

# STAKEHOLDERS AND THE REFORM OF THE EUROPEAN UNION'S COMMON FISHERIES POLICY:

The Institutionalisation of a Consultation Culture?

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*Abstract* The European Union's Common Fisheries Policy (CFP) has recently undergone a dramatic process of reinvention, or so it would seem. In the two decades, or thereabouts, of its existence much criticism has been levelled at the CFP for its failure to effectively keep pace with changing social, economic and, more particularly, environmental circumstances. A key flaw, identified as contributing to this failure of the policy, was the highly centralised, top-down and coercive nature of the CFP. The recent reform process sought to counter these criticisms by conducting a consultation exercise with fisheries stakeholders regarding the content of the reform package. Informed by insights into stakeholders' perceptions of European management of fisheries gathered through our own consultation conducted in the UK and the Netherlands, this paper applies theoretical conceptualisations of 'stakeholders', and the relationships between them, to the empirical context of the reform of the CFP. Our discussion of the power dynamics between stakeholder groups suggests that the institutionalisation of a consultation culture, via provisions made for Regional Advisory Councils, has not overcome prevailing norms in the CFP.

## **Introduction**

During the course of a consultation exercise which we ourselves conducted in the Netherlands and in the UK into North Sea fisheries management in 2002 and early 2003, the inherent flaws of the Common Fisheries Policy, and the potential of the, then ongoing, reform process, were raised repeatedly by stakeholders. Our consultation formed part of a North Sea-wide study of stakeholders' perceptions of the health of the North Sea and its fish stocks, and of their management preferences, which was carried out for the European Union-funded European Fisheries Ecosystem Plan project (Hatchard et al. 2003). Our stakeholders' opinions about the structure which determines European fisheries policy echoed those expressed in the academic literature (Cooper 1999; Symes 1997). The concerns expressed by both our own stakeholders and academic commentators about the potential of the CFP to overcome crises in both stocks and industry, meant that its 2002 reform represented a crucial opportunity to change for the better the way in which fisheries were managed in Europe.

The CFP reform process was characterised by a lengthy process of stakeholder consultation – the like of which had not previously been seen in this sector of the European Union. Before this, although stakeholder organisations had had the opportunity to lobby their own governments and/or the European Commission itself, there was no broad, open culture of encouraging stakeholders to contribute

their views to the policy process. In the light of our findings about stakeholders' views of the CFP and the prospect of its reform, which were expressed to us directly and, often, with passion, we examine the impact of the CFP reform's process of consultation, and its final outcome, on the power relationships which exist between different stakeholder groups.

To achieve this, two conceptual approaches to examining stakeholders – classification and participation – are discussed. Our application of these approaches to the context of European fisheries management are aided by reference to the work of Wijnberg (2000), Mikalsen and Jentoft (2001) and Hollup (2000). Through this discussion, the determining power relations between stakeholder groups are illuminated, and methods of altering, or even replacing, them are explored. This is followed by an analysis, illustrated by comments made by stakeholders whom we consulted, of the actual process of the reform of the CFP. Divided into three sections, we first examine the European Commission's motivations for pursuing a policy of stakeholder consultation as an intrinsic part of the reform process. The question of the legitimising effect of stakeholder involvement and its benefits for compliance and, hence, for sustainability, is touched upon here. Second, we analyse the scope of the consultation process itself and discuss how it facilitated debate on stakeholders' roles in fisheries management, culminating in the inclusion of a regional policy in the final reform package. Third, the implications of this consultation, and its outcome, for power relationships between stakeholder groups are explored by focusing on two issues which were central to the regionalisation debate – remit and membership. The paper concludes that the consultation process, and the provisions which have subsequently been made for the introduction of Regional Advisory Councils, has served to institutionalise a culture of consultation in European fisheries management. However, it has not caused a substantive change in the existing power relations between stakeholder groups, and the persistence of a top-down structure has negative implications for the success of the CFP in the future.

## Stakeholders

Our interest in the role of stakeholders in fisheries management stems from our own experiences of stakeholder consultation. As a part of our ongoing work with an interdisciplinary research team developing a Fisheries Ecosystem Plan for the North Sea, we conducted a consultation exercise with stakeholders from the UK and the Netherlands during 2002 and the early part of 2003. Lengthy semi-structured interviews were held with more than fifty stakeholders from diverse backgrounds including fishers and their representatives, processors, regulators, local government officials, scientists, economists and environmentalists. This constituted part of a broader North Sea consultation which included Danish and Norwegian stakeholders. The respondents were invited to speak at length about two main subject areas: first, their impressions of the health of the North Sea ecosystem and its fish stocks; and, second, their preferences regarding management structures, styles, instruments and controls. Each of these lines of questioning generated comments about the CFP and the likely outcome of its, then ongoing, reform process.

