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# Regional Governance: Making it work for fisheries and the environment

BACKGROUND PAPER and CONFERENCE PROCEEDINGS

Conference on Regional Fisheries Management  
Brussels 29th September 2009



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# BACKGROUND PAPER

## Introduction

This paper is intended to provide you with a thought-provoking background before the Conference “Regional Fisheries Management – making it work for fisheries and the environment” which will take place on September 29<sup>th</sup> 2009 in Brussels. The organisers’ purpose is to help you:

- Think about the concept of regional fisheries management, particularly in a European Community context;
- Explore potential reforms that might be useful or possible under the Common Fisheries Policy (CFP); and
- Consider the key issues and challenges that may affect the possibilities to take a more regional approach to the management of the European Community’s (EC) fisheries.

There are three main sections to the paper, each one designed to introduce information linking to some of the presentations you will see at the conference and help inform our discussions.

First we define and describe our terminology “*regional fisheries management*”, inspired by approaches from around the world. This is followed by a background to the European Community’s legal and policy context in relation to regional fisheries management and what may be contemplated under a reformed CFP. Then four examples describe different international, national and local ‘regional’ fisheries governance structures or management arrangements. We have selected examples that illustrate different approaches to give an overview of the issues, challenges and the potential or actual benefits of successful, or innovative, regional fisheries management. Throughout the paper you will find text boxes with questions, statements or issues that we hope will inspire an interesting discussion and debate at the conference.

## What do we mean by “regional fisheries management”?

One way of defining “regional fisheries management” may be:

*The division and/or delegation of decision-making responsibilities to the most appropriate institutional or governance structures and level of society given the circumstances of the fishery (fisheries) or marine regions concerned.*

For the purposes of this paper, we are presenting a variety of ways of thinking about regional fisheries management:

- International frameworks involving multiple Coastal States or Contracting Parties in Regional Fisheries Management Organisations (RFMOs);
- Approaches where a federation or union of “member” states may be governed by centralised laws of the federation or union and so-called “sovereign” laws of the States; and
- Regional management at a more local scale directly involving fisher communities.

A concept participants may wish to consider in relation to regional fisheries management is the notion of “as local as possible”. This may be at marine region level involving shared stocks and ecosystems over wide geographical areas or may refer to much smaller management units within individual Member States.

Finally, in the literature, co-management and regionalisation are often referred to together or used interchangeably as if they mean the same thing. Co-management is generally defined as an arrangement where both government and stakeholders legally share decision-making responsibility for managing resources<sup>1</sup>. In the course of the conference, and in order to gain clarity it may be relevant to ask: are these terms synonymous, do they or should they have the same meaning, or could there be effective regionalisation without co-management?

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<sup>1</sup> Sen, S. and Nielsen, J.R. (1997) *Fisheries co-management: a comparative analysis*. In: Developing and Sustaining World Fisheries Resources: The State of Science and Management. Proceedings of the 2<sup>nd</sup> World Fisheries Congress, 1996. Australia: CSIRO. Pp: 374-382.

# The EC legal and policy context

## Green Paper on the need for CFP Reform

It is almost universally acknowledged that the CFP is failing to deliver long-term, sustainable fisheries management outcomes. Indeed, the Commission's Green Paper<sup>2</sup> on CFP reform for 2012 sets out a vision of European fisheries in 2020 which paints a picture in stark contrast to the fisheries management outcomes present in 2009:

- Healthy, robust fish stocks;
- Young people wanting to work in a stable, financially robust and independent industry on environmentally friendly fishing boats;
- A healthy, small-scale sector producing high quality fish for local markets; and
- A CFP that is cheaper and easier to manage.

The vision suggests that decision-making in 2020 allows for closer involvement of fishers in 'specific' technical decisions and for stakeholders to fully participate in decisions and debates about fisheries policy implementation.

The Commission suggests five major structural failings of EC fisheries management and numerous related issues that need change. Within the complexity of the CFP many issues are connected. However, we have chosen to highlight four issues we believe are most relevant to regional fisheries management:

### *Insufficient guidance for decisions, implementation and evaluation*

Today, decision-makers have no mandated priorities among the ecological, social and economic objectives of the CFP to guide their decisions. Yet ecological sustainability is the foundation for the economic and social future of European fisheries. In addition, there is no concrete guidance, or set of guiding principles, for adopting the precautionary and ecosystem approaches, nor are there benchmarks or clear indicators to help measure policy achievements.

### *A decision-making system that encourages a short-term focus*

All decisions, regardless of whether they refer to high-level principles or operational implementation of fisheries management, are made by the politicians in the Council of the European Union. This decision-making process supports short-term considerations instead of long-term sustainability. In addition, Council regulations are not flexible enough to implement rules which are sensitive to specific local conditions or for finding the best environmental, technical or economic solutions suited to local circumstances. Micro-management by politicians may be exacerbated by a ratified Lisbon Treaty with co-decision by the European Parliament.

### *A framework that does not give sufficient responsibility to the industry*

Top-down, centralised fisheries management provides few incentives and little motivation for the industry to take its share of responsibility to ensure sustainable fisheries.

### *A need for protection of small-scale coastal fleets*

There is a legitimate social objective to protect small and medium sized fishing enterprises within fragile coastal communities.

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<sup>2</sup> COM (2009) 163 final, 22.4.2009. Green Paper: Reform of the Common Fisheries Policy.



## Solutions considered by the Commission

The implications for reform are: placing ecological sustainability at the top of a hierarchy of CFP objectives to allow economic and social sustainability and providing guiding principles, benchmarks and indicators to aid decision-makers (whoever they may be) in making informed and transparent fisheries management decisions.

Some of the options to solve the problems of current micro-management and lack of regional/local perspective are outlined in the Green Paper.

Three alternatives are considered:

- 1) exploring how comitology procedures could be used to delegate decision-making to the Commission in close consultation with Member States and the Parliament;
- 2) finding ways to delegate regional responsibilities to Member States under whichever Treaty is in place, allowing them to be responsible for regulating within Community standards; and/or
- 3) finding a way to allow the industry to co-manage or self-manage within a results-based management framework.

The Commission is also contemplating whether a differentiated fishing regime for small-scale coastal fleets will offer protection for the social fabric and cultural identity of Europe's coastal and fishing communities. Areas of interest for CFP reform include: direct allocation or collective quota schemes to a defined small-scale sector and making fisheries management decisions as close as possible to coastal communities.

The Commission is also weighing up the Community's role in external fisheries affairs and how it might explore regional co-operation in the international arena.

### *Questions to prompt discussion*

- What decision-making or governing entities could be created to implement "as local as possible" fisheries management decision-making?
- How should we define the small scale sector for management purposes?
- What is legally possible under the Treaty? What can be changed to enable regional fisheries management?
- Is the Treaty flexible enough to delegate powers to Member States through multi-national regional decision-making bodies?
- Could existing Comitology procedures foster a workable regional approach?
- Guiding principles, Community-level standards – which decisions should remain at the Union level?
- Which decisions should and can be devolved?
- How can we create flexible enough legal instruments, with supplementary guidance that will enable flexible, adaptive and innovative fisheries management suited to "local" circumstances?
- How can we make "regional" bodies accountable?
- What safeguards and sanctions can we specify to protect against non-delivery by regional bodies?
- Can we, or should we, make legally binding rules about following scientific advice on sustainability measures?
- How can we use the RACs or other stakeholder forums to leverage co-management benefits?
- How do we integrate or take account of emerging legal / policy initiatives?

## Decision-making and the EC's Institutions

Today, the CFP is under the exclusive competence of the European Community: with the Commission having sole competence for initiating policy and regulatory proposals, and the Council exclusively responsible for decision-making. In practice, using delegated authority, Member States can and do adapt fisheries management policy to their circumstances<sup>3</sup>, with inshore fisheries management and quota management particularly. Industry organisations, within some Member States, may also take an active role in self-managing the practical implementation of certain aspects of fisheries management. For example, some Producer Organisations set quota allocation rules, sanctions and penalties.

The basic framework for this is set out in the current Treaty and unless changes are made at the Treaty level, the adoption of any form of regional approach to European fisheries management will mean being creative and innovative within that which is legally possible. In other words: the Treaty determines, under the law, the powers or competences that may or may not be devolved, to whom and the form of institutional framework.

Legal experts both within and outside the Commission are currently exploring whether it is possible to constitute legally recognisable 'regional bodies'. Opinion suggests that the Regional Advisory Committees (RACs) cannot simply be transformed into legally constituted regional management institutions, as they would not have legal competence for making fisheries management decisions. It has also been suggested that local co-management may not be a viable option under the constraints of the Treaty. One of the key questions being asked is: how, under either the current or Lisbon Treaty, can Member States form multi-national regional bodies, for instance for the Baltic Sea, that can take responsibility for making, implementing and enforcing fisheries management decisions.

The options the Commission is exploring are set out in the previous section. As a matter of principle however, borrowing from Symes (2007, p.64-65)<sup>3</sup>, successful division of responsibilities may rest upon finding ways to ensure that:

1. High-order, meta-governance of principles, broad policies on ecologically sustainable development and long-term management remain the function of the European institutions;
2. Second-order responsibilities are delegated to legally constituted regional bodies that are "as local as possible" to implementing fisheries management, involving or via Member State mechanisms; and
3. Day-to-day management of fisheries is co-managed or self-managed by fishers themselves with appropriate oversight by the EU and/or Member States and accountability measures for fishers to ensure implementation meets relevant standards.

In addition, it might also be appropriate to find ways to remove barriers and boundaries between separate parts of the fisheries management process: science, policy and decision-making, and stakeholder engagement through rigid engagement structures (ICES, STECF, ACFA, RACs), to bring them together into regional management forums may represent a significant step forward. Thus the roles of consultative forums like the RACs and the Advisory Committee for Fisheries and Aquaculture (ACFA) may need reviewing.

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<sup>3</sup> Symes, D. (2007) In: Sissenwine, M. and Symes, D. (2007) *Reflections on the Common Fisheries Policy*. Report to the General Directorate for Fisheries and Maritime Affairs of the European Commission. 75pp.



## The Lisbon Treaty

The implications of the Lisbon Treaty will need to be taken into account when thinking about the future of regional fisheries management. If ratified, the co-decision procedure, where Council and Parliament make decisions together, would apply to all fisheries management decisions with the exception of annual fishing opportunities. As the Commission acknowledges in its Green Paper:

*“This makes it all the more necessary to re-evaluate the current approach on micro-management at the highest political level and bring decision-making under the CFP in line with all other EU policies i.e. a clear hierarchy between fundamental principles and technical implementation.”*

### ***Emerging policy instruments which may interact with EC regional fisheries management***

Recent policy instruments on marine environmental management throughout the EU will also need to be factored into the options considered for regional fisheries management, particularly how regional collaboration may take advantage of any synergies and reduce any potential policy conflicts or redundancies. The two main policy instruments to consider are the Integrated Maritime Policy and the Marine Strategy Framework Directive.

#### **Integrated Maritime Policy for the European Union (SEC(2007)1278)**

A strategic framework that establishes an overarching, cross-sectoral maritime policy that, in fisheries terms, captures the idea of an ecosystem-based approach to management. Some of the key elements of the policy that require Member State action and are likely to have relevance for regional fisheries management include:

- Marine spatial planning policies
- Coastal community development
- Surveillance, data, knowledge & research
- Climate change, emissions policies, energy efficiency

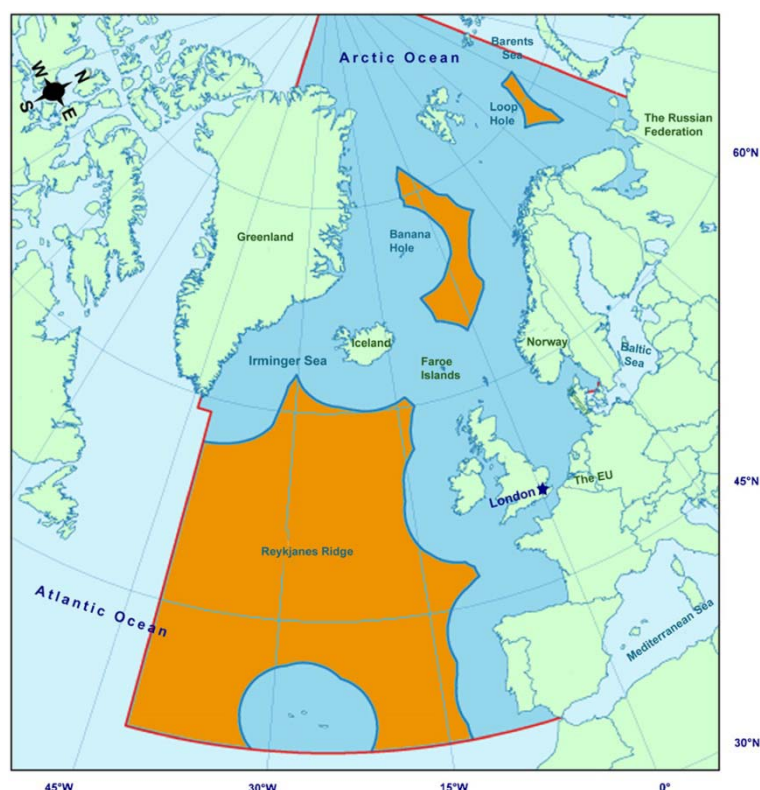
#### **Marine Strategy Framework Directive (2008/56/EC)**

This Directive requires Member States to co-operate with each other and relevant non-EU countries to develop ‘Marine Strategies’ in reference to four marine regions, two of which are sub-divided into smaller areas. One of the main objectives of the Directive is to achieve “*good environmental status*” of European Community marine waters by 2021. Appropriate and clear environmental targets and monitoring programmes will need to be established, along with Member State programmes of cost effective measures.

# Examples of Regional Fisheries Management

## International – North East Atlantic Fisheries Commission

The North East Atlantic Fisheries Commission (NEAFC)<sup>4</sup> is a Regional Fisheries Management Organisation established by an international Convention<sup>5</sup>. It is responsible for multi-lateral fisheries management in the north east Atlantic Ocean, the Barents and Norwegian Seas and the Arctic Ocean. Most of the region (called the “Convention Area”) falls within the national jurisdiction of surrounding Coastal States. Figure 1<sup>6</sup> shows a map highlighting in orange the zones referred to as the “NEAFC Regulatory Area”.



**Figure 1:** NEAFC Convention and Regulatory Areas

NEAFC adopts fisheries management measures for major straddling fish stocks including: herring, mackerel, blue whiting, pelagic redfish and deep-sea species. In 2004, four million metric tonnes were taken in the Convention Area, about one million of which were reported as caught in the Regulatory Area<sup>4</sup>. Of the five major fisheries managed by NEAFC, only the Norwegian spring spawning herring stock is considered sustainable<sup>7</sup>.

Management measures are binding on its “Contracting Parties”, i.e., the five States that are party to the NEAFC Convention: Denmark (in respect of the Faroe Islands and Greenland), the EU, Iceland, Norway and the Russian Federation. There are also five so-called “Co-operative Non-Contracting Parties”: Belize, Canada, Cook Islands, Japan and New Zealand, who agree to comply with annual NEAFC regulatory requirements.

