU on fisheries management and the implementation tasks of the National government and the minor involvement of the sector in these.

Participation at the lower levels in the management system is quite high; communication is rather open and transparent. Communication between fisher folk and officials at higher levels is officially open, but not regarded as transparent. At the National and EU level participation of user groups is low, often the fisher folk being taken aback by the outcome and the timing of communications.

EU regulations may overrule national regulations and may consequently upset existing national systems. New policies and regulations are not always consistent with existing policies and may become a threat to a well functioning system like the co-management system. The objective of the co-management system is to fish within the national quota, but EU regulations may have side effects that cause inconsistency with this objective. Fishermen and their organisations complain about 'sudden', uncertain, undemocratic implementation of rules and regulations. To them the policy-making processes are not at all transparent; fishermen presume that outcomes (especially on the EC level) have more to do

with horse-trading than with rational management. Fishermen hold government and biologists accountable for unfavourable and ineffective policy outcomes, they increasingly try to get in contact with the EU level to influence EU policies and want the EC to be accountable. Government remains in favour of the group system, and wants the groups to take up more responsibilities.

Self-regulation and price agreements in shrimp fishery were apparently not coherent with the Dutch Anti-trust law. It was coherent with the tasks of a PO, which has market-regulating tasks. Among shrimp fishermen and POs responsibilities were clearly defined, because there was mutual consultation. Government and consumers were not involved, however. Nowadays responsibilities, tasks and roles are not clearly defined as a consequence of the NMa (Dutch Competition Authority) verdict. It is clear that price agreements between traders and POs are not allowed. Own responsibilities in catch restrictions and income improvement were rather effective, but are now no longer.

In summary the degree of *openness* in the Dutch fisheries management system in terms of communication of its main task proceedings, in casu the management of the Dutch quota, is quite high. The *effectiveness* through decision-making processes whose results are properly evaluated, controlled and complied with is rather high as well. The under-fishing of quota is an indication of a degree of ineffectiveness and inefficiency of the system.

It can be concluded that within the fishermen's groups *participation* is high, though outside the group system fishermen and their organisations feel somehow powerless. *Coherency* between the management levels, *transparency* and *proportionality* are low. *Equity* is not high in fishery policy as a whole; within the groups equity is high. The degree of *subsidiarity* and participation is too low in higher links of the policy chain. The Dutch ITQ holders succeed in complying with the quota regulation.

4. Is fisheries management special?

Fisheries management exhibits variations as well as similarities across nations - with regard to structures as well as policies and instruments. In countries such as Britain, Denmark and Norway, decision-making, for example, is relatively centralised - albeit with a strong element of stakeholder consultation in the two latter systems. In France, the Netherlands and particularly Spain, some form of (limited) decentralisation has been introduced within the framework of centrally guided consultation processes.

Some form of user consultation takes place in all systems; genuine co-management, however, seems an exception rather than the rule. While consultation is widespread, real delegation of decision-making power - with the possible exception of Spain and the Netherlands - is virtually non-existent. The reasons for this may be manifold and pertain to political traditions and institutional legacies as well as to the physical and technical attributes of fishing. A first step towards accounting for the lack of genuine devolvement in fisheries management and policy would be to compare it with structures and practices in other policy areas. To what extent are the fisheries unique with regard to management structures and instruments? The purpose of this chapter is to put fisheries management in perspective by comparing its structures and practices with those of other sectors, be they agriculture, water management or aquaculture. Special emphasis will be put on accounting for similarities and differences in the 'distribution' of management functions between different levels of government - and between government and users - within the six countries covered by our research.

Comparisons will be made based on the structure of the Oakerson model, with reference to several dimensions ranging from political traditions and institutional structures to decision-making procedures and technical attributes - with the following questions in mind: To what extent, and how, do fisheries differ from other sectors regarding political traditions and institutional set-ups? How do decision-making procedures in the fisheries compare with management processes in other sectors with regard to participation, decentralisation and transparency? Are management 'styles' and structures affected by market systems and international relations or 'dependencies'?

4.1 Political traditions and institutional structures

Regarding economic policy-making, most of our six countries have fairly strong corporatist traditions. Decisions on how to manage the economy - whether they pertain to the exploitation of natural resources or the management of public utilities - are made through institutional arrangements that entail close cooperation between interest organisations and government agencies. That said, there are certainly variations across countries. In the UK, where the executive is powerful and the civil service a key player, consultative practices and corporatist structures are less well developed than in, say, Norway, Denmark and the

Netherlands. In the latter countries there are long-standing traditions of institutionalised collaboration between interested parties and government. User participation - across a wide range of sectors - is facilitated through advisory committees and boards and has become part and parcel of a policy-making system that, historically at least, has involved a fairly limited set of key players. Over time, however, these systems have become more democratic in that wider groups of legitimate stakeholders tend to be included in consultations. In some cases, e.g. Norway, the system has, nevertheless, been described as one that is long on user influence but rather short on accountability and transparency.

Some form of corporatism also prevails in Spain and France - in the sense that user-groups are somehow involved in decision-making across a wide range of (economic) sectors. In the UK, corporatism proper never gained a foothold, and the relationship between government and interest groups is probably better described as 'pluralist' rather than 'corporatist'. However, stakeholder involvement - in all countries and sectors - takes place within a framework of centralised control where the ultimate decision lies with the state. In some countries, notably Spain, there are certain traditions for regional autonomy, and authorities at this level tend to play a somewhat larger role in decision-making. In this sense Spain displays a more decentralised model of state organisation. In the UK devolution of power and functions has been introduced as part of a larger package of constitutional reform. There is no denying, however, the pivotal role of the central state in public policy-making in all of the six countries.

4.2 Traditions and structures: are fisheries different?

How then, do these overall arrangements and traditions spill over into fisheries management, and how does the institutional traditions of fisheries management compare with those in other sectors? As for the prevalence of corporatist structures and traditions, the fisheries fit well into the overall picture. In all the six countries there are traditions for some form of stakeholder involvement in fisheries management. While the specifics of institutional arrangements differ, user input - in some form or other - has come to be considered mandatory. In some cases, e.g. Denmark and to some extent Norway, user 'privileges' have a statutory basis in the sense that the (advisory) role of user groups to some extent is specified in either acts of parliament or in administrative regulations. This also holds for comparable policy areas such as environmental management (Denmark) and agriculture (Norway). In Norway, agriculture in particular, has been known for its tightly knit and fairly exclusive network of producers, administrators and politicians and a style of policy-making that has privileged user-groups at the expense of other stakeholders. Environmental management in Denmark provides something of a contrast in that decision-making is far more transparent and involves a broader set of stakeholders.

In France, traditionally a very centralised state, the regional level plays an increasingly important part in fisheries management. With regard to the fisheries the basic orientation or approach of the French state could perhaps best be characterised as benevolent and paternalistic. In the Netherlands (some) management responsibilities in the fisheries have been assigned to groups of fishermen established within existing Producers' Organisations. These groups - called 'Biesheuvel groups'- have taken on the task of manag-

ing quotas in particular, and are generally regarded as part of a system of shared responsibilities (between government and industry) that displays some of the characteristics typical of viable co-management schemes.

With regional authorities playing some part in fisheries management also in countries such as Spain and the UK, structural arrangements and the division of responsibilities are far from uniform. In some cases 'delegation' of responsibilities entails corporatist accommodation through centralised consultation (Norway, Denmark), in others there is a more genuine form of devolvement through formal arrangements at the regional or local level (UK, France and Spain). In the UK, aquaculture stands out as a somewhat special case in that local government has the authority to license and regulate fixed inshore installations. This is a striking example of decentralised management in a political and administrative system known for its overall centralisation of decision-making power - recent attempts at devolution notwithstanding.

In Spain, water management is characterised by both decentralisation of responsibilities (to the autonomous communities) and institutional fragmentation in that five ministries are somehow involved. In this sense, the institutional structure of water management is clearly more complex - and responsibilities less centralised - than what is the case in the fisheries. This is, perhaps, a little surprising given the emphasis - both in Spain and elsewhere - on water as a genuine public resource owned, as it were, by the state. The state, however, has retained its right to legislate and to grant rights of use. In the Netherlands the management of livestock production is 'shared' between the Ministry of Agriculture (which also is responsible for the fisheries) and the Ministry of the Environment. There is thus a certain institutional fragmentation here, although far more limited than in the Spanish case. The obvious benefit of such an institutional set-up - involving the sharing of functions and power between two independent agencies - is a more transparent and less corporatist process where environmental concerns loom larger than what seems to be the case in the fisheries. There will always be the risk, though, of institutional bickering and competition over turf.

Compared to agriculture, fisheries policy-making is probably less 'user friendly' and overtly corporatist. In France, for example, management institutions (and traditions) in the fisheries have largely been shaped by state corporatism - collaborative arrangements imposed from above. In farming which, in economic terms, is far more important than fisheries, prevailing institutions have been imposed from below - created by the farmers themselves through their associations. The implication is probably that the relationship between government and industry is more 'symmetrical' in farming than in fisheries.

In Norway, the agricultural 'lobby' has, throughout history, carried more political clout than fisheries representatives, and it has been able to work through stronger and more coherent corporatist structures. Agriculture had its own ministry long before the fisheries and has had a university of its own since the 1880s - providing the state bureaucracy with a steady flow of well trained professionals with strong ties to the agricultural sector. There also has been, and still is, less internal strife in agriculture than in fisheries. In the latter sector conflicts rooted in history, geography and technology have complicated policy-making and made fishermen less politically effective than their counterparts in agriculture. The fact that agriculture has largely retained its share of government subsidies, while these have all but disappeared in the fisheries, attests to this. That said, the legitimacy of agricul-

tural policy-making - and the contents of agricultural policies - are certainly being questioned. As in the fisheries, other stakeholders, environmental interests in particular, are getting involved, and the market privileges of Norwegian farmers in relation to competition from developing countries (import restrictions and duties) have long been under attack. In this sense, the transparency of decision-making is improving - undermining the power and exclusive access of the agricultural lobby.

All in all, the management traditions and overall institutional configurations within the fisheries do not deviate significantly from structures and practices in other industries. With the exception of some interesting attempts at devolving management responsibilities and functions to the regional level, the fisheries in the six countries are largely managed through fairly centralised regimes that are part of more comprehensive, nationwide systems of stakeholder participation and 'joint' policy-making. In this sense, the fisheries do not differ significantly from other sectors such as agriculture, fish farming, water management or environmental management.

4.3 Decision-making arrangements

Political traditions and institutional legacies do, of course, spill over into the design and operation of decision-making arrangements - in fisheries as much as elsewhere. Traditions and institutions help define legitimate participants and procedures, they provide incentives for cooperation and compliance, but they do not necessarily shape decision-making arrangements directly. There will, to state the obvious, always be an element of choice and opportunities to experiment and innovate when it comes to both structure and process.

Stakeholder consultation, in some form or other, is prevalent in all policy areas examined in the six countries. Management decision-making is, in short, consultative decision-making, although the manifestation and scope of consultation vary. In France, management decisions are based on extensive consultations between the state and an organisation that represents the broad majority of French fishermen. These consultations take place through advisory boards, and involve delegation of decision-making powers to corporatist arrangements at the national and regional level. There is also a certain element of decentralisation of authority to regional communities.

In French farming, consultation tends to be more exclusive in that the state only interacts with, and recognises, a select group of farmers' organisations that may not be entirely representative of the sector as such. In both sectors users participate through membership in agriculture chambers and committees of marine fisheries. The latter are corporatist structures with delegated power in resource management. A major difference, however, pertains to the fact that while fisheries committees are organised at three levels - national, regional and local - agriculture chambers operate mainly at the national or departmental level, and as advisory boards rather than as decision-making bodies. In this sense there is a stronger element of decentralisation in fisheries than in farming because agriculture chambers have no decision-making power at the local level.

Another interesting difference between fisheries and farming in France has to do with the basis of representation and influence: while user participation in the fisheries is based on the state's recognition of fishermen's expertise and technical competence, partici-

pation in agriculture is largely founded on the sheer numerical weight of the sector, its social and economic significance and its capacity to mobilise politically. In this sense agricultural policy-making is more 'political' than fisheries management. While the former implies alliance building and the exercise of considerable political clout, the latter takes place under the benevolent and often 'paternalistic' monitoring of the state.

Aquaculture (fish farming) in the UK represents a slightly contrasting case. It is a relatively new industry that has been growing rapidly during the past fifteen years. Decision-making is largely left in the hands of a large number of administrative bodies labelled as 'quangos' (quasi autonomous governmental organisations). These are government funded and staffed by people appointed by government. They are independent bodies in the sense that they are working at arm's length from the aquaculture industry, and they tend to put a premium on efficient management rather than on transparency and dialogue. Even though there are consultations with stakeholders before licences are issued, the industry has no statutory right to participate in decision-making. However, the industry can make itself heard through the media and through elected assemblies such as the Scottish parliament and the Shetland Islands Council. In addition both NGOs and environmental agencies tend to keep a watchful eye on the aquaculture industry. What should also be kept in mind is the fact that local government has a statutory right to issue licences for fish farming. This case of local management is largely unintentional in that it follows from a very broadly phrased legal text pertaining, first and foremost, to the regulation of certain aspects of the North Sea oil industry. The wording used in this particular act (Shetland County Council Act) is so general that it has come to include the aquaculture sector as well.

While stakeholder participation in the fisheries tends to be limited to user-groups and usually takes place within a framework of centralised control, some 'sectors' are managed through a more open and decentralised process. In Denmark, where the fisheries are managed through a fairly centralised structure with government agencies and fishermen's organisations as key players, environmental management takes place through a decision-making system that both decentralises responsibilities to regional and local authorities and provides for participation from NGOs as well as for inputs from the general public. There are, for example, 12 regional planning authorities shouldering planning responsibilities across a wide range of 'sectors' and activities. Other stakeholder groups such as WWF and the Danish Society for the Conservation of Nature are represented on ministerial advisory committees, while public participation in planning processes has been possible since the 1970s. Although it has proved difficult to involve the general public, and participation is largely confined to well-educated 'activists', the Planning Act provides for the kind of transparency that is conspicuously lacking in fisheries management.

In Norway, decision making arrangements in both agriculture and fisheries are fairly centralised, albeit - as we have seen - with strong user involvement. Fisheries management has, however, been more susceptible to pressures for increasing transparency as well as extending the categories of stakeholders involved. This may have to do with the public attention - and bad publicity - generated in the wake of dwindling stocks and a general perception that the fisheries are being less than well managed. In this sense policy making in agriculture takes place through structures and processes that are less in the public eye than what is the case in the fisheries. Publicity - and bad publicity in particular - generates de-

mands for change, and the pressures for accountability and transparency has clearly been stronger in fisheries than in agriculture.

In Spain, fisheries management provides for less user participation than does water management, but both sectors display a certain decentralisation of responsibilities in that some decision-making power has been delegated to the regional and local level. In fact, the so-called 'Catchment Area Organisations' that manage intra-community watersheds in each of the autonomous communities, are the result of a decentralisation process that has also affected fisheries management. However, all things considered, there is a stronger element of decentralisation in water management than in the fisheries. Water resources are also managed through a more open and transparent process than fisheries. While environmental interests and consumer groups are included in the former, they tend to be conspicuously absent from the latter.

In the Netherlands devolution is performed through a system of neo-corporatist consultation with professional organisations, user-groups and other stakeholders. This is both the case for fisheries management as well as for agricultural management. In fisheries in 1993 a Steering group, partly composed of people from the Fisheries Policy Community and fishermen, came up with the idea of co-management. Which, in a way, is comparable to neo-corporatism, it is democratic but less elitist. Fishermen now are less atomised individuals that do not leave policy to the elite. They have formed homogeneous occupational groups with group responsibilities that have to take in account the wider society. In agriculture, new organisations still have to be created, agricultural organisations struggle to survive. Institutionalisation of self-organisation seems to be problematic in Agriculture. Transitions in management seem to be evoked by the fact that the Dutch Fisheries and Agricultural Management system is a mixed system, considering the influence of the EU on management and the implementation tasks of the National government and the minor involvement of the sector in these.

4.4 Conclusions

Are the fisheries unique, then - compared to other sectors and industries? As far as management structures and procedures go, the answer is probably no, but. On the one hand, public policy-making in the six countries studied is rooted in institutions and traditions that emphasise consultative practices and user involvement across a wide range of sectors and industries. Whether we are talking of fisheries, farming, water, aquaculture or the environment, some form of stakeholder involvement is clearly on display - although to varying degrees and within different institutional settings. Overall, centralisation of decision-making is probably no stronger in the fisheries than elsewhere, even though both Denmark and Norway have stuck to structures that retain much power and influence in the hands of central government. Other countries - France, Spain, Netherlands and Britain - have 'experimented' with decentralised structures to an extent that justifies the, albeit tentative, conclusion that fisheries management does not differ significantly from other policy areas in this regard.

On the other hand, corporatist traditions - privileging user groups at the expense of other stakeholders - are probably stronger and more prevalent in fisheries than in the other

sectors accounted for in our research. Agriculture may be an exception though - if France and Norway are representative of the other countries covered by our study. Water management in Spain, aquaculture in Britain, and environmental management in Denmark all tend to be more transparent and inclusive - putting a greater premium on bringing in other stakeholders such as local and regional authorities or environmental groups. Recent developments - in the EU's Common Fisheries Policy as well as in Norwegian fisheries management - indicate that the difference between fisheries and other sectors may be shrinking. In Norway there has been a broadening of stakeholder participation in decision-making - both through the inclusion of new and 'oppositional' user groups and through the recognition of environmental organisations as legitimate players. Within the CFP, there is greater emphasis on participation, accountability and transparency, and the concept of 'stakeholder' is replacing that of 'user groups' in public debates on fisheries management. Whether and how this will affect the direction of fisheries policy and the content of management decisions remains, of course, to be seen.

5. Governance and the common fisheries policy

Confronted with the low level of confidence and interest of European citizens and challenged by the ongoing enlargement process, the European Commission put the transformation of European governance on the 2000 agenda. In the White Paper on European governance (EU, 2001a), the EU Commission highlighted the main weaknesses of the present decision-making system, set broad objectives and suggested principles on which to evaluate the governance system. In particular it proposes

> 'opening up the policy-making process to get more people and organisations involved in shaping and delivering EU policy. It promotes greater openness, accountability and responsibility for all those involved. This should help people to see how Member States, by acting together within the Union, are able to tackle their concerns more effectively.' (EU, 2001).

In addition to the proportionality and subsidiarity principles included in the Maastricht treaty, five criteria for good governance were defined in the White Paper: openness, participation, accountability, effectiveness and coherence (confer chapter 2).

As for all EU policies, the reform of the Common Fisheries Policy had to integrate a critical analysis of its governance performance and the opportunities for improvement. The 2002 regulation on the conservation of fishery resources[1] stipulates specifically

> 'the CFP shall be guided by the following principles of good governance:
> (a) Clear definition of responsibilities at the Community, national and local levels;
> (b) A decision making process based on sound scientific advice;
> (c) Broad involvement of stakeholders at all stages of the policy from conception to implementation;
> (d) Consistency with the other Community policies, in particular with environmental, social, regional, development, health and consumer protection policies.'

In this it is apparent that some White Paper good governance criteria are missing or have been redefined; participation has become 'broad involvement', which is a much vaguer expression (confer chapter 2), openness is not clearly encouraged, and sound scientific advice has become a governance criteria.

The CFP is a policy under the exclusive competence of the European Community. Moreover, fishery regulations appear to be under eternal review to take into account the high level of uncertainty; the CFP is then re-negotiated every 10 years (see box 5.2 below).

[1] Regulation (CE) n°2371/2002 of the Council on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (20 December 2002).

This eternal review process represents an additional factor of instability and uncertainty for users who are confronted with recurrent modifications of rules at a level far from their usual environment (local versus European levels). These characteristics of fisheries management underline the need for particular attention to be paid to the governance criteria, in particular transparency, coherence and participation in the decision-making process.

5.1 The CFP governance framework

In order to suggest areas of improvement for the sharing of responsibilities in fisheries management, within the general institutional and functional framework of the CFP, decision-making system needs to be examined. In fact, various driving forces other than improving the governance aspect of the CFP constantly challenge the CFP. These various forces and their potential or current impacts on the governance system need to be identified. And the management philosophy underlying the CFP and the institutional framework in which it is embedded need to be included in the analysis.

In the end, the quality of governance is not a simple linear function of openness, participation, accountability, effectiveness and coherence. In other words, increasing participation or openness in itself does not guarantee improvement of the quality of governance. An appropriate balance between principles should be reached to improve a policy-making system taking into account the particular societal setting.

Decentralisation processes take place in two main directions: a move towards rationalisation and one of devolution through a system of (corporatist) consultation with professional organisations, user groups and other stakeholders involved. (cf. chapter 6). In exactly the same way as management regimes differ, paths towards improved governance are likely to differ between European countries. This reality poses a constant challenge to EU governance aspects coping with various 'institutional and political traditions' at different levels.

In fact, interdependent systems must somehow be compatible if improvement of the overall policy-making process is to be achieved. Proposed change at the EU level should take into consideration national systems, in particular political and institutional traditions. It should also consider driving forces that may advance, hinder or restrain these proposals. Reciprocally, changes in national systems should take into consideration the EU management 'philosophy' and the deriving specific driving forces of change.

5.1.1 The dynamics of change of the CFP

When trying to improve the quality of the decision-making process one must take into account the multitude of dynamic forces driving the process (figure 5.1). The CFP has to meet the objectives of international agreements as well as to cater for EU set objectives and developments. It also has to cope with internal processes with relation to the CFP. Some changes in the governance system are linked to the specific content and dynamic of the CFP, others with the evolution of the European Union itself or with the international context and agreements. Driving forces of change are to be found in three main sources: in-

ternal conflict and coalition of interest, new entries to the European Community and international agreements (Box 5.1).

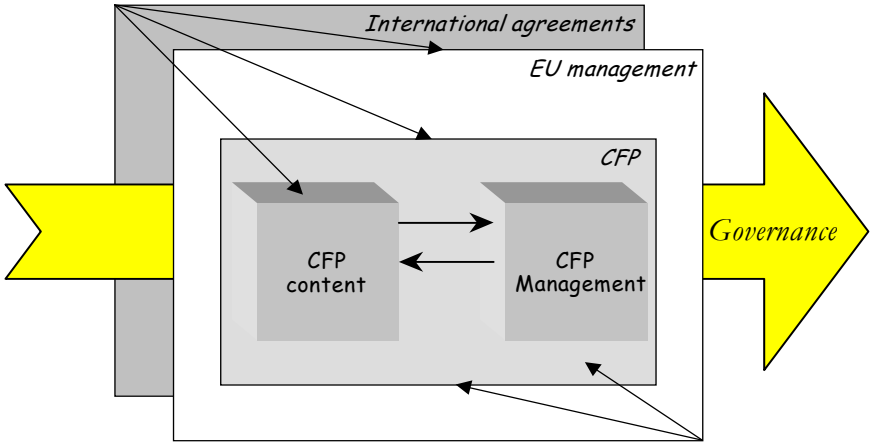

Figure 5.1 CFP driving forces

For example, the 2002 reform proposed the implementation of multi-annual TACs. This proposal, first made in 1993 and rejected mainly because of the national fear of losing power, was discussed again without success in 2000 and 2001. In fact, certain Member States considered that losing the annual negotiations on TACs was one more step towards centralisation. In 2002, the Council finally adopted the principle of a multi-annual recovery plan.[1] For ten years the main argument of the Commission to justify this measure had remained the failure to achieve stock conservation and the tendency of the present system to encourage postponement of difficult decisions. However, between 1993 and 2002, another major argument pushed towards the adoption of multi-annual TACs. The European Union signed environmental and fisheries resolutions integrating the precautionary approach in resource management.[2] The use of the precautionary principle in EU policies was the subject of a special communication from the Commission (EU, 2000a); the adopted resolution states that the Commission shall make proposals to implement the Precautionary principle in the relevant EU policies. In this context, another communication links directly multi-annual arrangements for setting TACs to the precautionary approach in a single-species fishery management context (EU, 2000b).

Broader examples are given by Charles-Le Bihan (2003) highlighting the main challenges and trends driving the CFP. Sustainable development is an important objective of the EU and an objective underneath the CFP. This objective requires the European Community to define a policy for sustainable exploitation of marine resource that contributes to implement the international framework for fisheries founded on the concept of 'responsible fisheries'. The CFP must contribute to this objective within both standards as defined by

[1] Regulation N°2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.
[2] 1992 Rio Declaration, 1992 Convention in biological diversity, 1992 Paris Convention for the protection of the marine environment of the north-east Atlantic, 1995 Code of Conduct for Responsible fisheries.

The main CFP driving forces have been in place since the original building process of the CFP:

1. Internal conflicts and coalitions of interests;
2. New entries to the European community;
3. International agreements (on f.e. seas, environment, natural resources management).

Identifying who is behind ideas leading to a Commission proposal is not easy. Nevertheless at the beginning of the CFP, influences seem easier to trace. It seems that French administrators and professional organisations influenced notably the original CFP project in the 1960s and early 1970s. In 1966 led by Georges Simonnet, a French administrator of maritime affairs, a small group of EU civil servants sent to the six EC governments a document on principles for a common policy in the fishery sector. In particular two proposals were submitted to the governments of the Six: the first one set out a commercial policy and a common organisation of the market and the second proposed a structural policy for the modernisation of the fleet (Lequesne, 2001).

Germany was formally opposed to a common organisation of the market that might hinder the dynamism of its processing industry. Italy, Netherlands and Belgium were also reluctant to approve this costly project without clear added value for their own fishing industry. In fact, these proposals only met French aspirations and the Commission's ambition, in particular the ambition of Sicco Mansholt, father of the CAP. Nevertheless, they were voted two years later, in 1970 by all EU members because of broader issue than strictly fisheries.

At EU level, under the inspiration of Sicco Mansholt, a common organisation of market had already been implemented in agriculture since 1962. At national level, a similar system for the fish market had been implemented in France since 1965. In fact, the French fishery inter-profession reacted quickly to the Rome Treaty. They engaged an action of fleet modernisation and regional fish market organisation to face the increasing competition from other EC countries. They established an organisation (FROM) to defend and stabilise landing prices: it withdrew overproduction from the fish auctions and supported the difference between a fixed withdrawal price and the real price. This organisation financed by the State and producers replaced already existing compensation and guarantee funds by species financed by producers and unable to meet the new competition rules. This new market tool was twinned with a national program of fleet rationalisation. The establishment of structural and market policies were priorities of French fishery management in the early 1960s and the government strove to transplant its system to the EC level (Gouellain, 1980, vol.1, t.2).

Why did Germany, Italy, Netherlands and Belgium finally join the French CFP project after putting up strong resistance during two years?

As France had anticipated the effect of EC competition on its fish market in creating the FROM, so the EC countries were forced to anticipate impact of the adhesion of new members on the fishing sector. After 1969 four candidates applied to the European community: Denmark, Norway, Ireland and United Kingdom. The powerful fishing industry and extensive fishing grounds of those countries completely changed the perspective and nature of the debate on an eventual common fishery policy. The Commission had thereby a political argument to push its ideas: 'We need a common fishery policy to negotiate with new candidates." Moreover, new stakes appeared to sustain the Commission's view.

In the late 1950s, the concept of the freedom of the sea was challenged at the international level. In 1930, the Hague Conference recognised the concept of the territorial sea without fixing its limits and brought out the concept of contiguity. After the Second World War several countries claimed rights to an extended territorial sea or adjacent waters in a context of unclear international rights of the sea. Twenty-eight countries favoured the traditional 3 nautical miles limit, others 4, 5, 6.5 or even 8 miles. Among others, Canada and URSS favoured 12 miles. South American countries like Salvador, Equator, Peru, and Chile were claiming exclusive fishing rights of 200 nautical miles from their coast (Gouellain, 1980). The 1958 Geneva Conference examined again the questions of territorial sea limits and rights to adjacent waters. The Convention on the territorial sea and adjacent waters was adopted in 1958 and implemented in 1964. The Convention reaffirmed the principle of freedom of the sea and did not fix any territorial sea limits due to lack of agreement. The 1958 Geneva Conference highlighted the issue without proposing any solutions. Two months after the

end of the conference, Iceland pushed its territorial sea from 4 to 12 nautical miles with well-known consequences (cod wars with United Kingdom). A second Conference was called in Geneva in 1960 that also failed to reach an agreement. In 1968 a third conference was planed. After 5 years of preparation (1968-1973) and 9 years of meetings (1973-1982), it led to the 1982 international Convention of the Sea. Hence, at the time of Commission's proposals for a common fishery policy (1968-1970) the issue of territorial sea, exclusive fishing zone in adjacent waters and historical fishing rights were under heavy discussion.

The stakes were high for French fishermen. High seas fishermen from the North and the west of France caught 65% of their landings in the future British EEZ. Netherlands and Germany also started to consider their interest in the future access to Norwegian and British waters. In return for France giving up the idea of systematic fish withdrawal financed by the EAGGF, the German and Dutch Governments agreed to the establishment of a CFP based on market and structural policies and on the principle of free access to member's waters.

Box 5.1 From the Origins: Driving Forces of the Common Fishery Policy

the international community (such as the FAO code of conduct), the specific rules as defined by the regional fisheries organisations and agreements signed with third countries. Hence, the CFP is well guided. The CFP must also contribute to the sustainable development of fishing activities undertaken by 'fishing enterprises' in the 'common waters' in accordance with the coherence principle (article 6, Treaty on the European Community).

5.1.2 The general EU management philosophy and the CFP

The European Union is characterised by a rapid evolution due to constant enlargement and related adaptation of decision-making structures and procedures. In this regard, recent debates on a European Constitution and power sharing, linked with the enlargement to 25 member states in 2004, are especially informative trends and issues guiding the evolution of CFP governance.

Like all EU policies, the CFP is evolving gradually with enlargement. The CFP is also regularly re-negotiated. These re-negotiations provide the opportunity to assess the policy outcome and to adjust, redirect or maintain the diverse aspects of the CFP (Box 5.2). Negotiations occurred in 1983 and 1992; the latest took place in 2002 and related regulations have been progressively elaborated since.

This process of regular assessment and reforms is not specific to the EU CFP. In Canada, for example, reforms have been occurring almost at the same rhythm, approximately every 10 years, since the 1960s. Overall, fisheries management is typically a policy under constant adjustment to take into account the high level of uncertainty concerning stocks and management outcomes. Fishing is a sector where regulation appears to never be definitive. For Flaesh-Mougin et al. (2002) this permanent process of adjustment constitutes a very modern attitude in the sense that public policy may always be reformed. The consequence however, is that it represents a factor of instability for users who are confronted with recurrent modifications of rules. These volatile characteristics of fisheries management stress the need for proper governance, particularly transparency, coherence and participation in the decision-making process.

Subsidiarity and exclusive competence in EU governance

All European countries are democratic, but each of them has developed its own type of democracy as reflected by its decision-making systems. The Norwegian regime has been characterised as a system of 'centralised consultation'. The ultimate authority to manage is vested in the hands of central government, albeit with an element of power sharing through corporatist arrangements facilitating the participation of a selected group of interest organisations (Jentoft, Karlsen and Mikalsen, 2002). The political philosophy of the Netherlands is based on 'subsidiarity' and 'sovereignty in its on circle' (Hoof and Hoefnagel, 2003). It means that government is willing to devolve responsibility to industry with corporatist and co-management arrangements competing for it. France can be characterised as a centralised regime largely de-concentrated moving forward some decentralisation with an element of power sharing through sector-based corporatism (Bodiguel, 2003). The Spanish regime is more consistently decentralised with a high level of regional self-governance at Autonomous Communities level (Suarez de Vivero, 2002).

The need for regular CFP re-negotiation arose at the beginning of the 1980s with the establishment of 'a Community system for the conservation and management of fishery resources[1]', particularly because of the establishment of a derogatory fishery access regime within the 12-mile zone.

Article 8 states that the Council will consider the maintenance or the withdrawal of the derogatory regime in the light of a Commission report on 'the economic and social development of the coastal areas and the state of the stocks' in 1992 and 2002.

The 1983 Regulation also established TACs for endangered fishing stocks. The structural policy, which previously focussed on fleet modernisation, was thus re-orientated towards fleet reduction to adjust fishing effort to the available resources. The first multi-annual guidance programme (MAGP I, 1983-1986) aimed to stabilise fleet capacity. In fact, EU fishing capacity increased between 1983 and 1986. Parallel to that, the number of overexploited fish stocks and stocks under TAC increased. The structural policy urgently required new direction, especially as Spain and Portugal joined the EC in 1986 increasing the fleet by 75% in gross tons and 66% in capacity (Proutière-Maulion, 1999). The period covered by the MAGP II (1987-1991) was set in order to meet the 1992 deadline. Rather than being restricted to discussing the continuation of the derogatory regime, the 1992 re-negotiation became the opportunity to asses the overall outcomes of the conservation and structural policy in order to adjust the common fisheries policy.

The 2002 reform was exactly in the same line of assessing and re-orienting the CFP considering outcomes but also new challenges and objectives. It was also an opportunity to experiment a broader consultation framework on the CFP reform. At this occasion, the derogatory fishery access regime within the 12 mile zone was re-conducted until 2012 (EC decision n°2371/2002, paragraph 14), which suggests a new assessment of the CFP at this date.

Box 5.2 Re-Negotiating the CFP

Thus the nations of the European Union have developed democratic regimes with slightly different concepts of management and the related decision-making process. The question arises what the underlying management philosophy of the European Union is. The EU has adopted a parliamentary democracy that has to cope with the issue of national sov-

[1] Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources (*OJEC* L24, 27 January 1983).

ereignty. It has an original structure formed by three European organs: the Commission, the Council and the Parliament. The European Commission alone proposes recommendations and regulations and has limited executive power. The European Council, representing member states, has the legislative and executive power and names the commissioners. The European Parliament, representing European citizens, is consulted on Commission proposals and has limited legislative power shared with the Council on certain topics (co-decision procedure) (Quermone, 2002; Rieu and Duprat, 1989).

Thus the system is characterised by the non-separation of legislative and executive powers and control still largely vested in the hands of the European Council even if the overall procedures have evolved with the Maastricht and Amsterdam Treaties (qualified majority voting, enlargement of co-decision procedure).

Two other originals of the so-called 'EU methods' are the reference to the subsidiarity principle and related normative forms of intervention. In the European context, the principle of subsidiarity has two distinct interpretations; one related to political philosophy, the other related to EU Legislation.

As a general bottom-up political concept, the principle of subsidiarity implies that a public authority intervenes in economic and social affairs only if its action is necessary to realise the initiatives of civil society towards the common good. Consequently, a higher level of public authority intervenes only if its action carries an added value to the action that could be undertaken at a lower level, closer to the citizen. So defined, it applies to relationships between different levels of public authorities as well as between public authorities and the civil society.

In the EU framework, the principle of subsidiarity is more focused. It was officially introduced as a central part of the EU decision-making system in the Treaty of Maastricht, Article B3 (1992). Its extent and conditions are detailed in the Amsterdam protocol (1997) on the application of the principles of subsidiarity and proportionality. Under the Amsterdam protocol, for EU action to be justified, both aspects of the subsidiarity principle must be met: the objectives of the proposed action cannot be sufficiently achieved by Member State actions in the framework of their national constitutional systems and can be better achieved by action on the part of the EU. The principle is strictly limited to decision-making process involving the European Union and Member State central government and applies only to areas for which the Community does not have exclusive competence.

Thus this principle as an institutional tool does not apply to the CFP, which was originally conceived as a common policy centralised at EU level. In 1976, the EC Court of Justice reaffirmed the centralisation concept in considering the CFP to be under the exclusive competence of the European Community[1] as well as the common trade policy. The common agriculture policy (CAP) also comes under the exclusive competence of the EU. Sharing responsibilities in fisheries management is then embedded into a strict top-down rationalism and not in the bottom-up logic suggested and guided by the subsidiarity principle.

[1] Judgement Kramer/Public Ministry of 14 July 1976 confirmed in the Judgement Commission of the European Community/United Kingdom and Northern Ireland of 5 May 1981.

However, the enlargement to 25 countries and reflections on the future European constitution brought the issue of EU and National State competence under heavy debate. Defining different categories of competence is often suggested such as exclusive competence (EU and Member States), shared competence or complementary competence. It is suggested the EU exclusive competence to be refocused on commercial policy, common customs policy, monetary policy or EU citizenship; competence on sectoral common policies, like the CAP, would be largely shared between the EU and Member States (Pernice & Constantinesco, 2002; Michel, 2003). It is unlikely that the EU exclusive competence regarding the conservation of marine resources will be challenged. In fact, the conservation of marine resources is considered a typical example of exclusive EU competence since the European Court of Justice judgements. It matches the two characteristics justifying an exclusive competence (Michel, 2003):

- a materiel criterion, Member states are fully relinquished of their competence;
- a functional criterion, the defence of the general common interest.