We interpreted the idea of 'stakeholders' in a broad way, to which all actors with an

interest in and/or an influence on fisheries and fisheries management. However, there is a range of possible conceptualisations regarding who qualifies as 'stakeholders' and what their potential roles are. Different conceptualisations are offered by Wijnberg (2000), Mikalsen and Jentoft (2001), and Hollup (2000), who tackle questions of how stakeholders might be usefully classified and of how groups which are determined as being of significance could be incorporated into the system of fisheries management. The following discussion of possible conceptualisations of stakeholders' focuses on what is, and what might be, and concludes with a consideration of the normative question of what should be.

### *Classification*

Classifying stakeholders involves the systematic identification of prescribed stakeholder characteristics and their application to groups of actors in order to organise them into particular categories. This approach to conceptualising stakeholders provides a means for us to assess existing configurations of actors. Wijnberg (2000), in his discussion of stakeholder theory, describes how this method has been applied in the corporate world with stakeholders classified into two categories: 'primary' (on whom the company's survival depends) and 'secondary' (who can damage/benefit the company) (Wijnberg 2000: 330-1; building on Freeman 1984). This approach also has some resonance for the public sector (Bouma and Kamp-Roelands 2000; Ashford 2002) and is applied directly to the fisheries context by Mikalsen and Jentoft (2001). They follow Mitchell et al (1997) in classifying prospective stakeholders on the basis of a 'score' obtained in relation to three attributes: the 'legitimacy' of their claim, whether moral or legal; their relative 'power' to influence decisions; and, the 'urgency' of their claim. They classify fisheries stakeholders into three categories: (1) 'definitive' stakeholders, comprising fishers, fish processors, bureaucrats, enforcement agencies, scientists and fish workers, who possess all three attributes; (2) 'expectant' stakeholders, comprising indigenous people, environmental groups and local communities, who possess two of the three attributes; and (3) 'latent' stakeholders, comprising citizens, the media, municipal authorities, future generations, banks, consumers, equipment suppliers, tourist industries and sport fishers, who possess one of the three attributes. (Mikalsen and Jentoft 2001: 285; cf. Naka et al 2000). The 'definitive' and 'expectant' categorisations, while somewhat more sophisticated, are roughly analogous to the primary/secondary distinction made in the private sector.

Wijnberg, however, queries the validity of this conceptualisation of stakeholders on the grounds that the boundary between primary (or definitive) and secondary (or expectant) stakeholders can shift easily. Indeed, this concern is confirmed by the way in which Mikalsen and Jentoft's (2001) classification of fisheries stakeholders is not directly applicable to current European fisheries management. In the context of the CFP, giving industry stakeholders 'definitive' status, while reducing environmental groups to an 'expectant' classification, would be mistaken. Given the rise of the environmental lobby and their influence in Europe, it is more appropriate to consider them as having a legitimate claim which, in view of current stock predictions, is also urgent and as having as much, if not more, power over the policy process than members of the fishing industry. As one of our own fishing industry stakeholders maintained, 'Compared to the Green lobby, fishermen have very little

say and influence.'

However, as long as we remain cognisant of temporal and spatial limits and of the way in which categorisation is open to multiple interpretation, we would suggest that the classification of stakeholders in a specific time and place is a useful exercise. This is because it serves to illuminate the existing power relations between stakeholder groups. For example, if we apply the primary/secondary classification to the context of the immediate pre-CFP reform period in European fisheries, there are (at least) two potential interpretations of it: top down (relative power) and bottom up (relative dependence), each of which produces a different configuration of stakeholders within the two categories. From the top down perspective, which determines policy in European fisheries management, there are two possible criteria of stakeholders; one based on political power; the other based on physical power. On the political power criterion, 'primary stakeholders' would include political proponents of the policy whose influence serves to sustain it, while most other stakeholders would have only limited influence, and certainly not power, over policy decision-making, and would, therefore, be classified as 'secondary stakeholders'. This would apply to user-groups and environmentalists who would be restricted to using existing lobbying channels and their links with the media to damage or benefit fisheries policy. Scientists, with their purportedly impartial advisory role, would straddle this divide, as their formalised advisory role makes them, institutionally at least, more directly influential than other stakeholder groups. However, the physical power criterion would alter this classification of the different stakeholder groups in the primary and secondary categories. The resource is directly dependent on the behaviour of user-groups for its survival, placing them in the primary category, while other stakeholder groups can only indirectly influence it via the policy process. From the bottom up perspective, which does not determine policy, a distinction can be made between those stakeholders who are directly dependent on the fisheries for their livelihoods, and those stakeholders who are not so dependent. This again would mean that user-groups would be classified as primary stakeholders, while all others would be classified as secondary stakeholders.