Three management scenarios operate within or across the boundaries of the NEAFC Regulatory Area: 1) Coastal States adopt measures and allocations for the whole

<sup>4</sup> Primary references: NEAFC (2007) Performance Review Panel Report of the North East Atlantic Fisheries Commission, NEAFC. London: NEAFC Secretariat. 102pp. And NEAFC website: [www.neafc.org](http://www.neafc.org)

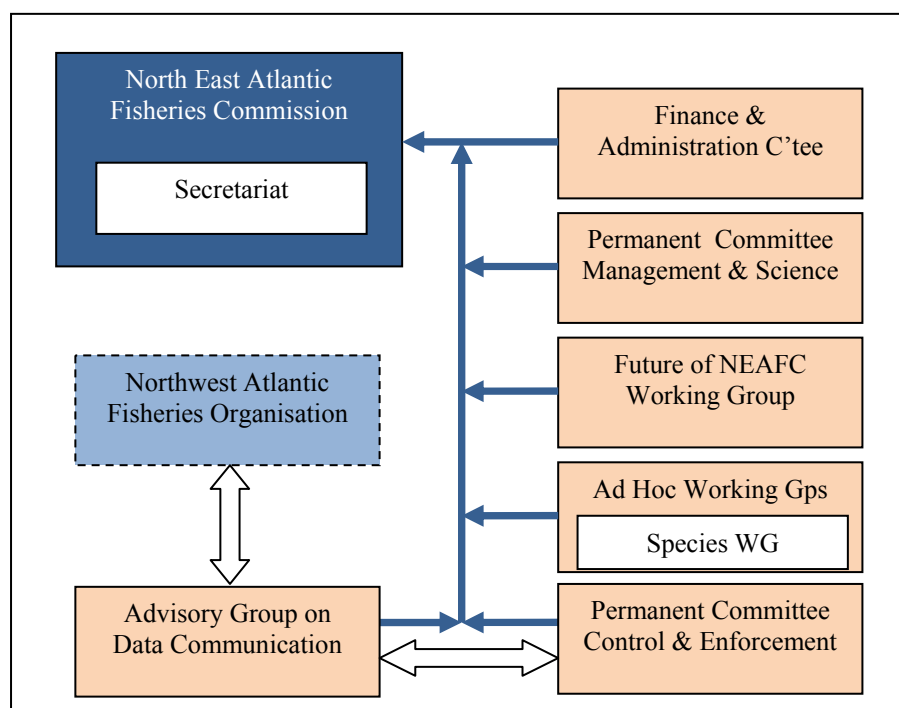
<sup>5</sup> The Convention on Future Multilateral Cooperation in North East Atlantic Fisheries (1982).

<sup>6</sup> Source: [www.neafc.org](http://www.neafc.org) (Permission for use of image granted by NEAFC, 17 July 2009).

<sup>7</sup> Bjorndal, T. (2009) Overview, roles and performance of the North East Atlantic fisheries commission (NEAFC). *Marine Policy*, Vol. 33: 685-697.

distribution of fish stocks both within their own jurisdiction and inside the Regulatory Area; 2) NEAFC adopts measures and allocations for stocks within Coastal State jurisdiction and inside the Regulatory Area; and 3) bi-lateral arrangements such as the Joint Norwegian-Russian Fisheries Commission for demersal fisheries in the Barents Sea. Fisheries management measures are adopted through qualified majority voting and once they become binding, Parties are required to effect the measures.

NEAFC's governance structure is shown in Figure 2, highlighting its sub-committees and working groups. The Commission itself is made up by two appointed representatives from each of the Contracting Parties, who may bring with them such experts or advisers as they deem appropriate. Delegations are therefore made up of a multitude of people, with the EU making up the largest. There are usually also significant numbers of observers from the Co-operating Non-Contracting Parties, representatives of NGOs and representatives of International Governmental Organisations such as FAO and OSPAR. The Commission also has links with the Northwest Atlantic Fisheries Organisation (NAFO) and formalised Memoranda of Understanding with ICES and OSPAR.



**Figure 2:** NEAFC governance structure

The cost of running NEAFC is divided between Contracting Parties according to a formula which includes: an evenly split proportion; a proportion based on nominal catches in the Convention Area; and, a mitigating factor based on population size. In 2006, excluding the costs of attending meetings, NEAFC running costs were GB£760,000, 30% of which represented secretariat staff costs.

The Convention<sup>8</sup> which guides the functions of NEAFC is a set of guiding principles and high level objectives, as well as a document that gives NEAFC the 'operational' power to exercise its functions by making fisheries management decisions. In that context, however, NEAFC does not determine TACs for Convention and Regulatory Areas, nor does it determine quota allocations between Coastal States. These activities are first conducted by Coastal States amongst themselves, in theory based upon non-binding scientific advice from ICES. After TACs and quotas are agreed, NEAFC develops and implements management measures based on those decisions<sup>4</sup>.

<sup>8</sup> The "new" Convention on the Future Multilateral Cooperation in North-East Atlantic Fisheries (2006).

In 2006, NEAFC commissioned a review of its performance against the requirements of the Convention. To provide some independence, three external reviewers with international fisheries management, law and science expertise joined three reviewers involved directly in NEAFC. The Review Panel published the following conclusions<sup>4</sup>:

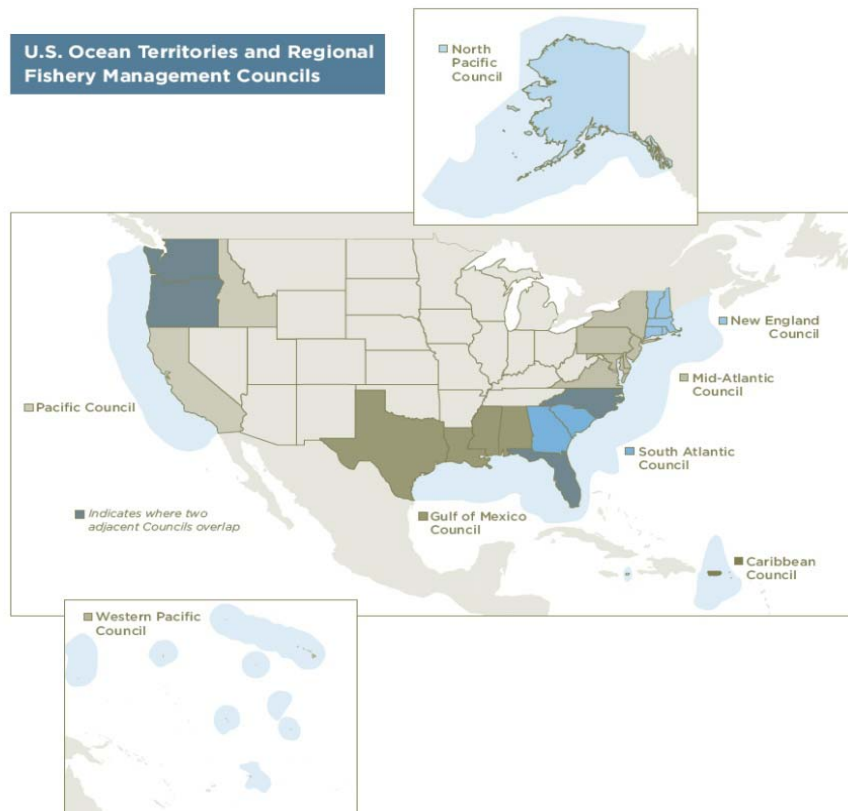
- Satisfaction that the legal framework encompasses relevant international instruments;
- Concern that Contracting Parties have, in many instances, been unable to effectively implement the Convention by not agreeing allocation arrangements in many key fisheries;
- Status of main fish stocks is at a critical point, unless effective action is taken promptly, there is a strong possibility sustainability will be compromised;
- Concern about the lack of social and economic information preventing assessment against the Commission's 'optimum utilisation' objective;
- Recommendation for greater transparency in some key management processes;
- Evidence of strong performance in implementation of two monitoring and enforcement schemes and international co-operation within the RFMO framework; and
- Resolving outstanding allocation issues would pave the way for a move away from management driven, bi-annual, ad hoc negotiations between Coastal States towards management systems driven by transparent objectives and implementation processes.

While NEAFC is an example of a regional fisheries management approach, it clearly is not an example of co-management. It is a high level forum determining both the principles for management and the implementation of management arrangements in a structure that does not formally include those whose behaviour NEAFC seeks to manage. There seems to be insufficient transparency about the balance of interests making up the delegations, committees and groups – are they government or Commission representatives, experts, stakeholder advisors and so on? Civil society (via NGOs) has observer status, but no formal seat at the 'decision-making' table. Nor does industry appear to have formally recognised seats at the table. Even though NEAFC is not a forum for elected politicians, it is a politicised process where national interests and arguments about allocation create tension, prevent agreement and inevitably cause upward pressure on catch limits, pushing fish stocks towards unsustainable levels.

The recent changes to the Convention have brought it more 'up to date' in terms of guiding principles such as the precautionary approach and consideration of factors beyond single species management. While these are now codified within the Convention, one of the challenges may be to ensure their implementation in fisheries management decisions. NEAFC has also been commended on its monitoring and enforcement schemes and further improvements since the Review Panel report. For example, improving Port State control on landings and transshipments and co-operating with NAFO to create co-ordinated IUU black lists<sup>7</sup>. However, until and unless the Parties resolve their outstanding allocation issues, the process and its results have an alarming echo of the CFP about them.

## Regional Fisheries Councils - USA's approach to fisheries management

Fisheries in the United States of America are highly diverse from multiple perspectives: ecological, geographical, technological, social, political and economic<sup>9</sup>. The USA is a federation of states; it has multiple jurisdictions governing fisheries in both State and Federal waters (inside and outside three nautical miles, respectively). These characteristics are similar to the European Community context, which also embraces cultural and linguistic diversity which present other challenges and opportunities.



**Figure 3:** USA's Regional Fisheries Councils

In the USA, fisheries management is governed by the amended Magnuson-Stevens Fishery Conservation and Management Act (the MSA). As primary legislation, the MSA establishes a framework for regional fisheries management, as well as the high level objectives and principles by which fisheries are to be managed. The MSA creates eight Regional Fisheries Councils (Figure 3<sup>10</sup>) and ten National Standards for fisheries management. Councils are delegated the responsibility to develop Fisheries Management Plans (FMPs) and regulations that are consistent not only with National Standards, but other legislation such as the National Environmental Policy Act, the Endangered Species Act and the Marine Mammal Protection Act and relevant operational guidelines.

The FMPs are subject to the approval of the Secretary of Commerce following review by the National Marine Fisheries Service (NMFS). The Secretary has limited scope for action in relation to FMPs and may only approve, disapprove or partially approve a Plan based upon its consistency with the National Standards, the other provisions of the Act or other applicable law. But the Secretary can act to prepare an FMP if a Council fails to do so or fails to submit a revision to a disapproved FMP. Also, the Secretary must act to implement measures to end overfishing within two years if Council's fail to do so.

<sup>9</sup> Primary references: National Marine Fisheries Service (NMFS) publications via: <http://www.nmfs.noaa.gov/>

<sup>10</sup> Source: [www.conservefish.org/.../images/council\\_map.jpg](http://www.conservefish.org/.../images/council_map.jpg) (permission sought 19/7/2009)

Council membership includes officials with marine fisheries management responsibility representing each constituent State, the NMFS regional director for the geographical area concerned and individuals, appointed by the Secretary of Commerce, who, by reason of their occupational or other experience, scientific expertise or training, are knowledgeable regarding the conservation and management, or the commercial or recreational harvest, of the fishery resources of the geographical area concerned. Appointments by the Secretary must demonstrate fair and balanced apportionment of recreational and commercial fishing representation. A member is appointed for a three year term and may be appointed for a maximum of three terms. Councils also have non-voting members from the U.S. Fish and Wildlife Service, the U.S. Coast Guard, the State Department and Interstate Marine Fisheries Commissions.

The costs of establishing and running Councils are met by the Federal Department of Commerce. Voting members are paid day rates for their attendance at Council meetings. Both voting and non-voting are reimbursed expenses.

Recent amendments to the MSA will enhance Councils' ability to carry out their mandate:

- Requiring the establishment of annual catch limits that do not allow overfishing and rebuild depleted fish populations. In January 2009 guidelines were produced for Councils on implementing the annual catch limit requirement taking account of scientific uncertainty and accountability measures to address excessive catches quickly<sup>11</sup>;
- Requiring implementation within two years of identification of a fish population as subject to overfishing management measures to immediately end overfishing. Ability to implement market-based management measures through Limited Access Privilege Programs allocated to individuals, corporations, communities or regional fishery associations;
- Improving science and enhancing the role of Councils' Science and Statistical Committees, requiring five year research priorities and enabling pilot programs for ecosystem research;
- Enhancing the ability to designate protection for deep sea corals and conservation measures for non-target species.

The amended MSA also enabled the creation of a Council Coordination Committee consisting of the Chairs, Vice Chairs and Executive Directors of each of the eight Councils to enable discussion of issues relevant to all Councils. The Act also required NMFS to create a Council Training Program which all new Council members are required to complete. The Course<sup>12</sup> focuses on the legal and regulatory requirements of Councils and members, the development of FMPs, fishery science and management, social science and fishery economics, tribal treaty rights, native customs, access and other rights, and fishing gear and vessel technology. The Course can be made available to existing Council members and, as resources allowed, members of relevant committees and advisory groups.

There are general similarities between the fisheries context in the USA and EU: diverse regions and needs; centralised governing institutions and 'member' states; need for co-ordinating legislative framework. However, US law clearly divides responsibilities: meta-governance (principles in the Act); RFCs devolved to make decisions about FMPs and other management measures (with any scope for 'micro-management' by Secretary of Commerce limited by the law); and allocation and management of day-to-day activity can be devolved to more local levels.

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<sup>11</sup> NOAA National Marine Fisheries Service (2009) Status of US Fisheries in 2008. Office of Sustainable Fisheries, NMFS.

<sup>12</sup> [http://www.nmfs.noaa.gov/sfa/reg\\_svcs/Council%20stuff/council%20orientation/CCCMtgstuff/CouncilTraining\\_CCC.htm](http://www.nmfs.noaa.gov/sfa/reg_svcs/Council%20stuff/council%20orientation/CCCMtgstuff/CouncilTraining_CCC.htm)



Reauthorisation of the MSA in 2006 was necessary to better enable RFCs and NMFS to prioritise prevention of overfishing and to bring in measures that could incentivise fishers to greater stewardship of resources, such as market-based measures. The following box illustrates some of the outcomes achieved by RFCs since 2007.