The exclusivity of the EU competence is based on the search for unification in a specific matter, here fisheries policy, for which it is considered that unilateral action from a member state would hinder this unification. Then it is considered that in order to attain the objectives of the common EU policy, the parallel competence of Member States must be excluded. Consequently Member States relinquished their competence, which is fully transferred to the EU. These characteristics on which exclusive competence is based are clearly summarised in the 1981 judgement of the EU Court of Justice[1]:

> 'As part of the common fisheries policy, measures relating to the conservation of the resources of the sea have belonged fully and definitively to the community. The 10 member states are therefore no longer entitled to exercise any power of their own in the matter of conservation measures in the waters under their jurisdiction. The adoption of such measures (...) is a matter of Community law. As the commission has rightly pointed out, the resources to which the fishermen of the member states have an equal right of access must henceforth be subject to the rules of community law.'

The exclusive competence of the EU on fisheries policy has already been successfully challenged in the case of the implementation of the United Nation Convention on the conservation and management of straddling and highly migratory fish stocks in 1996 (de la Malène, 1997). But this remains a marginal event in a very specific case.

The fisheries management decision-making system is likely to stay under the exclusive competence of the European Union. Thus despite the current evolution in the EU decision-making system and related debates, the general framework to analyse the potential for sharing responsibilities in fisheries management remains a top-down approach within which the EU has the exclusive competence.

[1] Judgment of the Court of 5 May 1981. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland. Sea fisheries - Conservation measures. Case 804/79, p 1045.

Despite the fact that member states cannot take unilateral decisions, this framework has other consequences in terms of sharing responsibilities. Under shared competence, the privileged instrument is the directive. A directive is binding, as to the result to be achieved, upon each Member State to which it is addressed, but leaves to the national authorities the choice of form and methods (art. 249 TEC). This flexible instrument gives freedom of action to Member States depending on the institutional, cultural and socio-economic nature of their management system. Environmental directives, like water quality directives, are typical examples. This normative approach is specific to the Community. However it does not apply to policies under EU exclusive competence. In this last case, regulations and decisions are applied. A regulation has general application. It is binding in its entirety and directly applicable to all Member States. A decision is binding in its entirety upon those to whom it is addressed (e.g. individual Member States, enterprises). Hence room to manoeuvre for Member States appears to be very limited in fisheries management.

Co-decision procedure: the role of Parliament

The treaty of Maastricht (1992) introduced the *co-decision procedure* and the *qualified majority Council vote*. Initially restricted to a limited number of topics, these procedures were modified and significantly extended by the Treaty of Amsterdam (1997). Under the co-decision procedure, the European Commission sends its proposal to both Council and Parliament. If Council and Parliament cannot come to agreement a 'conciliation committee', composed of equal numbers of Council and Parliament representatives, reviews the proposal. This procedure gives to the Parliament a real legislative power shared with the European Council. The Amsterdam Treaty extended the procedure to matters on which decisions were taken with a qualified majority with few noticeable exceptions.

Even though Council decisions on the CAP and the CFP are taken by qualified majority, they both remain under the exclusive legislative power of the European Council. Although some opposition from Member States exists against this co-decision procedure in fishery and agriculture policies, the general trend is to reinforce EU Parliament legislative power. Policies having an impact on both agriculture and fisheries are already taken under the co-decision procedures, such as non-discrimination on the basis of nationality, the right of establishment, consumer protection, implementing decisions regarding the European Regional Development Fund, environment and research. Thus the Parliament is in a stronger position to influence fisheries policy via a number of channels.

For example the issue of non-discrimination on the basis of nationality was an important argument used in the 'quota hopping' battle concerning Spanish entrepreneurs buying British vessels in order to fish British quotas. Quota hopping was seen as a way to bypass the relative stability principle that ensures the inter-territorial arrangement in the exploitation of fishing resource.[1] British and French fishermen were the most concerned by this practice. In 1988, the Thatcher government tried to impose a nationality condition on vessel registration. The argument of the anti-'quota hopping' advocates focused on the

[1] For more details on quota hopping, e.g. EU funded FAIR research project *A legal and economic analysis of the Foreign ownership of production in the Atlantic fisheries* (FAIR-CTE98-4409).

undermining of the regional socio-economic equilibrium and the weakening of coastal zones dependent on fishing. As such, it was an argument based on a 'regionalisation' concept defended by the relative stability principle. The 'quota hoppers' argumentation was based on the respect for the common market principles. In the end, the European Court of Justice rejected the British government position under the principle of non-discrimination on the basis of nationality, under the right of establishment and under the freedom of movement of capital.

Environmental issues can also be a powerful lever in fisheries management. Since 1992 decision-making on environmental policy has changed significantly. The objective of sustainable development and the principle of integrating the environment into all EU policies were included in the EU missions by the Amsterdam Treaty. This change was made necessary by juridical conflicts in the Treaty of the Union between procedures related to the environment and procedures related to the common market. Moreover the European Union had to face reproaches for not meeting its own target favouring sustainable development taken at the 1992 Rio conference. In terms of the decision-making process, environmental policy decisions are taken by a qualified majority of the European Council and the procedure of co-decision is applied; the Committee of Regions being systematically consulted. The driftnet ban in 1998 was an exemplary case of environmental argumentation and environmental NGOs lobbying Parliament to resolve a long-lasting economic conflict between French and Spanish fishermen. The same issue is about to be raised concerning pelagic trawlers. In this case, the might of environmental NGOs lies in their ability to gain support by uniting the public behind a single message containing conflicting economic and cultural interests.

Issues as sustainable development, environment, equal opportunity and right of establishment thus provide opportunities (other than consultative ones) for Parliament to influence fisheries management. The triptych: the Commission proposes, the Parliament is consulted and the Council decides is not a straightforward procedure even in its basic set-up.

5.1.3 Interactions between the EU and Member States

The EU triptych (Commission/Parliament/Council) is assisted by a set of bodies with scientific expertise or professional/interest representation that step in at different stages of the decision-making process. In the original concept of the CFP, external scientific organisations provide scientific advice to the Commission. The Commission develops proposals. The fishing industry is consulted on the Commission's proposals. A European expert group on fishery science also gives its scientific advice before the final proposal is presented. Next the Parliament is consulted and finally the Council decides. This basic model is still valid but has evolved towards the enlargement of consulted stakeholders. Pressure groups are also acting outside the organised streams of participation at different levels of the process. In fact scientists, fishery organisations, local authorities, interest groups enter the process through multiple channels.

Interactions between Member States and the EU, between groups or groups and the EU in the decision-making process are key components to analyse in order to improve the sharing of responsibilities in fisheries management. Three main interactions have been

identified with the European Council, with the European Parliament, with the European Commission. They can be divided into two main forms:

Type 1. Interaction between EU and Member State central government
Type 2. Interaction between EU and Member States at levels other than central government.

Considering that the CFP is under European exclusive competence and that the Parliament is only consulted, the first type of interaction is crucial in the CFP decision-making system at the level of Council negotiations. A this stage, the involvement of the civil society (users, consumers, NGOs) and non-central Government structures depends directly on their national governance system in particular on their interaction patterns with their ministry at national level.[1]

Under the type 2 interaction the EU organises relationships and interaction processes with groups at levels other than central government (e.g. Euro groups, NGOs, Regions). These interactions, which are only consultative or informative, are to counterbalance the centralisation of legislative power and policy design at the EU level. Typical examples are the advisory committee on fisheries and aquaculture (ACFA), the committee of regions or the new regional advisory committees (RAC). This type of interaction occurs mainly at the level of policy design, but diverse forms of lobbying activities exist also towards the Commission or the Parliament.

As the legislative power and policy design remain at the EU level, the two main avenues for sharing responsibilities may come from an improved participation of various stakeholders especially at the policy design level and from the decentralisation of policy implementation towards member states or the fishing industry. The EU has already taken several initiatives, for example the opportunity given to producer organisations to manage quotas and take market oriented actions. Consultative structures representing various stakeholders (consumers, fishing industry environmental NGOs) have been created at EU and regional levels (ACFA, RAC).

5.2 Key components of the CFP policy design system

5.2.1 The role of science in fisheries management

Scientific advice plays an important role in EU decision-making arrangements. EU demand for scientific advice expanded with the establishment in 1983 of the Common Conservation Policy. This increasing demand follows both a global trend in fisheries management worldwide and an internal trend of the EU Commission.

Globally, the political demand for biological science was linked with the free access to the seas and the impoverishment of important stocks at an international scale. It brought

[1] Division of responsibilities in the 6 Europeans countries of the Responsible project has been described in 2002 intermediary report. Proposals to improve the national governance system are made by each partner in parallel of this paper.

the basic idea of sizing the cake (fish stocks) and limiting exploitation to a part of it. It is the principle of total allowable catches (TAC). In addition to stock size estimation, fishery biology brought concepts such as an optimum production stock size or a critical minimum stock size under which a stock collapses, and recommendations concerning quantities that can be taken in a sustainable way.

EU demand for science focuses then on biological information on stock size and fishing mortality. The conservation policy regulations attempt to ease global fishing mortality pressure and juvenile mortality. The policy is based on total allowable catches (TAC) together with a set of technical measures on mesh size, fish size, by-catch regulation and closed seasons. Over time the scope of fisheries management has dramatically widened from optimum stock production to precautionary approaches and from single species to ecosystem-based management. Several international agreements provide the basis for those new issues such as the United Nations Convention on the Law of the Sea, the Agreement relating to the Conservation and Management of Straddling Fish Stocks and the Code of Conduct for Responsible Fisheries. Consequently the EU has set itself the aim of promotion of 'responsible fisheries', notably by implementing the precautionary principle partly in integrating an ecosystem approach to management (EU, 2001c and EU, 2004). These developments will further increase the Commission's demand for scientific advice.

The main scientific organisation providing advice to the EU Commission is the Advisory Committee of Fishery Management (ACFM) of the International Council for the Exploration of the Sea (ICES).[1] In addition to ICES specialising on the North Atlantic, the International Commission for the Conservation of Atlantic Tuna (ICCAT) and the General Fisheries Commission for the Mediterranean (GFCM) of the FAO also provide scientific information. The importance of this part of the decision-making process is reflected by the fact that:

- the EU Commission bases most of its proposals on scientific advice (biological);
- consultation other than on biological advice remains weak at policy design level;
- within the industry, the general feeling is that the EU Commission takes little account of comments and proposals provided during official consultation;
- part of the industry ascribes real decision-making power to scientists when it comes to management decisions.

Overall, the industry widely believes it is only given marginal opportunities to influence the CFP during the policy design phase because of this lack of solid consultation but also because Commissioners in charge of fisheries favour reliance on biological science or environmental arguments (e.g. interviews-fisher leaders). Lequesne (2001) reached the same conclusion. He stresses that fishery commissioners also have other duties: agriculture and rural development for Franz Fischler (1999-2004), European Community Humanitarian Office and consumer policy for Emma Bonino (1995-1999), Environment policy for Yannis Paleokrassas (1993-1995). Moreover, with the exception of Manuel Marin (1989-1992), they have little or no background in fisheries. Franz Fischler is an agriculture spe-

[1] ICES is the organisation that co-ordinates and promotes marine research in the North Atlantic. It gathers around 1,600 marine scientists working in 19 member countries.

cialist. Emma Bonino was known for her position on international disarmament and the defence of civil and political rights. Finally Lequesne emphasises how difficult it is for commissioners to capitalise their EU fishery experience in their national political arena. For him, it explains the lack of proximity and dialogue between the profession and commissioners that are tempted to rely on scientific rationality and environmental NGO arguments to legitimise their propositions. This is particularly noticeable with the two last commissioners, Emma Bonino and Franz Fischler.

If they cannot really influence the CFP decision-taking process at the level of design, national fishing industries may expect to influence decisions during Council negotiations, but it depends on established relationships with their ministry at national level.[1] Moreover with the enlargement and the qualified majority vote, a Member state cannot block decisions on its own and hence needs to find a coalition. As a consequence fishermen aspire to intervene in the process before the scientific advice is rendered to the Commission.

This pressure on scientific advice is exercised at ICES level with, for example, the initiative of the North Sea Commission Fisheries Partnership and at national level toward national research institutes or individual scientists participating in ICES working groups (Box 5.3). ICES has responded by initiating an internal discussion on transparency, in particular on scientific advice. A central issue of the debate is about opening up ICES (pers.com. A. Forest). Should ICES be open to the public to observe or to participate? At what level: working groups, committee of advice? Who should be invited: ICES clients, users, non-governmental organisations? Without anticipating any ICES decisions in this regard, a few remarks can be made.

The general trend towards increased openness has positive and negative aspects for governance aspects of fisheries management. Fishermen's interest in stock assessment provides an opportunity to organise peer reviews of the advice in order to improve the quality of the advice, the availability and reliability of catch data and the relationship between scientists and fishermen. It also provides an opportunity to increase cooperation between scientists and fisher folk in order to elaborate, for example, scenarios of exploitation at different TAC levels. This development could strengthen the position of science in the decision-making process and possibly increase fisher folk participation. However the search for openness and participation can become detrimental as soon as stock assessments become part of a political debate in which users, NGOs or other stakeholders act as pressure groups. On the other hand, a shift of the debate on fisheries management from the political arena towards the science pitch will adversely affect the accountability of the decision-taking system; scientists cannot be held accountable for management decisions.

Moreover, scientists, belonging to national research institutes, are more easily accessible to fishermen than Commissioners (e.g. interviews-fishery scientists and fisher leaders). The Commission amplifies this situation in giving the impression that its proposals are based on biological advice without integrating socio-economic aspects. The marginal role of the scientific, technique and economic committee for fisheries (STECF) is

[1] For more details, see the national analyses of the project 'sharing responsibilities on fisheries management', Intermediary report, December 2002.

another sign for stakeholders of the overall weakness of the consultation process at Commission level (e.g. interviews-fisher leaders, STECF members).

The STCF is a consultative scientific body created by the EU in 1979 in order to have an internal structure able to comment on ICES TAC proposals. In 1993, the STCF integrated economy and became the STECF in order to deal with social and economical issues such as competition and (over)capacity. Recently, the Commission[1] noted several critical issues about the STECF. First of all, ICES and STECF constitute of scientists coming from the same research institutes. Except for economists, not being part of ICES, the same scientists often sit at both organisations. Subsequently they partly have to judge upon their own work. It strains the credibility of the STECF, even if this issue is hard to resolve considering the small number of experts available. Moreover STECF has no budget, other than travel and subsistence expenses. Hence its capability to produce original work is therefore low. Socio-economic advice remains weak; more critically, the STECF is regularly consulted very late in the decision making-process and the Commission often takes little account of its advice (e.g. interviews- STECF members, fishery scientists).

Fishery leaders, NGOs and local authorities are aware of these weaknesses, of the role given to science in the CFP and finally of the stakes relating to the production of biological data.

The North Sea Fisheries Commission Partnership
The North Sea Commission Fisheries Partnership (NSCFP) is a group of local authorities that border the North Sea. It was established in 2000 to promote cooperation between scientists and fishermen in monitoring and managing fisheries in the North Sea. In August 2002 this resulted in a more formal cooperation, whereby the NSCFP organised a meeting with fishermen, industry representatives and independent scientists to discuss some of the preliminary stock assessments presented by the ICES scientists. Since then NSCFP has annually organised peer reviews of selected stock assessments and became the vehicle for the discussion of the design of the North Sea RAC.

IFREMER-PROMA partnership on deep waters species
The French PO 'PROMA' manages the majority of the French quotas on deep-waters species. The PO hired a biologist on the basis of a collaborative agreement with the national fishery research centre (Ifremer). The PO's objective in internalising a scientific expertise on deep-water species was to improve quality of catch data, to build-up trust between scientists and fishermen and to make use of fisher experience and knowledge.

Box 5.3 Initiatives of Scientist - Fishery sector collaboration in TAC setting

5.2.2 Consultation in policy design: corporatism or regionalisation?

Since the 1970s, the main consultative body, other than scientific bodies, at policy design level has been the Advisory Committee on Fisheries (ACF). In the Green Paper on the future of the CFP (EU, 2001b), the Commission proposed the creation of another consultative body at regional level, the Regional Advisory Committee (RAC). Through these two bodies, two major trends can be identified: the evolution from a corporative

[1] COM(2003)/C47/06 communication on improving scientific and technical advice for Community fisheries management.

model towards an organised civil society model and the regionalisation of the consultation process.

The limits of the corporative model: Europêche and the ACFA

The Advisory Committee on Fisheries is the official fishery sector representation. The Commission initiated it in 1971 along the model of the Advisory Agriculture Committee, the idea of Sicco Mansholt for the CAP. Lequesne (2001) stated that '*in favouring the association of different representatives of an economical sector (producers, processors, consumers), this committee was part of the political project of a Commission, which considering itself as the future government of Europe was dreaming to forge bases of a supra-national corporatist system*'. In fact, the national management models of the first six EC countries were corporatist and centralised. The original design of the CFP hence is also of a centralised and corporatist nature.

The ACF never became the dreamed-of supra-national corporative organisation, partly because members remained faithful to national approaches hindering the emergence of unified reactions or propositions. In practice this lack of structured responds led the Commission to inform the ACF rather than to consult it. Industry leaders could legitimise their actions in their national arena by travelling regularly to Brussels for the ACF meetings and the Commission could legitimise its action by informing/consulting the advisory committee (Lequesne, 2001). European fishery sector industry representatives, represented at the ACFA, face the same problem. The main structure, Europêche, was created in the 1970 on the Euro group model (e.g. COPA/COGECA in agriculture). Such Euro groups were considered the basis of the future supra-national corporative system. Europêche constitutes of 15 fisher- or boat-owner associations from 11 EU countries.[1] Europêche faces the same challenge of reaching consensus between members representing national and sector specific interests.

In the mid-1990s, the Commission undertook a critical analysis of its managerial practices triggered by the increasing travel and translating costs due to European enlargement. Thus in 1999 the ACF evolved towards an 'opener' model, relaxing the original corporatist model. The new advisory committee of fisheries and aquaculture (ACFA) includes aquaculture. It has 20 members against 45 in the former ACF. The percentage of producer representatives is considerably reduced and NGOs on development and environment enter the committee (Figure 5.3). Moreover, the Commission may consult any other stakeholders on a particular issue as desired.

Despite the introduction of NGOs, the fishing sector remains the major power within the ACFA, which is now in-between a strict corporative model and an organised civil society model. With its decreasing number of members, the committee lost part of its function as a platform for individual national leaders; producers are also less prominent. But basically, the main shortcomings remain. The ACFA is weakened by its difficulties to reach common positions. Its comments on the Green Paper on the future of European fisheries

[1] 2 from Germany, 3 from Spain, 1 from France, 1 from Italy, 1 from Denmark, 1 from Belgium, 1 from the Netherlands, 1 from Sweden, 1 from Greece, 1 from Ireland and 2 from UK.

(EU, 2001) were, in this regard, exemplary by their lack of a clear common position towards the Commission propositions. The ACFA is still considered by many fishery leaders[1] as an informative arena more than a consultative arena. Nevertheless, this informative platform has its interest for example in evaluating potential consequences of Commission's communications on fisheries. Moreover, the Commission has begun to organise, under the auspices of ACFA, consultative meetings with external fishing sector representatives on specific topics on which ACFA members do not have relevant experience (e.g. on eels).

Overall, even if the ACFA fulfils useful functions, it still does not perform the task it was created for. Three main causes can be given. Most of the EU countries have a rather strong corporatist tradition. In several countries, such as France and Spain, the fisheries ministry largely defends the interest of the national fisheries sector. For example, the French national committee on sea fisheries[2] cooperates with the directorate of marine fisheries to define positions and arguments for the European Council debate. Even if decisions are the result of a negotiation process between divergent interests, the fishery professionals expect to have an influence on the CFP in this way. This fundamental organisational model hinders the fisheries sector to organise themselves as a unified group outside their national arena (Lequesne, 2001).

Acronym	*Full Name*	*Represented Category*
EUROPECHE	Association of national organisation of fishing enterprises in the EU	Private boat owners
COPA/COGECA	Committee of Agricultural Organisations in the EU/ General Committee for Agricultural Cooperation in the EU	Co-operative boat owners
AIPCE	EU Fish processors association	Processors
CEP	Federation of national organisation of importers and exporters of fish	Importers and exports
ETF	European Transport Workers' Federation	Syndicates of fishers and employees syndicates
EAPO	European association of producer organisations	Producer organisations
FEAP	Federation of aquaculture producers	Aquaculture producers
AEPME	European Association of shellfish producers	Crustaceans and shellfish Producers
Consumers	Coordinated by the SANCO DG	
NGO development	Representation of associations concerned by the Fisheries agreements contribution to the third country development	
NGO environment	Representation of associations concerned by interactions between fisheries and environment	

Figure 5.2 Members of ACFA

[1] Interviews of POs and fisherman association's leaders.
[2] National corporative structure gathering all components of the fishery sector.

Moreover, the corporatist model is based on the idea of a shared interest of a unified sector. In fisheries, as in agriculture, this concept is an intellectual construction built on assumptions and values in a precise cultural and historical context. Such constructions and landmarks exist at the national level but not yet at the European level. The original concept of the ACFA was founded on the misconception that it was possible to directly reproduce, at European level, the national models anchored in specific contexts. In these conditions, it is not completely clear whom the ACFA is effectively representing. The absence of a articulated mutual interest of the European fishery sector may also explain why fisher representatives seem to favour Commission initiatives to organise consultative working groups on specific species, topics or areas in the corridors of the ACFA (Guernalec, 2003; EU, 2001b; interviews).

BEFORE THE 1999 REFORM: ACF		*AFTER THE 1999 REFORM: ACFA*	
45	*Members representative of*	*20*	*Members representative of*
42	*Professional organisation* Producers of fishery products (21) Fisheries co-operatives (3) Commercial banks financing maritime activities (1) Specialised co-operative credit institutions (2) Trade in fishery products (5) The fishery industries (5) Workers in the fishing and fishery products industries (5)	*8*	*Professional organisation* *Fishing companies*: Private shipowners (1) Co-operative shipowners (1) Producers organisations (1) *Aquaculture companies*: Stock-breeders of molluscs and shellfish (1) Stock-breeders of fish (1) *Downstream companies:* Processors (1) Traders (import/export and wholesalers) (1) *Trade unions:* Fishermen and salaried employees of those companies (1)
	Non-professional organisations concerned with the CFP Consumers' representatives (3)	**3**	*Non-professional organisations concerned with the CFP* Consumers (1) Environment (1) Development (1)
		9	The chairman and the vice-chairman of the Fisheries sectoral dialogue committee (2), The chairman and vice-chairman of working groups 1, 3 and 4 and the chairman of working group 2 (7). a)

Figure 5.3 Representation in the former advisory committee on fisheries and the new advisory committee on fisheries and aquaculture

a) Group 1: Access to fisheries resources and management of fishing activity. Group 2: Aquaculture: fish, shellfish and molluscs. Group 3: Markets and trade policy. Group 4: General questions: economics and sectoral analysis

Member States must also accept their role in creating a coherent consultative framework at policy design level. The establishment and reinforcement of direct relationships

between the European Commission and civil society or supra-national structures is a major element of European governance. Not all Member States do appreciate this trend. In fact, an opposing development can be seen in which member states try to increase their influence in the European policy-making process. This phenomenon has a clear impact on fisheries but is not specific to it. For example, EU regional funds still pass through central governments that thereby keep an intermediary role between regional administration (region, autonomous community, Länder) and the EU. In fisheries, it is noticeable that several Member State central governments have considerably strengthened their relationship with fisheries organisations since the establishment of the EU conservation policy.[1] Moreover, to some the CFP became a powerful lever to impose unpopular reform whilst defending the adverse position during the negotiation. The current legislative framework facilitates this type of strategy.

Since 1994, the European Council takes decisions on a qualified majority. The 1995 and the upcoming 2004 enlargements lower the relative weight of individual Member States. Consequently, negotiations on sensitive issues increase to reach a majority position. Despite communication efforts, the negotiation process is not transparent. In this context, defence of corporative sector's interests through the Council has become and will become more difficult and less transparent. Professionals thinking that their representation at EU level is mainly from national involvement might become more disconnected from CFP-building in the near future. Moreover it means that fishery organisations need to make considerable steps towards supra-national cooperation to improve their participation in the CFP.

Regionalisation of CFP?

The regional approach has become a fundamental trend in the European Union. Regional policies are pursued under the principle of social and economic cohesion between EU regions. The CFP is directly concerned with this objective as most of the classified '*less prosperous regions*' are situated in coastal zones in Italy, Greece, Spain, Ireland and the UK. Specific programmes support regions highly dependent upon fishing (PESCA, ERDF). The Amsterdam treaty has also extended the systematic consultation of the Council of Regions, for example, on environmental policies. The White Paper on governance explicitly considered organising consultation of local authority associations to improve EU policy-making. A working document of the Commission[2] was opened for discussion on Internet in March 2003. In the current project, recognised associations could be consulted on the CFP. Associations, such as the Conference of Peripheral Maritime Region of Europe (CPMR) reacted positively, being directly concerned by themes such as integrated coastal zone management, fisheries policy and maritime security policy (Conference of Peripheral Maritime Region of Europe, 2003). The Commission communication published in December 2003 plans to structure the dialogue with associations of regional and local au-

[1] Sharing responsibilities in fisheries management, Intermediary Report on division of responsibilities in the CFP and in fisheries management of Denmark, France, Norway, Spain, United Kingdom and Norway (December 2002).
[2] Working Paper, 'Ongoing and systematic policy dialogue with local-government associations' (2003).

thorities on the formulation of ' *the major policy initiatives that have a direct or indirect territorial impact'*, what logically includes fishery policy (EU, 2003).

Moreover it should not be forgotten that since 1983 the Conservation policy has been adapted to the Mediterranean fisheries taking into account regional differences in resources and exploitation. Finally CFP regionalisation is 'naturally' developing with the EU enlargement and extension of its marine waters. EU waters are regularly enlarged constituting gradually internal waters or waters in which the EU is a main producer like fore example in the Channel, the North Sea, the north-west of the Mediterranean sea. The 2004 enlargement transformed the Baltic Sea into internal EU water; only a small Russian area around Saint Petersburg will remain outside the EU. Fishery issues previously treated though agreements with third party countries become internal to the CFP.

Thus the regional advisory committees (RACs), the main innovation of the 2000 reform, correspond both to the objective of improving consultation and to the trend towards regionalisation. RACs are based on the idea that, with a greater involvement of local stakeholders at conception level, rules more adapted to regional conditions (environmental, politic, socio-economic) can emerge. This evolution was already propounded in the 1996 research project on devolved and regional management system for fisheries that also suggested the establishment of Regional Fisheries Councils. However, regionalisation is a rather vague terminology (e.g. chapter 1) that only relates to a scale but doesn't give any information on what extent the decision-making is devolved.

Each RAC covers a rather large geographical entity: the Baltic Sea, the North Sea, the Mediterranean Sea, the North Western waters and the South Western waters and pelagic stocks. They are advisory structures with a slightly opener structure than the ACFA. Two thirds of the RAC general assembly and executive committee seats are allocated to the fishery sector; the one third left is allocated to other interest groups affected by the CFP. Overall the catching sector keeps a predominant position, as one representative per country will be in the executive committee. For openness and transparency, other participants may be invited to express their views, recommendations or suggestions: scientists as experts, national and regional administrations, third countries or Commission members as observers. Moreover meetings of the assembly and executive committee will be public.

RACs are asked to provide recommendations. In fact, the approach promoted in the EC decision on RAC consists of adapting common rules to regional conditions in integrating advises from the most concerned stakeholders at policy conception level. No delegation or devolvement of decision-making power to RAC is thus considered (2004/585/EC). In sum, the ACFA remains the main structure representing fishery stakeholders consulted on general regulation and decision but RACs may be consulted by the Commission or Member States on specific measures or plans on one fishery that relates specifically to their areas (EC decision 2371/2002).

Overall, this moderate approach of both regionalisation and stakeholder participation in policy design is not surprising considering the reactions during the Green Paper consultation phase which was the first concrete experiment in improving European governance in fisheries since the publication of the Governance White Paper. At this occasion, objectives, roles and composition of RACs were heavily discussed. In fact, positions of Europêche and the COGEGA on the Green Paper reflect the lack of internal cohesion. No concrete

counter-proposals were made and contradictory opinions were expressed in particular on the fleet policy and RACs.

During this consultation phase, a large part of the debate focused on whether the role of the RAC was to be mere advisory or to have some substantial delegated power. Europêche supported the establishment of RACs but 'with the express proviso that their role remains purely advisory' (Europêche, 2001, p.10). Similarly 'opinions are divided within EUROPECHE and COGECA concerning the decentralisation of certain fisheries management responsibilities'. At the other extreme, Seas at Risk envisaged that

> 'once regional advisory committees are established and have proven to function well, it might be feasible to devolve some decision powers and responsibilities for implementation to the regional committees' (Seas at Risk, 2001).

It may seem curious that national fishery representations are reluctant to decentralise or delegate responsibilities to themselves when environmental NGOs are not. Members afraid that RACs or decentralisation could be derailed in the direction of a CFP re-nationalisation support this position. The desire that the current Council and Commission's roles remain untouched is the main reason for opposing resistance to decentralisation or empowered RACs.

This main criticism of RACs, a 're-nationalisation' of the CFP, was noted in the 1996 report on devolved fisheries management:

> 'If the CFP is to regain the confidence of the fishing industry throughout the EU, it needs to become more regionally sensitive, both ecologically and politically, while avoiding the downward path towards re-nationalisation of fisheries policy' (Symes, 1996).

This criticism mainly comes from the fishery sector of countries that are not based in the area where they fish. They fear that RACs and regional measures could be used to bypass the open access principle to the EU water. Economic and social interests of specific fleets or regions are definitively one of the challenges of RACs.

This position is supported, among others, by the French representation embedded in the corporative link with the central state discussed above. The belief that the fishery sector is well defended by their ministry at the European Council and/or the fear to face the other national fishery representations in a weak position in regional arenas explains this reluctance to change responsibilities in decision-making. Spain is for example explicitly against the CFP regionalisation; France supports a cautious guided approach excluding any type of CFP re-nationalisation. British, Dutch and Swedish delegates proposed a full regionalisation of decision-making power (Hatchard, 2003). Both French and Spanish countries have fleets with major interest in RAC areas where they are not based while British, Dutch and Swedish have not.

The consultation on the Green Paper made very clear that national fishery delegates favour certain decision-making arrangements depending on their national decision-making process and the structure of their fleet. Regionalisation and decentralisation are at the cen-

tre of conflicting interests between the national fisheries delegations in Europe as well as within Europêche.

The other important criticism of RACs is that the presence of environmental NGOs will hinder the possibilities of a constructive discussion among the various national fishery sector among which disagreements are already eminent. The absence of consensus and capability to bypass national views is considered the main reason for the failure of Europêche as corporatist structure. In other words, the problems that hinder the functioning of Europêche and the ACFA could also occur at RAC level. The changing scale doesn't guaranty the success of the process. It is also clear that national fishery sectors do not have per se a shared experience or view on dealing with a consultative process involving NGOs, especially in those cases where the relationships are more or less conflictive.

Considering these issues and to give a solid legitimacy to RAC recommendations, Symes (1996) and in the EC decision (2004/585/EC) underline that it would be more appropriate for RAC recommendations to be reached on the basis of consensus. However, as clearly shown above, reaching consensus in an international setting with multiple stakeholder presence is a real challenge and a goal in itself. The EC decision on RACs specifies that 'if no consensus can be reached, dissenting opinions expressed by report of its activities to the Commission, the Member States members shall be recorded in the recommendations adopted by the majority of the members present and voting'. However dissenting opinions may be used, consciously or not, to cast-off a recommendation or choose whatever solution favoured. Moreover compared to consensus or qualified majority also advised in the Symes report, the majority of 'members present and voting' is the smallest possible majority to vote a recommendation.

RACs are expected to increase the support for CFP rules by the main stakeholders and, consequently, lead towards a better policy compliance. Are these expectations likely to be reached? As stated above, it partly will depend on the way the Commission is going to go about with RAC's advice given. Secondly it will depend on the wider role the RAC can and will play in the decision-taking process. In the EC regulation on the conservation and sustainable exploitation of fisheries resources (2371/2002 of 20 December 2002), the role of RACs is minimum. There is no obligation of consultation on any issue as RACs may be consulted and the specific issues on which they may be consulted by the Commission or by the Member State is also kept rather vague. In other words, the success as perceived by the members of the RAC will largely depend on the way the Commission is going to treat the advice of the RAC's and, in particular, the way in which the RAC's advise is going to be included in future policies.

5.3 CFP implementation: delegation, decentralisation or nationalisation?

The other major area carrying a real concern of proper governance is CFP implementation. The two main initiatives of the Commission to share responsibilities in CFP implementation are the decentralisation of TAC management and the devolution of management of the 12-mile zone to Member States.

5.3.1 Producer organisation: decentralisation by the market

Under the relative stability principle, TACs are divided into national quotas, the management of which has been delegated to Member states. Moreover, the EU suggested that quota management might be delegated to producer organisations, already in charge of the decentralised management of the common market organisation. Quota management by POs was first placed under the objective of market rationalisation thus more explicitly under the objective of coherence between market and conservation policies (Box 5.4).

The role and performance of POs has varied between Member States. In countries like France appearances of POs already existed prior to 1976. In other countries, such as Spain, they were introduced out of the blue after the entry into the EU in 1986. Overall the introduction of POs in an already existing management system created at times problems especially as to the sharing of tasks between authorities and POs.

This is the case in Spain were PO creation was controversial. They were seen to compete with the well-established *Cofradías*, which have traditionally provided quayside services and organised the auctions for the member's catches (Symes, 1996). POs in Spain still have a main focus on attracting EU funds and aids. Improving marketing conditions and coherence between catching and marketing activities is better managed through other initiatives like the Striped Venus Consortium (Suarez de Vivero et al., 2002).

In France, it is more the partition of functions that hinders the emergence of coherent conservation and marketing management plans. On the one hand, resource management in the 12-mile zone has been delegated to well established professional organisations, the national and regional committees of marine fisheries (NCMF & RCMF). On the other hand, POs are in charge of managing the fish market. Similarly, the NCMF and RCMF are responsible for introducing and managing licensing systems where POs are supposed to develop quota management plans.

The producer organisations and their European representation (EAPO) personify another approach of CFP governance that may be called 'decentralisation by the market'. The producer organisations (POs) have been officially recognised at European level since 1976 in the framework of the common market organisation a). Conditions of PO recognition have changed several times without affecting PO function in the CFP. The most significant change occurred in 1999 with the reform of the common market organisation b). The reform gave a new role to POs, which may take more responsibilities in managing stock (in particular stocks under TAC) through management plans optimising fish production on the market (quality and quantity). This role was implicitly recognised in the 1992 c) reform of the common organisation of the market. Nevertheless in 1992 management plans taken by POs were placed under the objective of price stabilisation; in 1999 they were also placed under the objective of rational and sustainable use of the resource to ensure coherence between the CFP policies. POs are thus officially considered as stakeholders of the Conservation Policy. This reform reinforces management practices by the market developed in some EU countries, for example in the UK pelagic fishery with nominal fixed quota allocation (FQA), in the Dutch cutter sector and in the Danish Herring Fishery with individual transferable quotas (ITQ).

Box 5.4 Producer organisations: from market to quota management

a) Regulation (CEE) Nº105/76 of the Council, 19 January 1976; b) Regulation (CE) N°104/2000 of the Council, 17 December 1999; c) Regulation (CEE) N°3759/92 of the Council, 17 December 1992.

Gapping or overlapping functions between professional organisations, induced by the creation of new structures, leads to poor coordination between market and conservation measures and is detrimental to transparency, accountability and coherence in the management system. This issue, noted in the 1996 research report on 'devolved and regional management systems for fisheries' remains an issue in several EU countries (Symes, 1996). In other countries, POs are better adapted to the existing social organisation. In Denmark, their number has remained very limited (3) but targeted successfully at very specific industries or species without interfering with existing organisations. In the Netherlands, individual quotas were introduced as early as 1974; the PO system, well adapted to the Dutch management framework, was easily introduced. In 1993, 95% of Dutch fishermen belonged to a PO. In the United Kingdom, only a few POs were created just after the UK joint the EC but they developed substantially after 1983 when the UK government started to delegate TAC management to POs. By 1991, i.e. before the 1993 EC regulation that suggested the delegation of quota management to POs, all the UK POs were involved in managing quotas on behalf of their members.

The EU also expected POs to develop quota management plans to combine fish market management with catch plans. The results vary widely between Member States. In Spain, POs have not taken up this responsibility. In France, quota management has been delegated to POs. After three years of negotiation (1995-1997), the two PO federations agreed on mechanisms to share and freely transfer quotas between POs routinely based on the combined landing 'track record' of each PO's members. Whilst noticeable progress has been made in compiling catch data, no real management plan has been implemented yet. The main difficulty encountered is the degree of compliance of members to the rules laid down by Pos, and the pursuant lack of POs to take disciplinary action. The competition between POs and their fear to lose members broadly explains their reluctance to go ahead with concrete management plans. Moreover, not all POs are interested in developing management plans, the more so because there are no incentives to develop such plans.

