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From RACs to Advisory Councils: Lessons from discourse for the 2014 reform of the European Common Fisheries Policy

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Highlights

- NSRAC participants developed cooperative discourses 2004–2008.
- But pre-existing conflicts undermined NSRAC's capacity to influence policy.
- The new CFP will provide more opportunities to influence decision-makers.
- Influence depends on consensus. Cooperative discourses are critical.

Abstract

From RACs to Advisory Councils analyses the discourse of stakeholders engaged in Europe's Common Fisheries Policy (CFP) in a tier of governance known as RACs (Regional Advisory Councils) from 2004 to 2008. The analysis demonstrates a shift towards discursive sharing by participating stakeholders. This fostered inclusion but did not effect a redistribution of the power held by Europe's inter-governmental institutions. This more substantive change would require more, and more consistent, discursive consensus from stakeholders. With a reformed CFP for 2014, this paper considers the possibility of a future in which regional stakeholder-based fisheries governance becomes a reality.

Keywords

Discourse, Power, Fisheries, Governance, Europe, Sustainability

1. Introduction

The European Union's Common Fisheries Policy (CFP) has recently undergone a second significant reform. From the time of its introduction in 1983, the CFP used quota [1-2] and fleet management [1] to deliver its objectives. Throughout the 1980s and 1990s, despite the decline of key stocks – most famously cod – the Council of Ministers consistently ratcheted up stock total allowable catches (TACs) proposed by the Commission [2] and ratcheted down the Commission's attempts to reduce the size of the fleet [1,3,4]. Subsidised fleet expansion, technical advancement, increased catches and stock decline were the result.

In the years leading up to the last reform of the CFP in 2002, the scale of North Sea fisheries' over-capacity and associated stock crises became more difficult to ignore. With scientific evidence of serious overfishing mounting, the Commission's quota and structural policy

proposals became geared towards balancing fishing opportunities with fish availability, the ‘precautionary approach’ became *de rigueur* and national politicians were more constrained than in the past when it came to inflating TACs and limiting fleet reductions.

Despite this sea change, a general perception of governance failure [5] in European fisheries pervaded the 2002 reform process and, on paper at least, significant changes were made. Among them, the new CFP entailed legal provision for Regional Advisory Councils. This new tier of governance aimed, *inter alia*, to enable the CFP to benefit from the knowledge of fishers and other marine stakeholders [6,7]. The first to be established in late 2004 was the North Sea RAC (NSRAC), followed by a RAC for Pelagic Stocks, North Western Waters, the Baltic Sea, High Seas/Long-distance fleet, South Western Waters and, finally, for the Mediterranean Sea [8,9].

This paper first outlines the research methods used to gather and analyse the discourse of North Sea fisheries actors. The relative power of actors engaged in North Sea fisheries governance is then discussed in two contexts: the discourse of NSRAC actors between 2004 and 2008, where both cooperative and conflicting discourses can be found; and the potential for change offered by the new CFP, which will be active from 2014. The paper concludes by considering what individual non-governmental agents and groups of agents engaged in the European fisheries policy process can hope to achieve in the future.

2. Material and Methods

The data and analysis presented in this paper are extracted from a large body of research conducted over six years – 2002-2008 [10]. This research included 103 semi-structured interviews with Dutch and UK “stakeholders” regarding the potential of ecosystem-based fisheries management in the North Sea [11,12]. Interviews were conducted either side of the 2002 CFP reform. Research also involved regular observation and participation in policy, industry and scientific meetings and conferences at different scales within the North Sea context: the North Sea Commission Fisheries Partnership (NSCFP), the European Commission, the European Parliament, fishermen’s and women in fisheries’ organisations and NSRAC. Collectively, the data gathered constitutes a record of the conversation of the different sectors involved in fishing and fisheries governance in the North Sea from the time before the CFP reform until 2008.