*Selected Council highlights from 2007 and 2008*<sup>13,14</sup>:

- Gulf of Mexico Fishery Management Council reached agreement on measures to address overfishing of gag, red snapper, greater amberjack and gray triggerfish. The Gulf Council has used Marine Protected Areas as a tool to protect vulnerable habitats types and nursery areas from fishing activities.
- Western Pacific Fishery Management Council agreed upon new regulations for permits, reporting, closures, bag limits and annual catch limits to end overfishing of the bottomfish stock complex in the Main Hawaiian Islands.
- Pacific Fishery Management Council adopted major changes to rationalise the West Coast groundfish fishery, including structured harvest cooperatives for the at-sea whiting fishery and individual fishing quotas for the nearshore trawl fishery.
- In Alaska, Bering Sea Groundfish Cooperatives and sector allocations for Pacific cod were established by the North Pacific Fishery Management Council. In 2007, the North Pacific Council adopted a Fishery Ecosystem Plan for the Aleutian Islands area including guidance on the biological, physical, fishery, regulatory and other socio-economic relationships within the ecosystem. It also provides a non-quantitative risk assessment methodology.
- New England Fishery Management Council developed “research set-asides” – a percentage of the TACs for scallop, herring and monkfish fisheries to provide funding for cooperative research projects where fishers partner with scientists to answer questions of mutual interest and address management questions. Cooperative research has led to gear modifications which reduce groundfish bycatch and lower the risks of encounters with turtles. Cooperative funds have supported industry-based surveys, tagging programs and habitat assessments.

<sup>13</sup> RFMC (2009) US Regional Fishery Management Councils: Opportunities and Challenges. Published by Regional Fishery Management Councils. [http://www.fakr.noaa.gov/npfmc/misc\\_pub/USRFMCweb.pdf](http://www.fakr.noaa.gov/npfmc/misc_pub/USRFMCweb.pdf)  
Downloaded 20 July 2009.

<sup>14</sup> NOAA Fisheries Service (2009) *Business Report, 2008*. National Marine Fisheries Service.

## Scotland's Inshore Fisheries Groups

Scotland's distinctive coastline is of major ecological significance to some of the most productive fishing waters in the world. With over 100 lochs (sea inlets), six firths (large sea bays associated with river estuaries), literally hundreds of islands, skerries (small rocky islands) and rocks, Scotland's inshore waters are home to more than 40,000 species and provide critical spawning and nursery grounds for many commercially exploited species<sup>15</sup>.

Shellfish are the most important inshore species. In order of economic value, key species are Norway lobster (*Nephrops*), scallops, brown crabs and lobsters. Squid, other shellfish and finfish also make up the diverse range of fisheries vital to Scotland's inshore fleet<sup>15</sup>.

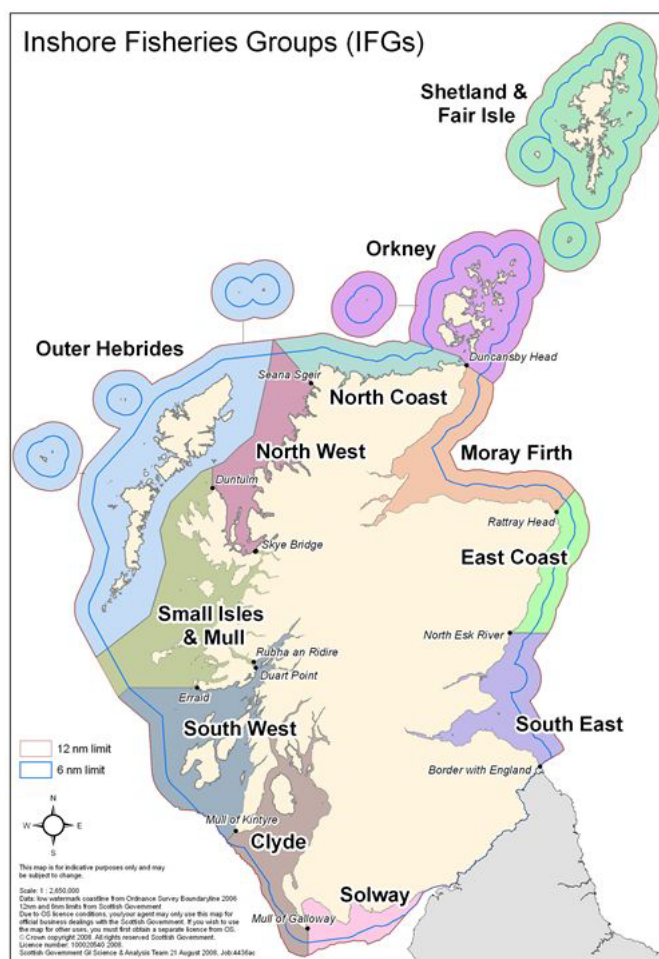
The majority of the fleet, approximately 1,600 vessels under 10 metres, is family owned, helping sustain Scottish rural communities. Unlike major changes seen in the larger pelagic and demersal fleets, the number of inshore vessels has remained relatively stable over the last decade<sup>15</sup>.

Member States have the exclusive right to fish inside six nautical miles. While the competence for regulating fisheries exists at European Community level, Member States have the delegated authority to regulate and manage inshore fisheries and, where not already regulated by the EU, fisheries between six and twelve nautical miles. The devolved Scottish government has the jurisdiction to manage fisheries in the Scottish zone of the UK's fishery limits and there is "particular scope for Scotland to introduce its own management measures in the inshore"<sup>15</sup>.

In 2002, acknowledging that fisheries decision-makers were distant from the day-to-day reality of fishing and that the process was reactive, emphasising prohibition rather than proactive management, the Scottish government embarked upon a thorough strategic review of the institutional framework and management of Scotland's inshore fisheries<sup>15</sup>. By 2005, after exploring the strengths and weaknesses of various regulatory tools through wide-ranging stakeholder dialogue, a new strategic framework was launched. This set out how Scottish fisheries within a six nautical mile limit would be managed in the future. Two central ideas within the framework establish the strategic direction of Scottish inshore fisheries policy:

1. Creating a network of Inshore Fisheries Groups<sup>16</sup>; and
2. Devolving management planning for inshore fisheries to a local, regional level.

The strategic framework for inshore fisheries included:



**Figure 4:** Scotland's Inshore Fisheries Groups

<sup>15</sup> Scottish Executive (2005) *A Strategic Framework for Inshore Fisheries in Scotland*. Edinburgh. 27pp.

<sup>16</sup> Source: <http://www.scotland.gov.uk/Topics/Fisheries/Sea-Fisheries/InshoreFisheries/IFGsMap/IFGMap> (Permission for use of image granted by Bill Ellis, Marine Scotland, 17 August 2009)

- High level fisheries management objectives set at the national level (i.e., Scotland);
- A mandate for Inshore Fisheries Groups (IFGs) to develop local objectives, consistent with high level, national objectives, but reflecting local priorities and circumstances;
- A mandate for IFGs to develop local management plans to deliver on the objectives using the most appropriate management measures;
- A requirement to test local objectives and measures for inherent conflicts between them and the national objectives and the potential for unintended consequences;
- A requirement to develop performance indicators to enable assessment of management effectiveness; and
- Approval mechanisms by which the management plans would become law.

The aim of IFGs is to give fishers a strong voice in marine and fisheries management. According to the government strategy, IFGs should enable fishers and their representatives to sit at the heart of the management process and their knowledge and ideas will drive the Groups' work.

In legal terms, IFGs are not statutory bodies empowered to make fisheries law, this rests with the Scottish minister responsible for fisheries management. However, their primary goals are to develop local fisheries management plans and to contribute to national debate about fisheries and marine management. Local plans will first be approved at the national level by both the Scottish Inshore Fisheries Advisory Group (SIFAG) and Marine Scotland (the government agency responsible for fisheries) before being translated into secondary legislation. Their and the relevant ministers' powers to approve or disapprove local plans is limited to considering plans' consistency with objectives, whether IFGs have considered the options and whether consultation has been open, inclusive and transparent. In theory, high level political 'short-termism' and micro-management ought to be minimised.

To facilitate their establishment and day-to-day operations, each IFG is urged to form a legally-based constitution based upon guidelines provided by the Scottish government. Suggested means include establishing an unincorporated association or a limited company under British law. The guidelines set out the structures for IFGs, including the establishment of an Executive Committee and an Advisory Group consisting of Scottish research agencies, relevant enforcement and environmental protection authorities and nature conservation bodies. Local government authorities, relevant enterprise networks, national seafood bodies and representatives of the environmental NGO community are also included on the Advisory Groups whose role is to act as partners and advice givers in the management process<sup>17</sup>.

Importantly, the Chair of each IFG must be an independent person with no financial interest or commercial connection to the fishing sectors in the IFG area. Full membership of an IFG will be limited to fishers who have an active interest in the fisheries covered by the IFG and will be drawn from both fishermen's associations and individuals who are independent, i.e. not affiliated with any fishermen's association. Each IFG will have an appointed IFG Coordinator whose job it will be to provide technical and administrative support to the IFG, report to the National IFG Co-ordinator and liaise with other bodies and institutions on the IFG's behalf.

Establishment and ongoing IFG running costs and a modest per diem for chairs are met by the Scottish government, while members pay for their own travel, accommodation and time<sup>18</sup>. Project, development and research costs may ultimately also be met by the government, as some functions would be aligned with existing infrastructures.

So far, six IFGs have been launched, with three IFGs having appointed independent chairs and co-ordinators, and three more are in the process of being constituted and appointments being made in 2009. Initial work is being conducted on developing pilot management plan

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<sup>17</sup> Scottish Executive (2008) *Inshore Fisheries Groups Constitution and Guidance Notes*. 22pp.

<sup>18</sup> Personal communication: Bill Ellis, IFG National Coordinator, Marine Scotland

guidelines with the help of external consultants<sup>19</sup>. Some IFGs have got as far as developing their local objectives in line with the national objectives. For example, the Outer Hebrides IFG has worked with its advisory group to develop and implement sustainability measures such as a combination of increased minimum landing sizes and improved gear selectivity. It has also led initiatives to reduce operating costs and improve product quality, thus keeping an eye on a balance between sustainability concerns and longer-term socio-economic interests<sup>20</sup>.

Recent national developments of significance to Scottish inshore fisheries management are the creation of Marine Scotland as a new government agency responsible for marine and coastal environmental management, and the Scottish Fisheries Council created to promote a sustainable and profitable future for Scottish fisheries with a slightly different articulation of the high level goals and objectives to which the IFGs are working. The impact of, the interface between and the practical integration of the work of the IFGs, the SIFAG, the new government agency and a high level stakeholder forum is as yet unknown.

The Scottish approach might offer some insights and opportunities in a European context. Acknowledging that the creation of IFGs would not overcome the issues of 'competence' or jurisdiction for creating fisheries law, the Scottish government has created a clear infrastructure and some quasi-legal boundaries that limit the scope for high level interference in local fisheries management.

## Collective fisheries management in France

About 90% of the fishing that takes place along the French Mediterranean coast is conducted by small-scale vessels measuring less than 12 metres in length. Around 1,650 fishers use longlines, set nets, traps and pots to target multiple species on a seasonal basis, changing gears to suit their target species of choice. Species of commercial value include flatfish, sea bream, hake, eels, molluscs and crustaceans.<sup>21,22</sup>

For nearly a thousand years, the fishers who fish the inshore territorial waters and *étangs* (coastal lagoons) of the French Mediterranean have collectively managed their small scale, artisanal fisheries in organisations called «*Les Prud'homies*»<sup>22</sup>. A *prud'homie*, in the first instance, signifies a territory, in this case a fishing area. Secondly, the organisations called *prud'homies* can be likened to professional guilds empowered to make rules to manage local fish resources, acting as guardians of the small-scale, artisanal fishing profession. Usually made up of experienced and active, self-employed fishers elected from within the area, *prud'homies* are entrusted with ensuring the best fishing conditions for their members. In this sense, *prud'homies* are like communal marine tenure systems<sup>23</sup>. To be authorised to fish in an area, a small-scale fisher must be a member of a *prud'homie* and abide by its rules<sup>23</sup>.

Along the approximately 700 kilometre French Mediterranean coastline, including Corsica, there are 33 *prud'homies*. Their primary functions are: 1) to create local fishing regulations which assign access to, and gear rotation through, fishing grounds; and 2) to act as a tribunal to resolve conflicts between members. *Prud'homies* also manage coastal waters to minimise fishing hazards and obstructions such as mooring buoys; verify offenses that may

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<sup>19</sup> <http://www.scotland.gov.uk/Topics/Fisheries/Sea-Fisheries/InshoreFisheries/IFGsMap>

<sup>20</sup> Woolmer, A. (2009) *Partnership approaches to fisheries management: Lessons for Wales*. WWF Cymru (Wales). 68pp.

<sup>21</sup> van Hoof, L. *et al* (2005) *Sharing responsibilities in fisheries management*. Annex 2: Case Studies. The Hague: LEI. 222pp.

<sup>22</sup> Decugis, C. (2008) *Gestion collective de pêche en Méditerranée : les prud'homies*. Presentation to the 2008 Seafood Choices Alliance Seafood Summit, Barcelona. Downloaded 21 August 2009. Translated by C. Grieve. [http://www.seafoodchoices.org/media/documents/Decugis\\_CollectiveFisheriesManagement\\_French.pdf](http://www.seafoodchoices.org/media/documents/Decugis_CollectiveFisheriesManagement_French.pdf)

<sup>23</sup> Frangoudes, K. (2001) France. In Symes, D. & Phillipson, J. (Eds) *Inshore fisheries management in Europe*. Dordrecht: Kluwer Academic Publishers. Pp: 139-155.

harm resources such as pollution; establish and monitor protected areas together with scientists; represent their respective communities in local and regional committees; and negotiate with other authorities on issues such as mooring rights, landing sites and storage of fishing gear. Members also act as auxiliary police and may investigate and record breaches of fishing rules and draw up relevant statements.<sup>22</sup>

The main measures *prud'homies* use to manage fisheries resources and fisher access are<sup>22</sup>:

- Regulating seasonal openings and closures;
- Regulating when and where different gear types can be used;
- Determining the total number of vessel authorisations, vessel sizes and other specifications to reduce fishing pressure on each species;
- Regulating mesh and hook sizes to ensure only mature fish are targeted; and
- Specifying soak times for gear to ensure freshness and limit rejection of damaged fish.

The legal status and future role of *prud'homies* has been under discussion in France. However, according to *Prud'homie de Saint-Raphaël* representative, Christian Decugis, the organisations are answerable directly to France's fisheries minister<sup>22</sup>. Decugis also reports that one of the real strengths of the *prud'homie* model is their adaptability: having the capacity to react quickly to changing circumstances and make decisions that have immediate effect on the water<sup>22</sup>. Their decisions can be made in the sole interest of fishers and fishing, independent of other local and political pressures<sup>22</sup>.

Conversely, van Hoof *et al* (2005)<sup>21</sup> wrote that *prud'homies* “have no official recognition in the French fisheries management framework” despite being the “initiators of most of local fishing regulations in the Mediterranean”. *Prud'homies*' management decisions do not apply to larger more intensive vessels such as trawlers or seiners fishing inside territorial waters. These activities are regulated by regional fisheries committees in conjunction with the relevant French government department. Nor do *prud'homies* have authority over recreational fishing and other recreational uses of their waters.

