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VIEWPOINT

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# Introduction: regionalising the Common Fisheries Policy

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## Abstract

The idea of putting together a special issue of MAST on the issue of regionalisation of the Common Fisheries Policy (CFP), was born in late 2010. Having participated in an EU funded research project looking into how an eco-system based approach to fisheries management could be operationalised in the European Union (EU) with particular focus on regionalisation, we found that the coming reform of the CFP would be a good opportunity to make a substantial contribution on the topic of regionalisation, which we felt ought to be a central component of the reform discussions.

## Introduction

The idea of putting together a special issue of MAST on the issue of regionalisation of the Common Fisheries Policy (CFP), the fisheries policy framework of the European Union (EU), was born in late 2010. Having participated in an EU funded research project looking into how an eco-system based approach to fisheries management could be operationalised in the EU with particular focus on regionalisation, we found that the coming reform of the CFP would be a good opportunity to make a substantial contribution on the topic of regionalisation, which we felt ought to be a central component of the reform discussions.

Consequently, in early 2011 we wrote down some preliminary thoughts on what articles the special issue might contain and took contact to the editorial team of MAST to enquire whether they saw a perspective in our ideas. The response from MAST was very positive. Thus, encouraged by the support from MAST we took contact to some of those of our colleagues, who we felt would be able to contribute, to see if there was any interest in the idea, which indeed turned out to be the case, effectively turning the idea of making a special issue on regionalisation into a project that has consumed considerable time throughout 2011.

A particular challenge of making this special issue has been the fact that while the policy-process leading up to the reform of the CFP, which is expected to find its form later this year, has been on-going, the contributions of this special issue have had to be finalised considerable time in advance of actual publication to allow time for the peer-review process and printing, *et cetera*. In effect, this means that the contributions of this special issue have been finalised in September 2011 and the conclusion in January 2011, which means that it has not been possible to take developments in the policy-process after that into consideration. This is in particular important to point out in relation to David Symes' article, as well as in relation to the overall conclusion of the issue, since both takes

stock of the political situation at the time of writing. The last major milestone of the policy-process that the authors of this special issue have had the possibility to take into consideration has been the proposal for a new basic regulation, released by the Commission of the European Communities (Commission) in July 2011 (Commission 2011). And, as will be evident in Symes' contribution (Symes 2012) and the conclusion (Raakjær et al. 2012), this proposal raises significant concern as regards to how genuine the interest of regionalisation in the Commission in reality is.

Our hope is that—although the reform of the CFP is likely close to being in place at the time of publication—the special issue can prompt further consideration of regionalisation of the CFP as it is approaching its next crossroad.

In this introduction, we provide initially a little bit of background on why regionalisation might be seen as particularly interesting in the context of the CFP. Subsequently, we introduce the different contributions in brief.

### **Regionalisation and reform of the common fisheries policy**

As stakeholders, researchers, administrators, and politicians alike struggle to find long-lasting and innovative 'technical' solutions to put the CFP on a sustainable track and create structures that facilitate the move towards ecosystem-based fisheries and marine management, discussions of changes to the way that the CFP governance system operates, in terms of how it makes decisions and what roles it attributes to various actors, have intensified.

Over the last couple of years, the governance option of regionalising the CFP has become one of the most interesting possibilities—arguably among many interesting topics—in the debate about the future of the CFP. Regionalisation was already considered in connection with the previous reform of the CFP in 2002, which in that respect led to the setting up of seven stakeholder-led, industry-dominated so-called Regional Advisory Councils (RAC).

On a basic level, regionalisation features potentially two elements that may be seen as instrumental in a successful reform of the CFP: the 'moving down' and the 'moving out' of fisheries management and decision-making authorities currently held by the central level EU institutions. 'Moving down' refers to the fact that regionalisation responds to the concern of the limited efficiency and effectiveness of the CFP by relieving the central EU level institutions of tasks by enabling lower level authorities to step in and design more tailor-made management for particular areas. Similarly, 'moving out' refers to the potential of regionalisation leading to increased involvement of stakeholders in the fisheries management process by transferring authorities from pure public institutions to public-private cooperative institutions or the fisheries sector itself, which indicates that regionalisation might have a potential to make the CFP more inclusive than it is at the present.

