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A Review and Assessment*

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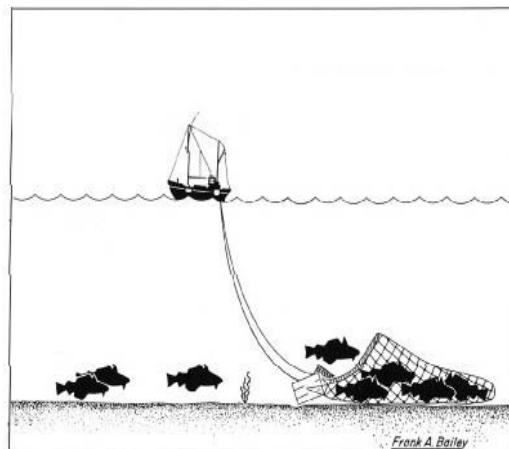
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The EU's Common Fisheries Policy: A Review and Assessment

Tiffany Walter*

Introduction

Scarce natural resources are a constant source of debate, and the allocation of these resources is one of the most difficult aspects for stakeholders to agree on. There is a fine line between sustainable economic growth and total resource depletion, and sadly in many instances users err on the side of resource depletion. Fisheries are a strong example of this, as 28% of world fisheries are either over exploited, depleted, or recovering from depletion, and another 52% are fully exploited (FAO 2009). Scientifically speaking, it is clear that the only way to save these stocks from total collapse is to significantly lower, or cease altogether, fishing in certain endangered areas. However, the loss of steady income and a vital food source would be devastating to fishing communities, making a complete moratorium on fishing unfathomable from the anthropocentric view. It is at this point that fisheries management becomes invaluable. Nearly every coastal fishing area has a management system in place, attempting to prevent overfishing, while still allowing fishermen to make a living. The European Union is the world's second largest fishing power after China, and roughly one third of their fish stocks will never recover from current overfishing trends (Watson 2010). Despite historically high catch amounts in European waters, a formal Common Fisheries Policy only came to fruition in 1983 after several years of arduous debate, and since then has undergone several major developments (Europa.eu 2009). This paper will discuss the history of the Common Fisheries Policy (CFP), examine the most recent reforms, and decide whether or not the policy is effective as it stands today.



Background of European Union Fisheries

In examining the background of EU fisheries, it is important to distinguish that the term 'fishery' indicates a marine or freshwater fish stock that either breeds or congregates in a certain area, which is where fishermen tend to catch these resources. There are several large fisheries in European waters including herring, anchovy, tuna, sandeels and sprat, to name a few. The top EU fishing nations, that comprise more than 50% of all EU landed catch, are Denmark, Spain, the United Kingdom, and France (Facts and Figures on the CFP 2008). In the past, the most popular type of fishing gear used was trawling (see figure above).

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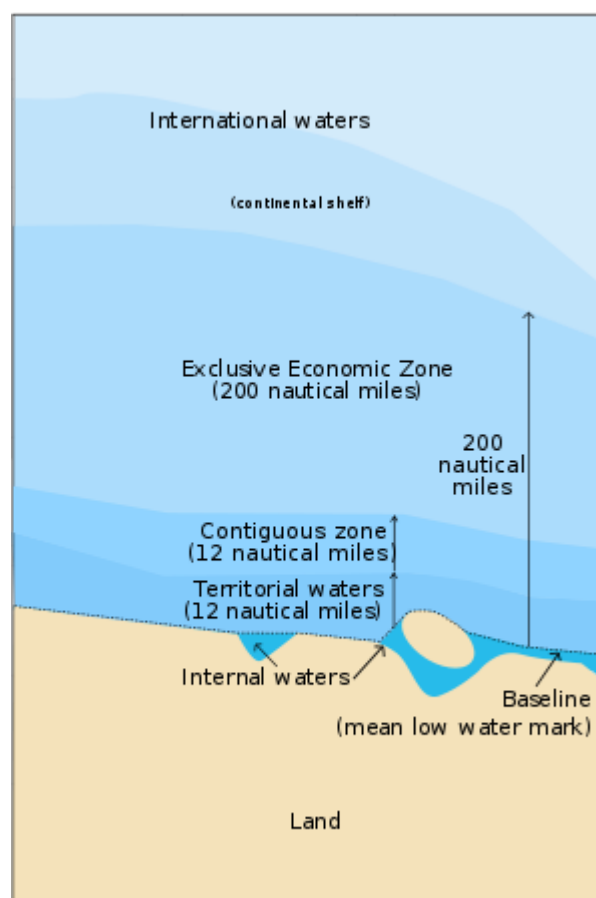
This method involves boats towing a large net behind the vessel, dragging along the seafloor and catching whatever species are caught in the net. It is highly destructive to benthic habitats, effectively destroying coral reefs and other seafloor communities. In addition, it is characterized by extraordinarily high levels of by-catch, which are non-target species that become trapped in nets, including sea turtles and marine mammals, both of which die without access to oxygen. Research is ongoing in developing improvements to trawling gear. Currently in the EU, 82% of the fleet ships use non-trawl methods, including long lines, drift nets, and seine nets (Facts and Figures on the CFP 2008).