By considering these alternative perspectives which are thrown up by the classification of pre-reform CFP stakeholders into primary and secondary categories, we are encouraged to think more carefully about how different stakeholder groups inter-relate, to make clearer judgements about existing power relations, and to look beyond what is. In the context of pre-reform European fisheries management, which is characterised by top-down, rather than bottom-up, management, the political power criterion has long dominated the policy-process. This has meant that the existence, or not, of the political will to listen to and incorporate particular stakeholders' views has been the determining factor in whether or not different stakeholder groups have been able to influence policy. However, the consideration of an alternative power criterion enables us to see that political power is tempered, however marginally, by physical power over the resource, which is held by fishers. Also, the attempt to consider the classification of stakeholders from the non-determining bottom-up perspective enables us to think about power relations in terms of dependency. The fishers are the most dependent, and so may be held to have the greatest stake in policy outcomes, and consequently a legitimate entitlement to participate in making policy decisions. This leads us to the issue of stakeholder participation in decision-making.

### *Participation*

Hollup (2000) focuses on how stakeholders might be involved in fisheries management. He identifies three degrees of possible stakeholder involvement: 'informative', 'consultative' and 'co-management' (Hollup 2000:409). The first of these involves advising stakeholders of forthcoming changes in the management system. Soma (2003:47), writing about Trinidad and Tobago's fisheries, states that: 'In order to prepare fishers for change, it is recommended that all those who might be impacted by limited access are involved in a preparatory phase, and that all stakeholders' perspectives are well known. This is to avoid inadequate consequences, reduce conflicts and prepare those who are involved to change.' In this situation, the policy-process remains top-down. Stakeholders are advised of impending policy changes, such as new regulations, and they can express their views. However, these views will not have any influence on new policy as decisions have already been made. This is a very limited degree of stakeholder involvement which is employed mainly, although not necessarily cynically, to reduce the possibility of probably costly (economic or environmental) resistance to policy decisions.

Hollup's second level of involvement – 'consultative' – has a broad scope ranging from cosmetic changes to more substantive far-reaching ones. Consultation could merely extend the concept of 'informing' stakeholders of forthcoming change by carrying out research into stakeholders' views before decision-making by, for example, setting up public hearings on particular policy plans. Or it could generate a genuine and ongoing dialogue between stakeholders and policy-makers which could develop a political culture of regularly considering stakeholders' views when making policy decisions. Permanent advisory boards could play a key role here. These low and medium degrees of involvement, informative and consultative, respectively, are each reflected in the way in which stakeholders are currently included in policy-making in the European Union at the pre-decision phase, but not at the actual decision stage (Magnet 2003:149). Although valuable to a limited degree, each of them serves to perpetuate the way in which relationships between stakeholders in European fisheries management are based on political power.

Hollup's (2000:408-411) third level of involvement is 'co-management', which he perceives as a move away from the idea (currently dominant in Europe) of broad stakeholder involvement, and towards a narrower focus on resource user-groups. This would involve user-groups, whom he describes as 'the primary stakeholders', being regarded as genuine 'partners' in the management system, on an equal footing with regulators, rather than being treated as 'passive recipients'. User organisations would thus become responsible for some areas of management, making decisions and having the authority to enforce those decisions. The incorporation of user groups fully into management would give it a bottom-up dimension, which could have positive implications for the perceived legitimacy of the system in the eyes of resource users and, in turn, could have positive implications for the health of the stocks.

Undoubtedly, there would be a great deal of support for such a policy among resource users. Indeed, during our own consultation, co-management was proposed by many fishers and their representatives. In the UK, industry stakeholders emphasised the feeling of powerlessness that they have towards the existing management system, which, they felt, does not take sufficient account of local differences and needs. A nephrops fisher from the North-East of England, for example, stated

that, 'if they want the policies to work they have to get rid of the one-size-fits-all approach.' A fishermen's representative from Scotland also argued that, 'Management needs to be sensitive to the needs of a local area. The CFP one-size fits all management... fails to resolve local problems.' Meanwhile, many stakeholders from the Netherlands, where a national co-management system is in operation, explicitly argued that bringing user groups into the management process increases its legitimacy by providing them with a sense of ownership and responsibility. One regulator, for example, stated that, 'Co-management has shown the fishermen that they can trust each other and that they can act on their responsibilities.' Similarly, a member of the Netherlands' onshore fisheries industry claimed that, 'the introduction of this co-management system is *extremely* important because there is no longer a 'we and them' thing. It's our quota; it's our management; and it's our system.'