Although the extent of underperformance of the CFP can be debated, one would be hard-pressed to find voices arguing that the policy has delivered satisfactory results over the years since set up in 1983. Recent reflections on the performance of the CFP (Sissenwine & Symes 2007; Commission 2009; Raakjær 2009) paint a rather dismal picture: Many fish stocks are overfished and some are on the brink of collapse; notably the situation is regarded as worse than in compatible areas elsewhere in the world. Similarly, the EU fisheries sector is generally characterised by poor profitability with sector employment steadily declining. In addition, the EU is facing intensive competition from freshwater and marine aquaculture production making the market extremely competitive.

The Commission's latest CFP Green Paper, which was released 22 April 2009 and kicked off the process of preparing for reform, identified five main structural failings of the policy that the next reform first and foremost had to focus on:

- A deep-rooted problem of fleet overcapacity;
  - Imprecise policy objectives resulting in insufficient guidance for decisions and implementation;
  - A decision-making system that encourages a short-term focus;
  - A framework that does not give sufficient responsibility to the industry;
  - Lack of political will to ensure compliance and poor compliance by the industry.
- ((Commission 2009):7)

The Green Paper suggests various ways of addressing the above structural failings as well as discusses other areas of the policy framework that it would possibly also be beneficial to include in the reform, which according to the Commission needs to be 'whole-scale and fundamental' ((Commission 2009):4) to deliver sustainable fishing. By examining with a critical eye the current style of management, where almost all decisions are taken at the highest political level in Brussels, the Green Paper confirms significant problems facing the CFP in relation to the style of governance employed.

One of the reform options presented in the Green Paper is to resort to more specific regional management solutions and let the EU level decision-making framework, in the shape of particularly the Council of the European Union (Council) and European Parliament (Parliament), focus more on core long-term principles. Such an approach would, according to the Green Paper, likely involve member states organising at the level of marine regions to decide on and implement management solutions subject to standards and control from the EU level. This strategy is perceived to have a number of advantages:

Putting policy in its right place by letting Council and Parliament focus on principles and delegating implementation decisions [...] would make implementation more sensitive to specific local conditions and give the industry more responsibility in shaping its own destiny. It would enable governments and the industry to adapt the implementation of the policy to their needs and to find the best solutions both technically and economically. ((Commission 2009): 10)

However, otherwise the Green Paper remained weak in terms of giving specific directions or suggestions on how regionalisation could be achieved in practice. Following its publication in April 2009, stakeholders and other interested parties were invited to take part in a public consultation on the content of reform to which submission of comments had to be made by 31 December 2009. Considering the vague directions of the Green Paper, it was basically left to those being consulted to flesh out the different, possible governance models that could provide for regionalisation.

Although, arguably, this created a very open consultation process, it also catered to a process where the consulted parties had to start from scratch and spend considerable effort figuring out which models were available instead of examining and discussing which of the available models they would prefer. Notably, they had to do this between preparing responses to the many other issues put on the agenda by the Green Paper.

The challenge was not lessened by the fact that there was and still is—as recently described by Long (Long 2010)—uncertainty about the legal limitations imposed by the overall policy framework of the Lisbon Treaty in relation to increasing the regional element of the governance system of the CFP.

The Commission's synthesis of the public consultation was published (as a Commission staff working document) on 16 April 2010 and contained a few paragraphs on regionalisation, which deserves to be cited here:

Support for a move to some form of increased regionalization is generalised. A mix of terminology is used—e.g. some refer to regionalization at the sea-basin level, others to regions within the Member States. Some insist on subsidiarity where Member States create regional committees for management and a high level of self-regulation. Others propose simple co-operation between Member States on issues of implementation and control, and some see room for delegated decision powers on e.g. access, resource or fleet management.