In Denmark, management plans are still being managed at a central level, the Danish Fishermen's association being consistently consulted through the Board for Commercial Fishing. In the board several of other stakeholders are represented such as fish processors associations, the trade union, workers' union and the ministry. The POs do not play an active role in distribution of the national quota. The annual quota for each fishing area is distributed over periods of time, often as monthly quotas, but also quarterly, 2-weekly and weekly quotas are used. The aim is to improve the coherence between market conditions and catches and to provide fishermen with the capability to plan the fisheries. In 2003, an ITQ system was also implemented in the herring fisheries. The introduction of ITQs was the result of long lasting lobbying activity by the herring processing industry and purse seiners' PO with the objective of restructuring the fleet and improving quality and organisation of supply to the processing industry.

The UK government started to delegate quota management to POs in 1984 and all POs were already involved in management plans in 1991. The annual allocations to POs were routinely based on the combined 'track records' of each PO's members as in the current French system. In 1999 these individual allocations were converted into 100kg quotas units calculated on the basis on the 1994-1997 catches, called fixed quota allocations (FAQ), in order to remove incentives to secure quota allocation by artificially inflating

track records. Each PO determines their own internal allocation methods. Some set monthly landing limits that apply to all members; others allocate individual quotas to member vessels on the basis of each vessel's FAQ. Since 1996 and relaxed rules on the swapping of quotas between POs, quota trading also developed more consistently. In the pelagic fishery, quotas are allocated for the exclusive use by vessels as if they were individual transferable quotas.

In the Netherlands, an ITQ system existed before the European regulation on POs with the expectation that it would enable fishermen to maximising their profits by regulating their landings, to plan their fishing activities in advance and to discuss their plans with their financiers. So the main change occurred in 1993 with quota management devolution to limited groups of fishermen acting in POs. Members' ITQs are pooled and collectively managed through management plans. The Central Government also created incentives (additional days at sea and expanded possibilities to rent/hire quotas) to encourage these groups compared to independent fishermen.

Overall, POs have been a way to decentralise or devolve management power to fishermen, through quota management, in most of the countries. Nevertheless the quota management plans undertaken by POs varies from registering their member's catches to implementing concrete plans (better economic conditions, lower overfishing and better relationships between stakeholders).

Several comments and lessons can be drawn from these experiences:

- the wide range of results mostly depends on negotiation and implementation conditions at national level. But the PO formula seems also more or less adapted to the existing management system and, in some cases, competes inefficiently with other professional structures;
- the multiplication of structures and layers has the tendency to weaken accountability, transparency and coherence of the decision-making structure. Consequently the number of structures created or encouraged should be limited and precisely linked between each other at national and EU levels and at the design and implementation levels (RAC, POs, ACFA, Europêche). Accountability in the system would suffer from a too broad dispersion of responsibilities;
- the formal and informal development of IQs and ITQs in several countries hinders the possibility to fundamentally reconsider the principle of management by output control. Most national management systems would become instable, especially in countries like the UK and the Netherlands where POs and fishermen have already invested in quota trading. Nevertheless all countries are not obliged to go towards ITQ systems. POs capabilities to develop, implement and secure management plans should be strengthened;
- in favouring devolution of responsibilities to POs, the EU has also reinforced fisher's focus on quota setting. POs see an enlarged participation in TAC setting in most countries as the 'natural' next step in quota management. This is directly linked to initiatives like the North Sea Commission Fisheries Partnership or IFREMER-PROMA partnership on deep-water species. Consolidating or developing PO responsibilities by national or EU incentives should go with concrete policies favouring cooperation between scientists and fishermen. Such collaboration is needed to achieve consensus between stakeholders, as stressed in the Green paper and approved by Europêche,

COGECA and environmental NGOs (Europêche and Cogeca, 2001; Seas at risk, 2001). Nevertheless, except for the already mentioned initiatives, it remains a rather academic discussion as no concrete proposal has been made on the issue. What is fishermen's knowledge? How can it be used in the management system? Or what incentive could support the establishment of scientist-fishermen partnerships?

5.3.2 The 12-mile zone

The other case of delegated CFP implementation can be found in the 12-mile zone derogatory regime. Since 1972, the access to the 12 mile zone is restricted to national vessels and vessels with historical fishing rights in the particular area. This regime, derogatory to the principle of free access of EU waters, has been systematically renewed since. What is often perceived like an 'acquis communautaire' by Member States is in fact a case of controlled re-nationalisation of the CFP or, in other words, a case of decentralisation of the CFP.

The 2002 reform of the CFP continued and reinforced this regime. In fact, the council regulation on the conservation and sustainable exploitation of fisheries resources stipulates that

> 'in their 12 nautical mile zone, Member States should be allowed to adopt conservation and management measures applicable to all fishing vessels, provided that, where such measures apply to fishing vessels from other Member States, the measures adopted are non-discriminatory and prior consultation has taken place, and that the Community has not adopted measures specifically addressing conservation and management within this area.'[1]

Thus Member States can adopt measures that apply to *all* fishing vessels where previously such measures were only applied to national vessels. Moreover conservation measures can be enacted for the 12-mile zone where previously only measures to conserve local could be instigated. Curtil (2003) noted that, with this regulation, the European community accepted that it does not have the competence nor the resources to manage fishing stocks specific to coastal zones and that Member States are more suitable to perform this task.

The 12-mile zone provides a further path of delegation. In this way, an opportunity is given to local stakeholders to participate in fisheries management depending on their national governance system. In most countries this opportunity has been, or is currently being considered. It is remarkable that even a country like Norway, with a solid tradition of centralised consultation, has envisaged the possibility for delegation of local stock management.

In France, decision-making powers on fisheries management in the 12-mile zone were delegated under state supervision to the Committee of marine fisheries gathering all stakeholders of the fishery sector. In Spain, fishery management in inland waters is decen-

[1] Regulation (CE) n°2371/2002 of the Council on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (20 December 2002).

tralised to the Autonomous Communities that have also punctually delegated responsibilities to fishery organisations. In the UK also examples of delegation of local stock management to fishery organisation, or multi-stakeholder boards, were experienced. The new EU agreement on territorial waters should facilitate countries that want to further pursue this development.

5.4 Conclusion

There exists a highly dynamic relationship between EU-level fisheries management and national fisheries management systems. The CFP is confronted by a variety of institutional and political traditions in which sharing responsibilities is conceived in very different ways. Furthermore, these national fisheries management systems are increasingly developing and, in addition, the EU enlargement process brings along new countries with other traditions. This situation constitutes one of the many challenges to the proper governance of the Common Fisheries Policy. A decision-making system is never neutral; each system will unavoidably have its specific assumptions about societal organisation and stakeholder legitimacy. EU Countries that differ in socio-political traditions, will also have differing visions on the European decision-making system. Furthermore, desires expressed as to preferred changes to the system, be it articulated by national authorities or specific interest groups, may well be based on fundamental interests of vested economic concern or be a protectionist reflex.

So far, the EU system has tackled this issue by on the one hand, centralising decision-making in the hand of the Commission and the EU Council of ministers at policy conception level and, on the other hand, by attempting to delegate responsibilities towards the fishery sector and Member States at implementation level. Following the Green Paper, in order to tackle one of the main weaknesses of the system, the 2002 reform seeks to modify the consultative framework at policy conception level.

European fisheries management is embodied in a web of driving forces (international conventions and treaties, overall EU governance, path dependency within the CFP, tensions between the various institutional and political traditions of EU countries), such that coherence within the system is very hard to achieve. The impact of these processes and forces has at this point insufficiently being taken into account in the evaluation of CFP outputs. Coherence, as criteria of good governance, relates to the concrete consistency of policies and actions. But, in order to truly reach its objectives, the CFP shall also have to strive towards an institutional and political logic that can structure driving forces occurring at such a wide range from international to local levels.

In trying to ameliorate the governance aspects of the CFP, in specific relating to the issue of sharing responsibilities within the management system, further attention need to be paid to two fundamental process: accountability within the decision-making process and the knowledge base of the management system.

Accountability within the EU decision-making system at present is quiet low at all levels. The increasing number of consultations before or after the stage of Commission's proposals is not making the process more open and/or transparent (STECF, RAC, ACFA and soon local authorities, Parliament, Council of Regions, Economic and Social Council).

Questioning each structure's role, accountability and utility within the CFP decision-making system is a needed step that should precede devolvement, delegation or centralisation of responsibilities.

The knowledge base of the CFP at present is highly focussed on stock assessment. This is due to the fact that the management system is based on the foundation of a quota share per country: the principle of relative stability. As a consequence, setting EU quotas became an object of bargaining at all levels of the decision-making system. This has been partly recognised in the Green Paper, proposing to solve the issue in centralising more decisions at EU Commission level when it comes to endangered stocks. Within this configuration, centralising may be the only solution but, as we know, centralisation induces other issues that might hinder the performance of the management system. What can be expected from more stakeholder consultation at policy conception level if the key problem of the overall system stays unchanged? If the solution is not to come from a redistribution of power in the decision-making process, opening-up the (knowledge) base of the system might be an alternative. Of course redesigning the knowledge base of the system requires a change of the management system and it also will require a re-think of the way responsibilities as being shared among the stakeholders within the new system.

6. Institutional arrangements across Europe

During the last decade, one has experienced an increasing request from both the fishing industry and other stakeholders for greater transparency in relation to fisheries policy making in Europe. In the case of the European Union (EU) and Norway the fishing industry has requested greater participation and contribution elaboration of policies and implementation hereof. The EU Commissioner responsible for fisheries Mr. Fischler has stated:

> 'We will not have good fisheries management until everyone is prepared to take their share of the responsibility. We should get the sector more involved in management decisions because ultimately it is the sector which has to put those decisions into practice.'[1]

Sharing of responsibilities in relation to the Common Fisheries Policy (CFP) in EU can be rather complicated, because implementation of the CFP rests within the domain of the member states and there are considerable variations in the instruments used including how management responsibilities are shared with users and other stakeholders by the various member states. The discussion on sharing responsibilities in fisheries management is therefore also a discussion on how to make institutional reforms within European fisheries management and how to adapt to the institutional landscape around EU and Norway. The practical question to ask is: What are the possibilities for decentralisation and delegation of responsibilities in European fisheries management? A question, which have been raised before, but has obtained increased attention in recent years as the crisis in the fisheries sector became more and more apparent.

Symes (1996) coordinated a large research project on how fisheries management responsibilities were shared in Denmark, France, Netherlands, Norway, Spain and the United Kingdom in the early 1990's and made suggestions for further devolution of management responsibilities in EU and Norway. This chapter will follow-up on the research headed by Symes a decade later by asking the following question: *Does the current institutional landscape in Europe contribute to good governance?*

Institutional reforms in fisheries management obviously are not created in a vacuum, but need to build on existing structures and arrangements (Holm, 1995). According to Jentoft and Mikalsen (2002) it is important to realise that changes in fisheries management institutions cannot purely be considered a change in the legal structures, but need to be embedded in the historical and socio-political context in which the management institutions are nested.

Reforming fisheries management institutions - through sharing responsibilities between authorities and stakeholder groups - can be done in different ways and through

[1] The Common Fisheries Policy Beyond 2002', Seminar, Brussels, 27 June 2000.

different concepts (Karlsen et al., 2002). Nevertheless, such reforms are influenced by the historical tradition for policy formulation in the specific countries. The first step in reforming fisheries management in Europe is to understand the present institutional landscape. In this chapter, we will particularly focus on how institutional structures contribute to governance. Our analysis is based on the concept of good governance suggested by the CEC, COM (2001) 428 final, as it underpins five principles for good governance: *openness, participation, accountability, effectiveness and coherence* in order to establish a more democratic governance structure within the EU.

6.1 The institutional landscape in fisheries management in Europe

There is no pre-dominant institutional design for fisheries management across the EU and Norway. It is therefore important to understand how the political traditions are influencing by the good governance principles. The analysis only focuses on implementation of conservation and structural policies in the fisheries sector. It is not the intension to present a full picture of the management systems in the six countries, but to contrast the different approaches across Europe.

6.1.1 Openness

The openness of management institutions is a quality that affects the transparency of decision- making processes. This feature is multifaceted and is related to the degree of public access to documentation and the communication techniques used in the management system. This will always be a balance between the right of the public to access the criteria by which management institutions are working, and the protection of the privacy of those subjected to administrative trials. The degree of openness in fisheries management decision-making varies across Europe.

The lack of a constitution in the UK, where fishermen have no constitutional right to have their voice heard in the management process, generally leads to the establishment of ad hoc solutions within the framework of local institutional traditions. The responds from industry as well as other stakeholders have been the establishment of professional lobbying groups. These bodies actively participate in the different forums where decision-making processes take place. The UK fisheries management system becomes non-transparent and becomes closed to the outsider, unless the outsiders are able to raise the funds to employ professional lobbyists and enter the system.

Closed systems are also found in Norway, e.g. the biannual quotas negotiations between the Ministry of Fisheries and the Association of Norwegian Fishermen, where other institutions only have limited access to the negotiations and the negotiations between Norway and Russia concerning the distribution of the Norwegian-Atlantic cod. These meetings are closed and the Fisheries department does not even publish the minutes from these meetings.

However, Regulating Orders in Scotland have put the management of shellfish fisheries in the hands of local communities; the process is open to a broader range of stakeholders, which had facilitated transparency. Contrary, the three-tier structure of man-

agement in the Scottish pelagic fishery, involving only a few players, makes decision-making more complicated and less transparent.

The use at the national level in Denmark and Norway of Advisory Boards can be described as partially open. The meetings in the advisory boards are closed to the public, but the public has access to the minutes from the meetings. In sensible cases the minutes are revised before being made public. In Denmark consumers and environmental groups are formally members, whereas they only have observer status in Norway. Similarly, France and the Netherlands have established a system of high-level professional consultation and competence delegation. This has, as in the Scandinavian countries, given fishery representatives a privileged position compared to other stakeholders. The French sector-based corporative systems are closed for non-fishery sector stakeholders. As a result, environmental groups and civil society are excluded and have no real way to enter the fisheries management forum at the national level. In the Netherlands both producer organisations and fishermen are represented through their representatives in the Fish Commodity Board, which emphasises a transparent process; however, the system is not equally open to the general public. Since the allocation of quota is left to the operation of the market, not much openness is inexistence. Openness exists on the level of quota uptake per co-management group during the year. Nowadays plans exist to publish annual reports of the co-management groups in order to meet societal demands.

The Spanish involvement of both State and autonomous region levels in fisheries management has made great efforts to make both the process and the final result of adopted management measures known. The flow of information is both transparent and effective as far as access and opportunity, and the relevance and quality of the information to be made public is concerned.

The annual TAC setting is the most important decision for the industry and despite the Commission advocating for openness in the decision-making process the negotiations in the EU council of Ministers are kept completely behind closed doors and only the results are communicated to the public.

6.1.2 Participation

The concept of participation is related to the form of inclusion of the participants in the policy chain. This points to the complex problem of who should be eligible to participate in the policy process in the first place. At the outset every owner of a fish-stock is eligible to have a say in the management of the stock, however this is practically impossible. In a democracy, elected representatives are assumed to manage the possessions of a nation in the best interests of the people. In most countries, it is accepted that those who utilise a resource should be more involved in the management of a resource than the general public due to the perception that users have a higher stake in the resource than the general public.

A system for the active participation of users can be seen in both the Mediterranean France and Spain. In France, the system of prud'homies, whose jurisdiction covers coastal ponds, lagoons and the oceanfront out to the 12-mile zone, represents one of the oldest management institutions in Europe, established in order to ensure user-management of natural resources. In Spain, the Cofradias have a similar function and historic origin. Interestingly, in both countries a system of local, regional and national management boards has

been established, representing a continuation of the decentralised structure of fisheries management, as certain tasks are delegated to a lower level through an institution in which users participate actively. In Spain some fisheries organisations are over-represented, especially those from the catching sector and, as a consequence, other stakeholders are under-represented (processing industry, environmentalist groups and consumers).

In relation to North Sea fisheries the role of the participation is clearly defined. As described above it is primarily user-groups who are formally allowed to participate in France, the Netherlands and Norway, whereas both environmental and consumer organisations are represented in Denmark, but here industry representatives are in strong majority. In the Scandinavian countries user-groups/stakeholders can give advice, but do not have a say in the decision, as the Minister has the final say, which takes away the responsibility from the participants. As management decision-making takes place through a system of centralised consultation in Norway it is worth noticing the fact that parliament is conspicuously absent from the policy-making process, this is to a lesser degree the case in Denmark. In France and the Netherlands the industry-state collaboration in different boards allow user-groups more decision power.

In the pelagic fishery in Scotland fishermen are well organised and have sufficient resources to fund their lobbying efforts via well-managed organisations and permanent structures with capable, paid staff and representatives. However, because the participation evolved via very informal structures, the fishermen do not actually formally participate in the decisions.

Although the degree to which the policy that is devised includes all participants, there are unequal opportunities for the different groups that are involved or which have some interest in the fisheries sector. There is a clear predominance of the extractive sector and, consequently, the new way of understanding representation, which would embrace new interest groups, is considered to be contrary to its interests.

6.1.3 Accountability

The accountability of a fisheries management system is related to the degree to which responsibilities, tasks and roles are clearly defined among the participants in the management process. This means that the interests of the parties involved must be clearly stated in order to avoid conflicts of interests that may put the legitimacy of the entire management system at risk. The accountability of a management system is also related to the degree to which the actors in the system must take the responsibility of their actions, and that the system as such represents a legal entity that can be prosecuted. The different fisheries management systems of Europe appear to solve this problem in very different manners.

In Norway and Denmark the advisory bodies in reality have considerable power but with no formal responsibility. The Minister's position, however, is unambiguous: he or she is accountable to parliament - and eventually to the public. Not so with the council, even though its (public) position has become somewhat tenuous as management problems have mounted. The lack of any formal responsibility for policy on the council's part may thus be compensated by an increasing public awareness of its work and decisions.

Despite the fact that the France management system is clearly defined by the 1991 and 1997 laws, the system lacks clarity on how responsibilities are assumed and type of

encountered difficulties, because overlapping responsibilities and factors hindering stakeholder capabilities to perform their task remain in the system, in particular. In general the present system has low stakeholder accountability.

One of the main shortcomings of the Spanish management system is that responsibilities and management roles are not clearly defined. Although the roles the different administrations - State and Autonomous Communities - have become consolidated, it has not as yet improved accountability of the management system.

In the UK, the complexity of the management system itself, coupled with the lack of a constitution, creates strong incentives for non-responsible behaviour among the stakeholders. The lack of transparency generated by the many ad-hoc solutions that fisheries management generates, due to lack of constitutional guidelines, serves to clutter the legal responsibilities of the actors in the system. The jurisdiction of each system, both through time and in space, is unclear and thus also the responsibilities of the system and the actors constituting the system. While these problems obviously are helped by different codes of conduct and by-laws, the inherent linkage between transparency of a management system and the degree to which the system is responsible reveals the problems of this system seen from a democratic perspective. One of the symptoms of this is the use of professional lobbying experts in order to affect policy decisions.

In the Netherlands the minister is accountable for the implementation and monitoring of the CFP regulations, like (earlier) the MAGP and national quota-uptake. Co-management groups are responsible for their group quota-uptake. Groups monitor individual quota-uptake, and will stop individuals or a group from fishing a certain species if the quota is fully fished.

On the other hand, the negotiations between member states during the establishment of quotas in Europe represent one solution that is intended to solve the problem of accountability. Here, a system including the Council of Ministers, the Commission, the European Parliament and different international scientific bodies such as the ICES establish national quotas based on negotiations and input from members states, the fishing industry and lobbying groups representing fishermen, regions, environmental organisations and other stakeholders. The system is strongly formalised, however, the weight of all bureaucratic procedures involved in reaching a quota may in itself serve to undermine the accountability of the system. In this case, actors may not be held accountable for their decisions because decisions are confirmed at several different levels and thus not easily targeted.

6.1.4 Effectiveness

The effectiveness of a fisheries management system concerns the degree to which policy processes are timely and adapted to their objectives. It also concerns the extent to which policies are founded on the rational principles based on past experiences, research and impact assessments. In addition, the effectiveness of fisheries management system must also be assessed on the basis of its past success at reaching it goals.

The establishment of the Norwegian and Russian TAC for Norwegian Atlantic cod may serve as an example of how conflicting objectives in a fisheries management system may affect the effectiveness of the system. The Norwegian state has subsidised a large fleet

of both coastal and high sea vessels by low interest loans and investment grants. At the same time, many of the officials serving as delegates in the negotiations have a past in the different organisations of the fishing industry, for example the Association of Norwegian Fishermen. Since 1998, the ICES have recommended a drastic reduction in the TAC of Norwegian Atlantic cod, because the present level of fishing mortality will lead to depleting of the stock. In spite of this, the Norwegian and Russian governments have neglected the ICES advice for the past four years, putting the cod stock at great risk. Already, the effects of this policy can be observed as catches have been reduced for the past two years. In some instances, the effectiveness of a management system may be compromised by the needs of a democracy. This may be observed in Spain. Here, the Spanish state negotiates changes in the management system with the different autonomous communities that will be affected by the changes as well as a local structure of fishermen's guilds and boat owner's associations. In this instance, the volume of bureaucratic and parliamentary institutions can halt the urgency of changes in the management system; however, this system has been revised in order to ease the management process. The recent establishment of sectoral committees at the national and regional levels that handles changes in the fisheries management systems has accomplished this.

In Denmark, one may say that the system is caught in a path dependency in the meaning that the national management is put under a heavy framework from the EU with little incentive to change the system. Further, in Denmark there is no tradition of evaluating the management system in order to incorporate past experience in future management. In Norway there are few, if any, procedures in place for systematic assessments of regime effectiveness. In terms of goal achievement the effectiveness of the Norwegian management system has probably been better than most - even though it, ideally, leaves much to be desired. With regard to resource conservation, the joint Russian-Norwegian regime in the Barents Sea has worked relatively well, despite violations of scientific advice in setting TACs.

The degree to which the political process in Spain achieves its aims in the envisaged time period, in other words, the effectiveness of the management system, is difficult to assess clearly. Membership of the EU has forced the authorities to adopt time-scales for the implementation of fisheries policies, and a great effort has been made to achieve these objectives. Nevertheless, the broad spectrum of administrations involved, together with the casuistry of each fishing ground, but, above all, the restructuring process that the sector has been caught up in, all contribute to slowing down and hindering both the accomplishment of the management objectives and keeping to stipulated periods of time for implementation.

One could assess the effectiveness of a management regime by the state of the stocks concerned. Overall, pelagic species in the UK are in a better condition than demersal species. One can of course not state with certainty that the health of the pelagic stock is due to the management regime. Several other factors may have played a role, for example the system of individual transferable quotas (ITQ) that has been in place for several years and the high level of user participation in management decision-making.

The effectiveness of the management regime for Shetland's shellfish fisheries in the UK has been undermined by the need to obtain government approval for any change to the regulations. If the organisation responsible for management seeks to amend or add a regu-

lation it is usually because it feels that the change is needed now, not in three or four months time. If a serious situation arises that requires immediate action, the length of time to get changes to the regulations approved would compromise the success of the measures. Thus, the effectiveness of this management system must be considered low.

In the Netherlands different aspects of fisheries management are considered to be effective, especially quota management through co-management in combination with ITQs. There is a lot of debate on the resource effects of certain management regulations (f.e. TACs and resulting discards) by both the user-groups as other stakeholders, each taking their own point of view in the matter.

6.1.5 Coherence

The last issue concerns the degree to which objectives and policies are consistent and the degree to which sectoral policies are consistent with each other. The coherence of fisheries management systems may concern several different dimensions of the system. For instance, the degree to which the different measures of the system are consistent with each other represent an important issue which especially fishers are concerned with. On the other hand, the extent to which the fisheries policy is consistent with other sectoral policies, for example regional policies, is another and equally important issue.

There are several factors that may contribute to create coherent policies. One such factor is the coordination of policies at the structural level, so that outcomes at the sectoral level are consistent with each other. The coordination between the structural and sectoral level is difficult for several different reasons. One of the problems may be a lack of consistent legal procedures both within and between sectors. In the case of Great Britain, we can see that the lack of legal consistency creates a variety of ad hoc solution in the fisheries sector. Another problem is related to the numeric and political weight of certain institutions. In Spain, the autonomous regions play an important role in the total political system, giving each of the regions a voice. This is rational because each of the regions has special industrial attributes that need to be dealt with at the regional and local level. On the other hand, such systems may easily cause inconsistencies at the national and international level because what is a good solution in one region may be detrimental in another region. Another issue concerns the extent to which the political level is in control of each of the sectors. This issue is related to the problem of balancing the democratic needs of a nation on the one hand and the economic interests of the sector on the other hand. When this balance becomes skewed, one may develop situations as the one found in the Norwegian management of Norwegian Atlantic cod, where the sectoral interests have such a large weight that one actually is at edge of cessating the cod stock.

The coherence of fisheries management systems may involve several different dimensions of the system: coherence between the regulations, but also the consistency of the fisheries policy with other sectoral policies. Fisheries management often clashes with other interests. An example of such can be found in Denmark, between the management of cormorants and fisheries, as presented by Raakjær Nielsen et al. (2003). The case shows how difficult it is for pound net fishers to get heard in the consultative system, and also how difficult it is to coordinate the management of fisheries with the management of cormorants. The challenges posed by multiple objectives may also be seen in Norwegian fisheries man-

agement. Resource conservation, economic viability, regional development and the 'protection' of bona-fide fishers are all laudable goals, but not necessarily mutually consistent. To take but one example: the furthering of economic efficiency may well have a negative impact on the regional distribution of harvesting capacity - as keeping down costs may imply a greater concentration of capital and labour. In this sense there is certainly a lack of coherence, and a conspicuous gap between 'promise' and 'performance' in Norwegian fisheries management.

In France, coherence is ensured and 'controlled' by the central State, and it explains the weakness of non-fishery sector stakeholder participation and partly the tight link between the Directorate for marine Fisheries and Aquaculture (DMFA) and the fishery sector. As more 'non fishery-linked' decisions have an impact on fisheries activities, the sector is willing to extend its interactions with stakeholders other than its Ministry. Thus the Committee of marine fishery (CMF) has developed direct contact with the Ministry of Environment and Sustainable Development on issues like aquatic ecosystem and habitat conservation. A few years ago, the CMF would have dealt with such issues with the DMFA that would have discussed them with the Ministry of Environment. The CMF constantly find itself in the dilemma of strengthening its links with the Central State on which it relies to defend its interest at the European Council whilst seeking to emancipate itself from its over tight link with the central State by negotiating and discussing directly with other stakeholders in the sea and coastal decision-making arenas.

Although many measures next to quota regulation are in operation in the Netherlands, the coherence of the overall system for the flatfish segment seems to be proficient though not completely robust. Especially new EU regulations affect this segment in a non-coherent way, the rather well adapted system to the specific Dutch situation may become lopsided.

The coherence of policies on European, national and regional levels constitute an added difficulty to policy formation in Spain due to areas that overlap as well as gaps in powers and responsibilities. Apart from this, there are also basic contradictions in the generation of policies, that is, the policy on resources contradicts the economic policy. This may even be a greater problem than that of overlaps in management matters, which is an issue that must be looked into at all levels of government. An overall appraisal of a greater onus being placed on the private sector in fisheries management, in tandem with a reduction in the power of the administrations (a trend which is being advocated in fisheries governance), reveals that a process of this type would result in the greater vulnerability of the fisheries communities which have been most affected by market globalisation. These communities are still not sufficiently ready to face up to a situation of intense competition without the protection afforded them by the public sector, and this would lead to an increase in the fishing effort, which would in turn make the problems of illegal, undeclared and unregistered fishing more acute.

6.1.6 Institutional design and decision-making processes

Whereas the factors listed above may serve as a guideline for discussing the institutional set-up for some European fisheries management systems, the issue of sharing responsibilities is more complex as the institutional set-up alone is not the only determining factor that

will have an effect on the success of such a transformation. Responsibility is assuming a clear legal object that can be held legally accountable for its decisions and in some cases, especially in those cases where large amounts of capital are at stake, the legal object must have a constitutional and societal role that will not, by its mere presence, put the capital at risk. This will, to a large extent, depend on the legitimacy of the specific groups that share responsibility at managing the natural resource in question. In this case, one may also claim that the specific interests of the groups that strive for participation in the management of the natural resources in question are crucial when determining the overall risk of the management system as such. That is, are the interests of certain user-groups so controversial that their participation in the management system may put the legitimacy of the entire management system at an unacceptable level of risk? Needless to say, it is impossible to give one answer to this question; however, the description of institutional arrangements in European fisheries management clearly shows that fishermen in Europe have different roles in their respective management systems.

In Spain and France, fishers are part of a tradition which apparently contributes to reinforce a national cultural ethos. Because the fishermen take part in activities that have such a strong cultural position, being bearers of stereotypical 'cultural' activities, they are also considered legitimate in the political process. It certainly is the case that fishermen have also had an important role in most other European countries in this study also, however, their role as cultural icons does not have the same status. In Norway, some groups of fishermen are in some political forums considered awkward, anti-modernist and historically outdated. Needless to say, this does not serve to guarantee legitimate political participation.

Another factor, which may be considered important when designing an institutional set-up that intends to increase the participation among stakeholders in fisheries, is related to the definition of stakeholder groups. The problem is that the number of stakeholders, from both an empirical and theoretical point of view, is indefinite. Many groups may claim that they should have a say in the in decision-making processes in fisheries. One may classify the group of stakeholders into two broad categories. The first category is the group of stakeholders that have a direct interest in the condition of the fish stock, i.e. fishermen, fish processors, environmental groups and animal protection groups. The other category consists of groups that have stakes that are limited by the interests of the other groups. One case in point is the development of oil fields in the Barents Sea. Here, the stakes of oil developers are strongly limited by the interests of fishermen. Because the fishermen claim that certain ocean areas should be used exclusively for fishing, the oil-developers find themselves blocked from developing these specific ocean areas.

6.2 Implications of setting-up institutions for sharing responsibilities

As should be obvious from the above discussion, the concepts used are not mutually exclusive and totally inclusive, however, they help us conceptualise some of the main problems of designing fisheries management institutions in a modern Europe.

Fisheries management based on an increasing degree of shared responsibilities appears to be the way forward to improve governance in European fisheries. As mentioned

above, this is the strategy pursued by the EU. The reason for EU to proceed along this venue is a political goal aiming at improving the accountability of fisheries management systems and in particular making the fishing industry more responsible through a wider inclusion in the management process. Bearing in mind the poor status of demersal fish stocks in the North Sea and the Barents Sea, no one will object to initiatives aiming at improving governance of these marine resources. Nevertheless, improving fisheries governance in Europe is more complicated than increasing participation, as several scholars (Jentoft) have in detail discussed. At this stage it is unclear how far the EU actually is prepared to include users and stakeholders in assessment procedures, and thus the extent to which users will get involved in determining TACs or other measures to control fishing mortality. Presently, the biological advisory system (ACFM) and decision-making in the EU Council of Ministers can be considered a closed shop, where openness and transparency in the decision-making process only exist to a very minor degree; it is generally only the final outcome that becomes known to the public.

Overall, European fisheries management is generally scoring very low on the five good governance criteria CEC (2001), and in particular the CFP is and thus an improvement in the sharing of responsibilities might be the venue to pursue in order to improve fisheries resource management systems in Europe in general. However, the institutional landscape is conditioned by the nature of the political decision-making traditions in the various countries. For simplification we only focus only on allocation/implementation institutions, and here a large diversification can be found. In the Latin European countries the strength of the central state has had tremendous impact on how management responsibilities have been shared, or more correctly explain the centralised approach to management that is characteristic for these countries. In paradox prud'homies in France and cofradias in Spain representing very old institutions both created to establish natural resources management at the local level, and detached from the central level. Thus, the oldest institutions have by consequence of the democratic development in Europe become the most modern.

In Denmark and Norway the doctrine of shared responsibilities is influenced by the political environment in Scandinavia where the 'negotiation economies' are prevailing. In this setting, one applies centralised consultation of user-groups in the decision-making process. This tradition is rooted in the co-operative movement, which developed more than a century ago. In a way Dutch fisheries management fits in this tradition too, as it is rooted in a corporatist tradition, in which consultation and mutual agreement is regarded very important. By contrast the United Kingdom has applied a 'muddling through' process in the absence of a constitution and the fact that the shore of the seabed still in this century is the property of the Crown estate. The UK approach has been to follow local institutional traditions and the UK stand apart from most other countries because it has a relatively high degree of regionalisation in its policy-making procedures. Lobbyism is well known, and the industry participation is very fragmented (Symes, 1996).

6.3 Conclusion

It is obviously a major task, and we will argue impossible, to establish a uniform institutional landscape in European fisheries, especially when taking into account the many

institutional divergences that can be observed in Europe. On the other hand, some form of uniformity is needed at the general EU level in order to generate integration and equal opportunities for European citizens and ensure sustainable resource exploitation. The challenge is to balance the EU requirements for uniformity to the diversified cultural and political traditions in the various countries. One solution, which may be interesting to explore, is the continuation of developing the concepts used in this analysis, and put forward by the CEC (2001). If these concepts are explored at the theoretical level, one may find a common legal platform at which the specific economic, social and cultural practices can develop across Europe within their own framework, but within a common and accepted legal basis. While this solution is laborious, it may be the only viable alternative.

It is also interesting to note that there are some interesting parallels between our observations and some of the observations made by Ulrich Beck (1992) in his 'Risk Society'. In modern society, Beck argues, one of the most prominent developments is the appearance of what may be termed structural, non-personal risks. Such risks are peculiar in that although the risk is triggered and generated by the actions of a few, the consequences affect everybody and the few are not held responsible because they can hide behind the many. This is a major problem in centralised management systems, because harvest types that have a particularly detrimental effect on resources are not easily targeted in a system that is all-inclusive. Involving fishermen from all the different branches found in Europe may help sort this problem, creating a more targeted and precise fisheries management regime. This is indeed a timely project, because current fisheries management systems may be best described in the words of Schumpeter as a form of 'creative destruction'.

7. Evaluating the division of responsibilities in European fisheries management

Managing fisheries is a rather complex task, and it is increasingly being acknowledged that central government must rely on involvement and active cooperation of lower level institutions in order to successfully implement a management system. Devolvement of responsibilities in fisheries management is currently on the political agenda. What this means in practice and how it could be accomplished is, however, not at all clear (Jentoft and Mikalsen, 2001).

Fisheries management aims at a balance of the optimum levels of Maximum Sustainable Performance (MSP, calculated on the basis of biological models), Basic Economic Performance (BEP, calculated on the basis of economic models) and Maximum Social Performance (MSP, with respect to social models). In short, the aim is to find a balance between measures for the conservation and reproduction of resources - sustainability -, and economic and social measures, understood in terms of equity[1.] (Suarez de Vivero et al., 2003).

During the last decade an increasing request from both the fishing industry and other stakeholders for greater transparency in relation to fisheries policy making in Europe could be heard and, on the other hand, in the case of the European Union (EU) and Norway a request for greater participation and contribution of the sector in the elaboration of policies and implementation hereof was noticeable (Raakjær Nielsen and Karlsen, 2002).

As stated by the European Commission in its green paper on the future of the Common Fisheries Policy (EU, 2001 b), more involvement of stakeholders could be ascertained by the:

- establishment of regional advisory committees in order to involve more effectively the stakeholders in policy-making; and
- decentralisation of certain management responsibilities in order to address local and emergency situations.

A comparison of the devolution of responsibilities between countries should give more insight in nation specific, e.g. socio-cultural, circumstances and this will contribute to the evaluation of current divisions of responsibilities. Identifying perceptions of stakeholders in the fisheries management in these countries about the responsibility chains is an equally important component of an evaluation. In fact, in order to facilitate the analysis the focus should be on the process of policy making ranging from policy preparation, goal setting, choosing among alternative instruments, policy implementation, enforcement, sanctioning and evaluation (Van der Schans, 2001b).

[1] Equity is understood to be the proportional distribution of responsibilities amongst the different actors involved in fishing.

Focusing on the policymaking process it is suggested to explicitly address design issues in relation to governance principles going beyond the particular resource use situation at hand, such as pertaining to the quality of representative democracy and the legitimisation of power. This raises questions such as where to put the locus of decision making, who should be represented, what should be the scope of the jurisdiction. In this case the evaluative criteria are not just technical economic (efficiency and equity) (Van der Schans, 2001b).

Therefore instead of focussing on the mere result criteria the evaluation of fisheries management systems should focus on the process. Following the EU white paper on Governance (EU, 2001a), five criteria based on the principles of good governance can be identified: openness, participation, accountability, effectiveness and coherence. Each principle is important for establishing more democratic governance and applies to all levels of government - global, European, national, regional and local.

In this chapter we will focus on the evaluation of the process of devolution of responsibilities in the current institutional landscape in European fisheries management. In particular the analysis will focus on how the present management systems contribute to good governance.