Although the function and authority of *prud'homies* has been progressively weakened over the last 30 years due to the increasing level of authority assumed by the state and regional organisations, *prud'homies* continue to have an active role in local fisheries management<sup>23</sup>. In the broader context of Mediterranean fisheries governance, *prud'homies* appear to form the local base of a pyramid of French fisheries management structures. Throughout maritime France, administrators and representatives of fishing interests are organised into local, regional and national fisheries committees. This arrangement is said by Symes *et al* (2003) to be more of a participative and interactive management framework, than strictly a co-management framework with real division and delegation of powers<sup>24</sup>. Throughout all of France, there are 39 local fisheries committees (*Comités Locaux des Pêches Maritimes et des Elevages Marins*) organised at departmental level. They develop fisheries policy proposals on local issues which are then taken up by regional committees and with the regional offices of the relevant government department (e.g., *Affaires Maritimes*) who make fisheries regulations.

Despite an uncertain future and question marks over their ultimate role in French fisheries governance, *prud'homies* have demonstrated recently that collective management organisations at local fishing community level can be effective. Decugis cites the example of the creation of a no fishing zone off Cap Roux between Cannes and Saint Raphaël<sup>22</sup>. A 400 hectare marine protected area in which no fishing is permitted was created in 2003 by the 30 member *Prud'homie de Saint-Raphaël*. From 2004, scientific monitoring of target species abundance was conducted by researchers from the University of Nice. Six sites were

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<sup>24</sup> Symes, D., Steins, N. & Alegret, J (2003) *Experiences with fisheries co-management in Europe*. Chapter 7 in: Wilson, D.C., Nielsen, J.R. and Degnbol, P. (Eds) *The Fisheries Co-management Experience: Accomplishments, Challenges and Prospects*. Fish and Fisheries Series 26. Dordrecht: Kluwer Academic Publishers. Pp: 119-133.

regularly monitored: two inside and four on the edge of the protected zone. Preliminary results from the site have been encouraging: within three years, experimental fishing and underwater visual census revealed that catch rates increased from 5kg to 25kg per set, fish were larger and overall fish abundance was at levels last recorded in 1985<sup>22</sup>. In 2008 the *prud'homie* concluded that it is an effective marine reserve and decided to renew the protected zone for a further six years<sup>22</sup>.

While *prud'homies* are an excellent example of collective management of small local fishing areas by local fishers, they are clearly not an example of co-management of all fishing activities in inshore waters by a representative group of stakeholders. They are local level forums that can and do implement day-to-day fisheries management decisions. And while they may have been created and maintained in order to protect the interests of fishers in terms of making a living from the sea, their effect seems to demonstrate that they also serve to manage and sustain fisheries resources.



## Questions for you to think about before the conference

The aim of the conference organisers is to inspire new thinking and create a productive forum for participants to exchange views and ideas about the future of regional fisheries management under the CFP. We have created a list of questions and issues we hope you will consider as part of your preparation for the conference. The agenda has been developed in a way that will allow time for discussion amongst participants.

- How to create structures that avoid micro-management of operational fisheries management by politicians?
- How to create structures that enable operational decision-making to be conducted as “locally as possible”?
- What is the most appropriate division of responsibility and devolution of decision-making authority: meta-governance; development of regional FMPs; implementation, enforcement and evaluation, including research.
- How might it be possible to make decisions consistent with, or require decision-makers to adhere to, scientific advice about conservation and sustainability of resources?
- What factors should determine level and boundaries of “region” for application of fisheries management.
- Will “region” fatigue be an issue? With multiple regions, will Member States and stakeholders (industry & non-industry) have the capacity to participate financially and in terms of human resources in multiple regional bodies?
- Is it possible to have regional fisheries management without co-management?
- What should be the roles for ‘partners’ in fisheries management? How to move from ‘advisory’ stakeholder to co-manager and partner in fisheries management decision-making?
- How can existing stakeholder engagement structures, such as ACFA and the RACs, be strengthened to deliver benefits under a regional fisheries management approach?
- How to break down the silos (separation) of science, policy, decision-making and stakeholder ‘advice’?
- How can consistency across regions be ensured: should there be a co-ordinating regional body on which the Chairs and key representatives of each regional body sit?
- Transparency, accountability and evaluation of outcomes - how can we ensure these: adherence by decision-makers to high-level principles; implementation and enforcement of decisions; achievement of the expected outcomes?
- Costs and funding - who should pay for what?

# CONFERENCE PROCEEDINGS

## Introduction

WWF and OCEAN2012 organised a conference, hosted by the EU's Committee of the Regions, to explore regional fisheries management and how to make it work for European Community fisheries and the environment under a reformed Common Fisheries Policy (CFP).

The main aim of the conference was to initiate substantial discussion about the options for the EU and best practice models of regional governance that ensure environmental objectives are met in order to deliver economic and social sustainability.

Chaired by Dr David Agnew of Marine Resources Assessment Group (MRAG), UK, the conference addressed the context of the CFP reform process and the EU policy and decision-making environment. Organisers brought speakers from around the world to present their experiences in regional fisheries management to inform and prompt discussions. International, U.S. national and EU local level experiences were presented, as were regional perspectives from the Mediterranean, Baltic and North Seas.

A background paper, published in English, French and Spanish, entitled "*Regional Governance: Making it work for fisheries and the environment*" was provided to participants ahead of the conference. The aim of the paper was to provide participants with some thought-provoking background in the lead up to the conference. The paper presented four case studies of different levels of regional governance, from international to management at a more local scale. The paper also posed some questions that the organisers wanted people to think about in the context of the purpose of the conference.

The conference was attended by a broad range of participants from international to local regions, from the Commission, to national government officials, to representatives of the fishing industry and fishing communities, environmental and social development NGOs, to social and fisheries scientists, policy makers, and decision-makers.

After opening remarks and a keynote speech from the Commission, the conference engaged participants in four sessions. Each session featured two-three presentations, followed by questions and answers (Q&A) directed at the speakers. The final session of the day included a general discussion forum. The conference was mainly conducted in English, with some presentations in Spanish, and simultaneously translated into English, French and Spanish.

This report summarises the keynotes, presentations, Q&A sessions and the general discussions at the conference. Each section of the report introduces the speakers, summarises the key points of their presentations and the subsequent flow of the discussions. A conclusion summarises the main themes to emerge from the conference. Finally, an annex includes a participant list, along with their contact details.

Speakers' presentations from the three main sessions may be accessed via the OCEAN2012 website: [http://www.ocean2012.eu/channel/view\\_resource/id/12244](http://www.ocean2012.eu/channel/view_resource/id/12244)

Alternatively, go to the WWF European Policy Office's web pages: [http://www.panda.org/what\\_we\\_do/how\\_we\\_work/policy/wwf\\_europe\\_environment/initiatives/fisheries/fisheries\\_policy/conference\\_on\\_regional\\_fisheries\\_management/](http://www.panda.org/what_we_do/how_we_work/policy/wwf_europe_environment/initiatives/fisheries/fisheries_policy/conference_on_regional_fisheries_management/)

The organisers wish to acknowledge and thank all participants for their contributions to the discussion and debate about the future governance of fisheries under a reformed Common Fisheries Policy.

## Opening remarks and welcome

### *Dr David Agnew, Conference Chair*

Dr Agnew opened the conference by welcoming participants and explaining his role as moderator. He noted the simultaneous translation of conference proceedings into English, French and Spanish and asked participants to remain aware of this when speaking during the day. Dr Agnew initiated formal proceedings by introducing the conference's opening speaker, Mr Jerzy Zająkała.

### *Mr Jerzy Zająkała, Chair of the Commission for Sustainable Development (DEVE) of the Committee of the Regions*

Mr Zająkała opened the conference officially by saying what a great pleasure it is for the Committee of the Regions to host this conference on regional fisheries management. He congratulated the organisers, OCEAN2012 and WWF, for taking up the issues and sharing the international, national and local EU examples of regional fisheries management practice to promote discussion with conference participants. He thanked DG MARE for their analysis of the CFP in the Green Paper. Mr Zająkała advised that the Committee of the Regions will be contributing actively to CFP discussions and have appointed Mr Ramón Valcárcel Siso to act as rapporteur on the Committee's behalf. A final opinion from the Committee on the future of the CFP will be presented in December 2009.

On June 17th 2009 the Committee of the Regions released its White Paper on Multilevel Governance about promoting real partnership in the development and implementation of EU policies. Respect for the subsidiarity principle implies that decisions relating to achieving objectives in the EU maritime zone and the Common Fisheries Policy ought to be made by regions and at the level of regional seas. This implies individual fisheries management in the Mediterranean, Atlantic and Baltic regions and will require a substantial overhaul of the CFP. The Committee of the Regions is interested in promoting more subsidiarity, more transparency, more democracy and the delegation of the right decisions to most appropriate levels of EU governance. Therefore, Mr Zająkała welcomes the points in the Green Paper about delegating fisheries management decision-making to most the appropriate level. This should provide a greater sense of stewardship and stimulate natural compliance. Fishers must be given responsibility for monitoring fisheries resources and fishing rights and developing local partnerships with all stakeholders based on participatory dialogue.

Four key issues in CFP reform, as the Committee of the Regions sees them at this stage in the dialogue, are: 1) creating differentiated small-scale fisheries management that is closely identified with local communities; 2) transferable fishing rights to reduce overcapacity; 3) the need to review relative stability and have the ability to adjust quota based on available resources; 4) the need for cross compliance with the Common Agriculture Policy and rules relating to access to public aid.

## Keynote presentation

### *Dr César Debén, European Commission, DG Maritime Affairs and Fisheries*

Dr Debén explained his presence at the conference as a representative as Commission and noted that at this stage in discussions about the future of the CFP, he may not take up any particular position, nor may anything he says at the conference be attributed as an official Commission position on any of the issues.

One of the key issues in the Green Paper is how to appropriately share out responsibility for fisheries management, ensuring the industry takes some responsibility. Dr Debén suggested there are several challenges for the future management of EU's fisheries:

1. Taking a longer-term perspective, changing short-term mindsets of fisheries ministers.
2. Dealing with the implications of the Lisbon Treaty and co-decision making.
3. What Council ministers may or may not want to delegate to enable regional elements in decision-making. For example, Council may not want to delegate decisions on technical measures because such decisions are part of the political process.
4. Respecting the basic CFP – we cannot have “regional” CFPs – so pursuing the same objectives. We must also be aware that there is still a common market and this must be factored into future governance arrangements.
5. Greater involvement of stakeholders in decision-making –scientists, administrators, fishers should be discussing and debating issues, e.g. the ecological and environmental dimensions of fisheries management. The Regional Advisory Committees (RACs) are a step forward, but the Commission cannot act upon proposals coming from them because they are not a platform for debate with all stakeholders.

Dr Debén noted that is more difficult to delegate powers away from current competencies. It is difficult to reconcile regional decision-making with a common policy. However, there are some avenues open under the Treaty. But if one takes the tuna problems in the Mediterranean as an example, it is arguable that if decisions were taken solely by France, Malta and Spain there would not be any tuna left at all – these sorts of results might pose a problem.

We could look at sharing out responsibility under the subsidiarity principle, perhaps decentralising through regional bodies or decentralising at national levels also. But again the challenge is how to create bodies that are not just consultative or advisory, but with the competence to make proposals to the Commission for new regulations or fisheries rules. The RACs have structures and an advisory mandate, but they are not able to be transformed into decision-making bodies. Perhaps, however, they are the seed of something for further into the future.

The Commission is going to need to be able to assess all proposals being made at regional levels and discuss them with relevant people in the sector to ensure that the process is a two-way street. There will also be a need to conduct impact analyses before proposals become final.

Dr Debén concluded by noting that two options are not possible: renationalisation of fisheries to Member States and no new institutions will be created, instead they are looking for regional bodies that can put forward concrete fisheries management proposals.

## Q&A

The concept of Maximum Sustainable Yield (MSY) is littered throughout the Green Paper on the CFP. As a concept this has been outdated for 20 years, how can the Green Paper or a future CFP have credibility if it continues to have MSY in it?

1. The Green Paper is not a detailed analysis of every issue under the CFP, but open proposals and questions designed to trigger debate. It is intended to be a concise 20-30 pages, so it would be a real challenge to cover all areas of CFP in such a short paper. It is therefore a synthesis of the situation, discussing the basic principles that should underpin fisheries policy. But proposals like ecosystem-based fisheries management are somewhat of a revolution in policy terms, and the question about MSY is part of that. However, even though a strict application of the precautionary principle connects with the issue of MSY and ecosystem-based decision-making, they are not the be all and end all. For example, control policy is also part of sustainability of resources. As are industry responsibility and rigorous approaches to implementing fisheries policies. It is seeing them as a whole that is important. And we must await the outcome of debate in the Parliament and at the Council.

Note: Summaries of the keynote speech and Q&A are based upon interpretation from Spanish to English.

## Session 1: Experience from the USA national level

### U.S. Fisheries Management and National Ocean Policy Reform: Opportunities and Implications, Ms Laura Cantral, Meridian Institute

#### Speaker:

Ms Cantral is a senior mediator with Meridian Institute. Working in Meridian's Washington D.C. office, Laura devotes much of her time to the Joint Ocean Commission Initiative and other ocean policy related projects. Before joining Meridian, Laura was Associate Director for Governance for the U.S. Commission on Ocean Policy. From 1998-2000, she served as staff for the Florida Governor's Ocean Committee, appointed by the late Governor Lawton Chiles to make recommendations about how to improve management of Florida's ocean and coastal resources. With a background in marine law, Laura has extensive experience working on ocean and coastal policy issues at the state, regional, and national levels.

#### Presentation:

As the first speaker, Ms Cantral's objectives were to talk about U.S. ocean policy at the national level in order to put regional fisheries management into a wider context; to explain current moves by the Obama administration to develop a new national ocean policy; and to highlight some implications of such policy development for fisheries management in the U.S.

After briefly describing the crisis facing U.S. oceans from multiple impacts of human activity and environmental change, Ms Cantral outlined the challenges that need to be overcome: fragmented jurisdictions, 140 separate laws, lack of coordination and a lack of a coherent overarching policy. A post World War II mindset of exploration, exploitation and development led to the creation in 1969 of the National Oceanic and Atmospheric Administration (NOAA) and federal legislation. The legislation addressed fisheries management; coastal management; marine mammal protection and water quality. But there were no attempts to coordinate across mandates.

By the 2000s two national level initiatives set out to tackle ocean policy issues: the independent Pew Oceans Commission reported in 2003; and the congressionally created U.S. Commission on Ocean Policy reported in 2004. Subsequently, an informal Joint Ocean Commission Initiative was established to continue the work and make recommendations to government, the Presidential Administration and to Congress. The single common theme was the need for a national ocean policy and an integrated ecosystem-based approach to ocean management.

In June 2009, President Obama established an Interagency Ocean Policy Task Force charged with developing recommendations for: a national ocean policy; coordinated implementation; and a framework for coastal and marine spatial planning. The Task Force has been given 180 days to report back to the President, i.e., by December 2009. Halfway through the process there are some interim recommendations including acknowledgement that the U.S. has a stewardship obligation to oceans, coasts and the Great Lakes and this is "*intrinsically linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental change, social justice, foreign policy, and national and homeland security*". Another early recommendation is the establishment of an Interagency National Ocean Council. The next steps for the Task Force will involve developing final recommendations, including a framework for coastal and marine spatial planning.