However, co-management in itself would not change the underlying fact that the system is based on unequal power relations between stakeholder groups. It could merely mean that the existing primary/definitive stakeholders had considered it politically expedient to co-opt one group of secondary/expectant stakeholders into the power-holding elite. Only if a co-management system led to *integrated* management, would these inequalities of power be finally broken down. Lane and Stephenson's (2000: 390) definition of co-management includes integrated management and some of our own stakeholders also adopted this perspective, when they argued for the inclusion of a wide range of stakeholders in fisheries management. For example, an English environmentalist maintained that management needs to incorporate 'proper stakeholder breadth'; while a Scottish local government employee working in the fisheries sector stressed that different stakeholder groups, including fishers, need to work together for management to be successful. A Dutch economist backed up this view by arguing that management requires 'all the stakeholders combined.' By embracing a diversity of stakeholders, management would have at their disposal all the benefits of shared knowledge and experience that that would bring. Integrating secondary/expectant stakeholders in this way, as genuine partners with those who had previously held primary/definitive status, would constitute a change in existing power relations. However, bringing such wholesale change about would be a difficult and contentious matter. Not all stakeholders are keen for such breadth of stakeholder involvement in management.

In the case of our own research relating to ecosystem-based management of the North Sea, we are attempting an integrated approach. We aim to maximise both the breadth and depth of stakeholder input into the project by pursuing an iterative research process which repeatedly invites contributions from a diverse range of stakeholders. The findings of our consultation process informed a phase of ecosystem-modelling which aims to develop management scenarios for meeting particular ecosystem objectives. Once this modelling phase is complete, stakeholders will be presented with the findings and invited to contribute further input about the validity and practicality of the management scenarios. This iterative process will incorporate the first and second of Hollup's (2000) levels of stakeholder involvement by informing stakeholders of the project, consulting them about their views of the North Sea and its fisheries management and informing them again about our ongoing findings. However, it will also have made a definite move towards a more 'integrated' level of stakeholder involvement by inviting them to collaborate with us

in refining the final output of the project. Of course, this is not co-management or 'integrated management', in a political sense. However, it is an integrated process in research terms, and one in which the role of stakeholders critical.

An integrated approach to stakeholder management of fisheries in Europe can only be achieved when the existing hierarchy of power which involves top-down coercive regulation is rejected by all. In our view, a new integrated structure, the focus of which would be 'power to...', rather than 'power over...', has to come out of the development of relations between stakeholders. It cannot be imposed from above. It is with an awareness of this more normative approach to stakeholder theory which looks beyond what is, to what might, and perhaps should, be, but which also recognises existing power relations, physical and political, and the methods which can be employed by primary/definitive stakeholders in their bid to maintain them, that we consider why the European Commission chose to adopt a policy of stakeholder consultation as a part of its process of reform of the CFP, and what the implications are for stakeholders of that decision.

### **The Process of the Reform of the CFP**

The issues which have been identified relating to the relationships between stakeholder groups, the way in which their respective influences on policy are determined by the extent of their political power, and how those relationships might be changed, are here applied to the process of reform which the CFP has recently undergone. This process saw the implementation of a policy of stakeholder consultation with regard to the reform package by the European Commission. We first examine the Commission's motivations for taking such a step. Second, we describe the consultation process itself. Third, we assess the impact that the final reform, which included the institutionalisation of this policy via provisions made for Regional Advisory Councils, is likely to have on existing power relations between stakeholders.

#### *Motivations*

Consultation, Hollup's (2000) intermediate degree of stakeholder involvement, is not a new phenomenon in the European context. Indeed, the value of consulting with stakeholders has long been extolled by the Commission, as this comment implies: 'consultation mechanisms are an important means to ensure outside input and access to expertise' (Kröger 2001: 6). Such consultation routinely takes the form of green and white papers which invite contributions from the general European population. Simply put, 'Consultation is the Commission's day-to-day business' (Kröger 2001:15). The inclusiveness of this consultation trend can, however, be called into question. For the most part, participation is limited to organisations, and the general public is not exactly encouraged to contribute their views. This has been identified by commentators as indicating a 'democratic deficit' within the European political system. Magnette (2003:148), for example, writes about the 'elitist concept of citizenship' which characterises European participatory mechanisms.

