

The European Union's Regional Advisory Councils

- A governability assessment of the South Western Waters

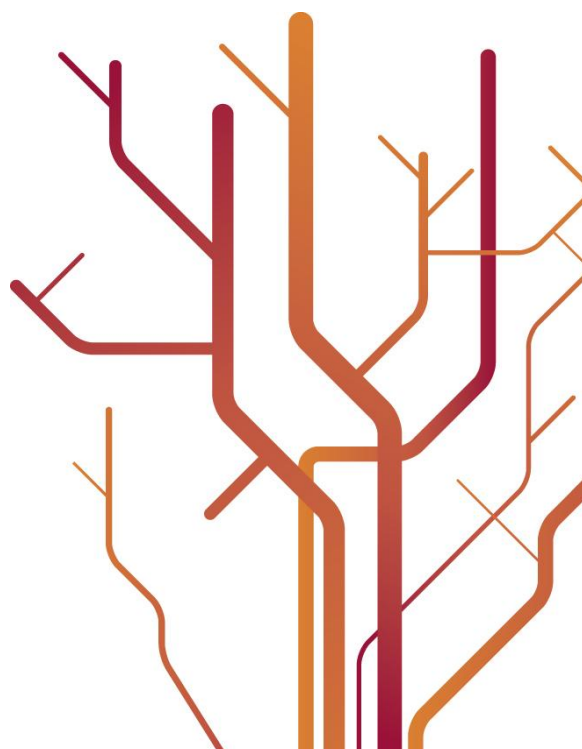


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Abstract

The 2002 Common Fisheries Policy (CFP) reform introduced a set of novelty Regional Advisory Councils (RACs) to enhance stakeholder involvement and correct one of the policy's primary deficiencies, its lack of legitimacy, arising in part from low stakeholder involvement. Based on an analytical study of the South Western Waters RAC (SWWRAC), this thesis illuminates the current capacities and limitations linked to the governance process of the South Western Waters through a governability assessment. Stakeholder participation in the CFP is seen as a precondition to guarantee legitimacy to the regulatory measures aimed at achieving sustainable fisheries in EU waters. This study illustrates the importance of critical examination of stakeholders' experiences and expectations and what they imply for the governance of the RACs.

Keywords: Regional Advisory Council, Interactive Governance, Governability, Common Fisheries Policy, European Union, Stakeholder participation.

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1. Introduction

The global status of fisheries is in crisis. All around the world there is a concern for the critical state of many fish stocks and for fleet overcapacity in the context of increasing demand for fish consumption. The European Union's¹ fishery sector is confronted with largely the same challenges. As far as conservation of the resources is concerned, many stocks are at present outside safe biological limits implying that they may not be able replenish (EC, 2009:7). At the same time, the availability of fishing capacity of the EU fleet far exceeds what is required to harvest fish in a sustainable manner. The EU market is at present increasingly dependent on third country fishing agreements and imports to satisfy its internal demand for fish products. The sector is characterized by its economical fragility resulting from overinvestment, rising costs and an eroding resource base which is reflected in the low profitability and steadily declining employment. External factors such as the high volatility of oil prices and the financial crisis have exacerbated the low economic resilience of fishing.

Politically, there is a feeling among the industry stakeholders that they are not sufficiently involved in the management of the Common Fisheries Policy (CFP), and many believe that there is no fairness in terms of enforcement and compliance of the regulatory measures decided at the EU level. During the last decades, however, there have been repeated calls for increasing stakeholder participation in order to achieve sustainable fisheries in the EU. It is claimed that stakeholder participation is better to address conflicts, increase legitimacy and create a “socially robust” know-how for sustainable fishing advice and its implementation (Linke et al., 2011:133). It is also claimed that a more effective and participatory decision-making would counter the systemic weaknesses of the CFP.

Stakeholder participation has only recently begun to develop in the current European fisheries governance, which has traditionally been done centrally by the EU Commission located in Brussels through the CFP. Fisheries play an important role in the social fabric and cultural identity of Europe's coastal regions. The livelihoods of many of these communities are dependent of fisheries for their income, and some of them have limited potential for economic diversification. Typically, fisheries communities are frequently ignored or regarded as a burden on management rather than as a source of contribution (Jentoft, 2000). But, in spite of the important impact that the policies have on their livelihoods, the CFP's traditional governance framework has excluded most resource users from the decision-making process.

¹ When possible, the term “European Union” is used in this thesis in preference to the “European Community”, in line with the amendments brought about by the Treaty on the European Union (TEU).

Against this background, the 2002 reform of the CFP introduced a new set of stakeholder bodies, the Regional Advisory Councils (RACs), as a forum for interaction and policy advice on matters concerning fisheries in defined geographic areas or related to specific fisheries. Their purpose is to ensure that the CFP achieves sustainable fisheries in accordance with environmental, economic and social factors, following the principles of good governance by including all the interests affected by the policy-making (EC, 2002a). Governing fisheries is a highly political matter, and ultimately relates to conflicting interests, values and world views between governors and those governed (Jentoft and McCay, 1995:227). Thus, stakeholders may not always arrive at a consensus as to what should be the specific objectives of fisheries governance and to how various concerns should be dealt with. The extent to which the RACs “*enable the Common Fisheries Policy to benefit from the knowledge and experience of the fishermen concerned and of other stakeholders and take into account the diverse conditions throughout the Community waters*” (EC, 2002b:4) will largely depend upon the interaction between stakeholders and governors in the process. All things considered, the solution to a problem may become a problem in itself. With another decadal CFP reform in the making², a pertinent question is therefore whether and how stakeholder involvement has in fact enhanced the governability of the EU’s fisheries.

1.1 Research approach

Those involved in governing fisheries are also involved in solving problems, creating opportunities and contributing to the development of the fisheries sector to reach a set of objectives. Fisheries are difficult and multifaceted industries to deal with as they pose many challenges and concerns to the governing system. The governance approach applies to fisheries throughout the entire fish chain, in other words from pre-capture, capture, to post-capture. The fish-chain can be understood as a framework which considers the inter-connection between its parts and moves on to consider the kinds of concerns that are involved in fisheries governance: ecosystem health, increasing export earnings, social justice, economic efficiency, livelihoods and employment. However, these challenges and concerns are frequently in conflict with one another, posing confronting governors with dilemmas that require them to take “hard choices” (Kooiman et al., 2005:285). Nonetheless, action is required in order to achieve particular future outcomes. In turn, the governed support and invest in these actions with the expectation that, at least some of, the expected outcomes will come true. In governance systems, such as those of fisheries management, there is a tendency to address complicated problems

² The reviewed CFP was originally planned to enter into force on 1 January 2013, but the reform will continue into 2013.

with simplification, despite the diverse, complex and dynamic nature of the challenges, concerns and the hard choices it faces (Kooiman et al., 2005).

The concept of interactive governance (Kooiman et al., 2005) will be used as an approach to this study. Interactive governance works from a three system's model: a system-to-be-governed, a governing-system and a system of governing interactions. The theory holds that these systems and the interactions between them are diverse, complex and dynamic, and operate at various scales. The nature of these attributes may pose a challenge to the system's governability, i.e. "*the overall capacity for governance at any societal entity or system*" (Kooiman, 2008:173), and can be used to evaluate and improve the governance of a given social entity or fisheries system. In order to do so, a governability conceptual framework can be developed to provide an evaluation of the entire governance system given the constraints and opportunities related to the limitations of the system-to-be-governed and how it relates to its governing system. Governance systems have unique characteristics determined in general by their socio-ecological context in which they operate. As a result, governability is therefore not static but rather a dynamic, complex and diverse ongoing process (Kooiman et al., 2005:342,343).

Fisheries involve a large number of stakeholders – from individuals, fishing associations, NGO's, and the like – each with own perceptions of what is going on and of what the problems are. These problems, and hence their solutions, are according to interactive governance translated into images and world views that can come as visions, assumptions and knowledge which give meaning and become a norm for social action. To be able to govern, governors need ideas to understand where the fisheries system is, in order to get it where it needs to be and how it can be achieved. As an intentional activity, interactive governance consists of three elements: images concerns all of the ideas and world views which contain assumptions on fundamental matters such as the relationships between society and nature and the role of government; instruments are the required tools governors dispose of in order to achieve desired objectives; while action is about mobilizing stakeholders toward implementation of policies (Jentoft, 2007:361; Kooiman et al., 2005:330-332). After posing particular questions to the social-ecological context within the system-to-be-governed, governing system and their interactions, an assessment framework can be developed (Jentoft and Chuenpagdee, 2009:557).

1.2 SWWRAC as case-study

The South Western Waters Regional Advisory Council (SWWRAC) was established in 2007, and set up to include all interests affected by the CFP. It covers a wide geographical area and includes a great diversity of fisheries with different types of challenges. Like the other existing RACs, it recognizes a

primacy of the fishing sector in terms of representation, given that it is ultimately the fishermen who are subject to the regulatory measures and who must live with them. The SWWRAC includes three EU member states: Portugal, Spain and France³, with representatives from the fishery sector as well as other interest groups, including environmental as well as development Non-Governmental Organizations (NGOs), and women fisheries networks. The broad stakeholder constituency (86 members) results from the importance of the fishery sector for the abovementioned member states; especially within traditional fisheries where the fleets principally consist of vessels under 12 meters (m) in length, reflecting the importance of coastal fishing in the referred countries. Nevertheless, there are important differences regarding the definition of traditional fisheries which are discernible from one national context to another.

The overall objective of the RACs presented in section 1.1, is also the same for the SWWRAC; while aiming for the achievement of sustainable fisheries in accordance with an eco-systemic approach, the EU also aims to take the socio-economic factors into better account. In concurrence with interactive governance theory (Kooiman et al., 2005), the SWWRAC can be analyzed both as a governing system located at an intermediate (regional) level and as a system-to-be-governed in relation to the geographical area and fisheries covered. Given the broad membership constituency of the SWWRAC and the different interests of stake, it is well suited as a case-study for governability assessment. Only then will it become clear what the potential of the socio-economic factors are and how well these enable or limit the achievement of the objectives in the CFP framework.

1.3 Research questions

An important first step toward providing a sound conceptual foundation for the research project is the development of solid research questions. While the definition of good questions determines what, where, when, and how the data is collected, it also sets the boundaries for the scope of the research making it possible supporting a specific and arguable thesis. The research questions of this thesis are presented below.

- a) How compatible/responsive is the system-to-be-governed in relation with its governing-system and vice versa?*
- b) What elements of governance involved in stakeholder interaction affect the governing-system's goals?*

³ Stakeholders of the fishery industry from the Netherlands and Belgium are also represented in the SWWRAC.

The first question aims to establish if the character of the governing system is compatible with the character of its system-to-be-governed and assess how responsive it is. The second question seeks to identify what elements of governance, including values, principles and goals are employed by the stakeholders in their continuous negotiation in order to produce outcomes. The examination of these elements is important to understand what they mean in the governance process of the RAC in relation to its objective, i.e. to actively support the CFP in achieving the goal of sustainable fisheries.

1.4 Research objectives

The objective of this research is to conduct an analytical study of the governance process of the Regional Advisory Councils, assess how they enable the Common Fisheries Policy (CFP) to benefit from the know-how of the stakeholders in the governance of the EU's fisheries and to what extent it responds to their demands. As part of the research design, an investigation was carried out in Portugal during December 2012 and January 2013. In-depth interviews were conducted with stakeholders from the fishery sector as well as from different civil society organizations. All informants had interests at stake in the SWWRAC. The EU may benefit from stakeholder participation in the policy formulation; however, their agendas, interests and worldviews can be conflictive and in the end not consensual regarding a specific issue. Hence the RAC's *raison d'être*: to facilitate better information sharing and cultivating stakeholder relationships in order to correct one of the CFP's primary deficiencies, the lack of legitimacy, arising in part from low stakeholder participation.

Governance is an ongoing process, thus the findings of this study can contribute both to further evaluations of this process, as well as to obtain more detailed studies of the elements presented in this thesis by other researchers. Given that the governability assessment framework is still in development, this thesis may contribute to the Interactive Governance's *repertoire* by demonstrating its analytical feasibility for empirical investigation. At a personal level, the long summer nights on board purse-seiners, observing the sardine fishing activity in southern Portugal, sparked intriguing questions resulting in a quest of knowledge and understanding of the EU's fisheries governance system. The subject of this thesis presents an opportunity to learn more about the several dimensions of fisheries, including biological, socio-economic as well as the political elements. The objective will therefore be to attain a broader understanding of the challenges that are present in the process of fisheries governance, and allowing for an assessment to how these challenges may be addressed.

The research theme presented in this thesis is about stakeholder participation in the EU's fisheries governance. The conceptual framework is applied on a case study of the Regional Advisory Council

observing the South Western Waters (SWWRAC). The reasons for selecting this case were explained followed by the research questions that the thesis aims to answer, as well as the purpose behind conducting the research project. An outline of the chapters and their content is presented in the following.

1.5 Outline of the thesis

In chapter 2 the theoretical and conceptual framework are presented together with an explanation of the governability assessment model. In chapter 3 follows the methodological approach carried out during the project. Chapter 4 provides a contextual background of the Common Fisheries Policy as well as of the case of the South Western Waters Regional Advisory Council. The assessment of the system properties and attributes related to the SWWRAC will be presented in chapter 5, before being analyzed in the following chapter together with a suggestion on the ways forward to strengthen governability. Finally, a concluding chapter will present a short summary of the findings of the thesis, as well as an evaluation of the research project together with a suggestion of future research needed.

2. Theoretical and conceptual framework

The crisis and conflicts in EU's fisheries suggests that there are serious problems with its past and current governance. However, there is little agreement regarding the background for that judgment. It should not come as a surprise, while fisheries governance shows varying level of success and failure (Kooiman et al., 2005). Since fisheries are complex systems and comprise social, cultural and political elements as well as natural ones, governors require more than just "technical fixes" in order to manage them (Jentoft, 2006). Still, it is possible through an inclusive approach to understand and evaluate fisheries governance in a coherent way. To do this, key conceptual variables have to be identified and measured before a framework, linking the research findings to a theoretical perspective, can be advanced. In order to conceptualize the research study, an interactive governance perspective (Kooiman et al., 2005) is applied and will be explained in the next section.

2.1 Interactive governance

The current Common Fisheries Policy (CFP) builds upon a centralized, top-down and almost entirely science-based governing process (Linke and Jentoft, 2013:337). The 2002 reform of the CFP suggests, nonetheless, a new way of structuring governance through the novelty changes brought about with the establishment of the Regional Advisory Councils (RACs). The RACs represent, therefore, the acknowledgement by the EU Commission of the need for a commitment of a broader set of actors in order to address many of the problems and opportunities that are presented in governing its fisheries. Consequently, from this perspective, governance is also bottom-up allowing for local knowledge input in policies resulting from a shared collective governance responsibility. However, it is more conflictive while there are different interests at stake. Still, governance can also be more interactive, whenever stakeholders consult with each other in order to front concrete advice regarding policy formulation. Thus, the concept of interactive governance which Kooiman et al., (2005) define as: "*the whole of interactions taken to solve societal problems and to create societal opportunities; including the formulation and application of principles guiding those interactions and care for institutions that enable and control them*" (Kooiman et al. 2005:17).

The governance framework suggested here has a normative as well as an analytical dimension. From a normative perspective, there is an understanding that "interacting" is often a more effective way of governance than doing things alone and hence it should therefore be encouraged; while interacting, learning processes take place and enable stakeholders to share visions and learn from each other. Furthermore, broad participation in governance is also an expression of participatory democracy and of

“good governance” and therefore perceived as good thing in modern society. From an analytical viewpoint, it is a helpful tool for reasoning about interrelationships and interactions among natural entities, social actors and institutions involved in governance, and for looking for them in empirical settings. Interactive governance works from a three system’s model: a system-to-be-governed, a governing system and the interaction between the two first ones which forms a system in its own (Fig.1).

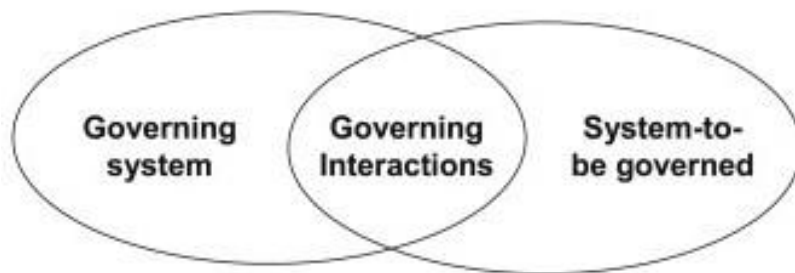


Fig.1: Interactive governance model, sourced from Jentoft and Chuenpagdee (2009:556).

Fisheries governance addresses issues of biological, economic and social nature that are closely linked. A framework for analysis can be developed for studying the properties and variables of the governance process. Interactive governance theory (Kooiman et al., 2005) argues that the governing system and the system-to-be-governed must be isomorphic in size and shape. In other words, the more compatible the structural traits of the governing system are in relation to the system- to-be-governed, the more responsive the latter will be in relation to the outset objectives. This requires a process of institutional planning which, according to Jentoft (2007), is a demanding exercise since there are many concerns to take into account; for instance, measures need to be effective and efficient, but at the same time they need to be “ethically and socially just” (Jentoft 2007:361). Where the governing system meets the system-to-be-governed, interactions take place and thus governability can be assessed as the capacity of the combined systems to respond to a given demand (Jentoft and Chuenpagdee 2009:558).

The framework presented in Fig. 1 provides guidance and direction. It balances the capacity of the governing system and the needs of the system-to-be-governed, with governance interactions playing an intermediary role. Still, the model needs further detailing regarding the nature of the governing activities. Interactive governance theory analyses three additional components: elements, modes, and orders of governance as illustrated below in Fig. 2:

Elements of governance

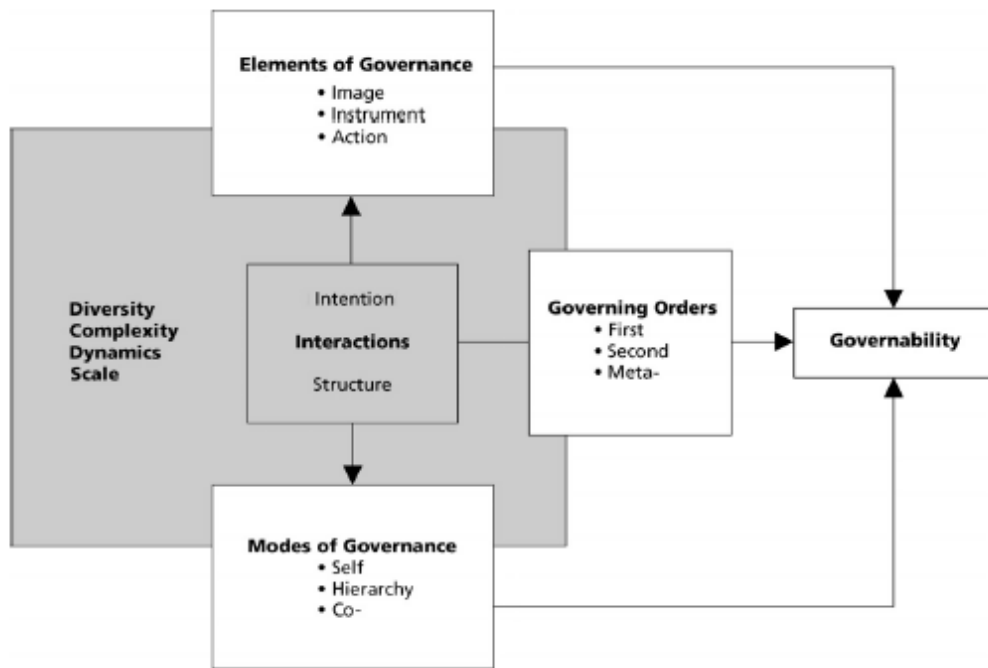
In order to understand where governors are and where they need to be, they need ideas and visions in order to get there. For all these ideas the term *images* is used to illustrate what actors perceive as being real and how they act upon this; in order to achieve the desired images, governors need a set of *instruments* which can be developed in order to take *action*, i.e. putting the instruments to use.