7.1 The current landscape of fisheries management in Europe

Current fisheries management in Europe is heterogeneous regarding the dominant forms of institutional design, much of this variation attributable to the varying political traditions. For EU member states EU policies are the general framework of management policies. The historical building process of the CFP (EU Common Fisheries Policy) strengthens consensus around tools or principles that are difficult to modify without risking to break the fragile equilibrium between national interests as for example: total allowable catches and quotas, the principle of equal access and relative stability (Bodiguel and Catanzano, 2002).

Sharing of responsibilities in relation to the CFP in the EU can be rather complicated, because implementation of the CFP rests within the domain of the individual member state and there is considerable variation in the instruments used including how management responsibilities are shared with users and other stakeholders by the various member states (Raakjær Nielsen and Karlsen, 2002).

In the Latin European countries the strength of the central state has had tremendous impact on how management responsibilities have been shared, or more correctly explain the centralised approach to management that is characteristic for these countries. In paradox prud'homies in France and cofradías in Spain representing very old institutions both created to establish natural resources management at the local level, and detached from the central level.

In Denmark and Norway, sharing responsibilities is largely influenced by the political environment in Scandinavia where the 'negotiation economies' are prevailing, applying centralised consultation of user-groups in the decision-making process. This tradition is rooted in the co-operative movement, which took off more than a century ago.

In the Netherlands traditional (neo) corporatist structures prevailed in fisheries. Social organisations and their elite act as interest groups. Those interest groups take far-

reaching decisions in consultative bodies without consulting the parliament (Hoefnagel, 2002). Since a decade neo corporatist structures are tending to become less sector orientated. Still devolving responsibilities to industry is favoured.

In contrast United Kingdom has applied an approach in which local institutional traditions are followed with a relative high degree of regionalisation of policy-making procedures. Lobbyism is well known, and the industry participation is very fragmented (Symes, 1996).

7.2 Devolution in fisheries management systems

7.2.1 Denmark

Policy-making in Denmark fits the tradition of corporatist management, involving industry and user-groups in the decision-making through various types of advisory bodies. The system can be characterised as 'centrally directed consultation'.

The Minister of Fisheries has authorisation to implement new rules without first consulting the Danish Parliament. User-groups participate in advisory boards (2) that the Ministry consults before regulations are concluded. Interest groups can lobby either directly to the relevant minister or thought specific parties in parliament

There are examples of some local co-management arrangements, for example the days at sea regulation in Kattegat in the mid 90's, the maatjes herring regulation, the mussel fishery in the Limfjord and the North Sea shrimp fishery in the Wadden Sea.

Formally the fisheries management system is very open, but in reality the system is directed by an elite within the administration and the industry with a restricted transfer of information. In this setting it can occur that intensive lobbying by a minor stakeholder group with high financial and human capacity can influence decisions taken as for example occurred in the herring fishery where ITQs were introduced as result of a small, yet powerful industry lobby.

Whereas public participation is part of the political culture there is a tendency towards a widening of the gap between the administrative elite (both within the Civil service and the fishermen's organisations) and their constituency. The 'Freedom of information Act', parliamentary questions and the 'ombudsman' system form the basis for the accountability of the system.

One can argue the effectiveness of the process. On the one hand the fisheries management system tends to react with ad-hoc solutions to problems perceived as being acute without addressing the underlying structural issues of, for example, fleet capacity and fishing mortality. And on the other hand the lack of compatibility between policies and regulations and fishing possibilities: as the instrument used does not reflect the true problematic.

7.2.2 Norway

While it used to be the case that Norwegian fisheries management was extremely centralised and decisions were made at the discretion of the government, recent trends indicate

that a development towards regionalisation is taking place. The fisheries management system can be characterised as a co-management system within a fairly centralised regime that is part of a more comprehensive system of joint policy-making stretching across the various sectors of the Norwegian economy.

With only two fishermen's organisations, most of the interaction among fishermen is concluded under some institutional umbrella. The Industry-State axis may be considered having a formal an informal aspect. At the formal level, the state negotiates structural changes in the sector during biannual meetings at which, among other things, quotas are set.

Given the corporatist character of the system, decisions are taken after consultations with stakeholders, notably the Norwegian Fishermen's Association - within the framework of the so-called Management Board. There is, however, a lot of informal contact before and during negotiations. As the leadership of the sector serve as agents for the industry, a close connection has been established between the top bureaucrats of the Fishermen's union and the ministry.

One important organisation is left out of the management board: The Association of Norwegian Coastal Fishermen. This is the source of an increasingly large controversy. Recently greater emphasis is put on the inclusion of non-industry stakeholders, primarily as observers in the Board. Ultimate decision-making authority rests with the state, i.e. the Minister of Fisheries.

The political management of Norwegian fisheries is probably not as efficient, as the government tends to 'bend over' for political pressure from the industry. This has resulted in over-fishing of the recommended TAC, resulting in the current resource crisis in the cod fishery. Note, however, that the setting of TACs is not a domestic issue, but part of a process that involves Russia (for North Atlantic cod and capelin) and the EU (for North Sea stocks).

The lack of transparency in management decision-making is certainly an issue. Corporatist structures are largely based on exclusive and limited participation, and fisheries management has since long been the exclusive domain of government and industry. With the inclusion of environmental organisations as observers on the national Management Board transparency is increasing, and reflects a certain increase in public attention to fisheries issues.

Participation is limited - industry stakeholders, or rather, a select group of industry representatives, are in a privileged position. The process is effective in the sense that decisions are made and things get done. The major concern - among the stakeholders currently involved - is that more transparency and broader participation - will undermine the effectiveness of the decision-making process.

Objectives are sometimes in conflict: while equity points to some kind of distributional fairness or justice (among vessel groups, regions or communities), economic efficiency, for example, may not be achieved without some form of (unfair) discrimination. As a result most measures can be said to be too general, affecting too many vessels and too many people. This creates management systems that are insensitive to the regional and technical specifications of the fleet, as most measures are indiscriminate and too rigid to allow fine-tuning.

7.2.3 France

France's tradition of territorial management has created a strong focus on the Central State. In general, decision-making arrangements are dominated by political and institutional traditions with a sector-based corporatist structure. The overall decision-making system is rather strongly influenced by the EU system, in which a sector's role parallels it's general economic or socio-political importance.

In fisheries consultation and delegated decision making under state supervision takes place through a corporatist structure gathering the fishery sector. Beside this central structure, producer organisations and prud'homies in the Mediterranean Sea have also a specific role in the management system, respectively in market and quota management, and in salty pond and inshore water management.

The fishery sector, through a process of systematic consultation at national level (very close to co-management system) and delegated decision-making at national and regional levels, is to a large extent driving the national policy-making process. Next to the rather structured official system (with a relatively clear division of responsibilities) there is a part of the rules and regulation set-up outside the official system through informal agreements between the different groups.

Concerning participation in the system, the corporatist structure includes not only fishermen but the entire fishery sector. An interesting development is taking place in which new structures are created, integrating the fisheries sector's corporative structure on the one hand and consumers and different levels of the administration and political bodies (State and territorial communities at local, departmental, regional level) on the other hand, integrating stakeholders.

Because of the difference between the nationally derived policy and the EU policy framework the level of compliance with certain EU regulations is relatively low. However, in its search for legitimacy in the European arena, Committees of Marine Fisheries at national and regional levels are increasingly aware of the necessity of compliance within the fishery sector.

Concerning coherence and proportionality in the fishery management system it appears that the delegation of decision-making powers, without the delegation of appropriate tools and financial capacity to perform the task, is partly the cause of the increase of the number of rules and regulation since the delegation of decision-making power to regional levels.

7.2.4 United Kingdom

The UK institutional setting is very old with some remnants of the feudal era still in place. There is no written constitution and a rather powerful Executive. Both the Executive and civil service do not routinely consult before deciding policies and citizens do not participate in decision-making and the civil service does not yet have a culture of sharing information with citizens. Guano's (quasi autonomous government organisations) play an important role in day-to-day management. Accountability of these is considered to be rather low. Regional decentralisation and devolution is currently being introduced: Scottish

Parliament and Scottish Assembly, Welsh Assembly, Northern Ireland Assembly and soon assemblies in some English regions.

Fisheries management has to a large extent been devolved. The fishing industry is divided in numerous organisations tied to a region or a specific fleet segment. The environmental organisations are immensely popular, with large membership that provides funding for lobbying, media campaigns and research in the areas of fisheries. The Executive manages fisheries without duty to consult or negotiate with the industry.

Compliance is getting lower as more emergency recovery measures are imposed. Dissatisfaction with the system is high; fishermen do not believe that the system in place can lead to stock recovery.

Sustainability from a resource point of view is rather problematic despite recovery plans and emergency measures. With the present management measures, the white fish fleet cannot continue to exist. Quota and days at sea are too low to achieve break-even. And, as a knock on effect, landings of fish are insufficient for processors to achieve minimal levels of production required to continue to exist.

Concerning the accountability the Executive has complete power to take measures and is also completely responsible for fisheries management. There is still some lack of clarity as to the division of responsibilities between the Scottish Executive and the UK government in fisheries management. Parliamentary questions and the role of the media are two instruments in achieving accountability. In order to be able to participate in the process of decision-making fishermen have decided to participate through electing fishermen's representatives into the administration as for example the Scottish Parliament.

One of the main causes of dissatisfaction about the present system is the impossibility to achieve coherence between two objectives: survival of the fisheries dependent regions and survival of the stocks. In addition the crisis of the cod stocks demonstrates painfully the total lack of proportionality between the objective (sustainable white fish stock) and the policy (large scale the reduction in fishing effort and ensuing negative financial impact on fishermen).

7.2.5 Spain

Spain's system of organising the state into Autonomous Communities by delegating the capacity to pass legislation and to implement and apply basic State legislation has led to a high level of regional self-governance. As a result the whole administrative framework has become more and more complex as new authorities and structures have emerged. To this framework must be added corporate and private organisations that carry out specific functions that have a direct impact on fishing.

In the Spanish fisheries management model a tension exists between the different aims that is reflected by the present division of responsibilities between the various authorities, and the search on the part of the fisheries sector for a greater say in the decision-making process. In practice this resulted in a situation of a sharing of responsibilities formerly borne by the Central State. Increasingly at the local level are Fishermen's Organisations involved in the management of the fish resource, a resource in the public domain owned by the State.

Since Spain joined the European Union, the organisation in charge of taking decisions regarding fisheries management, whether it be the State or the Autonomous Community, has always been required to first report back to the European Commission, which would then analyse the proposals and present any objections it might have, which the governmental authorities in question would then have to comply with. As a result the distance that any decision on fisheries in Spain has to cover through administrative structures any measures that are taken are perceived as foreign to, and not in accord with, the wide variety of actors who participate in the sector.

Furthermore, there is an overlap in resource management powers and responsibilities between the State and the Autonomous Communities. The division of responsibilities with respect to resource control is not clearly defined, resulting in management objectives not being achieved. The (fictitious) division between inland and offshore waters, and the division of responsibilities between the Autonomous Communities and the State, calls for standardisation of the legal regime.

As for organisations in the sector, there is a manifest imbalance in participation: there is an over-representation of the extraction sector in State and Autonomous Communities consultative bodies, with few representatives from other organisations, such as the ancillary, aquaculture and processing industries. What can be seen is not so much a process of real and equitable participation, as a strengthening of institutional relations between the representational organisations and the authorities. Be that as it may, the degree of representation by fishermen in management bodies is reduced to that of the role of a consultative agent. The fishermen's scant room for manoeuvre in the decision-making processes therefore results in a disproportionate division of responsibilities in fisheries management in Spain.

On the side of coherence of the fisheries management it can be noted that on the one hand there is a gap between social and environmental goals. Secondly in fisheries managed by regional administrations, such as the artisanal fisheries, rules and policies differ from one fishing area to another. In addition, the political organisation of the state induces over-regulation (one national Fisheries Act plus ten regional laws) of a rapidly diminishing sector.

7.2.6 The Netherlands

The political philosophy in the Netherlands is based on 'subsidiarity' and 'sovereignty in own circle'. This means that in principle government is willing to devolve responsibility to industry. In an organisational sense this is exemplified by corporatist institutions in agriculture, fisheries and many other sectors of Dutch economy (since 1950).

Recently corporatist institutions have lost their grip on sectoral policy making. This leaves a vacuum for policy mediation between government and the several sectors. Co-management arrangements have been formed to fill this vacuum, but as yet have not been properly institutionalised. Co-management in the Netherlands, therefore, is perhaps not so

much a sign of re-vitalisation of corporatism[1] but really co-management is competing with corporatist organisation.

Dutch fishery law states that the goal of fishery management in the Netherlands is to comply to international agreements: both in terms of complying to national quota as to the capacity management goals, Dutch policy is in line with EU policy. In the development of the fisheries co-management system and the system of Individual Transferable Quota a form of conditional cooperation has emerged, based on the assumption that the government succeeds in sector-wide control and enforcement of production limits.

In the early days of the emerging co-management system the executive committee of the fishermen's groups felt that they were made accountable for keeping goals for which establishment they were not responsible, and in which they had no participation. Hence, a call for extending the co-management system to include the setting of quota. At present it is still rather vague in the Netherlands who is accountable/responsible for control and enforcement of group rules as the group rules are private arrangements but the public enforcement agency is overseeing compliance.

Due to the consensus oriented policy philosophy in the Netherlands, fisheries policymaking is full of compromises. As a result, one of the general complaints is that the underlying (long term) causes of the fisheries problematic are not being addressed.

Self-management arrangements in the shrimp sector have been challenged under Dutch competition law. The issue is to what extend is fishermen self-organisation in conflict with anti-trust law, and to what extent is cross-boundary fishermen cooperation allowed. The case is rather complex because fishermen self-organisation may involve cooperation with traders, and it is perhaps the concerted action of traders rather than of fishermen that is challenged under law (cf. Hoefnagel and Van Hoof, 2003).

Participation at the lower levels in the management system is quite high; communication is rather open and transparent. Communication between fisher folk and officials at higher levels is officially open, but not regarded as transparent. At the National and EU level participation of user groups is low, often the fisher folk being taken aback by the outcome and the late communications.

7.2.7 Common Fisheries Policy

The CFP is based on the same principles as the Common Agriculture Policy. Important principles guiding EU fishery policymaking are:

[1] Essentially, corporatism is a form of organisation in which government and organised interests (mainly trade unions and employer associations) jointly develop and implement social-economic policies. The government does not operate at a distance and organised interests do not have to lobby; they are welcome partners in the conference room. There is tripartite consultation at all stages of legislation and policymaking. Often this is institutionalised in advisory bodies, but much coordination takes place in an informal way (Hartog, 1999).

- subsidiarity;[1]
- non-discrimination (between countries); and, especially in fisheries;
- relative stability.[2]

Under the principle of subsidiarity much of the implementation of the CFP is left to member States. However, despite this principle, in what could be labelled as a reaction to the effectiveness of the implementation of the CFP, the issue of free riders, non-compliance and the lack of a uniform system of policy enforcement, in the past a trend could be observed in which the Commission tried to centralise much of the implementation at the European level such as the multi-annual guidance plan, European licensing, control and enforcement.

As a general trend, participation in the CFP policy setting is usually directed towards the fishing industry; other interests (such as environmental interests, but also fish processing and trade) are less well represented. Further, especially when it comes to the setting of TACs the system is perceived is closed, with a distinct lack of transparency. The system has a design in which many levels exist between top and bottom prohibiting good quality communication. A whole array of fisher folk organisations is represented at the EU-policy level but with hardly any concrete participation in the CFP decision taking process.

In addition, there is hardly any direct accountability from Euro-crats towards fisher folk. On a country-by-country basis ministers are accountable to their constituency. With an emphasis on national interests there is a lack of long-term vision on fisheries development. From the perspective of managing the fish stocks it is both ineffective in managing the stock as in managing the fisheries. In terms of devising an effective system of devolving responsibilities of fisheries management from the fisher folk perspective not enough powers have been shared.

Regionalisation of fisheries management could present an answer, especially taking the character of the joint stocks into consideration. Fisher folk perception of CFP is that it lacks coherence, is ad hoc regulation in reaction to emergencies and lacks long-term vision on fisheries development.

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[1] The subsidiarity principle is intended to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at national, regional or local level. Specifically, it is the principle whereby the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level. It is closely bound up with the principles of proportionality and necessity, which require that any action by the Union should not go beyond what is necessary to achieve the objectives of the Treaty (Anonymous, EU glossary).

[2] The principle of relative stability has, since 1983, provided assurances to the Member States with regard to the share of quotas, thus avoiding annual repetitions of a political debate on the allocation key, which would have made the decision-making on TACs even more complicated. The application of the so-called Hague Preferences has allowed some degree of flexibility to meet a number of specific requests from certain areas, although all Member States and fishermen concerned have not received such application favorably (EU, 2001b).

7.3 Evaluating the European division of responsibilities

There is a large difference among the institutional traditions among the countries. This has large implication for how management has been devolved. In proposing models for devolved management, it is important, in order to be successful, to have these embedded in the traditions of the respective countries.

In all cases appearances of a *corporatist* structure are noticeable, tying in with long standing traditions of cooperation and functional representation. The manifestations varying from a degree of corporatist rule making as in The Netherlands, to corporatist consultation such as in Norway, Denmark, France and Spain. At present the corporatist traditions are being challenged in for example the Netherlands and Norway.

Differences between the political traditions can for example be found in the degree of rigidity of the bureaucratic and political system. Whereas in Norway and Denmark one is unwilling to establish ad hoc solutions to managerial problems and is more focussed on streamlining the management system, it seems that in the rest of Europe, especially in cases like France and Spain, one is more focussed on the establishment of regionalised management systems.

Decentralisation process takes place in two main senses: a move towards regionalisation in Spain, France and UK (descending order of significance) whereas in Norway, Denmark and the Netherlands there is no division of responsibilities to regions (ascending level of centralisation) but devolution is performed through a system of (corporatist) consultation with professional organisations, user groups and other stakeholders involved.

Although stakeholders can have an influence on management decisions either through an advisory role or via lobbying, final decisions are taken by the relevant Fisheries Ministries. Despite cases of regional decentralisation, little is seen in terms of formal local level management (although some forms of shared management or co-management can be found). In addition, participation in policymaking processes has become a professional activity requiring particular means and skills.

Because most stocks are shared by different nations and regions most stocks are managed in collaboration with other countries. Treaties agreed in international organisations play an important role in fisheries management. In most countries, the responsibility for international relations lies with the national (federal) government rather than the regions, which bears implications for national regimes and for structures of decision-making.

The fabric of fisheries management has changed over the past decades resulting in an increasing number of objectives. This is for example reflected in the CFP structural policy and the conservation policy where an amalgamation of aims of fish stock conservation, ecosystem management targets, fleet structure, technical measures and social and economical targets play a role. Not always are the resulting policies making up a coherent framework and in addition, this trend results in an extended set of rules and regulations.

In general, the lower the level in the administrative and political hierarchy the more open the fisheries management systems are being perceived by the fisher folk. The more high in the structure the more 'closed' the system tends to become. Especially on the part of communication with the sector and being open for suggestions from the sector, the fisheries management systems are being judged by the fishing sector as being insufficient.

However, as mentioned above, in every system ways exist through which the fishing sector can both formally and informally have access to the administrative and political system.

From the nature of their activities fishermen are bound to participate in the implementation of the fisheries management system by having to comply with the rules and regulations. In addition, in different forms ranging from full co-management, Fishermen's Organisations negotiating with the Ministry responsible for Fisheries Management to PO's and local level authorities having informal arrangements relating to the management of a particular fishery, fishermen have certain possibilities to participate in the management system. At the level of design of the fisheries management system, or even more, at the stage of problem definition and analysis, the participation is less apparent.

When it comes to other stakeholders, such as the fish processing and trade industry, other user groups and interest groups (such as the environmental groups) the direct participation in the fisheries management system is rather limited. However, through lobbying and other access routes these other stakeholders can have a rather large influence on the design of the fisheries management system.

For the EU Member States, increasingly the national fisheries policy is being outlined by the EU derived Common Fisheries Policy. Although the principal of subsidiarity results in some leeway for the individual member state to define the rules and regulations (and hence create a situation in which under the umbrella of the overall EU Common Fisheries Policy some 13 different management systems co-exist) the stage is being set by the European Commission and the council of Ministers. Despite their importance in determining the policy, the Brussels' administration can hardly be held accountable. Accountability does play a role at Member State level where the politicians and administration can, through the democratic structures be queried about the decisions taken. However, in this context the socio-economic relevance of the fisheries sector, in the eyes of the constituency, calls for balancing of different interests, sector relevance and weight of dossiers at hand.

In addition, and not only for EU member states, one has to take into consideration the fact that all North Atlantic and Mediterranean states have multi-species fisheries, usually with a great deal of managing shared stocks. In this context international agreements play a rather significant role, not only in the general available quantities of fish and fishing opportunities but also in the setting of the rules of internationally operating fleets and fleet segments.

At this point it is of importance to take the proportionality of the fisheries management into consideration. As mentioned above, the CFP and the national fisheries policies aim for a balance in measures for the conservation and reproduction of resources - sustainability -, and economic and social effects. According to fishermen across Europe, in the process of balancing the different realms of fisheries management the policymakers tend to focus on the short-term problems and design short run solutions without addressing the underlying causes. It is perceived that addressing the long-term problem of access fishing capacity, in view of the state of the available stocks, is hampered by an apprehension for the short-term social and economical effects.

In addition to the short-term fabric of the fisheries policy, trying to deal with all aspects of the conservation policy, the structural policy, market policy and the social and economical impacts results in a myriad of rules and regulations, at times even contradicting

one and another, lacking coherence. To this can be added the applied principals of subsidiarity and developments of regionalisation and delegation which often result in situations of each level in the policy hierarchy designing a set of policies to which the fishermen have to comply at all levels.

Taking all of the above and the experiences in the countries into consideration it is not surprising that the effectiveness of the fisheries management systems leaves room for improvement. Having said this, however, starting point should be that in all cases a working fisheries management system is in place that fits the existing political and institutional traditions. Lack of effectiveness can be attributed, following the EU definition, to a lack of clear and unambiguous objectives with an evaluation of past and present impact of proposed measures.

The general tendency in the process of Fisheries Management is that of the recognition of the importance of stakeholder involvement in the design and implementation of the fisheries management system. Brought about by developments such as increased regionalisation, reclining government involvement, and increased role for the market, a tendency emerges to increasingly involve the sector in fisheries management. However, the definition of who to be considered stakeholder is trigger for a new round of debate.

Concerning the output of the fisheries management systems, if the focus is on sustainable stock management or on sustainable fisheries, the fish stocks have steadily deteriorated in spite of 25 years of CFP (Van Hoof, 2002). As a result parts of the European fishing fleets and consequently the fishing industry are in dire straits. According to the EU green paper on fisheries management (EU, 2001b) this can be attributed among others to:

- a general dissatisfaction of the stakeholders with the CFP concerning communication, openness and accountability;
- intrinsic difficulties of managing mixed fishery and the apparent focus on key species, lack of a sound eco-system approach and a lack of multi-annual planning;
- the general design of the management being biology oriented output management rather than input control;
- economic information is not being integrated; and
- principles of good governance are not being integrated (cf. Van Hoof, 2002).

If one takes the above analysis at heart, not only is the sustainability of the stocks and fisheries at risk but also the sustainability of the fisheries management system itself. Applying process criteria (such as the criteria for good governance) for the evaluation of complex missions such as the management of fisheries and the devolution of responsibilities therein do provide additional value to the usual set of output criteria such as efficiency, and effectivity.

8. Alternatives to fisheries management: devolving responsibilities

In this chapter alternatives to European fisheries management will be ascertained. Case studies of all the participating countries (The Netherlands, France, Norway, UK Spain and Denmark) and of the CFP will be presented. Then a synthesis of the case studies will be given and general observations made and lessons learned drawn.

The case studies investigate whether possibilities for decentralisation and delegation appear from developments in the past and from the comparison and evaluation of responsibilities in European fisheries management. The possible answers will be:

- no alternative division of responsibilities needed;
- indications that an alternative division might be desirable;
- apparent need for alternative divisions of responsibilities.

What became already clear from previous chapters is that there is a great variety in fisheries management systems throughout Europe. These systems have developed from, and are embedded in, the cultural, social, historical, physical and institutional context of each country. So it will not be the aim of this study to develop one alternative for all the existing systems. Possible alternatives for each country will be presented and/or for some groups of countries that seem to have quite some similarities. As for the CFP it is stated that it is still under construction (it only exists some 20 years) and is still in a process of seeking the better way to deal with all the biological, technical, economic and social issues pertaining to a European fisheries policy. Still the question will be raised whether there is an alternative to the existing system. The CFP itself is causing a lot of dynamics into each country's management system, and the discussion of the involvement of more stakeholders in fisheries management is even affecting the debate in non-member state Norway.

All the case studies are written with the five criteria of good governance in mind, but deal explicitly with the existing decision-making systems and its actual degree of devolvement on different levels, like the national, regional, local, and sector level and the institutions involved at these levels. Then possible alternatives and perspectives for institutional reform will be assessed.

8.1 Decentralisation of responsibilities in European fisheries management

8.1.1 Experiences and future directions in Danish fisheries management

Management of most Danish fisheries[1] has until recently been based on a CPQ regulation, where catch rations (from one week to two months depending on species and fishing water) have been distributed according to the length of the vessels. Annual quotas[2] have been used for the cod fishery in the Baltic Sea and in the pelagic fisheries since 1995. ITQs are now being introduced in the pelagic fisheries. IQs are likely to be introduced in the fisheries for non-human consumption in 2004. The more regional based fisheries for mussels and Wadden-Sea shrimps have been managed through a licence scheme and are under regional management.

In terms of sharing responsibilities in fisheries management one can argue that the move towards IQs, ITQs and licences is the ultimate form of co-management as it, to a large degree within some limits, is introducing self-management in these fisheries and delegating a large burden of the management decisions to the fishermen. We are very well aware that fisheries management is more than quota allocation, but in a Danish context quota allocation is the management task which is most discussed in relation to devolution of responsibilities. Sharing of responsibilities for other management tasks is only discussed to a minor extent. Thus, we will in the following primarily focus on quota administration.

In terms of sharing responsibilities in Danish fisheries management the demersal fisheries is the one which is outstanding and where the challenges are far the largest. The Danish demersal fisheries are also much more complicated, because they are multi-species, multi-fleet and multi-water fisheries. In particular there is a high degree of internal heterogeneity among the fishermen participating in these fisheries. Christensen and Raakjær Nielsen (2004) explain that Danish demersal fishermen are different and may apply different fishing tactics and investment strategies. This is a further challenge in delegating/sharing management responsibilities within these fisheries, where segmentations of the demersal fleet have to be considered in management matters. In May 2004 The Working Group for Coastal Fisheries released a paper.[3] The main suggestion was that a certain part of the national quota should be delegated to the coastal fishers for themselves to manage, which they would manage in annual quotas to begin with in order to approach an effort-based management system for this part of the fleet.

Sharing of responsibilities in Danish fisheries management in Denmark

Raakjær Nielsen et al. (1997) suggested four models for implementation of co-management in Denmark: 1) an executive management council, 2) national fishermen's management council, 3) regional fishermen's management council, and 4) regional executive management council.

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[1] In the following we focus only on the allocation of fishing rights, but are aware that also technical measures and structural regulations are in place.
[2] In practice fishermen were allocated an IQ.
[3] This group is composed of fishermen, which vessel <16 m and 90% of the fishing trip is <24 hours.

Raakjær Nielsen et al. (1997) clearly take the outset of the existing Danish advisory structure in their suggestion for alternative models for fisheries co-management in Denmark. In Model 1 the Board for Commercial Fishing and the EU Fisheries Board are merged[1], but more importantly the Board suggested making it a council with executive decision power in contrast to the present Boards, which are only consultative. Their Model 4 is similar to Model 1; the only difference is that instead of an executive management council at national level, they suggest several regional management councils, where also local and regional authorities are becoming represented. The models 2 and 3 are within some limitation delegating specific management responsibilities to fishermen. Here they also put forward both a national and regional based model.

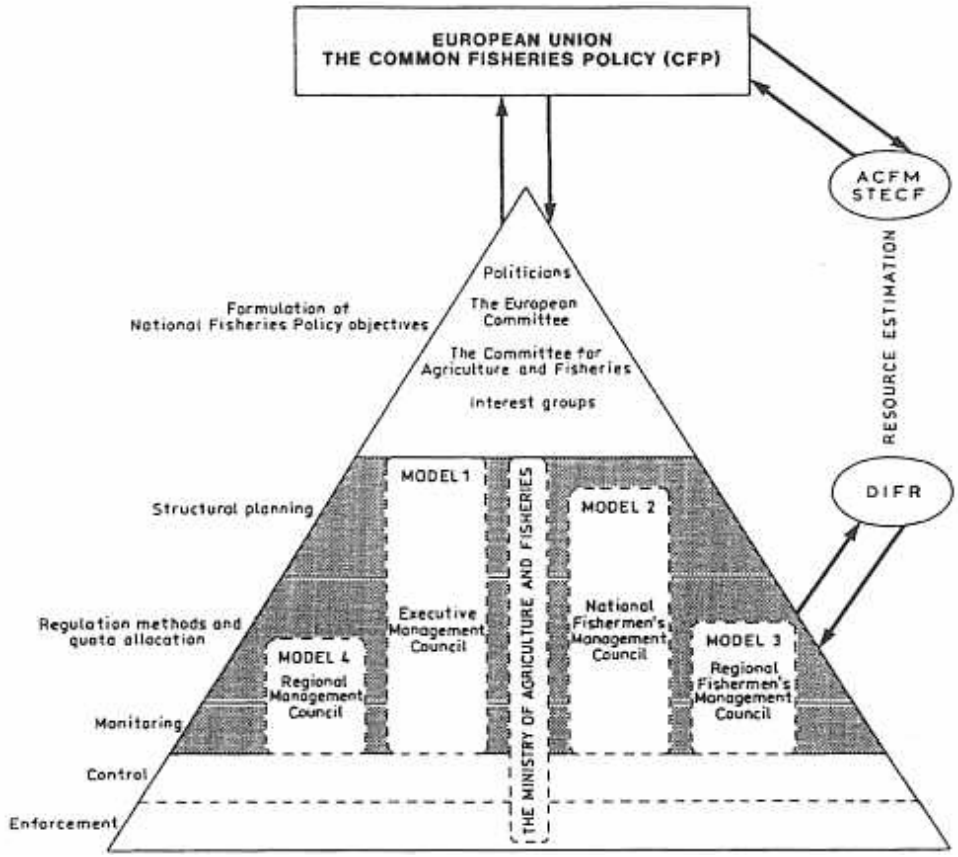

Figure 8.1 Alternative models for Danish Fisheries co-management
Source: Raakjær Nielsen et al. (1997).

[1] In 1995, when the models were suggested, the Board for Commercial Fishing was called 'Board for Regulation'.

Model 1 is the most comprehensive co-management model of the four and members of consumers' organisations were recommended to join the council in order to ensure that the dynamics of the market are encountered in the management. The advantages are that the institutions are overall established and weights of representation already have been distributed.

Almost a decade after the alternative models were presented and discussed among fishermen, fisheries administrators and other stakeholders, no real attempt has been made to implement another set-up for sharing of responsibilities for management of Danish demersal fisheries. The Fisheries Act was revised in 1999, but besides giving the consultative board new names, it appears to be the same procedures as before the revision. It is interesting to observe that the discussion of the introduction of regional management has not even taken place in Denmark. Although several municipalities and a few counties are heavily dependent on fishing in terms of income and employment, these municipalities have been active on the political scene, but only tried to influence at the national level and not argue for more regional approaches.

In reality, however, Model 1 has to a large degree been *de facto* adopted. Although the two Boards have not been merged, the repetition of members in reality makes it one Board. Furthermore, the Minister generally follows the advice given by the consultative boards, and thus the boards are as close to being executive as they can without in fact being it. In the revised Fisheries Act, the Danish Consumer Council and the Danish Society of Nature were represented at the EU Fisheries Board. In Denmark the World Wildlife Foundation (WWF) has been quite active on fisheries issues in recent years, and has participated in ad-hoc working groups related to fisheries policy and management, but not formally included in the advisory process.

There has not been any move within the fishermen's organisations to take over more responsibilities for management of demersal fisheries. In contrast, the Pelagic Producer Organisation has put forward proposals to be delegated more management responsibilities. With the introduction of ITQs in the herring fishery combined with a strong PO, an interesting combination of ITQs and co-management is emerging. The Danish Fishermen's Association (DFA)[1] might have been inspired hereof, as they in November 2003 launched a discussion paper *Responsibility back to the fishermen*. This was the first time DFA showed an interest in taking on more responsibilities for management of Danish demersal fisheries. The suggestions by DFA are very similar to the Model 2 proposed by Raakjær Nielsen et al. in the mid 1990s. The most important points in the discussion paper are: 1) DFA wants to be delegated responsibilities for drafting the specific rules and the regulation within the framework given by EU and national authorities; 2) DFA wants to take over responsibility for all Danish demersal fisheries, and is opposed to a further segmentation of the Danish demersal fisheries[2], and 3) DFA wants to be given responsibility for the fleet structure and composition and is advocating for a liberalisation of fleet capacity.

A precondition for Model 2 was a closer cooperation between DFA and the Danish Fishermen's PO (DFPO). This suggestion has now been taken on-board by DFA and

[1] Our translation.

[2] Presently autumn 2003 and spring 2004 it is debated if special preference should be given to coastal fishermen with smaller vessels. DFA is opposed to such policies.

DFPO. DFA published in February 2004 the findings of the Iversen Commission[1], which recommended a close cooperation if not a merger between DFA and DFPO.

The regional aspect was not given much attention by the Iversen Commission and, besides general statements, on organisational structure. The Iversen Commission did not suggest organisational changes that could ensure that DFA/DFPO would be capable of taking over greater responsibilities for management of Danish demersal fisheries. Raakjær Nielsen and Vedsmand (1997) clearly demonstrated the lack of strategic and structural capabilities within DFA and DFPO and recommend organisational changes, which have not been carried out since. Thus, DFA has good intention, whereas it is more doubtful if the organisation at present is able to take over a larger share of the responsibilities for Danish demersal fisheries management.

Apparently, the regional involvement is absent in the Danish debate in contracts to e.g. Norway. We will argue that it is important to include the interests of local/regional fishery dependent areas, which in Denmark are Bornholm, North- and West Jutland, and to take into account that the demersal fishermen cannot be considered as a homogeneous group (Christensen and Raakjær Nielsen, 2004). The challenge and dilemma is to balance the need for an organisational set-up based on indirect representation that cover the entire Danish demersal fisheries with its different interest and ensuring that all fishermen feel represented in such arrangements. Otherwise delegation of management responsibilities is bound to fail.

Although the Iversen Commission and the DFA discussion paper did not explore the possibilities for delegating management responsibilities to the regional level, as suggested by Raakjær Nielsen et al. (1997), we are of the opinion that there appears to be benefits for transferring some management responsibilities to the regional level. In particular such arrangement can be based on the existing regional structure of DFA, and this will ensure that the local/regional knowledge is used for management, and DFA/DFPO will act as an umbrella organisation. Another alternative in this respect is to divide the management of the demersal fisheries into subgroups. The subgroups could for example either be based on target species, the length of the vessel or a combination of both (Christensen and Raakjær Nielsen, 2004).

Alternatives for sharing responsibility in Danish demersal fisheries management

In the co-management literature, two concepts are often addressed: *responsibility* and *legitimacy*. Many authors have been arguing that if fishermen cannot accept the management system and agree to the imposed regulation, they will most likely not comply with the regulations and in reality it is impossible to establish a control system that ensures 100% compliance. Further, it will be extremely costly and clash against the idea of a modern society. The argument is to ensure voluntary compliance by increasing legitimacy of the management system among fishermen. The tool mentioned most often to do the trick is co-management. If the fishermen do not acknowledge the co-management system they will

[1] In the autumn 2003 the Iversen Commission was established by DFA, DFPO and to investigate future organisation of the Danish Fishermen's organisations.

feel that co-management is just another bureaucratic system (Jentoft, 2000 and Raakjær Nielsen, 2003).

The challenges for devolution of management responsibilities in Danish demersal fisheries is, on the one hand to ensure that a broader stakeholder group can be involved in the decision-making process, at least regarding formulation of policy objectives, and on the other hand, ensure a high degree of user-participation in order to improve legitimacy of the management system. A way forward might be delegation of management responsibilities directly to fishermen organisations. Here the POs, which are also recognised by the EU, appear to be the best choice even though this requires organisational changes with the Danish Fishermen's organisations. To further complicate the matter, the Danish fishing communities/municipalities are heavily dependent on demersal fisheries in terms of income and employment. We therefore argue that the aspects of regional perspective of demersal fisheries management need to be integrated, when alternative models for sharing responsibilities for management of the Danish demersal fisheries are elaborated. Nevertheless, we are not advocating for models that delegate management authority to fishing communities/municipalities, which we also doubt they are interested in obtaining. In order to accommodate socio-economic concerns, fishing communities/municipalities should be included among the broader stakeholder group and be given a say in setting objectives for fisheries management.