A significant number identifies the need for a separate regional body, with varying degrees of powers and responsibilities. Most, including the European Parliament, envisage a mainly advisory body to discuss and prepare proposals for policy and legislation adoption by the EU institutions. Associating the stakeholders and others involved, the regional body would then be used for dialogue and discussion. [. . .] Others envisage a regional body as the implementing entity for long-term plans with some room for operative regulating powers and implementation decisions. Some advocate devolution of powers (e.g. technical details and effort regulation). Some contributions suggest a combination of functions.

On the composition most see the regional body as a Member State-led entity, in a number of cases membership of industry and stakeholders is advocated, while in other contributions the stakeholders keep an advisory function through the RAC. The European Commission is envisaged as a member in some contributions while in others as an active observer/collaborator. Some propose a transformation of the RAC into a regional advisory body with both Member States and stakeholders. ((Commission 2010):6)

Clearly the consultation provides the EU with a clear mandate, if not an obligation, to move toward 'some form of increased regionalisation' of the CFP. However, it is equally clear from the above that the consultation did not provide the Commission with a clear indication of how to move forward; every imaginable model seems to be in play. The Commission also notes the employment of mixed terminology and different conceptions of what regionalisation entails. Nevertheless, there seems to be general agreement on some key aspects, such as keeping overarching principles and policy objectives as a task for the EU level and that micromanagement should be avoided.

As mentioned earlier, already in connection with the 2002 reform steps towards some degree of regionalisation had been taken with the setting up of RACs, predominantly structured along marine regions, and the incorporation in the basic regulation of the stated objective of the EU to move towards 'a progressive implementation of an eco-system-based approach to fisheries management' ((Council 2002): Article 2(1)) also highlights the centrality of marine ecosystem regions in the CFP of the future.

The link between regionalisation and the thinking behind the ecosystem approach can be exemplified by the Convention on Biological Diversity (United Nations 1993)—traditionally identified as one of the original sources of the idea of an ecosystem approach to managing the environment, which outlines twelve guiding principles for the implementation of an ecosystem approach. Although the principles are—unlike the convention itself—non-binding on the contracting parties, they provide good guidance in the underlying philosophy of ecosystem-based management. Notably, several of these principles place regionalisation high on the agenda in the effort to turn towards ecosystem-based fisheries or marine management. A handful of the twelve principles are potentially facilitated by regionalising the CFP depending on how it is carried out in practice. However, in the context of the CFP three of the twelve principles are particularly related to the idea of regionalisation and the ‘moving down and out’ of policy-making:

Principle 2: Management should be decentralized to the lowest appropriate level.

[...]

Principle 7: The ecosystem approach should be undertaken at the appropriate spatial and temporal scales.

[...]

Principle 11: The ecosystem approach should consider all forms of relevant information, including scientific and indigenous and local knowledge, innovations and practices.

Consequently, as also described by Berghöfer, Wittmer, and Rauschmayer (Berghöfer et al. 2008), ecosystem-based fisheries management can be seen as closely linked to the idea of regionalisation, although it cannot be argued that regionalisation is a precondition of ecosystem based management under the CFP, as such.

The implementation of a true ecosystem approach to fisheries management will have to entail taking into account that appropriate management measures in the context of one ecosystem might be sub-optimal or even counter-productive in the context of another ecosystem. Thus a CFP based on the principles of the ecosystem approach will increasingly have to be sensitive to the specific characteristics of the various ecosystems and not least the fisheries taking place within them as an integral part of the ecosystem.

### **Contents of this special issue**

Although the possible change of CFP governance towards regionalisation is the overarching theme that binds the different contributions of this special issue together, there are other underlying themes that to varying degrees go through them; some of which we have already touched upon earlier in this introduction. One such sub-theme is the understanding of the EU as increasingly an instance of so-called multi-level governance (most clearly reflected in the contribution by van Hoof, van Leeuwen, and van Tatenhove, see beneath). Another thematic is the implications of the on-going refocusing of management towards a more holistic approach both in fisheries in isolation but also in the context of marine management at large. Similarly, the alleged discrepancy between what is needed and preferable in governance *versus* what is readily possible within the legal provisions both within the CFP but also broader looms underneath the surface in several contributions. As a final example,

the issue of differences in terms of readiness to tackle and embrace regionalisation in various regional sea areas or RACs of the EU is also touched upon in more contributions.