History of the Common Fisheries Policy

The first mention of fishing resources in the European Community is evident in the Treaty of Rome, signed in 1957. Article 33 states “The Common Market shall extend to agriculture and trade in agricultural products. ‘Agricultural products’ means the product of the soil, of stock farming, and of fisheries,” (Symes 1997). The inclusion of fisheries within the Common Market made it somewhat easier for EC countries to trade with each other, but the actual fishing rights were not attended to until the European Fisheries Convention in 1964. This gathering established national sovereignty of coastal states spanning 6 nautical miles from the shore baseline, meaning the coastal state had the exclusive right to fish in that area. From 6 – 12 nautical miles, the coastal state had to share fishing rights with “any fishing vessels which have habitually fished in that belt between 1st January 1953 and 31st December 1962,” (FAO 1964). Essentially, these proceedings gave ownership of fishing rights in territorial seas (0-12 nautical miles) to the coastal state.

Faced with the imminent entry of four new members heavily interested in fishing, the EC needed to lay a more rigid structural and market framework for these growing European fisheries. In 1970, the Community drafted two regulations that equated the Common Market and ‘non-discrimination’ of fisheries to the concept of ‘equal access.’ In addition to creating the basis for management strategies, these Regulations also mandated coastal states to allow all other EC states to fish in waters within 6-12 nautical miles of their coastline. This was done in order to make the fishing sector more equal for coastal European states with poorly stocked coastlines. However in 1983 and 1992 the exclusive sovereignty for coastal states was changed back to 12 nautical miles, leading some to believe policymakers simply used it to temporarily restrict equal use of all EC states, preserving some sort of undefined status quo (Symes 1997).

In any case, it was painfully obvious that European fisheries were in need of a comprehensive management regime, especially during the late 1970s, after the creation of the 200 nautical mile Exclusive Economic Zone, in which



coastal states have the ownership rights of marine resources found within that area. Formal negotiations for what would come to be known as the Common Fisheries Policy began in 1976 (Da Conceicao-Heldt 2006). Based on stock assessment models completed at the time, it was known that there needed to be some sort of catch limit for fishers, and the most efficient way to allocate numbers was through a quota system. Each fisher is given a total allowable catch (TAC) amount for each year. The total quota for each fishery is based on stock assessment models done by population biologists and historical track records for each country. TAC amounts were at the crux of the CFP debate in 1976, intertwined with the equal access principle (Da Conceicao-Heldt 2006).

At this time, there were only ten member states, and decisions had to be made unanimously (Ginsberg 2007). The first proposal made (which was supported by a majority of the members) favored unrestricted access in the EEZ for all member states, and governed by the common management of the Commission. Great Britain and Ireland did not support this, as they possessed the most fertile coastlines and traditionally did not need to fish in other nation's waters. They wanted a larger portion of TAC amounts for some species, in addition to exclusive use of certain areas surrounding their coastlines (Da Conceicao-Heldt 2006). Ireland agreed to a compromise given in 1978, but the EC and Great Britain tried endlessly for a compromise, to no avail, until 1981 when the Community offered to weaken the equal access principle in British waters.

Once Britain was primed to accept this and effectively end the deadlock, Denmark suddenly rejected the entire compromise, on the accusation that Danish fisheries would be negatively impacted. After rejecting the subsequent offer for a higher TAC allocation, a deadline was imposed by the EC and they threatened to leave Denmark out of the agreement altogether if the delegation did not relent. While the intentions of the EC were noble, this threat never came to be, as Denmark held the presidency at the time and was able to block the agreement from moving forward (Da Conceicao-Heldt 2006). Two years passed and endless compromise offers of higher TAC amounts, an increase in Danish fishing licenses, changes in conservation methods, and even increased access areas were rejected by Denmark. Finally, in January 1983, a right wing party came to power in Denmark and at last agreed to the proposed offers; and on January 25th the Common Fisheries Policy was officially put into place (Da Conceicao-Heldt 2006). After this negotiating calamity, the procedure of unanimous voting was immediately replaced with a qualified majority system.