Orders of governance

The theoretical framework presented also relates to the orders of governance which can be imagined as three concentric circles. The outer circle, *first order governance*, deals with day-to-day affairs, problem-solving and provides the means to create new opportunities; whereas the *second order of governance* focuses on the institutional arrangement within which first order governing takes place. The inner circle or, *third order governance* represents the ethical principles and social norms, underpinning the *first* and *second orders*, by which the governing interactions can be evaluated thereafter.

Modes of governance

At the structural level, where the governing interactions take place, three modes or styles of governance can be observed, varying from informal ones in small groups to formalized ones occurring within institutions. *Hierarchical governance* is the most traditional governance mode, with the governing system conceived in the top of the pyramid with a command-and-control role, whereas the system-to-governed is in a subordinate, receiving role. Some systems govern their interactions by themselves and employ therefore *self-governance*. The last governance style is *co-governance*, where societal actors, together with government entities join hands in the governing responsibilities. It is important to note that in governing interactions, each of the governing modes presented above is not capable of operating in isolation. In modern society, governing interactions are mixed and take place in a continuum somewhere between hierarchical, and self-governance modes (Kooiman et al., 2005).



(Fig.2: Components of the interactive governance model, sourced from Kooiman et al. 2005: 325).

2.2 Governability

Interactive governance theory argues that governability can be understood as the governance capacity and quality of a given societal entity or system. Societal systems, including aquatic resource systems, can be characterized in relation to four properties: diversity, complexity, dynamics and scale. These properties are important not only to understand what governability is about, but also how to evaluate it and eventually improve it, and applies to the object to be governed, to those who govern, and to the relation between them. Governability of a fisheries system is constantly changing, leading to varying combinations of challenges, concerns and hard choices. Thus, one way to think about governability would be to rank systems in terms of their properties, which either facilitate governance or hinder it, i.e. systems with low property value levels may be inherently more governable than those for which these property values are high.

Another way to do this is to consider how well equipped the governing system is to address the nature and magnitude of the system-to-be-governed. Some problems may surface where no simple solution may be found and where no single management instrument will solve them (Jentoft, 2006).

Governability is therefore also helpful in the understanding of the nature of the problem at hand.

Interactive governance theory considers three ways in which governability can be strengthened: the first highlights the principles and values underpinning governance, which need to be articulated and

are essential in promoting a shared vision for a fishery; the other is to promote broader participation in the governance responsibilities; while the last way is to promote a learning arena where knowledge can be exchanged in order to better cope with for example uncertainty. Since interactive governance theory emphasizes the governing interactions, it is crucial not to lose sight of the stakeholders. Who they are and how they relate to each other are relevant questions to an understanding of how governance works and may be improved (Kooiman et al., 2005). After reviewing the concepts which form the basis for an interactive governance approach, a framework for assessing governability can be applied.

2.3 Governability framework

According to interactive governance theory, governability is a function of the system-to-be-governed and of the governing system, and the interactions between the two. The inherent properties of the two systems determine the needs and capacities of governance, while the features of their interactions affect how governance performs (Jentoft, 2007). High property value levels suggest low levels of governability, while low levels indicate that the system is prone to be more governable. Additionally, high levels of interaction features translate into high governability. Kooiman et al., (2005) lists four system properties which will be presented in relation to the system-to-be-governed and the governing system, as well as the interacting features which will be helpful under a governability assessment.

Diversity

Diversity refers to the number and characteristics of the different entities that form a system and to the nature and degree in which they vary. The variability in natural, social and cultural conditions of a fisheries system determines the limits of its governability. The criteria for the governing interactions will be related to the representation of the interests affected in the process.

System-to-be-governed

Natural: relates to the ecosystem and to the resources it harbors. Fisheries may be characterized according to their geographical location, for instance if there are coastal or deep-sea fisheries; they can also be single species oriented or with a broader resource base.

Social: relates to the stakeholders, and these may be identified “*by the urgency of their concerns, the legitimacy of their interests, or the power they hold*” (Jentoft 2007:362). The social characteristics of the system-to-be-governed also relates to employment, food security, exports and revenues. Other

actors that are not directly affected in the process may also have interest in fisheries governance, for instance organizations within the civil society such as NGO's and consumer associations.

Governing system: relates to the number and quality of societal actors in the governing roles and activities. The governing system can be more or less formal and varying in size.

Governing interactions: relates to the representativeness of all the stakeholders with legitimate interests in fisheries. The higher the level of representativeness, the more interests are accounted for, and hence an increase in governability. However, it should be noted that when accounting for all the diverse interests at stake, it may also reduce the ability of efficient decision-making in the process.

Complexity

Refers to how the system elements relate to each other, to the system as a whole and between the system and its context are formed. The chain of interactions is overlapping and interdependent and therefore difficult to control and predict. Communication is an important feature which allows stakeholders to interact and reflect on different patterns of change and enable them to take hard choices.

System-to-be-governed

Natural: relates to the composition of the food chain, how species feed on one another, and is further influenced by specific natural conditions, for instance the diverse range of depths, currents, salinity of the water, and prey organisms.

Social: conflicting interests will reflect on the nature of interactions between different stakeholders. If there are many and conflictive interests, then complexity is considered to be high.

Governing system: the complexity of the governing system depends on how stakeholders relate to each other. If they are able to reach consensual propositions despite their governors and different interests, then governability will increase.

Governing interactions: complexity is directly related to the issues stakeholders must address, and therefore to how they are able to share information and discuss it with each other. Governability will increase if the stakeholders are able to communicate and understand their concerns with each other. High levels of communication and understanding will translate into higher governability values.

Dynamics

Dynamics refer to the tensions within a system and between systems. Dynamics are related to the occurrence of, and the susceptibility towards, change. Internal and external processes can bring with them a high level of dynamics, exacerbating the system's complexity and dynamics. The governing system's flexibility will determine how well it addresses change and learn from the levels of dynamics (Jentoft, 2007:364).

System-to-be-governed

Natural: changes in the ecosystem may alter the system-to-be-governed and trigger processes that are unpredictable causing crisis and disruption in fisheries and coastal systems. A system influenced by high level of change will have a high level of dynamics, while a less influenced system will have a lower level. How a system is designed further determines how vulnerable it is and how well it reacts to change over time.

Social: the social dynamics is related to the stakeholder's values, norms and principles that guide their behavior over time. If these elements change regularly then governability will be low.

Governing system: refers to the changes in the structural capacity of the governing system and the drivers behind them. A high dynamic level translates into lower level in governability and vice versa.

Governing interactions: flexibility is related to the governing system's ability to adapt and learn from the dynamics changes that occur. A flexible governing system is also likely to be more resilient and therefore more governable in the event of unexpected change (Jentoft, 2007: 364).

Scale

The last property concerns the system's scale, focusing on the spatial and temporal dimensions of the systems. Their boundaries are analytical as well as socially constructed. Sometimes several governing systems operate within the same boundaries, governability problems may be expected. However, if boundaries prove to be overlapping, governability may be enhanced to the extent that the interactions involve co-ordination (Jentoft, 2007:365).

System-to-be-governed

Natural: refers to the spatial and temporal delimitation of a natural system. Large-scale systems whose diversity, complexity and dynamics are assumed to be more pronounced are likely to be less governable, compared with those of smaller scales.

Social: governance level within which the stakeholders may be situated: local, national, regional or international.

Governing system: the formal and functional characteristics of the governing system will determine its scale. A small defined and almost self contained system, with few functions and a clear formal mandate will translate in higher levels of governability, compared with a system with a higher scale level.

Governing interactions: a system whose scale is characterized by high levels is likely to rely on how well the interactions are to be co-ordinated across boundaries and link systems at the same or at different scales. The system's ability to co-ordinate these interactions will determine the overall governability.

The conceptual framework presented above may be used to assess the governance processes, and determine what sort of interactions are required in order to enhance the participatory character and hence efficiency of a given system. It is also useful for studying the RACs, which have been described as “a network of multi-national, multi-interest advisory organizations with a strong regional focus” (Sissenwine and Symes, 2007:66). However, before applying the conceptual approach to an empirical setting, it is important to consider which methods should be apply to conduct the research study. A methodology approach is therefore presented in the following chapter.

3. Methodology

The main purpose of this chapter is to describe how and under what circumstances the research project was carried out, including the data collection methods. Such information is necessary for the reader to access the limitations as well as the strengths of the methodological approach used and the results it produces. Only then it becomes possible to weight the validity and reliability of a given case, including the SWWRAC.

3.1 Research purpose

There are several reasons for conducting this research project. First of all, as the EU's Common Fisheries Policy is undergoing another decadal reform process, the role of stakeholder participation is more than ever perceived as essential in the governance of European fisheries. Considering that focus on stakeholder involvement has only recently begun to spread in the context of EU's fisheries governance, this research project can be useful to provide new data and supplement the existent information on the topic. Another purpose of the research project is to apply the conceptual framework to an empirical setting, and contribute to its development. By applying it to the case study of the South Western Waters RAC, its use will be demonstrated at an intermediate (regional) level. Time and resource limitations to conduct this project may reduce the capacity to make use of the framework in detail. Still, it will be useful to apply it in as an analytical approach to sort out which elements of governance are present in the stakeholder involvement within the EU governance system.

3.2 Research strategy

According to Yin (2003:2): *“the distinctive need for case studies arises out of the desire to understand complex social phenomena”* because *“the case study method allows investigators to retain the holistic and meaningful characteristics of real-life events”*, such as social-political processes that stimulate interaction with stakeholders involved in governance. In fact, case studies seem to be the preferred strategy when “what” and “how” questions are posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context (Yin, 2003:7). The research questions presented in this thesis are of the “what” and “how” type. The former requires a descriptive answer in order to understand the current state of affairs and the challenges that may arise, while the latter is explorative and relates to a given phenomena there is little information about (Jacobsen, 2011:61). In order to answer the research questions an inductive strategy is regarded

as the most suited approach to conduct the research. According to Jacobsen (2011:29) a researcher's starting point while applying such a strategy is an empirical study, where the data is collected nearly without any expectations and this information is thereafter processed and analyzed in a systematic way in order to develop new theories. Though, the research approach applied in this thesis is, entirely inductive since it works out from a proposed conceptual framework.

3.3 Data selection

The type of research questions and the outlined strategy suggests what type of information needs to be collected. Data collection can be acquired through several methods within quantitative and qualitative research designs. The nature of the research questions of this thesis determines that qualitative data is needed to answer them, therefore a combination of interview and literature review methods are chosen in order to obtain these. According to Jacobsen (2011:137) data can be gross divided into two categories:

- Primary data consist of information gathered directly from individuals or a group of people. Information is collected for the first time, generated by the application of particular methods and thereafter fitted to the formulated research questions. While,
- secondary data refers to raw information gathered by others, often for a different research purpose. This type of data is useful combined with primary data, although it should be reviewed with caution bearing in mind its original purpose of collecting the data.

Both Jacobsen (2011) and Yin (2003: 97) suggest that it is often ideal to apply different types of data. Indeed, the use of multiple sources is a major strength of the case study data collection. Data can be put up together and corroborate each other, and thereby strengthen the results that have been generated or be used to point out contrasts in the information. The research design will be described in the next section.

3.4 Research design

In this section, the argument for the logical steps which will be taken to link the research questions and issues to data collection, analysis and interpretation will be accounted for in a coherent way.

3.4.1 Literature review

Determining the questions that are most significant for a topic and gaining some precision in formulating these questions requires some preparation. According to Yin (2003:9) a literature review is considered to be a means to an end, while it ultimately determines the answers about what is known on a topic which leads the researcher to develop further insightful questions. The first step in the making of this project started therefore with a review of the secondary literature available on the topic. Thereafter followed the methodological literature, including Jacobsen (2011) and Yin (2003), in order to develop the structure of the research project and determine which methods would be applied to collect data. The conceptual framework presented in this thesis was retrieved from the book *Fish for life. Interactive Governance for Fisheries* edited by Kooiman et.al (2005). In order to get an insight as to how to apply the conceptual framework, the articles by Jentoft (2007), and Jentoft and Chuenpagdee (2009) provided useful guidance.

The factual data about the RACs is based on official EU documents sourced out from the web page of the European Commission's Directorate General for Maritime Affairs (DG MARE, 2013). Additionally, the DG MARE web page offered general information about the SWW RAC and the area it observes. In order to prepare for conducting the interviews, and to get a deeper understanding of the case of the SWWRAC, an assessment report by Baelde (2011) was reviewed, together with the 2011-2012 activity report prepared by the SWWRAC (2012a). The background information on the history of the Common Fisheries Policy was mainly sourced out from Holden (1994), as well as Lequesne (2004), while the article written by Long (2010) provided insights on the legal aspects of the governance structure in which the RACs are nested. In relation to the characteristics of the natural system of the SWWRAC, the MEFEPO (Making the European Fisheries Ecosystem Plan Operational) technical reports prepared by Borges et al., (2011), Goikoetxea et al., (2009), and Velasco et al., (2009) offered the necessary biological – as well as socio-economic – information to complement the governability assessment. However, it should be noted that the current RAC literature available is in general limited and furthermore concerns mostly the “northern” RACs, namely the North Sea RAC, Baltic RAC, and the Pelagic RAC, and hence it proved difficult to search and obtain specific information regarding the SWWRAC.

3.4.2 Collecting primary data

Primary data was collected by conducting in all 9 in-depth semi-structured face-to-face interviews with relevant informants. In order to get the necessary and trustworthy information it was important to

include representatives for the Portuguese fishing industry, as well as from different civil society institutions, and official representatives. The reasons for this selection are explained later on. The interviews were conducted in Portugal from 3rd. December 2012 to 3rd. January 2013, at the offices of the different representatives. All informants are stakeholders or observers in the SWW Regional Advisory Council:

Informant A	Representative for Shipowners association
Informant B	Representative for Producers Organisation
Informant C	Representative for Producers Organisation
Informant D	Representative for Environmental NGO
Informant E	Representative for national scientific institute (observer)
Informant F	Representative for Producers Organisation
Informant G	Representative for NGO
Informant H	Representative for fishing Association
Informant I	Representative for Producers Organisation
Informant J	Representative for national fisheries directorate (observer)

Table 1: Informants participating in the SWWRAC

The first step involved outlining a project protocol as is recommended by Yin (2003), as part of the research design. The protocol proved to be very useful, providing an overview of the project regarding the procedure, the instruments and the objectives. Most important was the series of critical questions that were directed at the researcher as a reminder regarding the data that needed to be collected. The procedure resulted in the development of an interview guide (included in the appendix) covering both questions asked of specific interviewees, and of the individual case that required answers. Given the explorative nature of this study, one important purpose was to allow the participants to fully express their viewpoints and experiences (Jacobsen, 2011:143). Open-ended questions granted the participants to contribute with as much detailed information as they desired, and at the same time allowing the researcher to ask probing questions as a means of follow-up. Some of the themes covered by the interview guide were relatively more exhaustive than others, and the knowledge and background of the interviewees determined to some extent which cluster of questions was to be given more relevance.

Therefore, the interview guide was also gradually adapted; provided that an interesting subject came up, it could be followed-up in the course of the next interview. According to Yin (2003:61) rigor rather than rigidity was thus required in order to address the interviewee's different viewpoints. Furthermore, the information collected from the interviews can supply each other while converging data show both different viewpoints, and cross-validates the obtained information. The interviews were prepared well in advance, and most of the participants had available time and opportunity to go beyond the pre-established duration of the interview. General questions about the informants' positions and the background of the organisation they represented were asked at the beginning of the interview, before open-ended questions related to the topic gave new insight and lead to more detailed follow-up questions. Nearly all interviews were recorded, making it possible to maintain a flow in the conversation without stopping up to take notes. Each interview lasted approximately one hour, and the informants were generally interested and devoted to discuss the topic of the interview. The recordings were later transcribed in order to make it easier to analyse and apply the collected data.

3.5 Research limitations

First of all, it should be noted that the information available regarding the specific context of the research object was limited, and therefore it was challenging to prepare a protocol ahead of the interviews. However, as the first interviews took place, it was possible to formulate more specific questions regarding the nature of the participatory process that goes on in the SWWRAC. Despite the interest to carry out interviews with the other nationalities represented in the SWWRAC, it was decided to restrict the sample to the Portuguese (mainland) delegation and this may thus reduce the ability to make a fully-fledged assessment. On the other hand, all interviews included communication in Portuguese (the researcher's mother tongue) which allowed accurate formulations and therefore reducing the potential for misunderstandings. The vast majority of the informants had available time to and shared information openly. Furthermore, the informants were not particularly concerned if their identity was kept secret or not, despite this being a precondition for the sessions, and hence rather intriguing given the different interests at stake. One interview was conducted without the aid of a tape recorder, yet adequate annotations were made during the session. Finally, the financial budget and time available for conducting the interviews constituted the main limitations on the span and scope of the research project.

3.6 Questions of validity and reliability

In order to ensure the relevance and trustworthiness of the empirical data collected, four specific concepts commonly used in the social sciences to ensure the quality of research were considered, namely construct validity, internal and external validity and reliability (Yin, 2003). However, given that such methodological criteria must be adapted to the specific research in question, the following section will pay particular attention to questions of validity and reliability related to the sources and methods applied to obtain them.

Although one of the most common definitions of internal validity defines it as “establishing a causal relationship” whereby conclusions can be drawn about the casual effects of one variable on another; explorative studies need a different approach concerning their internal validity (Yin, 2003: 32, 36). Since such studies are not concerned with causal inferences, the concept of internal validity may rather be defined as the perceived “correctness” and “trueness” of the findings (Jacobsen, 2011: 214,215). The latter kind of validity is attained by asking the right questions to the right people; while the former relates to whether the participants were able and willing to share accurate information. Asking the right questions requires also an “inquiry mind” during the data collection (Yin 2003: 59). Thus, it depends partly on the level of interviewing experience, which also developed throughout the data collection process. All of the informants are involved in governing the SWWRAC and had firsthand experience about the institutional setting which they were part of, the challenges and the opportunities it involved, and therefore validity of informants is considered to be high. It is impossible to know how much information informants were willing to convey and how accurate it was given. Nonetheless, the colloquial setting in which the interviews took place, together with the informed stated purposes of the research project, led to a perceived natural and open conversation about the concerns and challenges posed in the current fisheries governance process.