The implications for fisheries include further integration of management with other ocean uses to advance ecosystem-based approaches, increased coordination of regulation between regional fisheries management councils and other marine use bodies, engagement of a broader range of stakeholders. A higher level of interest by the President and Congress



may lead to greater resources for management, monitoring and assessment fisheries health. These developments are occurring in real time, so many are excited to see where it will lead. The first few months of the Obama administration offer hopeful signs.

## **U.S. Model Regional Ocean Fisheries Management, Mr Lee Crockett, Pew Environment Group**

### **Speaker:**

Lee Crockett joined the Pew Environment Group as director of Federal Fisheries Policy in June 2007. Lee leads two projects: 1) ending overfishing under the authority of Magnuson-Stevens Fishery Conservation and Management Act (MSA); and 2) closing a portion of the Gulf of Mexico to long-line fishing for the protection of spawning bluefin tuna and other ocean wildlife. Before this, from late 1998, he was the executive director of the Marine Fish Conservation Network. Lee was also a fisheries biologist with the U.S. National Marine Fisheries Service (NMFS) for four years where he led efforts to protect essential fish habitats. Before NMFS, he was a staff member of the U.S. House of Representatives Committee on Merchant Marine and Fisheries for eight years. Lee has a BSc in Biology and an MSc in Biological Oceanography from the University of Connecticut. Prior to attending college, he served in the U.S. Coast Guard.

### **Presentation:**

The Fishery Conservation and Management Act of 1976 was originally designed to "Americanize" U.S. ocean fisheries by declaring an Exclusive Economic Zone to exclude foreign fishers who were overfishing U.S. resources, by giving fishers a role in fisheries management and by establishing programmes to promote the U.S. fishing industry. Eight Regional Fisheries Management Councils were created at this time. After 33 years of amendments there is now an overarching legal framework for managing fisheries which includes ten national standards, some of which conflict with one another, eg., no overfishing versus considering economic impacts. There are also 15 mandatory provisions of Fishery Management Plans, some of which also conflict.

Regional Council membership composition is prescribed under the law. It is a somewhat political process because State Governors pick three or four people from lists of those who are eligible to serve. Thus political know-how and connection can determine who is appointed to Councils. There are only weak restrictions on participation by individuals with financial interests in the fisheries being managed by Councils. For example, while a fisher who owns 10% of a fishery's interests may not vote on decisions, they may still be a member of a Council.

The federal government, through the National Marine Fisheries Service (NMFS), has a limited role in decision-making: one vote on a Council decision; and approval, partial approval or disapproval of Council plans or amendments. Only under limited circumstances can NMFS write a plan or amendment. Fewer than 1% of decisions are overturned or overruled by the Secretary. The Pew Charitable Trusts conducted a study which revealed that Councils tend to have the final say, that they are bodies where Council members can wield political power, and Congressional intervention in Council business is commonplace. NMFS itself does not have much power within this process.

NMFS mandate is to conduct basic science, analyse economic impacts of management, determine compliance with federal laws. The agency has only 30 days to fully, partially or not approve management plans and amendments. Councils on the other hand decide which fish to manage, prepare plans and amendments, establish committees for advice from scientists, fishers and other stakeholders, and solicit public comment on management measures before the Council.

The system worked too well. By the late 1980s, U.S. overfishing had replaced foreign overfishing. In a first attempt to reform the system, the Sustainable Fisheries Act was implemented in 1996 and required catch levels not to be set above sustainable levels, depleted stocks to be rebuilt, bycatch minimised and essential fish habitat protected. Population size limits and targets generally meant that if stocks were less than 20% of their unfished levels, then Councils had 10 years to rebuild them unless biological factors suggested longer.

Some rebuilding and habitat protection has occurred but overfishing continues. The second attempt to reform the Act led to the Magnuson-Stevens Conservation and Management Reauthorization Act of 2007. Its main focus is the need to end overfishing through setting catch limits (output controls) and accountability measures which must be brought in by 2010-2011. Accountability measures might include uncertainty buffers in catch limits, paybacks year to year on over-catches. Mandatory scientific and legal training is now required for Council members. In a sense the new Act promotes an 'Alaskan' model of management and rejects a 'New England' model which uses days-at-sea and other effort controls.

What works? Decision-making is transparent and democratic. Debate and decisions are informed by local fishing expertise and members of the public, including NGOs, can participate if they dedicate the time. NGO representatives could be appointed, but again this takes dedication and time. The regional framework allows the system to better adapt to local conditions.

By contrast, NMFS does not have to meet the requirements set out in the Act. In the context of the Pew campaign in the Gulf of Mexico to protect spawning bluefin tuna, it is not possible to figure out who writes the management plans, what the schedule is, etc.

The system could be improved by creating a clear conservation mandate, establishing distinct responsibilities between Councils and NMFS, authorising NMFS to rewrite deficient plans or amendments, science must drive management (although there's a concern that the politics will simply move downwards, putting pressure on scientists – this must not happen), timely, as real time as possible, and legally establishing public seats on Councils to add more voices and balance representation.

## **Community Management and Community Quota Ownership, Mr Paul Parker, Cape Cod Fisheries Trust**

### **Speaker:**

Mr Parker is a conservationist and a fisherman committed to rebuilding healthy fish populations that support local fishing businesses and robust fishing communities. He works with Cape Cod fishers to develop new ways of protecting ocean resources, local traditions and a way of life. Paul has held numerous fishing jobs aboard Cape Cod commercial fishing vessels, using all manner of fishing gear. Paul earned a BA in Biology from Cornell University and a Master's of Environmental Management from Duke University. In 2006, Paul was honoured with the Duke Nicholas School Rising Star Award and was recently appointed to the Duke Nicholas School Alumni Council. Presentation summary....Community Management and community quota ownership

### **Presentation:**

Mr Parker's presentation focussed on a community management solution for the New England groundfish crisis, that scaled management down to the local level, introduced accountability and aims to buy and own catch quotas within the community itself.

The crisis in New England groundfish (cod stock collapse in 1994) was the result of a complete failure of days-at-sea effort controls to sustain stocks and an underestimation of how innovative fishers can be in manipulating effort restrictions in order to maximise their

catch per unit of effort. Input controls (days-at-sea) involved complex regulations, tremendous bycatch, less profit, fewer jobs, community collapse and infrastructure loss.

One community-based solution is the idea of Sectors, an idea created in New England after the Cape Cod fishers could demonstrate their catch methods for haddock did not result in significant bycatch of cod. Catch shares are allocated to individual fishers who join a "Sector" to pool their shares for the purposes of management. Sectors may be based on geography or fishing gear used. Then fish are allocated to Sectors based upon member catch history. The Sector shares costs and responsibilities with the government. The Cape Cod Hook Fishermen's Association created two gear based sectors that in 2009 merged into one, incorporating both longline and gillnet Sectors.

The Sector created a community-based vision, goals and objectives for the management of their fishing activity. Local governance involved the creation of a non-profit organisation with a Board of Directors and a full-time manager. Sectors are required to have an Infractions Committee where the fishers hold each other accountable to each other and the government for complying with management rules. Accountability measures are applied to all the fishers in the Sector not just a single non-complying fisher. The Cape Cod fishers therefore meet every week using a consensus-based decision making process. The cost to join is \$10,000 (US) and about US\$10,000 per year (based on profits). This represents real value to the fishers because their businesses are so much more profitable than under the days-at-sea regime. Reporting is undertaken by the fishers, the Sector manager and fish dealers using paper and, increasingly, electronic means. Monitoring is conducted by VMS, federal and private at-sea observers and they're piloting on-board video observation, and on the dockside.

The advantages of the Sector model include improved efficiency and profits, greater flexibility and stability, better local scale monitoring and local governance and control. The considerations are: management costs, but they are clearly offset but higher profits; high permit prices; and the migration of permits and quota due to demand and large company purchasing power.

The challenge then was to establish how to keep permits and quotas in the town to reverse devastating social costs to the Cape Cod community and to ensure Cape Cod's fishing legacy was not lost through inaction. The community itself needed to find ways to enable retiring and other fishers exit the industry with a fair market value for their permits and quotas, without losing permits and quota from the community itself. They established the Cape Cod Fisheries Trust (CCFT) to develop a community ownership model that benefits the local community and improves fish conservation by providing fishers with affordable access to fisheries resources; maintaining fishing as a way of life in Cape Cod's coastal communities; assessing fishers adopt more sustainable fishing practices and creating a community of resources stewards.

CCFT will run a non-profit permit leasing business that buys quota, aggregating it and associated permits into a pool, and leases quota at affordable rates to qualifying Cape Cod fishers, prioritising local and sustainable fishers who comply with monitoring and regulations.

The local impact of CCFT's work should realise the following benefits: affordable access; succession planning enabling new, young people to replace retiring fishers; protection of \$30million seafood industry and local economy in Cape Cod involving 75 vessels and 175 fishers; restoration of tradition diversified access to adjacent natural resources; fair distribution of economic and social benefits to active working fishers; stability and reinvestment in local fishing infrastructure; empowerment of local fishers to be more involved in management decisions at a scope and scale that is relevant to the community.

In summary, days-at-sea were a costly failure. Fifteen years were wasted trying to make it work. Quotas offer a new focus and can be adopted at local levels using the Sector model

and the CCFT model, both of which are viable models that are spreading. There are 17 new Sectors and five new fisheries trusts buying quota in New England. Good data and monitoring are critical – success depends on this. And finally, New England fishers are willing to pay more tax if they can make more money.

## Session 1: Q&A Discussion

The Q&A discussion got underway with an observation and question about the conflict of interest provisions in U.S. Regional Fishery Management Councils, i.e., where a member cannot vote if they have more than a 10% interest in the particular fishery. In the UK the situation is very different, those with vessels under 10 metres in length do not have a voice in fisheries management discussion, they are without representation and do not have a producer organisation, so were left out of quota allocations completely. Did panel members have any ideas about how to get the UK government to legislate to overcome this situation?

2. The process in the U.S. for getting onto Regional Fishery Councils is a political one.
3. Fishers launch political campaigns to get onto Councils. It took five years to get someone from Cape Cod onto the New England Council. But now 17 groups are able to be directly allocated quota. So while they're not all represented by a seat on the Council, they do have an ability to self-manage their own quota.

Would CCTV monitoring not work to monitor days-at-sea? Wouldn't this overcome the difficulties with effort-based management?

4. The New England groundfish fishery involves 17 species. Days-at-sea did not allow fishers to catch healthy stocks like haddock without catching too much cod, so days-at-sea were continually cut, wasting days and millions of pounds (in weight) of fish because management was focussing on managing the weakest stock.

Has the Commission considered sharing management costs and management responsibilities in the context of the future CFP?

5. That is a tricky question: in 14 Member States the costs of fishing are higher than landings and subsidies are propping up the industry. Although the financial crisis may have an impact on the level of subsidies. There is a need to drive down management costs but we also need to bring industry on board. Whether the sector is willing to bear some share of the costs remains to be seen. But we cannot afford to continue with subsidies, it is no longer viable. We need to eliminate the problem that hangs over future generations.

An observation was made that the U.S. speakers spoke about quite different regionalisation levels: local management versus national regional levels. Often local levels work because locals work together, but the higher the 'regional' level, the process becomes more politicised and less easy to make it work, especially sustainability. How can we link the levels?

6. The expansion of the Sector programme to 17 Sectors in New England is relatively new (June 2009). So it's a new experiment and we will have to wait and see how it works out. With a whole fishery involved processes could get contentious, particularly with allocation debates. Key challenges will be how much fish are allocated to sector, how Sectors each manage their allocations, and how well oversight of conservation measures and compliance with quota levels works. We need to ensure these new Sectors do provide the conservation benefits we think they're capable of providing.
7. From a Cape Cod perspective, having 50 fishers in the room results in just as much conflict and politics as at higher levels! But in a different venue there are different challenges. But using the intrinsic skills of fishers in working together they talk it out. Also seeing fishers skills changing, resulting in some people getting out because the system doesn't match the reasons they got into fishing, not because not profitable.

In relation to the Council decisions (plans or amendments) that are overruled by NMFS where less than 1% are overturned: in which cases are decisions overruled and on what basis?

8. All through the management planning and decision-making process Councils are receiving scientific and legal advice in relation to decisions, but sometimes Councils have simply ignored this advice, usually for economic reasons. So, even though they've had fair warning several times, sometimes they're ignored, this has sometimes resulted in a decision being overruled but in only 1% of decisions.

## Session 2: Experience from local EU level

### Regional fisheries management: seeking sustainability in coastal fisheries, Mr Simon Woodsworth, Languedoc-Roussillon Regional Council

#### **Speaker:**

Simon Woodsworth is Project Officer at the Environment Department of the Languedoc-Roussillon Regional Council, based in Montpellier. In this capacity Simon works on sustainable development policies, focusing on biodiversity conservation in policy-planning. He works on governance processes for the management of natural sites and species, and particularly on integrated coastal zone management. Having worked on the economic development of protected areas for the Languedoc-Roussillon Conservatory of Natural Sites, Simon joined the Regional Committee for Marine Fisheries and Aquaculture of the Languedoc-Roussillon (CRPMEM LR) at the beginning of 2007 with the aim of implementing European legislation. He was Policy Coordinator of the CRPMEM LR until May 2009 before he joined the Regional Council. Presentation summary....

#### **Presentation:**

Mr Woodsworth's aim was to provide thought-provoking background about the links between local and regional scale coastal fisheries management within a larger policy context, focussing on the Languedoc-Roussillon region in France within the Mediterranean fisheries policy context.

He began with a brief overview of fisheries in the region. Sète is France's leading port in Mediterranean. Languedoc-Roussillon is home to 14% of France's fishing fleet and 15% of France's fishers, landing 17,000 tonnes of fish worth around €40million per year. Vessels range from traditional five to six metre boats fishing for eels in coastal lagoons, to semi-industrial trawlers and dredges, up to tuna fishing vessels working the deeper waters of the Mediterranean.

Regional council headquarters are in Montpellier. The regional council and stakeholders have been working together, with the State within a new framework for coastal lagoon and Gulf of Lyons fisheries. Conceptually this involves blending three principles: equity, viability and liveability making up the three spheres of sustainable development (social, economic and environment). This is consistent with the way fishers have worked for centuries in relation to resources, production and markets.

Regional integrated management of marine resources has therefore worked on governance processes in all three spheres. In managing resources they have realised is important to try to achieve a balance within all three spheres. Thus, managing marine resource zones, contributing to the evolution of working conditions and helping ensure long-term profitability all have a part to play in the management process. A elaborate network of structures falls under each sphere involving fishers, scientists, legal authorities from the EU to local levels, NGOs and other stakeholders in the management of resources; and fish markets, producer

organisations, fisher organisations and a range of other structures in production and markets.