Data was organised by manual ‘coding’ [13]. Coding is designed to present a degree of order and organisation to the analytical process and the text under interrogation. Data was broken down and channelled into common themes for analysis. Patterns in the data were searched for: regularities, variations, exceptions, differences, commonalities and connections between discursive comments and conversations. A focus on “meaningful statements” subsequently narrowed the data field. A statement was understood by the authors to have ‘meaning’ if (a) it was expressed in a considered way (intrinsic meaning); (b) if it was regarded by other actors as meaningful (extrinsic meaning); and (c) if it was relevant to the subject matter at hand (the nature of discourse in commercial North Sea fisheries and the location of power that that discourse reveals).

Having used this process to identify the meaningful statements of research participants, the resulting discourse extracts were interrogated both in themselves and in relation to each other. Common and distinct features of the discursive extracts’ explicit meanings and underlying attitudes were drawn out. Specific attention was paid to indicators of the relative power of

discursive extracts in terms of their impacts on human actors and institutional arrangements. In the next section, interactions between different actors within NSRAC and between NSRAC and the European Commission are discussed as part of an analysis of the location of power in North Sea fisheries governance. In the following section, the implications of this analysis for sustainable fisheries governance are considered in the context of the 2014 CFP reform.

3. Discourse Theory

‘A certain fragility has been discovered in the very bedrock of existence.’ [14]

Postmodern political thought emerged during the second half of the twentieth century in reaction against the dominance of positivist theories focused on the analysis of ‘social facts’ [15]. This school of thought allows for recognition of the multiplicity of truth(s) and of the inherent subjectivity of ‘social facts’. Two key postmodern ideas underpin this paper. First, discourses, the world views they perpetuate, and the meanings underpinning them, are both socially constructed and socially constitutive [16-18]. It is by discourse that we construct, convey and influence vision(s) of the world around us: ‘[The world is] *constituted* in one way or another as people talk it, write it and argue it.’ [19]; ‘Human beings socially construct their world, and it is through this construction – always precarious and incomplete – that they give to a thing its being’ [16]. There is a continually iterative relationship between discourse and society, society and discourse [10,20]. This relationship ensures that discourse is dynamic, rather than static, across time and space. It is not a fixed ‘social fact’.

Second, discourses can be both powerful and subjugated. Perceiving discourses as socially constructed and constitutive indicates the potential for power to be wielded through them. Thanks to human influence, some discourses become metanarratives, holding hegemonic influence over the meaning(s) ascribed by society to a given set of issues. Others become subjugated, silenced by metanarratives and their human champions, unless discursive insurrection occurs [14]. Insurrection occurs through criticism of metanarratives and can lead to their overthrow or transformation through the co-optation of previously excluded knowledges. Discourse analysis, with its sensitivity to context, enables the study of relative power between different actors and their discourses.

This paper contends that discourses are constructed by society or groups within society; that they can influence society; and that they can be powerful forces which can dominate societal meanings or can be overthrown by alternative critical discourses. By analysing discourses over time and space, it is possible to see power and influence change hands. As a way of managing the multiplicity of discourse, the authors of this paper use the term *conversation*. This encompasses the many discourses at play in European fisheries. In practical terms, “conversation” is understood to include a wide scope of human communication: the spoken and written word [21-2], non-linguistic actions [16], visual images and silence [17]. All of these carry with them the communication of beliefs [22] and their contexts add meaning [23].

4. Results: From criticism to cooperation: discursive sharing in NSRAC 2004-2008

‘Almost twenty years from its inception, the Common Fisheries Policy...has not delivered sustainable exploitation of fisheries resources and will need to be changed if it is to do so.’ [24]

The CFP was established as a centralised, hierarchical policy for managing European fisheries. Policy was devised by the European Commission and decisions were brokered in the Fisheries Council by political compromise between Member States. The findings of scientists from the International Council for the Exploration of the Sea (ICES) were used to underpin these decisions.

In the years leading up to the 2002 CFP reform, a weakening of the policy machine's stranglehold on European fisheries governance became apparent in the discourse. An internal acknowledgement of failure was accompanied by a great upsurge in external criticism from stakeholder groups. They demanded participation and sought change to ensure a sustainable future for industry and the marine environment. DG Fisheries opened its doors to a programme of consultation with stakeholders [25].