In terms of why the CFP was finally passed, it cannot be ignored that the acceptance of Spain and Portugal into the EC was imminent within the next few years. These countries were greatly involved in the fishing industry and the Community recognized the need for a fisheries management framework at the very least, before these major players complicated the situation even further. Once Spain and Portugal joined, the EC fishing capacity was increased by 75% (Symes 1997). In an attempt to prevent the Spanish fleet from fishing in Irish waters, a period of adjustment was proposed, in which new members would not be able to take advantage of all membership benefits, namely equal access, in order to preserve relative stock stability. As part of a temporary measure, 70,000 square miles around the coast of Ireland were designated as an exclusion zone, called the Irish Box, and Spanish fleets were not able to fish in these waters (Symes 1997). Intense Spanish pressure caused this exclusion zone to be revoked in 1994, but several restrictions remained.

1992 Review of the CFP

The review date for the CFP was scheduled for 1992, and with it brought a new host of issues and criticisms. The growing environmental movement did not overlook expanding EC fishing efforts. Greenpeace began a campaign against industrial Danish fishers, because of the damage to the food chain it inflicted by removing an entire level in the form of sandeel, which is a



significant food source for larger fish such as cod and also seabirds, thus depleting their overall abundance (Gray 1997). Also, the organization protested the controversial use of beam trawling by Danish ships, and drift nets by French and British ships. A beam trawler is different than a regular trawl in that the net is connected to a heavy beam that drags along the floor, significantly increasing by-catch and benthic area destruction. A drift net (see figure above) is a

net that is left floating just under the surface for up to 24 hours, and is harmful in the high numbers of by-catch it creates; up to 80% of fish caught in some areas are non-target species and are subsequently discarded (Gray 1997). However, these objections by environmental groups were met with nothing more than lip service from the Commission, as proposals to ban these practices, especially drift nets, did not get past the Council of Fisheries Ministers (Gray 1997).

Another controversial issue that the 1992 review had to address was that of a program called the Multi-Annual Guidance Program (MAGP). When it was created in 1983, its focus was on restructuring the EC fleet, without changing the entire fleet capacity, which is measured by a ship's size and engine power (Boude et al. 2001). A review of this policy showed that this management strategy essentially amounted to too many vessels chasing too few fish, and needed to be amended (Boude et al. 2001). The new MAGP IV, enacted in 1997, aims to reduce annually the total EC fishing capacity, especially those fishing over exploited stocks by means of vessel reduction or days-at-sea reductions, utilizing subsidies for the fishermen to cover some of the costs (Europa.eu 2009).

In addition, beginning in 1992, reviewers found that TAC limits themselves were too optimistic. They found that "...overfishing was putting commercial fish stocks under severe strain," (Boude et al. 2001). Despite constant scientific recommendations to lower TACs, ministers continually set those percentages much higher than what is sustainable, in order to please their constituency, leading to overfishing without actually exceeding TAC amounts. A major criticism dealing with this topic is that these important decisions are simply made too high up in the EC. The Council of Ministers had an incentive to avoid short term political problems and placate fishermen with higher than recommended TACs, when in the long run it damaged them more by allowing them to over-exploit the very stock they depend on (Corten 1996). This disregard for scientific advice led many fisheries biologists to simply stop caring. Knowing their advice, backed up with hard evidence, would fall on deaf ears in the Council year after year, the scientists focused their talents on other projects. This led to a subsequent fall in research grants due to lack of interest, and the Advisory Committee on Fisheries Management (ACFM) stopped providing management suggestions in 1991 as a result (Corten 1996). The combination of these unfortunate perspectives led to a poor review of the CFP at the time.

CFP Review in 2002

Ten years later, the CFP was up for review yet again, and while initial improvements were noted, the prognosis was still bleak for European fisheries. In terms of the MAGP IV fleet

tonnage reduction, a decrease of 19,300 gross registered tonnage (Grt) was found between 1987-2002, and upon further review, between 2002-2007, there was a reduction of 204,315 Grt (Villasante 2010). It was a welcome surprise that a portion of the CFP was on target and achieving its goal. Productivity rates and average catch of EU-13 ships also remained fairly constant for the time period of 1990-2006 (Villasante 2010). However, this is not a desirable overall trend, as it signifies that a lower number of ships can still catch the same number of fish, due to vessel and gear modernization, thus negating the overall goal of the MAGP, which is to ultimately reduce fishing pressure.