Moreover, despite this assertion that consultative policy-making (at least at the pre-decision stage) is embedded in the European political context, until the 2002 reform of the CFP, no formal consultations had been initiated regarding the policy

of fisheries management of the European 'common pond'. The 2001 Green Paper was the first such paper to be published on the CFP (European Commission 2001a). Until this point, management decisions had been made largely on the basis of scientific advice and the Commission's view of what was likely to attract the support of the Council of Ministers and to satisfy the national interests of the various Member States. This overriding political influence on decision-making is illustrative of the top-down conceptualisation of stakeholders in which their relationships with each other are determined by political power.

It was this political power over policy-making which was heavily criticised by some of our own stakeholders. They questioned the validity of a system in which, it seemed to them, external political goals often overrode sensible or appropriate action, while the opinions of those upon whom it impacts were excluded, despite the fact that they possessed considerable knowledge and expertise. For example, one English fishers' representative took the view that the 'sound bite aspect', which causes short-term political games to interfere with long-term goals, needs to be removed from the policy process by devolving some responsibility away from the Council of Ministers. Similarly, a Dutch fishers' representative argued that the fact that 'a council of fifteen member states, together with the European Commission, make very important decisions for the livelihood of hundreds of thousands of fishermen with their families and that a lot of those decisions are made in a political way; we don't think that for real and honest management that Brussels is going the right way.' These views illustrate the mistrust with which these non-power-holding stakeholders regard those who regulate them.

However, Hollup (2000: 419), seeking ways to explain apparent institutional reluctance to open up policy-making, suggests that this mistrust may work in both ways. He argues that a lack of trust is one possible reason for policy-makers' unwillingness to take the stakeholder route. Writing about fisheries management in Mauritius, Hollup claims that it is regulators' perceptions of user-groups which deter the former from incorporating the latter into the management system (Hollup 2000: 418). There is a tendency for regulators to believe that user-groups, with their vested interests, cannot be trusted to make the 'right' decisions regarding management of the stock. Such elitist attitudes often alienate resource users from the management system, a situation which undermines management objectives, because a perceived lack of regulatory legitimacy tends to breed non-compliance (Hollup 2000: 407-8). Given that management objectives, in the current European situation of severe stock crises, are primarily conservation-related, it is fair to argue that the failure of the management system to involve stakeholders sufficiently has contributed to the failure to effect stock recovery which characterises Europe's fisheries today. The nature of relations between stakeholders, in this case the palpable gulf of mistrust between regulators and regulated, therefore, impacts directly on policy success.

So, what changed within the system, or indeed outside it, to precipitate the Commission's initiation of a deliberate change, via a stakeholder consultation over the reform of the CFP, in their relationship with other stakeholders in European fisheries? First, looking within the system, the Green Paper listed three reasons why the CFP needed to be reformed – stock crises, industry fragility and, crucially, a lack of stakeholder involvement in management (European Commission 2001b:4). The decision to conduct a process of consultation as a part of the CFP reform process

was a clear attempt to counter the last of these 'internal systemic weaknesses' (cf. European Commission 2002:4).

Second, outside the system, as our own consultation revealed, broad criticisms of the CFP were being vociferously expressed by stakeholders from across a broad spectrum of interests. The general atmosphere of rejection of the CFP by our stakeholders is illustrated by such comments as 'The Common Fisheries Policy has not worked' and 'The Common Fisheries Policy is a disaster' made, respectively, by a Dutch environmentalist and an English nephrops fisher. Lane and Stephenson (2000: 385) give strength to these negative perceptions of the Common Fisheries Policy, arguing that it is generally recognised elsewhere in the fisheries world – in both developing and developed countries – that 'top-down, centralist fisheries institutions exercising management interventions through spiralling regulations' are unlikely to be successful at sustainable management. Further, the disillusion of stakeholders with regard to the policy even extended to the potential of the reform process to change European fisheries management for the better. In the UK, for example, one scientist stated that he was not optimistic about the capacity of the newly-reformed CFP to overcome socio-economic obstacles to successful fisheries management; while the owner of an onshore company with an interest in fisheries went as far as to describe the reform process as 'a con-trick'. Similarly, in the Netherlands, an environmentalist stated that she was 'Not optimistic that the review process will bring any real and substantive change. European management is dominated by political, not environmental or scientific, concerns.' However, other stakeholders did remain supportive of the concept of a common European fisheries policy, given the absence of state boundaries between stocks, and expressed hopes about the potential of the reform to make provision for stakeholder involvement in the policy process.