A key result of the lengthy consultation process for the 2002 CFP Reform was provision for RACs. NSRAC was the first to be established in late 2004 [7] with a remit to provide consensus advice to the European Commission, requiring participants to collaborate. NSRAC's Executive Committee was populated by organisations with an interest in North Sea fisheries: two thirds fishing industry organisations; one third 'other organisations', including environmental groups, consumer organisations and women in fisheries organisations [8]. Scientists and representatives of Member States, the European Commission and the European Parliament could attend as observers.

At NSRAC's first meeting, in December 2004, it seemed likely that the Commission would be steering proceedings, setting agendas and timelines. However, this was resisted by NSRAC members: 'It's very important that we at least establish the beginnings of a different way of doing things' (National Federation of Fishermen's Organisations (NFFO) representative) [26]. NSRAC's Executive Committee very quickly insisted that agendas should be agreed in advance. The organisation began to develop its own policy ideas and negotiate its own timelines for advice delivery.

Hatchard [10] presents a detailed analysis of themes in the discourse of NSRAC participants from the time of its inception in 2004. Before the establishment of NSRAC, the loudest voices excluded from the mainstream discourse of the CFP were essentially polarised: industry representatives focused on the disaster of industry decline for fishermen and their communities; and the green lobby focused on environmental crisis and catastrophe. Criticism of the failure of the CFP to deliver either socio-economic or environmental sustainability brought these two groups together for the first time. Within NSRAC, a more diverse arrangement of actors built on this common ground to develop a cooperative discourse, which co-existed with their separate polarised discourses. Evidence for this discursive duality within NSRAC can be found in cooperative projects and in conflicts over fishing opportunities.

4.1 Cooperative discourse

A new cross-cutting discourse emerged in the shared conversation space provided by NSRAC. Taking on board elements from all sectors – science, industry, environmentalism, community and governance – enabled diverse actors to communicate and collaborate. Three issues of interest to NSRAC members illustrate this cooperative discourse: marine spatial planning, socio-economic assessment and long-term fisheries management. NSRAC sub-

groups were established on each of these issues in its first year, with members drawn from NSRAC's Executive Committee.

The Spatial Planning Working Group was established at the behest of environmental interests to address fisheries' lack of explicit ownership rights over the sea, which disadvantages them in the competition for access to the sea. This problem is compounded by the migration of fish stocks, which makes fishermen unwilling to agree to spatial restrictions on their activities which may prevent future fishing opportunities:

'Lack of individual ownership (unlike on land) means that there is not much (if any) compensation: generally it's free to tell fishermen to go somewhere else. Whereas other industries have ownership/exclusive rights on their installations. If that's the case then the rest should be designated as 'belonging' to the fishing industry and any further changes should be negotiated.'

(Danmarks Fiskeriforening representative) [27]

The green lobby's response to this call to arms was remarkably positive: '[There is a] lack of a sense of urgency to start work on spatial planning. Industries need to send a very strong message that something must be done...[We] urge fishermen to think ahead, rather than act as victims' (Seas at Risk representative) [27]. This reflects a change in approach that Dunn [28] charts in environmental non-governmental organisations with an interest in fisheries: a move from occasional 'whistle blowers' in the 1980s to part of the 'problem solving process' in the twenty-first century.

As a result of this shared awareness, environmental and fisheries representatives cooperated in NSRAC's Spatial Planning Working Group to map North Sea fishing effort. It was hoped that this would give fisheries a better platform from which to negotiate conflicts with other marine users, such as shipping, oil and gas extraction, aggregate dredging, sub-sea cables, and more latterly wind farms. The strength of the collaborative discourse between fishermen and environmental organisations was illustrated in 2007 when environmental representatives facilitated a meeting between fishing industry representatives, scientists and the offshore windfarm lobby [29]. At this meeting, environmental NSRAC members did not take a combative green position advocating windfarms at all costs. Instead, the discussion focused on best practice of how to manage the conflict between the two industries. The suggestion here is that environmentalists could play the role of facilitators in helping NSRAC and its members engage with non-fisheries actors in environmental debates about 'blue space'.