The main problem in relation to Danish and EU demersal fisheries is that these fisheries mostly are mixed fisheries. It is becoming more and more evident that TAC/quota management is not a very useful tool to manage mixed fisheries. Danish fishermen and fishing communities have for a long time advocated for effort (activity and capacity) regulation. In recent years, however, and this in conjunction with ITQ/IQ regulation being implemented in other Danish fisheries, especially older vessel owners are arguing for ITQs. It is not said in the open, but this is seen as a way to get a lot of money out of the fisheries, as the ITQs have been distributed free of charge. What is happening in other Danish fisheries is just as Copes (1986) predicted moving the problems to the next generation of fishermen.[1]

The major constraint for devolution of responsibilities for the Danish demersal fisheries is that it needs to be within the framework of a TAC/quota system, and this management approach is a dead end in demersal fisheries. Hopefully this will change, and in Denmark fishing communities/municipalities and some members of parliament are looking to the Faeroe Islands for inspiration (see box 8.1).

The move towards effort regulation is also gaining support in the UK. A recent study[2] recommend to introduce effort-management systems in mixed North Sea fisheries and encourage the UK government to discuss with major partner countries and the EU Commission the feasibility of implementing effort based systems to replace catch limits in the mixed fisheries.

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[1] We are raising this argument, because most of the fishermen in the Board of DFA and DFPO are elderly and often owner of a vessel(s), and thus obviously have vested interest.

[2] See the report from the Cabinet Office, Prime Minister's Strategy Unit: Net Benefits- A sustainable and profitable future for UK fishing, March 2004.

Since 1996, the Faeroe Islands have been operating an effort-control system in their demersal fisheries (cod, haddock, saithe, and redfish, among others). Every year each segment of the demersal fleet is informed how many fishing days individual fishermen can fish; individuals can trade these days amongst fishermen of a similar size - exchange rates exist to permit trades between different types of vessel. Fishermen are free to land whatever fish they catch, reducing discards and 'high-grading'. There is also much more reliable catch information since fishermen have no incentive to under-record catches or miss-declare species. Over time the fishery manager committee has reduced the number of days that can be fished as the fleet has become more efficient. As well as effort control, the fisheries manager applies technical regulations (closed areas, gear measures) upon the fishery. Fishery inspectors protect juvenile and spawning stock by closing areas for up to a fortnight if large numbers of juvenile or spawning fish are caught. The system is widely supported by the industry. Compliance with an effort-based system is much easier to monitor since all that needs to be monitored is how many days a boat is away from port. Many of the Faeroese fishing vessels are equipped with satellite monitoring which eases the enforcement task.

Box 8.1 Effort management at the Faeroe Islands
Source: Cabinet Office, Prime Minister's Strategy Unit 2004.

The reason why we are giving all the attention to effort regulation is that we do not believe that it will be possible in the longer-term perspective to ensure *responsibility* and *legitimacy* within a TAC/quota system to manage demersal fisheries. Thus, in addressing the issue of alternative models for sharing responsibilities Danish demersal fisheries management, it is important not to limit the options to what is possible within quota systems. Moreover, it is important to ensure that new models for sharing responsibilities can facilitate a move towards effort management; otherwise Danish demersal fisheries will remain in crisis.

In the Danish context the devolution of responsibilities appears to follow two routes. Firstly broaden the stakeholder participation by making environmental organisations and representatives for fishing dependent municipalities' permanent members in relation to formulation of policy objectives for management of Danish demersal fisheries including implementation of EU decisions, but maintain it as a consultative forum. Neither the Ministry nor the stakeholders are interested in devolution of responsibilities for these types of decisions. We would also argue that the responsibilities of these types of decisions in a democratic society would need to be in the hand of the Minister in office.

Secondly, quota management can be delegated to POs, like it is the case in other EU countries. The Danish fishermen's association has expressed an interest in being given responsibilities for quota management and the Ministry has already accepted devolution of quota management as it has introduced IQs and ITQs in other Danish fisheries.

Nevertheless, in order to ensure responsibility and legitimacy, main questions by sharing responsibilities for fisheries management remain unanswered. We would argue that before stakeholders/users are involved in the decisions regarding management approach or type of regulation and the type of knowledge informing management decisions, one should not expect increased legitimacy and thereby voluntary compliance of imposed regulations.

How will the market or technological change influence the sharing of responsibilities of Danish demersal fisheries?

The present debate concerning sharing of responsibilities for management of Danish demersal fisheries is primarily focusing on two issues. The first issue is delegation of responsibilities for quota management to user groups or to different segments of the demersal fleet. DFA/DFPO are arguing that they should be given the responsibilities for quota management within the demersal sector, whereas 'coastal fishermen' are arguing to be given the responsibility to undertake quota management for this fleet segment. Sharing responsibilities for quota management in Danish fisheries has thus become both a debate about delegation of responsibilities and segmentation of the fleet.

We consider sharing/devolution of responsibilities for quota management to Danish fishermen as appropriate in order to enable the fishing industry to adapt to the increased globalisation of the market. Because fishermen at the local level are much better suited to take the needed initiatives in order to improve their competitiveness and adapt to increased consumers' demands. Further, fishermen at the local level are in closer collaboration with the fish processing industry to undertake product innovation (developing new products, using alternative species and/or developing new markets) and diversification in order to respond to consumer demand (trace-ability, eco-labelling). In the future this is likely to lead to market driven fisheries, because the global sourcing of fish products will make it difficult for a high cost country like Denmark to be competitive unless it uses its ability to undertake product/market innovations and supply economic lucrative niches.

In addition devolution of responsibilities for quota management should more easily ensure the practical adaptation to increased requirement for food safety standards and more restrictive market standards. However, the responsibilities for these standards will remain the responsibility of national/EU authorities, or the increasingly powerful retail chains will determine market standards.

In relation to management of the Danish demersal fisheries another issue is debated, i.e. the need for change in management approach. It is obvious that the present quota management regime has created more problems than it has solved, due to the inability to make predictions in a multi-species, -gear, -fleet and -country fishery and the fact that there is no control over fishing mortality in a quota system as only the landings are controlled. There is a need to take the pressure of the system by reducing fishing mortality.

As mentioned above, our argument is that genuine sharing of responsibilities includes stakeholders' and users' involvement in the decisions regarding management approach or type of regulation. There are many good reasons for moving away from the present micromanagement, where new regulations are added, as problems are encountered/new issues raised towards a more simple and transparent although differentiated management system. Here input (capacity and activity) control as advocated by the fishermen appears to be a more appropriate solution.

The challenge for such a management approach, now and in future, is to balance fishing capacity to resource productivity. In relation to sharing responsibilities for fisheries management and a move towards effort control, it is important to take into account technological changes in the structural policies and financial support to the fishing industry in

order to counterbalance technological developments related to vessel/fishing gear (incremental or stepwise) that leads to higher fishing mortality.

In general Danish fishermen are reluctant (Raakjær Nielsen, 1992) to make decisions that reduce fishing capacity or activity. In addition, Danish fishermen have also been reluctant to segment the fleet, because they want to maintain the traditional practice of full flexibility in terms of how, when and where to fish. They are afraid to be *de jure* excluded from a specific fishery although in most instances they are *de facto* excluded due to the technological requirements or know-how. However, it underpins that management responsibility for structural policies cannot be delegated to fishermen. Nevertheless, we will argue that fishermen representatives should be consulted in the decision-making process on how to ensure an appropriate balance between fishing mortality and stock productivity. If the outcome of the present (June 2004) discussions within the Danish parliament results in segmentation of Danish demersal fisheries, the respective group could/should be involved in determining the level of capacity and activity within the segments in an overall framework.

In terms of technological change in particular, the recent development of computer-based GPS systems will have a large impact on monitoring and enforcement and this development makes it easier and less expensive to move to effort-based management. In addition, this development will improve documentation of catches and will increase the possibilities for real time monitoring, which is highly relevant for market adjustment. The latter not being exclusive to effort regulation.

Discussion

There is a need for reforming EU and Danish management of demersal fisheries in order to:

- improve legitimacy of the management system;
- increase user participation and enhance user perspectives;
- change the management perspective from fish stocks to ecosystem and fleet perspectives;
- move from prediction to adaptation;
- base management on indicators rather than reduction to process details;
- control fishing effort (input) rather than landings (output); and
- ensure that fleet capacity is balanced to resource reproduction.

We will argue that there is a need to ensure a change in the way management responsibilities are shared in order to ensure such reform. Based on the Danish and the EU situation we believe all parties can agree to the need for introducing a more simple and transparent decision-making process and regulations. Nevertheless, we foresee the need for tailor-made management initiatives to solve specific problems rather than general solutions for all fisheries. It is important to avoid 'painting with a hammer' approaches (Degnbol et al., 2004), where certain fixes are seen to solve all problems.

We believe that nobody will argue against the importance of improving the dialog between managers, researchers, fishermen and other stakeholders. In this respect Danish and North Sea fisheries can actually learn from fisheries management experiences in

ASEAN countries (SEAFDEC, 2001, IFM, 2003) and the approaches taken in the Mediterranean Sea (Spagnolo, 2004).

Based on arguments above there is no easy answer to the question: *Whom to share responsibilities in management of Danish demersal fisheries with and how to institutionalise this?* It all depends! However, a number of co-management case studies worldwide indicate that efficient, equitable and sustainable resource management requires an *institutional resiliency* within the co-management institution (Hanna, 1995) and based on the present changes in the organisational structures of Danish fishermen we are uncertain whether this can be achieved at the moment due to the resource crisis and the on-going organisational changes within the Danish demersal fishing industry. It is difficult to make specific recommendation or model for changes in the sharing of management responsibilities.

There is a potential for devolution in order to integrate information and knowledge about resource fluctuations, fishing patterns and market trends into the decision-making process, institutions need to be flexible and able to adapt to external conditions. However, it is more uncertain if Danish fishermen have the capacity (structural, strategic or financial) to undertake such a task. It is difficult to see that the situation has improved since Raakjær Nielsen and Vedsmand (1997) made a rather pessimistic assessment of the capability of Danish fishermen's ability to undertake increased responsibilities for management.

8.1.2 Decentralisation of responsibilities in Norwegian fisheries management - a viable alternative to centralised consultation?

In Norwegian fisheries proposals for devolvement of management decision-making have followed in the wake of research indicating that there are local stocks of cod in several fjords in North Norway - making local-level management look like an idea whose time has come. But the Norwegian proposal is also inspired by the global management discourse, where devolvement of authority is regarded as the way forward.

However, in fisheries management, as in most other areas of public policy, there is a balance to be struck between central governance and local or regional control. On the one hand, there are issues that require coordination and control at the national - or even international - level. In the fisheries, the management of straddling stocks is but one example. On the other hand, it can be argued that fisheries are too complex, dynamic and diverse to be governed single-handedly by a central agent and that other agents, such as regional or local authorities, must somehow be involved in a partnership where management functions are shared and devolved. If that is the case, exactly what decisions should rest exclusively with central government, and what problems are better left to local and/or regional institutions? What lower level organisations are we talking about? Should these organisations be designed anew or will those that already exist do?

The present system of centralised consultation

The Norwegian fisheries management system combines centralised control and selective consultation, with a 'corporatist' body, the Management (or Regulatory) Council, at the core of domestic management proceedings. The management process as such starts with

the setting of TAC for a wide variety of stocks and species - on the basis of annual recommendations from ICES. This takes place through a series of bilateral negations with Russia and the EU in particular. The TACs thus agreed serve as the starting point for the (consultative) process at the domestic level. This is where the Management Council, an advisory body chaired by the Director of Fisheries and numbering participants from key industry stakeholders, science and the management bureaucracy, 'kicks in' with advice on what measures to adopt in different fisheries and how to allocate the TAC among various fleets and gear groups. Although the Council's role - at least formally - is purely advisory, its advice tends to carry considerable weight, provided there is consensus among its members. What should be kept in mind, however, is that the council's agenda is prepared by the Directorate, and that the final decision on any management measure rests with the Minister. At no point during this process are lower-lever agencies or institutions consulted as part of the formal procedure.

The present system of 'centralised consultation' has, on several occasions, been criticised for favouring the economic interests of the fishing industry - at the expense of both conservation and regional and local concerns. It is significant in this regard that in December 2002, the parliamentary standing committee on industrial affairs called upon the Minister of Fisheries to investigate the possibilities of decentralising management responsibilities. The system is said to be too centralised and virtually immune to inputs from 'below' - even on issues of great significance to regional and local stakeholders. Why is this, and what are the prospects and possibilities of decentralising management tasks and authority? To begin with, we need to look at some of the reasons behind the fairly centralised structure of Norwegian fisheries management.

Why centralisation?

The present structure of fisheries management in Norway is, of course, not entirely accidental. There are several factors that may explain the conspicuous lack of local-level inputs into the management process:

- *Regulatory traditions*: a system of 'centralised consultation' in fisheries management may have been a foregone conclusion - given the Norwegian style of policy-making: compromise and conflict resolution through corporatist arrangements based on an intricate network of committees and councils - all of which are part of a long standing tradition of functional representation in Norwegian politics. The centralised structure of the fisheries management system probably owes more to political traditions and a general approach to regulatory politics than to the particular sector or policy problem involved. Searching for appropriate institutions, government may have looked no further than towards other, but similar sectors or activities.
- *The public interest*: fish stocks are commonly defined as a public resource and a national 'property', and one could well argue that management is better left to institutions that are expected to govern in the public or national interest. To the extent that local government implies the government of the locally powerful, devolving responsibility to regional or local institutions may privilege special interest groups - and undermine the role of, say, science in fisheries management. It may, then, have appeared 'natural' and reasonable to vest the authority to manage the fisheries in the

hands of national government. Perhaps the centralised structure follows from the assumption - held by dominant stakeholders - that a national, common pool resource is best managed by institutions whose jurisdiction and authority transcends regional and local boundaries.

- *Straddling stocks*: the fact that most fisheries and fish stocks straddle local and regional borders may be a good reason for centralised decision-making. Centralisation of management then, may have been considered a necessity given the fact that fisheries management is a question of international negotiations, which tend to be the exclusive domain of central government. One does well to remember that more than 80 per cent of Norwegian fisheries are directed at stocks shared, and thus managed in common, with other partners - notably Russia and the EU. Centralisation may, furthermore, have been considered the only feasible strategy given the fact that fisheries management is about managing 'migratory' actors, activities and resources. This may explain why consultation - as a means to legitimacy and compliance - has been a question of conferring with industry rather than with regional agencies or local-level associations.
- *Expertise and accountability*: management institutions and practices do confine, in some cases severely, the independence and autonomy of fishers. The formal legislation underpinning management measures and policies gives considerable discretionary powers to those agencies and officials that are assigned management tasks. Two implications may follow, both pertinent to the choice of management structures: it may have been a common perception among key stakeholders that since the exercise of discretion requires legal expertise, the authority to manage should be vested in central government agencies where such expertise is readily 'on tap' as it were. It may also have been assumed that since, in a democracy, public officials should be accountable to their political 'masters' and the public, administrative discretion needs to be checked, and that - in fisheries management - this is best achieved through standard procedures of political oversight and control where Parliament and the Ministry of Fisheries are key actors.
- *Scarcity*: fisheries management is very much about the allocation of scarce goods (e.g. licences and quotas) among individuals claiming - often rightly so - the same rights and needs. Scarcity, in other words, implies 'cruel' choices whose legitimacy may be strengthened if traditional civil service norms of impartiality, adherence to formal rules and consistent decision-making are observed. The propensity to centralise, and the unwillingness to delegate, may thus stem from perceptions - among politicians, managers and representatives of the fishing industry - that the chances of these norms being observed will increase if management decision-making is located at the very top of the fisheries bureaucracy. Regional and local institutions may be perceived as lacking the political authority and administrative capacity to intervene effectively in these new areas of conflict and dispute. The centralisation of management responsibilities, then, may be a response to the zero-sum games often created by management measures and policies.

Centralised, but…

While fisheries management in Norway is largely about setting priorities and policies at the level of the state, a number of rules and regulations pertain to geographically defined areas such as particular fjords and inlets. These rules and regulations constitute an intricate network of restrictions on the use of 'active' gear such as trawl and seine - often implemented in response to demands from local fishermen, and on the basis of advice from a management committee at the county level. This is not the place for a detailed account of these 'local' arrangements, but a couple of points should be noted.

First, local regulations have a long history in that they were based on so-called 'Regional Fisheries Acts' originating in the late 19th century. With the introduction of new harvesting technology such as trawl and purse seine shortly before and after World War II, there was a steady stream of demands from local fishermen for restrictions on trawling and purse seining in the fjords. Although the Ministry of Fisheries was less than enthusiastic, procedures were eventually set up for handling cases of local 'competition' between users of different gear - the most significant being standing advisory committees on local regulations.

Second, the policy of these advisory committees - whose membership includes representatives of most gear groups - has been rather restrictive in that most demands for closures of fjords and inlets have been rejected. The tenor of the debate on local regulations has been that one should be careful in setting up restrictions for the simple reason that once in place, they will be impossible to ease or abolish. There is currently a consensus between the ministry and the Norwegian Fishermen's Association to this effect. However, demands for the strengthening of the present system - with stronger representation from local government - have been gaining in credibility as marine scientists have demonstrated the existence of local cod stocks in several fjords along the coast of northern Norway. The issue, which remains unsolved, is whether these stocks should be managed locally - and not as a part of the management system established for the Barents Sea stock.

In addition, regional and local authorities - particularly in North Norway - have come to take a keen interest in the effects of management policy on the viability and welfare of local communities. The so-called 'cod crisis' of the early 1990s had elected officials at these levels of government stop and think about the significance of a viable fishery for local economies, and there has since been much talk about the prospects of sharing management responsibilities. Representatives of ethnic groups, notably the Saami, have argued that management institutions and practices should acknowledge historical rights and cultural diversity - and recognize the need for more decentralisation. Although Saami representatives have been recognised as legitimate participants as observers in the Management Council, they can as yet hardly be considered core members of the management policy community.

Preconditions and prospects of devolved management

Even though there may, indeed, be rational explanations and arguments for the centralisation of decision-making, these do not necessarily preclude a devolvement of responsibilities and power. To begin with, management decisions will - more often than

not - have a direct impact at the local and regional level. Assuming that centralised arrangements are biased towards a standardisation of policy across territory, decisions will tend to ignore interests and problems stemming from the distinctive characteristics of communities and regions. One likely consequence of this is that management decisions - based as they are on standardised and centrally administered rules - do not adequately reflect the differences among coastal communities in fleet structure and harvesting strategies. Management decisions will also have unintended consequences to which central decision-makers may be oblivious, but that certainly are felt locally. Norwegian examples that come to mind are the effects of the 'maximum quota scheme' on the economic viability of fisher-farmers, and the effects of licensing policies on the geographical distribution of the purse seine fleet.

Furthermore, fisheries management entails decisions that vary widely in kind and scope - from the setting of TAC and the allocation of this among different users to more 'technical' decisions on gear restrictions, closed areas and fishing periods. Fisheries management then, requires the acquisition and application of various types of knowledge and information - on stocks and harvesting technology as well as on fishers and local communities. The organisation of management decision-making is largely a question of how this can be achieved. The need for varied - and locally generated - information may, in itself, be an argument for reconsidering the present system of hierarchical governance and selective consultation. Given these general observations, what - more specifically - would be conducive to a greater decentralisation of management responsibilities?

- *Stocks*: devolving management responsibilities may be more feasible - and make more sense - in some fisheries than in others, due to characteristics of the fish stocks. We thus need to ask what stocks are being harvested and how are these managed at present. If we are looking at migratory or straddling stocks, jointly managed with other countries, decentralisation of responsibilities may be inconceivable. As already pointed out, more than 80% of the stocks harvested by Norwegian fishers are managed in collaboration with other countries - which is hardly conducive to devolving management functions. On the other hand, the existence of 'local' stocks of cod in some of the fjords of North Norway may support the argument that management responsibilities should be decentralised to the local level.
- *Institutional infrastructure*: regional or local management requires an organisational base in order to work. Decentralising management responsibilities requires local and regional interests, needs and demands to be identified and articulated, which again requires a minimum of local or regional organisation. Besides, the existence of institutions that - on fairly short notice - can take over management responsibilities may increase the prospects of devolvement. In the Norwegian context, there are at present no local and/or regional institutions per se that can readily take on management functions. There is a regionally based fisheries administration - with a staff employed by the state. The work of these regional agencies is moreover defined and supervised by the Directorate of Fisheries. That said these agencies do represent an administrative infrastructure that may be well equipped to perform management functions at this level. Another alternative that has loomed larger in the management debate is delegating responsibilities to county councils, assemblies of elected officials at the

county level. The question of exactly what tasks to delegate, though, remains to be answered.

- *Basic principles*: for a management system to work, there must be agreement on basic principles among stakeholders. Disagreement on fundamentals increases the likelihood of conflict and reduces the prospects of reaching decisions that can be effectively enforced. Should there, for instance, be open access to local and regional commons? This is a contested issue in Norwegian fisheries, and it is not at all clear - from proposals for decentralisation - whether this would also affect rights of access. Opponents of a regionalised management structure sometimes justify their position by referring to fish stocks as 'national property' - to be utilised without regard to the geographical location of the fleet.
- *Government policy*: the official, i.e. government position on the issue of management reform, will be decisive to the success of any proposal for decentralisation. We thus need to ask whether there is any understanding at all among government officials for the need and rationale for devolvement of management responsibilities. In most polities, the scope and content of local and regional government are defined by the state. Norway is no exception to this 'rule' which, presumably, also holds for the fisheries. Devolving management responsibilities may require formal legislation by Parliament or, at least, a decision by the Ministry of Fisheries. The likelihood of this happening in Norway is rather slim. Although both MPs and ministry officials have toyed with the idea of shedding off state responsibilities for certain management tasks, concrete demands and proposals for more decentralisation from various quarters have largely been rejected. It is probably safe to say that the idea of devolving significant responsibilities finds little favour with the current management 'establishment'.
- *Stakeholder attitudes*: decentralisation also requires that there is a fairly broad agreement among key stakeholders that this is a good thing. In order to succeed, attempts at devolving management responsibilities must have the support of key stakeholders. On this point, decentralisation has, so far, found little favour outside the circles of small-scale fishers and elected officials in Northern Norway. Others tend to see proposals for decentralisation as attempts by their proponents to acquire a larger share of the pie by closing certain fisheries to 'outsiders'.
- *The power of vested interests*: as already noted the reaction of dominant and powerful stakeholders to attempts at devolvement may be crucial. Should powerful stakeholders be in a position to veto reforms, there will be few, if any, prospects for success. As management reform invariably means a 'disruption' of existent power relationships, it should come as no surprise that key stakeholders - anticipating a lesser role in management decision-making - have come out against proposals for decentralisation. It should, therefore, come as no surprise that both the Association of Norwegian Fishers and the Ministry of Fisheries have opposed the idea of devolving management responsibilities to lower-level agencies and institutions.

Conclusion

Corporatism, even in its more 'benign' versions, implies privileged participation and less than transparent decision-making - a certain kind of 'closed shop'. As demonstrated above,

Norwegian fisheries management has largely been a question of close collaboration between central government and representatives of industry - notably from harvesting. User-group participation has been facilitated by the creation of the Management Council - itself a part of a long-standing tradition of functional representation in Norwegian politics - often at the expense of other 'interested parties'. Management has been the domain of a relatively coherent policy community of government officials and industry representatives, its legitimacy sustained by history and tradition - and by the fact that it has produced viable compromises. Currently, the challenges to this particular type of co-management - and the impetus for reform - are not strong enough to make decentralisation of responsibilities a viable and likely alternative to the existing system of centralised consultation. Should, in spite of this, decentralisation become a salient issue, the following questions will have to be addressed:

- *The locus of decision-making*: at what level should which management decisions be made? Are new institutions to be established at the community, municipal or regional level? Should devolvement be 'autonomous' or 'coordinated'? On this point solutions will probably depend on the type of stocks to be managed, and on whether there already is an institutional infrastructure in place that can be utilised for management purposes.
- *Power and jurisdiction*: what should be the functions and power of devolved institutions? Management responsibility must imply the power to make binding decisions within a specified domain - not just an advisory role. Should the jurisdiction of 'local' arrangements span the whole range of management issues - from allocation of quotas to decisions on gear, fishing periods and areas?
- *Representation*: who - what groups and interests - should be represented in management decision-making? There are many who could claim an interest - or a stake - in fisheries management, and how the group of stakeholders is defined or delineated has implications for participation. In a situation where fisheries management is rapidly becoming part of the environmental agenda, the stakeholder issue is bound to become more salient and affect the design of management institutions and practices.
- *Influence*: should the impact of various stakeholders be 'weighted' so that some groups or interests are given more votes than others? One could, for example, argue that those who stand to lose the most if particular stocks are decimated - because they have no quota in other fisheries - should have greater influence than those who can easily 'diversify'.
- *Enforcement*: how can rules and regulations be effectively enforced within the framework of devolved regimes? Management - at any level - will not work unless violations are detected and sanctioned. Must enforcement necessarily be a responsibility of an external agent, or can user-organisation also be mobilised?
- *Appeal procedures*: should there be ways of appealing management decisions? If so, to whom? Illegal or 'unreasonable' decisions should not be left standing without a critical evaluation by a third party. One problem though, is that while provisions for appeals may strengthen the legitimacy of management institutions and decisions, frequent use of these provisions may undermine the power and authority of local institutions.

8.1.3 Alternatives for decentralisation in Spanish fisheries management

The main inconsistencies in the distribution of responsibilities in Spanish fisheries management may be summarised as follows:

1. There are inconsistencies and omissions regarding equity and efficiency in the responsibility-sharing structure from the highest link in the chain, the EU, down to the lowest, the local level. Neither the State nor the ACs enjoys sufficient representation in the EU; the responsibilities and powers held by the State and the ACs overlap; there is no decentralisation of management towards the municipalities.
2. The sector does not have a great enough share of participation in the distribution of responsibilities; it only enjoys low-quality participation (a consultancy role); the range of participants is restricted.

What possibilities are there for the decentralisation or delegation of Spanish fisheries management?

The existence of weaknesses or omissions in the way the distribution of responsibilities for fisheries management is structured in Spain leads us to state that there are signs that the process of delegation or decentralisation should be expanded, especially with a view to giving the lower echelons at local level greater powers. The scant participation of end-users also advocates the need for an alternative model for fisheries management that allows the greater participation and inclusion of all the organisations that make up the sector.

The question now is, how viable is the decentralisation of management and the establishment of said alternative model? The current political and administrative framework imposed by EU regulations, the Spanish Constitution and the Statutes of the Autonomous Communities, limits the possibility of expanding the decentralisation of Spanish fisheries management.

Paradoxically, there have been many calls for State reform in Spain, with a greater decentralisation of powers and responsibilities towards the autonomous communities, and this would have an effect on fisheries management. A process of this type would require the reform of the Constitution. A time-consuming and complex process, this would involve a change to the basic structure of the way powers and responsibilities are distributed between the State and the ACs to afford these latter the opportunity to manage fisheries in the TS (territorial seas) alongside their current responsibility for IW (inland water) fisheries management.

With regard to fisheries management, a clarification of the distribution of duties between levels of government would signify that any overlaps in powers and responsibilities would disappear. The increase in participatory instruments would similarly consist in the involvement of organisations in the sector in the decision-making process.

As for a local-level presence in fisheries management, i.e.: of municipalities, there are some signs that this question is ever more present in political debate in Spain and the European Union. One sign is the way the subject of local affairs was highlighted in the declaration on intentions of all the political parties. Another sign was the decision taken at the recent European summit meeting at Nice to call an inter-governmental conference in

2004 to study the redistribution of powers and responsibilities between the different levels of government in the EU in accordance with the principle of subsidiarity.

There are, therefore, arguments that would justify a further decentralisation in Spain in favour of local governments and, more specifically, the decentralisation of the management of artisanal fishing, placing it more within the responsibility of the municipalities.

As far as delegation is concerned, there are precedents of ACs acting as representatives of a number of countries, such as Portugal and the United Kingdom, in certain fisheries issues, and so neither EU nor Spanish national regulations would be affected.[1]

Decentralisation towards the local level would not require any change in the political and administrative framework established in the Constitution and the Statutes of the Autonomous Communities. It would necessitate the creation of a completely new system in which the local level would come to form part of the management system for a certain type of fishing, i.e.: artisanal fishing.

Finally, with regard to a change in participatory mechanisms, the greater participation of fisheries organisations at the different administrative levels would not entail any change in the political and administrative framework and would result in the activation of the current trend for the involvement of the sector in the decision-making processes.

The Basis for Institutional Reform

In the Spanish context, *decentralisation* is understood to be *the transfer of powers and responsibilities from the State towards the ACs.* This process has almost been concluded in present-day Spain thanks to the extensive decentralisation process carried through by the 1978 Constitution, which transferred a wide spectrum of powers from the State to the ACs. For the fisheries management system devolution would require an expansion of this process of administrative decentralisation on a smaller scale, that is, towards the local, or municipal, level. This process would constitute the second decentralisation in Spain.

In addition, apart from the expansion of decentralisation with the inclusion of the municipalities in fisheries management, another basis for institutional reform should consist in the expansion of mechanisms for the participation of fisheries organisations in management bodies. Within the Spanish political and administrative framework delegation can defined as *the temporary transfer of duties from the State to the ACs or to corporations governed by public law*.

Using Symes' (1996) nomenclature, the current Spanish fisheries management system falls within the framework of the decentralised management model, although the way this model is applied does not concur directly with the Spanish system. The model of decentralised management establishes the transfer of specific powers and responsibilities from the State downwards, towards administrative bodies at lower levels. In the case of Spain, this transfer of fisheries-related powers and responsibilities has been conducted from the State, which manages fishing in the Territorial Seas and the EEZs, to the ACs,

[1] On the one hand, the omission of the ACs from European decision-making processes would be resolved, whilst, on the other, the ACs' demands for a greater presence in European fisheries management would also be settled.

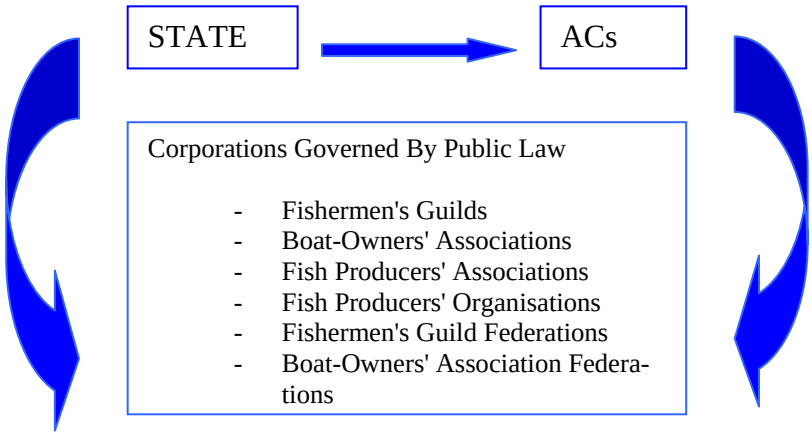

Figure 8.2 Possibilities of Delegation in Spanish Fisheries Management

which administer fishing in International Waters. Furthermore, the capacity to make decisions in the decentralised management model is granted to regional and local authorities. In the case of Spain, this ability to make decisions is only conferred to the regional authorities, the ACs, whilst the local bodies, the municipalities, remain outside the sphere of decentralisation.

The decentralised management model also excludes end-users from the decision-making process. In the Spanish fisheries the authorities as consultative bodies have progressively included management system end-users. What is more, in some cases, such as the Fishermen's Guilds or other new formulas, like the Consortium for the Marketing of the Striped Venus Clam in Barbate, there has been a transfer of a number of duties from the regional authorities to end-users.

It could therefore be argued that the fisheries management model in Spain is more akin to a joint management system between the authorities and end-users, what Symes would describe as a co-management model.

Participation and the concept of social capital

One of the key instruments to improve the distribution of responsibilities (greater decentralisation) in fisheries management in Spain is the expansion of participation of fisheries organisations. There is consensus[1] between the fisheries sector and the authorities regarding the idea of strengthening the already close relationship between them, with the organisations in the sector being afforded a more important role. Expanding the (administrative) decentralisation and delegation will fit the Spanish political and administrative framework; the initiation of an improvement in participation would, however, require greater imagination, as there are no previously established institutional mechanisms already in existence. In recent years, an impetus has been given to measures aimed at

[1] From the interviews that were conducted with both the authorities and members of the fisheries sector it became apparent that they were in absolute agreement that the more active participation of the sector should be sought in all spheres of management.

increasing the presence of the fisheries sector in different spheres of management. These have only had limited success. This demonstrates what difficulties lie in the aptitude of the sector to partake in the co-management process.

There has been intense political decentralisation in the country since the 1978 Spanish Constitution came into effect, with the leading role being played in its entirety by the Autonomous Communities. This sphere of autonomous government has gone from a position of total non-existence to one in which the new autonomous governments enjoy wide-ranging powers and responsibilities and manage around a third of total public expenditure. We have seen the start of a process of decentralisation towards the municipality in recent decades as a result both of Spain's joining the EU and of the globalisation process. Municipalities have had to face up to a number of problems and had to assume some management tasks, such as those related to the environment, employment and tourism, for example, for which they had neither sufficient technical nor financial means. This has resulted in a transformation of municipal institutions, which are acquiring a political dimension that they had till now paid little attention to, as creators and managers of networks of local actors. This has come to be referred to as the *repolitisation*[1] *of the local domain* (Fundación Encuentro, 1998).

Local authorities currently deal with two large spheres of duties, one more traditional - the provision of public services - and the other rather newer, the devising of policies; the new local governments are showing a greater willingness to take part in the political decisions which affect them. The repolitisation of the local domain signifies, precisely, new abilities for building up networks (*network structuring*) and the governance/management (*game management*) by local actors as a whole. These are the new forms of governance, characterised by popular participation and by the development of the principle of *partnership*, which entails a commitment to a single common project on the part of the parties involved.

Our proposal for the decentralisation of artisanal fisheries management (an activity which is both affected by supra-national policies and cause of local problems that should be tackled by local institutions) is set within this framework: aware of how the CFP might have a direct bearing on the local fishing situation, the municipal authorities should have at their disposal sufficient institutional management and funding mechanisms to settle any problems that might arise amongst its citizens as a result of said policy.

However, the institutionalisation of this repolitisation process through the decentralisation of artisanal fishing management towards the municipal level would entail possessing the legitimacy to propose policies previously agreed with the fisheries sector (thanks to free-flowing relationships) that would favour an improved distribution of responsibilities and, primarily, increased effectiveness of environmental, social and economic management measures.

[1] Repolitisation entails the incorporation of everyday society into politics, that is, the inclusion of civil society's daily concerns in the concerns of the State as a whole. In the words of Samir Amín, 'Repolitization 'rather than burying politics in the State, looks to deal with the relationships of the market, the family, the sexes, cultures and rights as strategic issues of social and political correlationships.'

An alternative model for fisheries management

For Spanish fisheries management the point of departure can be set at:
- decentralisation from the State towards the ACs;
- the expansion of the processes of delegation from the State towards the ACs;
- decentralisation from the ACs towards municipalities;
- an increase in participatory mechanisms for the various actors that take part in fisheries activity.

In line with the current model, the possibility of increasing the ACs' management duties could materialize in basically two ways:
1. fisheries resources management;
2. fisheries structures management.

With regard to the decentralisation of fishery resource management, this would consist of expanding the fisheries powers that the ACs already possess (which are solely over Inland Waters) to include the Territorial Sea and the Exclusive Economic Zone. This approach is justified by the need to control and manage the way each AC's fishing fleet exploits the fishing grounds, which are for the most part to be found in the EEZ.[1] With regard to powers and responsibilities for fisheries structures, the possibilities for decentralisation from the State towards the ACs focus on the control, distribution and planning of EU aid for the renewal and modernisation of the fishing fleet.

However, in the current situation the delegation of a significant management task, the issue of fisheries agreements with third-party countries, cannot be dealt with from the point-of-view of decentralisation in the Spanish context. Experiences in other countries conversely, such as the United Kingdom and Portugal, have demonstrated that some regional authorities act as delegates representing their governments in negotiations on fisheries agreements between the EU and other countries. These precedents demonstrate that there could be a similar kind of delegation process in Spain. Moreover, support for this can be found in Spanish legislation according to which certain powers have been totally transferred to the ACs, but these cannot be exercised due to Spain's belonging to Europe.

Delegating management tasks to organisations in the sector, hence expanding responsibilities to the fisheries organisations (in this case: Fishermen's Guilds, Boat-Owner Associations, Fish Producers' Organisations FPOs) should focus on the issues of:
- the power to impose sanctions;
- fisheries plans;
- marketing.