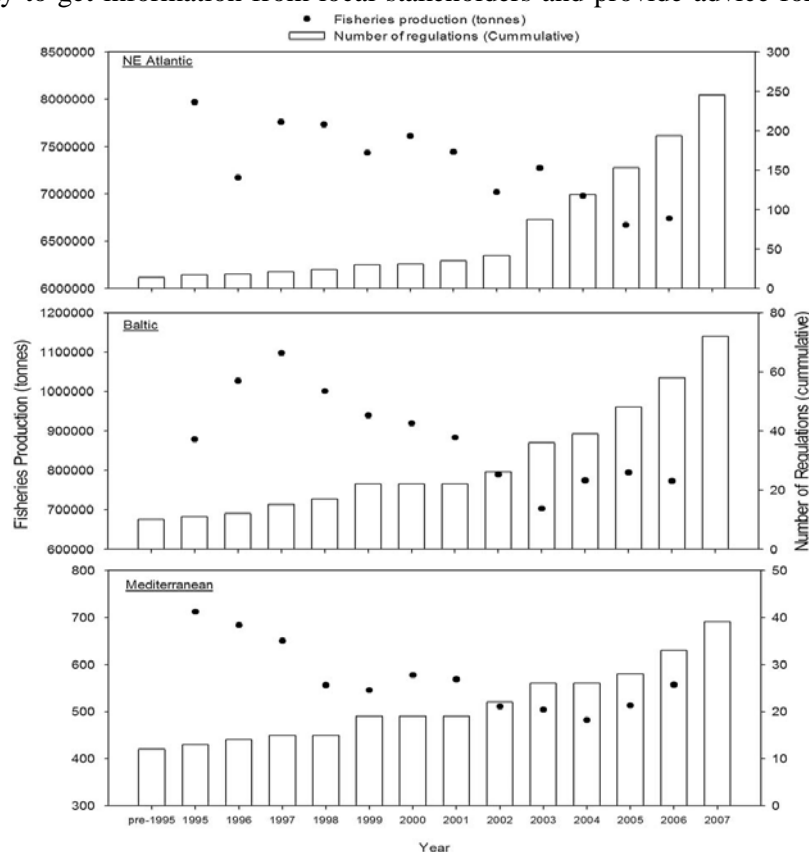
The reforms in 2002 generally focused on granting more responsibility to the Member States, and increasing the rules-based system in an attempt to increase ‘good governance-’ principles (Brown 2006). An important tool for implementing this was the creation of Regional Advisory Councils (RACs), which govern different areas of European waters, and attempt to act as a more efficient pathway to get information from local stakeholders and provide advice for the Commission, focusing on long term sustainability goals (Griffin 2010).

Enforcement of CFP rules even with generous TAC limits became a significant issue, as large amounts of catch went unreported, and vessels did not always comply with ship inspections and MAGP regulations.

The Community Fisheries Control Agency (CFCA) was created in April 2003 to act as a CFP policing force, whose jurisdiction extends over the entire EU (Gray et al. 2003). This was criticized by members of the fishing community as being a Brussels big-brother tool to control their actions from afar. However the Commission defended the move by saying that they were “...giving our new policy teeth... [for the] effective and uniform monitoring of fishing and uniform penalties,” (Gray et al. 2003). These 2002 reforms took the CFP towards a new and necessary direction.

Current State of CFP and Conclusions

The CFP certainly appears to place a great effort on allocating adequate catch limits to the Member States, and on systematically restructuring the EU fleet, with many of the reforms since 1983 focusing heavily on those objectives. However, it is troubling to note the lack of attention given to perhaps the largest indicator of the future of the CFP: the state of European fisheries themselves. It is clear that overfishing is occurring, as evidenced in lower fisheries production (see chart above, Hadjimichael et al. 2010) because of overestimated TAC levels, even after the



2002 promise by the EU to “conserve fish stocks [and] protect the marine environment,” (Europa.eu 2009). For example, the cod fishery in the North Sea had reached dangerously low levels, and scientists urgently recommended a temporary moratorium on cod fishing in that area to allow for the stock to regenerate. Commission advisors decided that an 80% TAC reduction would suffice for a recommendation to the Council of Ministers, who eventually agreed on only a 45% reduction (Daw et al. 2005), in an attempt to prevent a temporary loss of income for fishermen in that region, as the North Sea cod population is currently near total collapse, threatening those same fishermen indefinitely in terms of future incomes. This represents only one example of many, showing how the CFP is negatively affecting European fisheries. Another is the use of subsidies within the MAGP, which essentially makes fishing cheaper for European fleets. This practice facilitates overfishing and exacerbates the ‘tragedy of the commons’ that is occurring because of open access in European waters (Markus 2010).

There is a large gap between the words of the Common Fisheries Policy and what it actually accomplishes in practice. An EU Governance White Paper states that “Policies must be effective and timely, delivering what is needed on the basis of clear objectives [and] an evaluation of future impact,” (Griffin 2010). It is clear that the European Union did not accomplish its own objectives in its implementation of the Common Fisheries Policy. The EU environmental policy is also touted as one of the “most progressive, strongest, and innovative” in the world, and sadly it appears that this reputation does not apply to European marine environments (Smith 2005). A thirty year review of the CFP is due in 2012 and hopefully the EU will reassess the emphasis, which fisheries biology has in the policy, in order to better protect their fishermen. If overfishing continues at the current rate, there will be no future for them at all.

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