At the same time, a collaborative discourse was developing around the theme of socio-economics. Many fishermen, policy-makers, scientists and environmentalists agreed that socio-economics is important in North Sea fisheries and that this subject was not given sufficient analytical attention in the policy process. For example, fishermen spoke of introducing a 'socio-economic precautionary approach' (Danmarks Fiskeriforening representative) [26]; policy-makers called for 'balance' between environmental, economic and social aspects of fishing; and scientists and environmentalists acknowledged the negative socio-economic implications of reducing fishing pressure in the North Sea. This shared perception crystallised under the leadership of the North Sea Women's Network around the idea of socio-economic impact assessments.

NSRAC's socio-economic sub-group envisaged that NSRAC would work with DG Fisheries' Economic Analysis Unit (EAU) to establish clear social and economic objectives

for North Sea fisheries and their governance [30]: ‘...fisheries management needs overall socio-economic aims/objectives and...the RAC should be a means of setting those objectives.’ (fisheries economist) [31]. To tackle this, the socio-economic sub-group drafted an internal NSRAC protocol requiring the organisation to consider social and economic issues in all its decision-making processes and conducted two phases of research regarding the use of socio-economic information in the policy-making process [10,32,33].

Common ground was established within the sub-group prioritising socio-economic analysis: ‘It’s very sensible to have this [socio-economics] in the advice process’ (Green lobby representative) [34]; ‘...members of the RAC already think about socio-economics, so the protocol would not mean additional work; it will merely formalise the issue’ (Shetland Fishermen’s Association representative) [31]; ‘We should consider the relations between the fisheries policy and the markets and advise the Commission on this’ (European Fish Traders and Processors Organisation representative) [35].

There was support for socio-economic analysis from the wider NSRAC membership: ‘Every week socio-economic arguments arise – we now have the chance to deal with them...this is vital’ (Deutscher Fischereiverband representative) [36]; and ‘A strong argument in favour of RACs is to introduce a real social and economic dimension.’ (NFFO representative) [36]. However, concerns were expressed about the limits of NSRAC’s expertise and capacity to give socio-economic issues due attention: datasets for many social issues are unavailable and much economic data is commercially sensitive. In addition, many industry representatives took the view that socio-economics was not NSRAC’s responsibility:

‘I’m very strongly in favour of having socio-economic elements to our thinking about the advice we have out forward. But...it is an abdication of responsibility. We should insist that impact assessments are done by the Commission. They’ve got a responsibility to do it.’

(NFFO representative) [34]

‘Member States disagree about socio-economics...Women in fisheries are always talking about the impact of measures on the personal income...But when you move higher up it gets more complicated...It’s up to the Council to include socio-economic considerations in their deliberations. Instead, maybe we should think of the RAC trying to use economics as a tool in fisheries management.’

(Productschap Vis (PVIS) representative) [34]

Despite these concerns, the Executive Committee approved the sub-group’s socio-economic protocol and supported its subsequent research programme, indicating a significant level of support for the objectives pursued by NSWN among other members of NSRAC and a measure of symmetry between their discourses on the subject of socio-economics.

The third issue illustrating cooperative discourse within NSRAC is long-term fisheries management. A political commitment exists in the CFP to a long-term management system based on a harvest control rule (HCR) linked to MSY: ‘MSY [does not replace the precautionary approach. It] marks the transition from a risk avoidance strategy to a productive strategy...Let’s get beyond just keeping out of trouble to having productive fisheries’ (European Commission representative) [37]. This manifested itself in recovery plans for crisis stocks where a target was set for maximum sustainable fishing mortality (F). However, MSY as a concept for setting limits on catches was rejected by many of

NSRAC's fishing industry representatives as 'too simplistic' (NFFO Representative) [34]. It was criticised particularly because: 'You can't have MSY for all the species of the ecosystem at the same time' (Danmarks Fiskeriforening representative) [37]. Thus, MSY was perceived as yet another vehicle for protecting iconic species, such as North Sea cod: 'MSY is associated by fishermen with the Commission's emphasis on saving particular stocks' [38-40].