External validity refers to which extent the results of the research study are relevant and possible to generalize (Yin 2003:37). The data has been collected through interviews with key informants, and the findings should therefore be of high relevance. The fact that the general framework establishing the South Western Waters RAC is the same for all the other RACs makes it pertinent to assume that many of the challenges and concerns determined in this case study may also be present in relation to other consultative bodies of the same type. It should be noted, however, that the contextual differences among the several RACs may vary, and thus in the event of generalisation it is important to take that into account. Nonetheless, the most important objective with this case study is to identify the most challenging elements governing the interactions of the stakeholders and where further research should be focused. The research findings may also contribute to add to the empirical data available on the

RACs, and can therefore be used in order to compare data from other similar research projects. Finally, when considering the reliability of the findings, a common procedure is to ask whether a future researcher who did the same case study over again, following the same procedures would reach the same conclusions. Considering that, firstly, the sources are consistently referred through this thesis; secondly, that the methodology chapter gives an insightful explanation how the research has been conducted; thirdly, that official documents can be easily accessed online; and finally, that the interview guide is included, and that interview notes can be provided upon request should provide a considerable degree of reliability. It cannot be, however, guaranteed that the informants will provide the exact same information the next time around.

4. Background chapter

The main purpose of this chapter is to describe the context in which the research study is situated. The Common Fisheries Policy of the EU provides the framework for European and national fisheries activities, but it is however beyond the scope of this thesis to provide a comprehensive account of the development of this policy. Therefore, some key policy features together with a presentation of the South Western Waters RAC, as well as a brief description of the EU fishery sector are provided in order to give the reader a contextual background for the discussion in the following chapters.

4.1 European Common Fisheries Policy

Marine fisheries policy is an exclusive competence of the European Union (EU)⁴, which means that all decisions are taken at the central EU level. Member states cannot intervene in fisheries management unless they are explicitly delegated the powers to do so. At present, the main area for which member states have such powers relates to coastal fisheries, within an area stretching 12 nautical miles (Nm) from their shores. Beyond these coastal waters, the area is regarded as the “common pond” for fisheries purposes (Symes, 2012). The CFP provides thus the framework for European and national fisheries management activities.

The Common Fisheries Policy is considered to be one of the oldest and most controversial EU policies (Long, 2010: 298). Still, fisheries are barely mentioned in the EU founding treaty (1957), and appear only in reference within a wider definition of agricultural products. The primary concern of the then six EU member states was the establishment of a common agricultural policy, and while their most important fisheries were largely located in international waters, they had therefore no incentive to push for a common fisheries policy (Holden, 1994:16-17). Nonetheless, the common fisheries policy gradually developed its own separate identity as the EU evolved due to the adoption of exclusive economic zones (EEZs) by member states, and as a result of the successive membership of countries with substantial fleets.

The first move towards a fisheries policy was in October 1970, when the Council of Ministers adopted legislation to establish a common organization of the market for fish products and put in place a structural policy for fisheries (Long, 2010:298). Fisheries played an important role in the negotiations leading the United Kingdom, Ireland and Denmark joining the EU in 1972 (Lequesne, 2004:19). This

⁴ The Lisbon Treaty clearly states that the EU shall have exclusive competence in the area of the conservation of marine biological resources under the CFP, in other areas of fisheries the competence is shared between the EU and the member states (EU, 2008:51).

resulted in a move away from the fundamental principle of freedom of fishing, and exclusive coastal fishing rights were gradually extended from 12 up to 200 Nm. The area outside the coastal waters of the member states was consequently merged in 1976 into a single EU fishing zone, to be managed centrally through a Common Fisheries Policy (Lequesne, 2004:24). In 1983, after several years of negotiations, the CFP was finally completed and established. The new policy regulation enshrined the commitment to the EEZs and formulated the principle of relative stability which provides allocation of fishing opportunities along with conservatory management measures based on total allowable catches (TACs) and quotas (Holden, 1994:57). After 1983, the CFP had to adapt to the successive enlargements of EU memberships in the 1980s, 1990s and early years of the twenty-first century, adding significantly to the geographical remit of the EU's fishing zone. These events affected the size and structure of the EU fleet and its catch potential (Lequesne, 2004:20). The CFP was developing into a significant area of the Community activity consisting of four policy areas, namely: conservation, structural funding, markets and international relations.

Ever since the CFP was established, there have been three major reviews of policy: in 1992, 2002 and 2012⁵, respectively. The 1992 mid-term review resulted in an attempt to address the imbalance between the fishing capacity of member states' fleets and available fishing opportunities. The reform featured a reduction in the size of the EU's fishing fleet, accompanied by structural measures to ease the socio-economic impacts of such reductions (Long, 2010:299). It became evident that these measures were not effective to counter the increasing problem of overfishing and the depletion of many fish stocks continued at an even faster rate. The Commission identified several reasons for this failure, including the lack of involvement by stakeholders in the decision-making process, resulting in poor commitment of fishers to the technical measures adopted (EC, 2001:11).

The principal outcome of the 2002 reform process was the adoption by the Council of Ministers of a new CFP regulation which provided for, among several features, the establishment of Regional Advisory Councils (EC, 2004). Since the reform of the CFP in 2002, attention has been given to develop a strategy aimed at protecting the broader marine environment based on an ecosystem approach and a precautionary principle. Enforcement and compliance with EU law was also strengthened through the work of the Community Fisheries Control Agency (CFCA), and fisheries management became an integrated part of the EU's maritime policy (Long, 2010: 301). However, despite the gradual adoption of these new measures, fish stocks continued to deteriorate, profits continued to fall, fishing communities continued to decline and the status of the marine environment

⁵ The new Basic Regulation was planned to come into force in January 2013. At time of writing the reform process is still ongoing.

received little attention. Once more, there was a need to talk about another policy reform. As a result, the Commission published a Green Paper in 2009 (EC, 2009) signaling the start of a consultation process where stakeholders and interested parties were invited to send their viewpoints prior to the Commission preparing draft legislation. It was suggested that the poor state of the EU fishery sector was attributed to several structural failings, including a “*deep-rooted problem of fleet overcapacity; imprecise policy objectives; a decision-making system that encouraged a short-term focus; a framework that gave insufficient responsibility to the industry, and lack of political will to ensure compliance by the industry*” (EC, 2009:8). There was also a sense that the RACs represented “unfinished business” in relation to improving stakeholder participation in the decision-making concerning the CFP (Symes, 2012:9). As the reform process developed, it was evident that one of the main topics on the agenda was related to the possibility of a wider bottom-up approach to EU fisheries management by enhancing the role of stakeholders in the formulation and implementation of the CFP.

4.2 Stakeholder participation

Stakeholder participation in the CFP decision-making process is not new. Corporatist models have been widespread for decades in the various member states (Mikalsen and Jentoft, 2008). At the EU level, stakeholders have been consulted through the Advisory Committee on Fisheries and Aquaculture (ACFA) since the early 1970s (Long, 2010:304). The global debate on resource overexploitation, due to the expansion of industrial fishing and a growing global demand for fish products, has exercised a share influence in placing a broader bottom-up approach to fisheries management at the top of the international environmental agenda. One only needs to refer to principle 10 of the 1992 Rio Declaration on Environment and Development which states that environmental issues are best handled with the participation of all concerned citizens. Similarly, Agenda 21 identifies stakeholder participation in decision-making as one of the core prerequisites to reach sustainable resource management in the 21st century (UN, 1997). As part of this, the United Nations Organization for Food and Agriculture (FAO) presented a Code of Conduct for Responsible Fisheries in 1995. The Code stresses that decision-making ought to be inclusive, transparent and accountable calling upon global and regional organizations to promote responsible fisheries through meaningful participation in managing fisheries resources (FAO, 1995).

From a European perspective, there has been a lack of confidence in the ability of the EU to solve outstanding and urgent problems, and criticism of its institutions together with distrust of the way power is exercised (EC, 2001:3). The loss of faith is especially strong over the management of

fisheries. After more than 30 years of the Common Fisheries Policy, those fisheries are in a state of crisis (Raakjær, 2009). One of the most obvious flaws has been the failure of the EU Commission to involve stakeholders in shaping fisheries policy and delivering fisheries management measures, despite the solid basis for the establishment of stakeholder consultative bodies within an international legal context (Long, 2010). In relation to the process of reforming EU's CFP in 2002, focusing on conservation and sustainable fisheries resource, this shortcoming was therefore taken in. One of the most significant outcomes of this CFP reform was the provision for the establishment of Regional Advisory Councils (RACs). The RACs have since been one of the principal means to involve a broad range of stakeholders in the formulation and implementation of rules governing the CFP. According to interactive governance theory (Kooiman et al., 2005), a new approach for reasoning about fisheries was thus created, one that is more bottom-up, interactive and multi-stakeholder driven in order to contribute to the fundamental objectives of the CFP.

4.3 Regional Advisory Councils

The RACs are set up as supranational institutions operating at an intermediary level between the central EU and Member State level, and oriented towards particular sea regions (and specific fisheries). Seven RACs are currently in operation for the Baltic Sea, the North Sea, North-Western Waters, South-Western Waters, (High-Seas) Long-Distance Fleet, Pelagic Stocks, and the Mediterranean Sea. The fishing waters covered by the RACs reach from the Gulf of Bothnia in the northern Baltic Sea to the Canaries in the south, from the Azores in the west to the Turkish border in the eastern Mediterranean (see Fig. 3).

A number of attributes are notable about the geographical footprint of the RACs. First of all, the limits of the geographical areas under the remit of particular RACs vary in terms of formal and functional characteristics (Symes, 2012). For instance, the North and Baltic Seas are examples of natural defined regions, almost self contained, distinguishable from the neighboring seas by their ecosystem characteristics, and hence more functional from a fisheries management perspective. By contrast, Europe's Atlantic front lacks clearly identifiable delimitations and use as to be made of the International Council for the Exploration of the Seas (ICES) rectangles and the 200 Nm (EEZ) limits in order to separate north western from south western waters (Symes, 2012:2). Secondly, the RACs were set up to cover maritime areas under the jurisdiction of at least two member states. One practical consequence of this arrangement is that a particular member state may have active representation in several RACs, as showed in Table 2 below.

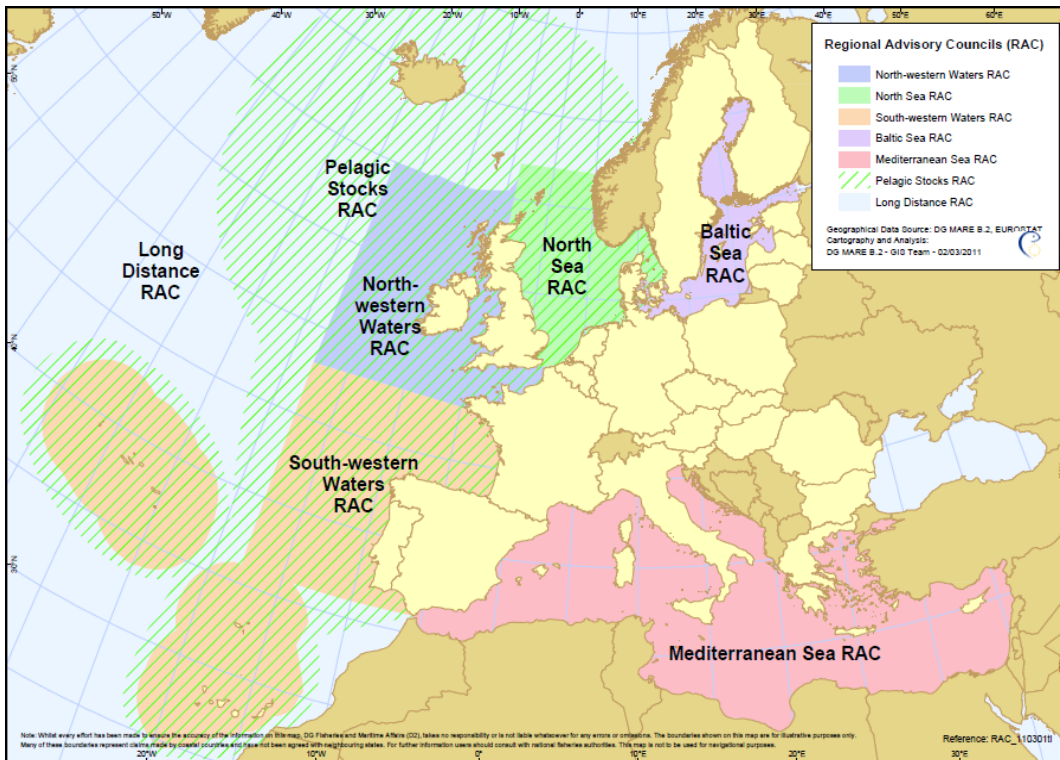


Fig.3: Geographical footprint of the RACs (Source: DG MARE, 2012).

While Danish stakeholders have interests in four RACs: the North Sea RAC, the Pelagic RAC, the Baltic Sea RAC, and the Long-Distance RAC; some member states, for example Spain, have stakeholders in nearly all the RACs. Thirdly, the number of Member States with representation in a particular RAC also varies; from the large number (twelve) participating in the Long-Distance RAC to merely five in the case of the SWW RAC. These last two RACs are also the broadest in terms of stakeholder membership with 72 and 86 members, respectively.

Table 2: Number of participating members and EU Member States in the RACs.

RAC	Number of members and EU member states
North-Sea (est.2004)	31 members covering 9 member states (Belgium, Denmark, Germany, Spain, France, Netherlands, Poland, Sweden and UK)
Pelagic Stocks (est.2005)	40 members covering 10 member states (Denmark, Germany, Spain, France, Ireland, Netherlands, Poland, Portugal, Sweden and UK)
North-Western Waters (est. 2005)	55 members covering 6 member states (Belgium, Spain, France, Ireland, Netherlands and UK)

Baltic Sea (est.2006)	39 member covering 8 member states (Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden)
Long-Distance Fleet (est.2007)	72 members covering 12 member states (Denmark, Germany, Estonia, Spain, France, Ireland, Italy, Lithuania, Netherlands, Poland, Portugal and UK)
South-Western Waters (est.2007)	86 members covering 5 member states (Belgium, Netherlands, Spain, Portugal and France)
Mediterranean Sea (est.2008)	38 members covering 6 member states (France, Greece, Italy, Malta, Slovenia and Spain)

Source: updated from Long, (2010: 312).

The designation process for membership in the RACs is outlined by the Council Decision (EC, 2004). It entitles European and national organizations representing the fishery sector as well as other interest groups to propose stakeholders to the member states that are concerned with the establishment and operation of a RAC for a particular region or fishery. Member states must thereafter agree on the members to be represented at the General Assembly. The structure and composition of the RACs is relatively straightforward, with a 2:1 allocation ratio of interest representation. Two thirds of the seats are given to representatives from the fisheries sector (shipowners, small-scale fishers, producer organizations), and one third to representatives of other interest groups which includes environmental and development organizations, aquaculture producers, consumers and recreational fishermen. While the RACs should also serve as a main arena for interaction between science and other stakeholders, fisheries scientists and policy-makers do not participate directly as “stakeholders”, but rather as observers.

Each RAC has two statutory bodies, a General Assembly and an Executive Committee. These two bodies are supported by a secretariat and a number of working groups. The General Assembly approves the annual report and the annual strategic plan which is drawn up by the Executive Committee. The adoption of recommendations prepared by the working groups is undertaken by the Executive Committee which may have up to 24 members appointed by the General Assembly (See Fig.4).

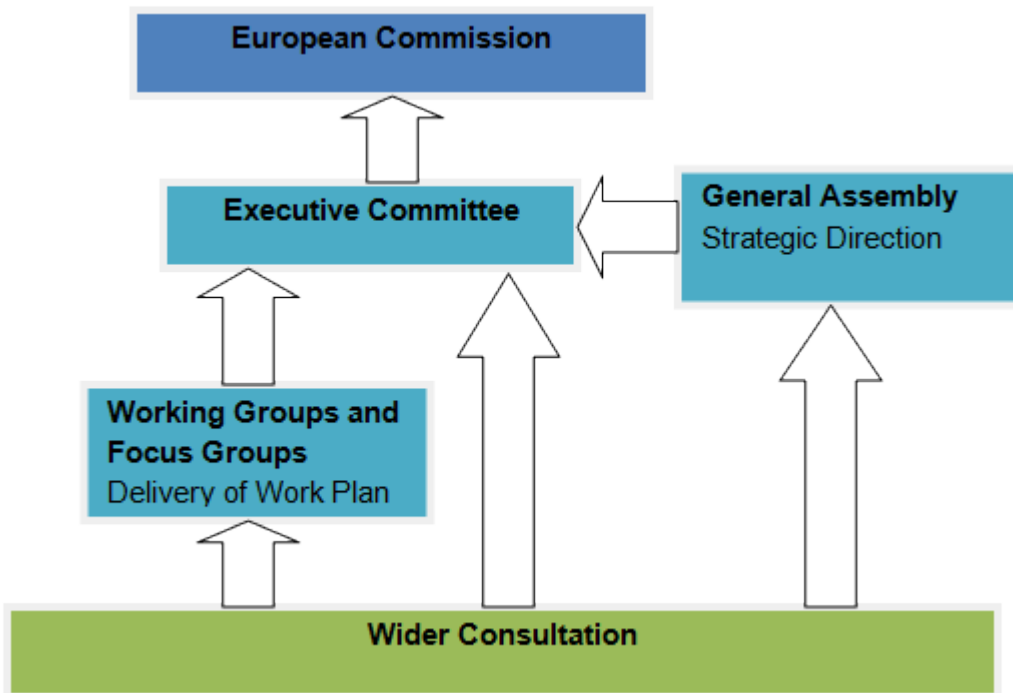


Fig.4: Structure and composition of the RACs (Source: NSRAC, 2013).

The RACs were from the outset provided by the Commission with an annual operating budget (€250,000), which does not include funds to cover the considerable time that stakeholder representatives spend on RAC work (Informant H). Moreover, there are also no funds allocated to the RACs for scientific recommendations. If they need such information, they are expected to ask the Commission, and if granted it is passed on to ICES (Informant E). Despite the budget constraints and the relative young age of the RACs, the Commission notes that RACs have become active players in the policy formulation process, which in turn has improved access to information and led to a better understanding by the industry and other stakeholders of the management decisions taken at the EU level (EC, 2008:8). But the flow of information has also been “bottom-up”, providing the EU Commission with stakeholder’s “*useful input on local realities*” (EC, 2008: 8), and therefore better understanding of what their stakes are.

4.4 South Western Waters RAC

The South-Western Waters Regional Advisory Council (SWWRAC) is one of the several RACs set up since 2004 to provide recommendations to the EU Commission. The SWWRAC region covers approximately 3 million km², from the point of Brittany in the north East Atlantic to the Straits of Gibraltar in the south, as well as the insular regions of Madeira, Azores and Canary Islands (DG

MARE, 2013). The membership of stakeholders in this particular RAC is significant, especially within the catching subsector accounting for 71 members representing organizations from Portugal, Spain and France. This allocation is somewhat contrary to the framework establishing the RACs, which determines one third of the seats in the General Assembly to other interest groups. However, this ratio is respected at the Executive Committee level (SWWRAC, 2012a:13). The solid presence of the catching subsector in the SWWRAC results from the diversity of associations in France, Spain, and Portugal related to particular fleet segments, fisheries, target species and fishing practices. Belgium and the Netherlands have also stakeholders in the SWWRAC, since they have fishing vessels operating in along western French coast and the Gulf of Biscay (ADAPI, 2011:150).

