

CHAPTER 5

REGIONALISATION OF FISHERIES GOVERNANCE: AN EMPTY VESSEL OR A CORNUCOPIA OF OPPORTUNITY?

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Abstract

In May 2004 the Council of Ministers gave its final approval to the establishment of Regional Advisory Councils (RACs) to assist the Commission in developing appropriate policies for sustainable fisheries. The extent to which RACs are successful in giving fisheries policy a stronger sense of regional direction will depend on a range of factors including their structures, terms of reference, financial support, internal relations and the extent to which the Commission is willing and able to act upon their advice. Different interpretations of the role of RACs are beginning to emerge. Are they to act as technical committees dealing specifically with detailed fisheries regulation? Or should they serve as a wider point of reference for implementing the Commission's commitment to environmental integration and an ecosystem-based approach to fisheries management under the revised Common Fisheries Policy (CFP)? The chapter concludes that RACs could prove instrumental in transforming the style of fisheries management in Europe but that the path ahead is likely to be challenging and potentially difficult.

5.1 Introduction

One of the successes of the recent reform of the Common Fisheries Policy (CFP) from a British point of view was the decision to establish Regional Advisory Councils (RACs). The proposals appear to fall somewhat short of the aspirations of the National Federation of Fishermen's Organisations (NFFO) and the Scottish Fishermen's Federation (SFF) to see RACs granted greater executive powers. Nonetheless, the hope is that RACs will be in a position to influence the Commission and Member State governments in the development of regionally sensitive management policies. Somewhat surprisingly the Commission showed little inclination to fast track their implementation. Whether the delay was the result of more pressing business, nervousness on the part of the Commission as to what kind of demon it was releasing, or a desire to see the contentious cod and hake recovery plans settled before RACs were put in place, are moot points. A more likely explanation is that the Commission had not sufficiently thought through the role and structure of RACs at the time the final reform package was being presented to the Council of Ministers towards the end of 2002.

Late in 2003 the Commission published its detailed proposals in the form of a draft Regulation (EC 2003).¹ These revealed something of the intended scale, constitution, content and funding of RACs, but little about how the regional advice would be handled within the Brussels policy apparatus. Not until these essential parameters become

¹At the time of writing, the Regulation setting out the details of the structure of the RACs had not been published; it is understood that it will follow the draft proposals closely.

clearer - through practice rather than design - will the true purpose of RACs be evident. Nor will the question be answered as to whether the fishing industry has been duped into helping to prop up a failing system of management or handed a genuine opportunity to transform the process, content and outcomes of policy making. Much will depend on the extent to which RACs see their role essentially as technical committees reacting to policy proposals generated by the Commission, or regard themselves as empowered to take the initiative through 'own accord' recommendations presented to the Commission.

In itself, regionalisation changes very little beyond adding a new and potentially awkward feature to the institutional architecture of management. It need not imply any significant shift in the direction of management. On the other hand, it can serve both as a means of fine tuning policy to suit the particular conditions of the regional seas which make up the EU's 'common pond' and as a vehicle for developing a more integrated form of management based around an ecosystem approach which uses our expanding knowledge of ecosystem functioning to achieve the shared goals of sustainable fisheries and healthy marine ecosystems.

The aim of this chapter is to explore some of the tensions, risks and opportunities implicit in developing a regional perspective in the context of a reformed CFP. It begins by examining the role of regionalisation in policy implementation and the ways in which RACs may help in the delivery of the 'new' CFP, before looking more closely at possible undisclosed agendas for RACs and finally focusing on what could become a key issue, namely the relationship between regionalisation and environmental integration.

5.2 Regionalisation and the CFP

In its simplest terms the aim of a regionalised approach to fisheries management is to escape the imposition of a 'one size fits all' straightjacket, commonly associated with centralised direction of policy, by allowing for differentiation and diversification of the ways in which the living resources of the sea are managed. The CFP is no stranger to a regionalised approach. After all, the current regulatory system involving total allowable catches (TACs) and quotas is predicated on the management of spatially defined pressure stocks. But more strikingly the recovery plans currently being developed for cod stocks in the North Sea, West of Scotland and Irish Sea, considered by some to be the precursors to RACs, are prime examples of a spatially discrete management approach though not, it should be added, of integrated regional management. It is not yet clear how far the European Commission intends to further the cause of regionalisation through the setting up of RACs.

The problems of regionalisation focus largely on interrelated questions of scale, defining characteristics and the delineation of boundaries. Where the underlying purpose of regionalisation is to assist the implementation of centrally determined policy – as in the case of the CFP – the preference will be for fewer but larger regional units in order to reduce the disparities in the application of policy. In practice, the Commission has opted for predetermined 'regions' through the adoption of ICES areas used in stock assessment and the calculation of TACs and quotas. Such geometrical designs can only