However, NSRAC members shared strong support for a long-term management approach, which would move fisheries management away from the problematic annual haggle over fishing opportunities for the year ahead. Fisheries representatives cited both ecological and economic reasons for taking such an approach: '...management takes place in a changing ecosystem context...The prize if we get this right is considerable...a move towards more stable fisheries and ultimately profitable fisheries' (NFFO representative) [38]. NSRAC proceeded to commission research into alternative forms of long-term fisheries management. In the place of MSY, which fixes a target for F , the research advocated a case-by-case approach to take account of the diversity of fisheries in the North Sea [38]. Thus, NSRAC made a commitment to the idea of directional change, which would be measured via indicators linked to four principles of sustainability: social, economic, institutional and biological [39]. To move forward with this, in 2006, development groups were established within NSRAC to consider long-term planning for several species and groups of species: saithe, monkfish, *Nephrops*, whitefish (cod, haddock and whiting) and flatfish (plaice and sole).

When NSRAC members cooperated in this way and sought their own scientific advice, tension was created between NSRAC, the Commission and scientific experts of different kinds. Instead of harnessing NSRAC's consensus support for long-term management, the Commission alienated them by persisting with their MSY agenda. At the same time, the pressure from the recovery status of some stocks – particularly cod and plaice – meant that NSRAC was drawn into a debate with the Commission on the subject of MSY. This diverted NSRAC's time and attention away from the development of non-MSY related long-term management objectives, thereby limiting their influence to a Commission-driven agenda, rather than their own. Despite this, NSRAC showed considerable commitment in developing a long-term management plan for *Nephrops*, still under development [41], and which has yet to be taken up by the Commission.

4.2 Discursive conflict

Despite this evidence of emergent cooperative discourses on particular issues, the pre-existing rift between the fishing industry and environmental organisations persisted. This rift was most obvious during annual December negotiations on quotas and fishing effort for the subsequent year. Between 2004 and 2008, the two sets of organisations consistently failed to find common ground. For example, in NSRAC's Demersal Working Group at the end of 2006, fishing industry representatives advocated a rollover of the cod quota and effort arrangements from 2006. Environmental representatives would not support this. Nor would they accept an industry-only position to be put forward by NSRAC. Since a compromise position could not be found, the matter was dropped by NSRAC. The very real potential for total breakdown between partners within NSRAC was apparent from the following discussion:

‘WWF representative: It is undesirable to send a letter just from the fishing industry members. Because stocks are so dire, we can’t sign up to it.

Danmarks Fiskeriforening representative: The situation is not dire...Let’s cancel the disaster and announce it some other day.

CEFAS Scientist: If you have a rollover of the TAC, you will still have to reduce effort, because there’s more fish out there.

NFFO representative: Stop crying wolf. Just get on board and give us some assistance. Please just give us give us some support. We want to survive.

EAFPA Representative: If industry want to send a letter, there are alternative platforms instead of undermining the future of the RAC.’

[42]

Conflict also erupted over recovery plans for ‘crisis stocks’. In 2004, an industry-driven proposal was developed by the Interim RAC Working Group for Flatfish ‘to implement a multi-annual management strategy over the next five years, closely tailored to the needs of the different fisheries’ [43]. ENGOs challenged the proposed text on the grounds that it was not ‘precautionary’ enough: ‘Consensus should not override sense and cause a situation in which the objectives are not met’ (Seas at Risk representative) [35]. Environmental representatives proposed that further attention should be paid to four factors: reductions in discarding; a greater degree of effort reduction than the proposed 15% cut; multi-annual TACs; and the poor availability of data [43]. In this case the conflict was resolved when a three year review process for the plan was agreed.