The preliminary meetings which led to the formation of the SWWRAC, in 2007, were not without a share of conflicts. Regarding the division of administrative responsibilities, some tension was felt between the representatives from Spain and France particularly in relation to the location of the RAC secretariat (Informant A). It was eventually agreed that the RAC secretariat would be set up in the Lorient region of Brittany, while a Basque association would be given the first term presidency. Portugal was somewhat outside of preliminary processes establishing the SWWRAC, but served as a mediator between the conflicting parties (Informant G). Since France got the secretariat, and Spain the presidency, Portugal was inevitable to chair the 1st vice-presidency (see Table 3).

Table 3. Structure and composition of the SWWRAC.

General Assembly and Executive Committee			
<i>Presidency</i>	<i>1st Vice-Presidency</i>	<i>2nd Vice-Presidency</i>	<i>3rd Vice-Presidency</i>
Spain	Portugal	France	Environmental NGO
Working Groups			
<i>Designation</i>	<i>Interests</i>	<i>Presidency</i>	<i>Vice-Presidency</i>
VIII and IX ICES	Coastal trawling	France	Spain
Pelagic and ICCAT	Anchovy and Tuna	Spain	France
Traditional Fisheries	Traditional Fleet	Spain	Portugal
Demersal species	Deep-sea fish stocks	Portugal	France

Insular Subdivision	Insular regions	Portugal	Spain
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The work of the SWWRAC is delivered by the working groups. These groups meet to discuss current and emerging topics and to develop advice and policy on behalf of SWWRAC membership. The working groups can meet several times a year and allow a wide range of people to become involved in the SWWRAC activities, including scientists, fishers, environmental specialists, economists and others. Each working group may be supported by a number of focus groups, also referred as “ad-hoc groups”, which are set up to address a specific issue with a short time span.

4.5 The socio-economic dimension of the EU fishery sector

The EU fishery sector represents a relatively minor economic activity; insofar as in no member state does the value of catches exceed 1 percent of the gross domestic product (GDP). Despite its overall relative weight, its size can yet be considerable to the economy of coastal regions, e.g. Galicia in Spain, Algarve and the Azores in Portugal, and Bretagne and Basse Normandie in France (EC, 2010:40). Although the European fleet operates worldwide, EU catches are taken primarily in the Eastern Atlantic and the Mediterranean. The leading fishing countries are Denmark, Spain, the United Kingdom and France, which together account for around half the catches (EC, 2012:21), while France, Portugal and especially Spain, deploy a more diversified regional catch dependency and geographical range of operations (EC, 2010:40).

The EU fishery sector is highly heterogeneous where the means of production vary considerably within the same region and, or from one national context to another. In the case of the Spanish fishery sector “*the boats, revenues and professional outlook of the Hondarribia coastal fishermen in the Basque country have nothing in common with those of the high-sea shipowners in Burela, Galicia who fish hake off the coast of Ireland*” and again, those activities have “*little in common with that of the Bermeo fleet-Owners that go after tropical tuna in freezer-trawlers in the southern Atlantic*” (Lequesne, 2004:6). Not all fleets impact local communities the same way. Large vessels usually reserve their fish to large markets while smaller vessels employ crew directly from local communities and land their fish there as well. The structural diversity of the fleet can be somewhat characterized in relation to several factors, of which Lequesne (2004) distinguishes in terms long-range activity, distant-water or deep-sea fishing from middle-water fishing and from coastal fishing. Long-range fishing concerns the largest vessels, usually ranging more than 30 m in length. These vessels operate outside the EU fishing zone on voyages that can last more than twenty days. Middle-water fishing is done in medium-sized vessels, ranging from 20 to 30 m, operating in EU waters from four to twenty

days. Coastal fishing is done with the smallest vessels on trips that usually do not exceed four days. Another factor that distinguishes large-scale from small-scale or coastal fishing relates to the fact that the activity of large vessels belongs to commercial fishing enterprises. The shipowner is not on board and the crews are on a minimum guaranteed wage payroll. Small-scale fishing on the other hand, is done on vessels or boats which are family owned and where the shipowner is usually the master on board. The remuneration system is based on share of the capture according to the value of the catch when landed. However, this distinction alone does not capture the diversity of the sector which is further divided into a variety of occupations that differ in relation to the fishing methods and target species (Lequesne, 2004:5-6). This is the case for the fishery sectors of the member states in the SWWRAC (excluding the Netherlands and Belgium) which are mostly composed of small scale fisheries⁶. Their larger fleet segments have a wide geographical range of operation that reaches almost all the important fishing grounds of the world. Despite the general decreasing trend in capacity and total horse power resulting from a decline of the number of fishing vessels, the characteristics of the fleet have changed little. The production capacity has also declined and income progress does not compensate for the increasing costs. External pressures such as the rising fuel price have contributed to alter fishing practice, resulting in fewer and shorter trips (EC, 2010: 96-97).

⁶ The most specific description of small-scale fisheries is “vessels under 12 meters in length not using towed gear” (EC, 2006:40). However, there is no single definition of small-scale or traditional fisheries in European legislation that is applicable across all Member States.

5. Empirical chapter

This chapter presents the findings of the system-level governability assessment. It provides detailed information about the governance process of the SWW RAC from wide-ranging angles that include the natural environment, socio-economic composition, governing structure and the relationship within and among these components. Analytically, the governability assessment offers a way to probe into the governance of fisheries in order to uncover the inherent and constructed limitations that exist in the system in terms of demands and capacity. The natural, socio-economic and governing systems are presented in relation to the four system properties, and their levels assessed. Finally, based on the characteristics of each system, a level of governability is attributed. As suggested by Chuenpagdee et al., (2008), a qualitative evaluation of the governability of a system is the initial approach towards a better understanding of the potentials for improving it.

5.1 System-to-be-governed

5.1.1 Natural system

The SWW RAC area covers the south-eastern North Atlantic Ocean, with Brittany as the northern limit, up to the Strait of Gibraltar to the south, including also the insular regions of Madeira, Azores and Canary Islands (Fig. 5).

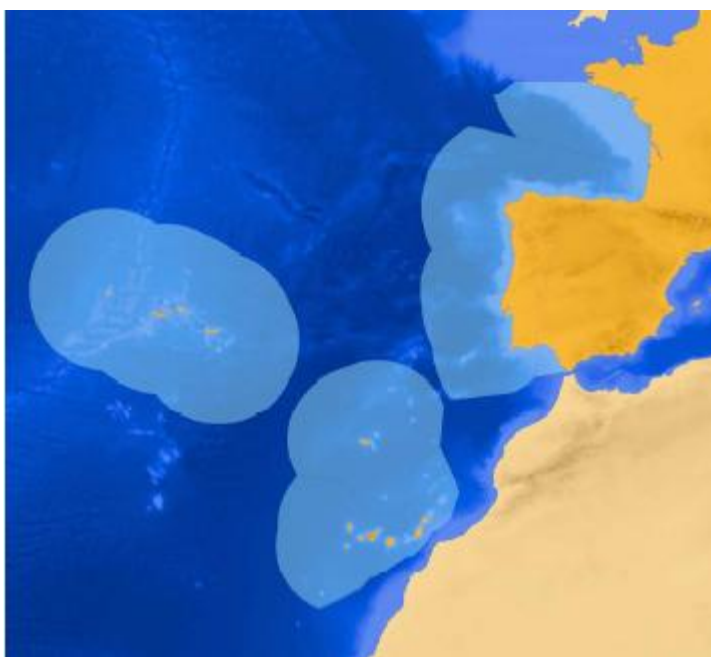


Fig. 5: The maritime area observed by the SWWRAC (source: SWWRAC, 2012b)

Diversity

The SWW maritime area is vast. It is characterized by a very diverse range of depths, from the broad shelf in the French area to the narrow and steep shelf with numerous canyons in the northern edge of the Bay of Biscay. The Iberian Sea, surrounding Portugal and Spain, is identified by its numerous sea mounts that arise from deep sea to the mid-Atlantic ridge. The coastline enclosing the three continental countries in the SWW region is highly diversified, including estuaries, rivers as well as wetlands, altogether supporting highly productive ecosystems. The marine environment around the insular regions is also very distinct. For example, the Azores archipelago is characterized by narrow coastal island platforms surrounded by deepwater and large proportions of the abyssal areas punctuated by seamounts (Borges et al., 2011: 19; OSPAR, 2013). The diversity of the bottom sea topography, along with different types of sediments (mud, sand, gravel) gives rise to many different types of habitats, and thus contributing to the biological richness of the SWW region. (Borges et al., 2011:20).

Due to oceanographic conditions, many species reach their southern or northern limits of distribution in the Bay of Biscay. Migratory species, like the Albacore and the Blue-fin tuna, live in the subtropical areas of the Western Atlantic and make annual spawning migrations to this Bay (OSPAR, 2013). Although, with exception for deep-sea species, the majority of fish populations in the Iberian Sea basin lives near the bottom of the sea – for this reason also called demersal fish - such as Sole, Dogfish, or Blue-whiting, and have limited geographical range. Still, the SWW region also supports important pelagic⁷ fish communities. Sardine, horse-mackerel and mackerel are important species, not only from a commercial point of view but also important as part of a larger food chain, and are known to have a wide geographical distribution (Velasco et al., 2009:34; OSPAR, 2013).

The South Western Waters are typically mixed fisheries, i.e. larger and smaller pelagic as well as demersal fish species cohabit, feed and reproduce in the same ecosystem, making it challenging for fishers to go after specific target species. By-catch⁸ is, therefore common and particularly challenging for some specific fleet segments. The richness of the biodiversity of the SWW fisheries was described (vigorously) by one stakeholder: “*in the North-sea you can have 4 or 5 target species at most; [but] we in the south have perhaps 100 species, [and since] these are all mixed up with each other, we can't do a selective catch as they [the fishers] do in the North-sea*” (Informant C). Mixed fisheries are not exclusive to the South Western Waters, they are found throughout all European sea basins. What was described above, according to an informant from the national scientific institute, involves the challenge

⁷ In contrast to demersal fish, pelagic fish live near the surface of coastal, lake and oceanic waters.

⁸ Fish caught unintentionally in a fishery while intending to catch other fish.

of going after one desired target specie for which there is a quota, and in the process getting more or less degree of by-catch (Informant E). For the black-scabbard fisheries, for example, deep-sea sharks are often captured unintended and because there is no quota for some of these species, the fisher is compelled to discard them. Discards are often a result as direct application of single-species quotas combined with effort controls in mixed fisheries. The diversity of the SWW area also includes a large variety of marine mammals, including common dolphins, which feed on commercially important fish species such as blue-whiting, sardine and horse mackerel, and fin and sperm whales which tend to aggregate in the summer near the continental slope to feed on cephalopods such as squid (Velasco et al. 2009:42). Furthermore, sea birds like the northern gannet, or the Balearic Sheerwater, as well as sea turtles are also observed in the South Western Waters (Velasco et al., 2009: 45, 48) and are altogether in direct competition with the commercial fishing activity.

Complexity

Mixed fisheries, which are part of highly diverse ecosystems, involve a certain degree of complexity. According to Kooiman et al. (2005), complexity can be understood as a function of the interaction and interdependency amongst the parts which relate to an environment or ecosystem (Kooiman et al., 2005:17). In the case of the pelagic ecosystems in the South Western Waters, the feeding habits are “*complicated by the large variability in the diet of most species which leads to unstructured food webs*” (Isaacs, 1973 in Goikoetxea et al., 2009:88).

Plankton availability is responsible for shaping the food web structure of ecosystems and is strongly related to upwelling events. During spring, blooms of algae on the Iberian coast attract huge shoals of sardines and other pelagic fish (Borges et al., 2011:20). Sardines and anchovy are examples of small pelagic fish and are distinguished by their low trophic level, i.e. feeding mainly on phytoplankton and zooplankton. Middle-sized pelagic fishes, like mackerel and horse-mackerel, are on the other hand, characterized by a greater plasticity in the food range and are found in areas of high productivity. Large migratory pelagic species, such as tuna, feed on small and middle-sized pelagic fish, which places them at the highest levels of the food chain (Goikoetxea et al., 2009:83-84). Pelagic fish species, such as those described above, are also an important part of the diet of the demersal fish populations in the Bay of Biscay as well as larger visiting mammals (Goikoetxea et al., 2009:88). Still, the complexity related to the probable areas of interaction for most demersal oceanic species is not well understood (Pinho and Menezes, 2005 in Goikoetxea et al., 2009:89), specially for the commercial target species of the Azores ecosystem. In particular, the question of “*whether seamount*

fish depend on shallower habitats to complete their life-cycle” remains unanswered (Goikoetxea et al., 2009:89).

Dynamics

Diversity and complexity in fisheries are reinforced by dynamics. Dynamics occur in the interrelationships of species with their biophysical environments and the variability it generates (Kooiman et al., 2005). Remarkable seasonal climatic variations in wind, temperature, and currents set off a chain of environmental fluctuations which have a major effect in fisheries. According to Borges et al. (2011), the coastal SWW are well mixed and upwelling of nutrients along the continental slope, while the oceanic waters are dominated by high-salinity and can be divided into Polar and Tropical modes. The Tropical mode is generated at the Bay of Biscay and diffuses east and south east reaching the Azores, while the Polar mode is identified near the continental margin, between the Canary Islands and the Iberian Peninsula. The main large-scale currents associated with the eastern part of the anti-cyclonic North-Atlantic sub-tropical gyre are: the North-Atlantic Current, the Azores Current, Portugal Current, Canary Current and the Mediterranean flow that sinks to around 1000 meters in depth, as it enters in the Atlantic and flows northwards (see Fig. 6).

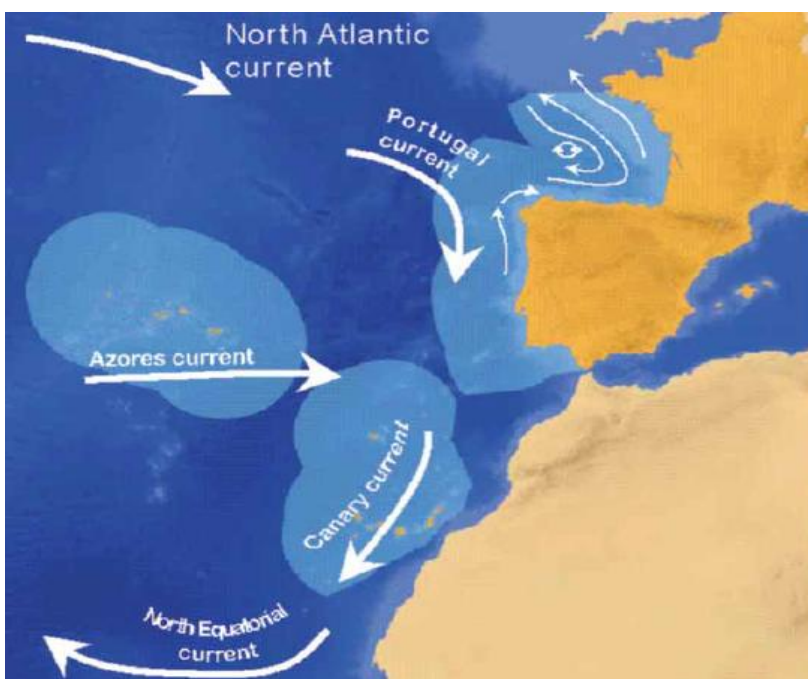


Fig. 6: Schematic diagram of the general circulation in the SWW (Source: Velasco et al., 2009:13).

These currents in combination with the winds produce upwelling events of great importance on the food web in the Portuguese and Galician Atlantic coasts, which form the northern part of the Canary upwelling system (Borges et al., 2011:19). During spring and summer, northerly winds along the coast cause coastal upwelling and produce a southward current at the surface and a northward undercurrent at the slope. In autumn and winter, the surface circulation is mainly northwards transporting higher salinity, nutrients-poor and warmer (subtropical) waters over the shelf break. The Iberian Current is a low-salinity surface water body, fed by winter-intensified runoffs from several rivers, and plays an important biological role creating the basis for resource productive areas (Velasco et al., 2009:12).

Understanding of the role of the natural variability over a given time scale provides useful information for the governance of marine aquatic resources. Shifts in climate regimes can alter the structure of marine ecosystems and the relationships within the food web by inducing change in the mix of dominating species (Alheit et al., 2013:3). However, the understanding of the propensity for change in natural systems is not a straightforward exercise, as one informant explained: *“multiple impacts caused by the natural ecosystem dynamics can restrict and change the behavior of living aquatic resources; [but] we [people in general] don’t usually grasp the world as being dynamic, which is illogical from my point of view...ecosystems are chaotic and dynamic systems which create balances in different degrees”* (Informant E). Insights to the propensity for change in natural system is largely gained through the historical – in retrospective – atmospheric and marine data analysis (Alheit et al., 2013), which can be incorporated into existing models. Nonetheless, as one informant pointed out, such models are *“human-made models based on statistics”* and therefore *“do not always take into account all the factors which can cause variability in a system, for example the effects of pollution, storms and so on”* (Informant D). Hence, the forces that cause propensity for change in the natural system of the SWW region can to a certain extent be identified through comprehensive analysis of historical records. However, these forces are non-linear; accidents such as oil spills and natural cataclysms such as tsunamis may change the ecosystem from one day to another.

Scale

The information concerning the geographical and temporal scale of the natural system linked to the SWWRAC are sourced from Goikoetxea et al., (2009), focusing on the main pelagic fish stocks located within the Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR), region IV (see Fig.7).

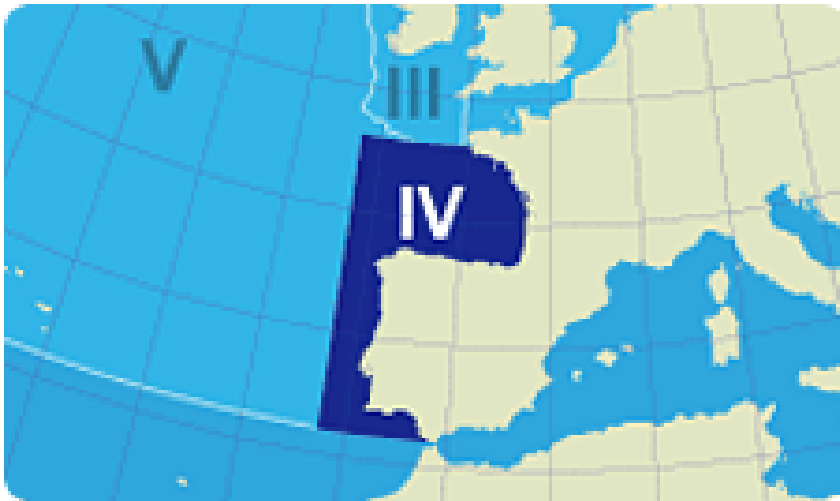


Fig. 7: OSPAR region IV covering the Iberian area under observation of the SWWRAC (source OSPAR, 2013).

According to Goikoetxea et al., (2009), fifteen pelagic species are common in OSPAR Region IV, although only sardine, anchovy, mackerel, horse mackerel, albacore and bluefin tuna are important in terms of abundance and commercial value. Detailed information of some of these species will be given in the following.