Given the nature of stock crises which create situations in which tough decisions have to be made regarding total allowable fishing effort, it is perhaps understandable, if not acceptable, that the CFP clung to its regulatory roots. However, we would argue that the general dissatisfaction of (primary/definitive and secondary/expectant) stakeholders with both the poor record of the CFP in developing a sustainable policy and with the limits that restricted their opportunities to influence that policy, combined with a growing awareness within the system that the mood among stakeholders was undermining its legitimacy and that policies were not achieving their goals, prompted the decision to adopt a policy of consultation within the reform process. In the language of the conceptualisations of stakeholders, which were discussed in the preceding section, the political power of primary (that is regulatory) stakeholders in European fisheries management was unsustainable given the prevailing atmosphere of crisis and mistrust. In order to mitigate the threat this posed to their own positions and/or the future of the CFP, they implemented a policy of stakeholder consultation. It was not, at this point, clear how deep this consultative vein ran – whether the Commission's intentions in taking this course of action were cosmetic or substantive. However, the decision to consult stakeholders, rather than to propose a redistribution of political power, suggests that the policy was intended to sustain the status quo, rather than to overthrow it. Certainly, the decision to consult did not in any way imply that the Commission intended to transform the structure of European fisheries management which features a top-down hierarchy, through which political power is exerted from Brussels.

### *Consultation*

Having considered the Commission's motivations for adopting the consultation policy, we now turn to the consultation exercise itself. An examination of the consultation which took place as a part of the CFP reform process is valuable for two reasons. First, the scope of the consultation provides us with an indication of how committed the Commission was to this policy. Second, the consultation reveals stakeholders' divergent views about their own roles in fisheries management, a divergence which had ramifications for the content of the final reform package.

The CFP reform consultation process was launched by the European Commission in March 1998. 350 questionnaires raising a variety of issues relating to the CFP were sent to 'representative organisations and associations with an interest in fisheries' in all Member States (European Commission 2000). 175 responses were received and, even at this early stage of what was to be a five-year reform process, these indicated a substantial amount of dissatisfaction with the existing fisheries management structure. Most of the organisations asserted that the Common Fisheries Policy had not attained its aims (European Commission 2000: 46-61). The critics pointed particularly to regulatory and enforcement flaws, unnecessary trade restrictions and inconsistency in conservation policy (European Commission 2000: 51-2).

This initial consultation was followed by thirty regional meetings, organised by the Commission during the period September 1998-June 1999, to which a range of stakeholder organisations were invited, including fishers' organisations, non-governmental organisations, trade unions and scientific research institutes. Representatives of national administrations and Members of the European Parliament also attended. According to the Commission's own report on the meetings, they facilitated a widening of the consultation net, by providing an opportunity for many more interested parties to contribute to the debate than the questionnaires had done. On the basis of these two phases of consultation, the Commission published a Green Paper on the reform of the CFP in March 2001 (European Commission 2001c). This was posted on the Commission's website and all interested parties were invited to email or mail their comments to the Commission by the end of September 2001, thus, potentially, initiating a broader public debate than had been the case in the initial phases. Ritchie and Wood (2001) provide a comprehensive report of the next key stage of the consultation on the CFP reform – a public hearing, which was held in June 2001, three months after the Green Paper was published. Over 400 delegates attended the hearing from many stakeholder categories and from all interested EU states, with Spain and Belgium particularly well represented. Of these 400 delegates, Ritchie and Wood (2001) report, 106 made an oral contribution to the proceedings. The consultation on the reform of the CFP was formally ended in September 2001.

The extensive nature of this consultation exercise suggests that the European Commission was committed to it as a process. Conducted over the course of nearly four years, the consultation took in a wide range of stakeholders, from environmental groups to industry representatives, and from scientists to regulators. It is significant that the consultation began three years before the publication of the Green Paper on the reform of the CFP as this indicates that the consultation was an iterative process, involving two-way communication between the power-holding group (or primary/definitive stakeholders) and other stakeholders. Added to which, stakeholders were given ample opportunity in a variety of settings and formats to make

their contribution to the process. Thus, although the policy decision to conduct a consultation exercise was made from the top, subject to external pressure as already discussed, the actual process of consultation leaned more towards the substantive than the cosmetic end of Hollup's consultative spectrum.