A third source of conflict emerged in the dialogue between environmental and industry representatives regarding environmental campaigns pursued outside NSRAC. In some instances, this was not perceived to be a problem: for example, Birdlife International and Seas at Risk [44] lobbied the North Sea Ministerial Meeting on the subject of the implementation of an ecosystem-based approach to North Sea fisheries management. However, in other instances, environmental campaigns were perceived by other NSRAC members to be contrary to their stakeholder role and the ‘consensus’ ethos of NSRAC: for example, a WWF Netherlands “consumer awareness” campaign disseminated a traffic-light style score-card of human consumption fish species according to stock health, impacts on target and non-target species and habitats and the management system, which listed all North Sea commercial species as yellow or red, rather than green. NSRAC fishing industry members were not given advance warning of this campaign and they perceived it as directly counter to the cooperative objectives of NSRAC:

‘The Dutch sector had no input in the grading...I feel that...you don’t help fishermen – those parts of the sector that want to fish more sustainably – if you lower prices....I don’t know if the effect of this campaign is dramatic. I don’t know how our fishermen will react to this campaign in the coming months, and whether they will ask if we want to sit together with WWF and Seas at Risk any more. There’s a lot of uncertainty about what will happen next.’

(PVIS representative) [37]

For their part, environmental representatives maintained that the assessment underpinning the campaign was extensively peer-reviewed and that the fishing industry did not have a high enough take-up of more selective, responsible and sustainable fishing practices [42]. This controversy served to undermine environmental representatives’ relationships with other

NSRAC stakeholders for some time and unravelled much of the progress that had been made towards acting as partners since the organisation's establishment.

This conflict, and discussions over fishing opportunities and management and recovery plans, illustrated the explicit prioritisation of environmental objectives over socio-economic ones by environmental organisations, despite their engagement with their NSRAC colleagues over a role for spatial planning and socio-economic data in fisheries governance. By contrast, fisheries representatives, although displaying a degree of agreement with other NSRAC participants on long-term issues and policies, continued to resist policy change and to challenge associated scientific advice. This persistent discursive tension made the provision of consensus advice to the Commission harder to achieve, thereby further reducing NSRAC's opportunities to influence fisheries policy.

5. Discussion

5.1 Power and influence of NSRAC

The establishment of NSRAC presented an opportunity for actors outside the hierarchical management framework constituted by the CFP to engage in the policy process. A prerequisite for influence was that the members of NSRAC's Executive Committee provided advice with consensual support. NSRAC's members worked hard to find common ground and achieved some consensus in developing long-term policy positions on issues such as spatial planning, socio-economics and long-term fisheries management. However, NSRAC's success at influencing the policy process on these issues was limited. For example, social issues remained sidelined in the policy debate and were not underpinned by scientific datasets. Instead, the Commission continued to drive the agenda and determined which policy options were on the table. MSY provides a clear example of this. NSRAC's position that a non-MSY long-term management approach would be more effective for achieving broad spectrum sustainability has still not been taken up by the Commission.

At the same time, the perpetuation of familiar conflicts within NSRAC often made the provision of consensus advice difficult to achieve, particularly where there was polarisation between industry and environmental positions. Thus, although the emergent collaborative discourse within NSRAC illustrated the potential of participative governance in fisheries to bridge the discourse gap between diverse stakeholder groups, this new shared discourse of consensus was not paralleled by a reduction in pre-existing polarising discourses and was unsuccessful in influencing the Commission to any significant degree.

These findings broadly reflect the findings of a survey of participants from four RACs [45] conducted in 2009. On the one hand, the survey found NSRAC respondents evenly split on whether NSRAC had impacted policy 'very little' or 'somewhat'. No respondents believed that fisheries policy had been 'greatly impacted' by NSRAC. This finding may explain why 20-30% of participants from across the RACs felt a decrease in trust towards the European Commission. On the other hand, the survey did find an increase in trust and understanding between industry and conservation RAC participants, which parallels our finding of an emergent cooperative discourse.