Sardines have a wide geographic distribution. OSPAR Region IV supports two important sardine stocks: the Ibero-Atlantic and the Bay of Biscay stocks. There are two main spawning areas and seasons, early winter in Galician and Portuguese waters and early spring in the Cantabrian Sea, located in the southern edge of the Bay of Biscay (Goikoetxea et al., 2009:82). Horse mackerel is distributed from Norway to Cape Verde. Adults live near the bottom of the sea-bed and are usually found in continental shelf waters, while juveniles display more pelagic habits. Spawning occurs over the mid continental shelf, beginning in winter in Portugal, continuing towards the Bays of Biscay to the North Sea where it reaches a peak in summer. Mackerel has also a wide distribution, but in contrast to horse mackerel, undertakes long spawning and feeding migrations. Feeding and wintering areas take place in northern European waters, mainly in the Norwegian Sea. Around February there is a migration towards the spawning grounds, located mainly in the Bay of Biscay near the slope. Juveniles do not seem to follow this migration and their abundance is higher in southern waters (Goikoetxea et al., 2009:83). Also large migratory pelagic fishes, which are strong swimmers, enabling them to perform long migrations have been reported on the oceanic regions of the SWW, with particular importance for the long liner fisheries in the Azores. (Goikoetxea et. al, 2009:83). Tuna and tuna-like species are

described as “serial spawners”⁹, whose spawning area is usually located in tropical and subtropical waters. In these waters food is relatively scarce, which compels these species to actively search for food patches over continuous long displacements (Goikoetxea et al., 2009:84).

Governability

The topographic and oceanographic characteristics of the SWW natural system seem to boost productive ecosystems supporting assorted fish populations, and therefore the natural system is characterized by a *high* level of diversity. In terms of complexity, there seems to be a fairly well description concerning the pelagic inter-specie interactions in the Bay of Biscay and Iberian sea. However, there is a gap of knowledge regarding oceanic ecosystems, for example regarding fish populations in the Azores archipelago. Hence a *medium-high* level of complexity and dynamics is suggested for the SWW natural system. The wide distribution and migratory nature of the pelagic species described above, suggests that the natural system has a varying geographical size. Limited data covering the temporal scale regarding the structure and composition of the fish stocks translates hence into a *medium-high* scale value assessment.

The property level of the natural system indicate that it can pose demanding challenges to its governing system, and since fisheries are inherently diverse, complex and dynamic systems, their characteristics must be taken as they are. Due to the lack of information concerning the complexity and dynamics present in the natural system, as well as the high geographical scale of some species, the governability of the SWW RAC fisheries, is considered to be *low to moderate*.

5.1.2 Socio-economic System

Diversity

Fishing is one of the most ancestral sea activities and important source of income for coastal communities in the SWW region. For the three countries involved in this area (France, Spain and Portugal), fish consumption is relatively high in a European context, ranging from 45 to 60 kg per capita depending on the country (Borges et al., 2011:21). In relation to fisheries, these three countries, which share the same Atlantic front, have common characteristics: their fleet is essentially composed

⁹ Species that spawn in bursts or pulses more than once in a spawning season in response to an environment stimulus (Fish Base, 2013).

of small scale artisanal vessels, however, with strong differentiation in terms of fishing gears used, and target species landed in the dense web of fishing harbors along the coast. Landed catches are abundant in the diversity of living aquatic resources, with an associated fresh market value and serving mainly the local communities (Informant F). Additionally, the catch weight during a day-at-sea is limited, and never comparable in terms of the pelagic quantities extracted in the fishing activities which are typical in northern Europe (Informant A). Still, despite the relatively low and variable quantities of landed catches by these three southern European countries, fishers are able to compensate the weight factor with diversity and quality of fish products landed on a daily basis (Informant B).

The small artisanal fleet is also strongly connected to several recognized autonomous coastal communities. These communities are also a reflection of identity, culture and history which gives meaning to the fishing activity, as one informant pointed out: *“our culture is the culture of the little boat, with one or two persons on board, which go after octopuses and red-mulletts to sell at the market”* and *“has few resources, it’s true, but in fact it is profitable to them because they get some money from selling it or fish to eat at home, but for the big heads in Brussels [the Commission] this fact is not assimilated, they think that it’s not possible... but that is the reality of our economy”* (Informant F). All these communities along the coast are organized according to the operative specificities and to, more or less, common commercial interests, which naturally tend to generate a broad network of producer’s organizations¹⁰ to represent them (Informant H).

In addition to the above mentioned fleet, the other fleets of special economic interest for the region are demersal trawl and purse seiners (24-40m) in Portugal mainland, demersal trawl and seiners (12-24m) in France, and pelagic trawl and seiners (24-40 and over 40m) in Spain (STECF, 2012). The socio-economic characteristics for three fisheries in the SWW area are mainly sourced from Velasco et al., (2009) and include mixed demersal trawl, purse-seiners, and mixed demersal lines.

Mixed demersal trawl

The value of the landings for the mixed demersal trawl in the SWW region was close to €119 million in 2006, generating 2261 direct jobs calculated in terms of full time employment (FTE). In Spain, this fleet is composed by bottom otter trawlers and pair trawlers. The bottom otter trawlers fleet include two different gears: the “*backa*” which is the traditional gear, codend mesh size of 65 mm, and a maximum vertical opening of 1,5 m; and the “*jurelera*” which also employs the 65 mm codend mesh

¹⁰ Producers’ organizations are made up of fishers and fish farmers who choose to join together to take measures aimed at ensuring a rational approach to production and creating the best possible conditions for marketing their products (EC, 2012:34).

size, albeit with a larger opening. These vessels employ 6 to 8 crewmembers and targets mainly horse mackerel as well as demersal species traditionally appreciated in the Spanish markets such as hake, megrim, monk fish, and Norway lobster. The pair trawlers use a specific gear with a cod end mesh size of between 45-55 mm and a vertical opening up to 25 m, employing 7 to 10 crewmembers. This fleet is especially efficient targeting blue whiting but also lands important catches of hake. Most of these two fleets' catches are landed in Galician ports (Velasco et al., 2009:54).

The trawl fleet is the second most important fleet in the Portuguese EEZ and includes two segments: the trawl fleet catching demersal fish species using 65 mm mesh size nets, and the trawl fleet directed at crustaceans, employing 70 mm for Nephrops and 55 mm for other crustaceans (Informant A). The fleet segment targeting fish operates off the entire Portuguese coast, at depths between 100 and 200 m, while the fleet targeting crustaceans operates mainly to the southwest and south of Portugal in deeper waters, from 100 to 750 m (Velasco et al., 2009:55). The species targeted by this fleet are hake, megrim, four-spotted megrim, anglerfish, monkfish and Nephrops (ADAPI, 2011:9-10).

According to Velasco et al. (2009), the Nephrops trawl fishery is one of the most important fisheries in the Bay of Biscay, and are mainly targeted on a sand-muddy area called “La Grande Vasière”(See Fig.8). About 250 vessels target Nephrops in this area, however the fishery is very diverse, and species such as hake are also an important target as well. Each vessel employs between 4 and 5 crewmembers, and the mean vessel length is 15 m. There are 1100 offshore jobs considered to be related to the Nephrops fishery, including 350 fishers and 320 full time employees directly related to the fishing activity as well as some 500 jobs in the economy related to it. The fishery management relies on conservation measures, with Total Allowable Catches (TAC) for Nephrops, together with a minimum landing size and minimum 70 mm stretched mesh. Discards are one of the challenges for this fishery in spite of the measures mentioned above, large quantities of undersized target species (hake, Nephrops) or non-target species (blue whiting, horse mackerel) are rejected after sorting the catch (Velasco et al., 2009:56).

Purse Seine Fishery

The value of the landings from this fleet was over €78 million in 2006, and employed 2294 people in terms of FTE (Velasco et al., 2009:58).

A total of 410 Spanish vessels were registered in 2006 operating in the SWW area. The fishery takes advantage of the seasonal resources such as anchovy, mackerel, sardine and horse-mackerel. Part of this fleet change gear to “curricán” (trolling lines) or “Cebo vivo” (hand lines) targeting tuna during

the summer. The vessels are over 21 m in length and most operate 5 days of week, with a 48 hours continuous rest per week. The gear has a maximum length of 600 m excluding the purses, whose maximum size is 30 m, with a maximum height of 130 m and mesh size of 14 mm. Vessels fishing with purse seine employ between 6 and 8 crew members, and the fishery generates 1700 direct jobs (Velasco et al., 2009:58).

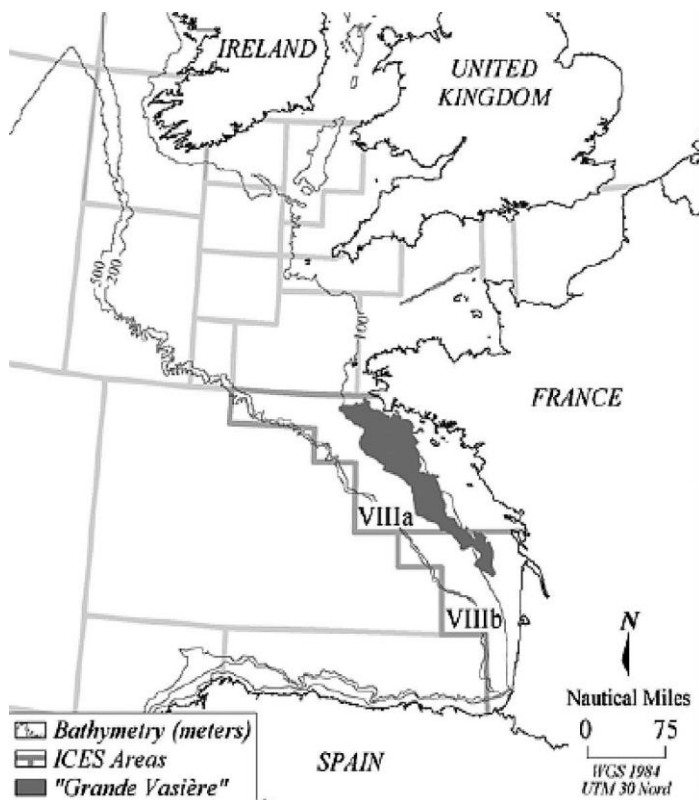


Fig. 8: The fishing grounds on “La Grande Vasière” (source: Velasco et al., 2009:56).

Purse seiners are the most important fishery in the Portuguese EEZ in terms of landing volumes. The most important segment includes vessels from 18 to 24 m in length and according to STECF (2012), 54 vessels made up this segment in 2010, targeting mainly sardine and horse mackerel with a mesh size of 16 mm. Other small pelagic species such as anchovy and middle-size pelagic species such as mackerel are also important fisheries in the area (Velasco et al., 2009:59). The total value of income values was €24 million and around 977 FTEs were represented in this fleet segment in 2010 (STECF 2012:252).

Mixed demersal lines

According to Velasco et al., (2009) the mixed demersal line fishery in the Azores archipelago is multi-specific, i.e. capturing different species at the same time in one set, using different hook gear configurations and vessel types. The fishery is considered to be small-scale because of the high proportion (90%) of small vessels under 12 m in length. The fleet operates in the archipelago areas, banks and seamounts covering several depth strata. Target species and gear type vary according to season, area, depth and price. Black spot seabream is the most important species and seems to affect the dynamic of the fishery, although other important commercial species such as bluemouth, and wreckfish are also caught (Velasco et al., 2009:60).

Besides the fishing activity, the SWWRAC waters are also subject to other human activities including shipping, tourism as well as new development of wind, tide and wave power generation (Informant D). According to Goikoetxea et al., (2009) the South Western Waters are crossed by several important transoceanic routes for commercial maritime transport from South to North Atlantic and West to East. There are also important port facilities in the region, for example Nantes-Saint-Nazaire in France, Bilbao in Spain, and Sines-Leixões in Portugal. Moreover, shipping is an important economic human activity on the oceanic region of the Azores archipelago, since this is one of the most important routes of commercial transport in the North East Atlantic (Goikoetxea et al., 2009:121).

Additionally, marine aquaculture is spread widely along the Atlantic coast and concentrated in several well defined areas. In France, aquaculture is more intense in southern Brittany and the areas around Bourgneuf Bay, Ré Island, Marennnes-Oléron and Arcachon Bay. In Spain, aquaculture takes place along the greater part of the coastline, being particularly important in Galicia and on the north-west coast. In Portugal, marine aquaculture occurs along the western and southern coasts, particularly in some of the more important estuaries, for example mollusc production in *Ria Formosa* in southern Algarve (Goikoetxea et al., 2009:136-137). Coastal and maritime tourism are also important social and economic activities along the Atlantic coast of the SWW region and the insular regions of Madeira, Azores and Canary Islands, especially during the summer. Camping and bathing, yachting, recreational fishing, surfing, scuba diving and bird- and whale-watching are among the most popular activities (Goikoetxea et al., 2009: 142).

Complexity

Stakeholder and interests in the SWWRAC are many and conflicting, some being more powerful and advocated louder than others. There are clear conflicts between the interests of the stakeholders. The

industry stakeholders representing the catching sub-sector seek to maintain a social and economic vitality in order to keep the fishery sector professionally attractive. Competition with different fleet segments operating in the same areas with different gears affects their activity, and the interests of the smaller vessels employing passive gears have traditionally been at odds with the trawling gears which are perceived to have adverse effects on the ecosystems. In this context, one of the most conflictive issues revolved around the necessity of a more inclusive definition for artisanal fisheries. Because of the gear differentiation in the three countries participating in the RAC, especially France which advocates that the coastal trawl should be considered in the artisanal fisheries, no consensus has been achieved on this issue (Informants B, F and G). Moreover, the national legislation concerning the fishery sector in the three countries further complicates the work towards a common definition of artisanal fisheries. Such a definition would allow other structures than the POs to benefit from the common organization of the markets as well as the recognition of the role of women in fisheries (Informant G).

Regarding the access to fishery grounds, coastal communities from southern France and the Basque Country have traditionally been in permanent conflict in the Bay of Biscay area (Informant B). However, it was pointed out that the SWW RAC, through the traditional fisheries working group, has had an important role in identifying common necessities in this area and setting in motion processes in the interest of both parties, and thus contributing to the harmonization of procedures between these two communities (Informant B and G). Generally speaking, the industry stakeholders pointed out that they have similar economic and social interests – and that external factors such as rising fuel prices and the economic crisis affects them all in the same way - and hence practically always in agreement when formulating recommendations to the European Commission.

On the other hand, the most influential stakeholders representing other interest groups, the Environmental Non-Governmental Organizations (ENGOS), consider their presence to be important arguing that *“fisheries policies can’t only be governed by social and economic factors alone”* (Informant D). This view is also shared by the industry stakeholders, referring that the three perspectives – social, economic and environmental – are weighted equally, while the industry depends ultimately on the well-being of fish stocks in order to safe-keep the social and economic sustainability of the fishery sector. Despite acknowledging the importance of the presence of the NGOs (both environmental and development), the industry stakeholders perceived that these representatives have increasingly achieved more influence, both inside and outside the RAC, because of their organizational and economical resources to lobby with the European institutions governing the CFP, as well as the media. Industry stakeholders felt that the proposals which the EC forwarded to the RAC for discussing

were already at the outset very permeated by the interests of the ENGOs, thus reinforcing their assumptions of ENGO's lobby-influence at a central EU level.

With perhaps less visibility in the RAC are the observers from the different national administrations together with the national scientific advisory bodies, as well as technical officers from the EC. The Portuguese industry stakeholders perceived their interests as less influential vis-à-vis the French and the Spanish industry interests. This perception is due to the lack of visibility of the Portuguese administration in the meetings. In spite of their observer role, the national administrations have closer contact with central EU institutions. Hence they are more updated regarding details in community legislation, and thus holding relevant information which could be useful for the industry stakeholders at the RAC meetings.

Dynamics

The weighting that stakeholders give to the different interests may vary among stakeholders and over time and can be an approach to determine the degree of socio-economic dynamics. The relative weight a stakeholder gives to different objectives, e.g. social, economic and environmental will to a large extent gauge their perception of fisheries regulations, i.e. whether a given regulation is legitimate to achieve the goal of "sustainable fisheries". Thus it is important to understand the interests of the different actors in order to be able to understand the regulations that could be implemented based on the preferences of the different stakeholder groups.

The stakeholders from the industry recognize that the multifaceted vision from the different stakeholders have provided an upgrade of knowledge of the entire sea basin observed by the SWW RAC, which is broader than their own area of operation. The RAC meetings have contributed to "networking" between the stakeholders. Before the establishment of the RAC, they didn't have the opportunity to meet face to face, and hence acknowledge a positive development because they were able to understand which objectives were being advocated and how they were being formulated in order to achieve them.

A common feeling expressed by all the stakeholders, both from the industry and from NGOs was the fact that the RAC represented a learning arena, promoting a "spirit" of working together in many occasions. Some stakeholders from the industry said they were reluctant to work with "fundamentalists", referring to the more radical spokespersons from the ENGOs, but recognizing that both parties can do great things together and for example still maintain the economic vitality of

fisheries (Informant F). In this context a positive turnaround occurred when the representatives from the traditional fisheries associations began to understand that the ENGOs were potential allies in promoting the interests of the small scale fisheries. The ENGOs defend “greener” models in which the traditional coastal fisheries are perceived as less predatory and more selective, use less fuel, promote local employment and take better care of the resources of which it depends on (Informant G). Another related issue concerned the proposal of the Commission to implement Individual Transferable Quotas (ITQs), for which the NGOs and the traditional fisheries organizations reacted against in a unanimous position (Informant F). This marked a major step in the dynamics between the different stakeholders in the relatively young life of the SWWRAC, which in the beginning was characterized by the intransigency of positions of the stakeholders. An informant from a local PO described the debates as “vivid”, and interesting because they “*have contributed to a broader understanding in terms of geographical zones and organizations represented in the RAC*”, and that “*in order to reach a consensus, I have to explain my viewpoints to the other [stakeholders] and they become enlightened with things they didn't know, and vice-versa*” (Informant B). The negotiation capacity among the stakeholders in the SWWRAC is still developing as pointed out by several informants.

The SWWRAC has proven to be able to help fishing communities and different industry representatives to engage in dialogues and unite around common necessities. An example of cooperation between the communities in the Bay of Biscay developed when the EU Commission decided to close the anchovy fisheries in that area, leading to a joint effort of these communities to propose a limited opening of the same fishery (Informant C). Moreover, regarding the importance of reaching consensual agreements, an informant from a fishing association said: “*if there is a collective decision regarding an issue, then that is the one we need to put in practice, even if I'm against it, because I have respect for collective decisions*” (Informant H).

Scale

For the three countries involved, and despite the existence of larger coastal trawlers, their national fleets include mainly segments of the artisanal type as well as small scale fisheries. These vessels are mainly owned by small family enterprises, employing direct family members earning their wages based on the “share” value of landed catches as described by Lequesne (2004). Crewmembers share also the operational costs of maintaining the vessel in operation. The global factors which seem to affect these fisheries all in the same way are the fluctuations in the price of oil, which have a direct impact for the activity. During the 2008 fuel crisis, it became evident that one way to cope with rising

energy costs was for fishers to increase the profits they made on their catches. There was one problem, though: fishers are primarily producers and take less of an interest in the commercial side of the activity (Informant I). They fish according to what the sea and their quotas have to offer rather than of what interest buyers. Consequently, fishers are obliged to accept the going rate for what they bring back in their vessels, without having the power to act on setting prices.