Fishermen's Guilds are not alien to fisheries monitoring and sanctioning activities, as they have traditionally had this power. There are even examples of delegation to be found

[1] The decentralisation of fisheries resources would entail a change in the Constitution regarding the distribution of powers between different authorities. The current wide-ranging debate on the reform of the Constitution would facilitate decentralisation regarding resources, although it must be stated that it would be hugely difficult for this to occur within the current State political and administrative framework.

today in the supervisory power afforded to fisheries organisations in the Andalusian Autonomous Community. It can thus be ascertained that the delegation of the power to impose sanctions to fisheries organisations is possible within the current framework of State legislation.

With regard to fisheries plans, it would be impossible to delegate their independent preparation to sector organisations within the present framework for the distribution of powers and responsibilities, where the State draws up the Plans for the Territorial Sea and the EEZ, and the ACs those for Inland Waters. The delegation of these matters is therefore unviable. Nevertheless, one road that is open is the possibility of more active participation by the sector in the drawing up of plans.

As far as marketing is concerned, great strides forward have been made in the delegation of this issue, given that the FPOs, the Fishermen's Guilds and the Boat-Owner Associations carry out marketing as one of their duties.

The ACs only perform a consultative role in Spanish national fisheries politics (*Conferencia Sectorial de la Pesca, Consejo Consultativo*). The current reform of the Senate aims to correct this. It is also quite obvious that there is unequal participation by organisations in the sector in the Spanish national consultative committees (there is an overly large representation of extractive organisations compared to other fisheries organisations). Furthermore, the embryonic presence of fisheries organisations in co-management organisations with the ACs is common knowledge; the scant participation of national fisheries management new proof of the need to overhaul the current management model.

Nevertheless, such a wide margin for the development of participation exists that it can be stated that the distribution of responsibilities could be substantially improved through advances in new forms of participation based on the delegation of some duties to the ACs and organisations in the sector, without the need for any change in the current political and administrative framework in Spain. The strengthening of social capital, the amplification of relationship networks between the various associations within the sector and other sectors that are involved, could be a useful tool for a more equitable distribution of responsibilities.

Not only should the organisations in the sector have a greater presence in management, but local authorities should also get involved. The repolitisation of local power in the quest for greater decentralisation through the awarding of new powers and responsibilities in other areas of management bears witness to this. The participation of municipalities in management could grow by means of a system of shared management between the regional and local authorities for artisanal fisheries apart from decentralisation towards the municipal domain, also by increasing the jurisdiction from its present limit, the shoreline, to include the 12-mile zone.

Do we put this alternative fish management model in the context of market developments, the use of new technologies and the reform of the CFP than one can see that market globalisation obliges the various countries to revalue their products by means of marketing measures - Seals of Quality. Growing consumer demand for better information obliges the regional authorities - who have responsibilities for marketing - to offer incentives for measures to guarantee trace ability. This results in a need to decentralize marketing issues from the ACs to the local councils, as these are closer the companies in the sector for which the measures in questions would be implemented.

The use of new technologies is fundamental in this development. If the ACs do not have sufficient technical and economic resources, they will not be able to put these measures in place.

The emergence of new species obliges the authorities to exercise more rigorous health inspections of these products. There must be better coordination between the various administrations that are involved, the State and the ACs, if said inspection duties are to be carried out effectively.

Conclusion

The purpose of the alternative fisheries management model is to overcome some of the inadequacies that have been detected, especially with regard to the inefficiency of the system (i.e. imprecise boundaries between spheres of responsibility and of territory; a lack of forums for ACs; long-drawn out decision-taking process), overlaps in management duties and gaps in powers and responsibilities, as well as shortcomings regarding the sustainability of resources. The proposed model similarly responds to the need for institutions to adapt to the critical situation that fisheries activity has had to face up to for the last thirty years. This new scenario is characterised by a reduction in both the fishing effort and in numbers of jobs, the displacement of the extractive sector to third-world countries, focusing on management as part of integrated coastal management, the creation of Regional Advisory Councils and, finally, the emergence of social problems.

The old fisheries institutions have been rendered dysfunctional by this new focus. The old management paradigm of economic liberalism, based on an increase in the size of the fishing fleet and the resulting modernisation of structures, has evolved into the present bio-economy dominated model, whose core objective is the protection of resources through a reduction in the size of the fishing fleet. The consequences of the bio-economic model for fisheries activity are not limited to transformations of structures and of the fishing industry, but have wider implications, as they directly affect the social fabric. And in the face of this new reality, the old institutions become meaningless, and make way for the creation of a new model capable of responding to emerging problems that are not only biological and economic, but also of a social nature.

According to the proposed model, the decentralisation and delegation of certain management tasks to regional and local administrations responds to the need for a solution to be found to emerging social problems affecting the people in said areas, and for which fisheries administrations are not equipped, as their organisation predates this critical situation. The main advantage of decentralised institutions is their experience with social problems, and their knowledge of people's needs. Subsidiarity aims to involve said local administrations more in this decision-making process in order that, as co-participants in fisheries management in this new facet of social welfare, they should have greater resources. The resources that local administrations require are both of a technical (the experience of management accumulated by authorities higher up the administrative ladder) and an economic nature, that is, their financial capacity needs to be increased with a greater share of the State budget.

The weakness of the proposed model lies in the scant operating capacity of local and regional institutions in the face of a globalised economy. The proposal that ACs should be

delegated State representation in the EU for certain specific issues that affect them responds to a wish to have greater room for manouvre in a situation where products compete on a global scale. The Regional Fisheries Councils are a key platform for this to come about. In similar fashion, the isolation of local concerns can be overcome by means of the use of the new technologies[1], which would allow local agents to have a voice on the global stage.

Finally, we are convinced that models for co-management, such as that which is proposed herein, provide greater benefits as far as the management of natural resources is concerned. The proposed model is one that gives priority to the participation of users in the decision-taking process, making use of the social capital which they possess - association and networking - in order that the responsibilities of resource maintenance and reproduction be distributed amongst all the agents involved in fisheries activity, both users and administrations.

8.1.4 An alternative model for fisheries management in the UK

Contrary to the sea fisheries within the EEZ, decentralised regional fisheries management is highly developed within the UK territorial waters. In England and Wales, the Sea Fisheries Committees have far-reaching powers to regulate inshore activities. In Scotland, Shellfish Regulating Orders allow for nearly complete devolution to a local organisation of the management of shellfish stocks. At present, Shetland has the only example of such a Scottish organisation but several others are in preparation. A board runs these shellfish management organisations, where representatives of the industry sit together with representatives of the environmental agency, the local authority and the communities.

During the last two years, stringent conservation measures have been taken to remedy the cod stock crisis in the North Sea. These measures are extremely unpopular and have resulted in a ground wave of opposition against the Common Fisheries Policy. Fishermen's groups demand that the UK should leave the CFP. These calls have been so powerful that several mainstream political parties have adapted their election manifestos accordingly. Although many are of the opinion that the UK could leave the CFP without leaving the EU - an unrealistic expectation - it seems apparent that a very high percentage of the population wishes the UK to leave the CFP.

The negotiations during the EU Fisheries Council of December 2003 have caused a high degree of dissatisfaction among fishermen when it became apparent that the consequences of the agreement had not been fully understood by the Minister and his advisors. The proposals had not been communicated to the industry before the EU Council.

Attempts to soften the effects of the 2003 decisions were made but did not satisfy the industry. This weakness in the UK negotiation procedure - which does not include preliminary advice from the industry - has become obvious to all. It may open a door for greater participation from the industry in the future.

[1] What is meant by 'new technologies' is the use of the Internet and, in this case, its ability to spread knowledge of a policy which is to be implemented, as well as the way it works in the markets in 'real time'.

Sometimes research is overtaken by the events. On 20 May 2004, the Scottish Executive published a consultation paper entitled '*Strategic review of Inshore Fisheries'*. It is being widely distributed and contains proposals for significant changes in the Scottish fisheries management regime. It is not relevant to England and Wales. The proposed system is a far-reaching change from the present regime. The following description is taken from the consultation paper.

At the core of the new system lies the Scottish Inshore Fisheries Advisory Group (SIFAG). This is an organisation that groups most stakeholders. The members are 11 fishermen's associations, representatives of local government, the environmental agency, the local enterprise company, the fisheries research services, the Scottish Executive, and the Fisheries Protection agency.

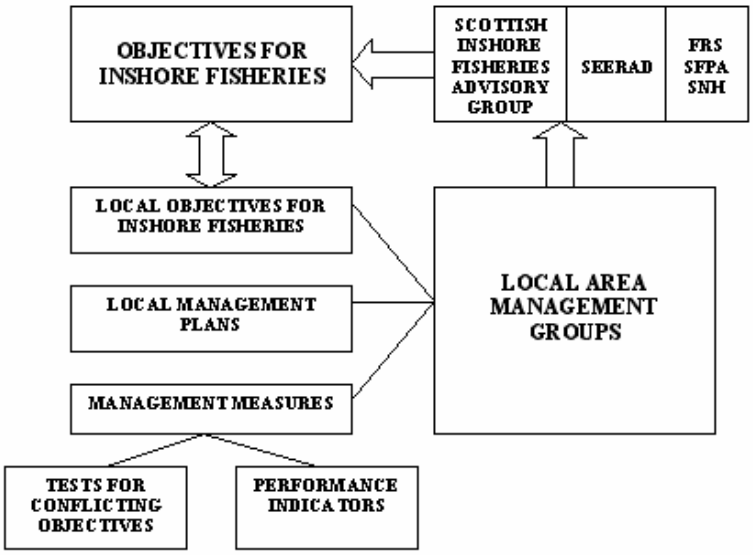

Figure 8.3 Structure Scottish Inshore Fisheries Advisory Group

High-level objectives for inshore fisheries would be set at a national level by SIFAG. These would be wide ranging and would set out the overall general vision and aspirations for Scottish inshore fisheries. In order to focus these high level objectives and ensure they are relevant to the distinct inshore fisheries around the Scottish coast, a network of local area management groups would be established, covering all Scottish inshore waters. These management groups would develop local objectives, complementary to the national ones, which reflected the priorities and circumstances of different areas. They would also develop local management plans to deliver the objectives.

In developing management plans, management groups would select the best management measure or tool to deliver their objectives, and they would apply tests to identify circumstances in which certain objectives might conflict, or have unintended consequences. Management measures would also be supported by performance indicators, which

would allow an assessment to be made of the effectiveness of the action. Local management plans would be developed by management groups, and then agreed at a national level by SIFAG. Management groups could then work with SEERAD to introduce secondary legislation under the Inshore Fishing (Scotland) Act 1984 or other relevant legislation to implement management plans, or utilise Regulating Orders to implement the plans.

The national Objectives for Inshore Fisheries developed by SIFAG are:

- *biological*: to conserve, enhance and restore commercial stocks in the inshore and its dependent ecosystem;
- *economic*: to optimise long term and sustained economic return to communities dependent on inshore fisheries, and to promote quality initiatives;
- *environmental*: to maintain and restore the quality of the inshore marine environment for fisheries and for wildlife;
- *social*: to recognise historical fishing practices and traditional ways of life in managing inshore fisheries, to manage change, and to interact proactively with other activities in the marine environment;
- *governance*: to develop and implement a transparent, accountable and flexible management structure that places fishermen at the centre of the decision-making process, and that is underpinned by adequate information and appropriate enforcement.

Different objectives of course may not always be compatible and can conflict, but in general the system should help develop, implement and reward good practice. The correct balance will be driven by the circumstances of the individual fishery being considered. In developing these high-level objectives, consideration has been given to the management of fish and shellfish stocks, and the management of the environment that supports the stocks. From a socio-economic perspective, an emphasis on quality has been built into the strategy, and there is an acknowledgement that inshore fisheries are rich in their diversity of fishing practices and patterns. This is balanced with recognition of the changing face of commercial fishing, and the additional pressures that arise from the many activities now taking place in the marine environment.

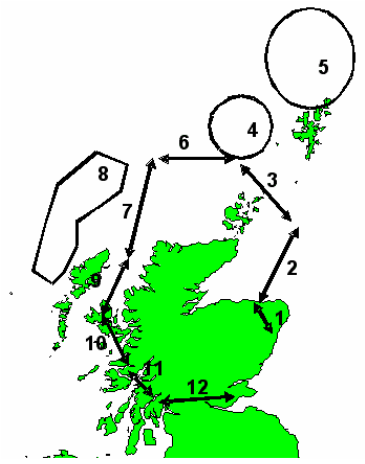

Figure 8.4 Areas for local area management groups

The geographical arrangement of management groups is based primarily on habitat distribution, and draws from the fishery districts utilised by the SFPA. At this stage, the consultation process is intended to provide information on the practicalities of having too many or too few groups, and where boundaries should be drawn. The map sets out the proposed approximate distribution.

There are three broad options for the functions of management groups:

- a statutory role;
- a managerial role;
- an advisory role.

In considering these options, the intention has been to develop a common understanding of the basis for inshore fisheries management, and to maximize the ability to tailor the management process at a local level. SIFAG has concluded that the middle option, the managerial role, is the most appropriate for the management of inshore fisheries for the foreseeable future. That view has been reflected in the proposals in this exercise. This option would mean that management groups would be responsible for developing management plans for inshore fisheries, and either submitting plans to SEERAD for implementation through the Inshore Fishing (Scotland) Act 1984 (or other legislation), or implementing the plans through a Regulating Order.

This arrangement would also mean:

- proactive and reactive planning at local level;
- scope to pilot and test new measures;
- local consultation would be achieved at an early stage of consideration;
- an ability to act quickly (through ROs);
- SEERAD would be also able to act quickly (since proposals come from an agreed management plan);
- SEERAD resources could be focused on cross-cutting and strategic inshore issues;
- a fairly small amount of additional bureaucracy.

An advisory role was considered to add very little to existing arrangements, with little onus on management groups to think strategically and proactively. The statutory role was considered to be too ambitious in the short to medium term, given the diversity of activity in the inshore throughout Scotland.

With no definitive description of the inshore, it is difficult to describe exactly the extent to which management groups' responsibilities might extend. Clearly, groups would have to work within the boundaries of EU, UK and Scottish management, including TACs and quotas, licensing, effort and so forth, but groups may wish to give consideration to how best to implement various obligations. Certain species, such as scallops and nephrops, may require an additional or separate group to ensure coherence across management group boundaries. A coherent and focused research program will be necessary to meet the needs of inshore fisheries. FRS is of course already involved in inshore fisheries work, but there are a number of more local scientific establishments with considerable expertise, and there is scope to enhance the collaboration between the relevant bodies. While we clearly do not propose that local area management groups assume responsibilities for all marine environment matters, management groups should be expected to engage proactively with other

marine activity processes. The development of local management plans should be done with regard to other activities in the area, and the very existence of management plans should helpfully contribute to the wider process of Integrated Coastal Zone Management.

SIFAG has also considered the composition of local area management groups. The overarching consensus has been that fishermen should form the core of the management groups. However, it is essential that other interests, f.e. processors, environmental interests, marine users, have an opportunity to be involved in the management process.

There are a number of factors to take into consideration. All fishermen, including nomadic fishermen, who fish in the area should have the opportunity to be involved with such groups. Businesses involved in the supply chain could also make valuable contributions to management plans. And liaison between adjacent groups would be important to ensure that the management approach, while flexible for local circumstances, is coherent across a wider area. The pursuit of sustainable fisheries requires sensitivity to and intelligence on wider ecosystem interactions, and so the involvement of environmental interests in some capacity is especially important.

The size of the management groups will have a bearing on how efficient and effective they are in operation. The groups must be small enough to ensure that business is managed effectively, but equally there must be mechanisms to ensure that a wide range of interests can contribute to the process. A potential model might be to have a core of members to make decisions, with experts drawn in as appropriate to provide advice to inform those decisions, and a wider forum process to permit a wide range of interests to make their views known. One option may be to have an independent chair, another to have the position rotate. Administrative support may be shared between groups, or with other organisations in the area.

In some areas, organisations are already formed to operate or apply for a Regulating Order. In considering applications for Regulating Orders, SEERAD has taken the view that in the short term, Regulating Orders can be granted to organisations already in existence for the process, but in the medium and longer term, Regulating Orders would be granted to local area management groups. This approach would provide for existing bodies set up for RO purposes to merge with management groups, and would ensure that RO proposals were consistent with the inshore strategy. It would also permit management groups to learn from the experiences of RO groups, and at the same time would alleviate concerns about the composition or motivation of RO applicant organisations.

Management groups would develop long term, medium term and short-term local objectives for management areas. These must be consistent with national objectives, but would vary according to the management area under consideration. Examples of local objectives might be:

- to develop a lobster hatchery or V-notch scheme to improve stocks;
- to improve the quality of nephrops catch to supply a particular market;
- to protect nursery ground for scallops;
- to agree access arrangements between different sectors.

The objectives and management plans should be informed by the environmental character and resources of the areas and the objectives of other stakeholders in the area concerned. Management groups can then decide what action is to be taken to implement

local objectives. The stewardship of local fisheries, underpinned by customised management plans and supporting legislation, should hopefully promote an adherence to the rules or regulations that feature in any management plan.

Should UK fisheries management remain in a status quo or should it be reformed?

The recommendations are two-fold. There is a distinct difference between the inshore fisheries and the sea-fisheries, within the EEZ.

Concerning inshore fisheries, we would suggest that the management is evolving fast in the UK. There is a clear trend for growing decentralisation and co-management. The geographical area covered varies from case to case: sometimes the term 'inshore fisheries' refers to a 6-mile area; sometimes it merely refers to an estuary or a bay. On 20 May 2004, the Scottish Executive issued a consultation paper on the management of inshore fisheries. This demonstrates the relevance of this topic. The industry and the other stakeholders have welcomed this recent trend. The UK partner in the *Responsible* project has played a small role in the recent events. We believe that the proposals tabled by the Executive are favourable and should be endorsed. In other words, reform of inshore fisheries management was needed and is underway at the present moment.

We would endorse the proposals for change as agreed between all stakeholders in Scotland. In England and Wales, a far-reaching decentralisation is already in place in the form of Sea Fisheries Committees.

Most problems in the UK arise in the management of the sea fisheries. Dissatisfaction is high and the need for reform is undeniable. The greatest area of concern is the conservation policy. There is broad consensus that reform of sea fisheries management is needed.

An alternative model for the management of sea-fisheries would include a national advisory body, similar to the newly proposed Scottish Inshore Fisheries Advisory Group. Two such groups would need to be created: one for Scotland and one for England & Wales, respectively the Scottish Sea Fisheries Advisory Group (SFAG). England & Wales Sea Fisheries Advisory Group (EWSFAG). Members of the SFAG and the EWSFAG would include all stakeholders, similar to the SIFAG. It is suggested that the SFAG and EWSFAG would meet at regular intervals to discuss the UK position in EU negotiations and to implement EU decisions.

The Advisory Groups would meet with their respective Minister to discuss the EU proposals before the Fisheries Council. After the Fisheries Council, they could play an important role in the implementation of the EU decisions. In the present political climate, there may however be a certain reticence on behalf of the industry to take part in the implementation of highly unpopular decisions. The recently introduced measures for effort management (15 days at sea) could be managed by the Producers Organisations who are already managing the quota.

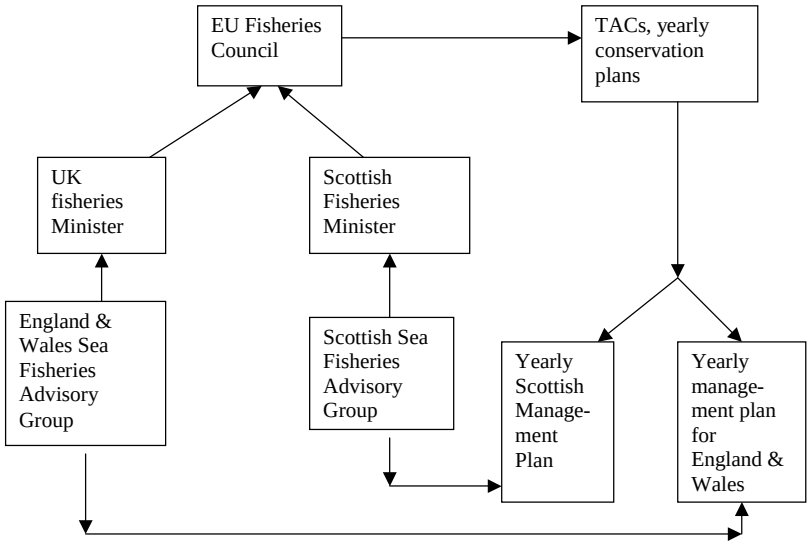

Figure 8.5 Proposed structure Sea Fisheries Management

8.1.5 What need for further devolvement of responsibilities in France?

What are the possibilities for decentralisation or delegation of responsibilities in the French fisheries management considering the above evaluation of the decision-making system? The primary question is:

> 'Is an alternative division of responsibilities needed, keeping in mind that the ultimate objective is to improve the overall efficiency of the fisheries management system (governance, social-economy and resource conservation) and not to prey for more de-centralisation or devolution by itself?'

The French fishery decision-making system, analysed through European governance criteria, has shown structural weaknesses, but also top-heaviness and attitudes, anchored in the system history, hindering its mutation and insertion in the European space. Improving the governance system requires both structural adaptations and re-positioning stakeholders in a wider context. In particular, the analysis highlights stakeholders' accountability (committee, POs, State) and need for opening the fisheries sector towards other decision-making arenas as key issues to improve the system.

The European system analysis should also be taken into account as the fishery activity is guided by decisions taken at a European level through the CFP or at international level through international agreements (Bodiguel, 2004). Two main comments should be made.

The European fisheries management system is in crisis. To solve it, the EU is attempting to open the system to new stakeholders and to delegate responsibilities to civil stakeholders (fishery sector, consumer, NGOs). This trend is unlikely to improve consistently the system if underlying management concepts and logic are not also reformed. In fact, the fishery sector expressed low interest to have delegated responsibilities, under the

current system, in refusing RACs to be something else than strictly consultative committees (Bodiguel, 2004). In the current fishing management system, the fishery sector has still a strong interest to be well represented and defended by its government at the European Council. This will probably remain despite the new trends: enlargement towards members with low fishing interest and reinforcement of parliament decision-making power. Finally, fisheries would mainly gain from a re-foundation of management principles. At the present time, governance improvement is necessary even if we consider that it would carry out only marginal changes and might be hindered by the system itself. Proposals should aim at strengthen the stakeholders' capability (in particular the fishery sector), to be not only of an opposition force but also a proposition force that can be listen to at European Union level, using different paths (RAC, POs, Council, Parliament, Commission).

At the European level, like at national level, non-fisheries decisions are increasingly having an impact on fishing activities and regulations (Bodiguel, 2004). The drift net ban or the quota-hopping battle, and more recently the directive on water quality, can be cited as examples. Aware of this trend, the French fishery sector expresses the wish to be more involved in wider ocean and coastal management issues (water quality, landscape, development of tourism and boating, extractive industry, energy production at sea). Integrating fisheries in those wider reflections and decision-making arenas is a crucial issue to cover all fisheries management issues and to look for innovative solutions to specific or local problems.

Considering the above comments and also, at national level, the lack of territorial communities' interest for fishing management responsibilities and underused delegated management responsibilities by the fishery sector, possibilities for further delegation of responsibilities will not be advised at this point of the system's development (Bodiguel, 2004). However proposals for changes that will be considered are:

- strengthen the changes in the division of responsibilities that occurred in the last ten years;
- improve action capabilities and accountability of stakeholders with delegated management power;
- help the fishery sector in its search for solutions (projects and funding) to fisheries-related issues;
- improve integration of the fishery sector in wider decision-making arenas, somehow discouraged by the sector-based corporatist system.

Improving the use of delegated responsibilities

At this moment, responsibilities delegated to the fishery sector are not completely taken up the fishery sector, PO and committee of marine fishery. This is partly due to the incentives to perform those tasks and undertake those responsibilities. The marine fisheries and aquaculture directorate is aware of the issue and currently considers solutions to facilitate, in particular, quotas management plan implementation by POs. We would argue for a solution that, in the same time, *enhances the accountability* of fishery sector organisations with delegated management responsibilities and *strengthen the existing de-centralisation of responsibilities* at regional level.

A responsibilities transfer through delegation, decentralisation or devolution requires transferring, or creating, the necessary means to fulfil those responsibilities. This basic requirement remains independent from the type of structure that receives responsibilities. Transferring decision-making or management power to structures without the adequate financial capacities is a simulacrum of power transfer.

The committee's funding system is to be reformed in 2004, however the first information on the coming reform does not seem proper to solve the balance issue between financial capacity and responsibilities that could enhance committee's accountability. This issue is then likely to remain in coming years.

Enhancing accountability of committees of marine fisheries: regional plan and evaluation process

This could take the form of a *follow-up process* through the development of *regional action plans* by the regional committee of marine fishery (figure 8.6). Committees of marine fisheries have general missions defined by the law[1] and specific tasks to perform depending on geographical levels (local, regional or national). In the framework of those general missions, regional committees would produce an action plan. These actions plan would be an instrument to:

- clarify mid-term objectives in the framework of Committee's missions and establish linkages between these objectives and the global socio-economic and regional context;
- improve interactions and coherence between regional committees actions;
- improve the self following-up of committee's actions and establish a co-evaluation process at regional and national levels to increase accountability and co-responsibility of stakeholders;
- integrate new stakeholders in the decision-making process through action plan establishment, evaluation and project facilitation (objectives, policy coherence, output).

The Action plans could be set in a bottom-up process to underline and strengthen the importance of regional plans adapted to local issues and local context and hence respecting the coherence principle. At conception level, the national committee should play its platform role: pointing out similarity in projects that could merge or being used for comparative purposes, pointing out missing issues, project inconsistency or incoherence between regions, supporting initiatives when the necessary expertise or information are missing and ensure coherence with committee legal missions.

National committee's comments would be used to draw the final version of the regional plan. These comments could be only consultative on some issues and on others, like plan coherence or inconsistency between regions, set an obligation for regional committees to reach an agreement.

Five years might be good compromise between necessary time to set up action plans and to implement projects and actions. In any case, it would be preferable to avoid action

[1] Loi 91-411 du 2 mai 1991.

plan horizons to match regional committee elections to steer clear of action plans becoming a political program and evaluation of the current management.

Concerning the evaluation process, the output assessment should involve regional committees, the national committee and other stakeholders with direct interest on marine and coastal natural resource like the Minister of agriculture and fisheries and the Interministerial Committee of the Sea. Difficulties that may hinder these processes are:

- the central State reluctance to 'free' the committee of marine fishery and lack of confidence in fishery sector management capabilities;
- fishery sector reluctance to accept what may be perceived as an constraint (being accountable) without agreeing on general rules set at European and international levels;
- involved stakeholders - the Central State and the fishery sector - don't see strong reasons to change the system, even if they are both unsatisfied with some aspects of it.

To strengthen adhesion to producer's organisations and to facilitate fishing plan implementation, internal POs rule can be extended to non-PO members. However it remains that POs do not have real authority to coerce their own members to follow internal rules what partly explains the lack of real management plans. The MFAD is considering to solve this issue, in particular *ways to sanction boats that would not follow internal rule or quit a PO because of internal management plan implementation*. Strengthening PO capability to implement management would also require revising current rules concerning non-PO members.

Implementing positive incentives to become member of a PO should strengthen sanctions and to implement quota management plans for a better adjustment of landings to the market. This could, for example, take the form of *additional quotas* (from the current national reserve or a special reserve built for this purpose) given to POs that minor their fish withdrawal or any other indicator based on a fishing plan assessment. As the rules for sharing quotas where negotiated between the two PO federations and the State, these positive incentives and sanctioning measures should also be discussed in the same context. The national committee of marine fisheries should also be more involved in the discussion in particular to improve the linkage between fishing management rules, landings and market - issue still poorly addressed at the present time. However such negotiation should be preceded by a study exploring available solutions involving researchers, the committee of marine fishery, producer's organisation and the State.

The co-existence of two types of professional structures with delegated management power - producer's organisations and committees of marine fisheries - created friction between fisheries management and market management. The use of landed resources could be improved. The above suggestion to develop incentives for management plan implementation is one part of the solution but connecting resource management and market management at national level should also be improved, in particular relationships between committee and POs.

PO's expertise on markets and product development should be more, and more formally, used when regional committees develop resource management measures. Currently this suggestion is not coming from POs, nor from the committee of marine fisheries. However strengthening this link to improve the landing value and diminish discards and withdrawal would make the management system more resilient to foreseen market change.

Opening the fishery sectors to other decision-making arenas on coastal and marine resource uses

European fishing rules apply to all, but at local or regional levels solutions may be found to cope with fisheries issues related to other activities or uses of coastal and marine resources (pollution, re-conversion, innovation, quality process, land and coastal water use, complimentarily). Search for concrete collaborative projects to solve specific issues at local level would participate to change the fishery sector practices to fish and use the resource and to improve its integration in an overall use plan of coastal and marine natural resource (soil, water, fish, landscape). The establishment of regional facilitating boards on coastal and marine resource use (RFB) could be a tool to reach this objective. The main difficulties that may hinder these processes are:

- the fisheries sector's reluctance to work with certain stakeholders, in particular environmental NGOs, in the decision-making process;
- the fisheries sector's tendency to rely on the central state and to work in opposition to other industries or uses;
- in certain areas, the relative weak economic relevance of fisheries may hinder other stakeholders (civil and administrative) to consider the fishery sector as real stakeholders in wider decision-making arena than strictly fishery.

RFB Composition

- Territorial communities (région, départements, communes);
- Local non-governmental organisations;
- Chambers of commerce and industries;
- Sector-based representative structures (e.g. Committee of marine fishery, POs)
- State representative of ministers involved in coastal and ocean management and issues, in particular minister of health, minister of equipment, tourism and sea, minister of agriculture and fishery, minister of environment and minister of industry.

RFB Missions

The board would have a triple objective: Integration, facilitation and evaluation (figure 8.6).

- *integration*: the objective is to improve the need for a better integration of policies and initiatives in the ocean and coastal zones.
- *facilitation*: in discussing projects, objectives or initiatives with the other members, projects may emerge, merge, expand. It would also facilitate the search for support (technical and financial) for projects.
- *communication*: Information could also be share and provided through the board on ongoing actions and discussions on coastal and marine resources use.

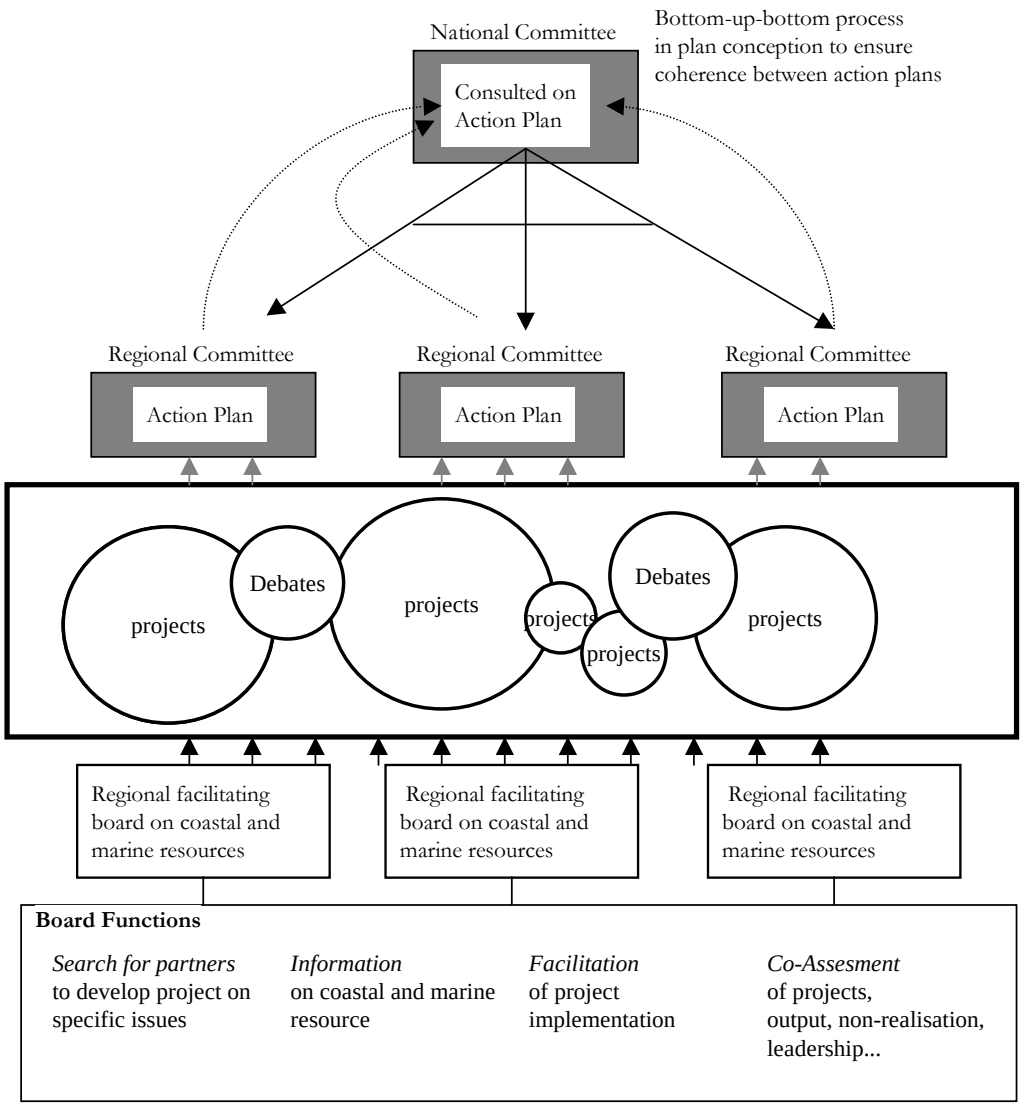

Figure 8.6 Interaction between fisheries Action plans and regional facilitating board on coastal and marine resources

The regional facilitating board is not a predetermined structure under state supervision. It should function as an open board to promote initiatives and projects related to coastal and marine resource use in a broad sense (living resources of the sea and coast, water, landscape, mineral or fossil resources). Entry criteria to the board should be fixed but Membership should be open to new entrants. A secretariat that could be organised by territorial communities would gather and redirect the information and call for interests to manage the board. Forum geometry (number and type of stakeholders, geographic level) would depend on the project itself or topic submitted for discussion to the others. Each stakeholder could be at the origin of a forum in the board. The board should follow-up and assess its own activity at least in the following areas:

- topics of project realised;
- members involved in ongoing project facilitated by the board;
- members at the origin of projects;
- stakeholders with propositions or topics that never received expression of interests from the others.

Perspectives and feasibility

Suggestions for changing division of responsibilities should be coherent with general socio-politic and fishery trends in order to be resilient as to possible changes. Three perspectives are of relevance here: integrated coastal zone management, technological and market changes and European construction.

Integrated coastal zone management

In 2000, the French inter-ministerial committee of the sea constituted a task force in order to propose tools to reduce user-conflict in the coastal zone. The task force report (Dupilet, 2001) focussed on user conflict between fisheries and the others activities and came with a number of propositions for further changes in the management practices in the coastal zone. In particular, the Dupilet report suggested the establishment of coastal boards under state supervision to support an integrated approach of coastal zone management.

The policy coherence issue on the coastal zone was followed-up in 2004 by a white paper proposing the establishment of a National Coastal Committee (NCC).[1] The National Assembly adopted this proposition on 30 January 2004. The proposal was then discussed by the Sénat, which made significant modifications before adopting it on 18 May 2004.[2] In particular NCC's composition and functions were more clearly defined in the new draft. The revised white paper sets a parity of representation between political and administrative structures (Parliament, regional, departmental and local communities) and the other structures, including public structures, socio-professional structures and civic organisations representing activities and use of the coastal zone. It means that the committee should be opened to others than strictly corporatist structures. Although still in draft, this inclusion of civil society is a new trend towards an opener participation. The committee is conceived to be consultative and should contribute by its advise to the coastal management and promotion in an ICZM perspective.

The approach developed in the white paper and the Inter-ministerial committee - top-down and guided by the central State - is characteristic for French administrative traditions. Most of the issues that will be discussed in the national board could have been treated more efficiently at regional or interregional levels. Facilitating boards specialised on coastal and marine resources at regional level do not oppose nor complement this national committee; they are expected to develop integrated policy, integrated actions and good governance

[1] White paper relative to the development of rural territories, 'little law', article 75 sexies, ordinary session of 30 January 2004.
[2] White paper n° 76 adopted on 18 May 2004, draft document, white paper modified by the Sénat relative to the development of rural territories.

practices adapted to local context. A link would probably automatically be established between the NCC and the RFBs through, at least, community representatives. However it is desirable to avoid any pyramidal or top-down formal linkage between the NCC and regional boards.

