

CHAPTER 4

THE ROLE OF PARTNERSHIPS IN THE GOVERNANCE OF FISHERIES WITHIN THE EUROPEAN UNION

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Abstract

There is a lack of confidence in the ability of the European Union (EU) to solve outstanding and urgent problems, and there is criticism of its institutions and distrust of the way power is exercised. The loss of faith is especially strong over the management of fisheries. After 30 years of the Common Fisheries Policy (CFP), those fisheries are in a state of crisis. Emergency measures have been imposed following years of management failure. One of the most obvious flaws has been the failure of the Commission to involve stakeholders in shaping fisheries policy and delivering fisheries management measures. Yet people often give of their best when they are brought together to resolve problems and take decisions themselves, with experts serving as advisers and facilitators. Within the North Sea Commission Fisheries Partnership (NSCFP), fishers have recently been working together with scientists and technical experts to resolve some of the difficulties in assessing the state of the North Sea fish stocks. Soon, a new organisation – the North Sea Regional Advisory Council (NSRAC) – will be formed to take this initiative further and provide advice on fisheries management directly to the Commission. The new Council will require a significant change in working culture on the part of all those involved, and especially by the European Commission.

4.1 Introduction

Within the European Union (EU), there is a perception that government is increasingly remote from the people and from democratic structures. A recent White Paper on governance within the EU (EC 2001a:3) has pointed out that “many people are losing confidence in a poorly understood and complex system to deliver the policies that they want. The Union is often seen as remote and at the same time too intrusive”. The creation of the EU has involved the joining together of countries with very different political cultures. Inevitably, the system of governance is a compromise and has been arrived at through political expediency rather than administrative efficiency or democratic principle.

Administration of the EU's affairs has been largely delegated to civil servants within the European Commission, aided by technical experts. The Commission initiates legislation, implements community policy, manages the EU's budget and is responsible for the Union's relations with outside countries. Day to day management of the Union's affairs is essentially carried out by the Commission. Yet the Commission is made up of

an un-elected college of Commissioners, appointed by the governments of Member States and led by a President adopted as a result of discussions behind closed doors between the Member States. Much of the work of the Commission is intended to be directed by Councils of Ministers on which all the Member States are represented. However, deep divisions between Member States often render the Councils ineffective, especially where far-reaching strategic decisions must be agreed and implemented. There is a tendency for the Councils to argue about points of detail and issues of equity in the treatment of individual Member States. As for the European Parliament, it lacks the legal power to hold the Commission accountable for its actions, and is able only to comment on proposals and develop overall strategy. The Parliament's Fisheries Committee has shown little willingness to grapple with the complex issues of fisheries management. The close scrutiny of public affairs by elected representatives, which takes place within many of the Member States themselves, is, therefore, seldom achieved within the EU.

The Commission has identified the reform of European governance as one of its strategic objectives, and leaders of the Member States have agreed a new Constitutional Treaty for the EU (EC 2004). This Treaty reforms the EU to make its institutions more transparent, more accountable, more efficient and better able to meet the challenges of the 21st century. It also spells out that the EU is a union of nation states, and has only those powers that Governments have chosen to confer upon it. However, the Treaty is still regarded as controversial and it has yet to be ratified by Member States.

Remarkably, the conservation of marine biological resources under the Common Fisheries Policy (CFP) is one of only five areas of exclusive competence within the proposed new Constitutional Treaty for the EU (EC 2004). In this respect, the CFP stands alongside the major areas of customs union, competition rules for the internal market, monetary policy and common commercial policy. This extraordinary elevation of marine conservation reflects the complexity of fisheries management within the EU. Symes *et al* (2003) have pointed out that not only is the European coastline highly fragmented and deeply indented, with distinctive regional seas, but responsibility for management is divided amongst large numbers of coastal states

However, loss of faith in governance – by which I mean the manner of governing or regulating – is especially apparent in the field of fisheries. After 30 years of the CFP, the fisheries of the EU are in a state of crisis. Strong emergency measures, with adverse consequences for fishers, and the industries and communities which depend upon them, have been imposed in the Baltic Sea, Irish Sea and North Sea, following years of management failure. Fishing effort is progressively being curtailed and catch limits reduced, at great cost to coastal communities in some Member States; so far without significant improvements to the fish stocks. At the same time, the fishing fleets of other Member States continue to receive subsidies which enable them to expand their fishing power. In these circumstances, the whole system of governance is in question, together with the competence to govern of the Commission, the Council of Ministers and their advisers.

The CFP and its current administration exemplify many of the wider deficiencies in governance that exist within the EU. The Policy itself lacks clear strategic objectives, contains many contradictions, and it is administered through a centralised command-