In December 2006, Council Regulation No. 1967-2006 effectively created a Mediterranean CFP. The regulation requires fisheries management plans and protected fishing areas. This gave impetus to developing a triangular regional governance system involving the State (France), scientific community and fishers through their organisations to work together to propose management plans to the Commission. As fishers did not have the capacity to work alone on these issues, mobilising the support of the regional council was crucial, which in turn is supported financially by State subsidies.

A co-decision process involving seven steps was established beginning with the establishment of the framework itself (i.e., the Regulation), through co-elaboration of proposed measures, interregional coordination, Member State validation, scientific evaluation, up to European validation, and finally implementation and control of measures. Steps 1 – 5 are complete.

Lessons learned throughout the process include transparency and clarity about the decision-making process and the role of stakeholders; access to rigorous scientific information and data; a collective approach to the work from both the bottom-up and top-down is crucial; and democracy plays a part in that the State is still the conduit to the EU. The work is complex: an EU level regional management plan must take into account all the pre-existing plans and local level regulations.

The recognition of fishers' crucial role in the process is critical to success. Within a balanced process it should be possible to recognise that the State brings legal expertise, scientists bring biological and other expertise, and the fishers bring an equal level of professionalism and field experience to the process.

Local steering committees have proved that stakeholders can work together to develop management measures to develop ecosystem-based management approaches to fisheries and biodiversity. These forums enable fishers to be stakeholders and managers instead of just exploiters of resources. In the context of Natura2000 sites they have several tools at their disposal that directly involve fishers including regulations, administrative plans, charter contracts and impact assessments.

The Mediterranean RAC was only created in February, so it is too new to know how this will work. There are some concerns that funding from the EFF is not sufficient to finance studies needed to develop management plans. However, there are opportunities: the new regulation enabled all stakeholders to be at the table; participation for action, not just discussion which should lead to co-management decisions. The fear is that political management, uncertain financing, lack of control by Member States and questions over the role of the RACs might jeopardise co-management in the future.

## **From Centralised Management to Adaptive Co-management: the experience of Lira (Galicia-Spain): *Dr Antonio García Allut, University of La Coruña***

### ***Speaker:***

Antonio García Allut has a PhD in Social Anthropology and he has been an associate at the University of A Coruña since 1992. He researches small-scale fisheries and takes a systemic and bottom-up approach. In 2000, he was a research fellow at Memorial University of Newfoundland and studied the impact of the collapse of cod fisheries in artisanal fishing communities. Since 2001 he has carried out several projects aimed at promoting the sustainability of artisanal fisheries in Galicia for the LONXANET Foundation for Sustainable Fisheries ([www.fundacionlonxanet.org](http://www.fundacionlonxanet.org)), which he set up in 2002. The projects deal with



direct marketing, fishing tourism, the creation of marine fishing reserves, the value of maritime cultural heritage and other awareness initiatives that provide support for the dignity and empowerment of the fishing professions to enable the fisherman himself to become the executor and trustee of marine resources and ecosystems. In 2004 he created the Network of Fishing Communities for Sustainable Development (RECOPADES) made up of fishers' organisations that have effective answers to different environmental, economic and/or social problems. In 2006 he was elected a Fellow of Ashoka in Spain.

### **Presentation:**

Dr García Allut presented an example from Galicia which began as an experiment in 2007 and is being expanded to other areas of Spain. From a socio-economic perspective, Galicia is a strategically important fisheries area with many small-scale fishing communities. With 25,000 fishers, over 4,000 seafood gathers, spread through 80 towns and village communities, there are three or four additional jobs created for every one fisher. Traditional fishing in Galicia lands 70% of all of Spain's fresh fish. Needless to say, small-scale fishing does not have as high an impact as methods like beam trawling and lower energy costs per kilogram of fish produced.

Fishers' local and traditional knowledge are important for fisheries and ecosystem management – traditional fishers are the best managers of ecosystems. Different value systems must be incorporated into regional management systems to include an ethical basis for sustainability not just the pursuit of wealth and maximisation.

Galicia, like other parts of the world, suffers from fragmented fishing organisations and centralised high level fisheries management that excludes many fishers from the management process. Fishers have few incentives to comply with fishing regulations, especially when they see others poaching and overused fishing grounds. They are also resistant to change. The top-down approach needs to change.

Lonxanet Foundation was created to dignify the profession of the traditional fishers, reinforce a culture of responsibility for marine spaces, to value traditional fishing as a productive system and to empower traditional fishing using a bottom-up process. Initially established as a marketing firm, it has evolved to be a strategic and systemic approach to tackle the biggest problems facing the small-scale sector. It is founded on a legal basis and is complimentary to fishing activities, helping communities to regenerate and enable fishing to stay connected within communities. The foundation promotes good practices, creating a network of sustainable communities offering a data base of good practices and electronic access for communities for those who do not have physical access to the foundation.

A key Foundation initiative on sustainable management and governance has been the creation of marine reserves in the Lira area as a tool for users who depend on the ecosystem for their livelihoods (1,056 inhabitants, 35% of whom work in traditional fishing). Previously, fishers or community users were not involved in the development of reserves and important socio-economic factors were not taken into account. So Lonxanet got involved, and made a design proposal to ensure that the initiative comes from fishers, that the process was participative, that design was based on local ecological knowledge, involved co-management of the system and that a socio-economic and cultural study informed decision-making. The Foundation's premise is that by following these design steps, real co-management is possible. However, there is also a need to remind local political parties they agreed to such a process in order to be elected.

The preparation phase is the most important. This involves diagnostics (information gathering and analysis), establishing working committees and communication channels. After that the work shifts to discussion about zoning: location, size and form, identifying users and uses, mapping conflicts and areas of tension, fishing seasons and identifying habitats. Developing a management plan seeks to determine the degree of protection for species and spaces and harmonising biological, environmental and social objectives. The

management design phase decides the types of fishing permitted, closed seasons, catch control points, vigilance and financing.

A decree was drawn up for the Os Miñarzos, Lira marine reserve and published by the Galician regional government in April 2007. There is a co-management body with an equal number of fishers (4) and civil servants (4) who collaborate to develop new management measures based on feedback from users and other stakeholders. Thus, a reactive, adaptive management framework has been created.

Now a more open and participative sector exists where new opportunities are created that benefit whole communities, not just fishers. The image of traditional fishing has improved in society and new alliances have been created with other members of communities. A multiplying effect is at work with other Galician fishing interests working to establish more marine reserves, potentially creating an interconnected marine reserve network and NGOs looking to transfer the model to other fishing communities around the world.

In conclusion, adaptive co-management improves fisheries management efficiency: it is more flexible and adaptable to the local sector's needs and resources. Management decisions are better oriented. Improvements are seen in the implementation and acceptance of management decisions. A new culture of relationships is promoted between: fishers, fishers and ecosystems and fishers and public authorities. Its better all round.

Note: Summary of presentation and certain parts of the later Q&A are based upon interpretation from Spanish to English.

## **Regionalisation: A Scottish Perspective, Mr Andrew Brown, Marine Scotland**

### **Speaker:**

Andrew Brown leads the Sea Fisheries Strategy and Environment team within Marine Scotland. His role includes the development of Scottish Government policy on CFP reform as well as providing the secretariat to the Scottish Fisheries Council and the Inquiry into Future Fisheries Management. He has extensive experience in fisheries policies including leading on EU and international fisheries negotiations for Scotland. He has a degree in Marine Biology and a PhD in Agricultural Engineering.

### **Presentation:**

Mr Brown's aim was to present the regional management aspects of fisheries in Scotland and how these have shaped Scottish government thinking on CFP reform. The context for fisheries management in the Scottish fisheries zone involves a sector that is one of the most significant players in the northern European Union. The most valuable species are Nephrops (Norway lobster), mainly taken in the inshore and worth around £155m per year; followed by North Sea and west coast whitefish worth around £139 million; and pelagic species such as mackerel and herring worth about £115 million a year.

The legal context is changing with both the UK and Scotland developing marine bills to join up marine spatial planning and management. And the inshore fisheries management framework has changed as well, with the creation of the Inshore Fisheries Groups (IFGs) following recognition that it is impractical and undesirable to manage fisheries centrally from Edinburgh because of the diversity of the inshore environment and their fisheries. High level strategic objectives are set centrally which concern sustainability, profitability and good governance. Management Plans to be developed by IFGs will be based on advice from scientists and other experts and stakeholders and approved by the relevant Minister. However, ministerial power to change plans is limited.

The system has taken some time to establish, but not there are six IFGs. It is intended that these groups are also going to be the means for wider engagement on marine spatial planning under marine management legislation.

Another scheme that highlights regional fisheries management is the Conservation Credits Scheme developed under the cod recovery plan. Stringent controls on effort for whitefish fishing in the cod recovery zone, especially restricting the opportunities for haddock fishing due to cod recovery zone requirements led to fishers developing spatial and gear measures to avoid catching cod. They were able to demonstrate that real time closures when cod was in abundance and gear measures enabled them to stay avoid cod but still catch haddock. Estimated reductions in cod mortality of about 11% are thought to be a significant contribution to the recovery plan. This means that cod avoidance measures opened the door for buying back effort for haddock.

This is an example of a regional approach to developing locally or regionally appropriate measures, that are not just related to conservation, but have a socio-economic dimension to them. There was much greater buy-in to the arrangements because the fishers were involved in their development, indeed their involvement generates further innovation by fishers. The requirements to make a regional model work include: high level objectives; being outcome focussed; setting longer-term targets; and allowing the time to develop solutions and build trust.

Drivers for regionalisation and CFP reform include: the regionalisation of marine policies; regional assessment of fish stocks; regional units within DG Mare; criticisms of the existing CFP; positive experiences of limited regionalisation; and the inquiry into Future Fisheries Management.

We need to start talking about actual models for regionalisation in EU. So taking the IFG model as inspiration, a possible regional framework for the EU could involve:

- Long-term strategic outcomes / targets set at EU level (biological and ecological)
- Development of regional fisheries management plans by Member States within a region (including identification of different social and economic targets)
- Testing (and approval) of plans against strategic targets at EU level
- Implementation of plans by Member States

Issues to overcome will be documenting and monitoring implementation; the role of the RACs and stakeholders; managing migratory stocks; and third country negotiations, e.g., Norway.

It is important to acknowledge that regionalisation and co-management are very different things, but that regionalisation may make co-management easier. Scotland has had some positive experience with regional fisheries management including locally appropriate management measures, integration with other policies; stakeholder involvement, innovation and buy-in; and flexibility to incentivise good fishing practices. Other potential benefits might include moving to longer term management arrangements and separating conflicting objectives and depoliticising management decisions.

## Session 2: Q&A Discussion

Many small-scale fishers do not have resources to engage fully in management processes. In the context of Scotland's inshore fisheries groups, how is funding provided to enable representation and participation? Can this apply at EU level? And what about representation of issues of non-affiliated fishers?

9. Inshore Fisheries Groups have seats for non-affiliated individuals. In terms of costs, because IFGs are convened at a local level, costs for attendance, in theory, are not too high. However, the Scottish government also pays for a full time national IFG coordinator and local coordinators for each group, as well as make scientists and experts available to each IFG.
10. In France the funding and financing of fisher organisations at a regional level is crucial. We have found it is important for fishers to contribute something towards the cost because they feel they have been represented. But Languedoc-Roussillon regional council also receives regional and EU funding, because we need at least one full time person working 100% of their time on these issues: it needs this kind of mobilisation.

What about the specific conditions or drivers for getting such regional fisheries management initiatives off the ground? Can these drivers be generalised and transferred elsewhere? What led to these governance bodies coming into being?

11. The State (i.e., France) France launched the French process. The will of the scientific community was there, as well as an acknowledgement generally that fisheries needed it. But mostly the driving force was the Mediterranean regulation coming into force – this established clear objectives and, importantly, timescales specified in the plan.
12. In Galicia the fishery sector was poor in marketing product and it emerged that relationships between fishers and administrators were very negative. There was recognition that management needed to be democratised in some way and that they needed to move away from inferior relationships towards true partners in the management process – this was the theory. But in reality, to make it work ongoing contact with the sector is needed throughout the year for two-three years. We also focussed on some of the 80 community populations, we couldn't do them all. But fishing communities were going to disappear if nothing was done, and fishing turned out to be the only viable means as there were no other opportunities to generate incomes and sustain local economies. So recognising the emergency situation was a key driver. But now we want to expand transparency with this new instrument for co-management.
13. In Scotland, the origins of IFGs came from several drivers. There has always been a local appetite for this type of approach, the fishers were asking for it. Also the impracticalities of centralising management decisions meant that central government was involved in gear conflict disputes and other operational issues. In terms of Conservation Credits, the devastating cuts in whitefish quota were a real driver but, the industry had already undertaken some voluntary real time closures the year before, which help to build trust and convinced the Commission that it would work. This enabled the scheme to be implemented the following year on a formal legal basis.

## Session 3: Experience from the international level

### HELCOM's Fish/Environment Forum, *Ms Katarzyna Kamińska, HELCOM, Co-chair, Fish/Environment Forum*

#### **Speaker:**

Katarzyna Kamińska is a Chief expert in the Fisheries Department at the Ministry of Agriculture and Rural Development in Poland. She has an MSc in Interdisciplinary Environmental Protection Studies from Warsaw University, specializing in animal ecology. For three years from 2003, she worked in the Polish Secretariat for the Baltic Sea Environment Protection Commission (HELCOM). Since 2007 she has been the chairman of the Biodiversity and Nature Protection Group under the Helsinki Commission (HELCOM HABITAT) and since 2008, co-chair of the Fisheries/Environmental Forum for the implementation of the HELCOM Baltic Sea Action Plan fisheries related initiatives (HELCOM FISH/ENV Forum).

#### **Presentation:**

The Helsinki Commission (HELCOM) is concerned with the protection of the Baltic Sea marine environment and was principally established to protect the Baltic from all sources of pollution through inter-governmental co-operation between the Baltic States.

In November 2007, the HELCOM Baltic Sea Action Plan was adopted by the Ministers of the Environment of the Baltic Sea countries. It deals with four major issues: eutrophication, biodiversity, hazardous substances and environmentally friendly maritime transport. Biodiversity is the part of HELCOM's mission that is most relevant to fisheries. As HELCOM is not very experienced in fisheries, and in order to jointly implement fisheries related actions in the Action Plan, it established a forum to deal with fisheries and environmental interactions in 2008.

The forum's structure includes fisheries and environment sectors equally, with the main participants being representatives of relevant administrations. Its focus is on environmental protection, with fisheries being considered a pressure. Emphasis is on actions that may be implemented at national levels by countries and the forum tries to avoid purely CFP-related issues.

Baltic Sea Action Plan measures in accordance with EU regulations seek to develop and implement effective monitoring and reporting systems for bycatch of birds and mammals, and minimise bycatch of non-target species. Some examples of good practice include the introduction of seal mitigation measures such as seal proof trap nets and a pilot project in Puck Bay, Poland to reduce harbour porpoise bycatch in gillnets through the use of fixed pingers in the Bay, rather than attached to nets.

Actions to support EU fisheries management activities might involve HELCOM helping to update old classification maps for Baltic Sea rivers and status of salmon and sea trout stocks to use in developing long-term management plans for these species.