The fisheries are predominantly coastal within the national waters, and vessels make daily trips and land their catches at the local harbors which serve mainly local communities (Informant F). But the complexity of the socio-economic system revealed that the many activities that make use of the sea can eventually compete with each other and thus generate conflictive outbreaks. Several stakeholders from the industry expressed their concerns about the inexistence of discussions revolving around the issue of maritime spatial planning. The pressure is already felt within the fishing activity as one informant put it: *“we have to manage to live side-by-side with a big port facility which is restricted for fishing purposes, as well as closed areas such as marine protected areas”* (Informant F). Another informant pointed out that the SWWRAC should be concerned with other policy areas which also affect the functioning of the CFP, namely: *“the SWWRAC should also be more open to the issues within the integrated maritime policy related to the sea-basins and the spatial maritime management plans because there are several activities which will have to co-exist in the same area”* in order *“to find compatible solutions to the different uses of the sea”* (Informant A).

In this context, an ENGO stakeholder said: *“if you have a project to build a windmill park offshore, the ENGO’s will probably welcome the idea, but the fishing community will perhaps not be so happy (...) I think that in many cases you need a diplomatic approach, and suggest a system of compensation”* adding: *“I [referring to the fishing community] can lose part of a fishing ground, but at least [through the suggested compensation system] I had the possibility to do this or that or perhaps begin with aquaculture and that I think is a good approach. But it is obvious that from the part of the industry the negotiations are always sensitive and very complex”* (Informant D).

Governability

The socio-economic system linked to the area of observation of the SWWRAC includes a wide range of actors and stakeholders with different interests both in Portugal, Spain and France, and therefore a *high* level of diversity is suggested. Some of the stakeholders are perceived to be more organized and influential than others. The most influential and active stakeholders within the industry are the larger

fishing enterprises which own several vessels, and have relatively more visibility than the small scale fisheries stakeholders due to their fragile economic and organizational resources. Within the NGOs, the environmental NGOs are perceived as the most influential bodies in the SWWRAC because of their external ability to pool resources in order to lobby close to the institutions which govern the CFP. Representatives from the processing industry as well as fish product resellers are to a less extent present in the RAC meetings, contributing to an overall *medium* level of complexity related to the SWWRAC. Because of the high diversity of stakeholders involved, the SWWRAC aggregates many interests and viewpoints which can be challenging when working towards consensual recommendations. That exercise is somewhat described as being demanding and “*will always depend on the capacity of explaining arguments, as well of good faith among the stakeholders, but in some issues perhaps we will always be in disagreement*” (Informant A). As such, the dynamics related to the socio-economic system linked to the SWWRAC are assessed as *medium*. In terms of scale, the fishing industry does not exclusively operate within the area observed by the SWWRAC. Some of the vessels owned by larger enterprises operate in the North East Atlantic or in tropical seas. Within the SWWRAC there are still issues concerning access to fishery grounds which remain unresolved contributing to a governability challenge. Furthermore, it seems evident that the socio-economic scale linked to the SWWRAC is not exclusively related to the fisheries activities. The scale is getting larger in size while different activities such as tourism, aquaculture, and energy production compete for the same areas. The scale issue of the socio-economic system is assessed to be *high* and, on a whole, the socio-economic system linked to the SWWRAC is considered to have a low to moderate governability.

5.2 Governing System

Diversity

The current Governing system of the SWW involves a numerous and diverse range of actors, including fishers, NGOs and different management bodies, e.g. EU Commission, Member State and the RACs. Different actors, including scientific advisory bodies, have specific interests and roles in the relation to fishing activities within the Common Fisheries Policy (CFP). Thus, within the current set-up of the CFP, the SWWRAC is represented in an intermediary level of the regional EU seas, between the Member State level and the EU level (see Fig. 9). Although the model in Fig. 9 includes a multiplicity of actors and interactions, the model remains a simplified depiction of the actual setting in which the

CFP governance unfolds. The main institutional actors of the Governing system are the member states and the EU. However, as the model shows, neither the member states, nor the EU are unitary bodies.

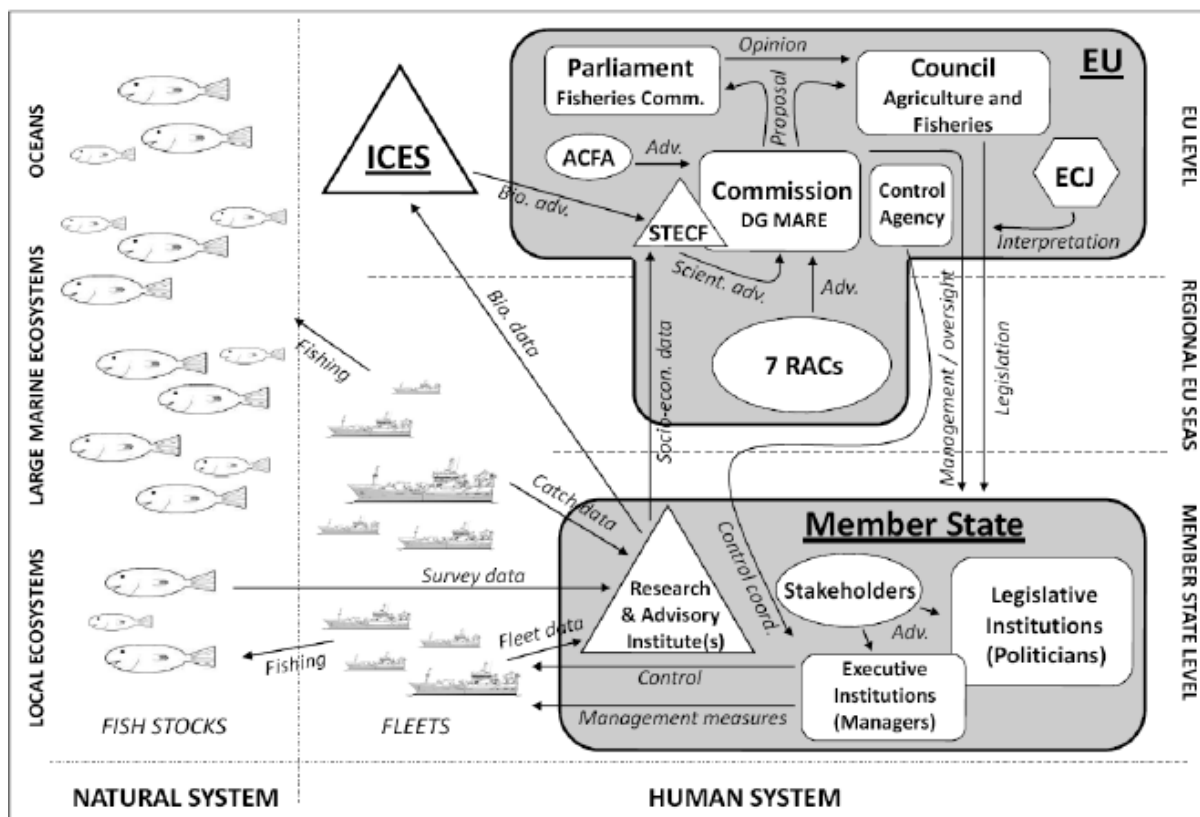


Fig. 9: The Governing system for fisheries governance in the European Union: the scientific bodies are reproduced as triangles, legal bodies as hexagons, stakeholder bodies as eclipses, and policy bodies as “rectangles” (source: adapted from Hegland, 2009:7).

The EU Commission (DG MARE) has the exclusive competence to govern the protection of living aquatic resources; as such the EU level is in position to take a wide range of decisions relating to fisheries governance. For example, the EU allocates fishing opportunities based on a rooted principle of “relative stability”, which has been described by Hegland and Raakjær (2008) as the most path dependent element of the CFP. This implies that the CFP governance system is apt to exert a high degree of micro-management of measures which come from the central EU level, from “*the size of the fishing hooks and minimum mesh-sizes to the maximum size of fish species allowed to be landed*” (Informant A). Consequently, the governance system of the CFP remains one characterized by “a top-down, command-and-control paradigm” in the regulation of European fisheries (Doering and Goti 2012:6).

The governance process is to large extent formed by a continuous process of draft legislation which is prepared by the EU Commission. Legislative acts are thereafter jointly decided upon, after the Lisbon Treaty entered in force in 2009, by the Council of Ministers and the European Parliament acting

together through the co-decision procedure. The adopted legislation is finally implemented by the EU member states (Informant D). However, since conservation of fish stocks and their sustainable use constitutes the cornerstones of the CFP, the EU Commission is heavily dependent on advice from scientific bodies, such as the International Council for the Exploration of the Sea (ICES) as well as other regional fisheries management organizations (Informant D). According to Informant E, the working groups of scientists within the ICES coordinate and report on research provided by the member states' scientific institutes, which is used to give the European Commission scientific advice based on the assessment of the status of the fish stocks. Based on this evidence and discussions with several bodies, including the Scientific Technical and Economic Committee on Fisheries (STECF), and the European Parliament Fisheries Committee, the EU Commission forms a proposal on conservation measures. The proposal is then sent to the Council of Ministers, which after negotiations among the national ministers from the member states decides on fishery regulations.

Complexity

Although the conservation of resources is a fundamental pillar of the CFP, and under the exclusive competence of the EU, this does not mean that member states are powerless to protect marine resources. Member states, through their membership in the Council of Ministers have also a central role in the decision-making process (Informant I). As described above, the EU Commission makes recommendations on the yearly Total Allowable Catch (TAC) to the Council of Ministers based on the scientific advice. The Council of Ministers, however, often disregards these recommendations because, the ministers want to protect jobs in the short term, and as a consequence, the annual catch agreed to by the Council of Ministers is generally higher than the scientists' recommended figure (Informant D).

Though the Commission is a powerful actor at the EU level, it is ultimately the member states themselves that adopt the CFP legislation (Informant I). Furthermore, it is up to the member states to control and ensure enforcement in their own waters. Since there is always a tendency to interpret community legislation in order to stretch national considerations, it is seen as problem from a central EU level, as the EU Commission only to a limit extent is able to control and sanction member states that take their national considerations too far (Informant D). In addition, member states also have responsibilities for fisheries management in relation to the allocation of fishing opportunities and adjusting the capacity of their national fleet (Informant J).

Given the controversial history of fisheries governance with the conflicting interests of fishers and environmental groups as well as the lack of legitimacy towards the EC Commission, the task of the SWWRAC to harmonize and include stakeholder's knowledge into policy formulation was from the outset very ambitious (Informant A). The establishment of the SWWRAC was considered to be "*an important forum for the inter-institutional dialogue based on the multifaceted vision of the stakeholders, especially on the practical experience of the fishers, in an attempt to influence the EU Commission*" (Informant A). However, the SWWRAC is essentially an *advisory* body which means that even if a RAC recommendation is produced based on unanimity by all the stakeholders, the EU Commission is not committed to follow it.

The Governing System seems to be complicated by the issue of regionalization, which is supposed to give the member states more competence in regional fisheries governance in the future. Hence, stakeholders assume that the member states will eventually become "clients" of the RAC and channel influence through it (Informant A). However, the process of regionalization is not yet outlined, and many questions still need answering. Though, the main concern expressed by the stakeholders was the current lack of interest by the national administrations in participating in the RAC meetings (Informant A and D).

Dynamics

The dynamics of the governing system can be described in relation to the stakeholders' perceptions of the role of the several institutional bodies which have the means to influence the outcomes of the Common Fisheries Policy. In relation to the role of scientific bodies in providing the EU Commission with technical advice, one representative from the industry said: "*it seems to me that the business of scientific advices is installed in the Commission has led to the dismantling of the European fishery sector; they [the advices] never appear in a perspective of harmony and construction of these two perspectives which are the resources and the professional fishing activity, [because] they cannot be seen separately, they must co-exist and thus assuring the future of this sector*" (Informant B). Another informant from the industry regarded the scientific bodies as protecting their own economic interests because: "*currently the Commission pays dearly for these scientific advices, but these are always dependent on other scientific advices, and although the resource may be in good health, I [referring to the scientific body] will never say that it is; otherwise the Commission will not request me scientific advices in the future*" (Informant C). The background for the scientific advices were also regarded by several stakeholders as being "highly complex", "mathematical", or "chinese" because of the

complicated formula and models used, as well as the disregard for the social and economic aspects of fisheries. In this context, the SWWRAC, through the GEPETO¹¹ project was seen as way to bring together two cultures, i.e. the scientists and the fishers, in order to improve future assessments. The mapping of the Aveiro estuary in northern Portugal, involving biologists from the national scientific institute and local shellfish gatherers is a concrete example of such cooperation (Informant B and G).

Stakeholders expressed their frustration towards the EU Commission considering that it did little in the way to support SWWRAC recommendations and either ignored or went on with previously outlined plans. A PO representative argued that the whole rationale behind the creation of the RACs was “*for the Commission to have an excuse for when each time it produces a regulation to say that the sector was heard! we do in fact send them recommendations, but they don’t take them into account*” as such “*I consider the [SWW] RAC as a shield for the Commission*” (Informant C). Nevertheless, representatives from the industry recognized that if recommendations emanated from all the interests represented in the SWWRAC that they would have a better chance to influence policy decisions. Moreover, one informant said that if the SWWRAC didn’t exist then: “*things would continue to fall on top of us [from the EU Commission] and we wouldn’t know what to do*” (Informant C).

Interestingly, the role of the European Parliament was perceived by the stakeholders as a “balancing force” in relation to the EU Commission in the governing system, while the former institution had already realized the potential of the RACs and designated Members of the European Parliament (MEPs) to follow, and serve as a link between all the RACs (Informant D). Furthermore, the SWWRAC stakeholders recognized that having access to solid scientific advice was essential in order to be more proactive towards the EU Commission. In this context, stakeholders from the industry and from NGOs expressed a wish to promote members of scientific institutes to active observers. However, it might be difficult in practice to have members of the scientific community present at all SWWRAC meetings, given the delicate financial situation that afflicts many these public institutes (Informant E).

The recommendations produced by the RACs are formulated within its working groups reflecting a very specific knowledge on a given issue, being thereafter sent to the Executive Committee (EXCOM) as resolution proposal to be voted. The EXCOM adopts these resolutions, as far as possible, by consensus. A member of the EXCOM explained that: “*many of the resolutions don’t have a direct interest for the organization that I’m representing, so we don’t get in the way, and support generically all recommendations*” (Informant A). However, if it is not possible to arrive at a consensus, decisions

¹¹ GEPETO stands for “Fisheries management and transnational objectives”, and is a project that plans to test the implementation of a new system of governance through the development of long-term fisheries management plans for the SWW RAC area.

can be taken by a majority vote with dissenting opinions attached as a foot note to the document (Informant G). Consensual resolutions are perceived by the industry stakeholders as having considerable more political weight in the decision-making process than resolutions including dissenting opinions. Another informant present at the EXCOM and member of a working group explained in this context that: *“if we [members of the EXCOM] are not able to reach a consensus, we refrain from sending the recommendation at all, because the Commission will immediately set it aside, especially if the dissenting opinion comes from an ENGO”* (Informant B). Thus, the stakeholders perceive that their chance of influencing the decision-making process is far better off if a broad base of RAC stakeholders representing different interests have been active in drafting, and voting on, recommendations to the EU Commission.

The CFP was considered to be *“an obsolete system”*, and referring to the Green Paper (EC, 2009), several informants pointed to the structural failings of this policy which ultimately is a reflection of the complex system governing it. The TAC-system and the principle of precautionary approach were specifically mention several times as being inefficient and having drastic consequences for the European fishery sector. A PO representative pointed out that: *“because there is a lack of studies concerning the assessment of the multiplicity of stocks in this area [SWW], together with the pressure from the environmentalists we have consequently a yearly TAC reduction of 20%, this is ridiculous and silly!”* (Informant C).

The poor coordination between the main institutional bodies governing the CFP was also mentioned by another informant: *“the new CFP reform had in total 2344 amendments to its original text, in other words it was a big setback, because we, after all these years, are trying to put together an united Europe and in the end everything falls apart”* (Informant D). In regard to the previous CFP reforms an informant said that: *“we need legislation in order to manage the resources, otherwise we wouldn't have fish left in the sea”* still *“everyone has an opinion on how the resources should be best managed, always thinking these will be needed tomorrow, but current legislation is old and even certain African countries have achieved better ways to manage their fisheries”* (Informant C).

Scale

The scale of the Governing System is multilayered with different institutional bodies responsible for different governance measures within fisheries policy. At the member state level, the national governing bodies ensure a framework of knowledge of resources available in areas under national

sovereignty i.e. within 12 Nm, in relation to their inventory, use and spatial planning (Informant J). Between the 12 Nm limit and the 200 Nm EEZ of each member state, it is the EU Commission that has exclusive competence, through the CFP framework, to govern the living aquatic resources. However, there are several Regional Fisheries Management Organizations (RFMOs), formed by member states and third countries that have interest in the SWW area. Some of them manage all the fish stocks found in a specific area, for example the Committee for the Eastern and Central Atlantic Fisheries (CECAF), while the International Committee for the Conservation of Atlantic Tunas (ICCAT), focus on highly-migratory species (tuna-like species), throughout vast geographical areas. While some RFMOs have a purely advisory role, others have management powers to set catch and fishing effort limits, technical measures, as well as control obligations (Informant E and J). The SWWRAC has competence for all biological species located within the areas covered by the following ICES zone: VIII, IX, X and OSPAR divisions around the insular regions of Madeira, Azores and the Canary Islands, except the species located within the (SWW) Pelagic-RAC areas (SWWRAC 2010:2). This means in practice that if the SWWRAC and the Pelagic RAC are concerned by the same species, they need to coordinate their positions in order to adopt common recommendations concerning the South Western Waters. Furthermore, there is also an international level to consider, for example that the fisheries governance is consistent with the Food and Agriculture Organization's (FAO) Code of Conduct for Responsible Fisheries, and with the commitments set down in a broad range of international treaties which are legally binding on the EU and the member states.

Governability

Considering the number of bodies involved with associated competences within the governing system, diversity is assessed to be *high*. The number of institutional bodies holding different competences in the governance of the CFP creates legal complexities. In regard to the role of SWWRAC, such complexities can be linked to the process of regionalization which is still unclear and hence the level of complexity is suggested to be *high*. The Governing system of the SWWRAC is affected by internal dynamics resulting from the contrasting viewpoints of the stakeholders within the work groups. But, when consensual resolutions are reached, it seems the EXCOM members tend to approve these resolutions without much interference. Current uncertainties over the directions that the reform of the CFP will take, particularly in relation to the roles of the EU institutions governing the CFP, member states as well as the RAC's also seem to affect how the SWWRAC works. Stakeholders stated that it is difficult to be proactive in this situation. Thus the overall level of dynamics affecting the Governing

System is suggested to be *medium*. The Governing System is made of several levels, including national, supranational, regional as well as international, therefore the scale issue is considered to be *high*.

The Governability assessment of the governing system must take into account the relatively high property levels which characterize it. The governing system is not made of a single body, but of several, with different competences in the formulation, and interpretation of the CFP framework. The SWW RAC is a regional structure in the current multilayered governance system of the CFP, however, it remains essentially an advisory body which produces non-binding advices to this system, and hence the governability of the governing system as a whole is considered to be *low*.