The end of 2008 found North Sea fisheries actors engaged in a familiar debate: how much should fishing effort be adjusted in 2009 to accommodate the state of the stocks? ICES recommended closing the cod fishery to aid stock rebuilding. The Commission, in turn,

proposed twenty five per cent reductions in quota *and* fishing effort on recovery stocks, including cod. The Council of Ministers agreed on the twenty five per cent cut in quota, but cut fishing days by only ten per cent, with skippers to be rewarded with more days for conservation measures. In response, the industry expressed cautious optimism, while ENGOs spoke of the deal as having gambled with the future cod stocks.

Thus, when it came to immediate decision-making, NSRAC's hard-won cooperative discourse was defeated by pre-existing conflicts. Without further institutional change to the decision-making process facilitating a more genuinely long-term approach, work towards stakeholder consensus could make little headway. Nevertheless, NSRAC's cooperative discourse can still be interpreted as representing a *potential* challenge to the pre-existing hierarchical discourse.

To return to Foucault, NSRAC offers a unique window on a rapid process of discursive change. Foucault's conceptualisation of the insurrection of subjugated discourses and associated knowledges is highly relevant to the contemporary fisheries context in the North Sea where a trend has been established since the reform of the CFP of enabling some previously excluded actors to have a public voice. Foucault's identification of scientific knowledges as having historically had hegemonic status is particularly apt for the fisheries context where science has been granted a dominant position in the governance of fisheries and the actors associated with it, and where other traditional knowledges were consistently excluded under the pre-2002 CFP. Post-2002 CFP provision for a degree of participative governance galvanised NSRAC actors from previously polarised sectors to develop a cooperative counter-discourse. Between 2004 and 2008, this failed to displace the hegemonic discourse. However, 2014 will see the realisation of another round of reform for the CFP.

5.2 2014: *The new CFP*

Provision for RACs under the 2002 CFP reform incentivised cooperative discourse between diverse fisheries actors. However the 2002 reforms did not alter the CFP's decision-making structure, thereby limiting RACs' influence on policy. The latest phase of CFP reform is due to come to fruition in a new policy for 2014. In this section, relevant changes to the CFP are summarised and their implications for the distribution of power in future fisheries governance considered in the light of the discourse analysis of NSRAC.

Within its CFP reform proposals, the European Commission proposed new terms for RACs [46]: 'Based on existing experience, the Commission envisages to maintain and extend the role of the *Advisory Councils* in advising on conservation policy under the regionalisation model' [46,47]. The role of Advisory Councils (heretofore RACs) was somewhat vague in these proposals. After extensive negotiation, the Council of Ministers and the European Parliament came to political agreement in May 2013 and the Council formally adopted the new CFP basic regulation in October 2013 [48].

Under the terms of the new CFP [48], there will be eleven Advisory Councils (seven former RACs, and four new councils for the outermost regions, aquaculture, markets and the Black Sea). They will continue to work on a consensus model of decision-making and to draw their members from the fisheries sector (60%) and other interest groups (40%) – contrary to a European Parliament proposal to level the playing field to 50:50 [49]. Their structure, therefore, is broadly unchanged. They will have access to European finance as 'organisations pursuing an aim of general European interest'.

The role of Advisory Councils remains to provide ‘consensus advice’ to the Commission and Member States on regulations, problems and solutions. They can do this independently, without invitation, and recipients will be required to respond within two months. Where this is the case, ‘*their advice shall be taken into account*’ and, if not followed, reasons will need to be given. However, the new CFP cements a two-way relationship between RACs, on the one hand, and Member States and the Commission on the other by requiring the latter to notify and consult the former on any change in management rules. If any Member State seeks to introduce conservation measures, they *must* advise Advisory Councils of their intentions and their rationale. Where action is urgent, Advisory Councils will have a 7 day response period; there will be a minimum of a month’s consultation for non-urgent measures affecting other Member State fleets. Despite the new provision for funding, tight timeframes for advice provision and responses to proposals may still weigh heavily on the Advisory Councils whose human and financial resources are stretched [50].