There are also potential HELCOM fisheries-related projects that have no current CFP involvement. For example, a Polish-German project that began in 2006 to reintroduce sturgeon into the Baltic ecosystem to inland rivers and fisheries could be enhanced as a HELCOM project.

The Fish/Environment Forum has responsibility for preparing a joint HELCOM submission to the Commission on the reform of the CFP. First ideas include the notion that the CFP should be in line with the conservation targets included in the Marine Strategy Framework Directive; that it should be simple and easily understood; short and long-term measures should be considered; ensure resource sustainability is the priority goal; a new enforcement scheme is

necessary; discard policy and reduction of bycatch need to be addressed, including the introduction of adequate mitigation measures such as high-selectivity gear.

Future meetings of the forum will continue working on the following tasks: ecosystem-based approach to fisheries management in the Baltic, including eel and flatfish long term management plans; bycatch issues; Natura2000 and Marine Protected Area issues in relation to fisheries; IUU fishing; salmon and sea trout conservation; and finalising the joint input to the CFP reform process.

## **Lessons from the North-east Atlantic, Mr Stephan Lutter, WWF Germany**

### **Speaker:**

Stephan Lutter is International Marine Policy Officer with WWF Germany, supporting WWF's European Policy Office and fisheries team on ocean governance and marine conservation issues, with a focus on the interface between CFP and other pieces of pertinent EC legislation (HD, MSFD) and policy. He was involved in advocacy work around the North Sea Ministerial Conferences from 1987 to 2006 and has been representing WWF to the OSPAR Commission since observer status was granted in 1992. He also serves as the organisation's gatekeeper to NEAFC and ICES. His actual projects concentrate on the designation and management of offshore and deepwater marine protected areas (MPAs) including in Areas Beyond National Jurisdiction (ABNJ). He was trained in biological oceanography, zoology and biochemistry at the universities of Kiel, Germany and Tromsø , Norway and holds an MSc.

### **Presentation:**

Mr Lutter's presentation gave an overview of the geopolitical context of fisheries and environmental conservation in the northeast Atlantic, the provisions of the relevant governing instruments, the fisheries-environmental issues, a model of co-operation and progress on integration, stakeholders' opinion and scientific advice mechanisms and lessons learned.

Complex regional seas governance is a feature of the northeast Atlantic. There is a regional seas convention (OSPAR) and a regional fisheries management organisation (NEAFC), five Regional Advisory Committees (RACs) under the CFP and two national regimes (Iceland and Norway). There is much to learn about dealing with the right geographical regions and coordination of efforts.

Two examples will be showcased: the deepwater ecosystems of the wider Atlantic and the North Sea Ministerial Conferences.

There is a delicate borderline between fisheries and environmental issues under the OSPAR Convention, while the convention does not suppose to manage fisheries it reserves the right to raise issues with relevant authorities or international bodies, and assumes responsibility for assessing the quality status of the marine environment including the status of fisheries.

The North Sea Ministerial Conferences, up until 2006, sought to address fisheries issues including management, bycatch, discards and mitigation of environmental impacts, the ecosystem approach and experimental closures. Implementation is now in the hand of OSPAR.

With its commercial fish stock Ecological Quality Objectives (EcoQOs) and information about the status of deepwater stocks, cold water coral conservation and vulnerable marine ecosystems, OSPAR has been advising NEAFC since the 2000s about declining deepwater stocks and other fisheries impacts. The debate about the destruction of deepwater reefs has been a catalyst and OSPAR has sought to protect species and habitats through widening scope to identify and protect fragile and vulnerable ecosystems through a test case.

OSPAR and NEAFC have developed a Memorandum of Understanding to recognise their complementary roles and competences for fisheries management and environmental



protection including areas beyond national jurisdiction. Conservation of vulnerable marine ecosystems is progressing with NEAFC closing certain deepwater areas in northeast Atlantic international waters to fishing gear that touches the seafloor, e.g. bottom trawling, in April 2009. In the North Sea, the creation of the North Sea RAC and other OSPAR, North Sea Ministerial Conference initiatives up to and beyond 2006 saw the beginnings of management improvement and some consistent implementation of fisheries management emerging.

Stakeholders have been active in both arenas kicking off initiatives, providing technical expertise and scientific information, reviewing progress, developing score cards and conducting gap analyses, as well as providing watchdog functions.

There are three key lessons learned in relation to regional governance: 1) making sure we have ecologically meaningful regions; 2) making sure the objectives and targets are consistent (maybe they are at a meta-level, but they don't seem to be at regional Marine Strategy Framework level); and 3) we need to ensure we have tailor-made scientific advice.

### Session 3: Q&A Discussion

The Bay pinger experiment for harbour porpoises – how is that working out?

- Still too early to tell. There are too few data due to the short time the experiment has been running.

Scientific advice not being specific at regional levels, is this right?

- This issue is less about ICES advice on stocks, and more about tailor-made advice on adaptive management and use of technical measures, which areas should be protected, and the linkages between fisheries and environmental issues.

A participant took issue with WWF and the consumer wallet guides on cod in the northeast Atlantic asking why stock specific information is not available, pointing out that cod stocks are recovering or are in good shape in the Barents, Greenland and Iceland. The Chair asked that the participant and WWF representatives take the discussion off the side.

In these days of integrated maritime policy and the new age of multi-sectoral integration and given the demise of the North Sea Ministerial Conferences, any ideas about how else regional stakeholders will get together now?

14. Agreement about the concern. We should try to foster this kind of engagement in the EU within the marine strategy framework and maritime policy.

# Final Session: Lessons for the Common Fisheries Policy

## Perspective: *Mr Ramon Franquesa on the Mediterranean*

### **Speaker:**

Ramon Franquesa is a professor at Barcelona University and the Director of the International Masters in Fisheries Economics and Management. He is co-author of the *Economy of the European Union* (Thompson, Navarra, 2005), co-developer of the bio-economic model MEFISTO (sponsored by EU Research Program), and from 1998 to 2007 was member of the Scientific, Technical and Economic Fisheries Committee (STEFEC). At present, he is the coordinator of the Sub-Committee on Economy and Social Sciences of the General Fisheries Commission for the Mediterranean.

### **Summary:**

Not easy to summarise the context of Mediterranean fisheries management in ten minutes. However, the Mediterranean has some particularities that set it apart from other fisheries within the CFP, where quota and some control measures are not applied. The fishing fleet structure involves mainly artisanal fishers who venture no more than two or three nautical miles from harbour. Then there are semi-industrial trawlers, longliners and drift-netters return home every day, travelling no more than 20-30 nautical miles from harbour. Finally, there are the vessels in the industrial fleet fishing for tuna.

So those vessels who fish for species that don't migrate very far could be managed through bilateral agreements, in which case it is difficult to talk about devolution to regional levels. Some aspects of management could be centralised, in relation to trade perhaps. The question of subsidies needs to be addressed and how flows of money changes distribution of fishing effort. And some gears may need to be banned at Mediterranean level.

In terms of local management, such as determining real time closures, gear access and fishing areas, it would be more efficient to manage locally, or regionally. While in relation to effort controls, where there are no quotas, this is problematic and some form of Mediterranean level regulation is needed.

Sharing the sea between different countries both inside and outside the EU produces problems because the EU Member States argue that as non-EU Member States do not regulate their fishers, they should not be regulated either. But this argument does not have to be, there is some interest by other non-EU Member States in managing fisheries resources sustainably.

Suggestions for improving management include:

- 1) Delegate management to regions or recognise present situation, with subsidiarity controlled by objectives at high level.
- 2) Before new institutions are created, then it is necessary to assure validity and utility. It is expensive for fishers and countries to participate, so make sure participation they are useful and wanted, otherwise could produce overcapacity of institutions. Make sure they have clear competence, not duplicated competence, ensure no subsidies to bodies if not used. So, before creating new ones try to use ones that already exist.
- 3) Use institutions to save time, to reduce discussion, save money, and avoid duplication. They need an operative use, such as providing data on Mediterranean fisheries (even now don't provide vessel and catch data), pushing to adopt measures, adapting capacity to fishing opportunities, and introducing stakeholders in the process at the Mediterranean level to participate directly in discussion and design of measures.

## Perspective: *Dr Henrik Österblom on the Baltic*

### **Speaker:**

Henrik Österblom is a researcher and science-policy coordinator at the Stockholm Resilience Centre. He is leader for coastal and marine research and is working on understanding the dynamics of marine social-ecological systems, in particular those related to fisheries management and marine ecosystem governance. He is a member of the Swedish Council for Biological Diversity that acts as a link between the scientific community and policy makers, particularly when it concerns the Convention on Biological Diversity. He is also an advisor to the Swedish Society for Nature Conservation. Previously, Henrik worked as a civil servant as a special advisor on marine and fisheries policy. Before this, he was part of a Commission on the Marine Environment, tasked by the Swedish government to provide advice on how to break the negative trends observed in the seas around the country. His background is in marine ecology; he was awarded his PhD in 2006, which focused on the long-term impact of human activities in the Baltic Sea.

### **Summary:**

Around the Baltic Sea live 90million people. It is a semi-enclosed sea that has substantial impacts from human uses of both land and sea. Fisheries influence biodiversity; land use influence fisheries; fisheries influence ecosystem function – there are many inter-linkages between parts of the system.

The decline of cod stocks and then the recent increase in cod stocks are the results of both environmental effects and fisheries effects on the dynamics of the system. In 2008, the first ever political decision about cod stocks was in line with scientific advice. There is widespread agreement about IUU fishing issues. Meanwhile bycatch issues are rising up the agenda and will be in the news this week with a TV programme being aired in the region that will highlight the problems.

The RAC has been building dialogue capacity. And the research community has been building its capacity and begun integrating assessments on an ecosystem level, so understanding is improving substantially. HELCOM is working on environmental issues and bringing things together. So there are some very positive developments in the Baltic.

Two weeks ago DG Regions released a Baltic Sea strategy, which is a pilot policy that integrates a range of regional issues, like security related issues. This means that flagship projects on fisheries and other regional sea issues can be launched.

In Baltic countries there are developments like Sweden's co-management initiatives which will see management plans relating to quality objectives set at national level. A project by respected researchers Symes and Sissenwine on best practices in fisheries management has focussed on the U.S.A., Canada and Norway and the lessons that may be applied to the Baltic region. For example, operational objectives and prioritisation, national standards and how overarching frameworks can be used in a regional context. Also how greater transparency in science is used, e.g., in the U.S. they peer review assessments, to enhance trust in scientific advice. And how to ensure accountability and establish penalty levels that make a difference.

How to apply all of this in practice? Movement in the region is towards regional management, perhaps there is an opportunity to do this side by side and look at together – in other words, perhaps the Baltic strategy could be a pilot project for how the Commission could do regional fisheries management in practice.

## Perspective: *Mr David Symes on the North Sea*

### **Speaker:**

David Symes is Reader Emeritus at the University of Hull. A geographer by training – he has degrees in the subject from Oxford University - and a social scientist by inclination, his early research focused on comparative analyses of rural social structures in Europe. He served as Scientific Secretary and Vice-President of the European Society for Rural Sociology from 1990-95. Over the past twenty years he has developed an interest in fisheries governance and advocates for the regionalisation of the Common Fisheries Policy, publishing widely in these fields. Having acted as adviser on fisheries management to statutory conservation agencies in the UK and to the European Commission, he is currently a member of the Scottish Government's inquiry into the future of fisheries management.

### **Summary:**

Mr Symes, in his words, took up the role the sweeper (not football but road sweeping), to sweep up confusion because he was struggling like many in the room to get to grips with the issue in Europe. There are three issues he sees them:

1. The term “regional”.

It has been used at supranational and local scales, there are different levels of regionalisation and it is not always clear which level is being talked about. Also, regionalisation relates to the spatial framework. Whereas, co-management provides the process. We should be concentrating on the supranational level and Member States coming together to manage regional seas.

2. What is the purpose of regionalisation?

Are we going to do the same things differently or be doing different things? We don't really seem engaged in doing different things. Debén's introduction left him confused and he wasn't sure whether the Commission is encouraging or discouraging regional fisheries management. Regionalisation was introduced in Green Paper as a response to rebalance micro-management – is this the right reason?

3. We need to be asking within the Green Paper what can and cannot be done within the framework allowed by the Treaties?

EU is unique, formidable and up till now inflexible. America is a bit like Europe, they still have issues about what kinds of management to have in their regions. But what may be done elsewhere, might not work in EU. We need to shape our issues on the basis of EU's uniqueness.

At present the Commission has sole competence in EU for proposing, inflexible regulations. While Member States have great flexibility in fleet management, quota management, and inshore management. We should be looking at developing strategic policy at Commission level, then Member States implementing strategies and plans in the regions by cooperating at regional level, within limitations imposed by EU treaties. The process doesn't end until day-to-day management is in the hands of the industry, within in the norms, standards and targets set at EU level.

Our task should be to find way to have an appropriate regional framework and process to allow management to be applied in a more effective way. Two ways are offered in the Green Paper: comitology (no thank you); or ideas like those being considered by Scotland.

There should be caveats. There is a danger of regionalisation fatigue or overload. The complexity thing have already reached could overwhelm efforts: there are regions for marine strategy, maritime policy, fisheries. So one plea is to make the spatial framework the same. And should we not look for a single agency or institution for regions not three?

There is also a danger of creating three levels of governance: the EU level, the region and the Member State. We have trouble enough with two levels, let us not create a third.

And finally, is anyone noticing inconsistencies within the Green Paper? There is one obvious one: how do you get complementary regional management on the one hand and a common market for tradable fishing rights on the other?

## General Discussion

Dr Agnew began the session with some logistical information. He noted that the CFP consultation process is still open and urged participants to contribute to the consultation process. He also asked participants to complete the evaluation form for the organisers and noted that the PowerPoint presentations and proceedings will be available on OCEAN2012 and WWF European Policy Office websites.

Dr Agnew then summarised lessons and issues that emerged from the sessions, including:

1. The importance of getting governance and responsibilities or regional management right, including performance management and testing. We should not confuse the reasons that the CFP doesn't work, e.g., political will, or systemic reason, or indeed environmental regime change in the marine environment. These are difficult to separate, it is like trying to run complex RFMO. It is unique.
2. Allowing recognition for small-scale / community sector, including funding and support. And making whatever we do applicable to small-scale, community fisheries as well.
3. Giving responsibility and requiring accountability at the same scale
4. Setting boundaries between overarching policy and local application.
5. Providing adequate monitoring and regional scientific advice.
6. Finding the incentive triggers for participation, building on existing institutions.
7. Extent of power and right of Commission to take the initiative.
8. Overlap and duplication – region fatigue and avoiding duplication.

Slides showing four topics and a possible framework based on Scotland's IFGs framework (as presented by Andrew Brown) to stimulate discussion amongst participants were put on screen:

- **Structural options – what are the options – what decision-making or governing entities?**
- **Participants – who should be involved – how to use existing institutions?**
- **Decisions and accountability – incorporating a feedback loop, assessing performance of new structures.**
- **Costs and funding – is this a social (i.e., public) responsibility or should regional management be funded by fisheries?**
- **Possible framework:**
  - **Long-term strategic outcomes / targets set at EU level (biological and ecological)**
  - **Development of regional fisheries management plans by Member States within a region (including identification of different social and economic targets)**
  - **Testing (and approval) of plans against strategic targets at EU level**
  - **Implementation of plans by Member States**

Dr Agnew opened the floor for discussions.