Resilience to technological and market change

Global trends in technology and market development were identified: an increased globalisation of markets that is likely to reduce the competitiveness of the European producers, and thus market initiatives are needed in order to maintain market positions. In addition, there will be a requirement for food safety standards and more restrictive market standards can be foreseen. Increased consumer focus will lead to market driven fisheries and product innovation (developing new products, using alternative species and/or developing new markets) and diversification in order to:

1) respond to consumer demand;
2) create demand with the implication that fishers will have to fish in accordance to demand rather than fish and hope to sell the catch (trace ability, eco-labelling).

The French fishery management system partly took those trends into account by establishing OFIMER in 1998. OFIMER is a decentralised public structure in charge of valorisation of marine products in relation to market development and fishing practices. Its directory board is composed of state representatives and representatives of fisheries and aquaculture (ports, producer organisations, boat owners, fishery workers, processors, traders, banks, consumers). For example, OFIMER is financing research projects with direct applications on the following dimensions: improving and measuring quality product, food sanitary security, developing new product, valorisation of co-product and by-catches, specific need of aquaculture and fisheries related to quality product, socio-economical analysis and juridical analysis. The 'responsible proposals' that aim to improving coherence between market management, resources management and landings (facilitation of fishing plan implementation, accountability, better linkage between POs and committee) are made to reinforce these efforts supported by OFIMER.

Facing European stakes

The third crucial dimension to be considered is EU governance and CFP trends. Several issues should be pointed out, such as (Bodiguel, 2004):

- increasing role of European parliament;
- increasing impact of transversal policies on the CFP (environment, competition);
- regionalisation;
- increasing participation of a wider spectrum of stakeholders, directly and indirectly.

The 'responsible' proposition to improve the French system also considers the capability of the French system and its stakeholders to perform well in the European system and to cope with the foreseen evolution. In particular propositions are expected to enhance fisheries sector capabilities to confront themselves with other stakeholders and integrate

wider decision-making arenas. These propositions also attempt to enhance the 'independence' (financial and functional) of the committee of marine fisheries to improve their accountability and their capability to access, discuss and negotiate directly in arenas like RACs, with the European parliament or with other administrative services than its ministry of supervision.

8.1.6 Attempts to extend co-management: decentralisation and delegation in the Netherlands

Dutch government is in principle willing to devolve responsibility to industry. Dutch fishery law states that the goal of fishery management in the Netherlands is to comply to international agreements: both in terms of complying to national quota as to the capacity management goals, Dutch policy is in line with EU policy. In the development of the fisheries co-management system and the system of Individual Tradable Quota a form of conditional cooperation has emerged, based on the assumption that the government succeeds in sector wide control and enforcement of production limits.

In the early days of the emerging co-management system the executive committee of the fishermen's groups felt that they were made accountable for keeping goals for which establishment they were not responsible, and in which they had no participation. Hence, the committee called for extending the co-management system to include the setting of quota. The setting of quota remains a task for the EC. Because ITQs represent to fishermen a form of private property, there is an incentive to adhere to the quota regulation. At present it is still rather vague in the Netherlands who is accountable/responsible for control and enforcement of group rules as the group rules are private arrangements but the public enforcement agency is overseeing compliance.

Self-management arrangements in the shrimp sector have been challenged under Dutch competition law. The issue is to what extent fishermen self-organisation is in conflict with anti-trust law, and to what extent is cross-boundary fishermen cooperation allowed. The case is rather complex because fishermen self-organisation may involve cooperation with traders, and it is perhaps the concerted action of traders rather than of fishermen that is challenged under law (cf. Hoefnagel and Van Hoof, 2003).

In the Netherlands there is no regionalisation of responsibilities but devolution is performed through a system of (corporatist) consultation with professional organisations, user groups and other stakeholders involved.

The Nijpels steering committee: an attempt to extend co-management in flatfish fishery

Dutch Government, in favour of the current group based co-management system, installed spring 2002 a steering committee to evaluate, strengthen and extend the current system. The mission of the Stirring Committee is:

To verify existing co-management agreements and regulations concerning quota management, both according to efficiency and effectivity criteria, taking into account anti-trust law aspects and to formulate propositions for:

- extension of the co management system i.c. own responsibilities of the sector;
- inspection;

- strengthening role of trade and processing in the management system.
- stimulation and supervision of the realisation of the propositions.

The purpose is a strengthened and stabile co-management system as a base for a sustainable fishery, in which a good balance is found between rights and duties in coherence with the membership of a group or PO, as well as a strengthened role of trade/processing sector within the system, in order to achieve chain gains.

At the end of 2003 an interim report has been written, in which became clear that the mission of the committee is hard to realise. Two working groups have been installed in order to find solutions to achieve compliance, within the co-management framework, in respect of engine power limits and net regulations, because there are fishermen violating technical measures like mesh sizes or maximum engine power. In the meantime, the minister promised to be an advocate in the EC for a '*level playing field*', especially concerning the monitoring and inspection of the North Sea fleet. The fishermen's leaders always stress that the Dutch are under more strict control than other EU countries and that this is unfair. An argument against the weight of this statement is that Dutch fishermen are the largest stakeholders of the flatfish stocks in the North Sea. The committee expects the so-called level playing field to provide the necessary basis for the support for extension of the co-management.

Earlier had been stated that co-management in the Netherlands is perhaps not so much a sign of re-vitalisation of corporatism but really co-management is competing with corporatist organisations. The Nijpels committee, however, calls for a strengthening of the Commodity board. The argument is that the organisation in fisheries is weak, even when the two national fishermen's organisations will merge, they will not have the means to protect fisheries interest in a changing and demanding world, a strong commodity board might be better equipped for these tasks. The committee also sees a task for the Commodity board to become an umbrella organisation for the producers, traders and processors. At the same time the committee thinks that the co-management groups can be incorporated in POs.

Next to the working groups and the attempts of the ministry to create a level playing field there are other initiatives and suggestions:
- fishermen voluntarily agreed on catch restrictions of plaice in 2004;
- some verifications of agreements within the co-management groups;
- no extension of private inspection because of unnecessary and unfeasibility.

However, the committee did make some suggestions towards improvement of transparency of the transport of fish from vessel to auction hall, to regulate transparency of the auctions and the data provision and proposed the establishment of an umbrella organisation for production, trade and processing of fish products within the commodity board, to enhance efficiency of the fisheries organisations and the establishment of an umbrella organisation for the fish production chain: production, trade and processing of fish products within the commodity board.

Sector's opinion

Although the co-management groups are not as alive and kicking as in the first years of their establishment, fishermen are still enthusiastic about the functioning of the groups especially the organisation by the administration of the boards of rent/hire and the selling of ITQs. The main task '*managing group quota* ' is clearly defined. Group boards are to a high degree accountable. The responsibilities in awarding group members with extra days at sea and dividing surplus days over members is nowadays obsolete, however the task to check on the use of the declared number of sea days remains.

Fishermen's organisations, as well as the fishermen themselves, complain about the low degree of influence in policymaking. Where organisations used to be enthusiastic about the improvement in the relationship with government, nowadays they are no longer. According to them a left wing Minister of State turned the ministry in a 'green' ministry, and though the Minister is judged all right, his civil servants are not. The sector feels insufficiently represented in important decision making arenas, especially at the European Commission. They consequently have the feeling that government does not stand behind the sector, and that they have to defend themselves constantly. Communicating insights from the shop floor is hindered (Hoefnagel et al., 2003).

Fishermen's solutions for a sustainable fishery and improvement in the relationship with government:

- moral-social partnership with ministry and scientists;
- fishermen have the opinion that their knowledge and experiences are insufficiently taken into account or even taken serious by civil servants and biologists;
- participation in decision-making. Fishermen are not against rules but want workable rules;
- sustainability of regulations, or long-term agreements. Ad hoc regulations are too insecure;
- improvement of inspection.

In fact these suggestions of fishermen are rather similar, be it in an abstract way, to the five criteria of good governance the EC formulated. Fishermen want participation in the decision making process in order to create coherence and effectiveness, better communication (openness) and shared responsibilities.

The Nijpels committee shows, however, that these conditions are not yet fulfilled. When the committee was installed one of two fishermen's organisations[1] formulated five spearheads for the future:

- compliance with technical measures, especially with the aid of certified nets;
- compliance and control of engine power;
- a better alliance between fish traders, fish processors and the groups;
- a better nesting of the groups into the European regulations (harmonisation);
- to create possibilities for POs to impose regulations upon non-members and foreigners landing their catches at Dutch ports (extension de régime).

[1] Board of members of the Nederlandse Vissersbond, 18 juni 2002.

Compared to the mission of the committee there are many similarities. From interviews with fishermen it became clear that fishermen do not always feel well represented by their own organisations, they want their organisations to unite, under new management, and to reform organisations more to the model of the group or PO structure (Hoefnagel et al., 2003). At the end of 2004 one of the two national Fisheries Organisations has been transformed into a Producers Organisation.

Shrimp fishery

The German Bight shrimp market consists of fishermen of the Netherlands, Denmark and Germany, supplying the market and a few Dutch companies operating as buyers. Traditionally prices and landings of shrimp were difficult to regulate for any single group of fishermen since landings from each national group had a large influence on the price movements. That's why the Dutch, German and Danish POs started a 'trilateral consultation'. The European Commission within the framework of PESCA, under project name, initially subsidised the trilateral consultation: *Trilateral cooperation and Networking for the North Sea Shrimp-POs*. The ministry as well as the Fish commodity board were informed about the trilateral consultation, there was no secrecy.

The trilateral consultation and self-regulation became a success. This self-regulation was considered to be an example of sustainable entrepreneurship: profitable for the fishermen, beneficial for nature and - as some claim - also advantageous for the consumers. However the Dutch anti-trust law institution, the NMa, decided this self-regulation to be illegal, and fined the POs and traders (13.8 million euro) at the beginning of 2003.

The shrimp fishermen started a legal procedure against the Nma judgment. An import consequence of the NMa ruling is that collective action is hindered and solidarity among fishermen was put under sever strain. POs tried to reach agreements, like a weekend ban on shrimp fishing, however not all fishermen adhere to those voluntarily agreed restrictions. Consequences are too many landings and a resulting decrease in price. The creation of one Dutch shrimp PO is now the wish of many shrimp fishermen.

Meanwhile DGFISH of the EC investigates the possibility of the creation of a transnational PO. This calls for a change in the implementation ordinance of the European market regulation. The Competition Authority of the EU questions the possibility of a transnational PO. In September 2004 the European Commission agreed on the possibility of forming transnational Producers Organisations. In October of that year German and Dutch shrimp fishermen founded a new transnational Shrimp PO, the Danish fishermen are to be joining later. Rules and regulations of the new PO will be formulated in consultation with the Anti-trust law organisations of the respective countries. This will be a new chance for self-management in the shrimp sector of Dutch fisheries. Even the very high fine the shrimp fisheries organisations and traders received from the NMa has been cut in half; however, this seems to favour especially the traders (NVB 2005).

Conclusion

Government wants to extend the co-management system, because they want to reduce costs and are of the opinion that they are not the sole responsible for implementation of

certain specific tasks. The sector however is hesitant of becoming responsible for measures of which they did not partake in the design and they do note favour to be awarded the task of inspecting regulations that are too difficult to inspect. If the fisheries sector would be allowed to participate in the decision-making process, they are probably more willing to take on more responsibilities. In order to reach that goal a reorganisation within the sector is necessary as well. At the moment the sector is discussing the reorganisation of their national organisational structures into a co-management like structure. This process will only happen gradually. In a way the current process sees the group system developing into a successor of the neo-corporatist structures we know very well in the Dutch agricultural and fishery policy arena.

Concerning the Shrimp sector, the fishermen want to manage their landings transnationally. Like the authorities, being allowed to hinder competition by imposing catch restrictions in order to stimulate sustainable development, fishermen are requesting a similar position.

One of the features of changing the division of tasks and responsibilities in fisheries management is that change is slow. Another feature is that types of divisions are dependent on the degree of influence fishermen are allowed to exercise. The government needs to reconsider the division of public responsibilities and private (sectoral) responsibilities in discussion with the sector and other stakeholders (parliament).

8.1.7 An alternative to the CFP 'model'?

The analysis of the CFP (chapter 5) highlighted the complexity of adjusting EU and national fishery management systems and the apparent lack of coherence between CFP objectives and the set up of its management and decision-making system.

Adjusting the fisheries management systems is made more complex because of the CFP being a fairly centralised policy under the exclusive competence of the EU. Thus the battle on the CFP playing field targets clearly both content (management measures, objectives) and process (policy-making and implementation). As such, the CFP is still searching for its proper fitting ('model') within the EU framework.

On the track towards a better fishery management?

The need for coherence is increasing due to changes in the scope of management, structural reasons and political reasons, in particular:

- the promotion of an integrated approach to sector policy like the CFP (ecosystem approach, integrated coastal zone management);
- the EU enlargement, involving the integration of different policy making systems within the one European framework;
- the search for legitimacy that implies to reconsider the way responsibilities are shared within the EU.

The CFP is facing a variety of national institutional and political traditions in which the sharing of responsibilities is being conceived in very different ways. Moreover these national systems are not stable but constantly developing, next to the new countries' entry

to the EU, bringing on new visions on devolution and delegation. This is one of the main challenges for the CFP as a decision-making system; it necessarily carries its own assumption about societal organisation and stakeholder legitimacy. EU Countries that have different socio-politic traditions do not have a similar position facing the European decision-making system. Furthermore desired changes in the governance format expressed by countries or specific groups may cover vested economic interest and can be easily based on a protectionist reflex.

So far, the EU system has solved this issue by centralising decision-making in the hand of the Commission and the EU Council of ministers at policy conception level and in attempting to delegate responsibilities towards the fishery sector and Member States at implementation level (subsidiarity).

Concerning openness, the CFP and the EU, the EU of course will have to communicate the decisions taken. However, in order to ascertain true openness of the system, it is also a prerequisite that the underlying arguments of the decision are being communicated. Put in these terms, openness and accountability are closely related relates. With the enlargement process, more countries with little to no fisheries interest have entered the EU. This fact underpins the issue of which stakes are relevant in any one particular debate, and how are decisions being reached at the EU council level. Will fisheries become an object of political bargaining in the European arena? Past experiences show that for example environmental arguments are often used as argument to reason decisions facing other important stakes and conflicts. Openness and transparency, especially on the nature and course of debates that lead to a specific decision, would benefit the decision-making system especially with regard to the public support for the decision. At Commission level, a similar issue arose with the increasing number of consulted structures.

Accountability within the EU decision-making system is considered quite low at all levels, first of all at Commission and Council levels. For democratic purposes, it might then be good to re-consider the possibility for CFP decisions to be taken under the co-decision procedure as most policies fall under the exclusive competence of the EU.

Another relevant issue here is the increasing number of, direct and indirect, advisory and consultative fora, both before and after the stage of Commission proposing decisions (STECF, RAC, ACFA and soon local authorities, Parliament, Council of Regions, Economic and Social Council). The complexity of the system clouds the policy-making system; it also dilutes opinions expressed at anyone forum into the mass of consultations and will allow the creative use of dissenting opinions in supporting decisions. The situation requires an open and transparent process of balancing and integrating opinions. Moreover the objective of improving participation and strengthening the feeling of appropriation resulting in better compliance with the CFP, may not be reached because of advises and recommendations being lost during the entire process.

Overall reviewing each structure's role, accountability, utility and independence is a needed step that should precede devolvement, delegation or at the opposite centralisation of responsibilities. Moreover if new consultative organs are to be created, others that are not fully efficient should be annulled or reorganised. Piling up processes and structures will, by its sheer complexity, lower openness, transparency and accountability and hence, even the quality of participation in the policy-making process.

The evaluation of stakeholder participation covers several aspects. At which level do stakeholders participate: policymaking or implementation levels? How do they participate: are they being consulted, or do they have devolved responsibilities? The EU system opted for a controlled delegation of responsibilities at implementation level and a large consultative process at policy-making level. The latest reform focuses on improving stakeholders' consultation (fishery sector and NGOs) at an early stage of policy conception. A number of remarks have been made in chapter 5 on the potential weaknesses of the current RAC framework. At this point it should be noted that the strength of stakeholders participation is proportional to the recognised weight of the stakeholders' knowledge as reflected in the decision-taking system.

Nevertheless, the knowledge base of the CFP is highly focussed on biological data. The current management framework (relative stability-output management) doesn't leave much room for other scientific (economic and social) knowledge or user knowledge to be integrated into the system. What can be expected from more stakeholder consultation at policy conception level if the system is structurally not capable to integrate and adequately use this advice?

If the system doesn't learn how to take advantage of user knowledge for policy-making, it is unlikely that any devolvement of responsibility at policy-making level will be considered. Within this configuration, centralisation may be the only solution, but it induces problems that hinder the performance of the management system as noted in the Green Paper. If the solution is not to come from a redistribution of decision-making power within the same management system, opening-up the knowledge bases might be one. Of course opening up the knowledge basis requires changing the management system and inversely, it also requires to re-think ways of sharing responsibilities within the new system.

Besides these apparent limitations and trends within the CFP, (re-)nationalisation, privatisation and regionalisation have been identified as developments leading to a compartmentalisation of the Common Fisheries Policy. It will remain a question how these trends may affect the CFP and the way responsibilities can and shall be laid out.

The Common Fishery Policy(ies): towards a new model Subsidiarity or re-nationalisation?

The 2002 reform continued but also reinforced the specific 6-12 mile zone regime. Member States can adopt measures that apply to *all* fishing vessels when previously such measures were only applied to national vessels. Moreover they can apply conservation measures in their 12-mile zone when previously they could adopt these measures only to conserve local stocks situated in their twelve miles limits. Curtil (2003) noted that, with this regulation, the European community accepted that it does not have the competence and the resources to manage fishing stocks specific to coastal zones and that Member States are more suitable to pursue this task; as such subsidiarity principle plays its role.

Of course, the measures adopted should be non-discriminatory, prior consultation should take place, and the Community should not have adopted measures specifically ad-

dressing conservation and management within this area.[1] However this measure will allow countries to express more their specificity over the resource management.

Privatisation: devolution by the market

TACs and national quotas are the basic common conservation tools of the CFP. Delegation of responsibilities to POs is one of the main paths encouraged by the CFP since the beginning of the 1990s to implement the CFP, in particular to manage market and quotas. In most EU countries, POs were created and in a number of cases quota management was delegated to. Is further delegation of responsibilities to POs needed to improve the management system? This issue concerns both national and European management systems and certain elements can be noted:

- the Dutch case learns that at this moment in time, although in general terms the system of co-management has been regarded as positive, the sector is not awaiting more tasks to be delegated to them while the Danish case learns that Danish fishermen have expressed an interest in delegation of quota management;
- Spanish, Danish, French and UK cases learn that national opinion towards the quota allocation format (IT, ITQ or quotas per PO) is still rather puzzled and very diverse. At the present the pallet covers the entire spectrum from the absence of a formal plan for quota allocation to private ownership and hence important economic investments in ITQs;
- the Danish and UK cases, and to a lesser extent in the current debate in the Netherlands, learn that in certain fisheries (mixed fisheries), input management (effort regulation) would be preferred to output management (quotas). The argument (mixed fisheries) was initially used in the Mediterranean sea to develop a management system based on effort regulation, technical measure and recently marine protected areas, voices arise to apply a similar system to the North Sea.

Overall in several EU countries, further delegation of responsibilities seems possible and in certain cases this delegation expected to go parallel to the management of quotas. However, management systems under the umbrella of the CFP seem to become more and more specialised mirroring the type of fisheries or specific areas (for example industrial fisheries like herring with ITQ and the Mediterranean mixed fisheries with input management). For each micro system a corresponding management system format could be conceived. This trend will probably intensify with the establishment of RACs and the potential emergence of a micro management framework for specific fisheries (f.e. paralleling regionalisation).

It should be noted that any one system, but especially a system build on privately owned fishing rights, hence capital invested in production capacity and rights, creates a technical and socio-economic path dependency difficult to modify afterwards:

[1] Regulation (CE) n°2371/2002 of the Council on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (20 December 2002).

- there is capital being invested in hardware that is not easily retrieved and invested elsewhere, next to the fact that those people involved consider themselves as being fisher folk and will not easily take up other employment (next to the argument uttered by some: apparently there is still so much money to make that people are willing to take a fairly big chance);
- in for example the Netherlands quite some capital is invested in the ITQs. Introducing a management system on a completely different footing will render these ITQs worthless overnight. One can imagine that the vested interested than of course will try to block any such developments;
- ITQ as a way to block and control access to fisheries facing the enlargement of number and type of stakeholders in fishery management.

Regionalisation: changing scale but changing decision-making?

The concept of regionalisation refers to a geographical scale of decentralisation, but not on the extent the decision-making should be devolved. The approach promoted at this point by the EU consist of adapting common rules to regional conditions in integrating advises from the most concerned stakeholders at policy conception level (local authorities, fishery sector, NGOs). No delegation, devolvement or decentralisation of decision-making power is thus considered at this point.

This trend is rooted in the global development of the EU in which the EU engages in regional policies under the principle of social and economic cohesion between EU regions. The CFP directly relates to this objective as most of the classified 'less prosperous regions' are situated in coastal zones in Italy, Greece, Spain, Ireland and the UK. In fisheries management a development towards the establishment of Regional Fisheries Councils became Regional Advisory Council (RAC) in the 2002 reform. RACs offer the opportunity to regionalise solutions to fishery issues, perhaps leading to the creation of more specific management regimes adapted to a certain pêcherie (association of a gear, a resource base and a location).

The development of regionalisation, micro-management solutions and decentralisation raises the question of what is going to remain 'common' in the CFP. The relative stability principle is being challenged by both privatisation and regionalisation trends. Coherence between the general common principle and the set-up of any particular regionalised or devolved management system is put under pressure. A clear example stems form the tension between the principle of common access and the development towards regionalisation.

Centralisation or devolvement, or centralisation and devolvement

As becomes clear from the analysis, there is an intrinsic opposition between a strive for a common approach to fisheries in Europe, treating all stakeholders in a parallel fashion, and catering for the specific needs of all the uniqueness of the national and regional fisheries management systems. Whereas a centralised EU-derived policy would ensure at a high level of aggregation equity among the players, embedded in the local context a myriad of different practices will surface.

Decentralising management decisions, on the other hand, can easily result in a myriad of solutions and, although adapted to fit local circumstances, result in a very compartmentalised and micro-oriented management system.

The crux of the matter is that some decisions are perhaps better orchestrated at higher levels of aggregation, whereas others benefit from being taken at the level closest to the stakeholders involved. Introducing RACs, at a supra-national yet regional level, is a way in which from the all-encompassing level authority could be delegated to a level suited to deal with the complexity of local circumstances (be it ecological, economical or social and dealing with at least a number of different national fisheries management systems).

However, in a call for increased compliance with the prevailing management regime, delegation is but one, be it an important, instrument to achieve the goal. The governance criteria on the one hand will have to be applied to all the levels of the management system, whether a great deal of devolution is involved or not. In any management system the backing for a specific decision by the several groups of stakeholders involved will merit the implementation of the resolution. Hence the inherent call for increased participation of stakeholders in the decision-taking process.

Involving the stakeholders in this process can be either by direct participation (from the problem identification phase through the process of selecting an appropriate solution, to solution implementation) but can also be greatly enhanced by (and is a prerogative for) increased participation having the decision-making process open, transparent and coherent and have relevant authorities be accountable for the decisions taken.

8.2 Synthesis of country case studies

Starting with *Norway*, the issue of devolvement of fisheries management is not a topic that hitherto has been given much political attention, at least not at a national level. The general perception is that the issue of user- and stakeholder representation is best served at national level. The trend is towards including broader civil society interests into forums where fisheries management issues are being discussed. Thus, one may conclude that the fisheries management system is becoming more open and hence, more transparent. Still, the issue of devolvement is simmering. It has been raised at county levels, particularly in the north, as a measure to combat some of the tendencies of concentration of fishing capacity and quota rights to certain geographical regions of the country. The model that has been advanced is that quota management-rights should be allocated according to geographical criteria, and that management institutions at country level should be allowed to play a greater role. Although controversial, this proposal has also caught the attention of a recent public task force looking into the general structure of public administration in Norway. Thus, there is not a new momentum for devolution of fisheries management responsibilities.

Moving on to the southernmost country in our sample of country case studies, *Spain*, the tendency towards devolution is more expressed. Due to the current fisheries crisis and high rates of unemployment in fisheries communities, the devolution of fisheries management function is perceived more as a way to handle a social crisis than a measure for more effective resource management and fleet over-capacity reduction. Using a high degree of decentralisation towards the local level provides capacity to manage social issues and in

addition, by the involvement of the fishermen, seeks legitimacy for the fisheries policies. Thus there is a risk of exacerbating the resource management problem as the effective effort reduction and enforcement is perceived as second on the priority list. At the same time, as part of a larger institutional reform, the national policy is to support and increase the degree of direct regional representation at EU level, which will empower sub-national institutions in the policy formation. On the agenda is also constitutional reform in order to empower municipalities on issues such as immigration, housing, environmental, social and industrial policies, which also will have a direct impact on fisheries.

In *France*, the fisheries management debate is more focused on the consolidation of existing management institutions than on institutional reform. Thus, new institutional models for fisheries management involving further devolvement are not an issue at the moment. Accountability is an important issue, and the debate is focussing on ways to make the present system work better. The fisheries system is not as independent in its way of acting as many within the industry would prefer. The paradox is that the fisheries sector finds itself in a rather comfortable position in the sense that is strongly defended by the state at EU level, but this comes at a cost; the state also wants to maintain its control on fisheries management affairs. But even more troublesome within the industry is the pressure they feel coming from extra-fisheries interests, such as the environmental movement. France has traditionally had strong local fisheries institutions like the inter-professional committees established at fishermen's initiative in the 1930's and which are at the origin of the current PO and CMF system or the Prud'homie system in the Mediterranean Sea, still enjoying a high degree of legitimacy at local and supra-local levels. This makes France different from most of the other countries in our case-study sample - with the exception of Spain. An issue is how current EU fisheries management will affect these institutions. Devolvement of fisheries management functions in France would always have to take these institutions into account.

Neither in *Denmark* is there a new model on the horizon, although the fisheries management system is still in flux. Fisheries are gradually being seen less as 'a special case' and more as an industry that is subject to general perspectives on what constitutes good governance, although there is still scope for solutions that are particular to fisheries. As in many other countries, environmental and consumer interests are gaining in relative strength to fishermen in the fisheries management decision-making process. Another driving mechanism is the fact that fisheries are losing ground in economic terms relative to other industries and sectors. For some years now it has been discussed if the objectives of fisheries management are best served by the privatisation of quota rights. This also has consequences for the organisational strength of fishermen. Their national interest organisation is in crisis, making it more difficult to participate effectively in the policymaking process pertaining to fisheries management. There is also great frustration among fishermen with regard to EU level policies, which they largely blame as cause of their problems.

The Netherlands is rather unique in the sense that they now have a largely devolved management system combining collective - or group - decision-making and quota rights transferability. This system has been quite successful, both in the eyes of the government as of the fishermen themselves. Here government policy is to consolidate the model by furthering the process of devolvement of management responsibilities, functions that the management groups are reluctant to receive. For instance the fishermen do not support the

idea of these groups taking a more proactive role in enforcement as long as they have no influence on the rules. If devolvement is restricted to implementation, they are largely uninterested. As their Danish counterparts, Dutch fishermen are rather sceptical to accept the rationale for a broader participation of stakeholder groups in the management process, for instance as in the case of the Regional Advisory Councils (RACs). Basically they see it as something that would undermine their own opportunity to exercise their power on management decisions. Still the sector thinks it is better to cooperate than struggle against these processes, and wants its participation to increase domestically as well as within the EU, and they do see that the RACs may be a way to accomplish this.

If fisheries management is to be considered within a broader societal context the issue of devolution in the case of *Great Britain* is interesting, as there has been a general trend towards the devolution of powers and responsibilities in the form of regional assemblies for Scotland and Wales. The UK was also the first to employ the Producer Organisations, originally established for fish marketing purposes under EU subsidy schemes, for management purposes. The 20 POs now play an important role in quota management, distribution and enforcement at the local level. This allows fishermen to participate in the fisheries management decision-making process to a degree they find quite satisfactory. Based on the appreciation that fisheries management affects the broader community, also in Britain increasingly non-fishing stakeholders have been allowed access to the decision-making table. As in the Dutch case, there is also a tendency for government to perceive devolvement as predominantly an issue of more effective implementation of management rules rather than genuine empowerment of local stakeholder groups.

The CFP is a highly centralised policy. Facing its relative failure, a number of decisions taken under the 2002 CFP reform attempt to increase and improve participation to ensure the necessary appropriation and compliance of CFP rules. However devolution of responsibilities is still limited to the implementation and the proposed improvement of stakeholder participation at policy conception level concerns a marginal part of the CFP. In particular it does not reach the cornerstone of the CFP, the TAC system. More devolution under the current CFP framework is unlikely to consistently improve the system. As a consequence, improving the CFP also requires modification of the management system. However it is noticeable that the 2002 reform reinforces a trend towards compartmentalisation of the management system (reinforced coastal management regime, regionalisation) to better adapt the system to local conditions. A more compartmentalised system may also increase the expression of conflicts of interest between fleets, gears, localities, countries and protectionist behaviours to access fish stock. Such a system may not require more devolution to stakeholder- or user groups at policy conception level, but implies a change in sharing responsibilities. In particular it requires a more consistent and less instrumental participation of stakeholders at policy formation level in a more open and accountable system.

8.3 General observations

The first thing we learn from the case studies is that in each country fisheries management is entangled in an ongoing process of change. This change is an incremental one, proceed-

ing step by step, triggered by factors that are both internal and external to the fishing industry and fisheries administration. But going where? Outcomes seem to be quite unpredictable. There is no grand design, no overall strategy based on a comprehensive analysis of what institutional reform is needed in order to fulfil all the criteria of what constitutes *good governance*. Sometime the case studies leave the impression that good governance criteria and the gap they tend to leave with reality are not the essential drivers, but rather some crisis in the fishery that needs urgent action. In some cases devolution is installed to fight social crises, like in Spain. In other instances decentralisation and devolvement are perceived primarily as a tool for regional and local empowerment, triggered by a perceived anomaly in a country's administrative system.

One of the dynamics for change in European fisheries, however, is the CFP itself. Although the CFP is conceived as an external force, it comes from within the EU countries through the EU Commission, Parliament and especially the EU council. Legitimacy - or the lack of such - continues to be an issue in the CFP. Partly the lack of legitimacy has to do with the distance of decision-makers from the stakeholders and the felt incoherence of decisions made at EU level and the problems experienced at national and local level. With the enormous diversity that exists in fisheries from one part of Europe to the other, this is quite predictable.

Sharing responsibilities, or devolution, is generally perceived to be the answer to this lack of legitimacy, as it is an obvious way of closing the gap between decision-makers and stakeholders. The call for devolution in fisheries is not standing alone but can be part of a more comprehensive social reform strategy, and the discourse on fisheries management is a version of a broader discourse of what constitutes good governance. Devolvement of management responsibilities from institutions high up in the hierarchy to those that exist in proximity to the problem is for sure not an issue unique to fisheries.

Since this study is about sharing responsibility within the context of the five criteria of good governance we raise the question whether devolution is in all situations good governance. We argue that it depends on the characteristics of the particular management function, the specific aims to be reached, and the tools that are available. But what then constitutes good goals and tools? Answers to these questions are neither scientific nor technical. Rather they require the sound judgement that only long experience and thorough understanding of the particular context within which governance is attempted to be improved - what Aristotle coined *phronesis*. To reach good governance is also a process in itself and operates in reaction to the goals set but does not follow without alternative options. Importantly, ethical and social values that must underpin any management reform would not only apply to goals, but to the means chosen as well. Sometimes the goal certainly does not legitimise those means. Some means may from all practical purposes be effective. Still they are ruled out as options because they are perceived in contradiction with some of the values underpinning the five criteria of good governance. We would for instance suggest, that devolution does not always have to be legitimised as a step towards great efficiency, but may be a thing that would be regarded as a step for deepening democracy as it involves a larger segment of society and stakeholders that were previously not allowed to play a role in the decision-making process. More transparency may in some instances be contrary to a more effective management process, as it creates opportunities for user-groups to establishing more veto points in management implementation. Having said

this, apart from higher aims like creating legitimacy, decentralisation and devolution are indeed often initiated by what is perceived as a strive for cost efficiency (see e.g. the White paper, Norway, The Netherlands).

Devolution, as any other administrative reform, should be addressed within the context of good governance. One can hardly claim that devolution is always the answer to governance deficiencies. Obviously, devolution is not the magic stick that solves all fisheries management problems. Neither does it come without costs, and more devolution is therefore not always better. Certain management functions are better handled at higher levels than the local community, or state level in some instances. The subsidiarity principle invites decision-makers to make adapt decision-making structures to the particular context that exist within a particular fishery and country, but also to make an effort in building institutional capacity for devolvement at all levels when that is appropriate. Currently communities may for instance not be capable of participation of taking a more proactive role in fisheries management, but government may help them to become so in the future. In fact, the subsidiary principle states that the higher authority has a duty to assist a lower authority if it can be proven that it would be a step toward good governance. A problem is the degree of ability to participate available at lower levels due to some institutional or organisational deficit. Do fishermen's organisations at regional or community levels for instance have the capacity to handle management functions appropriately? Will user-groups be driven too much in one direction of the three P's[1] at the expense of the other two? Although devolvement is a step towards good governance in many instances, it does not itself guarantee that what comes out of it will be in accordance with its criteria. For that to happen also those institutions at lower scales are capable of handling their newly acquired management responsibilities in accordance with these criteria.

Openness and participation, as two of the essentials of good governance, are no guarantee for lowering the level of conflict and dispute in fisheries management. In fact, quite the opposite may be true. Although making the decision-making process less smooth and more uncomfortable for those involved, conflicts and disputes are in themselves not always negative. Fisheries management is indeed inherently conflictive, because it is about regulating social relations among parties with different worldviews and interests, conflict management would under any circumstance be an important element of the game. The key issue is to institutionalise procedures and processes that enable decision-makers to address such conflicts in ways that are constructive to management both instrumentally and with regard to enhancing legitimacy. Can the parties accept the decisions made? Would they still be able to cooperate and communicate?

In many instances, fisheries management problems need a regional, supra-national focus as several countries are sharing the same common pool resource. Consequently, decentralisation and devolution can get the shape of regionalisation at the level of the North Sea. Good governance in the case of the North Sea stocks simply needs coordinated management initiatives at the adequate level, in this case not being EU level. Similar approaches would also be relevant to other EU waters. However, the motivation for regionalism is not always to improve governance but more as defensive strategy undertaken

[1] People Planet Profit.

by sub-regions against supra-national involvement, in this case EU. Indeed regionalisation of fisheries may be an expression of a nationalist ideology, thus having little to do with fisheries management per se, only that fisheries management becomes one of several means of realising such policies. Then regionalisation may mean exclusion as some countries are intentionally left out of the decision-making and access to the resource. It is then to be expected that moves towards regionalisation would stir controversy. For instance, France and Spain are afraid that their fleets will be excluded from fishing in northern waters such as the North Sea or Irish Sea. Regionalisation would then affect, and in some cases even be a direct violation of the basic principle of 'open access' which is so central to the current Common Fisheries Policy.

In this context, privatisation may well prove to be an effective countermeasure to devolution as it enables rights holders to exclude other user-groups and stakeholders both from access to the resource and from having a say in the management decision-making process. Justified as a means of enhancing stock-management efficiency, privatisation then becomes a convenient but latent tool in conflict management. In the political process, the agenda of user-groups will in this case be both official and unofficial. They will support privatisation not really as instrument for promoting economic efficiency, but as a way of securing their private interests in a devolved management system.

Privatisation of resource rights and the tradability (e.g. ITQs) are sometimes seen as the ultimate form of devolution. Then you don't need to go through collective institutions at region or community level. Fisheries management would relate to individuals and not to organised user-groups. In such a system individuals would be free to manoeuvre within ramifications set by the market and those that are established by the state. In reality, individuals are always linked up with society with its norms and demands, they are not atomised as individuals, totally free to ignore what impacts their actions may have on others and society as a whole. ITQ systems may have detrimental effects on fisheries dependent communities, and what is good for individual fishermen is not therefore always good for their communities. Thus, the involvement of Civil Society needs to be discussed both with regard to privatisation of resource rights and devolution of management authority. Privatisation of resource rights is not equivalent to individualisation of such rights. A community may also acquire resource rights and manage their usage in accordance to what would benefit the community as a whole as well as its members.

It is also essential to consider which role remains for the higher-level institution in a devolved management system. For instance, is there a role for EU in other domains than TAC regulation? What should be the role of the state when municipal authorities and communities are allowed to play a more influential role. Which level is best suited for overseeing that the criteria for good governance are upheld? Despite devolvement, the state may still have to be the ultimate guarantor of good governance. Privatisation and markets, although rewarding some criteria for good governance, may well inhibit the realisation of others, and may thus be an answer to some, but not all the challenges that good governance criteria raise for fisheries.