In the first article of this special issue, the leading expert on and founding father of the thinking behind CFP regionalisation, David Symes (Symes 2012), sets the scene for the following contributions by offering a comprehensive overview of the history of regionalisation in relation to EU fisheries management, hereby documenting the apparent need for regionalisation—not as an end in itself but a means of achieving many of the CFP's objectives and establishing basic legitimacy for the policy, which seems to be all the more needed in the future, but also explaining why the EU remains slow to adopt the idea of regionalisation. Symes rounds off his contribution with a—not all too optimistic—discussion of the implications of the Commission's proposals for reform published in July 2011 *vis-à-vis* regionalisation.

Departing from the same conclusion arrived at by the Commission in its synthesis of the public consultation, namely that the debate on regionalisation is further complicated by the lack of a common terminology, Troels Hegland, Kristen Ounanian and Jesper Raakjær (Hegland et al. 2012a) outline in the second article a conceptual framework for discussing regionalisation. The authors provide initially a typology of the many different theoretical benefits that regionalisation might be perceived as having. Subsequently, the discussion of regionalisation is disentangled into three key problem dimensions, being the issues of 'who', 'where' and 'what'. In the final part of the article a selection of five so-called 'archetypes' of regionalisation are outlined. The selected archetypes, which are rough skeletons of possible, regionalised governance models for the future CFP, capture important perceptions of ways to go forward towards regionalisation in practice.

In the third article the same set of authors go on to provide an insight in what regionalisation means to people by presenting material collected primarily by means of interviews and a survey of RAC meeting participants (Hegland et al. 2012b, in press). The article documents both the empirical variety of motivations for wanting to regionalise the CFP, as well as the variety of perspectives on how this can be done. Notably, by utilising the developed 'archetypes' of regionalisation and the survey method, Hegland, Ounanian and Raakjær provide an insight into how RAC meeting participants evaluate different regionalisation models when confronted with them.

In the fourth article of the issue, Luc van Hoof, Judith van Leeuwen and Jan P.M. van Tatenhove (van Hoof et al. 2012, in press) broaden our perspective from focussing on fisheries management to also considering marine management more broadly by focussing on the CFP and the Marine Strategy Framework Directive (MSFD) together. A major challenge of future EU fisheries management is the integration of fisheries management with broader marine management. The focus on ecosystem based management, which is in itself one of the drivers of regionalisation, is also one of the factors that complicates regionalisation. Departing from a multi-level governance framework for analysis, this article discusses some of these issues by looking specifically into the implications of integrated management for regionalisation.

Based on a survey of RAC meeting participants, Kristen Ounanian and Troels Hegland (Ounanian & Hegland 2012, in press) return in the fifth and final article of the special issue to illuminate the current capacities and functions of the RACs. The paper reveals that the RACs possess additional—often not sufficiently recognised—roles and values to the advice they produce, as they facilitate understanding across and within sectors and

interest groups and act as key purveyors of information. The previous reform of the CFP introduced the RACs to enhance stakeholder involvement and correct one of the policy's primary deficiencies, its lack of legitimacy. While some have criticized the 2002 reform as not going far enough to alleviate the democratic deficit of the CFP, in certain ways the RACs represent an interim institutional stage, facilitating better information sharing and cultivating stakeholder relationships, thereby to some extent paving the way for further regionalisation.

In a final conclusion (Raakjær et al. 2012, in press), the policy implications of the contributions will be discussed, which add to the understanding of the benefits, challenges and drawbacks of regionalisation as a way forward for the Common Fisheries Policy. Importantly, moreover, the conclusion also offers some words of advice *vis-à-vis* the coming reform of the CFP, which—it is the conclusion of the authors—needs to take the possibility of regionalisation seriously—however legally and in other ways complicated that route may seem.

#### Competing interests

The authors declare that they have no competing interests.

#### Authors' contributions

All authors read and approved the final manuscript.

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