A participant asked whether anyone on the panel had experience in solving conflicts of objectives in any regions?

David Symes responded that this is an interesting question in the CFP context. The CFP has not specified with clarity or precision what objectives are. The Green Paper suggests

conservation objectives become high level, with the social and economic objectives played out at regional or local level. In theory, the more local the attempts to resolve these objectives, the more likely their success.

Why if EU and Member States who were involved in developing UNCLOS do not apply its provisions under the under CFP. Management should be decentralised, participative, regionalised, however CFP acts contrary to this and this can be seen in the Lisbon Treaty, so we face a contradiction between the Green Paper and the Treaties. How can we reconcile opposing views?

Mr Symes agreed with the sentiments expressed, asking why it has taken 25 years to realise. The CFP itself began as a regional framework of only nine Member States in the North Sea. As the EU expanded over time, so did the authority of the CFP, but the governance of fisheries should not have become such as it is today. It should have remained regional.

Paul Degnbol, DG Mare noted in relation to Symes' comments about the Commission having a half open or half closed door about regionalisation, that to the extent possible we must find reality not just window dressing, but we must find ways within the Treaty. The dilemma is finding ways for Member States to cooperate. On the issue of giving away power, another challenge with the Lisbon Treaty is the Parliament gaining co-decision making power, but then we're proposing to give it away. We do need to get out of micro-management, but this is but not the main reason. We need to hardwire accountability and binding decisions into the fisheries. Should we be talking about marine management, a more integrated approach? Andrew Brown, from Marine Scotland, then showed explained to conference participations the possible framework that Scotland is trying to develop, referring to the PowerPoint slide as he went (see above). He suggested that exposing the ideas to everyone would help generate other ideas about how to develop the details.

It was suggested that regional fisheries plans need to be tested against Good Environmental Status objectives and targets from the Marine Strategy Directive. Also, recommend against having another regional forum. The preferred forum would be the regional conventions such as OSPAR or HELCOM. And the stakeholder process could be developed to expand the RACs to bring in broader stakeholder constituents. In law and commitments from Member States the structures are there already. Finally, localisation of small scale interests, – perhaps this sometimes confuses debate about marine regions which is the level of debate and policy development we should be talking about.

To what does the 'region' refer when talking about regional plans? What kind of testing would take place, what mechanisms might be needed? Mr Brown agreed this needs to be clarified. Initially they were thinking sea-based regions (e.g., the North Sea), but even this is a complex statement. Think for example about quota exchanges between Spain and Norway. So we're at an early stage in our thinking. Monitoring and assessment is a key point – the Commission will need to be convinced that management and implementation is actually taking place and that compliance is happening.

David Symes suggested that the critical issues were:

- 1) what's lacking in the CFP is an immediate response to problems, so we need a process to accelerate decision making not delay it;
- 2) some Member States will have to fit within two or three different fishing management regimes; and
- 3) are whether we are inviting the re-politicisation of fisheries, when we are looking for ways to depoliticise fisheries management, so we need a much more simple model that means once a regulation leaves Brussels that is the last the EU is involved. Please don't get two lots of politicians into it!



Moving to talk about who the participants should be, the U.S. model was compared to what goes on in the EU. In terms of developing management plans, it was suggested that the U.S. has a lot of governmental participation without much public participation. Whereas in the EU, there is more overt public participation through political process. Discussion focussed on whether if fisheries plans could be agreed between Member States, then perhaps there would be little political interference.

This sparked comments about what might happen if Member States then don't deliver on implementation. Some scepticism was expressed about some EU Member States track record. How can we develop a framework that ensures accountability. It was suggested that bringing Member States who have a natural inclination to work together so that reasonable compromises could be made.

Alternatively, the Cape Cod example was suggested as a way of building in accountability so all fishers bore the burden of a single fishers' non-compliance. There were ongoing differences of opinion about whether the compliance picture is as bleak or some Member States as bad as some make them out to be. And a suggestion that the Danish CCTV measures might be useful or giving Producer Organisations the power to bite on fishers.

Another suggestion in relation to Member States not implementing management measures, was to look to the Mediterranean action plan. This states that the minimum management standards must be implemented, but allows management measures to aim to perform better than the standards. However, if technical measures are not compatible with objectives within three years (time limits built into regulation), then the Community will be able to direct Member States to implement measures.

There was a suggestion to renationalise the CFP by giving jurisdiction back to Member States. Ramon Franquesa countered that there are strong reasons to maintain the CFP, including common markets and common fishery zone, we need it. The problem is centralisation. In the U.S. the Magnuson-Stevens Act establishes compulsory connections between scientific advice and setting catch limits. The problem is to find the right composition of competence, while improving participation and co-management at local level, and adapting management based on outcomes. Let us not forget quota established at Community level but controlled at Member State level.

One of the strengths of the CFP is that the Community can hold Member States responsible. Under UNCLOS one is only supposed to have the right to go fishing if one meets conservation objectives. So an accountability measure would be to restrict quota availability for Member States, macro-level cross compliance would be needed, without ambiguity.

An intervention from a member of DG Environment suggested that the proposed framework looks like what a Directive does, e.g., the Habitats Directive. And these take time, the Habitats Directive has taken 12 years and is still not complete. He took issue with the idea that seemed to be common at the conference about small-scale fisheries being better, suggesting that small is beautiful not necessarily better. Finally, he also expressed scepticism about Member States being willing or able to agree with one another, experience in HELCOM, CITES and other international or regional conventions proves the point, they are not going to agree.

At this stage the interpreters had to leave the conference, but we continued for a short while in English only.

Some members of small-scale organisations expressed concern about the possibility of fisheries policy responsibilities being transferred to Member States as their experience is one of marginalisation in the management process, that 80% of vessels have 2% of quota, they are unable to form Producer Organisations and cannot afford to buy quota. We must

learn the lessons of the past, Member States have not looked after small scale fleets, there needs to be a redistribution of wealth to enable the small-scale fleets to survive.

The vital importance of good catch information on both landings and discards was emphasised again. This is the lifeblood of sustainable fishing for any scale of fishing. But, to achieve success at whatever level one needs to be realistic and work out how to take severely depleted fisheries and get fishers to invest in them, noting that it is unrealistic to think they'll be able to invest much in the short-term. The transition to an effective quota system in the New England groundfish fishery will cost about \$3 million a year across five years, but this should rebuild the fishery to \$300 million annually. So on balance, the short term cost will be okay but the sector needs government support to do it. But if the focus is on fishers investing in monitoring for good quality data, then how to pay for quota and changes in the short term.

The Commission will have to grapple with ideas about whether to propose a different model per region, or a single model to which all regions have to agree. Participants had a final reminder of the timescale. You have less than 80 days to convince your Member State about how to go forward.

## Closing

Dr Agnew thanked interpreters, organisers, the Committee of the Regions, participants and Ms Chris Grieve for acting as rapporteur for the day.

## Annex 1: Participants

No	Contact	Institution
1.	Christien Absil	North Sea Foundation
2.	David Agnew	Marine Resources Assessment Group (MRAG)
3.	Martine Allais	Representation of Brittany to the EU
4.	Antonio Garcia Allut	Lonxanet Foundation for Sustainable Fisheries
5.	Lourdes Alvarellós	European Commission
6.	Ana Olivert Amado	European Commission
7.	Niklas Amelin	European Commission
8.	Gaia Angelini	Oceana
9.	Armando Astudillo	European Commission
10.	Iwan Ball	WWF Wales
11.	Giles Bartlett	WWF UK
12.	Constança Belchior	League for the Protection of Nature
13.	Uta Bellion	The Pew Charitable Trusts
14.	Paweł Bloch	University of Gdańsk
15.	Arthur Bogason	National Association of Small Boat Owners of Iceland
16.	Tatjana Borbas	Mission of Croatia to the EU
17.	Hélène Bours	Coalition for Fair Fisheries Arrangements (CFFA)
18.	Charles Braine	WWF France
19.	Carsten Brauns	Committee of the Regions
20.	Andrew Brown	Marine Scotland
21.	Ellen Bruno	European Commission
22.	Marek Budniak	Green Federation Gaja
23.	Cédric Cabanne	Independent Consultant
24.	Jock Campbell	Integrated Marine Management Ltd
25.	Laura Cantral	Meridian Institute
26.	Julie Cator	Oceana
27.	Ben Cattermoul	Integrated Marine Management Ltd
28.	Grégoire Cayé	Action Europe
29.	Francois Chartier	Greenpeace France
30.	Eve Chevillard	Languedoc-Roussillon Permanent Representation
31.	Clarus Chu	WWF UK
32.	Vera Coelho	Seas At Risk
33.	Rozan Consten	The Pew Charitable Trusts
34.	Marine Copin	Nord-Pas de Calais Regional Office to the EU
35.	Marco Costantini	WWF Italy
36.	Rory Crawford	Royal Society for the Protection of Birds
37.	Lee Crockett	The Pew Charitable Trusts
38.	Dave Cuthbert	The New Under Ten Fishermen's Association
39.	Staffan Danielsson	Greenpeace Nordic
40.	Nathalie Dault	Mission of Canada to the EU
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42.	César Debén	European Commission
43.	Christian Decugis	Fisherman

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47.	Euan Dunn	Birdlife International
48.	Michael Earle	European Parliament
49.	Thomas Engelke	Hanse Office
50.	Ylva Engwall	Swedish Ministry of Agriculture
51.	Gabriela Erice	European Parliament
52.	Xabier Ezeizabarrena	San Sebastián Basque Nationalist Party Municipal Group
53.	Silvana Fajardo	Seas At Risk
54.	Liberato Fernandez	Federation of Fisheries in the Azores
55.	Miriam Garcia Ferrer	European Commission
56.	Magdalena Figura	Greenpeace Poland
57.	Christofer Fjellner	European Parliament
58.	Jenny Fors	WWF Sweden
59.	Didier Fourgon	WWF European Policy Office (EPO)
60.	Ramon Franquesa	University of Barcelona
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62.	Charline Gaudin	European Bureau for Conservation and Development (EBCD)
63.	Monica Ghecea	Bromotion Consultancy
64.	Serge Gomes da Silva	FARNET Support Unit
65.	Aimee Gonzales	WWF International
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70.	Arjan Heinen	Association of Netherlands' Inland Fishers
71.	Roland Higgins	Marine Stewardship Council
72.	Louize Hill	WWF Scotland
73.	Amélie Hinse	Mission of Canada to the EU
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75.	Anna Holl	EPPA
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103.	Helen McLachlan	WWF Scotland
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107.	Fernando Nieto Conde	European Commission
108.	Malgorzata Kolander Ninanne	Murcia Regional Office to the EU
109.	Claire Nouvian	Bloom Association
110.	Paul Oma	Mission of Norway to the EU
111.	Henrik Österblom	Stockholm Resilience Centre
112.	Joost Paardekooper	European Commission
113.	Eleonora Panella	WWF European Policy Office (EPO)
114.	Paul Parker	Cape Cod Fisheries Trust
115.	Gemma Parkes	WWF Mediterranean Programme Office
116.	Jose J. Pascual- Fernandez	University of La Laguna
117.	Guus Pastoor	EU Fish Processors and Trade Association (AIPCE CEP)
118.	Giorgos Paximadis	WWF Greece
119.	Jerry Percy	Welsh Federation of Fishermens Associations Ltd
120.	Carol Phua	WWF Netherlands
121.	Antolín Sánchez Presedo	European Parliament
122.	Marie Prévot	Highlands & Islands European Office
123.	Colin Pringle	Partnerships Involving Stakeholders in the Celtic Sea Ecosystem (PISCES)
124.	Melissa Pritchard	Marine Conservation Society
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127.	Saskia Richartz	Greenpeace European Unit
128.	Barbara Roegiers	Flemish Government
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135.	Simona Simkute	Lithuanian delegation to the Committee of the Regions
136.	Anita Slomiana	Our Earth Foundation
137.	Paul Soto	FARNET Support Unit
138.	Niki Sporrong	The Fisheries Secretariat
139.	Kathryn Stack	European Parliament
140.	Struan Stevenson	European Parliament
141.	David Symes	University of Hull
142.	Despina Symons	European Bureau for Conservation and Development (EBCD)
143.	Ottilia Thoreson	WWF Sweden
144.	Emmanuel Thouard	IFREMER
145.	Sergi Tudela	WWF Mediterranean Programme Office
146.	John Tveit	West Norway Office
147.	Elisabeth Vallet	Seafood Choices Alliance
148.	Gerard J. van Balsfoort	Pelagic Freezer-trawler Association (PFA)
149.	Koen Van den Bossche	Institute for European Environmental Policy (IEEP)
150.	Jaap Vegter	Foundation Integrated Fishery
151.	Troels Vensild	Permanent Representation of Denmark to the EU
152.	Monica Verbeek	Seas At Risk
153.	Isabelle Viallon	European Commission
154.	Stéphane Vrignaud	U.S. Mission to the EU
155.	Mike Walker	The Pew Charitable Trusts
156.	Aleksandra Warmamazury	Warmińsko-Mazurskie Voivodeship Regional Office
157.	Elfreda Whitty	Convention of Scottish Local Authorities
158.	Simon Woodsworth	Languedoc-Roussillon Regional Council
159.	Jerzy Zająkała	Committee of the Regions
160.	Gabriella Zanzanaini	Food & Water Europe
161.	Staffan Zetterholm	Innovative Fisheries Management (IFM)
162.	Heike Zidowitz	Ecoanalysis Germany





**WWF** *for a living planet*<sup>®</sup>

WWF's global mission is to stop the degradation of our planet's natural environment and to build a future in which humans live in harmony with nature.

As part of a global initiative, WWF is working with fishers, fisheries managers, seafood traders and consumers to reform commercial marine fisheries towards long-term sustainability, that seafood is harvested in a way that sustains and protects the marine environment, the species within it and the people who depend on them. To achieve this goal, the WWF network is fully engaged in the 2012 reform of the EU Common Fisheries Policy.

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OCEAN2012 is an alliance of organisations dedicated to transforming European fisheries policy to prevent over-fishing and enhance human well-being. Our vision is healthy oceans with abundant fish and wildlife contributing to human wellbeing.

OCEAN2012's mission is to ensure that the 2012 reform of the EU Common Fisheries Policy stops overfishing, ends destructive fishing practices and delivers fair and equitable use of healthy fish stocks. The alliance uses scientific evidence and has extensive experience in engaging decision-makers and stakeholders at all levels.

OCEAN2012 was initiated, and is co-ordinated, by The Pew Environment Group, the conservation arm of The Pew Charitable Trusts, a non-governmental organisation working to end overfishing in the world's oceans.

Founder members include: the Coalition for Fair Fisheries Arrangements; the Fisheries Secretariat; the new economics foundation; the Pew Environment Group's European Marine Programme; and Seas At Risk.

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