In several of the countries included in our study fisheries management reforms are discussed within a larger context than fisheries per se. Although fisheries have their unique problems and challenges, for instance due to the characteristics of their resource base, in governance terms fisheries are not always all that special. Good governance criteria apply

across industries, and are no less or more relevant to fisheries than to any other industry. However, their particular implementation may have to be tailor-made to social, economic, cultural and ecological specificities of fisheries. Another aspect of this issue, is that the opportunities for development of fisheries management responsibilities are not necessarily internal to fisheries but arise from the broader institutional context that characterize a certain society. Norway and Spain are cases in point here. Decentralisation and devolvement are reforms that are not aimed at fisheries exclusively, but do provide a new opportunity for raising issues pertaining to fisheries. What was previously a non-issue suddenly becomes a matter of general concern. What was out of the question, all of a sudden becomes within reach. The reverse would then also hold truth. It is sometimes difficult, if not impossible, to effectively promote institutional reform in fisheries because national governments would resist institutional change that may have repercussions, or set precedents, for other societal sectors. Governments would be inclined to object to the notion of fisheries as a special case. A lesson to be learned from our study is the need to regard fisheries institutional reform within a larger societal and institutional context because it is often in this larger context that opportunities for major change in fisheries governance emerge.

One should not always expect enthusiastic support for devolution, not even from those who as a consequence would gain from it, as devolution always comes with costs and risks. Although supportive of devolution as an ideal principle, stakeholders may still feel ambivalence as to the additional burden of the new responsibilities. They may well anticipate that their social relations will become more conflictive. Devolution from one administrative level to a lower level does not only affect the vertical dimension; it has consequences for horizontal linkages. This is particularly the case when user-groups and stakeholders are allowed to play a role in fisheries management. Devolution may affect their relative power, as some groups are much better organised, and hence capable to participate effectively, at one level than they are at another level. If for instance, fishermen are better organised at the national level than at the local level, they would resist devolution, especially if they are up to other stakeholder groups that have a strong local representation. Users- and stakeholder groups may also fear a more complex management system more difficult to oversee, and that that they would be subject to additional and geographically incoherent rules and regulations, particularly if the scale and cross-linkage issues are not properly addressed. User-groups and stakeholders might envisage that decision-making processes would become more cumbersome if fisheries management should have to be sanctioned at yet another administrative level. This was for instance an issue in the UK when this issue was raised. Similar sentiments exist in Norway. Here, for management functions to be devolved the arguments have been existing municipalities would have to be merged into larger units and counties into regions.

Finally, scepticism among user-groups and stakeholders may be related not to devolution as a concept but its particular content; how comprehensive is devolvement, which functions are to be devolved - and for what purpose? If for instance, devolution is restricted to policy implementation and not its formation, one can hardly talk about devolution as empowerment. In fact, the reform would likely be perceived as a step in the opposite direction. Some of the scepticism that has been registered regarding the new CFP can be seen in this perspective. Devolution is not equivalent to decentralisation. The former provides the

'devolvee' with autonomy, while decentralisation may still exclude user-groups from participation - as when decision-making authority is transferred from central to local government. In the latte case fisheries management will still be an exercise of power from the outside in, from political/administrative authorities on to the fishing industry. Thus, doubts with regard to decentralisation might be less if it also involves devolution, in other words as co-management. Neither is devolution equivalent to participation. Thus, devolution is not the only way to ensure openness, transparency and so forth. Intensifying and broadening the representation of user-groups and stakeholders in existing management institutions could also achieve these standards. Therefore, the scepticism that our study has revealed towards management is not linked to the principles of good governance per se, but to devolution as a means of addressing them. One can well be against devolution as a strategy for increased participation, but for the other alternative, i.e. increased stakeholder representation as a way of achieving the same.

9. Conclusions

Few industries have such a deep history as the fishing industry. Fisheries are production, commerce, and culture in one. Volatile resources and markets create dynamics that pose a constant challenge to governance. It is only to be expected that these traits can be traced in the creation and design of its institutions. It is also to be expected that each country would have their unique way of governing their fisheries reflecting these broader institutional traditions and patterns of organisation. Thus, devolution of management authority and regulatory functions will have to occur within very different national contexts. As such, institutional reform will always have to be tailored to the particular socio-political and institutional circumstances that prevail in a given country.

Our analysis of the various proposed fisheries management models confirm what would then be the hypothesis: There is no definitive alternative management model that can be applied - given the wide spectrum of circumstances surrounding fisheries activity in the six countries included in the study (Norway, Denmark, the United Kingdom, France, The Netherlands and Spain), or at least, none as clear-cut as the models proposed for regionalisation/devolution a decade ago.

The following conclusions can be drawn from the various proposals (figure 9.1). The Norwegian proposal approaches the decentralisation of its present fisheries management model on three points: firstly, it is established that decentralisation towards the regional and local levels requires a prior reform of the administration which would entail the creation of institutions capable of assuming management responsibilities. Secondly, and more precisely, in the public debate local administrations are identified as the appropriate management level for the management of the cod fisheries found in some fjords in the north of the country. Thirdly, a case can be made for vesting quota rights in municipalities or counties to secure access to fisheries resources in fisheries dependent communities.

Nevertheless, these proposed changes have not yet been considered sufficient to justify the transformation of the country's present management system. There would be two facets to the devolution of responsibilities in the sphere of demersal fishing in Denmark. The first would be directed to widening/expanding user-participation in the decision-making process, embracing municipal representatives and environmental organisations in such a way that they hold permanent membership of already-existing consultancy boards (the Board for Commercial Fishing, the Capacity Board); secondly, the possibility of delegating certain aspects of management (quota allocation) to the PPOs is taken into consideration on the basis of the idea that they may be recognised by the EU. In short, the two features underpinning the Danish proposal are user participation and delegation.

The proposal made by the British goes into decentralisation processes in greater depth. It echoes the proposal made by the Scottish executive for decentralisation towards local administrations and organisations in the inland-water fisheries management sector. It certifies that there are trends towards decentralisation towards local administrations as illustrated by the recent creation of decentralised organisations in Wales and England

(Committees for Maritime Fisheries). It proposes that PPOs be similarly accommodated in management by shouldering responsibilities for effort control. With regard to participation, the UK proposal entails the creation of a National Consultancy Body where all users and administrations would be represented.

It can be seen that the United Kingdom's alternative model has a wider scope than those previously described, as it puts forward the idea of decentralising the decision-making processes towards regional and local institutions, and even supports the delegation of certain functions to user organisations. It also contemplates a greater participation by users and sector organisations through consultative arrangements.

The French proposal is at the opposite extreme, as it leaves no room for decentralisation. This is justified by the reluctance of territorial governments to take up responsibilities in fishing resource management and the fact that the administration has recently undergone reforms of two types: through administrative deconcentration and delegation of management duties towards organisations within the sector (committees co-managing fishing activities, PPOs co-managing quotas). These innovations must be given time to consolidate themselves as efficient 'methods' of fisheries management. Nevertheless, proposals are made to gradually modify the sector-state relationships hindering true decentralisation of management duties and coping with shortcomings identified regarding accountability and participation of interest groups other than the fishery sector as some interest groups, such as environmental organisations, have been excluded from the consultancy process.

In The Netherlands, where the management system has been one of 'corporatist consultation' - involving professional organisations participating alongside users and other stakeholders - the aim is the reorganisation of the national structure of all these actors into one which is more co-decisional in nature. Here it is also considered that this can only come about in a gradual manner. On the other hand, it is thought that evolution towards a co-management system could not occur without the provision of sufficient means to deal with management tasks.

Finally, the proposed model in Spain is aimed at achieving decentralisation from three viewpoints: the decentralisation of management duties from the State towards the regions (Autonomous Communities), fundamentally as regards their having representation on EU bodies; secondly, the decentralisation of artisanal fishing towards the municipalities (local level); and, finally, the decentralisation from the Autonomous Communities towards organisations in the sector of specific management duties, such as the drawing up of fisheries plans and certain aspects of marketing. With regard to participation, the Spanish alternative fisheries management model supports an improvement in already-existing institutional consultancy mechanisms (conferring upon them rules and regulations), as well as a wider range of participants in consultancy bodies, which would include all interest groups.

There are significant differences between these proposals for more decentralised fisheries management systems. On the one hand, we are faced with proposals that are clearly inclined towards a greater decentralisation of fisheries management, such as in the United Kingdom and Spain; others, such as those currently on the table in The Netherlands and Norway, propose more timid reforms, whilst the case of France is at the opposite extreme, with no suggestion of further devolvement of management responsibilities.

COUNTRIES	*National Decentralisation*	*Regional decentralisation*	*Local Decentralisation (administration/stakeholders)*	*Specific Fisheries*
NORWAY		Need for institutional reform. The change of current power relationships. (users-administration). a)	Decentralisation on a local level (County Councils). Need for institutional reform.	'Local' cod stocks in the fjords.
DENMARK			Decentralisation of quota management towards the local level (PPOs). Increased participation of all users as consultative agents.	
UNITED KINGDOM	The creation of a National Consultancy Board, which includes the administration and organisations in the sector.	Decentralisation of inland waters fisheries management towards regional bodies on which local administrations and organisations in the sector are represented.	Decentralisation of inland waters fisheries management towards regional bodies on which local administrations and organisations in the sector are represented. Decentralisation of fishing effort control measures to PPOs.	
THE NETHERLANDS			The Government wishes to expand the co-management system to include organisations in the sector. Need for restructuring sector organisations to achieve more co-management structures. A slow and gradual process.	
SPAIN		Decentralisation towards the Autonomous Communities: Territorial Sea and EEZ fisheries management Delegation of State towards Autonomous Communities: delegated State representatives at EU.	Decentralisation of artisanal fishing from Autonomous Communities to municipalities Decentralisation from Autonomous Communities to organisations in sector: marketing, fisheries plans, etc. Expansion of process of participation in fisheries management to include whole gamut of users and other interest groups.	
FRANCE	No Alternative Model for decentralisation or delegation of responsibilities is suggested, as there has been an important decentralisation process in recent years. At this point, territorial governments and professional organisations are not willing or capable to take on more tasks, as well as the State is reluctant to decentralise more responsibilities in fishing resource management. To help the system evolving and solving problems it generates, three types of measures are proposed: Improving the use of delegated responsibilities; Enhancing accountability of professional structures at national and regional levels; Opening the fishery sectors to other decision-making arenas on coastal and marine resource uses.			

Figure 9.1 A Comparison of Alternative European Fisheries Management Models. a) Although these reforms have been proposed, the Norwegian researchers (Jentoft, S and Mikalsen, K.) do not consider the current situation to be conducive towards the undertaking of more wide-ranging decentralisation in the country..

However, there are points of common ground amongst all the alternative models that point towards certain changes. Key elements would be: an *active presence of the local level in management*, a *decentralisation of certain functions towards organisations run by professionals,* and, finally, an *increase in participation*.

9.1 Interpretation

In order to fulfil the five criteria of good governance (*openness, participation, accountability, effectiveness, and coherence*) introduced in the EU White Paper on Governance (EU, 2001 a) all countries included in our study have still a way to go. Good governance in the above sense will require institutional reform in all six. However, it is not possible to establish a single alternative fisheries management model that can be extrapolated to all of them. Nevertheless, there is a consensus that certain adjustments need to be made to the various management systems which highlight three ideas: i) greater presence of local government in fisheries management; ii) increased participation; iii) delegation or decentralisation of powers and responsibilities towards organisations run by professionals (co-management).

With regard to the role to be played by local governments, both the Norwegian model and those of Denmark, the United Kingdom and Spain, consider the possibility of transferring powers and responsibilities to this level - at least for certain fisheries. It is likewise proposed that local governments participate in consultations at the regional and national level.

The application of the CFP means that the challenge that national governments face is the renewal of institutions. New organisations must be established within the context of decentralised management, which allow for certain management decisions to be taken in an ambit that is more closely involved with the area of their application, and where users and other interest groups can voice their concerns. As such, the proximity of local governments to the networks of actors within their territory offers some advantages that other levels of government do not have; basically, the best *knowledge* of the real situation in the local area (regarding the resources, strategies, and objectives the various actors possess), and the *legitimacy* to devise a variety of solutions in such a way as to concur with the needs of the people who are directly affected.

All this infers that fisheries management is moving towards the greater presence of local levels of administration in the decision-making process, either through decentralisation or the delegation of management tasks. Thus, fisheries management will probably shift from a predominantly top-down, hierarchical approach, towards one that allows for a management process from the bottom up, as it were.

As for the decentralisation of powers and responsibilities to user-groups, the models described do seem to agree on the need for these to assume greater powers and responsibilities than they currently possess. In some cases (in Britain and Denmark), PPOs are identified as being the ideal organisations for taking on such powers and responsibilities, but neither should proposals be rejected that advocate the reform of these organisations in such a way as to create more co-decisional structures and which also involve other stakeholder groups (the Dutch and Spanish models).

However, the greatest agreement found amongst the proposed alternative management models is probably on the need to expand the range of participants in fisheries management. They almost all advocate the broadening of the scope of participants in management, whether on a consultative level or in the decision-making process. For this reason, the institutionalisation of participation becomes necessary from a regulatory point-of-view in all national legislations, providing continuity to all the platforms where the administration and the whole gamut of participants come together. In the same way, efficient participation requires the creation of organisational structures where all legitimate stakeholders are represented.

To summarise, from the point-of-view of a better distribution of responsibilities, the various alternative fisheries management systems proposed require improved efficiency in the application of policies and highlight the importance of local level involvement, whilst providing the opportunity to confer greater legitimacy on policies through improved participation.

10. Policy Brief

In order to fulfil the five criteria of good governance (*openness, participation, accountability, effectiveness, and coherence*) all countries included in our study have still a way to go. Good governance in the above sense will require institutional reform in all six. However, it is not possible to establish a single alternative fisheries management model that can be extrapolated to all of them. Nevertheless, there is a consensus that certain adjustments need to be made to the various management systems which highlight three ideas: i) greater presence of local government in fisheries management; ii) increased participation; iii) delegation or decentralisation of powers and responsibilities towards organisations run by professionals (co-management).

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Will decentralisation bring about the necessary boost to the performance of the fisheries management system? A distinction can be made between *functional decentralisation*

and *territorial decentralisation*. In functional decentralisation, certain tasks of government are allocated to another institution. In territorial decentralisation, certain aspects of government are allocated to a smaller territorial unit (province, local government).

In both connotations of decentralisation there is a hint of bringing tasks from a more centralised level down to the local level, hence an opportunity of bringing the system closer to the stakeholders. Territorial decentralisation, or regionalisation, will of course be highly related to the geographical constitution of a country (compare regions of one country being larger than the entirety of other countries).

The issue is not so much the localisation of the system; whether the physical structures and the political debate are centralised or brought to the doorstep of the stakeholders, but the fact whether the stakeholders feel included in the decision-taking system. Key element is whether stakeholders have a sense of participation in the management system. It should be noted that participation in problem identification, solution identification, and policy design are much more valued than mere participation in policy implementation and control.

The central theme is that decentralisation and participation can increase the performance of the fisheries management system. This will be achieved when the system is geared at increasing backing and support for the policies developed. Adherence and compliance is more likely to increase when stakeholders have a genuine feeling of being heard and taken aboard the process of policy design then when they feel reduced to passive subjects of an externally determined management system.

Concerning the Common Fisheries Policy, the analysis of the six countries of this study provides insight in the need/demand for greater decentralisation in the sector, and how the decentralisation process has evolved over the last ten years. This project allows a more detailed idea to be gained of the concepts that allude to the different forms of decentralisation, regionalisation and participation. Case studies are valuable assets that can be extrapolated to other fishing methods, thus allowing decisions that are better adapted to be taken in CFP reform. Given the apparent demand for greater decentralisation, the results of the study show that devolution is not a priority at the present time, although, in the case of Spain, a move needs to be made to improve participation systems.

The CFP is a highly centralised policy. Facing its relative failure, a number of decisions taken under the 2002 CFP reform attempt to increase and improve participation to ensure the necessary appropriation and compliance of CFP rules. However devolution of responsibilities is still limited to implementation. The proposed improvement of stakeholder participation at policy conception level is still in its infancy.

In particular it does not reach the cornerstone of the CFP, the TAC system. Increased devolution within the current CFP framework, without modification of the management system, is unlikely to consistently improve the system. However it is noticeable that the 2002 reform reinforces a trend towards adjustment of the management system to better adapt the system to local conditions. A more regionalised/compartmentalised system may increase conflicts of interest between fleets, gears, localities, countries and protectionist behaviours to access fish stock.

The crux of the matter is that some decisions are perhaps better orchestrated at higher levels of aggregation, whereas others benefit from being taken at the level closest to the stakeholders involved. Introducing RACs, at a supra-national yet regional level, is a way in

which from the all-encompassing level authority could be delegated to a level suited to deal with the complexity of local circumstances (be it ecological, economical or social and dealing with at least a number of different national fisheries management systems).

Accountability within the EU decision-making system at present is quite low at all levels. The increasing number of consultations before or after the stage of Commission's proposals is not making the process more open and/or transparent (STECF, RAC, ACFA and soon local authorities, Parliament, Council of Regions, Economic and Social Council). Questioning each structure's role, accountability and utility within the CFP decision-making system is a needed step that should precede devolvement, delegation or centralisation of responsibilities.

A decision-making system is never neutral; each system will unavoidably have its specific assumptions about societal organisation and stakeholder legitimacy. EU Countries that differ in socio-political traditions will also have differing visions on the European decision-making system. Furthermore, desires expressed as to preferred changes to the system, be it articulated by national authorities or specific interest groups may well be based on fundamental interests of vested economic concern or be a protectionist reflex. For democratic purposes, it might then be good to re-consider the possibility for CFP decisions to be taken under the co-decision procedure as most policies fall under the exclusive competence of the EU.

Openness and participation are no guarantee for lowering the level of conflict and dispute in fisheries management. In fact, quite the opposite may be true. Then the CFP decision-making system can only set a framework to accompany those changes and favour expressing and solving of conflictive issues. The key issue is to institutionalise procedures and processes that enable decision-makers to address such conflicts in ways that are constructive to management both instrumentally and with regard to enhancing legitimacy.

In reorganising the political debate at policy conception level the newly established Regional Advisory Committees could be used as a lever to open up the knowledge base (and thus the decision-making structure). However this requires the opportunity to be rendered to the RAC to play a genuine advisory and consultative role.

For Spain the analysis provides previously unknown detailed information on various fishing methods and also a comparative view of fishing and other analogous sectors (water management). The administrations will also have the results from other countries and European policy made available that will allow them to reflect on the circumstances of the sector in the Spain, and assess the degree to which policies for greater decentralisation are necessary.

The alternatives to the Spanish fisheries management system are based on the following priorities:

- decentralisation from the State towards the Regional Governments (RG);
- the expansion of the processes of delegation from the State towards the RG;
- decentralisation from the RG towards municipalities;
- an increase in participatory mechanisms for the various actors that take part in fisheries activity.

The fomenting of social capital, the strengthening of relationship networks between the various associations within the sector and other sectors that are involved, could be a useful tool for a more equitable distribution of responsibilities.

For Norway, given that the centralised structures and traditions of Norwegian fisheries management are currently being challenged, there is an obvious need for reconsidering the division of regulatory tasks and responsibilities. Our study/project indicates that the search for alternatives will need to address questions pertaining to:

- the locus of decision-making: not all decisions need to be made centrally. Delegating, for example, the more fine-tuned allocations of quotas among individual fishers and operators to regional authorities should be considered. This could stop the current trend towards a concentration of quota rights in certain regions;
- power and jurisdiction: devolved institutions must be able to make binding decisions within a specified domain. The question of what tasks and responsibilities that should be delegated to regional and/or local institutions needs careful consideration. The role of regional and local institutions should be extended beyond giving advice;
- representation: fishers are not the only stakeholders. Corporatist structures need to be made more transparent by including other legitimate stakeholders. Much has already been done in this regard, but fisheries dependent regions and communities need stronger representation;
- enforcement: current arrangements for enforcement - detecting violations and enforcing sanctions - do work relatively well. Regional agencies are already involved here, so improvements are perhaps not so much a question of delegating power and responsibilities as one of providing sufficient resources - manpower and technology.

The Danish study reveals that the major stumbling block for the devolution of responsibilities to the Danish demersal fisheries is that it needs to be within the framework of a TAC/quota system, and this management approach is a dead end in demersal fisheries. There appears to be some movement towards in Denmark based on the experiences from the Faeroe Islands and also that the fact that effort regulations is gaining support in the UK, where introduction of effort management systems in mixed North Sea fisheries are proposed.

The reason why in Denmark all attention is given to effort regulation is that it is doubted, in the longer-term perspective, whether it will be possible to ensure responsibility and legitimacy within a TAC/quota system to manage the demersal fisheries. Thus, in addressing the issue of alternative models for sharing responsibilities between Danish demersal fisheries management, it is important not to limit the options to what is possible within the quota systems. Moreover, it is important to ensure that new models for sharing responsibilities can facilitate a move towards effort management; otherwise Danish demersal fisheries will remain in crisis.

There is a need for reforming EU and Danish management of demersal fisheries in order to:

- break the path dependency of the TAC system;
- improve legitimacy of the management system;
- increase user participation and enhance user perspectives;

- change the management perspective from fish stocks to ecosystem and fleet perspectives;
- move from prediction to adaptation;
- base management on indicators rather than on reduction to process details;
- control fishing effort (input) rather than landings (output);
- ensure that fleet capacity is balanced to resource reproduction.

There is a need to ensure a change in the way management responsibilities are shared in order to ensure such reform. Based on the Danish and the EU situation we believe all parties can agree to the need for introducing a more simple and transparent decision-making process and regulations. Nevertheless, we foresee the need for tailor-made management initiatives to solve specific problems rather than general solutions for all fisheries.

A number of co-management case studies worldwide indicate that efficient, equitable and sustainable resource management requires an institutional resiliency within the co-management institution (Hanna, 1995). Based on the present changes in the organisational structures of Danish fishermen and the on-going changes in the Danish demersal fishery, we are uncertain whether this can be achieved at the moment because of the resource crisis.

There is a potential for devolution in order to integrate information and knowledge about resource fluctuations, fishing patterns and market trends into the decision-making process. Institutions need to be flexible and able to adapt to external conditions. However, it is not certain if Danish fishermen have the capacity (structural, strategic or financial) to undertake such a task.

In the Dutch case, there is also a tendency for government to perceive devolvement as predominantly an issue of more effective implementation of management rules rather than genuine empowerment of local stakeholder groups. The Netherlands is rather unique in the sense that they now have a largely devolved management system combining collective - or group - decision-making and quota rights transferability. This system has been quite successful, both in the eyes of the government as of the fishermen themselves. Here government policy is to consolidate the model by furthering the process of devolvement of management responsibilities, functions that the management groups are reluctant to receive. For instance the fishermen do not support the idea of these groups taking a more proactive role in enforcement as long as they have no influence on the rules. If devolvement is restricted to implementation, they are largely uninterested. Dutch fishermen are rather sceptical to accept the rationale for a broader participation of stakeholder groups in the management process, for instance as in the case of the Regional Advisory Councils (RACs). Basically they see it as something that would undermine their own opportunity to exercise their power on management decisions. Still the sector thinks it is better to cooperate than struggle against these processes, and wants its participation to increase domestically as well as within the EU, and they do see that the RACs may be a way to accomplish this. It would help for the sector if the national organisational structure could be reorganised into one, which is more co-decisional in nature.

Without doubt, there is a greater acceptance of the principles of good governance in the UK than was the case in the past. There is clearly a greater willingness for openness and dialogue as well as an understanding of public accountability. The Responsible project has provided a better understanding of these principles; it has also made the stakeholders

and policy makers realise that fisheries management is not different from any other area of governance and that it benefits from the application of the same principles of governance. A clear echo of these principles is to be found in the 2004 Scottish proposals for inshore fisheries management. We also see positive signs in the way in which the Regional Advisory Councils are being managed.

In France, the fisheries management debate is more focused on the consolidation of existing management institutions than on institutional reform. Thus, new institutional models for fisheries management involving further devolvement are not an issue at the moment. Accountability is an important issue, and the debate is focussing on ways to make the present system work better. France has traditionally had strong local fisheries institutions. An issue is how current EU fisheries management will affect these institutions.

11. Dissemination

During the course of the project the activities have directly resulted in the production of project reports, which form the base for several articles produced and presentations given. Below an overview of the material produced.

1. Paper: Sharing responsibilities in fisheries management: Analytical and Methodological Issues.
2. Working paper: Devolution of responsibilities in Danish fisheries management. Who takes responsibility and for what? - New trends in the Herring and Protein fisheries in the North Sea and Skagerrak?
3. Working Paper: CFP Decision Making Framework Analysis: An Entrance Key.
4. Working Paper: From Closed Shop To Transparent Decision-Making? On The History, Structure And Process Of Norwegian Fisheries Management.
5. Working Paper: Local Participation In The Management Of Marine Resources In Norway.
6. Working Paper: The Consortium For Fisheries Management And The Marketing Of The Striped-Venus Clam In The Gulf Of Cadiz, Spain.
7. Working Paper: Barbate. Participation Processes In A Fishing Locality In Crisis, Spain.
8. Working Paper: Participation In The Pelagic Fishery, UK.
9. Working Paper: Devolution To The Shetland Shellfish Management Organisation, UK.
10. Working Paper: Mediterranean Sea Versus Celtic Sea, Coastal Small Scale Fisheries Versus EEZ Trawling Fleet: Two Cases Of Decision-Making Process, France.
11. Working Paper: The Dutch Shrimp Case And The Oakerson Model.
12. Working Paper: The Oakerson Framework And Co-Management Experiences In The Netherlands.
13. Working Paper: Devolution of fisheries management in Denmark - The cases of the Herring and Protein fisheries in the North Sea and Skagerrak. Jesper Raakjær Nielsen and Sten Sverdrup Jensen, IFM.
14. D. Rommel Workshop in Spain on fishery management, Shetland Times, 15 November 2002.
15. D. Rommel UK Fishermen need more say, Fishing News, 6 December 2002.
16. Jan Willem van de Schans, Sharing responsibilities in fisheries management: Analytical and Methodological Issues People and the Sea II, Amsterdam 4-6 September; 2003.
17. Geir Karlsen & Jesper Raakjaer Nielsen, Sharing responsibilities in European Fisheries People and the Sea II, Amsterdam 4-6 September; 2003.
18. Knut Mikalsen & Svein Jentoft, A vicious circle: The dynamics of rule-making in Norwegian fisheries People and the Sea II, Amsterdam 4-6 September; 2003.

19. Clotilde Bodiguel, Devolution of responsibilities: Comparison between fisheries and agriculture management in France People and the Sea II, Amsterdam 4-6 September; 2003.
20. Raakjær Nielsen, Jesper, Anne-Sofie Christensen, Alyne Delaney, Thomas Olesen, Sten Sverdrup-Jensen and Douglas Clyde Wilson. Devolution of responsibilities in natural resource management in Denmark - lessons from management of cormorant and the herring fishery. Paper presented at People and the Sea II - Conflicts, threats, and opportunities. Second International MARE Conference, September 4-6 in Amsterdam, the Netherlands. Working paper no 3-2003. Institute for Fisheries Management & Coastal Community Development.
21. Luc van Hoof & Ellen Hoefnagel Evaluating the division of responsibilities in European fisheries People and the Sea II, Amsterdam 4-6 September; 2003.
22. Ellen Hoefnagel, Luc van Hoof, Self-regulation and the anti-trust law in Dutch shrimp fishery; Does the anti-trust law hinders sustainable development? People and the Sea II, Amsterdam 4-6 September; 2003.
23. Svein Jentoft Workshop on co-management experiences, University of Western Cape, South Africa - keynote speaker.
24. Svein Jentoft Conference - 'Fisheries Policies behind the Back of Politicians?', Oslo, June 11, 2003, invited speaker.
25. Geir R. Karlsen: 'Common livestock systems: a comparative perspective on institutional functions'. In addition: oral presentation on processes affecting cooperative livestock systems. Arctic Ungulate Conference, Saariselka, Finland, August 24-28, 2003.
26. Clotilde Bodiguel, The Responsible project and its initial results were presented to fishery professionals during a meeting of the Mediterranean association of producer's organisations (AMOP), 26 September 2003.
27. Juan Luis Suarez de Vivero, through an agreement with the Andalusian Regional Government, the results of this project are being transferred to the Department of Agriculture and Fisheries which is, in turn, collaborating with our team by providing information and documents.
28. Juan Luis Suarez de Vivero, The partial results achieved to date were presented at scientific gathering Rencontre. Sciences de la mer et d´environnement. Université de Cádiz et Université d´Abdelmalek Essaadi (Maroc) 2-4 Decembre 2003.
29. Juan Luis Suarez de Vivero, The partial results achieved to date were presented at scientific gathering Diversificación socioeconómica de Zonas Pesqueras'. Punta Umbría Huelva. Junta de Andalucía, Consejería de Agricultura y Pesca, 28 April 2003.
30. Luc van Hoof & Ellen Hoefnagel Evaluating the division of responsibilities in European fisheries Management. Forwarded to Marine Policy for publication.
31. Dominique Rommel Analysis of Governance in the UK context.
32. Dominique Rommel Aquaculture management in the UK: description and comparison with Fisheries Management.
33. Geir Karlsen: Analysis of Governance in the Norwegian context.
34. Clotilde Bodiguel and Joseph Catanzano Analysis of Governance in France.
35. Clotilde Bodiguel and Joseph Catanzano Comparison of decision-making processes in the Fishery and farming sectors in France.

36. Ellen Hoefnagel Evaluation of the Fisheries Management System in the Netherlands.
37. Jan Willem van der Schans A comparison between pig farming and fisheries management in the Netherlands.
38. Juan Luis Suárez de Vivero, S. Domínguez and I. Martinez Alba Analysis of Governance in the Spanish context.
39. Juan Luis Suárez de Vivero, S. Domínguez and I. Martinez Alba Evaluation of the Fisheries Management System in Spain.
40. Juan Luis Suárez de Vivero, S. Domínguez and I. Martinez Alba Comparison in responsibilities between policies: water and Fisheries.
41. Knut Mikalsen (ed) Is Fisheries Management Unique? Comparing Fisheries And Other Sectors.
42. Mikalsen, K.H. and S. Jentoft: 'Limits to participation? On the history, structure and reform of Norwegian fisheries management', Marine Policy 27 (2003), pp. 397-407.
43. Jentoft, S. and K.H. Mikalsen: 'Devolving Fisheries Management: A Research Note', Mast 2003 2 (1), pp. 53-71.
44. Jentoft, S. and K.H. Mikalsen: 'A vicious circle? The dynamics of rule-making in Norwegian fisheries', Marine Policy 28 (2004), pp. 127-135.
45. Jentoft S.: 'Public-private management in European fisheries', Samudra, (2004).
46. Jentoft, S.: 'Fisheries Co-management as Empowerment', Marine Policy, (2004).
47. IFM 'Sharing responsibilities in Danish fisheries management - Experiences and future directions' submitted to Marine Policy December 1st 2004.
48. IFM 'Delegation of responsibilities and/or encompassment of knowledge?'.
49. IFM, input to The possibilities for the Danish fishing industry on the global market.
50. USE: 1st International Conference on fisheries and fish-farming research in the Ibero-Moroccan region. Cartaya (Huelva), 23-26 November 2004.
51. Suárez de Vivero, JL, (2004): 'Descentralización y participación en la ordenación pesquera'. Ruta Pesquera, July-August, No. 45, pp. 46-47.
52. Bodiguel, C. 'French Fisheries management, the importance of cultural factors' submitted for publication to Sociologia ruralis.
53. L. van Hoof, presentation for EU 16 September 2004: Evaluating the Division of Responsibilities in European Fisheries Management.
54. L. van Hoof, presentation for EU 16 September 2004: RESPONSIBLE: Sharing of Responsibilities in Fisheries Management.
55. L. van Hoof, Sharing of Responsibilities in Fisheries Management paper for the XVIIe EFARO Conference, Thessalonike, Greece, March 2005.
56. L. van Hoof, RESPONSIBLE: Het delen van verantwoordelijkheden in Visserijmanagement, Presentation for the Ministry of Agriculture, Nature management and Food safety under the auspices of the Directorate of Fisheries, June 2004.
57. L. van Hoof, Sharing Responsibilities in Fisheries Management, slide presentation for 2004 EUROCEAN conference, May 2004.
58. Pharos Atlantic Ltd, Review of the Shetland Shellfish Management Organisation, 2004.
59. Pharos Atlantic Ltd, Scottish proposals for inshore management, 2004.

60. Mikalsen, K. and S. Jentoft 'Fisheries Governance, Social Justice and Participatory Decision-Making', in T. Gray (ed.): Participatory Decision-Making in Fisheries Governance, Dordrecht: Kluwer Academic Publishers (2005, forthcoming).
61. Geir R. Karlsen, presentation for EU 16 September 2004 Sharing responsibilities in fisheries management: Analytical and Methodological Issues.
62. J. L. Suárez De Vivero And J. C. Rodríguez Mateos Coastal Crisis: The Failure of Coastal Management in the Spanish Mediterranean Region, Coastal Management, 33:197–214, 2005 Taylor & Francis Inc. ISSN: 0892-0753.

For the coming period the following publications, presentations and activities are envisaged:

1. The final report of the RESPONSIBLE project shall be produced in print and will be available electronically from the LEI website (www.lei.nl/publications).
2. The research team members are looking into possibilities to re-edit the final report and publishing the manuscript as a book.
3. The research team members in their respective countries will discuss the results of the project with relevant stakeholders.
4. L. van Hoof, Sharing of Responsibilities in Fisheries Management (in preparation) paper for the Conference People and the Sea III: New Directions in Coastal and Maritime Studies. July, 2005, Amsterdam, Netherlands.
5. L. van Hoof, RESPONSIBLE: Hoe delen we verantwoordelijkheden in Visserijmanagement?, LEI Presentation for the annual LEI research presentation to the fisheries sector representatives.
6. J.L. Suárez De Vivero To provide to the Department of Fisheries of the Regional Administration (Junta de Andalucía, Consejería de Agricultura y pesca) with a copy of the complete project as follows: a) The Spanish Report in the original Spanish version; b) A summary of each country report translated into Spanish. So they have a full set of materials that allow to access to the different case studies and country conclusions and proposals.
7. J.L. Suárez De Vivero To draft a paper based on the Spanish report but giving also an overview of the rest of countries involved in the project. Comparisons will be made in order to provide a broader picture on the Responsible issue (possibilities for further decentralisation and participation).
8. J. L. Suárez De Vivero Presentations of provisional conclusions and outputs have already been made in workshops and meetings dealing with fisheries issues (see Progress Reports).
9. J.L. Suárez De Vivero Short papers published in the magazine 'Ruta Pesquera' a commercial/professional magazine edited in Andalucia.
10. K. Mikalsen 'Representation in Fisheries Co-Management', in Wilson, D. (ed.): *The Fisheries Co-Management Experience: Accomplishments, Challenges and Experiences*, Dordrecht: Kluwer Academic Publishers, 2003 (with S. Jentoft).
11. K. Mikalsen 'Fisheries Governance, Social Justice and Participatory Decision-Making', in Gray, T. (ed.): *Participatory Decision-Making in Fisheries Governance'*, Dordrecht: Kluwer Academic Publishers (forthcoming 2005; with S. Jentoft and H.K. Hernes).

12. K. Mikalsen 'Devolving Fisheries Management: A Research Note', *Maritime Anthropological Studies (MAST)*, vol. 2, 2003 (with S. Jentoft).
13. K. Mikalsen 'Limits to participation? On the history, structure and reform of Norwegian Fisheries management', *Marine Policy*, vol. 27, 2003 (with S. Jentoft).
14. K. Mikalsen 'A vicious circle? The dynamics of rule-making in Norwegian fisheries', *Marine Policy*, vol. 28, 2004 (with S. Jentoft).
15. Raakjær Nielsen, Jesper and Anne-Sofie Christensen. Sharing responsibilities in Danish fisheries management - Experiences and future directions. Marine Policy (forth coming).
16. Raakjær Nielsen, Jesper and Geir Runar Karlsen. Sharing responsibilities in European fisheries. (95% completed) to be submitted to management and policy oriented journal before 1. july 2005.
17. Bodiguel, Clotilde and Jesper Raakjær Nielsen. The EU Governance system as politico-cultural stake between institutional traditions within Europe: illustrated by the example of CFP.
18. Some of the results of the project will be used in the EU-funded EFIMAS-project WP 2 (Operational Evaluation Tools for Fisheries Management Options) that will result in a book on the 'Knowledge base for fisheries management' (working title) published by Elsevier in 2006 and to be included in the series entitled 'Developments in Aquaculture and Fisheries Science'.
19. D. Rommel will present a few articles to the press on the Responsible project. This will include daily papers for the general public. Probably only Scottish papers will be interested, as fishing is a very minor issue in England.
20. D. Rommel will write articles for the fishing press, such as Fishing News, Fishing monthly, Fishing International. Again, it will depend on the editorial policy and editorial needs whether the articles will be printed in full or in a shortened format.

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