5.3 Governing Interactions

Representativeness

Although the SWWRAC is the broadest RAC in terms of membership constituency, a great deal of the stakeholders (up to 60%), seem to be enrolled only to get access to relevant information. Participation of regular stakeholders is limited to more or less 40 members, variable between the issues covered and between working groups (Informant A). Though current structural design allocates more seats to the industry representatives, most informants from this group expressed their dissatisfaction regarding their de facto influence vis-à-vis other groups, specifically the ENGO's for reasons already discussed. However, the representativeness of other interest groups is generally seen as important and necessary. Some stakeholders feel that they are filling their role in another way: "*we don't feel that we are stakeholders per se, not in the same way as perhaps as representatives for recreational fishing and so on, [nevertheless] we feel special, particularly the women of fisheries in Portugal, [because] unlike the French associations which are essentially represented by women of fishermen, we work as fishers*", and underlying that: "*we were initially within the 2/3 allocation [ratio] for the industry, but in order to allow representatives from the Netherlands and Belgium [to participate], we didn't see as a problem passing to the other side [other interests group]*" (Informant G). A significant number of women work on board as fishers in Tejo and Sado rivers, as well as in the Aveiro and Formosa estuaries as *mariscadoras* i.e. shellfish gatherers. Interestingly, shellfish gatherers were, until recently, not considered as fishers within community legislation given that the definition of fishers was dependent on owning, or working on board, a boat. Moreover, women also represent the social glue in the family,

given that fisheries do not have office hours and the kindergartens and schools are often closed when the boats leave or come back to the harbor (Informant G).

One issue that seems to affect negatively the representativeness of the SWWRAC is the fact that, although the SWWRAC is the only RAC with a working group for traditional fisheries, many small fishing associations currently do not have the organizational, neither economic means in order to become RAC-members. Consequently, this working group is characterized by a fragmented identity, or by: *“a higher level [of representatives] than expected, because it presently also includes purse-seiners and trawlers”* (Informant D). Many of the small enterprises which own a single vessel are not legally organized, and are to a large degree dependent on the larger PO's in their local fishing harbor to get organizational or economic help (Informant B). Participation from other potential stakeholders, both from the industry e.g. processing industry, resellers, and from other interest groups such as consumer associations was considered less visible. One informant speculated that *“perhaps, they haven't acknowledged the potential of the RAC yet, or they simply don't care”* (informant G). The observers from the national administration, together with the representatives from the public scientific institutes argued that they had interest in the RAC functioning, but due to budgetary cuts their presence was consequently very limited (Informants E and J).

Communication

The level of communication in the governing interactions will determine how well the stakeholders are able to understand and communicate their concerns with each other. Generally speaking, the informants considered the communication in the SWWRAC to be fairly good. Many stakeholders, particularly from the industry, are only fluent in their mother tongue, hence the importance of having simultaneous translating during the meetings. One of these meetings was recounted by an informant like: *“the first time I attended a RAC meeting with interpreters, machines and other translating devices, I was a bit lost and it took me some time to get used to it, but then I realized that this [setting] had a certain dynamic, which has a lot to do with the way how you say things, how you approach an issue in a working group either if it is with Portuguese, French or Spanish representatives, because you end up face-to-face debating issues which are in many cases common to every each one of them* (Informant D). During these debates, many issues and viewpoints come up, and the translation process can sometimes cause some problems, because there are three different languages involved, and translation lagging naturally occurs hence breaking the dynamics according to the same informant. Nevertheless, the informants stated that it was important to have the possibility to have freedom of

speech and express thoughts in their own language. However, outside the formal RAC structure communication seems also to have an important role in the socializing process between stakeholders, and in this context mastering other languages besides the mother tongue can be useful, one informant explained: *“in the coffee breaks, or in the restaurants people talk face to face with each other, I don’t have that possibility because I don’t speak French, nor English, nor Spanish... so I can’t benefit from it, but I see that the great majority does, and it is natural that people talk and smile to each other and take that temperament to the meetings”* (Informant H). Another informant added: *“We need dialogue, and sometimes when the meeting is over I go to the other side of the table to try and clarify something that might have caused some confusion, or even offended someone, you never know”* and pointed out that: *“the southerners have a reputation of being different, of being proud of their history and their community, and this individuality sometimes causes problems, therefore we need time both inside and outside the meetings to clarify details”* (Informant D).

The collaboration between the SWWRAC and the Scientific, Technical and Economic Committee for Fisheries (STECF) which was established by the EU Commission in relation to specific long term management plans was perceived as positive by some informants, despite the highly technical nature of the discussions. But as an informant pointed out: *“The same difficulty I have in understanding the language of scientists which is based in mathematical models, the same difficulty applies to them when we talk of the social area. For example, in the last presentation of the fisheries atlas for the SWW, employment was not considered as human capital, neither as work, nor as related to other dependent related persons, it [employment] was presented in a column added to a table where the title was the physical characteristics of the vessels! But we managed to modify that, so sometimes it’s not a matter of unwillingness or bad faith, only lack of knowledge and [hence] working together can make us understand each other and fill in the gaps [of knowledge]”*(Informant G).

The stakeholders were in general pleased with the internet web page of the SWWRAC. They said that it provided easy access to information and upcoming events, and they were therefore more or less frequent users of it. In this context, some participants also mentioned the potential of developing electronic consultation as a way to avoid conflict with personal agendas when members are already engage with in other functions and cannot attend RAC meetings. The lack of knowledge of a second language by some of the participants, mainly from the small scale fisheries, seems to represent a limitation to how the stakeholders perceive and understand each other. This is particularly important during informal contexts, when there is a better possibility for stakeholders to get to know who is who, where they come from, what type of vessels they represent as well as which community they belong

to. Simultaneous translation during the meetings are perceived as a good thing, despite the high costs involved, and the time lagging which causes some breaks in the flow of the discussion.

Flexibility

Informants pointed out that the organization of ad hoc groups has helped the RAC functioning because the organizations and coordination of the five working groups twice a year involves a lot of the RAC's resources, both human and, especially, financial. It was also pointed out that given the nature of the southern fisheries, two annual meetings for each working group was not enough to handle constructive debates in order to produce quality advices. In this context an informant said that the organization of ad hoc groups, for example the ad hoc group established to add value to the artisanal fishery products, has proven interesting and more efficient in facilitating work between the stakeholders (Informant G). In these ad hoc groups the participants usually come prepared to the meetings and work more constructively. For example, an informant from a NGO said: *“we work on this project [add value to artisanal fishery products] like mules, even knowing that we didn't advance with such projects; but, it's a way to help the sector to find projects which values the incomes of the families within the fishing communities and I think this spirit [of working together] is what our RAC can teach the other RACs”* (Informant G). Also, these ad hoc groups increase flexibility because the participants have the opportunity to choose the most suitable date and place to meet. One informant considered that the SWWRAC had already improved much since the first years of functioning, but it needed more capacity in order to achieve better representativeness (Informant G).

Co-ordination

The scale of the system is characterized by relatively high levels due to the interactions of biological, technical and political nature between many actors located at different levels. The system's ability to co-ordinate these interactions will determine their final outcome. Most stakeholders prefer having consensus on recommendations, although admitting that this does not guarantee that the recommendations will be taken into consideration by the EU Commission. Some believe that a consensual outcome is necessary to ensure that the points of view of environmental NGO's are included, hence having a better change at influencing the final decision. An informant pointed out that a detailed account of the discussions, mentioning the diverging viewpoints would be more “intelligent” and useful (Informant G). In the evaluation of the RAC's the Commission stated that: *“This is the*

criterion [sustainable fisheries] that the Commission uses when evaluating RAC advice, and not whether the advice is consensus-based' (EC, 2008:9). However, the informants seem to interpret the value of consensus based recommendations differently. The lack of visibility of members of the Commission in the RAC meetings, and the lack of explanation from the same officials when recommendations are disregarded are perceived badly by some members who feel that they are wasting time in the process.

The RAC-recommendations remain the primary communication instrument between the Commission and the RAC, and they are often discussed only once during a working group meeting. The meetings are heavily dependent on an agenda here described by one informant: *"at 9 a.m. we are going to discuss this issue, at 10 a.m. that issue and so on, and this procedure works more or less. But [when] debates take place, and in many cases are precipitated, they weren't planned but they happened, and some members are more charismatic than others - either because they speak out loud, or always insisting in the same issue, or prolong their speeches, or tend not to be coherent - but this is normal. In many instances this debates are interactive, dynamic where there is a multiplicity of interventions and it happens that we are discussing issue X and we end up with a solution to problem Y, which is not that bad"* (Informant D).

Another informant pointed out that there is not always time to address all the issues in the agenda: *"we don't have enough time to go thoroughly through all the points in the agenda, and have to manage accordingly, so perhaps the quality of the advices suffers from it, [and] I think that if we could have a meeting beforehand to discuss in a broader fashion the issues at stake,[so that] we would go to the meetings provided with a consensual spirit"* (Informant H). One informant explained that sometimes last-minute conflicts could come up at the EXCOM level regarding the approval the working groups' resolutions. For example, whenever stakeholders from ENGO's didn't meet at the working group meetings, only showing up at the EXCOM to block the same resolutions, causing some frustration among the stakeholders from the industry (Informant B). Within the industry, stakeholders tend to work towards recommendations that regard common interests, but there is also lack of trust not only between themselves but also between them and other stakeholders. For example, they are reluctant to provide information that will come back at them in the form of more strict regulations or the possibility for getting fined. Another informant also explained that there was no point in getting upset with colleagues practicing less responsible actions, when in the end it is not up to the industry members to play the role of inspector (Informant C).

Governability

Despite the broad membership of stakeholders in the SWWRAC, not all representatives participate in the governing interactions and many are still left outside this structure, especially the small scale fishers, hence the level of representativeness is considered to be *low*. Despite the different working languages used at the SWW RAC meetings there is a good and therefore *high* level of communication in the governing interactions. Flexible solutions like those of the work through ad hoc groups, and electronic consultation can also contribute to “activate” more SWWRAC members in the RAC’s work and the level of flexibility is therefore suggested to be *medium-high*. The fact that key representatives from both national administrations and from central EU institutions are not present in most RAC meetings, contributes negatively to the governing interactions and hence, co-ordination attributed to the governing system is assessed to be *low*. Altogether, the governability of the governing interactions is considered to be *moderate*.

5.4 Assessment summary

The purpose of this study is to assess the limitations and potentials of the SWWRAC as a governing system and the ability to achieve its general objective within the CFP framework. To do so, the assessed property system levels need to be translated into levels of governability. According to interactive governance theory, high property levels for the system-to-be-governed and the governing system are considered to be linked to low governability, whereas low property levels suggest that a system is altogether relatively more governable. For the governing interactions, however, the relationship between the level of system properties and level of governability is inverted, since high level of governing interactions tends to yield high governability. The summary of the assessment findings is presented in Table 4.

System properties	System-to-be-governed		Governing system	Governing interactions
	Natural	Social		
<i>Diversity</i>	High (low governability)	High (low governability)	High (low governability)	<i>Representativeness</i> (low governability)
<i>Complexity</i>	Medium-high (low to	Medium-high (low to	High (low governability)	<i>Communication</i> (high governability)

	moderate governability)	moderate governability)		
<i>Dynamics</i>	Medium-high (low to moderate governability)	Medium (moderate governability)	Medium (moderate governability)	<i>Flexibility</i> (moderate to high governability)
<i>Scale</i>	Medium-high (low to moderate governability)	High (low governability)	High (low governability)	<i>Co-ordination</i> (low governability)

Table 4. Level of system properties and governability.

6. Analysis chapter

The governability assessment summary presented in chapter 5.5 provides an overview of the current limitations and potential of the SWWRAC, conceived both as a governing-system as well as a system-to-be-governed. As the governability ratings represent a relative scale, they should therefore not be taken in absolute sense. A discussion of the findings in light of the interactive governance concepts introduced in chapter 2 will be presented in the following.

6.1 System-to-be-governed

The natural system-to-be-governed by the SWWRAC is one of several sea basins envisaged as a formal region (Symes, 2012) by the EU Commission in order to manage the living resources in that area. The governability assessment indicates that the South Western Waters basin is a large marine ecosystem, capable of further divisions, in terms of coastal, insular and deep-sea sub-ecosystems. A number of different species living in this ecosystem have broad distribution and diverse migratory patterns, such as horse-mackerel and tuna-like species. In practice, it implies that the functional boundary attributed to the SWWRAC poorly matches the bio-geophysical scale levels of its marine ecosystem. Since some species with commercial interest are highly migratory, the fishing fleets operate accordingly and cross the waters of several member states to fish on stocks which are shared by multiple member states.

From a governability point of view this mismatch is challenging. The SWWRAC has to coordinate with the North Western Waters RAC and the Pelagic RAC if concerned by the same species. A duplication of work along with reduction of efficiency is likely to occur whenever the SWWRAC has to consult with other RACs in the adoption of common recommendations to the EU Commission. Moreover, the functional boundary attributed to the SWWRAC is partly juxtaposed with several statistic areas observed by institutions, including ICES, OSPAR, and ICCAT. These scientific and conservation institutes have a share influence on the process of quota attribution and setting of total allowable catch references. Different competence attribution in the same area would partly explain why there is lack of data for the assessment of many of the stocks in the South Western Waters. As different institutions employ different assessment methodologies, it results in a fragmented data compilation affecting the overall quality of advices.

Due to insufficient data to assess the status of the stocks in the area, the principle of precautionary approach is applied, and therefore consecutive TAC reductions are enforced. For the SWWRAC's

fishers this approach is perceived to be harsh because it entails a reverse burden of proof on them. The proof provided by the fishers via RAC advice tends to be ignored by the EU Commission, replying that their advices lack scientific validation or are somewhat biased. From the EU Commission's perspective, the quality of a RAC advice depends on its coherence with scientific advice, while the EU Commission "*cannot follow RAC recommendations when they depart significantly from scientific advice or contradict international obligations or Community long-term management plans*" (EC, 2008:9). There seems to be high expectations from the EU Commission concerning the quality of the advices produced by the SWWRAC. Fishers are not scientists. They are field experts with a distinctive culture, language and a way of perceiving things that are not in many cases commensurable with the scientific models used by STECF at the EU Commission level.

Scientific expertise becomes thus a point of discord between governors and governed, due to the governors' excessive expectations and reliance on it. The governability assessment shows a low governability level for co-ordination interactions, and therefore its improvement should be encouraged between the SWWRAC and the EU Commission. One way to do this is to improve the visibility of scientists from the STECF (Commission) at the RAC meetings for the purposes of establishing better interaction between the governors and the governed. This would also give the Commission an opportunity to explain the stakeholders the reasons why a given RAC recommendation is disregarded; as well as an opportunity for the stakeholders to present a better argument, and therefore improve trust relationships.

6.2 Governing system: capacity and limitations

According to interactive governance theory (Kooiman et al., 2005), the values, norms and concerns in fisheries are often concealed, and not brought into the open where they can be debated rationally and democratically. In the previous era of the CFP, the concerns of fishers – as well as their knowledge and expertise – had long been disregarded as purely interest driven and hence useless for the management context they were embedded in. The establishment of the SWWRAC represents thus a new way of structuring governance while stakeholders have an opportunity to participate and deliberate on policy formulation. Interactive governance holds that values, principles and goals (*meta-order governance*) are expressed and developed as governors and stakeholders engage in social exchange, hence helping make "hard choices" easier for governors, i.e. the EU Commission and the member states.

The elaboration of a long term management plan for the Bay of Biscay anchovy fishery is an example of a successful initiative supported by a clear goal. The repercussions created by the closure of the

fishery by the EU Commission put an end to conflicts between fishers and stimulated them towards a reopening strategy. The fishery has since been partly reopened, and demonstrates that stakeholders on the ground, at the *first-order of governance*, are capable of working together towards effective solutions. Although the problem solving mechanism was engaged in a reactive way, it shows nevertheless the important role played by the RAC in the *second-order governance* in providing a structure and legitimacy to the initiative.

Governance goals are not given beforehand, they are arrived through an incremental and interactive experience based process (Kooiman et al., 2005). But, the anchovy fishery is relatively simple involving a single specie and one stock in a specific area, compared to other fisheries where conflicts between and within fleet segments, and confusing regulations makes it difficult to mobilize stakeholders in order to work proactively. The governability assessment of the socio-economic system-to-be-governed reflects the challenges involved in the diversity of fisheries and fleets using multiple gears, varying from one national context to another. Thus, opinions differ as to what should be the specific aims of fisheries governance and how various concerns should be ranked, for example in terms of a common definition of “small-scale fisheries”. Consequently, discussions during working group meetings are described as lacking clear directions and are hampered by the pursuit of fisheries-specific interests which tend to generate conflict between stakeholders. The ability to overcome such conflicts will therefore “*depend on the capacity of explaining arguments*” as well as “*good faith between stakeholders*”(Informant A); admitting however that, in some particular issues, stakeholders will continue to disagree.

6.2.1 Power relations

Governance is not only about solving problems, it is also about strengthening the capacity to recognize and take advantage of opportunities, like those presented with networking (Kooiman et al., 2005). In this sense, the establishment of the SWWRAC was recognized by the stakeholders as an opportunity to meet face-to-face, enabling a better understanding of which objectives were being advocated by whom and how they were being formulated in order to achieve them. In effective governance, the roles, interaction rules, and processes are clear to all stakeholders (Kooiman et al., 2005). Yet, too many discussions are described to be held in a dispersed way and questions are asked but remain unanswered. Informants also mention instances of inopportune and incoherent monologues that monopolize debates, causing frustration among stakeholders whenever turned into systematic complaints or lobbying. The SWWRAC was not designed for the purposes of lobbying.

Still, the SWWRAC structure is relatively new to most of the stakeholders, and it must be analyzed as part of the power dynamics where stakeholders are defending their interests relative to each other in competition for the best possible expected outcomes. These outcomes tend to interfere in people's livelihood's, especially the fisher's, and by such tend to shape the economic, social and political actions of stakeholders, but in a way that does not necessarily provide equal opportunity for all. Lobbying might be a consequence of the contrasts in power dynamics, as some interests are better organized and therefore better advocated.

As the assessment suggests, the stakeholders' organizational capacities, economic and political weight vary significantly, also between working groups, e.g. between "Pelagic and ICCAT" and "traditional fisheries". The disparity between their organizational and economic resources and their technical expertise generates tension, notably between the small-scale organizations represented in the traditional fisheries working group and the larger fishing organizations represented in the Pelagic and ICCAT. Interestingly, stakeholders from within the fishing sub-catching sector (involving both small and large industries) stated that they try to avoid confrontation between themselves, seen as it creates an influential drain vis-à-vis the interest of environmental NGOs.

Thus, with the introduction of the SWWRAC, the authority of fishers seems to have declined while the possibilities of the environmental NGOs to formally influence policy seem to have increased. Moreover, the industry's lobbying effort may also be a response to the perceived influence that ENGOS have outside the SWWRAC, at the central EU level. Industry stakeholders described documents sent to RAC appreciation as "very green" from the outset, implying an amalgamation of interests from the EU Commission and the NGOs. The lack of legitimacy towards the EU Commission is as a result galvanized in expressions like: "*we don't have a Commission for fisheries, what we have is fisheries for the Commission*" (Informant B). Yet, another interpretation could be that the Commission's proposals for sustainable fisheries are mostly based on biological objectives, and to a lesser degree on social and economic factors. The segregation of the biological, i.e. environmental factor from the social and the economic factors do not make sense for the fishing industry, because sustainability is argued to be the function of the balance of all three factors.