In the event, this process of stakeholder consultation became a forum for, among other things, a wider debate on the role of stakeholders in fisheries governance. Questions of 'governance' were raised during the regional meetings and included in the Green Paper (European Commission 2000: 7-10; European Commission 2001a). And, at the public hearing held in June 2001, this discussion on governance raised the possibility of the regionalisation of European fisheries management, which, it was hoped by many, would provide a forum through which stakeholders could participate in fisheries management (Ritchie and Wood 2001). This would constitute an institutionalisation of the policy of consultation adopted for the reform process and represented an opportunity for the legitimacy deficit, inherent in the CFP, to be overcome. Views expressed by stakeholders on this idea varied from an anti-regional position adopted by the Spanish contingent, through a cautious or moderate welcome expressed by Belgium, to a proposal for a full regionalisation of decision-making authority forwarded by British, Dutch and Swedish delegates. A further key issue which was discussed was that of the membership of regional bodies.

It is difficult to judge the extent to which this consultation influenced the final outcome of the reform of the CFP. However, a new regional policy was included in the reform package, which represented a compromise between the different positions that stakeholders had expressed during the consultation. Thus, a cautious/moderate approach was adopted and provisions were made in the reform document for the introduction of Regional Advisory Councils whose role is purely advisory; they hold no decision-making authority (European Council of Ministers 2002: article 31). The reform also set guidelines on who will sit on Regional Advisory Councils, stipulating that their membership will include fishermen and scientists, representatives of other interests such as the aquaculture sector and environmental and consumer groups who have an interest in the sea area or fishing zone concerned, with national and regional authorities from any member state also able to participate, and the Commission able to be present at meetings. The task of deciding upon their procedures and agendas was left to prospective Councils.

This provision was followed up in October 2003 by the European Commission's proposal for the establishment of Regional Advisory Councils under the CFP (European Commission 2003a). This document explicitly set out the aims of these bodies as being to 'strengthen dialogue' and to 'build mutual trust' between stakeholder groups (European Commission 2003b). It made provision for the establishment of six Advisory Councils and, in articles four and five, set out a structural framework for them, consisting of a general assembly which will appoint an executive committee of between twelve and eighteen members. The membership of each of these bodies will be two-thirds fishing industry and one-third 'other groups' (defined in article one as environmental organisations, aquaculture producers, consumers and recreational/sport fishers). In line with the original reform, according to article three, stakeholders applying to the Commission to create a Regional Advisory Council will propose their own statement of objectives, operating principles,

rules of procedure, as well as a budget estimate. Thus, it seems that the decision to consult, which was foreshadowed by both internal and external concerns about the legitimacy of the CFP, precipitated an opening up of the debate over the role of stakeholders in European fisheries management and the apparent institutionalisation of stakeholder consultation as part of the CFP reform.

### *Implications*

Having established the Commission's motivations for pursuing a policy of consultation, and examined the series of events which culminated in the institutionalisation of this degree of stakeholder involvement, it is important to consider what their impacts have been on power relations between stakeholder groups. We will do this by focusing on two issues which were key to the regionalisation debate – remit and membership. These highlight how political power continues to determine interactions between stakeholders. First, stakeholders disagreed on the remit that should be given to regional bodies, with some stakeholders advocating full devolution of management responsibilities and others preferring a more limited advisory role for them. Our own consultation with stakeholders in the UK and the Netherlands, which took place the following year, reflected the tensions between radical and moderate supporters of a policy of regionalisation which would increase stakeholders' participation in European fisheries management. For example, an economist working in Scotland stressed that if regional bodies' authority was insufficient then they would just be 'talking shops'. He argued that 'if they don't have decision-making powers then I can see the industry becoming very disillusioned with them.' By contrast, an English environmentalist whom we consulted emphasised that full authority to take decisions should not be devolved to regional management bodies immediately, arguing instead that there should be a centralised system with 'regional devolution of major stakeholder input'. He maintained that they could have policy-making authority 'at some stage in the future when they have shown themselves capable of behaving with responsibility and in a democratic way.'

Second, stakeholders disagreed about the membership of such bodies, with some stakeholders preferring that full participation should be limited to industry groups and others proposing that membership should be more all encompassing. The Scottish economist took the latter view, arguing that membership should range from industry, through regulators, scientists and economists, to environmental groups. However, not all stakeholders supported a broad membership. Some expressed concerns that trust, which they perceived to be crucial to the success of regional management and which would be difficult to develop and maintain under favourable circumstances, could be undermined, given the poor history of co-operation between the different stakeholder groups, if the membership was too large. Thus, some stakeholders argued, full membership should initially be restricted to fishers and regulators, with other groups being allocated expert or observer status.