More dramatically, the newly agreed CFP includes provision for a weak interpretation of *regionalisation* of fisheries management [51]. Listing regionalisation as a principle of good governance alongside ‘appropriate involvement of stakeholders’, the new CFP regulation enables Member States in defined geographical areas to submit joint recommendations to the Commission for achieving conservation measures, predominantly within the confines of multi-annual management plans. As a part of this, article 18 [48] explicitly adds to the role of Advisory Councils by introducing an element of compulsion: the regulation requires that Member States with a direct management interest *shall consult the relevant Advisory Councils* and do so within defined timelines.

This strengthening of the role of Advisory Councils was not so explicit in the Commission’s proposal [46]. Amendments agreed by the European Parliament [49] (for example, requirements to explain why advice is not being followed) and the Council of Ministers [52] (particularly timeframes for communication) have ensured prescribed relationships of advice and information between Advisory Councils and the Commission and between Advisory Councils and Member States. Thus, negotiation between the Council of Ministers and the European Parliament has ensured that the new Advisory Councils are to be more explicitly placed in the policy-making process and to have more access to information than they did as RACs.

Thus, a confluence between the Parliament and the Council of Ministers on the subject of extending the role of RACs under their new ‘Advisory Council’ guise has ensured that the renamed bodies will be, broadly speaking, consulted, rather than notified by the Commission and Member States under the new CFP. This change assigns increased responsibilities to former RACs. However, entrenching these stakeholder bodies in the policy process in this way will not necessarily increase their influence. Rather than being required to take Advisory Councils’ advice, the Commission and Member States will merely have to account for the times when they do not take that advice: this could happen every time. Thus, one potential outcome of the reform is that Advisory Councils will not be listened to and that their heavier workload may serve to re-alienate stakeholders already under strain under the old system.

Overall, the reform seems to deliver something of what NSRAC wanted: ‘...in a reformed CFP RACs should have a major role to play – not only with the Commission but increasingly at a regional level through engagement with Member State authorities and

fisheries scientists in the design and implementation of policies...’ [50]. In the new system, stakeholders, through Advisory Councils, would no longer be bypassed by the relationship between Commission bureaucrats and Member State politicians. This may entail more influence for stakeholders and more accountability of Member States and the Commission in taking decisions.

6. Conclusion – the next CFP: a home for participatory fisheries governance?

This paper has applied discourse analysis to elicit insights relating to participatory European fisheries governance. The findings demonstrate that discursive interaction can facilitate the emergence of new cooperative discourses between previously polarised groups. Advisory Councils’ new consultative relationship with the Commission and Member States will embed regional stakeholders more effectively into the policy process, increasing the influencing opportunities of those actors who, before the 2002 reform, were excluded from the policy process.

However, the discourse analysis of NSRAC presented in the first half of this paper demonstrates that institutional change is not sufficient to overcome divisions between diverse actors; discursive change is also required. Thus, progress achieved within NSRAC towards the development of a cooperative, consensual discourse will need to be continued in the new North Sea Advisory Council. This progress will be challenged by the new responsibilities and associated workload of the organisation which the 2014 reform will impose on it. Participants will need to agree more, and agree more quickly, than in the past, and to do this, a common discourse is required. Further, the Commission and Member States will also need to demonstrate a commitment to *listen* to Advisory Council advice.

In the longer term, if these two prerequisites are met – discursive consensus and external institutional acceptance – a more successful and wider cooperative discourse may emerge between Advisory Councils, Member States and the Commission. Thus, the strengthening of relationships between actors may be converted into actual influence for stakeholders. Given their knowledge and expertise, this influence could be used to achieve real improvements in the biological, ecological and socio-economic sustainability of Europe’s fisheries at the regional scale.

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Conflict of Interest

Dr Jenny Hatchard was the Secretary of the North Sea Women’s Network 2004-2008; and acted as rapporteur for NSRAC committees and events on several occasions.

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