6.2.2 Stakeholder participation

Interactive governance theory argues that institutionalized stakeholder participation initiated by governing agencies can take several modes, from the least to the most participative: *hierarchical governance*, *co-governance* and *self-governance* (Kooiman et al., 2005). In the fisheries sector, the

level of participation put in place is generally linked to the type of governance model. Three models can be distinguished accordingly: centralized, advisory, and delegated, along which governing agencies' responsibilities decrease while stakeholders' responsibilities increase. The SWWRAC is typical of an *advisory* governance model, where the final decision remains the responsibility of the EU Commission and the member states. In this sense the introduction of the RACs did not move governance beyond a thin version of *co-governance*.

There is a widespread understanding that getting the decision-making process closer to the stakeholders is a necessary precondition to deliver legitimacy to the CFP framework, understood as the ability to resolve conflicts, reach sustainable goal consensus, and ultimately secure compliance. The concept of sustainable development has become an important symbolic legitimation of global fisheries governance. Yet, the criteria for defining the concept of "sustainable fisheries" are not universal; they include aspects from the natural, economic and social realms, which are context specific and difficult to commensurate. Paradoxically, it is precisely the difficulty in defining and applying the concept of sustainability, at the *first order of governance*, that incites the EU Commission to the effort of consulting the SWWRAC – while engaging stakeholders in fishery governance, the EU Commission seeks – to guarantee compliance with regulations. Thus, the consultation process put in place by the EU Commission includes implicitly a process of cooperation between RAC stakeholders. However, in a participatory and deliberative process, consultation and cooperation are two distinct concepts. A consultation can be understood as simply collecting stakeholders' opinions without seeking agreement between them, while a cooperation process envisages interaction and implies an exchange of arguments between participating stakeholders and governors until a consensus is achieved.

In the case of the SWWRAC, the EU Commission asks stakeholders to cooperate until they reach an agreement between themselves, but does not participate actively itself in this process. Rather than placing the issue of legitimacy with the stakeholders, it could be claimed that that legitimacy is intrinsic to the governance system, and therefore whether it is legitimate can be partly explained by its actual design, not by how it is presented by governors and received by stakeholders. Attention should also be directed at the interactions that take place among stakeholders and how these are communicated, negotiated, and acted upon. In its 2008 evaluation of the functioning of the RACs, the EU Commission described their mission as follows: "*Regional Advisory Councils (RACs) were established to enable the Common Fisheries Policy (CFP) to benefit from the knowledge and experience of fishermen and other stakeholders and to take into account the diverse conditions throughout Community waters*" (EC, 2008). Taking into account, or not, the SWW RAC's advices by the EU Commission is in the center of the stakeholders' preoccupations. Whether or not it is necessary

to have consensus on advices is a subject for debate among stakeholders and EU Commission representatives. On the one hand, fishing industry representatives consider that reaching consensus on most advices is a demonstration of the quality of these recommendations, and hence perceived as more influential in the decision-making process. On the other hand, the representatives from other interest groups, especially from the NGOs, are not always satisfied with the hard choices and compromises they have to make to reach consensus.

6.2.3 SWWRAC as a learning area

Interactive governance theory (Kooiman et al., 2005) emphasizes the importance of learning systems. Because of the inherent uncertainties connected to the fish chains, learning arenas provide the flexibility to adapt to the changing conditions based on the best available information. The SWWRAC has started several projects involving close cooperation between scientists and fishers – as in the case of the Aveiro estuary in northern Portugal – where biologists and local shell gatherers in order to map the social, economic and environmental aspects of this fishery. Arguably, as discussed earlier in relation to the reverse burden of proof, “*it cannot be the fishers who pay the bill for the lack of studies*” (Informant C), and in spite of the challenges related to the lack of information of the system-to-be-governed, the knowledge and concerns of fishers have proven to be valuable in this context.

The high value score attributed to *flexibility* as governing interaction – as well as *communication* – indicates that the SWWRAC has the capacity to adapt to the challenges posed by its system-to-be-governed, as well as to the internal conflicts within the governing system. The creation of ad-hoc groups, for example, has the advantage of widening the source of knowledge by tapping local knowledge and providing opportunities for interactive learning. Ad-hoc groups include the implementation of procedural principles which facilitate governance (Kooiman et al., 2005). While stakeholders are genuinely interested in contributing with their expertise to the challenges of a specific fishery, they are also less compelled to vote on issues by “default¹²”. In these groups, stakeholders are also accountable, better informed and capable of participating proactively towards solving problems and creating new opportunities, e.g. finding new ways to promote artisanal fish products. Moreover, the results of the ad-hoc meetings are distributed to all the SWW RAC members, guaranteeing that everyone sees how decisions are made and who makes them and hence preserving the principle of transparency.

¹² That is, to validate consensus without being directly concerned by the advice.

6.3 Representativeness

The issue of low participation has a significant negative impact on the governability of the SWWRAC. In spite of its broad membership, only a half of the stakeholders participate actively in the RAC meetings, meaning that many stakeholders remain members solely to get access to the Commission's activities and to keep themselves informed. Also, there is a concerning under-representation from small-scale fishers, especially in the traditional fisheries working group, which arises from the fact that the great majority of this fleet segment is single, family owned enterprises with both low economical and organizational means and must therefore rely on the PO's structure in order to be represented.

The POs, as discussed earlier, may represent different interests related to fleet segments, or even different regions and communities and consequently have broad constituencies. The challenge relates in the capacity of the SWWRAC guaranteeing the necessary representativeness that ensures that all legitimate stakeholders have a fair opportunity to participate and express their views. However, the potential for inclusion of more stakeholders, specifically from the small scale fisheries, is to a large extent the responsibility of the member states. Within the three countries represented in the SWWRAC there are considerable variations in the organization of the small-scale fishers in relation to the central administrations. According to Frangoudes (2002), the small scale coastal fisheries in France are represented in structures such as *prud'homies*, which have existed as fisher organizations for almost a thousand years, as well as the *Comité Loceaux de Pêches* (CLPs) which have a say in proposing fisheries regulations, give social aid to skippers, *inter alia* (Frangoudes, 2002 in Kooiman et al., 2005:176). These structures represent local fishers at the upper level, and it is consequently easier for the national administration to relate to small scale fishers and hence appoint them to the SWWRAC.

In Portugal, however, it is relatively more complicated to appoint small scale fishers because they tend to be dispersed within the PO's structure, with no upper level of representation. In relation to the national fishery sector's represented in the SWWRAC there seems to be a tendency for more fragmentation while moving along a North-south scale, i.e. the French fishery sector is relatively more unified than the Spanish, while the Portuguese sector remains more fragmented and isolated. Many Portuguese small-scale fishers are not aware of the existence of the SWWRAC, and when they are they seem not to pay heed to it according to the PO representatives. When asked why, the answer revolved around the issue of lack of objective gains and results for their activity. Another interpretation could be made concerning the information flow from PO and shipowner representatives participating in the SWWRAC to their respective constituencies. In some cases the content of RAC meetings is summarized in a monthly internal circular and then distributed to all members, while in others they are taken up at the board meeting whenever the issues debated have a direct interest. The benefits of

inclusion and interaction in a governance system is argued to increase the knowledge and experience available, as well as enhancing the legitimacy of governance decisions and thus reducing costs of enforcement and compliance (Kooiman et al., 2005:367). Unfortunately, when considering the magnitude and numbers of the small scale fishers, it seems to be difficult in actual practice to find a way to achieve this kind of inclusion without concurrently undermining the need for efficient and legitimate decision-making.

6.4 Reflections on governability

Interactive governance theory (Kooiman et al., 2005) argues that more participation through transparent interactions between stakeholders is a more effective way of governing. By interacting, stakeholders are able to be better informed about what and why decisions are made, and to make their voices heard and to be influential in the process. Governability will thus hinge upon the image diversity and compatibility. Stakeholders do not necessarily need to agree on images, because every single stakeholder has them and they tend to differ, but they must recognize which images are present and how they interrelate, where they come from and what expectations they hold. The stakeholders interviewed agreed to say that the SWWRAC has helped to create relationships between representatives of the fishing industries and has led to a better understanding of each other's interests and concerns. Environmental NGOs seem also to have learned not to view the fishing industry as one unitary bloc and to discern that it is specific to each fishery.

Governability is thus enhanced whenever stakeholders are allowed to exchange ideas and learn from each other. This makes the SWWRAC more robust as an institution and allowing for a better preparedness in the event of interest conflicts, as well as when outcomes are challenged by stakeholders who have not attained what they expected. But it also presupposes that prejudices amongst the stakeholders and governors are overcome. As mentioned earlier, cooperation cannot be solely enforced top-down on the stakeholders; it must involve both governors and those to be governed. Legitimacy breaches among the stakeholders participating in the SWWRAC should be a concern to governors, as stakeholders already raise questions on the degree of advice integration into policy decisions. The EU Commission has promised to extend the role of the RACs in the coming CFP reform (EC, 2011:7), although it is not yet clear in which direction. What matters in this context, however, is whether the EU Commission will give more weight to the advice it receives and act upon the SWWRAC's recommendations; while a lengthened pattern without perceptible influence on policy decisions may result in alienating stakeholders more than the provision for their participation. The

RACs maybe the best solution to the CFP legitimacy problem, but they may also be, by themselves, the source of disappointment and loss of legitimacy and therefore this risk cannot be ignored.

7. Concluding chapter

The concluding chapter presents the research objectives as well as the research questions before an evaluation of the research process are described in relation to the challenges and results it produces. Finally, a brief discussion of future research needed is also provided.

7.1 Review of the research objectives

The objective of this research was to conduct an analytical study of the governance processes of the Regional Advisory Councils. The assessment was aimed in order to discern the extent to which stakeholder participation enabled the Common Fisheries Policy (CFP) to benefit from their experiences, as well as to get an insight to what the participants think about this arrangement. By conducting a governability assessment of the South Western Waters Regional Advisory Council, the elements involved in this participatory process have been approached in an analytical manner. The needs and capacities of the system-to-be-governed and governing system have been assessed as well as the potential and limitations of the governing interactions have been studied.

The *first research question* was directed towards seeking if the governing system and its system-to-be-governed were compatible, both in terms of size and shape in order to determine the responsiveness of the governing system. The assessment shows that there is a mismatch between the formal and the functional scales attributed to the governing system and the fisheries it observes. Reduced efficiency and effectiveness are linked to the processes of decision-making, arising in part due to deficient information regarding the status of the natural system-to-be-governed, which may reduce the ability of the governing system to achieve its objective. The governing interactions within the South Western Waters system are diverse, complex, and dynamic and reflect the (high) traits of the systems-to-be-governed and the governing system between which they mediate. The high values attributed to the governing system indicate that it might have problems in the attempt to govern itself. The diversity of interests at stake, the multiplicity of governing bodies at different levels, as well as the different competences in the formulation and interpretation of the CFP framework are altogether expected to reduce the governability and responsiveness of the governing system.

The *second research question* aimed to identify what elements of interactive governance can enhance (or reduce) the ability of the CFP to achieve sustainable fisheries. From the findings of this study it appears that it is essentially the *images* that stakeholders latch to, both in relation to fisheries in general and to the RAC's stakeholders in particular, that influence the performance of the RACs. Consensual

outcomes are thus not always possible. Goals are not given beforehand; they are a result of a negotiation involving stakeholders with different images of how fisheries issues should be dealt with. Also, images shape what they perceive as being real and legitimate, and hence become a norm and a basis for action. The governance assessment shows that diversity of interests is high amongst stakeholders, implying a greater challenge to governability. This challenge is well illustrated in the attempt to come up with a common definition for small-scale fisheries amongst stakeholders. Different interpretations and hence different images of what constitutes small-scale fisheries is a controversial issue while it has a direct implication for the livelihoods of the coastal communities.

Images employed by the stakeholders also play a significant role in the interpretation of what constitutes the concept of sustainable fisheries on which the CFP framework hinges upon. Sustainable fisheries stems from three interrelated factors: economic, social and environmental, though stakeholders seem to weight them differently according to their interests. These contrasting images tend to become more antagonistic due to the imbalances of power, representational asymmetries and lack of trust between stakeholders, increasing the potential source of conflict and reducing governability.

As outlined in the introduction of this thesis, the RACs were established primarily as means to channeling the quarrels among stakeholders into constructive contributions to the governance of the CFP. The analytical framework for assessing governability presented in this thesis, applied to the case of the South Western Waters, identifies to be the key factors that explain why the CFP governance system under-performs according to the expectations. Arguably, attention should not be exclusively directed to the current and future institutional design of the RAC, whatever implications the new reform and/or regionalization might bring. Rather, attention should also be directed to the interactions that take place among stakeholders and to how their perceptions and world views are communicated, understood, decided and acted upon. In order to strengthen governability, the broad concept of sustainability could be brought down along the *subsidiarity principle*, and adjusted to the scale of concrete problems that affect the specific RAC sea basins. In this context, the development of long-term management plans could be defined in terms of sustainability including economic, social and environmental factors that are adjusted to specific fisheries, e.g. mixed demersal fisheries in the Bay of Biscay. Ad-hoc groups already demonstrate the potential for providing stakeholders' with the opportunity to exchange ideas in a non-dominated environment. This allows images to flow, and in the process to get reshaped, making stakeholders more empathetic to one another and thus improve governability. However, this task will also depend on the capacity of the RACs to respond to this challenge taking into account its rather limited budget. From the findings of this study it appears that

the RACs are contributing in a positive way to the development of the CFP. At the same time the RACs are also approaching a critical crossroad where the acknowledgement of their efforts by governors could impel them forward as a relevant institution in order to guarantee the achievement of sustainable fisheries. This study shows that legitimacy is a premise and not only an outcome of governance processes, where images play a major role on the governability of the RACs and hence on their success.

7.2 Evaluation of the research project

The research project had both an analytical and an explorative component. While applying the interactive governance framework, the governance processes of the South Western Waters RAC have been assessed and described. However, the lack of information regarding the SWWRAC and its functioning when starting the research made it difficult to anticipate what type and how much data it was possible to collect, which reflects the scope of the research project. Through the development of the project it became evident that the nature of governance and the multiplicity of actors involved made it difficult to make all-inclusive conclusions. In hindsight, the project may have had profited on a complementary research investigating the governance processes which unfold within specific working groups. The work of the RACs is essentially delivered by the working groups, therefore it would have been interesting to get an insight, *in situ*, of how the stakeholders from different national contexts use and act upon their images to negotiate their agendas. But in spite of the complex nature of the research theme and the mentioned lack of existing information, the interactive governance theory and the governability framework provided a structured approach making it possible to assess what and how the different elements of the systems affected the governance processes. Much time was needed in order to understand and apply this approach in a constructive and, to some extent, in a pragmatic manner. Because there is not enough data available for making accurate conclusions related to the levels of governability this project can be criticized for being too ambitious. It can be argued, in defense, that in many areas – especially in relation to the system-to-be-governed – the detailed data was limited or inexistent which also exposes one of the governability challenges by its very nature. Despite the limited scope of the thesis, the research project contributes to interactive governance's *repertoire* – in form of an academic exercise with the aim of learning how to apply the governance framework and – by demonstrating its analytical feasibility on a specific case. Research projects employing an interactive governance approach call for closer integration of the economic, social and scientific aspects of fisheries. While Interactive governance is a holistic theory, it can be argued that future research projects will also need to be interdisciplinary, integrative and coordinated as solutions to

policy will be the product of interactive dialogue between the biological, economic and social sciences and the stakeholders. Therefore, in order to do a fully-fledged governability assessment would also require team work. From a personal point of view, the current relevance of the thesis' theme made it especially interesting to follow its development, and the interdisciplinary nature of the research study provided me with a better understanding of the wide range issues related to the European fisheries governance.

7.3 Future research

This study was an attempt to operationalize the concept of interactive governance through a governability assessment framework. Applying the concept to the case of the SWWRAC as governing system proved to be challenging, while the RAC is embedded between two other governing systems, namely the member state, and the EU institutions. At this level, the governability framework requires further detailing and would therefore benefit from additional empirical testing. Nonetheless, it has produced some insights into the governance of the RACs that may be interesting for those who are following their development. From the assessment produced in this study, more information about the system-to-be-governed seems to need more attention in order to increase the existing level of knowledge of its implications for the RACs as governing systems. In this sense, one of the interactive governance's hypothesis – systems with high property value may be inherently less governable than those for which the property value is high – could be tested more carefully. But perhaps an aspect of interactive governance that should be further explored is the RAC's potential as learning arenas, and how the governing interactions enhance this potential in order to cope with uncertainty in fisheries. In the case of the SWWRAC, the potential to work together and to learn was described as an achievement that should be passed along to the other RACs. In spite of the high system value property that characterizes the SWWRAC, it should be reminded that governance processes and the governability link to them are not static as governability is an ongoing process. Hence, it may profit to conduct similar assessments in the near future in order to keep track of the governability development of the SWWRAC.

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Appendix

Annex 1.

Interview guide

- Which organization/group do you represent?
- What is your background in fisheries?
- Do you consider the RAC as an important organization for those you represent?
- Why do you think so?
- What do you personally get out of participating in the RAC?

Topic 1 – Access to information

- Did your information about EU's fisheries governance improve while participating in the RAC?
- Which specific RAC information source do you use?
- Do you seek information from other stakeholders?
- What sort of knowledge and expertise do you find useful? (*technical and practical fisheries knowledge; scientific expertise on the ecosystem and fish stocks; economic expertise; social*)
- How do you communicate with those you represent before and after a RAC meeting or event?
- Do you have access to all the information you request from the RAC?

Topic 2 – Feelings on impact

- To what extent do you feel your organization's participation has impacted the decisions made by the RAC?
- How do you feel that the decisions made by the RAC has made an impression on the Commission and then changed the course on fisheries governance in the EU?
- To what extent has the RAC been important for your group?
- Do you always support the decisions made by the RAC on what to advise the EU?
- How strong do you feel on what the RAC has accomplished?
- Do you feel some kind of ownership over the adopted fisheries management (technical) measures?
- What does your constituency/group feel about the RAC?
- Have you had problems explaining the decisions made by the RAC to them?

Topic 3 – Understanding and trust

- In your opinion, who do you think should be/has a legitimate claim to be represented in the RAC?
- Are there groups who are not represented but should be on the RAC?
- Are there groups participating who should not be part of the RAC?
- Which group in your opinion has a stronger voice on the RAC than others?
- Do you feel that some groups have more influence than they should have?
- Do you feel your understanding of other stakeholders have changed through participation in the RAC?
- To what extent has your level of trust vis-à-vis other stakeholders changed?

Topic 4 – Challenges to the RAC

- Would you say that it is hard to reach consensus among stakeholder groups on the advice to the EU, and if yes – Why, and if not – Why Not?
 - Do you regard addressing different national interests represented in the RAC as a problem?
 - In your experience, what are the main challenges to overcome in order to achieve consensus?
 - In your experience, what would it take to make RAC a stronger institution that it currently is?
 - Do you think that the RAC should have a larger/different role to play within the EU governance system with the new CFP? What do you think would then be needed?
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- Are there any other topics which were not mentioned, and which you think might be important in this context?