Each of these two bones of contention between stakeholders indicate that the ways in which stakeholders perceive each other and interact have not been altered by the process of stakeholder consultation which was implemented from the top by the European Commission. It is likely, therefore, that they have also not been changed by the preparations which have been made for the establishment of regional forums for stakeholder involvement in European fisheries management. The conflict over the

remit of the Regional Advisory Councils, which was primarily between those with power (mainly the regulators and their allies) and those without, demonstrates the absence of trust between the different stakeholders. This perception is reinforced by the conflict over membership, which, perhaps more worryingly, was between those groups of stakeholders who each had little power in the pre-reform CFP (mainly fishers and environmentalists).

Power thus remains at the centre in the hands of the Commission and the Council of Ministers. Given the configuration of primary and secondary stakeholders before the reform of the CFP, this outcome is not surprising. We would argue that, as far as the primary stakeholders were concerned (especially the regulators), it was crucial that their point of view, of the limits of the authority which should be devolved to regional bodies, determined the final policy outcome. Despite the likelihood that the exact configuration of the membership of these bodies was less important to them than the responsibilities that they will have, primary stakeholders did not leave the final decision on membership to the regions themselves. This may be indicative of their desire to maximise their power over these bodies. However, the decision to predetermine the membership of Regional Advisory Councils may also have been taken with the aim of ending the potentially damaging conflict between secondary stakeholders over membership, which was revealed during the consultation.

Franz Fischler took the opportunity of the October 2003 announcement to state that 'The Regional Advisory Councils will earlier and better integrate the fishing industry and other stakeholders in the Common Fisheries Policy management process' (European Commission 2003b). This statement confirms what the provisions, originally made for regional bodies in December 2002 implied. Their authority (which is limited) and their membership (which is broad, if weighted towards industry) have been prescribed from the top-down for the purpose of incorporating stakeholders into the existing management system, controlled by the same dynamic force of political power which has long orchestrated inter-stakeholder relationships in European fisheries management. However, given the comments made by some stakeholders during our own consultation about the need to develop trust between stakeholders in order for regional bodies to be successful, the possibility of developing a system of genuinely 'integrated management' which focuses upon dialogue between stakeholders remains.

### **Conclusion**

The policy decision to include a process of stakeholder consultation in the CFP reform deliberations marks a significant change in the attitude of policy-makers towards stakeholders in Europe's fisheries. The Commission's active pursuit of stakeholder input into the pre-decision phase of the CFP reform, and the provision within the reform for the introduction of Regional Advisory Councils, signal the formal institutionalisation of stakeholder consultation in European fisheries management. Having determined the membership of these regional bodies, the European Commission has ensured that in the future, a broad range of stakeholder interests will continue to be consulted via Regional Advisory Councils. However,

this also means that direct consultation by the European Commission in the future will likely be limited to these bodies, although the reform does not preclude them adopting consultation policies themselves.

The stakeholder consultation within the CFP reform was indicative of an agenda by European policy-makers to improve other stakeholders' perceptions of the legitimacy of fisheries management. It did not, however, aim to substantively alter the existing distribution of power between stakeholder groups. Despite this, we would argue that the provisions which have been made for Regional Advisory Councils, which will include a broad range of stakeholders, has opened the door to the possibility that the tight grip which these primary stakeholders have previously had on the policy process is likely to be diluted by the more diverse interests of those who will populate its new regional bodies. Further, despite the restrictions which have been placed on their authority, it is possible that the introduction of Regional Advisory Councils may have created a situation in which the division between policy-makers and their allies as primary stakeholders on the one hand, and other interests as secondary stakeholders on the other, may no longer be so clear cut. Regionalisation could facilitate a blurring of the lines between these previously, respectively, dominant and subordinate groups of stakeholders.

However, we argue that such a change in the balance of power between different groups, although it may well influence policy and change regulations, will not necessarily lead to a successful policy of sustainable exploitation of Europe's fisheries. Stakeholders on either side of the primary/secondary fence have not yet overcome their propensity to promote their own interests, which leads them to seek power over each other, and undermines the potential of management organisations at both the regional and European levels. Only by moving towards an integrated management framework which focuses on building trusting relationships with each other and developing genuine dialogue can fisheries stakeholders develop policy which will ultimately be better for the public good: the objective of the Common Fisheries Policy – sustainable exploitation of fish stocks in European waters.

Thus, the series of events, which culminated in provision being made for RACs in the reformed CFP, has institutionalised stakeholder consultation in European fisheries management. However, it has not altered the power dynamics underpinning the mistrust which characterises the relationships between different stakeholder groups and will not, therefore, transform the fortunes of the CFP; at least, not yet.

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